PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

19 March 2003

(extract from Book 2)

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By authority of the Victorian Government Printer

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Wednesday, 19 March 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.35 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases by the Mint Incorporated for office and performance space for community purposes (two papers).

APPROPRIATION MESSAGE

Message read recommending appropriation for Parliamentary Committees (Amendment) Bill.

MEMBERS STATEMENTS

Silvana D'Ambrosio

Mr BATCHELOR (Minister for Transport) — Silvana D'Ambrosio died yesterday, 18 March. Silvana and her family lived in Fawkner, but to me she was more than just a constituent: she was a true friend, an inspiration and a guiding light. She was of course the mother of Lily, the member for Mill Park.

Silvana had a huge reputation for being active in her local community. She was greatly appreciated as a kind-hearted woman who had a sharp intellect, astute political judgment and a generosity beyond most others. She knew what social justice meant, and she practised it all her life.

Silvana migrated to Australia from Calabria, Italy. She overcame the difficulties of language, customs and a new country. She had a determination to help others and to contribute to the community. She established and successfully ran a local group called the Fawkner Italian Women's Health group, but it was known to everybody as 'Silvana's group'. She will be missed, particularly by her husband, Livio, her son, Corrado, her granddaughters, Elenore and Madeline, and son-in-law, Andrew.

Max McKay

Mr MULDER (Polwarth) — I take the opportunity to congratulate a 12-year-old boy from my electorate, Max McKay, on his achievements not only in the state of Victoria but also interstate due to his legendary equestrian skills. Max, a student at Colac College, has most recently been given the Colac Sportsmen's Club junior sports star award for 2002 in acknowledgement of his outstanding saddlery skills, which also include winning the Barastoc horseman of the year award for the third year running.

His achievements in the equestrian field were exemplified by his being chosen by a national panel of selectors to be part of an exclusive dressage development squad limited to 10 riders across the country. Max is an inspiration to every sportsperson by showing that age is no barrier, and there is no doubt in my mind that it will not be too long before we see Max competing in the Olympics on behalf of Australia. I therefore extend my best wishes to him for his future.

Sam Clifford

Sam Clifford has recently been voted the Colac Sportsmen's Club Colac *Herald* sports star of the year for his achievements over the past 12 months in the sport of shooting. A major highlight for Sam was when he won the high-gun award at the national clay target shooting championships at Wagga Wagga last year despite competing against some of the country's top shooters. He is the second youngest person to take this title and was only one target off the national record. Sam travelled to the United States as part of the Australian team competing in the Grand American titles. I have no doubt that this will not be the last time he will represent our country in this type of sports event. I congratulate Sam on his past accomplishments and wish him every success for the future.

Rosewall community centre

Mr LONEY (Lara) — I extend my sympathy to the member for Mill Park and her family.

Recently I had the opportunity to visit the Rosewall community centre with the Minister for Employment and Youth Affairs to talk to community justice program (CJP) participants. This particular CJP program, auspiced by Geelong Adult Training and Education as part of the Bracks government community building and neighbourhood renewal programs in Geelong's northern suburbs, is producing wonderful results.

Participants on that day, many of whom had been unemployed long term before entering the program, spoke with pride of their role in projects that are important to the local community.

One participant reported how having been given the opportunity to work with the local primary school she

had been able to play an important role in putting in place a walking bus and a breakfast program. Other participants reported their role in mapping the area's local businesses to ascertain their business needs, whether they employed locally and what would be required for them to grow and/or employ local people. All participants commented on how much better they felt about themselves and their lives as a result of being involved in these projects. This was particularly so as they could see their work benefiting their own community.

I commend all of the participants in the project for their enthusiasm and involvement. I commend the government for putting in place the program.

Relay for Life: Hamilton and Horsham

Mr DELAHUNTY (Lowan) — I wish to extend my congratulations to the Relay for Life teams across Victoria. I will particularly focus on two of them in my electorate.

The Hamilton Relay for Life team this year raised $87 000 for cancer research, more than doubling last year's effort. I congratulate the coordinator, Faye Gumley, and also the Glenelg Water Board for contributing — not from their rates — $18 000 to the total, one of the highest amounts of any team in Victoria.

The event shows a strong commitment to the cause of cancer research, with 52 teams competing. There were some major individual efforts. Kevin Brooks from the Uniting Church was the highest individual fundraiser, raising $1600, and Clinton Thomas clocked up something like 275 laps. The highest total number of laps was achieved by the Eventide rest home.

The Horsham Relay for Life event is on next Friday, 26 March, and the organising committee is chaired by Gerry Smith. Last year the Horsham group raised nearly $100 000, and it is looking to try to improve on that effort.

These events provide the opportunity to celebrate the lives of cancer sufferers, support those who are fighting cancer and honour those who have been lost. They also provide the opportunity to symbolise every step we take in this community in our goal to have a cancer-free world for future generations.

Bicycles: Upfield shared pathway

Ms CAMPBELL (Pascoe Vale) — I pay tribute today to Laurie and Pat Burchell of the Coburg Bicycle Users Group and its members, as well as those at Brunswick Bicycle Users Group, for their long-term advocacy and tireless commitment to the completion of the Upfield shared pathway. Laurie wrote to me last November outlining CBUG's relentless efforts to achieve a safe cycling and pedestrian off-road path beside the Upfield rail line.

CBUG's and BBUG's arguments and enthusiasm for the social, environmental, financial and health benefits of cycling are infectious. Age and cycling ability are no barriers in their view. Laurie's correspondence included a 14-year-old media clip of the need for pedestrian lights across the rail line in Bell Street. The Bell Street traffic has increased, as Laurie outlined, and Coburg is to become a regional activity hub.

This is Seniors Week, and to Laurie and all of those at CBUG in particular, I say congratulations. You are inspirational, and you live the message that seniors are at the age to be valued, involved, productive, active and consumer wise. I pay tribute to Laurie's enthusiasm and to Joe Zorelli's technical oversight, because they have encouraged many people of great variety in age and cycling ability to get on their bikes. I encourage others to do the same.

Planning: Bulleen drive-in site

Mr KOTSIRAS (Bulleen) — I condemn the Minister for Planning for telling the residents of Bulleen what type of development should be allowed to be built in their own backyard. The minister does not live in the electorate, has no connection with the area and has no idea what residents want.

Yet again this government has set up a committee — another committee — to look into the old Bulleen drive-in site and make predetermined recommendations. The residents are concerned that the minister has hijacked the process and ignored the wishes of all the residents, and this is despite her saying in the *Manningham Leader* that it is a win-win situation for the landowners, residents and Manningham council. She has urged the council, Parks Victoria and landowners to act on the committee's findings.

I call on all the residents to get involved and to participate in the discussions to decide on what type of development they will accept. I also call on the two local councillors, Cr John Bruce and Cr Geoff Gough, two very hardworking councillors, to listen to the concerns of all the residents and to work with them to come up with a proposal that is in the best interests of all residents.

It is disappointing to note that the new Labor member for Templestowe Province welcomed the minister's decision without questioning her reasons. The wellbeing of residents and not party politics should come first. I urge the minister to stay out of the affairs of Bulleen.

Burwood: community development group

Mr STENSHOLT (Burwood) — I, too, extend my sympathy to the honourable member for Mill Park and her family.

Today I wish to commend the work of a new community group known as CRACAS, made up of concerned residents of Ashburton, Chadstone, Ashwood and the surrounding areas. This group has developed from a residents reference group formed to advise the Ashburton and Ashwood-Chadstone community strengthening initiative. That initiative is looking at developing community development programs in the area following the very successful work of committees that I chaired, and has delivered better public housing and community health facilities to the area.

CRACAS has representatives from all sections of the community — youth, mums, ordinary workers, community activists and retired people. Among them are Margaret Taylor, a tireless worker for local schools and the Amaroo Centre, who last weekend missed out being elected a councillor for the City of Monash by only 250 votes; Arthur Larsen, who is a former vice-president of the Returned and Services League; Elsie Larkin, a long-time resident and community volunteer; and Chris Barcham, who as a young mum is the driving force behind many local community groups.

Others on the committee are involved with local scouts, school councils, neighbourhood centres and youth groups. They are a genuine cross-section of the community. Already they have lobbied successfully for council support to run in April a local kids fun day at Jordan Reserve, and they are gearing up to run a local festival in October this year. Led by Uniting Church youth worker, Lisa Carey, they are making a real difference in their community, and I commend them. I hope they continue to grow and have great success. They have my full support as their local member.

Bunyip State Park: regeneration fire

Mr SMITH (Bass) — I wish to raise a matter of great concern, particularly after the devastating bushfires in Victoria. Last Friday, 14 March, the Department of Sustainability and Environment (DSE) decided, probably in a fit of conscience, to start a regeneration fire at the Three Sisters in the Bunyip State Park. The fire was on the southern side of the range and was clearly visible to the people of North Bunyip and beyond. The local Country Fire Authority unit was not notified until late on the Friday morning that the Bunyip road would be closed. However, there was no notification to the local community, which is, and has every right to be, a bit jittery at the moment with regard to bushfires.

The decision to burn would not have been made on the Friday morning, and the affected community could have been told, either through the local newspapers or via a letterbox drop. It appears that the DSE is lurching from one act of neglect and irresponsibility to another. Surely it has a duty of care to the community to keep it informed. I say to the DSE boffins — consider the people.

Koolyangarra Preschool: reopening

Mr LOCKWOOD (Bayswater) — I would like to acknowledge the hard work of a group of people who managed to get a local preschool reopened after Knox council had closed it because of a drop in enrolments. The people of Bayswater rallied around the Koolyangarra Preschool in Bayswater, raising funds and gathering enrolments. They then embarked on a campaign to persuade the council to reopen the kindergarten. They were ultimately successful, and it is in full operation this year.

The people who campaigned hard were Brenda Key, Belinda Cooper, Tracey Thompson, Barb Morris, Bayswater school principal, Doug Elliot, and his vice-principal, Ian Michaelson. A successful committee is now running the preschool, including Doug Elliot, Kylie Steele as president, Peter Lugg as secretary, Kylie Watkins as treasurer, Kalyca Lugg, Jennie Bashford, Brielle Faragher, Tracy Hyland, Runlah Khan, Tanya Laban, Marlan Snary and Martin Williams. These people will make sure this kindergarten has a successful year in 2003 and beyond.

Preschool is more than a childminding centre; it is now a child's introduction to school education, and it sets a foundation for many things that are important to children when they start their formal school education. It is important for parents of four-year-olds to have a centre within walking distance, especially those who lack their own transport. It is vital for the success of neighbouring schools, and it is vital for the regeneration of the central Bayswater area.

I congratulate the parents, and the community that supported them in their work. I wish them well for the future. Local schools and preschools play a key role in the regeneration of central Bayswater because they maintain the link with young people.

Bushfires: volunteers

Mr JASPER (Murray Valley) — I refer to the recent devastating fires across eastern Victoria and join with others in paying tribute to the thousands involved in fire suppression and containment activities. In particular I pay tribute to the huge number of volunteers who assisted in the mammoth task of fighting the fires which lasted 59 days and burnt out 1.1 million hectares of land.

However, some discussions have now centred around the possible recognition of the work of the volunteers, including of course the members of the Country Fire Authority. Two brigades across my electorate have indicated they would rather see funding provided for the purchase of additional equipment than, say, the presentation of medals or certificates. For instance, the Numurkah fire brigade highlighted that in a letter to me, urging the consideration of funding for equipment instead of incurring the cost involved in providing medals or certificates.

They highlighted the difficulties involved in providing the names of volunteers who attended the fires. Such a list may not recognise those who provided backup by way of travel and other arrangements and assistance for people who attended the fires, as well as those who stayed at the home base to maintain the local services that are provided by the Country Fire Authority and other volunteer organisations.

I encourage the Minister for Police and Emergency Services to examine this suggestion, which has been put forward in good faith by local brigades, and to consider providing funding for additional equipment for these volunteer organisations.

Ray Jose

Ms GREEN (Yan Yean) — Last night I had the pleasure of being part of a Diamond Creek Rotary Club dinner held in honour of one of Diamond Creek's much-loved and pre-eminent citizens, Ray Jose. Ray has actively served the Country Fire Authority for 37 years, playing pivotal roles in the Diamond Creek, Wattle Glen and Hurstbridge brigades and in the formation of the Kinglake West brigade and Lower Yarra and Whittlesea–Diamond Creek groups. Ray is a much-loved elder statesman in the CFA.

Ray has also been a long-term member of Diamond Creek Probus and Plenty Valley FM, which for someone with Ray's great personality and verbal skills is a natural extension of his work. Ray and Margaret, his wife, are also an important part of the Sacred Heart parish in Diamond Creek. Tributes to Ray last night were made by Adrian Hem, ex-captain of the Diamond Creek CFA, Cr Michael Hall, Colin Sharp on behalf of Diamond Creek Probus, Father Macintosh from the Sacred Heart parish, Martin Wright from Plenty Valley FM, and his daughter, Mandy.

In his response Ray, humble as ever in receiving the honour that was bestowed on him by the community, referred to his working class roots and growing up during the Depression in Preston and Reservoir. He talked about his family and about his mother feeding families during that time. His ill health at the moment is slowing him down, and I wish him well in the future. His response at the end of the evening, 'May you be in heaven half an hour before the devil knows you are there', characterises Ray.

Melbourne 2030 strategy: submissions

Mr BAILLIEU (Hawthorn) — The government's Melbourne 2030 strategy was released in October shortly before the election. Its release was delayed for months to minimise public scrutiny. Despite explicit promises that the strategy would be presented as a draft for formal consultation, the document was released as a final position. Under pressure the government invited submissions on its implementation only and on a minimum timetable. But with no public process, no independent review and no undertaking to provide a response, that has been a sham.

It is now rumoured that over 1000 submissions have been received. Many of them have been highly critical, and adverse immediate impacts have been reported. The government must now post all submissions on the web site, establish a public and independent review of those submissions, and withdraw the ministerial direction that has obliged planning authorities, including the Victorian Civil and Administrative Tribunal, to follow the strategy, with disastrous repercussions.

Wandin Yallock Primary School: sports centre

Ms McTAGGART (Evelyn) — On 28 February I officially opened the sports centre at Wandin Yallock Primary School. This project took six years to complete. The school and the local communities rallied together to raise in excess of $400 000. There was no funding for the project from federal, state or local

governments or from the education department or sporting bodies. This is a remarkable achievement.

I congratulate the following people from the facilities group on their vision and commitment to this project: David Rosendale, Sue Lush, Robert Day, Geoff Larner, Jeff Henderson, Rocky Palmieri, Judith Bond, Kevin Walsh, Alan Harford, Anatol Miglas, Robert Crellin, John Ladner, Mary Anne Dooley, Leanne Ford, Helen Wheeler, Paul Kennedy and John Ross. I also congratulate David Glover on his architectural, building and planning expertise, which really helped to get this project off the ground.

The large crowd that attended enjoyed a performance by the school band and a brass band, and some of the students played a game of basketball on their new court and then enjoyed a sausage sizzle. I thank the principal of the school, Colin Uren, for his work on this project and for giving me some background on this small community school. May the Wandin Yallock Primary School enjoy this facility for many years to come — and once again, congratulations!

Beaumaris Returned and Services League

Mr THOMPSON (Sandringham) — This morning I pay tribute to the contribution made by the foundation members of the Beaumaris Returned and Services League (RSL). A 50th anniversary function was convened last month, and while the ravages of time have depleted the number of foundation members, I wish to note the ongoing contribution of people such as Peter Eldred, James Milane, Keith Taylor, Stan Curnow, Max and David Petley, and Robert Marden. Their family histories and their many contributions to the community very much reflect the early development of Beaumaris as a precinct, and the Beaumaris RSL stands as one of the great RSLs in Victoria. Its members include the immediate past president of the state RSL, Bruce Ruxton, who made an outstanding contribution to veterans affairs in Victoria. The current president, David McLachlan, is also a club member.

At an anniversary dinner convened by the club president, John Moller, regard was had to the development of the RSL during its 50-year history, from its early beginnings in a shed in Beaumaris through to the magnificent house on the hill today. It is one of the great RSLs in Victoria, assisted by the active contribution of many club members such as Don Carruthers, who has developed a display of memorabilia. Those members have contributed to the work of Legacy and the support of the families of veterans and servicemen in Victoria's community.

Braeside: fire response

Ms MUNT (Mordialloc) — I extend my sympathies to the member for Mill Park and her family.

On Saturday, 25 January, a fire on some open land at Braeside near Mordialloc Creek threatened nearby homes and factories. This fire was defeated by a large number of people, including Country Fire Authority career and volunteer firefighters, the Metropolitan Fire Brigade and others all working together.

I would like to place on the record my appreciation of the work of those groups, who came from far and near to help us out. They included the Helitak bird dog helicopter, the Langwarrin–Cranbourne group support van, the Springvale pumper, the Springvale tanker, the Springvale support unit, the Keysborough tanker, the Noble Park tanker, the Hampton Park pumper, MFB tanker 34, the Edithvale pumper, the Edithvale salvage unit, the Edithvale support unit, the Crib Point tanker, the Tyabb tanker, the Somerville tanker, the Balnarring tanker, the Shoreham tanker, the Shoreham quick fill, the Frankston tanker and the Chelsea support unit.

In addition the St John's Ambulance group from Cranbourne and the Metropolitan Ambulance Service helped to treat the five people who were injured by the heat and smoke. I extend a big thank you from the people of Braeside and the Mordialloc electorate to all of those who helped us.

Rumbalara Aboriginal Cooperative

Mr HARDMAN (Seymour) — On Monday I had the privilege of representing the Premier at the Rumbalara Aboriginal Cooperative luncheon for seniors and elders from all communities across Victoria, which was held in Shepparton as part of the Victorian Seniors Festival 2003.

The festival attracted people from across the state, and importantly there were a couple of tables of people from Karingal Hostel in Seymour. There were also members from the Aboriginal community of Healesville, including Dot Peters, who is a respected elder from that area. At the event there were several acts including traditional Aboriginal dancers, Torres Strait Island dancing and the Rumbalara line dancers. Many of the acts included audience participation, adding a lot of fun to the event.

I congratulate Lena Morris, Kate Egan, Justin Mohammed and all the staff who organised this highly successful event. It was a really important time to reflect on the importance of the reconciliation process and its role in ensuring indigenous Victorians are

provided with the opportunity to live as long and as healthily as we know other Victorians do. We know that Victorians and Australians are living longer, but at this stage the Aboriginal community does not share their long life. The occasion was very important.

Strides for Stroke

Mr ANDREWS (Mulgrave) — Last Thursday I had the great pleasure of representing the Premier at the launch of Strides for Stroke, a walk around Australia to be conducted by John McLachlan who suffered a stroke some years ago. He is 65 years of age, and this is his contribution towards raising public awareness of the effects of stroke and also hopefully reaching a fundraising target of around $800 000. He embarked last Thursday on the walk, which will take him two and a half years. I want to place on the record my congratulations to him on this wonderful effort. It is a great testament to his recovery from the stroke he suffered. Moreover it is a wonderful and selfless act to make such a personal sacrifice over such a long period of time to raise both awareness and finances.

His route will not necessarily be a direct one via the capital cities. He is taking the time to go via Shepparton, Benalla, Wangaratta, Bendigo and Ballarat. I am happy to provide to the honourable members representing those communities details showing when John will reach those towns so that a proper acknowledgement of his efforts can be put in place. His wife, Maryanne, is also to be congratulated. This is a wonderful effort on behalf of all those who suffer from stroke, both now and in the future.

Road safety: Frankston

Mr HARKNESS (Frankston) — In standing up for Frankston I have been running a series of round tables on policy issues. Too many politicians think they know all the answers, but I am interested in what residents think. That is why I held a road safety round table on 14 March with the following people: Julie Bible, Anna Tiamos, Bob George, Sergeant Bruce Buchan, Cameron Mattingly, Kelly Schroeter and Graham Spencer. My electorate office has received numerous requests to deal with speeding in local streets, including requests from concerned residents who have lost family members on freeways. Education, in combination with public works such as black spot programs, is crucial. Programs should also be available for young people who do not attend school.

The Fit to Drive program has been a successful, local community-driven approach to dealing with road safety issues in Frankston and on the Mornington Peninsula. Every year 10, year 11 and year 12 student receives some form of education, such as taking part in the Keys Please program. This is made possible this year through the Community Support Fund and would ideally be expanded across the state. The walking school bus program is also an excellent initiative. I endorse the terrific work of local people in dealing with road safety issues, and I look forward to working even more closely with them as a member of the parliamentary Road Safety Committee. I congratulate the people from the various organisations such as Work With Care in the Shire of Mornington Peninsula, Vicroads, the Frankston police and the Peninsula Road Safety Committee, as well as Kelly Schroeter from the Teenage Road Accident Group, who is the Frankston City Council junior citizen of the year.

Italian Senior Citizens Club

Mr MILDENHALL (Footscray) — I had the great pleasure of launching Seniors Week at the Footscray Italian Senior Citizens Club at the Footscray YMCA at a fantastic function organised by Natale Bulzoni and his dedicated committee. Much dancing, singing and revelry was enjoyed by all. This club is an inspiration to the local community and to the seniors scene in Footscray. It is a hive of energy and organisation, consistently well attended and a great participant in the cultural and community life of Footscray. It also participates actively in multicultural functions organised by government, and I know the club will be well represented at the multicultural dinner on Friday night. It also helps organise a number of social programs and provides important social contact for its members, including the traditional, established and very active Italian communities in both Footscray and the inner western suburbs.

Margaret Campbell

Ms GILLETT (Tarneit) — I would like to pass on my condolences to the honourable member for Mill Park on the sad loss of her mother. My own mother died very suddenly on 6 December last year, so I understand how she is feeling and where she is this morning.

I place on the record my thanks to a wonderful woman in my community, Margaret Campbell, who has for a number of years run a writing competition for primary and secondary school-age children called Imagination Creation. Margaret started the competition locally, with children from the Wyndham area participating. I am pleased to give full credit to Margaret, because that competition is now running virtually statewide.

There are a number of winners in the categories that Margaret has created for poetry and stories. She has also attracted sponsors, which in this day and age is quite a difficult thing to do. May I place on record my thanks to Wyndham Books, the Werribee and District Historical Society and also Westwood Real Estate for doing the real work that is required to encourage our young people by letting them know that there are careers that exist where they can be using their imagination and creativity.

The SPEAKER — Order! The member for Oakleigh has 30 seconds.

Royal Melbourne Institute of Technology: Hamilton 10MMM project

Ms BARKER (Oakleigh) — I was very honoured to attend the launch last Friday of the 10MMM project at the Royal Melbourne Institute of Technology campus at Hamilton.

This exciting new initiative will establish a multimedia project which will reach out and involve young people in an activity that will provide them with a great deal of assistance in breaking down geographical isolation.

The SPEAKER — Order! The honourable member's time has expired.

GRIEVANCES

Point Nepean: army land

Mr DIXON (Nepean) — I grieve for all Victorians at the state government's attitude to the land at Point Nepean.

The attitude we are seeing from this government is one of hypocrisy and of not caring about election promises but making election promises disposable when they get too hard. The state government has been given 210 hectares of pristine bushland on Point Nepean. Part of the condition of the land being given to the state government by the federal government is that all unexploded ordnances will be cleaned up and the area handed over as part of the Mornington Peninsula National Park ready for use for tracks. It is a magnificent area of bushland that has never been open to the public before.

On 8 November in the leaders debate during the election campaign the Premier promised that the state government would, if they had to, purchase any of that land. I quote from a transcript of the debate:

> Henderson: If all else fails would you buy the defence land at Point Nepean to ensure it remains a national park?
>
> Bracks: We're actually very prepared and ready to do that very thing —

that seems black and white to me —

> but we want the owner to clean it up properly —

the owner is doing that. It will be handed over —

> … you know the explosives and the … I know I am going a bit long — —
>
> Henderson: I know the issue, if they don't?
>
> Bracks: Um, the answer is, yes, we would proceed. We have the legislative capacity to do that for our green wedge legislation that if the commonwealth ever try and dispose of this, we will make sure legislation — it stays in public hands and part of the national park.

That is rather unequivocal as far as I am concerned, and it has been said to many thousands of people. There is no denying it; it is there in black and white and many people heard it.

Not only did the Premier say that this land would remain in public hands if this government was re-elected, but during the election campaign the then Minister for Environment and Conservation came down to the electorate and also said that if elected the state government would make sure that that land, by whatever means, would remain in public hands. The then member for Frankston East also came down to the Mornington Peninsula and promised that if re-elected the Labor Party would keep that land in public hands. All the Labor candidates for Hastings, Nepean and Mornington also said — in fact they issued a very nice bright green leaflet saying it — that if elected the Labor government would keep that land in public hands and buy it if it needed to.

So they have all said it. It is in their election brochures that were sent out, it was said at public meetings, it was said in the media, it was said by the Premier on TV and also by the new member for Western Port Province, the Honourable Geoff Hilton. He also promised that the state government would deliver on that election promise.

Members of the government, including the Deputy Premier, have said on many occasions, 'Oh, no! The federal government should give it to us. It is public land, it should be given to us. Levels of government do not sell public land to each other. It belongs to the public, the same public, and therefore should be given to the state government'.

There is a bit of a local problem with this, and I think the government has been caught out in its hypocrisy. I have two good examples of the state government flogging off public land either to private sources or to another level of government — that is, local government. It is quite hypocritical to say, 'We want land for free if we are to receive it, but if you own it you've got to pay for it'.

My first example is the land around the Devilbend Reservoir — a magnificent green space on the Mornington Peninsula. That reservoir is no longer used for water storage purposes, so part of the proposal is to flog off the land. Some 55, 5 acre lots are going to be sold. Not only will the lots not be given away, the government is going to put housing on them. At least with the land down at Point Nepean the federal government has said, 'No matter what happens, no matter who buys it or who owns it, there will be absolutely no housing'. Yet we have got the state government flogging off public land for private housing on the Mornington Peninsula — and not even to another level of government! It is a beautiful environmental area.

The other example, another prime bit of public land, is the old Mornington High School site. Part of that is also being flogged off for housing, but it is also being sold to the Mornington Peninsula Shire Council — it is public land being sold to another level of government.

Honourable members interjecting.

The SPEAKER — Order! The member for Nepean, without the assistance of the member for Macedon or the member for Mornington!

Mr DIXON — The Mornington High School site, on public land, has a hall on it that was basically built through community subscription. The government has sold that hall, so there is a double whammy there as well.

These are just two examples in my electorate on the Mornington Peninsula of the government hypocritically selling off public land, even though it is at the Valuer-General's price, which is the agreement with the federal government. I have another four examples, but I have not got the time to go through them.

It is not as though the state government is going to have to pay for the 80 hectares it is being offered by the federal government, get no return and be encumbered with some sort of ongoing maintenance costs. Already community groups have offered to lease the land for quite a substantial amount of money. One group said it was prepared to put up $15 million to lease the 80 hectares from the state government. As I said, it is not like the state government is going to have to pay out $15 million, or whatever the price might be that the Valuer-General actually puts on the land, and receive no return. A community group is prepared to pay $15 million to lease and maintain the land and have it used according to the community master plan, under which it would not be used for housing or high-rise development.

What will the cost of that land be? Some people are quoting quite extraordinary amounts. The actual cost of that land is in the government's hands, and it can name its price. How can the government do that? It can do it through the Minister for Planning, who has the power to put over whatever planning restrictions she thinks that area of land deserves.

Part of the arrangement the federal government has proposed to divest itself of this land is that there is to be absolutely no residential development on that land at all. That takes a fair bit of the cost and value out of the land. The majority of the buildings, which are over 150 years old, are heritage listed and obviously there are extreme restrictions on how they can be used. However, as I said, the Minister for Planning can put whatever planning restrictions she feels are needed over that area, and that would reduce further the value of the land on the open market, or what that land is worth according to the Valuer-General.

Not only is the value of the land in the government's hands, but community groups are willing to pay the amount required in leases so that it remains public land and is protected whatever way the state government wants. It is totally in its power to do that and everybody is happy for the land to remain in public hands, as has been promised.

I was interested to learn that the Minister for Local Government said in the other place yesterday that handing over land is just not on and that the government would not be part of that. Yesterday the Premier totally avoided the question. At least the Minister for Local Government actually gave an answer and committed to not doing it. I find that quite extraordinary.

We also have an interesting precedent down there. In 1988 the federal government offered some land that it did not require at Point Nepean to the state government to be incorporated into the Mornington Peninsula National Park. That was done through an exchange of assets: the state received the land and in exchange gave other assets to the federal government. So there is a recent precedent, set under the then Labor government,

on the very same block of land on the Mornington Peninsula.

I encourage the member for Western Port Province to be vocal on this. Over the last 12 months the federal member for Flinders, Mr Greg Hunt, and I and other members of the Mornington Peninsula community have been very vocal in standing up to the federal coalition government, saying on behalf of our community, 'This is what our community wants: our community wants this land to remain in public hands; our community does not want any public housing'. We pressured, pressured and pressured the federal government and last week they came good with their offer: no public housing and all the land to remain in public hands.

I am calling on the member for Western Port Province in the other place to turn around and apply the same pressure on his government to honour its election promise to the Victorian community: the people of Victoria and especially the people on the Mornington Peninsula. He needs to get in there and stand up for his community because that is what they want. He should follow the lead of my federal colleague and myself regarding our federal colleagues in Canberra.

Environment Victoria has come out very strongly in favour of the draft master plan for the area and the federal government's gift of 210 hectares to the state government with all the ordnances cleared up, with the assurance that there will be no housing and with 10 to 20 hectares to go to the Mornington Peninsula Shire Council. Environment Victoria has come out strongly in favour also of the federal government's first offer to the state government as a priority sale. Environment Victoria has expressed disappointment at the offhand way in which the Deputy Premier said, 'We are not interested; we will not buy it; we don't care,' and that no correspondence would be entered in to, and with the government's attitude and its total intransigence on this problem.

As I said, the Mornington Peninsula Shire Council has been given 10 to 20 hectares and it will decide how much of that land it will take at Policeman's Point, a magnificent spot on the cliff top overlooking Port Phillip Bay and the Portsea township. In real estate terms it is probably the most valuable land. That will be deeded forever as public open space, so the shire cannot build anything on it and will have to maintain a park there. It will be a magnificent community facility. I know that the people of the Mornington Peninsula and Victoria are grateful to the federal government for that generous gift to the local shire and for the fact that there will be no housing on the land.

Regarding the heritage buildings that I have talked about, it is not as though the federal government will give them to the new owner, whoever that is — hopefully the state of Victoria — totally uncared for and rotten, because at the moment the federal government is spending $4 million on renovations of the buildings and in removing the asbestos. I was on the bay at the weekend and I noticed that a lot of the roofs of the old building have been removed and that the renovations are going full steam ahead. So the federal government will hand over the buildings in very good condition, as well as keeping to the promise it has made to remove all unexploded ordnances from the more than 200 hectares it is giving to the state.

Regarding the quarantine museum, rather than it existing on a month-by-month basis as it has in the past it has been given a three-year tenancy by the federal government and the people there are pleased about that.

In conclusion, I urge the government to fulfil its election promise made public by the Premier, by all the Labor candidates on the Mornington Peninsula and the former Minister for Environment and Conservation that they would do everything it took to ensure that that land at Point Nepean remained in public hands. The state government can set the price and buy it. People are waiting to lease and use the land, but it is too good an asset to waste.

Business: chief executive officer salaries

Mr LONEY (Lara) — I grieve today for ordinary working people in Victoria and Australia when their remuneration is compared to the remuneration of chief executive officers (CEOs) of Australia's largest corporations. When that comparison is made ordinary working people are entitled to feel ripped off. I am pleased that the Minister for Industrial Relations is currently in the house.

Speaker, the 1980s philosophy of 'Greed is good' is certainly not dead but well and truly alive in the senior levels of some of Australia's largest public companies such as AMP, BHP Billiton, the National Australia Bank, Lend Lease, Coles Myer, Wesfarmers, Southcorp, the Commonwealth Bank, Publishing and Broadcasting Limited, GIO and, of course, the now infamous HIH and One.Tel. Before proceeding I acknowledge the work of Bella Lesman from the parliamentary library, whose research and figures I will be using in my contribution to the house today.

Over the last 15 years there has been an explosion in salaries, allowances and benefits paid to CEOs of these companies. According to data supplied by Mercer

Cullen Egan Dell to the parliamentary library, since 1988 the average base salary for an Australian chief executive officer has risen from $112 104 to $237 476 — a rise of 112 per cent.

I will list some of their allowances and benefits: company car, car parking allowances, annual leave loading, private travel and entertainment, employer superannuation contributions, employee salary sacrifice superannuation, loan benefits, other cash payments and cost of fringe benefits tax. The value of incentive payments over the same period rose from an average $72 159 to $150 579 — a rise of 111 per cent. Within this category incentive bonuses for CEOs over the same period rose by a massive 386 per cent. Many of the CEOs that we hear about in the media earn far in excess of these amounts. *Business Review Weekly* recently found that the average salary of the highest paid executives of 80 of Australia's largest listed companies was $2.3 million.

At the same time, between 1988 to 2003, the annual total wage of their loyal employees, if they were not made redundant by those same bosses, rose by 51 per cent or by less than half that of the bosses who continually lecture them on the need for restraint. ACTU research found that the average annual salaries of Australia's top CEOs increased by 38 per cent in 2002 and blew out from an average 67 times the federal minimum wage in 2001 to 89 times the same wage in 2002. All this occurred without a whimper, of course, from the federal workplace relations minister, Tony Abbott.

This is the minister who becomes very concerned about any claim for a small handful of dollars from ordinary workers. Ordinary wage earners are entitled to ask why their request for better salaries are met with cries about having to compete locally with low-wage countries while their bosses justify these obscene increases on the grounds of being in competition with the world's highest paid executives.

Those in corporate leadership in Australia clearly do not lead by example. But unbelievably this gulf in remuneration between CEOs and employees is only the tip of the iceberg. The area in which our CEOs are really cleaning up is in departure packages. Many of these departure packages are obscenely inflated through the mechanism of stock options, which because they have no immediate value and have to date not shown up on profit and loss statements have been attractive to both boards and executives but not necessarily to ordinary shareholders, who do not know about them until such arrangements are brought to light after the departure of the CEO.

There is no evidence that, despite the rhetoric, they are tied to performance, with the leaders of some of the biggest corporate disasters in Australia taking home some of the biggest payments. Jodee Rich walked away from One.Tel with $11.7 million in bonuses in the two years prior to the collapse of One.Tel. Rodney Adler received $3.7 million on termination from HIH plus a guaranteed $480 000 annual consultancy arrangement.

Since 2000, 16 CEOs of the largest companies in Australia have departed their jobs with a total of almost $170 million in departure payments in their pockets in addition to the generous salaries they have been receiving, with many having spent little time in their companies. George Trumbull, the AMP chief executive ousted in 2000, returned to the United States with $23.4 million in his early termination package. Doug Ebert, chief executive of the National Australia Bank subsidiary in the United States of America, Michigan National, was dismissed in 2001 after the business was sold and got a performance payment and pension of $20.8 million. Sheryl Pressler from Lend Lease resigned after one year in the job with a $15 million termination package. Dennis Eck of Coles Myer was ousted in 2001 with $15 million, $5 million of which was called an early termination fee. Michael Chaney, chief executive officer of Wesfarmers Ltd, has a $7.94 million salary, which includes a 10-year long-term bonus of $6.71 million.

The list goes on and on until we come to our largest company, BHP Billiton, where Paul Anderson, the former chief executive, left after four years in charge with $18.37 million in final salary and termination benefits. That was on top of Mr Anderson's standard remuneration package for 2002 of $9 million, so on top of that there was an extra $9.37 million in termination benefits. The 2002 BHP Billiton annual report shows that Mr Anderson received an annual cash bonus of US$1.18 million for the 2001–02 year on top of his base salary of US$837 916 — or to put it in our terms, $1.53 million — as well as his other benefits, including a short-term share-based compensation of US$2.33 million, or $4.25 million, and various other entitlements. In addition his contract entitled him to performance rights that had not been exercised but which had a notional value of $6.31 million, taking the total of his termination benefits to around $10 million. He actually pulled in a total of $7.8 million in 2000–01 on what was supposedly a base salary of $1.5 million.

Brian Gilbertson, his replacement, has done even better. Mr Gilbertson took up the position with a salary of $9.22 million for the June year, and after resigning from the job after only six months the speculation is that his departure package could be as high as

$30 million. Compare that to the position of some 356 000 Victorian workers who work under schedule 1A of the Workplace Relations Act and rely for their conditions of employment on arrangements which the federal minister, Tony Abbott, holds to be fair and reasonable. Schedule 1A workers have no entitlement to benefits that are standard among federal award employees, including severance pay. The examples I will give to the house come from the building workers — the breed Minister Abbott reserves for special venom and hatred.

A building worker on a commercial building site in Victoria who has been two years on the job gets a weekly rate of $853.10 and a fare allowance of $12.62 a day. A group 3 skilled labourer on the same building site will get $738.72 and a fare allowance of $22.50 a day. A third-year apprentice bricklayer gets a $650.90 salary. What does a schedule 1A employee working on the same site, a fully qualified bricklayer, get? They get $524.78 a week or $13.81 per hour with no overtime allowance if they work longer than the standard 38-hour week. Compare that to what a bricklayer employed under an enterprise bargaining agreement would get. They would get $844.46.

So their base salaries and arrangements are not great when compared with the remuneration of the leaders of the companies they work for, but maybe they make it up in redundancies. I turn to the redundancy provisions for these workers. If one of these workers has been working two years full time on the job — not the schedule 1As, but those who are under an award — what are their redundancy rights? On their first redundancy — I note 'their first redundancy' — they are entitled to relief of up to $2000 through Incolink. Their superannuation is protected, as is their annual leave, but of course we have seen with many company crashes in recent times that while those entitlements are legally protected they are often never paid.

People who have been in a job for two years walk out with a maximum of $2000 in redundancy entitlements, compared to the multimillion-dollar payouts that the people who employ them are receiving. However, it gets even worse if one looks at schedule 1A workers because most of them who are made redundant have no access to even the $ 2000 under Incolink. Effectively they get nothing more than the statutory entitlements to whatever annual leave and superannuation they may have accrued. This is the fairness for ordinary workers under the industrial relations system that Minister Abbott likes to talk about. These are the building workers who, according to Minister Abbott, are ripping off Australia. These are the people that he attacks daily. But where is Minister Abbott when we hear about the huge, unjustified and obscene payouts to the leaders of some of our biggest companies?

Minister Abbott continues to attack ordinary Australian workers while these top-end rorts simply continue without comment. Whenever these issues are reported, Minister Abbott goes missing in action. He is not out there making the same statements that he makes about a building worker seeking a $12 a week increase. We do not hear him making the same comments about a building worker who says, 'Well if I have to work in 45 degree heat and without proper safety requirements, then I want something extra for it'. Minister Abbott says that these workers are ripping Australia off, but he has said nothing about the chief executive officers who have walked away with departure packages averaging more than $10 million apiece over the past few years, on top of very generous salaries.

I do not stop at Minister Abbott. I have not heard anyone from the conservative side of politics take up this issue and criticise those sorts of arrangements. I acknowledge that as a result of a commonwealth Public Accounts Committee report the federal government has now belatedly moved on the issue of including stock options on profit and loss statements. This will be a help, but the federal government must do more — —

The SPEAKER — Order! The honourable member's time has expired.

I call the honourable member for Benalla. As this is the honourable member's inaugural speech, I ask the house to extend him the normal courtesies.

Member for Benalla: inaugural speech

Dr SYKES (Benalla) — Congratulations to you, Speaker, on your appointment, and congratulations to all other members of Parliament, especially those who, like me, have been elected for the first time.

I have enjoyed listening to the inaugural speeches of other members and learning about their pathways to Parliament, their visions and their electorates. My journey to Parliament has taken a little longer than many, and I have savoured and learned from many experiences along the way.

My journey started in Garfield, a small community in West Gippsland, and continued via Melbourne, where I studied to be a veterinarian prior to moving to Shepparton in the Goulburn Valley and later to Benalla in north-east Victoria. Along the way I played football, firstly for Garfield and later for the University Blues, followed by three years playing for Fitzroy and then

four years for Shepparton. Later I coached junior football and became involved in sports administration.

Through football I have made many friends from all walks of life and learnt many lessons. At Fitzroy I learnt to be adaptable. I started as a centre half-forward, and during my 54 senior games I played in every position except first ruck and first rover. I was too short for first ruck and too slow for first rover! I have found that being adaptable has provided me with many and varied career opportunities.

I also learnt to be humble in defeat — something we experienced often during my time at Fitzroy. On the other hand, success with other clubs, particularly Shepparton, has taught me to be gracious in victory. As a footballer I played in a number of representative sides, teaming up with previous on-field opponents to compete against other sides. This has helped me work with people of different philosophies to achieve mutually desired outcomes.

As a veterinarian I have managed large-scale animal health and welfare programs and national research programs in Australia and overseas. The Australian brucellosis and tuberculosis eradication campaign was the largest program in which I was involved. It cost more than $1 billion and took 20 years to complete. Over the past decade I have devoted considerable time and energy to Landcare, both on my farm and within the community. I have also been actively involved in the Benalla Trust Foundation, which we set up to help local families in crisis.

My particular skill is the ability to link livestock owners and people in rural communities with scientists and city-based senior bureaucrats, and vice versa. I look forward to being able to use my skills and experience in my role as the member for Benalla.

I am the second of four children of hardworking, independent-thinking parents who chose the challenge of creating a lifestyle in country Victoria in true pioneering spirit in the 1930s and 1940s. Both my parents served in World War II, my mother in the WRAAF and my father in the RAAF. For a long time I did not fully appreciate the contribution of my parents and their generation to the development and security of Australia. I do now, and I wish to record my indebtedness to them all.

I am eternally thankful to those who endured the wars, the Depression and the postwar years to help make our country what it is today. To them I say, ‘Thank you for doing what you did so that we may do what we do’. The ranks of these people are thinning, and both of my parents have passed away. However, today I would like to acknowledge special people such as Mrs Donaldson and Ken Terry, who continue to inspire me with their courage, their drive and their can-do approach to life.

I also appreciate the contributions of the many people who have come to our area from other countries and who, through their hard work and enterprise, have created wealth and opportunities for us to enjoy. In particular I recognise the contribution of the many people from Italy who have contributed so much to the prosperity of the Ovens, Kiewa and King Valley areas.

My wife, Sally, and I have lived, worked in and enjoyed north-east Victoria since 1975, with a couple of breaks — once in Scotland for 12 months, and later in Darwin for 18 months. In both cases, as with each time I have travelled overseas with my work, it did not take long for me to appreciate why north-east Victoria is such a great place to call home.

Sally is a successful businesswoman and currently owns and operates a stationery and office supplies business in Benalla. She is also a very capable sportsperson and can whop me on the golf course. Sally’s involvement in small business, sporting and community activities over many years has helped to give us both a good insight into the functioning and strength of country communities. We have three children. Elissa, our eldest daughter, is a veterinary nurse married to Dean. They live in Albury and are excellent with horses. Both Elissa and Dean have represented Australia in polocrosse.

Our son, Ben, is a veterinarian currently undertaking further studies in the United States of America. Ben intends to return to Australia and concentrate on the intensive care of foals, reflecting his passion for life, something which as a veterinarian and farmer I also have. Our youngest daughter, Christie, lives in London and is married to Karl, an Englishman — unfortunately! They have a beautiful daughter, Aeisha, whom we see far too little of due to the tyranny of distance.

I would like now to turn to the electorate of Benalla. It is large, at 17 000 square kilometres, and diverse both physically and climatically. The electorate extends from the Goulburn River plains around Nagambie, Murchison and Avenel in the west, to Eildon and Woods Point in the south, to the high country resorts and valleys in the east, and to Glenrowan, Thoona and Devenish in the undulating country to the north. The people of the area are also diverse, ranging from farmers, small business people and locals who have called the area home for many years to an increasing

number of people who have come in the past few years to enjoy the refreshing climate and beautiful scenery.

The electorate is well serviced by hospitals and schools which are staffed by dedicated and caring people. Funding is a perennial issue, as it is elsewhere in Victoria. The major industries in the area are agriculture, light manufacturing, retail and general services. Within each of these industry categories is a wide range of activities — for example, agriculture includes irrigated and dryland farming, dairy and beef, prime lamb and wool production, pigs, poultry, aquaculture, cereal cropping, vegetables, mushrooms, orchards, grapes, hops, tobacco, green tea and forestry.

Key manufacturing industries include ADI, which makes munitions — and I am not sure if it is a good or bad thing to be close to it at the moment; Monsbent, which manufactures particle board; Hudsons, which makes building frames; Carter Holt Harvey and several other industries based on making timber products; Schneiders, which makes electrical transformers; Teson Trim at Euroa, which makes upholstery for cars; the Benalla Spinners, which makes carpets — and I think some of the carpets in this establishment may come from Benalla Spinners. Also at Eildon there is a houseboat building industry, which is suffering at the moment. There is also electricity production in the form of Southern Hydro at Mount Beauty. There are also many other smaller businesses manufacturing a wide range of items from farm equipment to things like gas converters for motor vehicles.

A vibrant retail sector ensures access to a wide range of food, clothing, household goods, and business and agricultural equipment. Capital of the service industries, tourism is the key. Victoria's major snowfields are in the electorate, and the towns of Tawonga South, Mount Beauty, Bright, Mansfield and Eildon also provide a range of exciting tourist attractions based on the natural beauty of the area. Other parts of the area of tourist interest include the Avenel and Strathbogie wineries, the King Valley wineries, and the haunts of Ned Kelly at Glenrowan, Benalla and Euroa. Strathbogie shire has become the horse capital of Victoria, and Nagambie boasts a world-class rowing course. Benalla's regional art gallery is a must to visit, and Winton Motor Raceway attracts tens of thousands of people to the area each year.

Benalla is the largest community, with around 10 000 people. Other communities which I have not specifically mentioned in this address include Euroa, Violet Town, Myrtleford, Longwood, Strathbogie, Bonnie Doon, Tolmie, Sawmill Settlement, Moyhu, Whitfield, Jamieson, Thornton and Goorambat, reflecting that there are many communities in our area, all with different needs.

The electorate includes all or part of seven local government areas: the Murrindindi, Mansfield, Strathbogie and Alpine shires; the City of Greater Shepparton; and the rural cities of Benalla and Wangaratta. I would like to take this opportunity to congratulate the recently elected councillors for each of those local government areas, and I look forward to working with them in the future. I would also like to thank the outgoing councillors for their efforts in the past. The electorate also includes four alpine resort areas: Falls Creek, Mount Hotham, Mount Buller and Mount Stirling. Major water storages include Lake Eildon, Mokoan, Nillahcootie, Buffalo and William Hovell. Eildon particularly is the home of water sport-based holidays, and Mokoan is an excellent fishing and yachting lake.

The area abounds with people with get up and go and stickability to endure tough times, epitomised by the mountain cattlemen who embody the character of pioneering Australians, a character which is integral to Australian culture. The strength of character and resilience of people in our area is being sorely tested now by the drought, which has affected most of the electorate, and more recently the bushfires, which have impacted mainly on the Alpine shire, involving the communities of Tawonga South, Mount Beauty, Porepunkah, Myrtleford, Bright, Harrietville, Wandiligong and Dinner Plain; and the alpine resorts of Hotham, Falls Creek and Buffalo; but have also impacted indirectly on tourism in the King Valley, Mansfield, Mount Buller and Mount Stirling areas.

I commend the government for its package of support measures. The people of the electorate look forward to the return of tourism, the rehabilitation of the environment and the fast tracking of major capital works programs. I suggest that projects such as a staged sealing of the Bogong High Plains Road, the upgrading of Bright's water supply and providing natural gas to the Ovens Valley would be great projects to be fast tracked.

I must pay tribute to the many people who helped combat the fires. Over 4000 people were involved in combat and direct support, and many more in related activities. I thank the people of Parks Victoria, the Department of Sustainability and Environment, the Department of Primary Industries, the police, the Alpine shire, Vicroads, the army and other government agencies, as well as the State Emergency Service, Red Cross and other support agencies. Help from interstate and overseas was also very much appreciated. In

particular I thank the members of the Country Fire Authority (CFA), who came from all parts of Victoria to help when we needed it. The employers of the many volunteers also deserve our gratitude for releasing their staff, often on full pay. Mount Beauty's effort in raising $10 000 for their local fire brigades in less than one week is indicative of the recognition of that support that we very much appreciate.

The challenges for the future in the Benalla electorate are many. The first challenge is to overcome the effects of bushfire and drought. However, judging from the way the main street of Mansfield was humming on the long weekend, and by the vibrancy of the Alpine Valleys Wine and Food Festival at Myrtleford on the same weekend, the recovery is well and truly under way.

There must be a full and independent inquiry into the bushfires. The inquiry should cover all aspects, including preparation, combat, recovery and review, and local people need to be encouraged to have their say. The government must also immediately repair the fire control lines and damaged fences on private properties. There is also a need to ensure the provision of equipment for the CFA and continued support for volunteers.

On a broader note, I will strive to deliver more and better employment opportunities; better services, especially health, education and care for our disabled and aged; and infrastructure, especially roads and bridges. I will strive to achieve the equitable use of water and to protect and enhance our environment and natural resources with a focus on issues such as Crown land management, acidity and waterway health. I will fight to save Lake Mokoan and ensure it is managed more efficiently. Specific issues include Kirwans Bridge, the rehabilitation of petrol station sites, the upgrading of sporting and community facilities and the putting in place of a better library in Benalla.

I will also focus on our children for they are our future and they must be our priority. I will support you-can-do-it programs and team sports and anything else that helps provide our children with role modelling on becoming good citizens.

I thank the previous members for Benalla, particularly Denise Allen, Pat McNamara who represented the electorate for 18 years, Tom Trewin for a similar period before him, and Albert Cook for an even longer period before them.

I also thank the many people who have assisted me: my wife, Sally; my daughter Elissa; my niece Fairlie; Senator Julian McGuaran; the honourable member for Gippsland South, Peter Ryan; and many other people.

I am here as a member of the National Party because I share the National Party values — values shaped by life's experiences and not just political ideologies. I am also here because I greatly admire Peter Ryan for his strength of leadership, his energy and his integrity. We will work together to represent the interests of country Victorians. My wish is to earn the respect of the electorate, the people of Victoria and the Parliament, not only by my ability to get things done but also by the way I go about it. Thank you.

Applause from gallery.

The DEPUTY SPEAKER — Order! There should be no acclamations from the gallery.

Richmond: East Timorese community

Mr WYNNE (Richmond) — Deputy Speaker, I commence my contribution by acknowledging your rise to the distinguished position of Deputy Speaker of this house, a position I know you will undertake with your usual level of professionalism and fair play.

I also commend the honourable member for Benalla on his inaugural speech. I share some commonality with him because my wife spent six very happy years living in Benalla and working as the director of its fine art gallery. Sadly we had to live apart for the first six years of our marriage because she was delighted to have the opportunity to be its director. I spent many weekends in Benalla and enjoyed the great hospitality of the people of the district.

Today I grieve for a serious and very tragic matter, which is the plight of the East Timorese community. As many members would be aware, my electorate of Richmond houses the vast preponderance of the East Timorese community who, at least at this point, call Australia home. People will well remember the devastating Dili massacre inflicted upon the East Timorese community in the early 1990s. Who can forget that horrific television coverage of people being mowed down, killed and fleeing for their lives? That is what the people who are living here in Australia fled. They fled tyranny and massacre — they literally fled for their lives.

About 1500 East Timorese live in Australia with their families. They are what are called principal applicants. A community of East Timorese lives in Darwin, but the vast preponderance of the East Timorese community call Melbourne their home. Many of them live in the high-rise estates in Richmond, although a number live

in Dandenong and Springvale, and in the Moonee Valley and Maribyrnong local government areas. They have lived under temporary protection visa status for a number of years. Many have lived in Melbourne for up to 10 years. In effect these people have made Melbourne their home. They live and work here, and their children were born and are educated here. Of course their original home was East Timor, but they fled and have now made Melbourne their home and sought the sanctuary of Australian democracy and an Australian way of life — the quality of life that was so cruelly taken away from them during their time in East Timor.

We now find that the federal government is reviewing all of those cases. It has said that the temporary protection visa category these people currently operate under should be subject to review and has indicated, as it has indicated in the case of so many people who have sought refugee status in this country, that they should be sent home because there are no longer any humanitarian or security reasons for them not to return, or threats to the East Timorese community, and they should go home.

What a situation to find yourself in — having fled oppression and the very real threat of death, having fled from a country that has been absolutely devastated and lived in Australia for a period of up to 10 years, having established yourself and educated your children here, you are now asked to go back to a country you no longer know.

This is an intolerable situation for Victoria to find itself in. The Victorian government and the Premier have shown extraordinary leadership. The Premier was one of the first political leaders in this country to visit Timor. He saw at first hand the devastation that had been inflicted upon that country prior to its independence. He reached out a humanitarian hand to offer real practical assistance to the community in Timor. But he did more than that. Not only did the Premier show moral leadership, he showed practical leadership, which is a hallmark of this government. It said it was not prepared to allow the Timorese community to be cut loose. The community has called Melbourne its home but it is now effectively stateless because its situation is under review by the federal government.

So what we have done as a state government is to provide in my view the most comprehensive safety package of any state government in Australia. It goes to the most fundamental and basic things that we as a humanitarian society would expect. It goes to issues like providing housing access to the Timorese community. The former Minister for Housing is sitting at the table now, and through her direct intervention she said, 'No, the East Timorese community is not going to be thrown out of this place. We are going to reach out our hands and provide support to these people at this most vulnerable time in their lives'. So we provide the most basic form of support — housing support.

We also provide health support through our community health centres. Again, in her new capacity as the Minister for Health, the minister has provided direct and very basic support to the East Timorese community through the North Richmond community health centre, which we fund. We provide educational support to those young children who are attending state education at the West Richmond Primary School. We do more than that: we provide access also to an education maintenance allowance to provide for those basic services that these children need — books, uniforms, financial support for outings and libraries and the sort of access that is provided generally to the community.

We have provided community services support that is much needed by the Timorese community through the health centre and through the Minister for Health, with a direct grant to the North Richmond community health centre to provide a community development worker to work with the Timorese community to develop it and to support members of the community in their application process to the federal government.

But our support goes further than that. The Attorney-General, in that humanitarian way for which he is so well known, immediately came forward and said, 'This is a critical time in the life of the Timorese community. They are undergoing review. We will provide legal support to them to assist them to mount their cases'. He provided an initial grant of $65 000 to the Refugee and Immigration Legal Centre, which recently came back to the government saying that it was in such a crisis situation with more than a thousand applications before it that it needed further support. What did the Bracks government and the Attorney-General do? They said yes. I put my hand up again and was told, 'Here is another $50 000 to further support the Refugee and Immigration Legal Centre' — and the Attorney-General is attending in the chamber now — to provide that much needed legal support to the Timorese community'.

The Labor state government has provided a comprehensive safety net package, but what has the federal government done? The Premier has now written three times to the Prime Minister saying that these people should receive a humanitarian response from the federal government. There should be a special visa

category for this East Timorese community. A precedent has been established for this. We should not forget that the former Hawke government provided a special visa category for Chinese students who had fled the Tiananmen Square massacre. So there is an already established precedent for these East Timorese people whereby the federal government could today at the stroke of a pen make a reasonable humanitarian response that it would provide a special visa category for this community which has lived here — let us not forget — for up to a decade.

But no, firstly, the federal government does not have the decency to respond to the Premier's three letters; and secondly, what response do we get from the Minister for Multicultural Affairs, the Honourable Gary Hardgrave? They should be sent back! I quote from a news report:

> 'The Australian government and the Australian people have invested tens of millions and more to come in the nation of East Timor to build a country out of the debris that was left behind', he told reporters.
>
> 'And I think the people who are in East Timor want their countrymen to come back and be part of that process'.

At a recent forum the Consul-General for East Timor, who is based in Sydney, very clearly stated the position of the East Timorese government — there is no place for these people at this time. The country of East Timor has been devastated. The most basic infrastructure — roads, communications, electricity — is not in place, and to add insult to this response by the federal government, it is suffering a drought. East Timor does not have enough water or enough food. The East Timorese government cannot assist the people who are there at the moment, much less take back another 1600 families.

What was the response of the Leader of the Opposition? I would have hoped the state Leader of the Opposition might have taken a bipartisan and Victorian approach to this humanitarian crisis. What did he say? I will tell the house essentially what the Leader of the Opposition said: 'These are not easy decisions'. Absolutely they are not easy! He said that you have to take everything into account. The federal minister has now done that and made a decision — that is, that they go home. I thank the Leader of the Opposition very much for the tremendous sense of support he provides to the East Timorese community. One would have thought that for once we could have had a bipartisan approach to this, that we could have stood up as a Parliament and said, 'No, the Parliament of Victoria stands with members of the East Timorese community and supports them. They should have a special visa category here in Victoria'.

In the few moments I have left I want to quickly touch upon the role of local government and acknowledge the extraordinary support provided by local councils which host so many of the East Timorese community. In my own electorate, the mayor of Yarra City Council, Sue Corby, and her councillors provide fantastic leadership in supporting the campaign to assist this community. As well, the cities of Maribyrnong, Springvale, Dandenong and Moonee Valley have worked fantastically together on a strategy to assist the East Timorese community in both a political and a very practical way. I acknowledge today particularly the City of Yarra, and the mayor, Sue Corby, for the leadership they have shown.

At the end of the day, this comes down to a simple proposition: when things are wrong you can reach out as a community and provide a humanitarian response. What we are seeking is the most basic level of support for the Timorese community — the support of knowing where they can live in the future. They should be able to live here.

Bushfires: victims

Mr PLOWMAN (Benambra) — Before I join the grievance debate, Deputy Speaker, I also add my congratulations to those of others on your appointment to this post. I am quite sure, knowing your track record well, that you will provide not only the fairness this position requires but also the wisdom that is needed to keep this house in good order. I look forward to being party to that.

I grieve this morning for the victims of the recent fires — not only those who have been burnt out by and suffered from the fires but those who have suffered the trauma of being on a knife's edge for six weeks knowing full well that at any time in that period they could have been burnt out, lost their farms and had their families put at risk. I know full well, having been part of it for the first four of those six weeks of the fires, that this had an enormous impact on those families. Now very many of them are suffering a degree of trauma because of the feeling of complete let-down afterwards.

I particularly want to use this contribution to the debate to air my concerns, because I do not think the government is showing any real sign of responding to the real concerns of these people. They have suffered from the fires while continually fighting them for up to six weeks in a row. These people who helped put out the fires are now suffering from the post-traumatic

anxiety of believing that the fires will recur unless something is done by this government.

The main avenue available to the government to satisfy the real concerns of the fire victims is the establishment of an open, public and independent inquiry into all that occurred in the lead-up to the fires, during the fires and as a result of the fires. Unfortunately — in fact sadly — under the current government's proposal this will actually not occur. The inquiry that is being established will be neither open to public scrutiny nor properly independent. Suggesting that the office of the Emergency Services Commissioner is independent of government is like asking the Chief Commissioner of Police to be impartial when she is reporting to her minister or the government about the performance of her police force.

When I asked yesterday for the terms of reference of this inquiry it was made clear that no terms of reference are available. When I asked who the two people are who will be supporting the commissioner, again there was no answer from the Premier. Frankly that is just not good enough. It is now more than 10 weeks since these fires started. When I asked these questions in the first sitting week the response was, 'We will wait till the fires are over'. The fires are over. I asked the Premier again to give answers to these very vital questions.

It is extraordinary that this inquiry is going to be limited to written submissions. It will not be open to verbal submissions or to open public inquiry. The reason I have concerns about that is that in the main firefighters are not submission writers. The best submission writers are people who are constantly using a pen to put on paper what they think about things. These firefighters speak from the heart, and they need the opportunity to give that advice to the government and the community and to provide the best advice available as to what went wrong in these fires by way of saying what they have to say.

The questions that the victims of these fires are asking me need answers, and the questions are multiple. The first one is, 'Will the government be prepared to change its forest management practices?'. That mainly opens up the question about fuel reduction burning. Undoubtedly for those areas that are locked up in national parks and state forest we need to introduce a systematic program of fuel reduction burning which has a maximum cycle of 15 years.

A joint media release from the Department of Sustainability and Environment and the Country Fire Authority on 24 January stated that there are 7.7 million hectares of parks and forests and that 400 square kilometres of hazard reduction has been done over the past five years. If you add that to the fact that about 41 800 hectares is the average area of those forests that is burnt each year, you see that under that burning-cycle regime it would take 450 years for everything to be fuel-reduction burnt — 450 years! Clearly we need that fuel reduction burning over a maximum of 15 years, and those areas close to human habitation need to be on a maximum of 5 to 10 years.

In the 1960s and 1970s over 300 000 hectares were burnt annually in the Orbost area alone. That is indicative; probably about 10 times the amount that is currently burnt. To have a situation where it would take 450 years to get through fuel reduction burning at the rate we are going clearly indicates how inappropriate that is.

Recently there was a forum run by the Institute of Public Affairs at which Dr Phil Cheney from CSIRO Forestry and Forestry Products spoke about fire intensities running between 20 and 100 000 kilowatts per hectare. That is based on the amount of fuel load on the floor of the forest. That gives you an idea of the difference between an area of forest that has been fuel reduction burnt and area that has not. With an area that is fuel reduction burnt with about an eight-year rotation, it gets down to about 15 tonnes per hectare, and that can be handled by rake hoes, firefighters on foot and aerial support with water bombing.

When you get to fires like the one at Canberra you get to fire loads of about 50 000 kilowatts per hectare, which gives you an indication of the extent of the heat in that Canberra fire. That is the reason why that fire was so hard to control when it burnt into the outskirts of the city.

The other person who spoke at that meeting was Syd Shea, who is the professor of environmental management at the University of Notre Dame. He talked about those fuel loads and the fact that we are teaching our students in primary and secondary schools and, more importantly, in tertiary institutions that we can live with a system of forest management that generates this build up of fuel load.

He talked about the Aboriginals, who used fire to farm the country. The whole schedule of burning has gone from the geological fires of the past and the taming of the bush, which was the way the Aboriginals farmed with fires, to the situation now where we have feral fires. Until we recognise that and change our education system we will not get to a position where we can control fires in the bush, nor will we get to a stage

where we can properly manage those areas of bush and forest.

The second issue is that it is essential that the government live up to its promise after the Glenorchy fires of providing assistance for the rebuilding of boundary fences. People in those areas that were burnt out or who had fences deliberately destroyed by back-burning or building containment lines desperately need that assistance to rebuild their boundary fences.

The next issue is whether the government will restore the containment lines built on private land. It has done a lot to restore the containment lines on Crown land — and legitimately so. There were containment lines which were very wide, and areas of private land were bulldozed to contain fires that were burning on public land. It should be the responsibility of government to atone for that.

Will the government provide appropriate assistance to farmers who have lost their water supplies as a result of those efforts to contain those fires on public land or put out those fires as they burnt from public land to private land? Again, this is a very important issue to farmers, particularly in the Gippsland area. It is important also that the government review its policy that cattle grazing in the alpine and forest areas in the eastern parts of the state be removed. Again, the evidence from these fires unmistakeably shows that where there has been grazing the fires have been restricted in ferocity and in very many cases have been contained by the grazing in the alpine areas.

It is most important that the government also rethink its policy on removing the hardwood logging industry from the forest areas of this state. We have the best resource in those people who have been trained in forestry management and, as a consequence, in fire management. Three people in my area made an extraordinary contribution to the management of those fires: Ernie Cole, David Skase and Jeff Ross, the first two in the Razorback track fires, and Jeff Ross principally in the Pinibar fires. These three men are examples of people trained in forestry throughout the state who committed an enormous amount to containing the fires to something that was manageable and properly managed in the areas they were in.

The loss of logging contractors through those areas is also an enormous loss of those people properly trained in forest management. When we lose those logging contractors, we also lose the heavy machinery that they have at their disposal, which was used throughout all those fires in north-eastern Victoria.

The third loss is of the logging tracks, which give access for firefighting. The last question that needs to be asked of the government is: will it review the recommendations following the 1939 fires and the Ash Wednesday fires? The review from the Ash Wednesday fires clearly states:

> Fuel reduction through controlled burning is the only effective means of significantly reducing forest fires … Whilst conservation aspects must be respected, they should not be allowed to override reasonable safety measures achievable by fuel reduction.

It also states:

> Local government legislation should be amended so that conservation interests cannot overbear sensible fire prevention and protection measures.

These recommendations from this report on the Ash Wednesday fires have not been supported in the last 20 years. It is important that this government looks closely at that report, and that it does respond to all those questions that are asked of it.

Finally I offer my gratitude to all the Victorians — and there are probably about 10 000 of them in total — who contributed to fighting these fires in every way. It was a wonderful effort, and I am deeply grateful on behalf of all Victorians, particularly those Victorians in my area who were affected. I conclude by expressing my condolences to the family of Cheryl Barbara Frankhausen, who tragically lost her life as a result of these fires.

Iraq: conflict

Mr LANGUILLER (Derrimut) — Today I rise to grieve the eventual fact that Australia will be at war in the next few hours or days. I also grieve because bipartisanship in terms of how we run this country and its foreign policy, which has lasted in Australia certainly over the last 25 years, has collapsed. It is unfortunate that we have no agreement at a federal level on the management of this conflict.

I also grieve because there is also unfortunately an increasing degree of frustration with, and indeed a level of collapse in, the way the United Nations (UN) has worked and is working. Indeed, the countries that form the coalition of the willing are increasingly positioning themselves as an alternative forum and body for the purpose of running international relations in the world.

In addition, one fundamentally has to grieve because troops of our own young men and women are out there under the command of Prime Minister John Howard, and they are on instructions in relation to engagement

in the war with Iraq. Inevitably, as happens in wars, we are likely to lose lives. Our strong good wishes and good desires, including the desire that they come home soon and safely, go to them. We have an enormous amount of respect, not only on this side but on both sides of this chamber, for our men and women who are doing their job and discharging their duties as members of the Australian armed forces.

May I qualify my remarks by putting on the record what is obvious — that is, I am not an expert in this matter. Indeed I do not claim to have all the knowledge that I should have in relation to this conflict. But I can tell you one thing, Deputy Speaker: I have received numerous deputations and representations in my electorate by many members of the community indicating that they are against the war because they do not know why we are at war.

In a democracy like ours in Australia the question of why we are at war is fundamental. It is fundamental not just to the Prime Minister — not only he should know why we are at war — but to every Australian citizen. Every member of the community is entitled to know, if we are to be engaged in war, why that is the case. The plain and simple answer is that there is not a single answer. The Prime Minister has failed to pass the test of explaining why we should be at war.

Australia has maintained the centrality of its alliance with the United States. Australia has maintained the centrality of its adherence to the United Nations collective security system. Australia has maintained the centrality of its strategic engagement of its region. These have been the fundamental pillars and premises upon which governments of both persuasions — certainly the Australian Labor Party over the last 25 years — have developed and conducted foreign affairs.

It is strategic — and may I qualify that and say unashamedly so — that Australia maintain a relationship with the United States of America. Certainly the ANZUS treaty should be upheld. In addition to and concurrent with that is a very strong commitment by the Australian Labor Party to the United Nations and the way in which the UN functions. We in the ranks of the Australian Labor Party are strongly committed. May I separate 'us' from 'them' because bipartisanship in relation to this matter no longer exists. We have been committed to the United Nations and the way it works. We are committed collectively and fundamentally to collective security. Primarily we are committed, certainly in the initial stages and as far as possible, to a policy of containment before we move on to a policy of intervention.

There is a problem because our commitment to the United States should not be exclusive of our commitment to the United Nations. Wrong and imperfect as the United Nations may be, it is much better than any system or any system that preceded it. I think in that light we must continue to be committed to the United Nations. We must also be committed to the United Nations because we are a small nation. If there is anything to be gained by collective security at the UN level, if anyone is to gain anything by it, it is small nations, because the UN is a group of fundamentally small nations.

At the third pillar of Australia's foreign affairs relations and policies and the way in which we think this country should conduct itself as a member of the international community, there is a commitment to the region. We are part of Asia and the Asia–Pacific. We must be, and certainly claim that we will be, entitled to maintain a healthy and constructive relationship with the region, and indeed with our neighbours.

The three pillars on which our nation should have continued to work — that is, the relationship with the United States, the strong commitment to the United Nations and the strong commitment to our neighbours — have been let down by the Prime Minister of Australia, Mr Howard. Why? Because the Prime Minister has gone unilaterally with the United States, ignoring the views and sentiments of our neighbours and ignoring the propositions that have been advanced by the United Nations.

We have not been able to secure agreement among the five members of the security council, and we have not been able to secure or strike an arrangement or consensus at the general assembly. We have not been able to do that because there are members of the international community and members of the United Nations who believe that this conflict can be resolved in a different way.

Let me put it plainly on the record what is not in dispute in this chamber — Saddam Hussein is a dictator. He, himself, has tortured and been responsible for the disappearance of thousands of people. He, himself, has used weapons of various types on his own people. No-one claims that Saddam Hussein is not responsible for the lives of thousands of people from both his own country and neighbouring countries. But that is not the point. The point is: how are we going to resolve this issue? It appears that through unilateral action by the United States, Howard and Blair it will be resolved by military might.

I put it to you, Deputy Speaker, that had we had a strong commitment by the United Nations to and consensus around the proposition of surrounding Saddam Hussein — his borders and his system — there was a much better opportunity of resolving this crisis by way of international pressure and diplomacy instead of by way of military intervention.

Let us understand what the Prime Minister is saying. Fundamentally he is advancing four arguments: first, we must unilaterally attack Iraq to prevent another terrorist attack as in Bali; second, we must unilaterally attack Iraq to prevent Iraq giving weapons of mass destruction to terrorists; third, we must unilaterally attack Iraq to prevent other rogue states giving weapons of mass destruction to terrorists; and fourth, the great humanitarian afterthought, we must unilaterally attack Iraq because of our federal government's unique, deep and longstanding concerns over the human rights of Iraq.

I am referring to the debate that was and is currently being conducted in federal Parliament. Time will not allow me to cover the responses that have been submitted by the Shadow Minister for Foreign Affairs, Kevin Rudd, and the federal Leader of the Opposition, Simon Crean. In their response they say that the Prime Minister has failed the test. On this side of the political spectrum in Australia, we do not believe that a case has been made against Saddam Hussein.

The Central Intelligence Agency (CIA), through its director, George Tenet, said in a letter to the Foreign Intelligence Committee of the United States Senate on 9 October 2002 that at present the likelihood of Iraq providing weapons of mass destruction to terrorist organisations was remote and that the likelihood of Iraq engaging its weapons of mass destruction itself was remote.

When asked further what were the circumstances under which it would be more likely or even probable that Iraqi weapons of mass destruction would be provided to terrorist organisations or be used by Iraq itself, George Tenet said that in the circumstances of a USA-led attack on Iraq Saddam Hussein may be tempted in an end game situation, which may be very near indeed, to use his weapons of mass destruction in a single, last defiant act.

This is the view of the director of the CIA, George Tenet. Honourable members on this side of the house grieve because we are on the verge of war. I put on the record the fact that a group of parliamentarians, including the honourable members for Melton, Coburg and myself and others — there are many on this side of the chamber — have launched Parliamentarians for Peace and have called upon members on all sides of politics to adhere to its statement, which says:

> Parliamentarians for Peace unequivocally condemn the terrorist outrages of the 2002 Bali bombing and the 11 September 2001 attack. They were violations of human rights and attacks on innocent people of many races.
>
> Parliamentarians for Peace do not support Saddam Hussein or his regime or their abuses of human rights, especially of the Kurdish peoples, but these abuses need to be resolved under the rule of international law.
>
> Parliamentarians for Peace call on the Australian government to pursue non-military solutions to disarm Iraq of weapons of mass destruction, including diplomatic and political means and the continued use of weapons inspectors.
>
> Parliamentarians for Peace believe that military action against Iraq will neither eradicate the threat of terrorism nor create a stable international framework in which the rule of law will be observed. On the contrary, an attack on Iraq will increase the danger of terrorist retaliation against Australians and the nationals of other countries involved in an attack on Iraq.
>
> Parliamentarians for Peace reaffirm a tolerant and multicultural Australia, and we oppose racist scapegoating of any community.
>
> Parliamentarians for Peace are totally opposed to any pre-emptive military attack on Iraq.

I oppose war because I have known war. Tragically I have lived in a country under a dictatorship where 1 in 50 of the population were incarcerated. I have spent sometime in El Salvador as a member of a peace-keeping group, and I have also spent sometime in Nicaragua. Having known war, I oppose it. I strongly believe that the United Nations should be the body through which the terms of reference and the framework of this conflict should be resolved. I believe we should give the arguments and the efforts of the United Nations a go. I believe this war is unwarranted, and it is one that will not strengthen the United Nations. As wrong and imperfect as it might be, I strongly believe we should continue to work with the United Nations.

I also strongly believe that we have to go back to the fundamental foreign relations pillars of both parties — a strong commitment to the United States alliance, a strong commitment to the United Nations and a strong commitment to our neighbours. I believe our policies should fundamentally aim at striking a balance between those three pillars of our commitments. One should not be done at the expense of the others. We should continue to work to pursue peace, and hopefully the issue will be resolved satisfactorily.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — Acting Speaker, congratulations on your appointment.

I grieve for the people of Victoria regarding law and order, and in particular the way the Minister for Police and Emergency Services has handled his portfolio. We need a minister who will lead the government to address the law-and-order needs of the Victorian community. Over the three years since the Labor Party has been in government violent crime or crimes against the person are up by 16.8 per cent — and in the last financial year they went up by 6.2 per cent. Regardless of the number of promises or the amount of money the government has put into law and order, it is failing in this area.

I want to grieve today about the Ombudsman's report into the statement by the Minister for Police and Emergency Services about the Liberal candidate for Yan Yean, Matthew Guy. It makes interesting reading, and it is important that we go through the report to get to the bottom of the case.

On 15 October the minister sought, through an adviser, information from the police about the Matthew Guy incident. The information was supplied the next day, 16 October. On 17 October the minister came into Parliament and in a disgraceful display, possibly the worst display we have ever seen from a minister of the Crown, unloaded on an ordinary citizen under parliamentary privilege. The first thing you would ask is whether, if he were really committed to what he believed in, he would have made that statement on the steps of Parliament. But no, he acted in a way that only a coward would act: he used parliamentary privilege instead.

In that speech he accused the Liberal candidate for Yan Yean of deceit, saying, and I quote:

> This individual is responsible for a deceit against the electorate. He has lied to the media, he has lied to the electorate …
>
> I think somebody who is a liar and a thief is unfit for public office.

The minister said that under parliamentary privilege. How embarrassing it was that on Tuesday, 29 October, 10 days later, the minister apologised in Parliament to Matthew Guy, saying:

> I accept Mr Guy's public assurances that he was not charged in relation to this incident and that the belief on which my remarks were based was false. I apologise to Mr Guy.

How embarrassing it is for a minister of the Crown to have to back down on what was a cowardly act.

I refer to some of the details of the Ombudsman's report. The police officer who handed over the information was Inspector Bill McKendry. My office has had many dealings with Inspector McKendry. He is a very dedicated, loyal and accurate police officer, who after the incident was promoted by the minister to a high position. We do not have a problem with that: if it was based on merit we strongly support it. In a briefing note of 18 October that Bill McKendry wrote to Christine Nixon about this incident he described how he received a telephone call from Deborah Owen, the minister's adviser, requesting information about the Matthew Guy incident. He then went into how the information was obtained. The crux of the problem in the Ombudsman's report appears as point 3, which states:

> I was assured that the information was necessary for the minister to discharge his ministerial duties and would be treated in confidence.

I repeat 'would be treated in confidence'. The police handed over specific documents about this incident to the Minister for Police and Emergency Services on the understanding that they would be treated in confidence. In effect there was an agreement between the minister and the police, and he broke that agreement. He broke it because he did not treat the information in confidence. The issue is that he brought this information into Parliament and under parliamentary privilege unloaded on an ordinary citizen. So the terms of the conditions under which he was given that information were broken at that point.

Every Labor backbencher would be asking who is next. Which piece of information will the minister obtain from the police to use in this place and unload on a group or an ordinary citizen he does not like. What safeguards are in place? If the minister does this again, how can we in the general community feel safe and secure about information the police obtain about citizens? The Premier did not sack the minister as a result of this awful breach whereby he lied to the police force. If the Premier does not have the conviction or the backbone to sack him for this, what safeguards are in place to ensure that this does not happen again?

When the minister was interviewed by the Ombudsman he made it clear that when information was passed to him — the minister — by police on a confidential basis he would respect that confidentiality. He has told the Ombudsman that if something is given to him in confidence he will respect the confidentiality, but when information was given to him he brought it into this

place and that confidentiality was broken. So we have a serious problem. In an interview with the minister's adviser, the adviser told the Ombudsman that confidentiality was a given. I quote from the report:

> However, she said, confidentiality was 'a given' when police provided information for the minister at her request. She explained that the 'given' with confidentiality of information passed by police to her was simply that the information passed to her at the request of the minister would not be disclosed by her to anyone other than directly to the minister.

So it is clear that the adviser and the minister both believed that the information should be treated in the strictest of confidence. But the minister did not do that. He broke that confidence.

I refer to the interview of Inspector Bill McKendry outlined in the report. His understanding was that the confidentiality attached to the information meant it would be provided to no-one other than the minister and that the minister would keep the information confidential. The police force is telling the minister that the information should have been treated confidentially. The minister does not understand that, or if he does understand it, I repeat, he has lied to the police.

There is also some confusion about the information that was given to the minister. The adviser, Debra Owen, said on the one hand that the minister was not told that his name was not included in the report and on the other hand that the minister misunderstood what information was given to him. When you look at it carefully it appears that Debra Owen and Bill McKendry gave the right information to the minister but the minister misunderstood it. Debra Owen said that the minister was confused about the information she gave to him! It is an interesting situation.

What makes it even worse is that the minister asked for an apology. On 3 March after the Ombudsman's report was released he said that the Leader of the Opposition must apologise to him. One paragraph in his press release is interesting. It states, 'Mr Perry has made no adverse finding in relation to me'. I am not sure whether he has actually read the report, because in his report the Ombudsman said:

> As I emphasised at the outset, how the minister eventually used the information and the manner and context in which the minister conveyed that information is not an issue for me. I have no jurisdiction over the actions of the minister. Any issue of this nature is an issue for Parliament.

So how can the minister make a claim in one of his press releases that there was no adverse finding in relation to him? Because the Ombudsman does not have the power to investigate the actions of the minister, of course there was no adverse finding. The claim he is making is ludicrous. It is clear from this report that the minister received the information. It sets out that Bill McKendry gave the information to Debra Owen, but it is what the minister did with that information that is the issue — that is, he broke a confidentiality agreement with the police by using that information in this place.

Given that the Ombudsman has said very clearly that he does not have the power to do anything, I ask why the Premier has not taken any action against the minister? He has lied to his own police force about the treatment of that information. He said, 'Give me the information and I will treat it in confidence', but the day after he gets the information he comes into the house and breaks that confidentiality in an embarrassing way because he gets it all completely wrong and then has to come in on 29 October 2002 and apologise to Matthew Guy.

There are a few issues that we on the opposition side would like to know about. Firstly, what disciplinary action will the Premier be taking against the Minister for Police and Emergency Services? Secondly, what action will the Premier and the police minister be taking to ensure that this does not happen again, because, as I said, if the minister does not like a particular individual or group there is nothing that would stop the minister from getting confidential police information and bringing it in here and using it to unload on ordinary citizens?

While all that is going on, we have the situation of the police force not working in a way that the general community would like it to work. That is a fair comment. That is why we are calling on the minister to step up and become a leader in law and order.

In their annual report the police set their own targets. I suppose the police consult with the Minister for Police and Emergency Services about what should be achieved. It was said that a target would be set down for 2.5 million hours, but they only came up with 2.46 million hours, so there is a shortage.

Mr Nardella — That is shocking!

Mr WELLS — For once I agree with the honourable member for Melton, it is shocking. He is dead right! The report goes on to say that the police, in consultation with the minister, set a target of 1.44 million hours of investigations of crimes against the person, but they only came up with 928 000 hours, which means they were 500 000 hours short. The reason is that they had a target of only 850 000 hours with regard to road traffic law enforcement, but they came out with a total of 1.1 million hours, which means

they were 250 000 hours over their own target. If you set a target you should aim to reach it. If there was ever a case of blatant revenue raising, the annual report confirms that the government is taking police out of crime-fighting activities and putting them into road traffic safety enforcement. Some $334 million has been raised in revenue this year. There has been a massive increase.

Honourable members interjecting.

Mr WELLS — Through interjection government members are asking, 'Where is your proof?' Let us look at the police report. It shows that the government has taken police out of law enforcement and fighting crime and put them on the road for revenue raising. The figures have been confirmed. If anyone on the Labor side of the house can dispute these figures, for goodness sake they should stand up against their Minister for Police and Emergency Services and tell him he is wrong. Tell him to stop the unfair pressure he is putting on the police force to raise revenue. That is what we need — members of the government backbench standing up to the minister and making sure we get our police force working for the community.

Keilor: market gardens

Mr SEITZ (Keilor) — I rise to grieve on several issues concerning my electorate and my constituents. The first is the problems the Keilor market gardens are facing, which I raised yesterday in my 90-second statement. The Keilor market gardens have been part of my life since my youth. As a youngster I used to swim at the Arundell swimming hole. All the young ones used to go there, and I note that the honourable member for Gisborne is indicating that she was part of the swimming group. However, we cannot do that now because of the blue-green algae, so it is dangerous to go swimming in the Maribyrnong River. It is important that members of the public know about the danger, because people use Brimbank Park and the surrounding area, particularly in the warm weather. They also use the river, and they must be warned against it. As I said, the swimming hole was our favourite spot in the area.

There was another swimming hole at the end of Stenson Road on the Maribyrnong River — on the other side of the Calder Freeway — again where there were market gardens. I had quite a lot of input on that, along with a former Liberal Minister for Local Government, Alan Hunt, and the Board of Works. We persuaded the minister to buy up the farms and market gardens that were no longer viable and turn them into parkland. I am sure many honourable members and members of the public are familiar with Brimbank Park, which has been replanted with native vegetation and has developed quite well over the past 30 years. The younger generation today would not recall that that was all market garden, because it has been returned to its original state and turned into a beautiful park for the people of Melbourne to use — and it is extensively used.

In the late 1970s Alan Hunt shifted portfolios, and the buying back of all those properties ceased. That was very important, because prior to that many people had no respect for the river flats, apart from the market gardeners who had licences for quarrying river loam, which degraded the environment. As the Hamer government became more conscious of the environment and policies changed, the issuing of licences was stopped for some areas along the river bed. However, market gardens on the other side of the Keilor bypass were bisected, and the farms were made smaller and less viable.

For the last 20 years the market gardeners have said, 'Please, buy us out. Give us an alternative lifestyle and let us do something with the land, because it is not viable for market gardens'. The drought is ruining those areas, and families are no longer able to survive. The younger generation is walking off the land and saying, 'We are not staying here to struggle to earn a living'. The land cannot sustain a family. There are nostalgic and historic factors associated with the region, and people say that it is beautiful to drive out to see the market gardens. However, they need to realise that economically they are not viable.

I urge the minister to meet with the market gardeners and have a look at the area to see what can be done, particularly in view of the Melbourne 2030 statement on planning, including the preservation of the green wedge area in my electorate. There are a number of landholders who were not aware of the options they had at the time the consultation took place. They were not aware that they were able to have input and a say in the parameters, and that includes landholders in the Shire of Melton who are now part of my electorate. They fail to see why some of those areas were not taken into consideration for proper main-road boundaries or extended for further community development.

The area is 20 minutes away from Melbourne and contains prime land for housing developments. There is a shortage of housing, and rather than restricting growth in that area, given that land prices have skyrocketed from $90 000 last year to $140 000 to $160 000 today, it is evident that we need to extend the boundary for housing redevelopment much further out towards Melton shire, perhaps up to Plumpton Road. There is

also industrial land in that area. The concern for me and my constituents is the planning issues that need to be addressed in view of the economic situation facing these families, who are locked into those nostalgic dreams of market gardens that are not viable and cannot survive. The market gardens do not have a permanent water supply. It is an ongoing battle every time there is drought, because there is no water that they can access from the Maribyrnong River. The use of reticulated water for the market gardens is prohibitive, cost wise.

Market gardens are not suitable in that region. When I had my office down there, which is now occupied by the Honourable Justin Madden, the Minister for Sport and Recreation in the other place, the market gardeners always had to watch which way the wind was blowing before they could spray for weeds, because the spray would blow over the fences onto people's washing and into their kitchens, and as a result women would come up and complain to me.

Honourable members would know that when fertilisers are sprayed they leave a smell and fumes in the air. Keilor Village is in the Maribyrnong valley, where the air stays still. Although the wind may be blowing at the top of the hill, down in the valley it can be quite stagnant and stay around for 4 to 6 hours. People have complained to me that they cannot open their windows or go outside.

The drought has brought the added problem of blue-green algae in the Maribyrnong River. Obviously the river has been overused by the market gardeners pumping water from it. That has reduced the water level and naturally the water temperature has increased, which has allowed the algae to grow to the extent where it is dangerous to our community. I am making sure the local media is aware of the problem and I hope signs will be put up along the river so that people do not use the river water for drinking or get it in their eyes or on their bodies, because a number of people go fishing there and are used to having access to that area.

Keilor–Melton Road, Melton: safety

Another issue I raise is the Keilor–Melton Highway connection, particularly at Calder Park Drive and Kings Road. Thanks to the Bracks government the Keilor–Melton Highway has been built. However, I believe the engineers who designed that section of the road did not allow for the expanding community, the building of new estates, particularly Banchory Grove and Hillside. Traffic lights should have been installed so that the people who live in those areas can get into and out of the estates safely. The duplication of the highway has increased the speed limit and therefore made the areas far more dangerous.

The bureaucracy always seems to get it wrong when it comes to the Keilor–Melton growth corridor. In the past I have advocated development and fast growth for the area; however, the need for kindergartens, schools, fire stations, ambulances, et cetera, has been underestimated. It is thanks to the Bracks government that we are catching up on those matters. We have built primary schools and a new Country Fire Authority station in Hillside, and we are starting to build another new school in the area, which is tremendous.

However, as I said, the oversight of not providing traffic lights on the construction road should not have occurred, particularly on the Calder Park section of the road, which needs to be looked at. We need safe access, an overpass, underpass or cloverleaf section, whether it be at Kings Road or Calder Park Drive, to connect with the Calder Highway. People coming from or going to Sunbury need a safe access onto and off the Calder Highway, particularly on weekends when the Calder Highway is one long traffic jam, with people trying to get across into the Keilor electorate off that highway. There is no safe on-off ramp in that area.

Cheson Printing and Publishing: how-to-vote cards

Last, but not least, I have been asked by my constituents to raise another concern about a local business, Cheson Printing and Publishing. That company was very ambitious in taking on the contract to do the printing for all the different candidates for the last council election. However, it did not fulfil its obligations. Come election day, candidates from all camps did not have their how-to-vote cards printed, even though they had paid a deposit and advance down payments about three weeks before.

Members of the community are very concerned because even though there were differences of opinion and views and different candidates, they were all supporting the local business. I have used that business for numerous years. Honourable members will know that my Christmas cards and calendars have always been printed by Cheson printing, and I have had other things done through this company. With my endorsement and recommendation everyone thought it must have been a good business, so they went ahead and supported the business. They were let down badly and all came and complained and raised the issue with me personally. I said that in the past I had a good working relationship with them. I know a number of

honourable members are using Cheson printing as well because of my recommendation.

This is a very unfortunate occurrence, and I hope Cheson printing has learnt its lesson and will act more professionally in the future. Its failure caused some very stressful moments for the candidates and a lot of other people, regardless of which camp they came from. I will not take the issue any further. I have raised the matter because people have asked me to take it up with the Minister for Consumer Affairs and the Minister for Small Business. They want to know if they will get their deposits back. I have put the matter on the public record so that my constituents will be aware that I have raised the issue, as they have asked me to bring up this matter in this chamber.

As honourable members know, the community often does not understand that usually honourable members can take part in debate only on bills in the Parliament and that it is only during the budget speech debate, inaugural speeches and the address-in-reply debate when there is a free debate. I will not have the opportunity to take part in the address-in-reply debate this time around because I am a returning member. My constituents will read about it in the paper and they urge me on by saying that I should be able to bring up their concerns in the Parliament.

I conclude by congratulating you, Acting Speaker, on being elected to this chamber after some time as a member of the upper house. As an Acting Speaker with me, I hope we will have a very successful time in making decisions and rulings during this term of the Bracks government.

Question agreed to.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The purpose of this bill is to provide for better and more certain compensation and civil liability immunity protection for volunteer Country Fire Authority firefighters, and to further improve community safety in times of high fire danger through a number of amendments to the Country Fire Authority Act 1958.

Volunteer protection

The Country Fire Authority Act 1958 has in the past provided limited civil liability immunity protection for volunteers who, through actions authorised under the act, happen to cause damage or injury to a third person. This protection has always been limited to those volunteers who have not acted negligently or in wilful default.

The government is concerned that this protection may not be adequate for protecting Country Fire Authority volunteers in certain limited situations, and hence discourage the outstanding involvement of community members in this fine organisation. In order to encourage continued community involvement in the Country Fire Authority and volunteerism in general the act will be amended to provide stronger civil liability protection for volunteer firefighters and other members of the Country Fire Authority.

The act's legal protection provisions will be changed to now only require the volunteer to carry out his or her duties in good faith for the civil liability protection to apply. This change will ensure a volunteer will no longer be disqualified from legal protection for a minor negligent act or omission, if this occurs in the conduct of their Country Fire Authority duties. The government believes this improved civil immunity protection is required in an environment that is perceived as being increasingly litigious. This change will greatly improve the current situation where a volunteer firefighter would, for example, only have to forget to close a gate while travelling to a fire for the current legal protection to fail. The current act could leave the volunteer firefighter personally liable to claims from others for any damage (i.e. the loss of livestock) that may result from leaving a gate open.

This amendment will protect volunteer firefighters from claims for civil damages so long as they have acted in good faith in the course of their duties, so even when a volunteer has failed to perform an act (i.e. closing a gate) from which foreseeable damage could emanate they will still be protected under the new provision.

The act will be amended to ensure that all volunteers will be afforded the same civil liability protection. This will include those who perform administrative functions, interstate firefighters assisting CFA members in Victoria, paid firefighters and anyone else acting under an authorisation given under the act (for example, forest officers, persons employed under the Parks Victoria Act 1998 and persons employed by the Department of Sustainability and Environment under

the Public Sector Management and Employment Act 1998).

The immunity provision does not prevent people who may have suffered damage or loss from obtaining compensation for damage suffered as a result of activities performed by volunteers on behalf of the Country Fire Authority. The provision merely transfers the liability for such damage to the authority, rather than allowing the individual volunteer to be held personally liable.

Compensation for volunteers

The provision of compensation for volunteers and their families has always been an essential element of volunteer firefighter protection. The government provides volunteers and other Country Fire Authority members with appropriate compensation in the event of death, personal injury and the loss of personal property. The Country Fire Authority Act 1958 will be amended to expand the eligibility of family members, dependents, spouses and domestic partners to receive compensation in the unfortunate event of an incident causing the death of a volunteer whilst on duty.

This change supports the government's commitment to reducing inequalities and building cohesive communities by providing compensation to those persons most affected by the death of a volunteer — not just dependents. The amended compensation provision will provide a regulation-making power which will enable an expansion of the existing Country Fire Authority compensation scheme to provide compensation for family members, domestic partners and spouses as well as dependents.

An important element of promoting and encouraging volunteerism is to ensure that any expenses or loss incurred by individual volunteers whilst undertaking volunteer duties or other activities associated with volunteer community service are met by the volunteer organisation. The benefits to the community in having a fully supported complement of volunteer firefighters working in country and urban Victoria far outweigh the small cost of providing appropriate compensation for expenses or loss incurred by volunteers in providing this community service.

The act will be amended to increase the maximum amount of compensation payable to volunteers for loss of wearing apparel, personal vehicles or equipment from $600 to an amount determined by the authority (the authority have indicated that the amount will be increased to $1000 in the first instance). The Country Fire Authority will also be able to provide a greater amount if there are extenuating circumstances. This will allow the authority to compensate volunteers who suffer damage or loss in excess of the determined amount where they have, for example, had their own personal protective equipment destroyed while engaged in the suppression of a fire or a road rescue authorised under the act.

Charitable organisations

Our community is fortunate to have charitable organisations that provide support to those members of the community who are experiencing difficulty or are for whatever reason unable to provide for themselves and their families. In order to provide this support charitable organisations often conduct fundraising activities that involve the preparation and sale of food to the public. Many charitable organisations are dependent on the funds raised through these activities to provide daily support to the community.

The act will be amended to ensure that community charity organisations are able to continue with their fundraising work involving the preparation and sale of food even if there is a total fire ban in place. The government has been alerted to an anomaly in the Country Fire Authority Act 1958 which does not allow such organisations to apply for exemption permits to allow cooking of food outdoors on total fire ban days. The act will be amended to ensure that charitable organisations are able to apply for exemption permits under the total fire ban provisions of the act.

It should be noted that the ability for charities to apply for an exemption does not mean that they will automatically be granted an exemption permit. Applications will be assessed by the authority to ensure that there are appropriate safeguards in place to reduce the risk of fire. The exemption permits, if granted, may also contain a number of conditions which the charitable organisation will have to comply with in order to conduct their food-selling activities on a total fire ban day. This amendment will give charitable organisations in our community the same status as private businesses that carry out similar activities on total fire ban days.

Special recognition award

The government has had many inquiries from individuals and community groups regarding recognition of outstanding community work carried out by individual Country Fire Authority brigades. This work has had a very positive impact on families, individuals and the community in general and has largely gone unrecognised. In order to acknowledge

and recognise the value of the contributions that Country Fire Authority brigades make to the community and individuals within it the act will be amended to provide the authority with the power to present a statutory special recognition award to deserving brigades.

The Country Fire Authority will have complete discretion to make a special recognition award. In making the award the authority will be able to seek nominations or receive nominations at any time from members of the public. Individuals will be provided with a statutory right to nominate brigades for the award at any time.

Prohibition of high fire risk activities

The Country Fire Authority Act 1958 already provides for the restricted use of some appliances in the country during a fire danger period. There are a number of other activities which may be classified as high fire risk activities because of their nature or the manner in which they are carried out. These activities may include:

the use of agricultural or industrial equipment;

the welding, cutting or grinding of metals;

the use of gas flame-off equipment;

hot-air ballooning; or

the use of fireworks.

The act will be amended to allow for the making of regulations to prescribe activities that will be considered high fire risk activities for the purposes of the act. The regulations may prohibit the carrying out of a prescribed high fire risk activity, place conditions on the carrying out of a high fire risk activity or require a person carrying out a high fire risk activity to obtain a permit. Regulations made under this provision would only apply in a declared fire danger period. This provision will ensure that the Country Fire Authority has the powers and tools necessary to more comprehensively protect the community for fire risks during fire danger periods.

Regulations prescribing high fire risk activities will be developed and subject to the public regulatory impact statement (RIS) process before they are made by the Governor in Council.

Miscellaneous

There are in addition a small number of minor amendments of a technical nature which will assist in the management of the Country Fire Authority and assist it to carry out its duties and obligations under the Act.

Further reforms

The degree to which the whole community depends on our firefighters has been highlighted again by the recent devastating bushfires that have raged across our state. Our firefighters have done a magnificent job in the most demanding fire season of recent times.

This government's policy is to give every possible support to the brave men and women in our community who participate as volunteers in the state's fire and emergency services. The legal immunity provisions and improved compensation provisions in this bill will give greater certainty to our volunteers so that they can perform their critical tasks effectively.

The improvements contained in this bill are part of a broader strategic reform of volunteer emergency services. The government will introduce additional reforms later this year to further improve the legal protections afforded to emergency service volunteers. New legislation will be prepared to protect emergency service volunteers from employment discrimination. This initiative reflects the government's November 2002 emergency services policy, and is in line with the outcomes of the September 2002 national meeting of emergency service ministers. The new legislation will be developed in consultation with key stakeholders.

This bill, the first phase of this strategic reform process, demonstrates this government's commitment to ensuring our fire fighters have the tools necessary to continue to perform their vital role in our community.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 2 April.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Second reading

Debate resumed from 27 February; motion of Mr BRACKS (Premier).

Government amendments circulated by Ms KOSKY (Minister for Education and Training) pursuant to sessional orders.

National Party amendments circulated by Mr RYAN (Leader of the National Party) pursuant to sessional orders.

Mr PERTON (Doncaster) — Over three decades the Victorian Parliament has had a fine practice of conducting all-party inquiries into substantial and sometimes extremely controversial issues. The new members of Parliament will find the opportunity to participate in the all-party committees a remarkably satisfying part of their parliamentary lives. It is one of the few places where parliamentarians can set aside their partisan differences and the combative nature of this chamber and get down to the work of actually finding common cause between Labor, Liberal, National and Independent in sometimes quite controversial circumstances.

The level of trust and the relationships that have been built in these committees I still find quite remarkable, such as the work I did with the Minister for the Arts and the Minister for Planning, the tough work we did with the Deputy Premier on new models of regulation making — in fact so controversial that it has not yet been implemented in legislation — and the work that looked at new models of law and government administration in which Labor and Liberal and National members were able to find common cause and work well together.

The strong working of the Victorian parliamentary committee system can be traced back to the 1970s and the changes the Hamer government brought in to reform the all-party committee system. Up to that time there had been a number of committees: some had performed very well; others, to use the phrase my friend the honourable member for Mildura used on television yesterday, were 'more like cushion warmers'. I remember a former Labor member of the other place, Mr Landeryou, once describing his work as being the most expensive editing job in the history of the state. But some of the committee work has been quite fantastic.

I recall the amendments to the Equal Opportunity Act in the early 1990s that introduced, for instance, equal opportunity rights for same-sex couples and the like. They were very important pieces of work that the three parties were able to achieve together.

It is not just me who attributes that change to the Hamer government. In a speech in the early 1990s a former Labor member, the Honourable Tom Roper, paid tribute to the Hamer Liberal government, saying:

> It was the initiative of the former Liberal government in setting up the Public Bodies Review Committee that produced perceived change in Parliament's attitude to committees. Parliament gave the committee an important task and provided it with the resources to carry it out. I recall from my time as Minister of Health that the committee was able to work effectively with Parliament when dealing with difficult issues.

The working model of committees in the Victorian Parliament that was established by the Hamer and Thompson governments was built on by the Cain government. One of the most important features of the committee structure during the 1970s and 1980s was the allocation of committee chairs to both sides of the house. Again I quote my friend the Honourable Tom Roper, who in a debate in this house in the early 1980s said in reference to the committees:

> Two of the five committees had chairpersons from parties other than the government party. That was something that had happened under the previous Liberal government. From time to time members of other parties chaired committees. I maintain that such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.

Let me emphasise those words:

> … such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.

This bill that we are debating today, the Parliamentary Committees (Amendment) Bill, extends the number of all-party committees to 11 by creating 3 new committees — the Rural and Regional Services and Development Committee, the Outer Suburban/Interface Services and Development Committee and the Education and Training Committee. I think my friend Tom Roper, my friend Ken Coghill and a whole range of Labor members from the 1980s and early 1990s would shake their heads with incredulity to see that of the 11 chairs of these parliamentary committees not one is being allocated to this side of the house. Not one is going to the Liberal Party, not one to the National Party and not one to the Independents.

Why should we not give the responsibility for committees to three Liberals, three Nationals and three Labor — and why should we not give that responsibility to the Independent member for Gippsland East?

Honourable members interjecting.

Mr PERTON — I am hearing shouting from the Minister for Education and Training, who is at the table, and from the honourable member for Melton at the rear of the chamber. They are using the word 'hypocrisy'. That is a very interesting question because the member for Melton was in the Parliament in 1992 when the Kennett government did this. Strong speeches were given in the Parliament by the Honourable Jim Kennan, by the Honourable Tom Roper, by the Honourable Ken Coghill, by the honourable member

for Preston, who remains in this house, and by that great member of Parliament Neil Cole, the former member for Melbourne, who was supplanted by the Minister for Health. Each of them rightly said at that time that the initiative was wrong; and if it was an initiative that was wrong in 1992, it is an initiative that remains wrong in 2003. If there is one label that can be attached to this government in these early weeks of Parliament it is one of hypocrisy.

In 1992 when the Kennett government was elected with a huge majority it too did this, and the committee system suffered. I remember having to work so hard to build — —

Mr Nardella — Hang on, I will get my violin out.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster, without assistance.

Mr PERTON — I cannot remember what committee the member for Melton was on during that time, but I recall very well working with the Labor members of the parliamentary committee which I chaired, the Scrutiny of Acts and Regulations Committee, which produced objective reports on government legislation. You will recall that on a number of occasions that committee produced reports that were extremely critical of government legislation.

Ms Kosky interjected.

Mr PERTON — Exactly! The Minister for Education says, 'You took all the chairs'. And what is she doing now? She is taking all the chairs.

Ms Kosky interjected.

Mr PERTON — This is classic! This is a mean-minded government that protested loudly about this when it was in opposition. We are now in 2003. We ought to be building a better parliamentary institution, Acting Speaker, but all this government bases its actions on is 'You did it to us, we will do it to you'.

Ms Kosky interjected.

Mr PERTON — The Minister for Education and Training was criticised by the Ombudsman just two days ago for her performance on freedom of information. Her adviser hung on to documents, having no lawful excuse to have them, for 80 days, and the Ombudsman — —

Ms Kosky — Get back to the bill.

Mr PERTON — That is exactly on point. It is hypocrisy, Acting Speaker. I have a minister constantly interjecting — —

Ms Kosky interjected

Mr PERTON — Okay, let us have a look at it. The government has a huge majority in the house, and it has taken all the chairs. It has created new committees to provide new work for its members and extra income for the committee chairs.

What else has it done in respect of the constitution? Labor has been elected with a large majority and wants to make some changes, which it is going to entrench so that no future government, Labor or Liberal, will be able to alter them without going to a referendum. No other government is going to be able to alter the number of members of Parliament or change the date of the election without going to a referendum. This is the height of arrogance.

In this bill the appointment of the committee chairs indicates the level of hypocrisy. If it was wrong in 1992 — —

Mr Nardella interjected.

Mr PERTON — I agree with the loudmouthed member for Melton that it was wrong in 1992. And it is wrong in 2003.

All the huffing, puffing and anger he demonstrates in this house is usually a sign that he is embarrassed. The louder the member for Melton gets the more an indication it is of how embarrassed he is, because he too actually believes in this institution. I think he would like this institution to work well.

I have never been on a committee with him, but my understanding is that in the course of his conduct on committees he has looked to find bipartisan positions; he has looked to find common ground between the parties. He has tried to make the committee system work well. I am sure were he the person to have made the decision there would have been an appropriate allocation of committee chairs to the Liberal Party, the National Party and probably to the member for Gippsland East. What could be more appropriate in respect of the rural affairs committee than for there to be equal numbers between the Labor and Liberal parties and that it be chaired by an Independent from the country? But we do not even have that opportunity.

In taking all of the chairs what this government is doing is differing from many other Westminster and commonwealth parliaments. Last week there was a

visiting Canadian delegation, which included the Leader of the House and a number of significant officials who work in the operations of the Canadian Parliament. When they asked who chaired the public accounts committee, and we said that it was a government member, they expressed great surprise. In the Canadian parliamentary system — federal and state — the notion of the public accounts committee is to open the books to the scrutiny of the Parliament and the public.

Again, if it was wrong under the Kennett government it remains wrong today. Bill Forwood, a member for Templestowe Province in the other house, did his best from the position of a government chair to make sure that the processes of the Public Accounts and Estimates Committee were open and frank, but nothing could be more open and frank than a public accounts committee chaired by a member of the opposition party.

The Leader of the House of the Canadian Parliament was not aware that the new Chair of the public accounts committee here would be the Honourable Christine Campbell, a failed minister of this government. She was not capable of administering her own department in terms of either its finances or its operations and was dumped from the ministry as a result of her scandalous mismanagement of the portfolio. She is going to be Chair of the all-party public accounts committee, but not elected by the committee, not appointed by the Parliament, and not appointed by the caucus. It is a selection process.

I go back to the speeches of 1992. Everything that members of the Labor Party complained about in 1992 they are doing in 2003. Either they think it was right in 1992 — it was cant and hypocrisy to say it then — or else it is wrong now.

The Liberal Party will look at the operations of the public accounts committee. Our members on the public accounts committee will do their best to work within those constraints, but I do not think it will be a public accounts committee of the quality that a Canadian federal Parliament, or indeed our own, would expect. So too with the Scrutiny of Acts and Regulations Committee. That is another committee which in some Parliaments is chaired by the government and in others is chaired by the opposition. Again that was one instance where the government had the opportunity to show some vision and bipartisanship.

In respect of these new committees, the second-reading speech by the Premier indicates that one of the purported reasons for the three new committees is that we will now have a committee parallelling each government department. If that is to be the case, and they are not just to be talk shops, then we ought to adopt some new initiatives.

I go back again to my friend, Ken Coghill, a former Speaker, who in the 1992 debate in this house said:

> Recently the New Zealand business committee of the House of Representatives conducted a thorough review of the committee system. All the parties there cooperated and New Zealand now has a more effective committee system in which bills are routinely referred to a relevant departmental committee so that the department can be informed in detail about the provisions and the ramifications of bills, study the implications and, more importantly, involve the public.
>
> In New Zealand submissions can be forwarded to Parliament and the committees can conduct public hearings so that people can have an input to Parliament before final decisions are made.

In other words, at the first-reading stage, before all of the government's credibility has been put on the ground in a second-reading speech and the publication of a bill, the proposals can go to an all-party committee. That all-party committee can examine the provisions, take evidence from experts, have the input from the public and have legal experts advising it to see if there are any anomalies or mistakes. Then you have a much more strengthened piece of legislation that in many cases better accommodates the views of the minorities in the community as well as that of the majority of the Parliament.

Having attended committee conferences and the like all I can say is that all of the anecdotal and practical evidence I have seen indicates that the New Zealand practice works well. I would like to ask the Premier, or I would like to ask the next speaker on behalf of the government whether they are prepared to accommodate that. Will there be references of bills at their first-reading stage to these all-party committees?

The government has the chairmanship — it has a majority of four to three on all of these so-called departmental committees. Why does the government not take a bit of a risk, send some of these bills to the committee at the first-reading stage and test out the system? Maybe it could be done with two or three this session and maybe two or three the next, and let us see if it works and works well. That can be a bipartisan accommodation of adopting the best practices from interstate and overseas.

So if there are to be departmental committees in the way that is understood at Westminster and in New Zealand and elsewhere, the minister and the bureaucrats could come before the committee to talk about the policies, the successes and the failures of the programs

within the department, so that there can be a genuine bipartisan contribution, a public contribution, to getting matters resolved. Many elements of policy, whether in education or the like, are global issues that need local solutions, often long-term local solutions.

The government has a huge majority at the moment, but the Liberal Party had a huge majority in 1992 and it took seven years for us to move to this side of the Parliament. Some time soon members of the government will be on this side, so let us have the structures and practices in place that actually make the Parliament move forward, whether it includes moving back to the position that existed from the 1970s to 1992, when committee chairs were split and there was a greater sense of bipartisanship.

The honourable member for Footscray, who has been working with me on the membership of the committees, has been here a long time, and Labor members such as you, Acting Speaker, can verify that the committee structures have involved bipartisanship and that splitting of the committee chairs made the committee system work better.

The government is demanding that it have a majority on every committee, but I urge another challenge on the government. I recall that the Deputy Premier and I served on the Law Reform Committee that produced a report on regulatory efficiency legislation. This was not headline stuff or riveting, but it was a controversial area of reform that essentially suggested that a regulated person, be it a company or an individual, who could find a better means of meeting the purpose of a regulation than the means set out in the regulation itself should be licensed to do so. It was a proposal that had failed in Canada.

Within the Kennett government there had been a proposal by the then Minister for Small Business, Vin Heffernan, who passed away recently, but there was scepticism within the government about whether this could be accommodated within a Westminster parliamentary system. We had a fantastic group of people on the Law Reform Committee. I indicated earlier that it included a former Minister for the Arts and the Deputy Premier. We worked through those issues and those problems to produce a model that is acknowledged today by the Organisation for Economic Cooperation and Development and others as equal to the world's best.

It was an irritant to the government of the day that we had indicated that it should go ahead with it; it was an irritant to some elements of the opposition, now the government, that we indicated that we should go ahead with it. Tom Roper, a great political scientist and member of Parliament, said this:

> One of the roles of parliamentary committees is to be a burr under the saddle of the government, and from time to time they can be a burr under the saddle of the opposition.

There have been occasions where the reports of parliamentary committees did not please the government. I can remember a former Premier being less than complimentary about the working report of a committee chaired by a member of the then government. On other occasions members of the opposition did not like hearing the view put by a committee. The best result is achieved when the committees are genuinely all-party committees.

That is the challenge to the chairmen of those committees: to produce some reports that are controversial; to produce some reports that will be a burr to the government and may be a burr to the opposition or to the leaders of both parties. That would be a great thing and a challenge. In my experience in 1992 — —

Dr Napthine — Did you ever produce controversial reports?

Mr PERTON — Of course. There was anger; and sometimes there is anger expressed by one's own side of politics when one reaches a bipartisan position that is controversial. I also remember that in 1992 those of us who were appointed as chairs of all-party committees in an environment where they were not shared or where the selection of the chairman had been clearly an executive process rather than a parliamentary process — as now — faced the great challenge of reaching that accommodation with our colleagues from the Labor Party. It was hard work, but I recall in particular the strength of the relationship between the Deputy Premier and myself in achieving common ground in some of these very controversial areas. That will be the challenge to the committee chairs, because they are being appointed in almost exactly the same circumstances as the committee chairs were in 1992.

As I indicated earlier, there were screams of 'hypocrisy' aimed at me by the honourable member for Melton, but what greater hypocrisy is there than a government that justifies its stance by saying, 'Two wrongs make a right'. I hope we are elected at the next election, and if we are as the leader of government business and certainly as a senior minister it would be my intention to reverse this process under which governments take all the chairs and to return to the greater time that was seen between the 1970s and the 1980s.

Lastly, I look at the great criterion for success of a parliamentary committee: the adoption of its recommendations by the government of the day or a future government. In the 1980s and the early 1990s recommendations from all-party committees were certainly accepted by the then government.

Dr Napthine interjected.

Mr PERTON — My colleagues recall the Cemeteries and Mortuary Industry Committee, a notorious committee.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will face the Chair and will not turn his back on the Chair when he is on his feet.

Mr PERTON — I trust the Acting Speaker was not a member of the committee.

The ACTING SPEAKER (Mr Seitz) — Order! It is disorderly to involve the Chair in the debate.

Mr PERTON — The acceptance of recommendations by government is the key test for the success of these committees, and I am hopeful they will have challenging and big references and that the recommendations that are produced in a bipartisan way are accepted by government.

Many articles have been written on these topics by members of Parliament, and I am conscious that on many occasions I have attended commonwealth parliamentary conferences and interstate conferences looking at the best ways of operating parliamentary committees and scrutiny committees. Many of my Labor colleagues attended those conferences and signed up to very high-minded ideals. We started this Parliament without any of those high-minded ideals being implemented. We have started off with exactly the opposite of what they suggested ought to be the case. They know the hypocrisy of the position. The honourable member for Melton shouted loudly, as did the Minister for Education, and my suspicion is that they are embarrassed by this decision because there is no defence to this government doing exactly what it complained about in 1992.

In the last 30 minutes I have been handed some amendments by the National Party, and should this bill move into the committee stage we will deal with them more extensively there. The first proposal is to delete the Environment and Natural Resources Committee and insert in its stead the Bushfires Investigatory Committee. Obviously we are examining that proposal. The second is to delete the Outer Suburban/Interface Services and Development Committee and insert the Health Services Committee, and the third is to amend the terms of reference for the Scrutiny of Acts and Regulations Committee to include the capacity to examine the sessional orders and effectively to report to the Parliament. Having seen those amendments only a short time ago, I can say that they are important matters. The Bushfires Investigatory Committee and a committee examining health are important, but the other committees are very important as well. I hope we can have some discussions with the National Party and with the minister and the Premier prior to the committee stage to see if there is a way to accommodate this. Those who see committees selected by the government and not the Parliament would acknowledge that they are important, but the matters raised by the National Party are important as well.

I am hoping to have some discussions with the National Party before we go into the committee stage. I am also hoping for discussions with the Premier to see whether there is a way this can be accommodated, because those who see these new committees, selected by the government and not by the Parliament, would acknowledge that although they are important these matters raised by the National Party are important as well. I hope we will have time to discuss those matters before the committee stage. It may be that an adjournment is necessary so that the Labor, Liberal and National parties can discuss these important amendments before they need to be put through the committee stage.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on this important bill. That pleasure is tempered by the fact that we are now operating under sessional orders that constrain my contribution to a period of 20 minutes. It is unfortunate because having chaired one of the all-party parliamentary committees — namely, the Scrutiny of Acts and Regulations Committee (SARC) — I would have liked to have been able to explore some of the important aspects that gave rise to that committee's formation and some of the terrific work it did not only, if I may be so bold to say, under my own chairmanship but also under the chairmanship of the member for Werribee in the last Parliament and of my predecessors in that very responsible role.

Time is against me because of the constraints that have been introduced by this government, so regrettably I cannot dwell on those very important matters. The same situation applies with many other points that would otherwise be made; therefore, I am restricted to dealing with the very bare bones of what I regard as being a series of critical issues.

The first thing that has to be said is that under our current structure we have six joint house committees and two joint investigatory committees. Those eight committees have existed for a considerable time now, and they do terrific work. They have contributed much not only to the work of the Parliament but to Victorians at large. The intention is to add three additional joint house committees. By the terms of the legislation now under consideration they will be the Rural and Regional Services and Development Committee, the Outer Suburban/Interface Services and Development Committee and the Education and Training Committee.

Without going through it all, this is jobs for the boys essentially because the Premier has the problem of having a surplus of numbers in the Legislative Assembly and the Legislative Council — the numbers have burgeoned. To its great political credit the Labor Party won the last election and won it convincingly. Now the Premier has to deal with the issue of having to give all 87 members a job, otherwise it becomes terribly incestuous.

After that first blush of having been elected to Parliament, which usually lasts six months to a year maybe — how long did it take for it to wear out with you, Bruce? — people start to get a bit horribly restless and ask why they did it and where their place is. One of the great things you can do with them is park them in an all-party parliamentary committee. So I understand the tactic of the Premier. That of course comes at enormous expense to the taxpayer, but history tells us that that is a mere bagatelle to Labor governments. Nothing has changed, so we now have three new committees being established.

One of the other basic purposes of this bill is to provide a retrospective power to the SARC to examine legislation introduced prior to the establishment of that parliamentary committee, and that is a necessity. I will look forward to the SARC report on the constitution reform legislation. It will be very interesting to read it because for reasons I have explained that disgraceful piece of legislation will effect enormous changes to the Victorian constitution after 150 years of its being able to do what has been necessary on behalf of Victorians. We now have a government that is prepared to destroy the essential components of that constitution and the very tenuous fabric of it for its own miserable ends. There will be more about that later in other forums.

There are two sets of amendments before the house. One of them was circulated on behalf of the Premier. He can explain the content of them because I do not have the time, but the National Party agrees with the proposals contained in them. The other amendments are in the name of the National Party. Essentially they are threefold, and I will spend some time talking about them without necessarily referring to them in chronological order or in order of priority.

The first of them is in regard to an issue that was raised by the Premier in the course of the second-reading speech when he said that the fundamental intent of establishing these additional three committees is to try to align the committee process with the work of government departments. That is the essence of what he says at page 1, line 3 of the second-reading speech. It is a complete furphy; it is patently ridiculous nonsense.

I highlight that by the fact that 50 per cent of the health budget in Victoria is consumed by the health and allied community services and the work they do yet the word ‘health’ does not appear anywhere in the all-party parliamentary committees. It is not referred to in any way, shape or form. Work is done for community services but health per se is not the subject of any consideration by an all-party parliamentary committee. One would have thought that if the Premier were to effect the nonsense he has referred to in his own second-reading speech he would establish a health services committee or something allied to it.

What the National Party says is this: ‘Look, Premier, if you are going to give effect to what you say in your own second-reading speech you should devote one of the committees to the issue of health, and that committee should have wide-ranging terms of reference to look at health service delivery in Victoria’. For example, a recent Auditor-General’s report has referred to the fact that four country hospitals are in severe difficulty because of their financial state and another 12 will be experiencing significant difficulties given the trend of their finances. In a country Victorian sense I would have thought that if the government were serious about this that would be something worthy of consideration by an all-party parliamentary committee.

But, of course, the government is not serious about it. That is an issue that should be examined by such a committee. So we have the first issue that is the basis of the National Party’s amendment, which says that it wants to delete one of the committees — namely, the Outer Suburban/Interface Services and Development Committee and insert in its stead the health services committee. Some might say that it is harsh, that it is ignoring the interests of the suburbs. Indeed I heard an interjection to that effect before. The problem is that in the spirit of all of this, we in the National Party would have gladly added this as an additional all-party parliamentary committee. Why not have 14, 15 or 25,

for goodness sake! We can have heads on them like mice!

The problem is that to do that we need a Governor's message with regard to the funding of any new committee to be established, new in the sense of over and above the number for which provision has already been made by the government, within the proposals contained in this bill, so we cannot go past a net number of 11. It is simply not within our power to move an amendment which would add additional numbers, 12, 13 or 14. It is a hard choice; that is what politics is all about.

We determined after a lot of consideration that to enable this important health services committee to be established, which would be the fulfilment of what the Premier said in his second-reading speech, there had to be a casualty and the casualty we have nominated, reluctantly, is the Outer Suburban/Interface Services and Development Committee. So to have this important health services committee, which I am sure would also have the important task of examining the delivery of health services in the outer suburban regions, I am afraid that committee as nominated by the Premier in his proposals has to go. We would love to see the health services committee employed in its stead.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Point Nepean: army land

Mr DOYLE (Leader of the Opposition) — I refer the Premier to his answers yesterday regarding the purchase of land at Point Nepean, and I also refer him to answers given by the Minister for Local Government in the other place yesterday to the same question, when the minister said that giving away state land would be inappropriate financial management. Given that this is government policy, is it not hypocritical not to buy the land at Point Nepean, particularly since it was originally sold by the state government to the federal government?

Mr BRACKS (Premier) — This is a very simple matter. It is a piece of land that is currently owned by the federal government. It is its choice as to what it does with it. What we in Victoria say is, 'Hand it over so that it can be in public hands'.

Economy: performance

Mr LOCKWOOD (Bayswater) — Will the Premier please inform the house of the overall strengths of the Victorian economy and how the whole state is benefiting from such economic success?

Mr BRACKS (Premier) — I thank the member for Bayswater for his question. There is a very important statistic which I think is telling on what has happened over the last three or four years in Victoria and what happened before. Some three and a half years ago we had a divided Victoria where some parts of Melbourne were progressing very well, other parts were progressing poorly, and of course in a large portion of country Victoria unemployment levels were reaching double digits — 10 per cent plus!

Of course, the other tale about our administration and what we inherited goes to the general level of unemployment around the country and the general level of unemployment in Victoria in relation to the national average. Over the period the previous Kennett government was in office unemployment was below the national average for 8 out of the 84 months. That represents that for some 9.5 per cent of the time unemployment was below the national average. If we look forward to our period of government, out of the 41 months that we have been in office we have had unemployment below the national average for 38 of those 41 months. That represents that for some 92.7 per cent of the time we have been in office unemployment has been below the national average. That is the comparison: 9.5 per cent of the time they had unemployment below the national average, compared to our 92.7 per cent.

That is why currently we have the lowest unemployment rate in the country of 5.2 per cent — the best performance for many years in Victoria. Regional unemployment figures are also in the 5 per cent range at 5.6 per cent, which is the best performance for country Victoria in decades.

We need only go to some of indicators to show why the unemployment rate is so strong and robust here in Victoria. Over the last 12 months we had something like a 15.6 per cent increase in building approvals to a record high of $14.3 billion up until January this year. In country Victoria the position is no different because we have achieved another record of $2.9 billion in new building approvals over the last year, and that represents an increase of some 25 per cent over the previous building approvals in country Victoria.

We have seen overall growth rates at 1 percentage point higher than the national average; the lowest unemployment in the country; unemployment in Victoria more than 90 per cent of the time being under the national average, compared with the Kennett government when it was under the national average 9.5 per cent of the time it was in office. Even with the current economic conditions — the drought, and a war that will depress the international markets — we believe we are in the soundest position possible to get through this period and to retain our position.

Mr Doyle interjected.

Mr BRACKS — The Leader of the Opposition is very good at picking economic spokespeople, isn't he? He has been a great hero at that; he knows how to pick them. He is very successful; he has a great record in this area.

We have had unemployment at the lowest level of any state in Australia at 5.2 per cent, growth is higher than the national average, and building approvals are up to the highest they have ever been on record. We go into this difficult period with the best possible economic conditions in Victoria.

Sunrice: tax incentives

Mr RYAN (Leader of the National Party) — My question is to the Premier. Given the Premier's answer to the previous question, and given that the government has offered payroll relief to Computershare to attract new jobs to Melbourne, can the Premier explain why the government did not give payroll tax relief to Sunrice in Echuca, which will close on 30 April with the loss of 90 existing jobs in country Victoria?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question, because it goes to the heart of the government's policy on investment attraction. Our investment attraction policy is about new jobs and demonstrated benchmarks on new jobs. That has been the case under this government, and it was the case under the previous government as well. We have had a consistent policy of ensuring that the investment attraction program which we inherited — and which we support, by the way — has been about generating new jobs and new economic activities. It is about identifying those areas of the economy that will grow in the future.

The program is not about a fund which will assist companies which for myriad economic reasons are not able to survive in the marketplace. It is not about that. It is not a lender of last resort, as the National Party would have it. It is not a fund to prop up businesses, as the National Party would have it. It is about new jobs being generated which did not exist before and which can be sustainable, and the money is only paid and supported when those new jobs are created.

Latrobe Valley: government initiatives

Mr MAXFIELD (Narracan) — I have a question for the Minister for State and Regional Development. Will the minister inform the house of the impact the Latrobe Valley task force is having and outline the most recent project for the region?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Narracan for his question. I am delighted to advise the house that the Bracks government is making a very real and positive impact in the Latrobe Valley. Members would recall that in June 2001, almost two years ago, the Premier launched Framework for the Future, a package worth $105.8 million for more than 50 new initiatives for the Latrobe Valley. I am pleased to advise the house that all major projects are now under way, with many of them actually completed.

As I answer this question today, 38 per cent of all the projects we announced have now been completed. I am delighted to advise that with the Latrobe Valley justice precinct, land has been acquired and a $828 000 contract has been let to R. and J. van Poppel of Traralgon for preparation works; the Traralgon hospital has been demolished and redevelopment options are being investigated; preparation works commenced in March on the Gippsland integrated learning centre and $10 million has been set aside for buildings commencing in May; and there has been an extraordinarily successful housing improvement program.

I am delighted to say too that research undertaken by the National Institute of Economic and Industry Research estimates that almost 1000 direct and indirect jobs will result from the 38 construction contracts already awarded, which are worth $79 million.

Our work has not stopped there. Last week I visited the Latrobe Valley and announced that the Bracks government will be providing $1.4 million to Latrobe Magnesium Ltd towards a $20 million bankable feasibility study into a magnesium metal smelter which would use the decades of available fly-ash resource which are in the valley. I stress that this is for a bankable feasibility study. This project may proceed or it may not; we have helped fund the feasibility study.

I advise the house of the dimensions of this study. It is towards a $948 million project which if undertaken would lead to 1100 new direct and indirect jobs. It would create employment for up to 4000 people during the construction phase; it would lead to exports of $200 million per annum; it would link magnificently with our motor vehicle industry in Victoria; and environmentally — something which has been very attractive to the Minister for Environment — the project will use carbon dioxide from power station flue gases, making it the world's only smelter which produces magnesium without generating any carbon dioxide. In fact it would be a net user of carbon dioxide, mixing it with the calcium in the fly-ash to produce calcium carbonate, which can then be used in the printing industry.

The government is excited by this project. We are excited by the development taking place in the Latrobe Valley. When we were elected to government the people of the Latrobe Valley had had it pretty tough for years. They told us to get on with it. What we did was get on with it. Today we are making it happen in the Latrobe Valley.

In addition the government has also provided a $1 million marketing grant for the Latrobe Valley so that it is able to market itself as a great place for investment.

I conclude with a quote from the mayor of Latrobe City Council, Cr Tony Hanning, who said after the announcement the other day:

> We are past the days of the downturn. We are on the upward curve. We have been for some time and this is an indication that we are going up rapidly.
>
> We now have to implement the marketing strategy to tell people about what a fantastic place this is and about the rapid development that is occurring here.

I record my appreciation to the members for Narracan and Morwell and the former mayor. Along with the council they have been great contributors to this. The government is delivering and making it happen, and we have seen an enormous transformation taking place in the Latrobe Valley because of the Bracks government.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to the Ombudsman's report into the misuse of police information and in particular to the evidence of Victorian Police liaison officer Inspector Bill McKendry, who stated:

> I was assured that the information was necessary for the minister to discharge his ministerial duties and would be treated in confidence.

I ask: why did the minister deliberately lie to Victoria Police?

Mr Brumby — On a point of order, Speaker, in his question the honourable member made a direct accusation. He used the words 'why did the honourable member deliberately lie'. Under the standing orders, I believe he is not able to make that accusation, and I ask him to withdraw it.

Mr Perton — On the point of order, Speaker, the rulings of previous Speakers have clearly indicated that if you call someone a liar that that is inappropriate and can be withdrawn. But in the context of asking a question where it is clear that the minister has not told the truth, to use the verb 'lie' is not something that can be objected to. In any event, it would need to be the minister addressed rather than the minister who stood at the table who would need to ask for a withdrawal.

The SPEAKER — Order! In ruling, the member for Doncaster is correct: it is the minister who should ask for a withdrawal if he wants it. As it is a question, I assume the minister now has the opportunity to respond in the manner which is appropriate.

Mr HAERMEYER (Minister for Police and Emergency Services) — The member for Scoresby continues to make some wild assertions about this particular matter. I have no doubt that he had a role in a question asked last year by the member for Mornington that impugned the same Inspector McKendry he is now referring to when the member for Mornington suggested that somehow there was some impropriety in Inspector McKendry's appointment to a particular position.

I will quote from the Ombudsman's report, which states:

> On one hand, Inspector McKendry says he believed that information requested from him would be treated in confidence. There appears to be no specific basis for such a belief; there is no written protocol, Inspector McKendry was given no specific instruction on this issue when appointed to his position, and there was no specific discussion with Ms Owen on the matter. Inspector McKendry himself can give no clear basis for this belief, offering only that it was gained over time in performing his duties.

An honourable member interjected.

Mr HAERMEYER — No, this is the Ombudsman. The report then goes on:

> The minister has stated that if information is provided to him in confidence he respects the confidentiality. But it is clear to any observer that not all information is provided to the minister with such a restriction placed on it. The minister frequently makes statements on policing issues which statements are based on information which could have been provided by the police. There is nothing necessarily improper in this.

In terms of the propriety of this information being handed over, the Ombudsman goes on to say also:

> The evidence is quite clearly that the incident involving the damage to Mr Guy's car and his reporting it to police was in the public domain.

The Ombudsman refers in his report — —

Mr Wells — On a point of order, Speaker, the issue I raise is one of relevance. It is not in regard to how the information was received but how the minister used the information.

The SPEAKER — Order! There is no point of order.

Mr HAERMEYER — I again quote from the Ombudsman's report:

> The evidence is quite clearly that the incident involving the damage to Mr Guy's car and his reporting it to police was in the public domain. Mr Haermeyer has said that his purpose in seeking information from police was to respond to questions asked of him as police minister. His evidence is supported in this respect by both Ms Owen and Inspector McKendry.
>
> In ordinary circumstances, this is relevant to the exercise of ministerial responsibilities. It is common practice for ministers to respond directly to media inquiries of them and they may do so, if they have no personal knowledge of the issue, by first obtaining information from their department.
>
> Again, it is common practice for ministers to seek and receive from their department information on issues which may have become public, including questions asked of ministers in Parliament. The police minister is no different and I am aware of many occasions where various ministers for police have sought and received information from police to enable them to respond to questions raised of them either by the media or in Parliament.

Let me finish my answer with one thing: this came about as a result of a Liberal Party candidate having his car vandalised. That was regrettable. But he came out and said that he suspected it was the work of his political opponents — he came out and made an accusation that he has not substantiated, and I was asked by the media to respond to this. Mind you, the information I was given by the police was information that was already in the public domain. After all, this candidate marched into the Mill Park police station, media in tow, to make his complaint.

Hallam bypass: time frame

Mr ANDREWS (Mulgrave) — My question is directed to the Minister for Transport. I ask: will the minister inform the house of the progress of the government in building and completing the Hallam bypass freeway project?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for Mulgrave for his question. He understands the importance of major roads and freeway upgrades in the outer suburbs of Melbourne. The Hallam bypass is a good example of this. It is a project of enormous regional and statewide significance. It is a $165 million project, and when it is finished it will be some 7.5 kilometres long, providing a freeway connection between the Monash Freeway at Doveton and the Princes Freeway at Berwick. This will deliver enormous benefits not only to the residents of the outer south-east, but to those all the way down through the Latrobe Valley into Gippsland.

I am pleased to report on how this project is going because it is surging ahead. The Hallam bypass project is really going gangbusters. A fantastic effort has been put in, and it is worth recalling when I started this project early on in the life of the government. It was originally scheduled to be completed by the end of 2004, but I can report to the house that it is expected to be finished almost a year ahead of schedule. In fact the completion date has been brought forward to December 2003, a full year ahead of schedule, and it may well be that it could be finished earlier if the current rate continues. We have the winter to deal with and big road projects are notorious for being delayed, but if the team out on this project continues what it is doing at the moment it could be open before December. We are working hard to achieve that.

In fact the work force and the contractor down there are a bit like the Bracks government — they are just simply getting on with it and making things happen. Down at the Hallam bypass we are making it happen a year ahead of schedule. It will bring enormous relief to the local roads such as Heatherton Road, Pound Road, Centre Road and Narre Warren–Cranbourne Road, which will all have traffic reduced once this project is completed. It will provide additional access and safety for all residents, particularly those of the City of Casey. It will be a boon for transport and local development and should provide enormous benefit to both businesses and residents.

About 50 000 vehicles are expected to use the bypass each day and in doing that they will avoid 10 sets of traffic lights, which will be a great relief. The project

includes 20 bridges, some 8 kilometres of median safety barriers, 15 kilometres of noise walls, 8 kilometres of shared-user paths. During the construction approximately 2 million cubic metres of earth will be moved, and about 90 000 tonnes of asphalt and 60 000 tonnes of crushed rock will be used.

In addition there will be a lasting legacy not only in terms of the transport access, but because of the decision to include about 1 million trees and shrubs as part of the landscaping of this project. The Hallam bypass is surging ahead. It is a great project, and the workers and contractors are doing a great job. We wish them well in delivering it even earlier, if they can do that.

Rail: radio warning systems

Mr MULDER (Polwarth) — I refer the Minister for Transport to the fact that five rail smashes involving suburban or country passenger trains have occurred since July 2000, some resulting in serious injuries, and I ask: why has the government failed to implement the November 2001 recommendation of the Australian Transport Safety Bureau that Victorian trains need more reliable radio warning systems?

Mr BATCHELOR (Minister for Transport) — It is a pity that this question has been asked by the new shadow Minister for Transport who made some pretty terrible allegations in the newspaper the other day in relation to a rail crash. The Premier is right: the shadow minister is green and inexperienced, and we will put it down to that the inappropriate nature of his earlier comments and his comments today. We hope he learns the lesson out of asking this type of question.

Rail safety is the most important aspect of our rail transport policy. After each incident on our rail network there is a thorough investigation. With serious accidents we have initiated the practice of having external and independent safety experts come in and make recommendations. We use the Australian Transport Safety Bureau. That is an expert team based in Canberra and funded by the commonwealth government, but its job is to independently investigate accidents, examining all the facts and information, in stark contrast to the shadow Minister for Transport who, from the luxury of his country residence at the other end of the state, declared that the accident at Chiltern was due to the failure of radio communications. Nothing could be further from the truth.

This government does not jump in and blame people all over the place before it knows the facts of the matter. We are interested in finding out what happens when there is a rail accident, getting the appropriate recommendations and following through with those recommendations. The accusation he makes that accidents are caused by the failure of radio communications is not true.

At Chiltern there was an accident where a freight train left the interstate standard gauge track, which is operated by the Australian Railtrack Corporation, not the government of Victoria. The train that was involved was operated by Pacific National, the recently privatised commonwealth freight train business. It lost its load, which then fell over onto the parallel broad gauge track, which is infrastructure that is controlled under a 45-year lease by Freight Australia, not the Victorian government.

In all the circumstances here the member for Polwarth has clearly no understanding of any of the institutional arrangements that currently exist in the rail industry in Victoria or indeed in Australia. Notwithstanding the fact that we do not provide the infrastructure and we do not operate the interstate rail freight business, we have already called in the Australian Transport Safety Bureau and have asked it to investigate this particular incident, as we have requested on other incidents, a very thorough and detailed investigation that can only bring forward recommendations after it has examined all the facts. The bureau will properly investigate the incident, not try to get a cheap line in the paper like the member for Polwarth. Rail safety is too important to play grubby party politics with.

Honourable members interjecting.

Mr BATCHELOR — The member for Polwarth ought to apologise, and if he cannot, he ought to finish this very sad journey he has started out on as opposition spokesman on transport. Clearly the member for Polwarth is continuing in the traditions of the former member for Mordialloc — —

Honourable members interjecting.

Mr BATCHELOR — You can see, Speaker, by the response of the members in this house, that he will end up looking like as big an idiot as the previous member for Mordialloc.

Rural and regional Victoria: certificate of applied learning

Ms OVERINGTON (Ballarat West) — My question without notice is to the Minister for Education, and I ask: will the minister outline to the house how the

Victorian certificate of applied learning (VCAL) is benefiting Victoria's rural and regional students?

Ms KOSKY (Minister for Education and Training) — I am very pleased to answer the question about the new Victorian certificate of applied learning (VCAL) and explain how it is improving outcomes in regional and rural Victoria.

As many in the house are aware, when we first came into office we had a review into post-compulsory education and training. Retention rates were far too low in this state and they were continuing to decline. We were sent a very clear message from that review, and that clear message was to implement major reforms in post-compulsory education provision. The message was to get on quickly with those reforms, and that is exactly what we did.

Retention rates in regional and rural Victoria have improved since we have come into office. Departmental data shows that year 7 to 12 retention rates have increased from 66.8 per cent when we took office to 71 per cent last year. That is a significant increase in response to the reforms we put in place. We are making a difference; we are making it happen.

But we are not stopping there, of course, because we still want to improve those retention rates. That is why the major reform of the Victorian certificate of applied learning has been put into place. It was trialled last year and is now being put into place in over 222 sites across Victoria. We invested almost $50 million extra in this to ensure that it was done properly.

There are four strands to the Victorian certificate of applied learning, which operates in years 11 and 12. It has a literacy and numeracy skills strand, an industry-specific skills strand, a work-related skills strand and a personal development skills strand.

Whilst it is offered at 222 sites across Victoria, in country Victoria it is offered at 107 sites. When you consider that there are fewer secondary schools outside metropolitan Melbourne than within metropolitan Melbourne, that translates into 60 per cent of government schools providing VCAL programs. As well, 20 Catholic schools, 9 TAFEs and 2 adult community education providers are offering the Victorian certificate of applied learning. There are currently 2300 students enrolled in VCAL in rural and regional Victoria.

It takes around 45 additional teachers in regional and rural Victoria to put in place the new VCAL programs. A few examples of these programs across regional and rural Victoria include Wedderburn Secondary College, which has a focus on the equine industry; Bendigo Senior Secondary College, information technology; Lowanna College in Moe, multimedia; Edenhope College, agriculture — stock and station skills; Maryborough Regional College, print-based industries; and Portland Secondary College, a community program in conjunction with the Winda Mara Aboriginal Co-operative. Among non-government examples we have Nagle College in Bairnsdale, land-based industries; and Notre Dame College in Shepparton, engineering and automotive. So there is a wide range of responses within the schools, but all within the framework of the Victorian certificate of applied learning.

As I said, the retention rates when we came into office were appalling; they were unacceptable to us. We have invested in ideas, in major reforms and in resources, and we are making it happen in our Victorian schools.

Minister for Police and Emergency Services: conduct

Mr WELLS (Scoresby) — I refer the Minister for Police and Emergency Services to his previous answer. Does the minister now realise that he has confirmed that he sought confidential police information with the avowed intention of using it for political purposes against a Liberal candidate for Yan Yean?

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member is both plainly unable to read and unable to listen. Page 23 of the Ombudsman's report, which I referred to earlier, very simply says that the evidence is quite clear that the incident involving the damage to Mr Guys's car and his reporting to police was in the public domain.

Workcover: occupational health and safety

Ms LINDELL (Carrum) — Will the Minister for Workcover inform the house of the latest efforts by the Victorian Workcover Authority to improve occupational health and safety standards in Victoria and of the benefits of Victoria's workers compensation scheme to the community?

Mr HULLS (Minister for Workcover) — I thank the honourable member for Carrum for her very important question. When we came to office, all those years ago now, we inherited a workers compensation basket case. In just three or so short years we have rebuilt the scheme, with the advantages being used to attract business to Victoria.

Those of us who are avid readers of the *Australian Financial Review* will I am sure have noticed an article published on 11 March in which the chief executive officer of the New South Wales Chamber of Commerce, when talking about workers compensation, stated:

> In Victoria the workers compensation scheme charges an average of 2.2 per cent of wages and is using the cost advantage to attract business.

And that is the fact. Indeed we are using our viable workers compensation scheme to attract business to this state.

Cowboys who do not care enough about workplace health and safety are certainly being forced to lift their game. We have increased the number of workplace inspectors by 20 per cent, and we are more vigorously enforcing the laws to uphold occupational health and standards in Victoria. I am pleased to release the latest figures on occupational health and safety prosecutions in Victoria. They show a significant increase, and they also show how serious the Bracks government is in protecting the health and safety of Victorian workers.

Between January and December 2002 a total of 240 prosecutions were completed. This compares with figures from 1999, when only 105 prosecutions were completed. That represents a 128 per cent increase when you compare these two years. Already 44 prosecutions have been completed so far this year. We believe these are very strong results.

Victoria is certainly leading the nation when it comes to occupational health and safety. We will continue to lead the nation when we embark upon our review of the state's occupational health and safety legislation, as promised during the election campaign. We in Victoria believe we have the right balance between protection for workers, a well-managed scheme and competitive premiums that are attracting business to this state.

I am concerned though about some recent comments made by Tony Abbott, the federal minister for industrial relations, in his recent announcement of a proposed nationalisation of occupational health and safety and Workcover laws in this country. If the Howard government and Tony Abbott's industrial relations laws are any indication, his plan is nothing more than an attempt to water down protection for workers and rob Victoria of the competitive advantage it actually has. We all know that Tony Abbott stirs up unrest when he does not need to, and when there is none we know he creates it.

The Bracks government will not allow the Howard government to risk the advantage to Victoria's economy of having a well-managed workers compensation scheme. While we certainly understand that many companies conduct operations around different states, any national approach cannot resort to Tony Abbott's lowest-common-denominator approach, which would water down protection for workers. We will not allow that to happen.

PARLIAMENTARY COMMITTEES (AMENDMENT) BILL

Second reading

Debate resumed.

Mr RYAN (Leader of the National Party) — Prior to the suspension of the sitting I observed that if the government was serious about what the Premier said about having a system of parliamentary committees that reflect the structure of the current departments then there would be a health services committee, and I reiterate that assertion. That is the first amendment that we will seek to move.

The second amendment relates to the provisions of the terms of reference of the Scrutiny of Acts and Regulations Committee. That amendment seeks to have the current sessional orders that this government has forced on the Parliament subjected to consideration by the Scrutiny of Acts and Regulations Committee. We want to do that because we believe the sessional orders under which the Parliament is now functioning are completely inappropriate. They will significantly curtail the capacity of members of Parliament, particularly those of us in the National Party, to have a reasonable say about matters of concern to country Victorians. They do, in fact, trespass upon our right to freedom of speech in this chamber. I have set out on a number of occasions why that is so. We want the Scrutiny of Acts and Regulations Committee to consider the terms of the sessional orders and report to Parliament with regard to the deliberations it may make in terms of those sessional orders.

When you look at the activities of the Scrutiny of Acts and Regulations Committee it is intended to report to the Parliament upon those areas where there have been infringements upon rights and freedoms, particularly the freedom of speech. In this instance there has in our view very inappropriately been a limit set upon the time particularly the lead speaker for the National Party has to contribute to debates. The same sort of general principle applies regarding the Liberal Party and the

two Independent members of the house, who are now unable to contribute to the extent that they did previously. For those reasons we believe it appropriate to expand the capacity of the Scrutiny of Acts and Regulations Committee to enable it to consider those sessional orders and report back to the Parliament when it has done so. That in effect is the content of our second amendment.

The third amendment concerns the critical issue of establishing a truly independent inquiry into the bushfires that have ravaged Victoria. It is interesting to reflect that only moments ago in question time there was discussion in response to a question asked of the Minister for Transport about rail crashes that have recently occurred in Victoria. It was interesting to observe that one of the first lines of defence of the minister in the sense of the investigation of those incidents was to refer to an independent inquiry being undertaken by the Australian Transport Safety Bureau.

If it is good enough for a truly independent inquiry to be undertaken in relation to rail accidents in the state of Victoria then it is surely good enough for an independent inquiry to be undertaken with regard to one of the most serious events to have occurred in this state's history — namely, the bushfires that have ravaged Victoria since 1 December last year. That should also incorporate, of course, not only north-eastern Victoria and East Gippsland but also the area around Sale, the Wallan region and north-western Victoria. What occurred in those and other areas ought be the subject of an independent inquiry.

I put that position particularly in response to the proposition advanced by the government, where Mr Bruce Esplin, the Emergency Services Commissioner, has now been given the task of conducting this inquiry. The problem with this as was observed by Tony Cutcliffe in an article in the *Weekly Times* this week, is that this inquiry is a sham. I say that because people who were subject to the fires are telling me that such is the case. What the people out there are saying to me is that what in effect has happened is that the government has put a fox in with the chooks.

It has happened inadvertently in the sense of poor Mr Esplin, because the very day upon which the announcement was made and he featured at a press conference where it was indicated that he would be undertaking this onerous task, he was accompanied by the Premier. There we have the Premier of the day baldly making two broad assertions. The first was 'Our preparation for the fighting of the fires this year was the best ever'; in the second the Premier absolutely discounted the significance of fuel-reduction burning as being a factor regarding these terrible fires we have seen across the state.

In respect of two issues the Premier has pre-empted the outcome of the inquiry that this government has said is to be conducted on an independent basis by Mr Esplin. It made then and there an absolute mockery what Mr Esplin is supposed to do. The situation is compounded by the terms of reference that were issued today out of Mr Esplin's office. They are headed 'Emergency Services Commissioner announces terms of reference for bushfire inquiry'. That is what his media release says. I do not have the time to go through the terms of reference in detail, because as I have said, I only have 20 minutes in total to speak about these critical issues, and I have 5 minutes to go.

When you look at the terms of reference they talk about three critical points: examining the preparedness for the fires; the effectiveness of the response; and future bushfire management strategies. Interestingly, in the body of the release it goes on to say:

> I have the broadest possible brief to examine the Victorian bushfires, the state's preparedness, the fire fighting effort and the recovery —

I highlight that word —

> of bushfire-affected communities.

On the face of the document that is the basis of the terms of reference issued out of the office of the Emergency Services Commissioner, he patently does not have the power to investigate the issue of recovery. That touches upon the next critical point that I make.

People out there who have suffered through the bushfires want an inquiry conducted on two essential areas. Yes, they want to talk about the way in which we were preparing and fighting the fires, and they quite properly want an opportunity to commend the extraordinarily magnificent efforts of all of those who were involved in the fighting of the fires, but they also want to talk on other issues about how the fires were fought, about the recovery effort, about the issues that have happened since, and more particularly about the issues that have not happened since.

They want to talk about the fact that the government has not provided appropriate support in relation to the all-important issue of fencing. They want to talk about the fact that the government has not done nearly enough about making alternative sites around Victoria that are ready to feed starving stock available for that purpose simply because there is apparently some philosophical block on the part of this government to enabling that to happen. They want to talk about water quality and the

problems that are now arising, as well as those that they had to contend with during the firefighting phase. They are the sorts of things they want to speak of.

On 29 January I announced from the National Party perspective that we wanted an all-party parliamentary committee to have a look at this important issue. I set out in the course of that release 17 terms of reference. I wrote to the Premier soon after to put to him that that was what should happen. I stand in this Parliament today and say that to this moment I have not had a response from the Premier. I have not even had the courtesy of a letter coming back from the Premier in relation to it. I drew the terms of reference that I thought were appropriate, and I drew them on the basis of the conversations that I had over the course of these fires and in the period immediately after.

The first term of reference refers to management practices of relevant government departments. The second relates to the degree of fuel-reduction burning, which this government says is a matter of no consequence with regard to the fires. The third is to examine the sufficiency of budgetary allocations to relevant departments. The fourth is to look at the budgetary position of the Country Fire Authority.

I referred to the impact of the reduction of saw log availability by the creation of reserves and the consequent retraction of the sawmilling industry from bush areas. That is put in the context of where we will be if this government succeeds in one of its basic aims — to destroy the hardwood timber industry of the state. Where will we get the bulldozers and the personnel seconded to action to operate them the next time these fires inevitably happen?

I saw in a newspaper article the other day that a proposal we have put up has apparently been adopted — that consideration be given, as I suggested in the press release, to looking at the prospect of having those members of the public service located in country Victoria encouraged to join the Country Fire Authority. These and other issues that I set out in the press release are crucial and essential to the determination of an appropriate outcome arising from the investigation of the fires.

What have we instead? We have poor Mr Esplin, who already has been hamstrung by the Premier; who is supposed to conduct the inquiry with two other people who are said to be experts but whose identity we do not yet know; who will take submissions on a written basis and who apparently will talk to those who have made submissions but not otherwise; and who it seems is unlikely to get out to see at first hand all those places that have been ravaged by these fires in order to make the appropriate inquiries, and importantly report on it on an independent basis.

Insofar as the latter is concerned, it is impossible for him to do it. That is why we have this third amendment, to make sure that we get an independent inquiry conducted by the Parliament of Victoria — because that is what should happen and that is what Victorians want to happen.

Mr MILDENHALL (Footscray) — Despite the content of the last 5 minutes of the address by the Leader of the National Party, this bill is actually about the structure of the parliamentary committee system. Members on the other side want an inquiry into the sessional orders. Last night I think we had about 25 speeches on the Constitution (Parliamentary Reform) Bill. Under the previous sessional orders, the lead speakers for the opposition and the National Party would just about have been winding up their remarks by about the time of the conclusion of government business yesterday! This is a highly participative model and has enabled members from all around the state and from all backgrounds to contribute to the discussion of the great issues that are before the house.

The Parliamentary Committees (Amendment) Bill is designed to ensure that there is at least one joint committee broadly responsible for each major government department and area of government responsibility. It has been a major oversight that a parliamentary committee has not had the capacity to focus on issues relating to education and training across the state.

Committees will also be established to cover areas, in the geographic sense, of some concern to government and community that have not had sufficient focus on them in the past — that is the reason for the proposal to establish the Rural and Regional Services and Development Committee. It is no news to this chamber that issues relating to rural and regional affairs have been dominant both in community concern and the political agenda across this state for many years now, prompted by severe cutbacks of services and infrastructure by the previous conservative government and aided and abetted by the commonwealth. That has led to an enormous amount of concern and a strong focus by the government and the community on the need for and adequacy of government involvement in those parts of the state.

There is also a need for a focus on outer suburban and interface services and development. In fact an interface group of municipal councils has formed to focus

attention on and examine common issues in this discrete subject area. The government has very frequently had public community submissions from those areas, where the need for services, infrastructure and issues unique to their geographic setting have been brought to the government's attention.

This is a work in progress. I certainly relish the work of the former Scrutiny of Acts and Regulations Committee, ably led by the member for Tarneit, which reported to Parliament on the parliamentary committee system. In due course further consideration may well be given to those recommendations.

The bill also deals with the number of members of the Public Accounts and Estimates Committee, and there is an amendment to rectify an allowance issue, which was explained by the Premier yesterday.

The honourable member for Doncaster gave us a little trip down memory lane to revisit the conventions and traditions of the place, and spoke of some of the more colourful history of some prominent commentators on the parliamentary committee system. I recall with some amusement that, in what members of the government call the dark days of the Kennett government, such was the burr under the saddle of the Kennett government represented by the honourable member for Doncaster that the then Premier referred to him as 'the real Leader of the Opposition in this place'. We all knew that that sounded the death knell for the honourable member for Doncaster's ministerial ambitions.

It is all very well for the honourable member for Doncaster and the Leader of the National Party to come here and talk about these fine traditions and the need for the chairs of these committees to be shared between the parties, but given the experience that those of us with a long enough experience or memory of this place had in those years, it ill behoves the opposition to give the government any lectures on this subject.

The fate of the honourable member for Murray Valley, who was nominated by members of the then opposition to become Chair of the committee and who was not only dumped under severe pressure and threats by the then government but also lost the railway line to his electorate, shows the vindictiveness and malevolence that characterised that administration. A member of that committee was the honourable member for Doncaster, closely followed by the Leader of the National Party. Some words may have been said in that party room, but certainly not a squeak was heard in public defending the member for Murray Valley.

These pleas for bipartisanship would be more credible if it were not for the malevolent and cynical use of the parliamentary committee system by the opposition as recently as 12 months ago, when it set up star chambers in the other place for the grubby Seal Rocks inquiry and the Frankston City Council inquiry.

Opposition members come in here and ask us to be bipartisan. They ask for a partnership, and they ask for some sharing of the approaches to parliamentary committees, but their record over time has been shameful. I am sure it will take some time for this government to forget their behaviour and for the opposition to re-establish the reputation it believes it may have had so we can have bipartisanship and a restoration of the traditions that once governed the parliamentary committee system in this Parliament.

Many government members in this place have enjoyed constructive relationships with members of the opposition on joint committees, and they have shared the responsibility for some constructive work. I have been a member of many committees, and I have been proud of the work that has come from them. The structure of these committees does not preclude such relationships being established, nor does it preclude the same quality of work being produced. But I argue that the quality of the work is not necessarily a product of those structures.

The National Party is attempting to hijack this legislation to get up their pet project, the bushfires investigatory committee, but it is not an appropriate way to do it. I am sure the community would rather have independent experts than MPs doing the post-mortem on the bushfire issue. I know members of this place who have an interest in outer suburban areas will not be impressed by the National Party's attempt to delete the Outer Suburban/Interface Services and Development Committee. It is not an appropriate amendment, and it will be noticed by outer suburban representatives and communities. This is good legislation, and it ought to enjoy the bipartisan support of the house.

Mr HONEYWOOD (Warrandyte) — I congratulate you, Acting Speaker, on your elevation to that very high and distinguished office! Having said that, I have only a limited time to talk on this legislation because of the new sessional orders.

We have no clearer indication of the different priorities of the government party and the opposition parties on the pivotal role of democratic institutions in the state of Victoria — namely, parliamentary committees — than the amendments that have been brought forward today.

Let us have a look at the amendments that the government has brought forward. What are they about? They are about money and about positions! They are about sharing the spoils of power and increasing the number of chairmanships, which are all superannuable. They are about fixing the money for the mates. That is what the amendments are about. They are not amendments that go to the core of enhancing the democratic institutions of this state. They are not amendments that will ensure the committees are able to be incisive and make genuine inquiries. We all know the types of references that will be bowled up to the mushroom faction opposite. They will be designed to get the outcomes the government wants.

As I said, the amendments are about fixing up the dough for the factional mates. That is the government's priority. At least our colleagues in the National Party have come up with well-considered amendments that go to the nature of these committees and what they should be about in the interests of the people of Victoria.

The National Party amendments are admittedly constrained by the situation which the opposition parties find themselves in — namely, they cannot move amendments that seek additional financial supply for the running of government. The government can do that, but an opposition party cannot. It is therefore unfortunate that one of the three amendments put forward by the National Party proposes doing away with the Environmental and Natural Resources Committee and replacing it with a bushfire investigatory committee. All honourable members would agree that the Environment and Natural Resources Committee has a proud record, particularly under the previous Liberal government, of reporting on very important references which go to the environmental character of Victoria and the way the environment is managed.

While it is tempting, given the natural disaster we have had in the shape of bushfires across the state, to substitute one committee for another, there is not a good enough reason to do so, particularly given that the inquiry the Minister for Police and Emergency Services announced today has limited terms of reference that will make sure that the government is not too embarrassed by the true situation, which is that the government did not countenance sufficient resources being put in to fuel reduction, stock feed and fence replacement. We can understand why the committee it proposes has very limited terms of reference.

But it is open to the government — and we hope it will do so — to take up the invitation of the opposition parties and give a reference to the Environment and Natural Resources Committee on bushfire investigations anyway. That way we could have a two-pronged approach in Victoria: we could have the government's trumped-up, limited-reference inquiry into bushfires, and we could have a separate reference for members of Parliament, who may be much more objective when inquiring into how these bushfires came about, how their mitigation should be resourced and what resources should be provided for rural communities and farmers who are in great need.

So while the sentiment is there in the first amendment put forward by the leader of the National Party, it proposes the substitution of a new committee for an existing committee. The opposition cannot support the amendment, only because the government has constrained the opposition by refusing the money to ensure that a new committee could eventuate.

The second amendment put forward by the National Party presents a similar conundrum — that is, it proposes to substitute a new Health Services Committee for the proposed all-party Outer Suburban/Interface Services and Development Committee. The National Party has the luxury of having to appeal only to its rural constituencies, whereas the Liberal Party tries to govern for and represent all of Victoria — unlike the Labor Party. On that basis, the Outer Suburban/Interface Services and Development Committee proposal is crucial, because over the past three years urban-fringe needs have been allowed to go unresourced by the current government. For example, many families are doing it very hard having to provide private transport for their children because the government will not fund buses to take children to schools on the urban fringe or from the urban fringe to small rural schools. We can only hope the government will provide the new Outer Suburban/Interface Services and Development Committee with genuine references such as the school bus problem to ensure that the committee is meaningful.

The opposition also understands that the proposal by the National Party for a Health Services Committee is genuine. The Leader of the National Party says there is no current committee that can handle health issues, but if the government were to give genuine references to the current Drugs and Crime Prevention Committee or the Family and Community Development Committee we could have meaningful dialogue and objective analysis of health resourcing in Victoria without a separate all-party Health Services Committee.

We know that the government does not want to have a stand-alone health committee, because it could dig up some of the factual information government members worry about, particularly after the Auditor-General revealed only two weeks ago that nine of our state hospitals are verging on bankruptcy due to a lack of resourcing by a government that claims to give health no. 2 priority after education.

The third proposal put forward by the National Party is to amend the terms of reference for the Scrutiny of Acts and Regulations Committee to include a capacity to examine the sessional orders now in effect and to report to the Parliament upon those sessional orders. This is a proposal that the opposition can agree to, and in the interests of democracy should agree to: we cannot abide a situation in which a gag is put on parliamentary debate by a government which only a few years ago in opposition claimed that we did not then have a true, open and accountable government. What has it done? It has gagged the freedom of information process. Only yesterday the Ombudsman highlighted the fact that an average of nine months has become the order of the day for a freedom of information application when a 45-day-maximum rule exists.

Despite the freedom of information and other matters the Premier and government members went on about when in opposition — about ensuring more openness and accountability — we find that the sessional orders that have been brought into the Parliament are an absolute disgrace, a sham and a constraint on true democratic processes. They impose a cap on debate which, in terms of the maximum time allowed, is the worst in any jurisdiction in Australia, as I pointed out in a previous debate. The opposition agrees with the National Party that the terms of reference for the Scrutiny of Acts and Regulations Committee should include a capacity to examine the current sessional orders and thereby highlight to the public of Victoria just how democracy has been stifled by a second-term Bracks government.

The opposition believes the amendments have in some cases been well considered by the National Party, but because the government controls the purse strings when it comes to the resources of these committees we have to acknowledge that the amendments cannot successfully allow for the substitution of one committee for another.

To sum up, unfortunately the fact that the conservative parties no longer have the majority in the upper house also means that we will not be able to have committees that look into government scandals. The attempt by the honourable member for Footscray to attack the committees of inquiry into Seal Rocks and the Premier's mate, Jim Reeves, does him no good when it comes to his reputation for being open and transparent and not wishing to gag the Parliament.

Mr ROBINSON (Mitcham) — It is a pleasure to speak on a Parliamentary Committees (Amendment) Bill. I would like to commence my contribution to the debate by acknowledging the very good work that is done at 35 Spring Street by a lot of people who have yet to be mentioned in the debate, and that is the committee staff. There are a large number of parliamentary committee employees. All members who have served on parliamentary committees must have found that the professionalism of the staff is second to none. The committee employees often have a difficult time dealing with a passing parade of members of Parliament who come to those committees with all manner of perspectives. It has been acknowledged here in the Parliament that the committees work very well, and that is in no small measure due to the professionalism of the staff at 35 Spring Street.

I could not let the comments of the previous speaker, the honourable member for Warrandyte, pass. I found one of his comments extraordinary. It was to do with the government's amendments. As much as I did not think we wanted to draw attention to that part of the amendments that deal with South Eastern Province, I feel the need to comment. If I understood the honourable member for Warrandyte correctly, he was suggesting that the amendments introduced by the government are simply about rewarding government members of Parliament.

Yet as I look through the amendment I see there is a bit at the bottom about looking after South Eastern Province and making sure it does not slip through the regulatory net. We would like to look after the honourable member for South Eastern Province in another place, even if the Deputy Leader of the Opposition has a different point of view. We will look after the honourable member, because he does a good job and he occasionally stands up to the opposition leadership — and that is well known. He is as deserving as anyone of coverage by those regulations.

I also found it entertaining that the honourable member for Doncaster wanted to remind us all about the contribution of a former honourable member for Templestowe Province in another place who, of course, held the dual roles of Parliamentary Secretary to the Premier and chair of the Public Accounts and Estimates Committee. We all have some sympathy for the honourable member for Doncaster because of his recent unfortunate meeting with a spider. He may still be

suffering the after-effects of that, because I am at a loss to understand why anyone would want to invoke the memory of that appointment.

From that point forward any politics teacher or lecturer in Victoria wanting to highlight both the necessity for and the perils of dealing with the separation of powers could simply cite what is now known as the Forwood case — that is, you have someone serving on the executive who is trying to also do a job for the Parliament. The two are meant to be separate. Why anyone would go around referring to that in a positive light and asking us to recall the progress that that represented is beyond me. Perhaps we have to make some genuine allowance for the honourable member for Doncaster at this time.

The bill represents an evolution of the Parliament's procedures in that it parallels the changes we have made to the sessional orders, and it tries to make the Parliament's committee structure more contemporary. I have been fortunate in previous parliaments to have been involved with both the Law Reform Committee and the Scrutiny of Acts and Regulations Committee.

Ms Beattie — Excellent committees.

Mr ROBINSON — Excellent committees, as the honourable member for Yuroke interjects. In her previous life as the honourable member for Tullamarine she served with me on the Scrutiny of Acts and Regulations Committee, and it was a particular pleasure to be involved with that committee in a review of parliamentary committees. I remember spending some time with the members of different parliamentary committees and different parliaments talking about the desirability of increasing the scope of the work of parliamentary committees. Indeed the bill proposes changes that will see a greater proportion of government activity scrutinised by committees, and that is a very good thing.

The establishment of the Education and Training Committee and the Rural and Regional Services and Development Committee is a good step. They represent progress and an opportunity for the Parliament to examine other activities of government that have not previously been subjected to direct scrutiny. It is very positive. It flows out of one of the inquiries undertaken by a parliamentary committee and in itself demonstrates quite clearly the value of those committees.

I also want to refer to clause 7, which proposes that the Scrutiny of Acts and Regulations Committee have a retrospective power to review acts of Parliament or bills which have been introduced prior to that committee's formal re-establishment. That is a very necessary step, and it is also a step that was undertaken in the last Parliament where, due to the closeness of the numbers and the ongoing discussions over proportional representation on committees, SARC did not establish itself until approximately February or March. So there was a backlog of work on legislation, just as there is, of course, an ongoing and perpetual workload with regulations. We sometimes lose sight of the fact that hundreds of regulations of different types are presented to and analysed by that committee each year.

This is good legislation. I do not believe the National Party is being ingenuous when it complains about the lack of time. I listened to the extraordinary contribution of the Leader of the National Party. He is a very capable fellow, and he had the opportunity to make a 20-minute contribution — but I timed him, and he spent 23 minutes complaining about the lack of time! There is an old saying in business that time is money, and if the opposition parties want to continue wasting their time talking about a shortage of time, so be it. However, if they applied that in business, they would be stone broke.

The bill provides for more members of Parliament to be involved in parliamentary committee work. That is a very positive step, because as someone who has served a few years in this place I have to say that parliamentary committees offer the only consistent form of professional development for members of Parliament. All members of this place try to do their jobs as professionals. We are paid as professionals and we are resourced as professionals, but there is not a huge opportunity to develop one's skills. Most members of this Parliament would have had to deal with circumstances which are not of themselves particularly Liberal, Labor or Independent circumstances. They are nevertheless intrinsically those that politicians and parliamentarians experience.

One of the great values of parliamentary committees is that in the course of the parliamentary term you get the opportunity to meet and exchange views with other members of Parliament from other jurisdictions. It is extraordinary that in this profession, unlike many others, there is a paucity of opportunities to talk to and meet with other people who do the same sort of work in other jurisdictions, yet there are hundreds of other parliamentarians in different jurisdictions across this country.

In the past three or four years in particular I have been very appreciative of the chance to be involved in committees and subcommittees that have gone out and met with other people in other jurisdictions and learn a

little bit about what they do and share with them some of the things we do and to come out of that process with a broader view about the sorts of — —

Mr Mildenhall interjected.

Mr ROBINSON — The honourable member for Footscray raises a very good point, which I think needs to be put on the record: the parliamentary committee report undertaken by the Scrutiny of Acts and Regulations Committee was done under great hardship, in that we did not travel overseas. I know that revelation is shocking to some people. We did go on a brief trip to New Zealand — but I am not sure what actually constitutes an overseas trip. If in his discussions with the Premier he wants to note that the previous members of the Scrutiny of Acts and Regulations Committee are owed one, I will be happy for him to put that one down. I thank him for the opportunity of putting that on the record.

This is a great bill which represents an evolution of the work undertaken by parliamentary committees. It probably does not go as far as some people would want, and that is a fair complaint, but it certainly goes a lot further than the system we had under previous parliaments. In that sense it is to be greatly welcomed, and I have no hesitation in supporting the Parliamentary Committees (Amendment) Bill.

Mr THOMPSON (Sandringham) — I congratulate the honourable member on his appointment to the high office of Acting Speaker.

I wish to cite a couple of quotes from the debate that took place in 1992 regarding parliamentary committees:

> Two of the five committees had chairpersons from parties other than the government party. That was something that happened under the previous Liberal government: from time to time members of other parties chaired committees. I maintain that such a system works well. It provides ownership of the structure to the whole of the Parliament, not just to part of it.
>
> This is a very important matter. Members of the opposition were horrified — and I was surprised — when we received a copy of a fax that had been sent to the staff of the committees. The fax listed the new committees and the names of the nine chairmen of the committees. No discussion had taken place with the opposition, and there had been no consideration by the Parliament before honourable members were presented with a list of the nine committees.

It turned out that those nine committees were appointed by the same party, the government. That quote by the Honourable Tom Roper, a former Labor minister, highlighted the then opposition's concerns about the importance of the parliamentary committee structure and the element of bipartisanship that should form part of the process. However, what is the Labor Party doing now that it is in a position to make a decision? Is it giving effect to its rhetoric of 1992, or is it embarking upon a particular course which it strongly opposed at that time?

Other opposition speakers in that debate expressed concern about the abuse of democratic process, about the loss of bipartisanship in the parliamentary committee structure and about internal party political purposes being served by the appointments of chairs of committees and the development of a career structure for members of the government of the day. It is fair to say that the interests of the Parliament are best served when there is a strong parliamentary committee process with a strong structure.

The previous speaker mentioned the benefit of overseas travel. I understand that during the current term that is to be a particular focus of the committee system. I suggest that the more government members there are who spend time overseas the better it will be for the good governance of Victoria, as they may have the chance to learn something about good governance overseas and they may not cause quite the same degree of damage as they might if they were based only in Melbourne, remembering the tenure of the previous Labor government between 1982 and 1992.

The National Party has proposed what I think is a good reform — that the sessional orders of this chamber be referred to the Scrutiny of Acts and Regulations Committee. I trust that if that is the case the committee will have the chance to draw a comparative benchmark with comparable sessional orders in other Australian states. I fear we will find that the structure the house is currently operating under may reflect one of the least democratic approaches that exists.

A point of particular concern that I have is the limitation on the rights of lead speakers, they being the shadow ministers who at times have spent weeks and months studying issues and liaising with community groups. They are being silenced by the time limitation and the lack of opportunity for an opposition to farm out the time for speeches according to levels of expertise on a discretionary basis.

I have had the opportunity to serve on different parliamentary committees, including the Scrutiny of Acts and Regulations Committee under the chairmanship of the honourable member for Doncaster. It served as an important parliamentary watchdog on issues such as the inappropriate delegation of legislative power and the trespass on rights and freedoms. The committee held public hearings on important pieces of

legislation and there was wide input from divergent community groups on imminent legislation. The comments from those groups were incorporated in the *Alert Digest*. That information provided a very important base on which parliamentarians in both chambers could then consider issues and make their judgments. I trust that in its future work the Scrutiny of Acts and Regulations Committee will take a very proactive role to glean from the wider community information that will form part of the *Alert Digest*.

I have also served on the Law Reform Committee. During the last Parliament a number of very important reforms were introduced as a consequence of its deliberations, in particular in the rural services review and on the application of technology to improve legal service delivery, resulting in some 125 recommendations, many of which were accepted by the government and some of which have already been implemented.

There was also the review of inspectors' powers and the timely recommendations on public transport inspectors. That provided a good framework for the better training of inspectors and for alleviating some of the circumstances that commuters found themselves in on railway station platforms.

Some excellent work was also undertaken by the committee in a bipartisan manner on the use of DNA in crime detection prevention, a report that I anticipate will find its way into this chamber for discussion during the 55th Parliament.

The importance of having an effective system of review of legislation under the Scrutiny of Acts and Regulations Committee was one reform during the period 1992 to 1996 which has been largely unheralded by government members. That was landmark legislation that mirrored a federal Scrutiny of Bills Committee established by the great parliamentarian, the late Senator Alan Missen who was a strong champion of human rights and individual freedoms. I know he was well known to the honourable member for Sunshine and was widely respected in Victoria and in national circles for his debating prowess and his unwavering belief in the democratic process and the freedom of expression of viewpoints.

The importance of there being a parliamentary committee that scrutinises legislation is that in the process and rush of legislation being delivered into the chamber it provides an opportunity for some of the legislation to be analysed to ensure that there are not adverse, undue or unfair impacts on particular sectors of the community or the removal of their rights or freedoms.

I have already alluded to the position of the chairs of committee. I note that the Labor Party is largely hypocritical on this particular question in the sense that the rhetoric of 1992 is not being implemented when it has the chance to implement it in the year 2003. Let it be judged for posterity by its hypocrisy in this particular regard.

I note that additional committees are to be appointed in relation to outer urban Melbourne and regional Victoria. Important questions can be considered by committees subject to there being good terms of reference so that Victoria can position itself for the future. I trust that these committees will not replace the work of members of Parliament under the proposed terms of redivision with country members representing 11 lower house electorates, and that their work will not have to be substituted by an all-party parliamentary committee embarking on and undertaking research.

Another parliamentary committee on which I had the opportunity to work was the subordinate legislation subcommittee, which dealt with regulations. Some excellent work was undertaken by it. One particular example was a review of the abalone fishing regulations. Abalone is an important industry to Victoria. It generates some $70 million a year in income, a large proportion of which is export income. It is an area which is highly regulated owing to the level of illegal activity that takes place. The Scrutiny of Acts and Regulations Committee's subordinate legislation subcommittee had the responsibility of reviewing regulations that provided very high standards and benchmarks from the monitoring of abalone from the time it was brought on board boats through its delivery to factories and into other markets.

Honourable members interjecting.

Mr THOMPSON — It is not quite time for government members to speak in the dark or work in the dark, but there are some serious concerns in relation to this matter.

The ACTING SPEAKER (Mr Kotsiras) — Order! The chair will be temporarily vacated.

Sitting suspended 3.35 p.m. until 7.02 p.m.

Debate interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before we commence this evening I would like to welcome students from Korowa Anglican Girls School in Glen Iris, who are here tonight with some German exchange students from the Veit-Hoesek School in Borgen, Bavaria, Germany. Welcome to those students.

Debate resumed.

Mr THOMPSON (Sandringham) — Today has been a dark day for democracy! In fact it became a lot darker during the course of my speech than I had first anticipated when I commenced. I note that governments that legislate in haste repent at leisure in the course of time.

The bill before the house relates to parliamentary committees, and just before the lights went out I was making a wide-ranging commentary on the good work of parliamentary committees. I referred in particular to the review of the subordinate legislation committee in relation to the abalone industry and its importance to Victoria. The importance of the work of that committee is evident in a report entitled *Taking Stock*, which deals with the illicit taking of abalone and its selling interstate, as well as reviewing the efficacy of the mechanisms designed to protect the valuable resource of abalone in Victoria.

In summary I will round up my principal concerns in relation to the legislation. The proposal by the National Party to review the sessional orders by way of reference to the Scrutiny of Acts and Regulations Committee is a very good idea so that the standards for parliamentary debate can be benchmarked not when one party dominates both houses of Parliament but objectively so that there is adequate opportunity for parliaments in the future to have fair ground rules to enable points to be articulated, policies to be presented and sound legislative reforms to be made.

I draw attention to remarks by people such as Tom Roper, a former member for Coburg, and Dr Coghill, a former member for Werribee, who alluded to the importance of parliamentary practice and worthwhile traditions being made and maintained in the course of time so that there could be strong ground rules.

I have spoken of the merit of the new committees that may be established and hope that the regional committee will not end up substituting for the role of rural members of Parliament representing smaller electorates.

At this point I would like to digress and speak about rushing legislation through the chamber. One of the most important parliamentary reforms that has been made in this state in the last 150 years has been debated in this chamber without the benefit of scrutiny by the all-party Scrutiny of Acts and Regulations Committee, the fundamental objective and first charter of which was to review legislation against the backdrop of rights as to whether legislation would unduly trespass upon individual rights and freedoms.

Yesterday we considered legislation without the benefit of the fine reports of the Scrutiny of Acts and Regulations Committee, and the only time the Parliament will consider that report will be after the legislation has already passed through the Parliament. That is an unfortunate situation to be in and represents a dark day for democracy.

Mr MAXFIELD (Narracan) — It gives me pleasure to contribute to this debate. I thought I was about 1½ minutes away from contributing at about 4.00 p.m.; as a result I have been able to spend many hours further preparing for my contribution.

I am proud to be standing up here as a member of the second Bracks government. Certainly I am very proud of the fact that we are establishing some new committees. As the member for Narracan and a country MP, I can say that our continual focus on regional and rural Victoria makes me very proud. The fact that we are going to put together a committee for rural and regional services development is something else I am proud to be a part of, because one of the things we have to remember in this state is that we have to govern for and grow the entire state. We cannot go back to the old days when all development occurred in the centre of Melbourne, and we hoped things would trickle down.

In my own area the work we have put in over the last three years in developing regional Victoria and on the Latrobe Valley ministerial task force makes me proud to be a member of a government that has delivered that so well. We heard from the Treasurer this afternoon on this issue. An all-party parliamentary committee to continue to highlight and focus on regional Victoria is something we are very proud to be a part of, because rural Victoria was not something we concentrated on for three years and then went on to worry about other things; our commitment to growing the whole state is very strong.

That takes me on to the issue of outer suburban/interface services. That committee is designed to have a similar sort of focus because there are special growing pains and difficulties in those outer suburban

areas. Certainly in my own electorate, which is partially in the Latrobe Valley and partially in West Gippsland, we have seen the pressures with and the difficulties of getting through Hallam, for example, as a result of that expanding outer suburban area. We are obviously very pleased that we have been able to bring forward by 12 months the completion of the Hallam bypass. It will certainly improve access from my electorate to Melbourne.

However, with those expanding areas there are significant growing pains, and having a committee that looks at that area as well will ensure that not only are we looking after rural Victoria but that outer suburban and partially rural areas will also get attention. One thing we must make very clear is that we will not neglect any part of the state. As a country MP I remain totally and utterly committed to supporting that proposition.

Looking more closely at the operation of our committees, I really look forward with excitement to the committee structure we are going to have. Honourable members of this house, and certainly those in the upper house, will be aware that previously there was some misuse of the all-party committee structure. A classic example of that was the so-called inquiry into the Seal Rocks project. That inquiry was politically motivated and at no stage was there any attempt to look at or investigate the facts. You saw a situation in the Seal Rocks inquiry where the terms of reference were so narrow that the committee would not even look at the awarding of the original contract that had created the problem in the first place. It wanted only to look at the final part of the contract where the dispute had arisen and had no intention of looking at why the dispute occurred — why was a contract entered into and what was its background?

When the upper house committee set the terms of its inquiry it made them very narrow because it wanted to get into the bit that it thought could be politically advantageous to it but knew that if the real story came out it would be very ashamed and embarrassed. The last thing the Liberal and National parties wanted in the upper house was for the truth to come out, for the history of the Seal Rocks centre to be known, because what would we have seen with that history?

Honourable members interjecting.

Mr MAXFIELD — What would we have known? Of course they structured the rules so the truth could not come out. Why would they do that? It was only because they did not want the facts to come out in the community. If you were really open and wanted to be accountable you would simply say, 'Let's inquire into the lot'. But no, the last thing they wanted to do was to have people find out what happened with Seal Rocks. Imagine if the community found out the truth. What a horrible thought that would be! So of course what they had to do was narrow that inquiry down, use their numbers in the upper house, their domination, to ensure that they hid the facts and exposed the little bits that they could distort and twist.

Honourable members interjecting.

Mr MAXFIELD — Acting Speaker, I will certainly ignore those interjections from members of the National Party. I am speaking in regard to the operation of committees. When it comes to all-party committees it is very important that all-party committees should be getting together and working through the issues to improve public policy in this state. That is the reason why we have all-party committees.

We should also be working very closely, ensuring that we try, when we can, to work as a team. There will be times when we will be political and have a go at each other, but one of the important secrets of the all-parliamentary committee is members do not try to engage in games or play political football because the voters of this state, the people whom we represent, really want us to go out there and do the hard yards on policy. They want us to deliver to the community. They want us to investigate the issues and come up with thoroughly thought out recommendations that can be brought to this house.

Honourable members interjecting.

Mr MAXFIELD — I notice that a member of the National Party, the honourable member for Murray Valley, says I am in fairyland. He thinks that trying to have good policies is being in fairyland.

During the seven years of the Kennett government, having good policy might have been fairyland stuff; but we have moved on now. Proper debate, proper discussion and proper policy are what we stand for.

Another example of how things are being used politically is the bushfire inquiry, and the National Party wants to throw its bushfire inquiry in. As a member of the Country Fire Authority I fought in the fires out at Swifts Creek, so I saw first hand what occurred out there. What we want is a balanced, independent inquiry. The last thing we want is politicians trying to gain political mileage out of devastating fires. That is what the National Party is doing in this house by engaging in a political game to

find blame on the other side so it can gain some political advantage.

Why not find out the truth? Why not have an independent inquiry that thoroughly investigates the matter and comes up with proper recommendations? Certainly that is what will happen with the Essential Services Commissioner. We have an independent commissioner who sets and monitors standards for the prevention and management of emergencies. He is required to advise and make recommendation reports on any issues relating to the management of emergencies such as bushfires, including preparation, planning, responses and recovery.

The inquiry we are bringing forward is all about an independent, proper assessment so that we can come up with the facts and issues we need rather than political grandstanding and attempts to play political games. The tragic loss of resources in the bushfires is something we need to investigate thoroughly; it is not something we should be using for political gain.

The National Party stands utterly condemned for wanting to play political games with the bushfires that ravaged our state. It is a shameful day — but of course we are not going to buckle. We are going to have an independent inquiry to make sure that the facts come out and we get sensible, proper recommendations.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Parliamentary Committees (Amendment) Bill, and from the outset let me say that all-party parliamentary committees play a very important role in the Parliament, in our democracy and in the development of good policy and good government in Victoria.

There has been a history of all-party parliamentary committees examining challenging and difficult issues. Indeed the recommendations made by a range of parliamentary committees have made a real difference in providing policy direction for Victoria. Irrespective of the government of the day or the range of issues, parliamentary committees have made a real difference.

A leading example is the Road Safety Committee, which has received world recognition over many decades for its work in improving road safety, whether it be seatbelt recommendations and drink-driving recommendations or, more recently, the drug-driving inquiry under the chairmanship of the former member for Forest Hill, John Richardson.

I was fortunate enough to serve on the Social Development Committee from 1988 to 1992 under the chairmanship of the then Labor member for Box Hill, Margaret Ray. It was a very interesting committee that addressed a range of different social issues, including vehicle occupant protection. Because there was no road safety committee at the time, the Social Development Committee subsumed the role. I remember our making recommendations about installing compulsory airbags in vehicles to protect the occupants. At the time the motor vehicle industry said it was impossible to deliver; but we now see that airbags are standard equipment in cars and are saving lives.

If I recollect correctly, I did a minority report on the need for improved education and driver training, particularly for learner-drivers from the time they got their learners permits to the time they went for their drivers tests. I believe all learner-drivers should undertake a defensive driving training course for 8 to 10 hours and present the certificates they gain when they go to get their drivers licences. That is the next step in significantly improving driver education and training. We looked at motorcycle safety, and we also looked at companion animals in setting the context for the Companion Animals Act, which replaced the Dog Act, provided for the registration of cats and significantly improved the management of companion animals in our society.

There was a significant inquiry into mental disturbance and community safety. That issue was very challenging and addressed major issues in the community, in particular the Garry David issue. While I should not refer to the clerks by name, the executive officer of the committee, Geoff Westcott, was a significant player in helping us on that committee. It was a very interesting and challenging committee reference, and the recommendations that were made on an all-party basis helped model some of the changes in our society.

The Social Development Committee had previously looked at references such as dying with dignity, which again was seen as a worldwide reference that addressed the issue of euthanasia, and drink driving.

All-party parliamentary committees have the benefit of input from expert professionals and input from the community. They are able to take written and oral evidence and can examine issues in great detail in a bipartisan way. So in general I strongly support the parliamentary committee system.

It is interesting to note the increase in the bill before us in the number of parliamentary committees. I will not comment on the titles of those additional committees, but I question the motive of this government in expanding the committee structure. In 1988 the Parliament had five committees which served it well.

Now we have 11 committees to serve the Parliament, and as I said, I question the government's motives for doing so.

When I analyse that I find that we need to see who benefits from these parliamentary committees. I have just had a look at the structure of the Bracks Labor government. Since 1999 we have seen an increase in the size of cabinet from 18 to 20 and a massive increase in the number of parliamentary secretaries to 15, and we now have 11 committee chairs. Under the Bracks government a total of 54 Labor MPs are on some sort of higher duties. If you look at cabinet ministers, the Cabinet Secretary, parliamentary secretaries, chairs of committees, presiding officers, whips or party secretaries, 54 out of 87 have higher duties! For those who can do the mathematics, that means 62 per cent of the people on that side of the house have their snouts in the trough.

This bill is about allowing the Labor government to put more of its members' snouts in the taxpayers' trough. We have had an increase in the number of cabinet ministers and parliamentary secretaries by about 50 per cent, and we have had an increase in the number of committee chairs. We now have 62 per cent of all government members in both houses on some sort of higher duties, and just the additional places that have been created since the re-election of the Bracks government is costing taxpayers well over half a million dollars a year.

I ask the Labor backbenchers and all the members of this Parliament how much that would benefit their local schools, local disability organisations, local road funding — and that is only part of it, because it has implications for our superannuation fund. These people have not only got their snouts in the trough for the extra pay of being a chair of a committee or a parliamentary secretary but in the long run they also have benefits in superannuation.

I put it to you, Acting Speaker, that while parliamentary committees are in themselves good for the Parliament this government is about creating jobs for the boys and girls of the backbench of the Labor Party so they can feather their own nests or line their own pockets at taxpayers' expense. That is what this is about. It is not about genuinely trying to provide a forum for Parliament to operate better; it is about creating work for the bloated backbenches and putting extra money into the pockets of backbenchers.

It would be interesting to note how many of these chairs of committees, which are important positions, are going to be taken up by newly elected MPs who do not even know how the parliamentary system works. I wonder how many of those are going to have their snouts in the trough when they do not even know how the system works — let alone know how to make a committee work.

I question the way this government is operating. This government, which has been re-elected for only a short time, has already amended the sessional orders to deny effective debate in the Parliament — it has already stifled democracy. It wants to change the constitution to deny effective regional and rural representation in the Parliament. Now it wants to use a parliamentary committee system to fundamentally provide jobs and extra money for some of its idle, lazy backbenchers.

That is what this is about, and we will be watching. We will be watching to see how many of these committees will find it necessary to go on trips interstate and overseas. We have the hypocrisy of the Labor Party, which attacks overseas travel but devises mechanisms to feather its members' nests through these restructures. We will be watching to see what it actually does in this work.

In the final minute let me refer briefly to the National Party proposed amendment about the bushfire investigatory committee. I agree with the thrust of this because there is a real need for a proper, full and independent investigation of the fires. The government inquiry is a tightly controlled internal whitewash and a sham. It is totally inappropriate for a full-time government employee to be conducting this inquiry. It is not independent, and it does not provide for people to be able to give evidence before that inquiry in an open, honest way under oath. It does not give the officers of government — officers of the DSE, the Department of Scorched Earth — the chance to give evidence under oath about what they know about the lack of fuel-reduction burning, the lack of maintenance of fire tracks and the operations on the fire front itself. We need to have a full and proper independent inquiry.

I support the thrust of the National Party amendment, and I condemn the government for trying to run away from a proper inquiry.

Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).

Debate adjourned until later this day.

CONSTITUTION (PARLIAMENTARY REFORM) BILL

Second reading

Debate resumed from 18 March; motion of Mr BRACKS (Premier).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be now adjourned.

Mr PERTON (Doncaster) — The Parliament and the public should note that this is a major piece of constitutional reform. It entrenches a whole range of provisions in the constitution which can be changed only by referendum. At 7.30 on Wednesday night the government business program is dictating that this bill will pass through this house at 4 o'clock tomorrow afternoon, yet these amendments are being received by the Liberal Party, the National Party and the Independents without explanatory documentation or any explanation of their contents.

I have asked the Leader of the House and the Government Whip — it is not their fault — and they have offered to facilitate the briefings. This is ridiculous. A piece of major constitutional reform will go through this house by 4 o'clock tomorrow, and we are getting 35 amendments at 7.30 the night before this bill will pass. That is inappropriate. I think the public, were it aware of it, would think it inappropriate. I do not blame the Leader of the House or the Government Whip, but the government should hang its head in shame for bringing forward amendments to such a major piece of legislation so late in the piece.

Mr LANGDON (Ivanhoe) — I assure the member for Doncaster that a briefing will be given later this day — straightaway.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

TERRORISM (COMMUNITY PROTECTION) BILL

Second reading

Debate resumed from 27 February; motion of Mr BRACKS (Premier).

Mr McINTOSH (Kew) — I agree with the Premier when he said in his second-reading speech that the attacks on our fellow countrymen in Bali and the events of September 11 have no doubt driven home to all of us the appalling and dramatic problem that terrorism is causing, not only for this country but for other nations around the world.

Thomas Jefferson once said, 'The price of freedom is eternal vigilance'. This bill goes a long way to dealing with the vigilance necessary for our people in Victoria to deal with this matter. I have no doubt that the people of Victoria require and demand of the legislature that it introduce laws that will enable the fight against terrorism to be carried on to the best of our possible ability with the greatest amount of resources available in the state of Victoria.

As I said, the bill goes a long way to dealing with these matters. It arose out of a national agreement in April last year between the heads of all Australian governments — commonwealth, states and territories — to introduce legislation that would enable the fight against terrorism to be dealt with in a more appropriate coordinated national way. A bill currently before the upper house deals with a constitutional reference by the state of Victoria to the commonwealth to put beyond doubt the ability of the commonwealth to legislate on a number of new terrorist offences. That legislation was introduced in the commonwealth Parliament in July last year. Essentially the legislation in the upper house indicates that constitutional power is lent to the commonwealth to enable it to have the power beyond any constitutional challenge.

The genesis of this bill also arose out of the national agreement in April last year. That agreement required each state and territory to undertake a review of its own domestic laws and its ability to deal with the scourge of terrorism. I repeat: this bill goes a long way to dealing with those matters.

Of course there have been a number of concerns in a global sense about some of the items raised in this bill and I will go into them in more detail in a moment. A number of matters have raised community concern. Covert search warrants have been the subject of concerns raised by Liberty Victoria and the Fitzroy Legal Service. I understand the Privacy Commissioner has also expressed some concerns, but regrettably I found out about those concerns at only around 6 o'clock this evening and was unable to make any contact with the Privacy Commissioner.

However, I commence with those concerns raised by Liberty Victoria and the Fitzroy Legal Service, and I

propose to deal with them in some detail. It is safe to say that the opposition supports the legislation. We understand the motives of the government in wishing to deal with this scourge of terrorism in a national way with a national approach, and of course we support the government in that approach.

There may be concerns and glitches but one of the fundamental principles of the bill is a sunset term which lapses at the end of 2006. The Attorney-General is obliged to conduct a review of the operation of the legislation. It must be tabled in the Parliament at the end of 30 June 2006 to enable all of us to consider what aspects of the bill could be improved. That review will, no doubt, deal with issues of individual liberty and also the effectiveness of the measures dealing with terrorism. Indeed, in a briefing by the department we learnt that one of the things that may be considered by the Attorney-General is whether we still require these dramatic and draconian powers as part of the law of Victoria. I do not want to be a harbinger of any form of doom or concern but I imagine that is likely to not be the situation because terrorism is one of those things that will be present with us for most of our lives. However, having said that — —

Mr Ryan — Let me say this!

Mr McINTOSH — I thank the Leader of the National Party for his prompting. I will briefly outline the principal aspects of the bill. It contains a provision to deal with the issue of the covert search warrants, which is a novel system. As it will be covert the very person who is the subject of the search warrant will not know anything about it and will have no ability, through the process of law, to deal with or oppose it or know anything about the detail of the search warrant. It is a dramatic step. As I said, the person who is the subject of such a warrant would not know about the detail of such warrants.

The next aspect is what I call the detention of individuals, but it is really dealing with the ability of emergency services — usually the police, who are normally the first people on the scene — to detain or direct people where they should go and what activities they may undertake, including decontamination, for a period of up to 8 hours with the possibility of that being extended for a further 8 hours. The whole purpose of the provision relates to the notion that there has to be an immediate response and a buying of time and if there is a chemical, biological or radiological contamination it may not be immediately obvious as to what overall response the emergency services would have to implement. There would have to be some determination as to whether it was chemical, biological or radiological. Indeed it could be a combination of all of those.

It is a mechanism whereby emergency services — the police, particularly, who would be the first on the scene — would be enabled to make decisions to at least contain the problem, identify what that problem was, and then the normal disaster management plans would come into operation after that. As I said, it is a dramatic step to detain people for no greater reason than that they have been subject to these sort of attacks, but it is probably necessary in those circumstances, particularly if there were a chance of infection or exposure of others if they were free to move around an area, city or otherwise.

I move onto the next issue, which is the mandatory reporting of the theft of chemicals. One of the things that we have all become aware of, me particularly after the Bali bombings, is the use in terrorism of ordinary, everyday chemicals that we find in ordinary, everyday things around the farm — for example, fertilisers contain some of the necessary constituent parts of terribly devastating explosives. I am certainly not able to analyse what this is from a chemical point of view, but I am aware that it has received a great deal of publicity. Indeed there is a strong suggestion, if not a certainty of belief, that one of the constituent parts of the bomb in Bali was a fertiliser regularly available in Indonesia.

The most important thing about this is that the bill provides that the occupier of premises, if they become aware of the theft or loss of a prescribed chemical — and that could be an ordinary household or farm chemical — has to immediately notify the police so that if there are large quantities the police can take the appropriate action to undertake an initial investigation which might lead to the detection of terrorism or terrorists in the state of Victoria. Most importantly it imposes another onus on small business, but again I think it is an onus that we would all support in the detection of and fight against terrorism.

There are also provisions in the bill that exclude or limit the ability of a court of law to examine witnesses who are involved in counter-terrorism or have access to counter-terrorism information and require them to give evidence. Indeed there can be a complete prohibition if the court determines that it is a matter of national security and that those matters should not be disclosed by witnesses or documents produced. It is always subject to the court's scrutiny — the documents, if they exist, or the subject of the litigation can be examined by the court. If the court makes that finding then that essentially limits the ability for any further examination

in relation to those matters which go to the notion of national security.

It is a pretty dramatic step to prevent a court from examining any sort of issue, or limiting that right, but again I think in the interests of national security and the fight against terrorism it is an appropriate step. It is a balancing between two different evils but in this circumstance it is an appropriate step.

The next matter I want to touch on is the issue of the risk management plan, which the bill also provides a mechanism for. The operators of public utilities such as transport, gas, electricity, sewerage, water or any other prescribed service industry can be prescribed to be an essential service, which would require the preparation of a risk management plan — a plan that would enable that company and emergency services, particularly the police and counter-terrorist services, to deal with any terrorist threat against that utility. Again it imposes an obligation on a third party but also goes to the issue of protection of the community from terrorist attack.

What is a little bit unclear — and this is something that the government might seek to clarify — is whether an individual industry has to be declared an essential service, like electrical generation, transmission or retail, and therefore anybody who is providing that service within that global industry has to not only prepare but also maintain and constantly audit their risk management plan and provide it to the minister responsible when required to do so. Or would individual service providers be certified? So it could be certification of a global industry or an individual operator. It is a little bit ambiguous, but hopefully the government will be able to clarify that.

If the government does go down the route of just certifying a particular industry as being an essential service — which I suspect is the intention of this legislation — it would seem appropriate to notify operators within that industry, so far as the government is aware of them, who would then be able to know their obligations in relation to the risk management plan. Having said that, I do not think there is any need to amend the legislation; the government can just indicate what its position would be in relation to those matters.

The final provisions I want to briefly touch upon before I go into detail on two matters relate to the issue of freedom of information (FOI). The bill provides that documents relating to the national security of the commonwealth, any state or any territory will be an exempt document within the meaning of the Freedom of Information Act.

We were briefed on the bill and I have checked the provisions of the commonwealth Freedom of Information Act. It would appear that the government has taken the provisions relating to national security and largely replicated them with amendments to allow for plain English and to reflect the Victorian perspective.

What the provisions relating to FOI do is a matter of some concern because it is a novel step in relation to freedom of information in Victoria. It is not a novel step in the commonwealth jurisdiction where other similar provisions relating to national security use the same mechanism, but it is a novel mechanism in Victoria and as such requires some analysis and perhaps a suggestion as to how it could operate more effectively, although no-one wants to hold up the passage of this bill, because it is important that we address the larger concerns relating to terrorism.

Under the FOI provisions, when a document is considered to be a matter relating to national security or the security of a state or territory the secretary of the department or the Chief Commissioner of Police, whichever is applicable, has the ability to issue a certificate stating that the document is exempt under the Freedom of Information Act. There is nothing new in that approach. As I have experienced on many occasions at the Victorian Civil and Administrative Tribunal (VCAT), the government often claims a cabinet document exemption. Once the secretary of the department issues a certificate in relation to a cabinet document it is prima facie an exempt document under the Freedom of Information Act and there can be no review of that particular document and no claim of public interest can override it. A cabinet document is an exempt document, and the certificate itself is prima facie evidence of that exemption.

However, this bill provides that VCAT can test whether or not there are reasonable grounds for the certificate to be issued. Those reasonable grounds can be tested and in the normal course can be subject to an appeal further along the process. However, the novel aspect of this bill in relation to FOI under Victorian law is the provision that states that upon VCAT making a determination that a document may jeopardise the national security of the commonwealth or any state or territory the minister can override that decision and issue another certificate stating that it is an exempt document.

We must all pause to think about this, because it is a fairly dramatic step in the way judicial review of administrative action takes place in this state. For the first time in the operation of FOI — it is not novel in relation to the commonwealth jurisdiction, I understand

that, but it is certainly novel in Victoria — a minister can override a finding of a tribunal in relation to an administrative action. That is a fairly dramatic step. I understand the nature and basis of that dramatic step — it is based on the federal model — and I understand the reasons for it.

The next step in the process is that when the responsible minister issues the new certificate without withdrawing the original certificate issued by the head of the department or the Chief Commissioner of Police the minister must within five sitting days of the issuing of that certificate provide details of the reasons and the decision to both houses of Parliament. That is reflected in the commonwealth legislation whereby the federal Attorney-General as the responsible minister has to table the new certificate and the reasons for the decision in the commonwealth Parliament.

However, the federal legislation provides one further step — that is, that the federal Attorney-General must read the decision and the reasons for it to the house. When such a decision is made, given that it is such a dramatic step, it should be brought to the attention of the house and not just tabled in the usual way so you have to search through some 20 000 other documents that may be tabled on any particular day. There needs to be an expectation of what is to come. Notice only has to be given within five sitting days given that it is a matter of national security. If members of Parliament are not made aware that a document exists they may not be able to trigger a debate on the issue so Parliament can review the matter. For some reason, the extra step of reading it out in Parliament has not been included in the state act.

This is an important bill that needs to go through the house as quickly as possible, and we do not want to hold up the process by proposing unnecessary amendments, but it may be necessary for the government to ensure in the spirit of the legislation two things: firstly, that the mechanism will only be used as a dramatic step when documents clearly relate to national security, because we do not want documents being excluded from opposition or community scrutiny by the process being exercised willy-nilly; and secondly, that the provisions of the commonwealth legislation will be followed exactly to provide that the tabled document must be read out by the minister to alert people to the fact that the government has exercised this dramatic step, because it is contrary to our notions of the way justice should be dispensed with in this state.

We understand the reasons for it but there seems to be a slight difference between the commonwealth provisions and the state provisions without any formal explanation being given as to why. I ask the government to take that on board and give a guarantee to this house that the spirit of the federal legislation will be adopted in the way the government exercises this power so that it is used with caution.

I go back to the matter of the covert search warrants, which requires some analysis. As I understand it, a covert search warrant would enable a police officer or officers to search the premises of a terrorist suspect. It has to be a terrorist suspect, not a murder suspect or someone who has committed a sexual crime or a drug-related offence, and there has to be a reasonable suspicion that a terrorist act is about to be committed, so it has to relate to terror. The issuing of a warrant would then provide an opportunity for police to enter a premises without the knowledge of the occupier to search for articles related to terrorism, such as chemicals or other things. They would have the power to take samples of substances to determine whether they may be commonly used in a bomb or may lead to a bomb being constructed or whether they may be some other form of chemical. They can also take all of the material. They can do another interesting thing, which is that they can replace an explosive such as potassium nitrate with, for example, bicarbonate of soda, which is quite benign and unlikely to go off in anybody's face. All of that can be done without the knowledge of the occupier.

As I said it is a dramatic and draconian step, because there is no mechanism for the occupier to test the veracity of the process. A policeman can apply to the Supreme Court — and it is appropriate that such an application should go to a Supreme Court judge — and the warrant has to be substantiated in a number of important matters. In issuing the warrant the judge has to be assured of the grounds, and the application has to be supported by affidavit material. But there is a further check, and I think it is important. The Chief Commissioner of Police or a deputy or an assistant commissioner of police has to authorise the application to the Supreme Court. There is a check at the highest level of the police force, so someone cannot just go off willy-nilly and do it in a capricious way. The next step is that a Supreme Court judge has to be satisfied about a number of matters set out in the bill.

The warrant can be issued for up to 30 days, but within 7 days of the execution of the warrant — that is, 7 days after the search, substitution or removal of materials from the premises was carried out — a report on the outcome has to be made to the Supreme Court. Details have to be provided, and the court has the ability to

make any other order, including the retention of items seized within the ambit of the warrant.

Perhaps the most cogent criticism has come from Liberty Victoria. I spoke to Greg Connellan this morning — he is an old friend and colleague of mine at the bar — and he raised with me the issue that with other search warrants, particularly in drug-related offences, it is regular practice for their execution to at least be videotaped, if not audiotaped as well. Perhaps there should be some mechanism which allows this sort of protection. Liberty Victoria is concerned that a person who does not know what is going on could have explosives planted on them. Suggesting this may be a bit bizarre, but if it is of concern we need to try to improve the integrity of the bill; and if it is the subject of criticism by organisations such as Liberty Victoria and the Fitzroy Legal Service, perhaps it is something that the government should take on board.

I do not know whether the legislation should precisely prescribe how the police would execute such a warrant. It may be something the police want to include in their own regulations, where it could be more appropriate to say how a warrant should be discharged in fairness to an accused person or an accused terrorist.

In conclusion, the opposition supports the Terrorism (Community Protection) Bill. We certainly would like to see this bill and the Terrorism (Commonwealth Powers) Bill go through this Parliament as quickly and as expeditiously as possible, as that was the subject of a national agreement in April last year. The commonwealth has moved expeditiously on its terrorism laws, and New South Wales has done the same. Everybody understands that Victoria is slightly lagging behind the pace because we have spent the past six months dealing with an election. The speedy passage of this is something we should all support.

I have raised a number of matters, and normally you would expect some of them to be the subject of amendments. Considering the purpose of the bill it is more important to get it implemented and into operation so that the people of Victoria can be assured, as I said at the outset, that we as legislators are aware of the problem of terrorism and share their concerns about it.

This place became a symbol of public grief with the flowers draped on the Parliament House steps following the October bombing in Bali in the lead-up to the state election. The garden to the side of the Legislative Council and the record of written documents which has been compiled for review by future generations are measures of our total disgust at that attack. The bill represents a strong statement of our resolve to deal with the issue of terrorism through a national approach that has bipartisan political support, as quickly and as expediently as possible.

Mr RYAN (Leader of the National Party) — It is a pleasure to join the debate on the Terrorism (Community Protection) Bill. While I would like to spend some time reviewing many of the issues pertinent to it and its background, I am of course constrained from doing so because the sessional orders imposed by the Labor government allow me only 20 minutes to speak, and therefore what I want to say will be necessarily a grab bag of matters that I would otherwise like to have expanded upon. This issue would demand being expanded upon were all things equal, but the government maintains the sessional orders as they are and so I am confined to what is now a little more than 19 minutes.

This is legislation of our times. It is inconceivable, I believe, that prior to the appalling events of 11 September 2001, when we saw the tragedy occur in New York, this legislation would have come before this Parliament. I suppose this legislation is reflective of the points of view that have now been imposed upon us as parliamentarians not only for our own age but for the ages to come. For those who come to this Parliament to see it in operation, including the young people who come here occasionally to hear what happens in this Parliament, the legislation reflects the fact that today laws are having to be passed which once upon a time would not have been the case were it not that we had the issues of 11 September unfold and more recently the tragedy on Bali on 12 October last year.

So it is that we now have this legislation, ironically — and I do not say that in an accusatory sense — introduced by a Labor government, which is reflective of an agreement struck between all jurisdictions, comprising the commonwealth and the Labor governments across the other states and territories, in April 2002. As I said, it is legislation for our time.

The purposes of the legislation are fundamentally to provide new powers and obligations regarding the prevention of and response to terrorist acts, and there are definitions of terrorist acts. It is intended to provide for the granting of covert warrants; to provide for mandatory reporting with regard to the theft or loss of certain chemicals and other substances; to provide for the operators of certain essential services to prepare risk management plans regarding the risk of terrorist acts; and to protect counter-terrorism methods from being disclosed in legal proceedings. The purposes provisions of the legislation are deficient in my view in that they

do not incorporate an important provision regarding freedom of information legislation and the manner in which its usual terms are not given effect to and indeed are actively constrained by the terms of the legislation. I think legitimately the purposes should include a reference to that issue.

The National Party supports the legislation. We do not want to delay it in any way, shape or form, because we understand the great significance of it. It is ironic that this debate is occurring as events are unfolding, I fear even as I speak. The legislation comprises basically eight individual component sections, and I will refer to and have specific regard to some of them. Part 1 is the generalist aspect of the legislation which gives definitions and the like and which is of no particular relevance in this debate, again bearing in mind the short time I have to contribute to the debate.

Part 2 relates to covert search warrants. This is a very important component of the legislation. I say that because the legislation is extraordinarily intrusive. Again I do not say that in any accusatory fashion but rather in the sense of a judgment about the nature of what the bill contains and its terms. It is in fact by our standards as a community extraordinarily intrusive. That is not to say it is not necessary in all these circumstances but is simply a statement of fact. Therefore it is reflective of the critical issue of balance — of on the one hand needing to do what has to be done to preserve our community's interests and on the other hand trying to give appropriate regard to the rights of the individuals who are subject to this sort of extreme process; so there are checks and balances set out within it.

Clause 5 deals with jurisdiction and refers to the fact that the warrant can only be issued by the Supreme Court. Initially I looked at whether that means that a warrant can only be issued by a judge of the Supreme Court as opposed to a master of the Supreme Court, because in this day and age masters of the court do have a very wide capacity to carry out various activities within the court. A reading of references within clause 7(3) and later in clause 10(6)(a) to a judge of the Supreme Court in the context of this part suggests that the warrant has to be issued by a judge, but nevertheless there is not that specific reference in the opening lines that refer to jurisdiction. Without wanting to be picky about this I think it would be a good point for the government to clarify — that this warrant can only be issued by a judge of the Supreme Court.

Clause 6 is the first provision that deals with the mechanisms whereby the warrant can be issued. It recites the fact that a member of the police force can make an application but has to have the approval of the Chief Commissioner of Police or a deputy commissioner, and can only do so in certain given circumstances which are set out within the provision. The application must be heard in a closed court.

Clause 7 sets out the mechanics of dealing with an application for a warrant. It sets out that it has to be in writing, that it must be supported by an affidavit, that the warrant cannot be issued unless certain provisions apply, which are set out in the legislation. Clause 7 recites the provision that a judge of the Supreme Court may administer an oath or affirmation or take an affidavit for the purposes of an application for a warrant. It seems a little contradictory that there is specific reference to a judge and the capacity of that judge to take the oath, which is the certification of the affidavit, yet there is not the specific reference in the opening provision of clause 5 relating to jurisdiction that it is only a judge who can issue the warrant.

Clause 8 provides the mechanisms for determining the application and the bases upon which the court may, if it so chooses, issue the warrant. It must be satisfied that there are reasonable grounds and for the purpose of being so satisfied it has to have regard to the issues that are set out in the clause. It also states that the warrant must specify a number of matters, and they are set out in the legislation. The warrant can only be for a period not exceeding 30 days, and I must say I cannot help but wonder whether every application for a warrant will be for 30 days. Why as a matter of logic would the applicant want to forestall the prospect of being able to give effect to the warrant if something came up on the eighth day when the applicant had sought the warrant for a period of only seven days? However, be that as it may, the warrant has an outer time limit of 30 days.

Clause 9 sets out the matters which are authorised by the warrant, and I note in subclause (1)(a) that the applicant is authorised to enter by force or by impersonation. One can only wonder what that might entail. I suppose it is intended to cover a situation where an applicant might want to dress up as someone from a utility company of some sort or other for the purpose of being able to gain access without having to force his or her way in. Be that as it may, the option is offered.

Clause 10 provides for a warrant to be granted by telephone and sets out the basis upon which that may happen. I am pleased to see it recites that if the application is made by telephone the court must have before it within 24 hours after the warrant is granted an affidavit which is duly sworn to satisfy the issues that were put to the court at the time the warrant was issued

in the first place. So there is that provision, which keeps that relatively tight.

Clause 11 is the reporting provision, where a report must be made to the court no later than seven days after the warrant expires. Interestingly, in clause 11(2)(f) there is a requirement to give details, as it is termed, of a number of aspects, which are set out. I take up a point raised by the Fitzroy Legal Service in an email it sent to all members of Parliament. It suggests that there ought be a mechanism whereby the whole process should be videotaped so there is a capacity to check that in these extreme circumstances what is said to have happened has in fact happened.

Another suggestion that seems to me to be reasonable is that the material which has been removed from the relevant premises could also be produced to the court so that it has a capacity to oversee this carefully.

Clause 12 deals with constraints on reporting. It is a reflection of how tough this legislation is, because as a matter of course the courts do not like to shut out the reporting of events that occur in court. It is one of the great aspects of our democracy that our courts are open and that anybody who is subject to the process is faced with its being a public occurrence.

There is in clause 13 an important provision which deals with annual reports. I must say another suggestion from Fitzroy Legal Service is deserving of some merit, in that under the heading 'Annual reports' the clause talks only of a series of requirements to be included within the report, such as the number of applications made, the number of telephone applications made during that year and the number of applications by members of the force. The report will be sparse on detail, and we will need to see, as this unfolds and applications are made, whether in due course the clause needs to be reconsidered. Of course the report must be laid before the Parliament, as is the requirement with many other annual reports.

Part 3 deals with police powers to detain and decontaminate. They are very broad, and I do not intend to go through them. Suffice it to say that the powers given to the police are extremely extensive. Interestingly in clause 18(2) there is a deeming provision that in effect says that if the police give a direction to a group of people, everybody within the group is deemed to have heard what the direction is. I suppose it is another example of how intrusive the legislation is, but in the circumstances we have no objection to it.

Part 4 deals with the mandatory reporting of the theft or loss of prescribed chemicals or other substances. I make two comments about that. There is nothing within the legislation which actually talks about what the substances are. We are told in the second-reading speech that these prescribed substances will be the subject of regulation in due course. In a sense I understand that, but there will be a degree of uncertainty until that is done.

It refers only to the occupier of the premises. I invite the government to consider whether it should also extend to the owner of the premises. For example, one could have a situation where a warehouse has been leased to a tenant for a period of time, that time has expired and the tenant has gone. It would be unfortunate if this legislation were to founder on some argument as to whether the owner of the premises is regarded as being the occupier in circumstances where the previous occupier has left. It is something that might bear consideration.

Part 5 deals with protection of counter-terrorism information. As I have observed, the times dictate that we have to have that sort of material before us. Part 6 deals with essential services infrastructure risk management plans, and I wish to raise a number of issues about it. Again I see the general need for it, and not for one moment do I challenge it. But as an overall observation it seems to me that this will potentially be extraordinarily significant to business. There are wide-ranging and again pretty intrusive requirements that will necessitate the providers of essential services, as defined in the provisions, preparing these risk management plans.

I will be interested to see if the government assists business in any way, shape or form, because time will need to be devoted to the preparation of these plans. We will need the facility to create those plans, and we will need expert advice. I appreciate that the clauses say that the police and other emergency services will be there to cooperate, but there will be many others who do not come along unless they come at a cost. The government should confirm that the services of the police will be provided free of charge. I raise that in the context that in one sense the police attend an event at a sporting venue such as the Melbourne Cricket Ground for the public good; but by the same token, whoever puts on the event has to pay for their attendance. That is an issue that needs to be clarified.

These risk management plans will have to be audited. Businesses will be faced with the fact that once a year there will be a need to put the plan into effect. So they will have to shut down, and there will be costs

associated with all that. There are many issues here to do with impositions on business, so this question of cost is something that in the public interest the government should address. I will be interested in the comments from the government on those issues.

I refer to clause 37, which talks about an application being made to the Supreme Court by the relevant minister, as designated by the Premier, to require these plans to be done. As I read the clause there is nothing in it which says what will happen if the industry does not comply with the order. So there is nothing that says a fine will be imposed or that officers of the enterprise will be brought before the court to explain. Clause 37 simply states that an application can be made and then an order can be made — but so what? What if an enterprise is silly enough to thumb its nose at the court and the order? It can be charged with contempt and all sorts of things, but the provision should contain something which on its merits enables enforcement to occur.

In clause 27, which talks about the relevant minister for the purposes of the section, there is no mechanism whereby that minister is designated by the Premier. Is that to happen by way of gazette as part of clause 28? Is the Governor in Council to do that? How is that to happen? At the moment no process is set out.

The general provisions are set out in part 7. Importantly, part 8 sets out the provisions relating to the amendment to the Freedom of Information Act. These are very important provisions, because they deal with the issuing of a certificate which provides exemption from FOI scrutiny. In all seriousness, if I had the time I would like to look at an analysis of it, because I believe it does bear analysis. It may be that the federal legislation is the answer. Be it on my head, as I have not had a briefing on this, but when I read it I see that either the department head or the Chief Commissioner of Police can sign the certificate.

For a start that seems to be a potential problem. Why should a member of the executive government on the one hand and the Chief Commissioner of Police on the other be equated for the purpose of being able to sign these certificates? Surely if the certificates carry the weight they do, then they ought properly be signed by the Chief Commissioner of Police only, because if there is any subsequent scrutiny the provision says that the head of department cannot be cross-examined by the Ombudsman regarding the decision to sign that certificate. So the head of department could have been told by the relevant minister to sign it for all sorts of spurious reasons, yet there is no mechanism whereby the head of department can be asked about it.

That is but one example of a series of others I would like to have gone through, including the fact that the minister need not take any notice of what happens on review, anyway. The minister can thumb his or her nose if he or she choses at the process set out in clause 43. So there are elements of this which need careful examination. If the answer is that they mirror precisely — and I use that term advisedly — the federal legislation, then so be it. For all that, we support the tenor of the legislation. We have some concerns about some aspects of its content, but otherwise we wish it a speedy passage.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL

Second reading

Debate resumed from 27 February; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Independent amendments circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Mr WELLS (Scoresby) — As shadow Minister for Police and Emergency Services it gives me pleasure to join the debate on the Firearms (Trafficking and Handgun Control) Bill. The opposition will support the bill in recognition of community concerns that arose after the Monash University shootings in October last year and the perception that there has been an increase in the use of handguns and concealable weapons.

I was looking at my presentation before and I thought, 'Gee there is nothing in here that the members for Melton or Footscray could possibly interject on', but I will give it a try and see how we go.

Mr Nardella interjected.

Mr WELLS — I make it very clear that the opposition supports the bill. Firearm use in assaults was up 46 per cent in the last financial year, and the opposition believes that illegal guns were used in the commission of most of those offences.

I thank the Minister for Police and Emergency Services for providing the opposition with the opportunity to be briefed on the bill. I thank Department of Justice officers who have been involved — that is, Brendan Facey, Neil Robertson — and ably coordinated by Rob

McDonald, the minister's chief of staff. Opposition members are very grateful for their generous time in allowing for the consistent follow-ups.

The opposition supports the bill because it implements the national agreements between all states and the commonwealth government aimed at the further control of handgun possession and usage and at curbing the illegal trade of firearms. These measures are consistent with Liberal Party policy at both state and federal levels. The Liberal Party supports the strict control of firearms ownership, possession and use. However, it maintains support for the rights of legitimate licensed sporting shooters.

Handgun availability and use needs to be strictly controlled to ensure community safety. We do not ever want Victoria to turn into a place like the United States of America which has a handgun mentality. The opposition is generally supportive of the bill, which, as I said, gives effect to the recent handgun control agreement and the firearms trafficking policy agreement between the commonwealth and all states. However, the opposition has a number of concerns regarding the administration and implementation of the bill relating to the handgun control agreement in Victoria. I will come to that point later in my contribution. These concerns have been raised by a number of the stakeholders that the opposition consulted over the last few weeks.

The background to the bill is quite clear. On 28 April 1996 at Port Arthur we saw the loss of 35 lives with 18 others injured at the hands of a crazed gunman. The whole Australian community called for tougher controls to ensure that something like that never happened again. The Port Arthur shootings came only one month after the senseless mass killings of 16 young children and a teacher in Dunblane, Scotland. No Victorian could ever forget the 1987 Hoddle Street and Queen Street mass shootings.

The largely consistent firearm law introduced by all states in 1996 following the national firearms agreement between the commonwealth and states was designed to control the use of long arms. Handguns have already been restricted for many years, while for many years an individual who was a member of an accredited pistol club, a firearm collector or a security guard could legally own a handgun.

But on 21 October last year another shooting tragedy happened, this time at Monash University. Two students were killed and five others were injured when a fellow student, a Chinese national with Australian residency, opened fire on a tutorial class. It was subsequently revealed that the gunman was a member of two Victorian shooting clubs and all seven of his guns were legally licensed. The police confiscated the seven registered guns from the offender at a later time. Again the Victorian community called for tougher action.

The states and the commonwealth acted quickly to at least get another agreement put in place. But the Monash shootings revealed serious problems with the current system of licence registration and usage of handguns. Many people in the community asked how a person could be a member of two sporting shooting clubs and build up a stockpile of seven registered handguns in a little over six months. It simply did not make any sense. So, taking the Monash incident in context, the public quite rightly demanded quick and decisive action. Of course the opposition understands that there are not many cases, if any at all — apart from the Monash tragedy — where legally registered handguns are used in the commission of crimes.

The increasing problem of handgun use in criminal activity in Australia is directly related, we believe, to the number of illegal handguns in the community. That is why the current dual approach of implementing tighter controls over legal handguns in conjunction with addressing the trafficking of illegal handguns is strongly supported. Most Australians support appropriate and tough gun controls, particularly when they see the serious effects of the prevailing gun culture in the United States of America. The American obsession with the constitutional right to bear arms is something completely alien to most Australians — which, I think, we can be thankful for.

Although I have not personally viewed the documentary film *Bowling for Columbine*, a number of friends of mine have seen it. They say it is particularly damning of the American gun culture and extremely thought provoking for Australians. One must really question the values of a society which allows banks to offer firearms to new customers as an inducement for depositing money with them, yet this is apparently the case in Michigan, as detailed in the movie.

The increasing pervasiveness of American cultural values, particularly among our youth, means that we cannot be assured that the USA's obsession with guns could never be repeated here in Australia. Certain Australian youth subcultures have adopted the very worst aspects of the US-inspired gangster rap lifestyle and the things that go with it. It seems that one symbol of that is to hold illegal handguns. The increasing use of illegal handguns, particularly in gang-related criminal activities, mostly centred on Sydney, is of major

concern to law enforcement agencies right across the country. When you look at some of the disturbing statistics on the number of gun-related deaths in the USA compared with other Organisation for Economic Cooperation and Development countries, you soon realise how relatively lucky we are here in Australia.

It is estimated that there are about 90 gun deaths each day in the USA. In 1999 over 28 000 Americans died from gunfire, and in 1997 there were 8503 murders in the USA involving handguns. The US has 4.08 gun-related murders per 100 000 people, Canada has 0.54, England and Wales have 0.12, Scotland has 0.12 and Japan has 0.04, and for Australia the estimate is 0.25. So if the number of illegal handguns were allowed to proliferate, we could face similar problems, with handgun deaths becoming almost daily occurrences — and nobody ever wants to see that. In June last year the New South Wales Chief Commissioner of Police, Ken Moroney, said that the proliferation of handguns in the community was the biggest menace facing the New South Wales Police Service.

The Firearms (Trafficking and Handgun Control) Bill is a complex bill with some 75 clauses. I do not intend to debate each one of them, but I will go through the main points. Victoria is the first state to introduce the legislation following the national agreement on handguns, and this bill will be a model for the other states to follow. By amending the Firearms Act 1996 the bill gives effect to two agreements between the commonwealth and all states. The first is the handgun control agreement of November 2002, which is designed to restrict the availability, possession and use of all handguns; and the second is the firearms trafficking policy agreement of July 2002. The objective is to introduce a national approach to better detect and deter the possession of illegal firearms in the community, and that is certainly welcomed.

In essence the bill further strengthens the regulation and licensing of firearms implemented by the national firearms agreement, which was introduced after the Port Arthur shootings in 1996. It obviously encompasses the Firearms (Trafficking) Bill, which was introduced in Parliament on 31 October 2002, the last sitting day before we went to the election, and adds the handgun provisions. Its aim is to restrict the sale and use of concealable handguns. The state government believes it will remove 9500 handguns from the community. I am not sure how it has determined that figure, but we will wait and see. The commonwealth government estimates that 500 types of handguns will be banned.

All handguns will now need to be registered, including collectors' and historical firearms, particularly those manufactured prior to 1900, which currently do not require registration. At the moment, if you have an antique firearm that was made prior to 1900 and there is no ammunition available on a commercial basis, then you do not need to register that gun. However, if you have an 1890 gun the ammunition for which is commercially available, under the current rules you need to register it. This new legislation will mean that even if you have a gun made in 1850 or 1860 you will need to register it. That will be a point of debate and something that we will be calling on the minister to look at after strong consultation with collectors. Where do you draw the line? What actually is an antique, and what actually is a firearm? The bill means that all handguns will need to be registered regardless of their year of manufacture or whether they are antiques.

Sporting shooters will be restricted in the type and number of handguns they can own and use, whilst the handgun target shooting matches that are recognised as legitimate competitions will be prescribed in regulation. The types and specifications of handguns to be banned and the shooting events to be recognised as competitions are still being finalised. We accept that, but the Council of Australian Governments agreement means that handgun sports events will be restricted to 27 matches across seven different disciplines. The handgun specification will be prescribed in regulation rather than being a list of guns, makes and models. The reason for that, and the Liberal opposition accepts it, is that the gun manufacturers could simply change the names or designs of particular guns to get around the rule, so it is better that we specify the actual size and dimensions of the guns.

The general specification of the handguns that will remain legal are a maximum magazine capacity of 10 rounds of ammunition; a barrel length of a minimum 100 millimetres for revolvers and single-shot handguns and 120 millimetres for semiautomatic handguns; and a maximum calibre of .38 inches other than for prescribed handguns up to .45 inches. Obviously a minimum barrel length of 100 millimetres means that these guns will not be easy to conceal.

Specialised target pistols will be allowed. Because of their size they are deemed not to be concealable. I note that the draft regulations are still not available, but I understand that the regulations will be subject to review and consultation as part of the regulatory impact statement process.

However, these regulations need to be in place by 1 July 2003 as agreed under the Council of Australian

Governments agreement, so time is running out. I call on the minister to ensure that the opposition is consulted — and I am sure that will be the case when we start to finalise these regulations — because we also need to consult with many stakeholders across the state.

Target shooters will be required to show a genuine dedication to the sport by participating in a minimum number of competitive target shooting matches each year. This will mean that licensed target shooters will need to compete in a minimum of four approved target shooting matches per annum for each individual handgun they possess and a minimum of 10 approved events. So if you only have one handgun you must compete in 10 events whereas if you have three handguns you will need to compete in a minimum of 4 for each, so you will actually be competing in 12 events overall. You do not need to compete in 10 for each handgun; it is a minimum of 4.

Six of the competitive approved handgun target-shooting matches will need to be under the auspices of a recognised shooting body whilst the remaining four will be less restrictive. Our understanding of that is that a club can hold an official practice for competition at another club in coming weeks but it has to be predated — it cannot just be a number of shooters turning up one Sunday afternoon having a couple of shots and calling that one of the matches, because that would be an abuse.

All 10 events can be organised club matches and competitions. There is also to be introduced a graduated scheme of access to handgun licences. The feeling I get from the sporting shooters themselves is that this is fair and reasonable. This was the situation back in 1996 before the previous coalition government changed the regulations, so if you were a member of a club the club had the right to veto. That was taken away for some reason but this legislation puts that back, something that the sporting shooters have been calling for.

Approved clubs will have to endorse any application for a handgun licence, thereby allowing a club the ability to veto particular applications as mentioned. During the first six months of holding a general category handgun licence an individual will only be permitted to possess a maximum of two handguns. This is to prevent the stockpiling of weapons over a short period of time, a problem that was obviously in evidence with the Chinese national who caused the shootings at Monash University. Further permits to acquire additional handguns will require the endorsement of approved clubs. I am of the opinion that they will manage this very strictly.

An issue that has come from a lot of the sporting shooters clubs — and I am not sure if the minister is going to introduce a house amendment on this; we heard from the bureaucrats that this may be the case — is that the minister wanted to bring in temporary permits which would be introduced for persons who wished to try out a handgun at an approved range. The current regime is that if I wanted to go to a shooting range I would go with an approved member who would supervise my shooting. I think that is the case in most of the other states, especially New South Wales. What this bill does is provide that you need to apply to the police for a temporary permit. The sporting shooters are saying that that will decrease their ability to attract new people in because of the bureaucratic red tape of trying to get this temporary permit.

The idea is that you are only allowed to have three temporary permits, after which you have to become a member. I do not have a problem with that particular side of it, but I do have a problem in that if we are completely out of step with the other states, we are at a disadvantage in Victoria.

There will be no restriction on the number of handgun clubs an individual can be a member of. We do not have a problem with that because if the handgun owner has multiple handguns and not all disciplines are offered at a single club then he may have to participate at another club where the disciplines are offered in order to qualify for the required participation rates in each discipline. We do not have a problem with that; we understand that not all ranges are able to offer the seven disciplines.

Something that the Police Association is very strongly supporting is that the Chief Commissioner of Police will be provided with the power to refuse or revoke firearm licences on the basis of criminal intelligence. This power cannot be delegated. I think that makes a lot of sense.

There does not appear to be a mechanism in the bill for introduction of new international events that are going to come into the target shooting competitions, and I am wondering whether the minister has some ideas about how that will be addressed. For example, if many of the other countries want to bring in an eighth discipline that is going to be in the Olympics or the Commonwealth Games it appears on my reading of it that the legislation does not allow an increase from seven to eight disciplines. Maybe the minister will have to bring back new amending legislation if that is the case.

The firearms trafficking provisions make good sense. It makes sense to bring in handgun controls and at the

same time bring in firearms trafficking provisions. Many sporting shooters believe they are the constant victims. Law-abiding sporting shooters are the constant victims every time there is a shooting, so they are the ones that are penalised. Aiming at the trafficking side as well gives some balance to the argument.

All firearms will need to be stamped with serial numbers or other identifying marks. The bill significantly increases penalties for offenders found guilty of firearms trafficking and those who possess, use or sell unregistered firearms.

There is a new category E handgun created in the bill. General handgun licence-holders will be restricted from possessing category E handguns. My understanding of a category E handgun is that you would almost have to be bordering on being a terrorist to have one of these handguns. I am not sure whether they actually exist, but they are there in case one does pop up at some time. Types of handguns banned are automatic rapid fire machine pistols such as an Uzi. That brings the legislation into line with category E long arms as defined in the act.

In most cases new penalties are almost double what the penalties are at the moment. The new penalties are a maximum of 7 years imprisonment for possession of unregistered general handguns, a maximum of 17 years for a subsequent offence for an unregistered category E handgun and a maximum of 4 years imprisonment for possession of firearms with a defaced or altered serial number. That is, if you are going to alter the serial number, then you are obviously acting illegally.

Another issue is that when applying for a firearm dealers licence the licensed firearm dealers will be forced to disclose their close associates. I do not think there are many dealers in Victoria who will be affected by that because the dealing companies in Victoria are mostly husband and wife or family operations.

As I said, the opposition has consulted widely across the board, and I thank all of the participants for their contributions to the way that we have handled this bill. We have concerns about a couple of points. I mentioned briefly that every time there is a shooting the sporting shooters or the legitimate sporting clubs seem to be targeted first. We accuse them of all the illegal criminal activities, which I have mentioned on a couple of occasions, but it is usually illegal guns in our community that are involved in the commission of crimes, not the guns held correctly by law-abiding citizens. Claims have been made that the delay in finalising the banned handgun list and the compensation to be offered is severely damaging firearm traders and gun range owners, with gun sales effectively frozen currently.

Under this legislation, as of 1 July the commonwealth government will implement a banned handgun buyback system like the one we had some years ago. At the moment, with this delay no-one will know the value of a particular gun, of course, and that is causing some angst out in the general community. We do not know the exact nature of compensation to be offered to handgun or firearm dealers as part of the gun buyback — we are awaiting that information — and the compensation issue will be very important.

The opposition is concerned about the number of small businesses that will be affected by the provisions of the bill. I have been advised through consultation with the Firearm Traders Association that, due to this new handgun provision, five firearm dealers in Victoria will become unviable, as they specialise largely in handgun sales. The dealers are seriously concerned that they will not be properly compensated for the loss of their businesses.

We must not forget that these dealers run legitimate businesses and it is through no fault of theirs that they are going to see their business evaporate. Some stand to lose their houses and other personal assets as a result of this loss of income.

While I am not in a position to state what would be fair and reasonable compensation, it is estimated that the compensation necessary to assist these five dealers is likely to be around $2.6 million. It will also have an adverse effect on the number of commercial gun ranges as they are likely to be affected by this.

I call on the minister and his department to look closely at the compensation that needs to be offered. It is necessary to look at not just the buying back of the guns but also the other small businesses that will be affected, including the gun ranges.

The sporting shooters believe that Australia will have to stop hosting some world championship events. The one that has been described to me is the International Practical Shooting Confederation discipline of the .38 with 20 rounds. Just recently we sent an IPSC team to South Africa. With 20 rounds, these guns will no longer be legal here in Victoria because the legislation allows a maximum of 10 rounds. That is one event that will be cut straightaway.

This brings me to another point on the amount of pressure that is placed on the Victoria Police regulatory services branch, formerly the firearms registry. It will be their job to update the system and ensure that the

new system is relevant. I have not heard that any new or extra resources will be put into the regulatory services branch. The additional workload with the new provisions will only add to the long and serious resourcing problem that it has at the moment.

I have a letter from a fellow who wrote to me just recently. He received his renewal documents for a firearm licence on 5 December 2002. He sent the forms away on 16 December. On 17 January this year he rang the licensing services branch to ascertain the whereabouts of his Datacard because his licence was about to expire. He was informed that there was a six-week processing delay but told not to worry as he had been placed on a non-prosecution list. At 67 years of age a fellow who has never committed any sort of offence has been told by the police that he has been put on a non-prosecution list because of the huge delays in registering firearms! He has been unlicensed since 2 February although he has done everything right, but he is unsure of the commitment by the police that he will not be prosecuted. The government has effectively de-licensed him even though he is legally entitled to hold that firearm.

This is the same department in the police force that has massive delays in registering firearms. We are getting regular phone calls to offices right across the state, particularly from farmers who have a gun for shooting rabbits and other vermin. Their gun licence has expired, they are unsure whether they can use the gun — I suspect that they are still using it — but I hope that this problem can be solved.

Although we have that particular problem, the other side of it is that the government is now saying, 'We want you to administer these new regulations — that is, we want you to check and keep up to date the registration list of all sporting shooters. We want you to check and double-check that they are using appropriate handguns only for the seven disciplines. In addition to that, we want you to check and double-check that they are going to attend 10 competitions per year, or a minimum of four competitions per gun per year'. This is going to be an administrative nightmare for a department already grossly under-resourced. We ask the minister, in his closing comments, to explain to us how he is actually going to address that problem.

We also hope that in addressing the problem of the regulatory services branch the minister does not expect that the necessary funds will be taken out of the existing police budget. We would expect that the police budget would be topped up. There is also some confusion, as I mentioned, about the temporary permits and the inconsistencies with other states. There is also an inconsistency regarding match practice — for instance, the Northern Territory has 12 and South Australia has 6, but Victoria has 10.

The last point I make relates to gun collectors. All these people are decent, law-abiding citizens who love collecting antiques, some of which are worth thousands and thousands of dollars. The collectors are properly licensed and checked and they store their guns correctly. We ask the minister to consider that guns made prior to 1870 be classed as antiques, because cartridges were not invented at that stage, which means gunpowder and all sorts of other things are required to be put into the guns. In the minds of many, they cannot legitimately be regarded as usable firearms.

I ask the minister to take that into consideration. The opposition will not move amendments because it said it would support the legislation, but we ask the minister to consider that proposal. We wish the bill a speedy passage, and look forward to it being implemented.

We will obviously be monitoring it over the next few years, but I make this final plea to the minister: you need to fully resource that department of Victoria Police that is licensing guns. At the moment it is a shambles, because the police are so many weeks behind and they will have to administer these new regulations. We need to make sure that the information for gun owners is relevant and kept up to date. When we say they have to compete in 10 competitions, the information needs to be there so that they know they have to do that.

Dr SYKES (Benalla) — I join the debate on the Firearms (Trafficking and Handgun Control) Bill on behalf of the National Party. It is a pleasure to follow the member for Scoresby, who presented a clear summary of the legislation and raised a number of concerns.

The National Party supports the intention of the Council of Australian Governments (COAG) to improve the safety of the public and our community. However, we have some concerns regarding the approach currently being adopted and in particular what appears to be undue haste and the consequences of the undue haste. It appears to us that the measures that are being introduced in the legislation go beyond the original intention of the COAG agreement and in some cases are excessively restrictive for legal gun owners without clearly improving the safety of the public.

We have doubts about the adequacy of consultation with affected groups, particularly the legal gun owners and collectors. We have questions about the

consistency of the legislation in comparison with other jurisdictions. We have questions about the potential of unintended consequences of the legislation as it stands at the moment. We have questions about compensation and the practicalities of the legislation as it stands at the moment, and given that we are yet to see the regulations what they will contain is very unclear.

We recognise that responsibility for the legislation is a mixture of state and federal governments. We urge the government to hasten slowly and thoroughly consider the intentions and the implications of the legislation.

I had intended to table proposed amendments to the legislation, but following presentation of those amendments to the government I have, at its request, deferred tabling them pending further consultation with the government in the hope that they will be recognised as valuable. It is our intention to table the amendments in the upper house.

In relation to consultation by the government, I am advised that the representatives of the Sporting Shooters Association of Australia (Victoria) and collectors had very little opportunity to consult. They say they had as little as 2 hours of viewing the legislation and were not able to take the legislation from the viewing room. For our part, we have consulted widely; in particular we have consulted the Sporting Shooters Association of Australia, the Combined Firearms Council of Victoria, the International Practical Shooting Confederation and a range of other organisations. I am particularly fortunate that my electorate officer has considerable expertise in this area and has spent most of the past week consulting with affected groups and working with them to develop the amendments we will table in the other place.

We have also had the opportunity to be briefed by officers from the police and emergency services department, coordinated by Rob McDonald, and it was evident that those people had been working diligently because of a tight timetable and that they were experiencing some difficulties in pulling it all together in the tight time frame and in particular in running parallel with other states and jurisdictions.

On the subject of consultation, I seek guidance from the government on the reasons for the apparent failure of the legislation recently. Was it a failure of the legislation or a failure of implementation? It is important to clarify that.

In relation to consistency with other jurisdictions, I seek guidance from the government on progress in other jurisdictions. In particular, what is going on in South Australia, where I am advised the government is choosing not to proceed as far as the Victorian legislation. If we do not consult consistently with the other jurisdictions we run the risk of yet another piece of legislation which has substantial variations between jurisdictions, with all the inherent problems that creates.

In relation to unintended consequences, impacts are already being felt from the implementation of the principles. We are advised that the customs authorities, through their own initiative, have tightened up on the importation of firearms of between .38 and .45 calibre and are not allowing them into the country. That has prevented or discouraged international competitors from coming to our country and is therefore denying our competitors the experience of competing against other people of great talent. Our international competitors in pistol shooting, a legal occupation, are already under threat. There is further uncertainty among international competitors both from overseas and from Australia about what the future holds, so there is discouragement, which again will have consequences.

It is anticipated locally that as a result of the implementation of the legislation in its current form the number of shooters and clubs will fall dramatically. That is an issue in rural Victoria where clubs are already struggling to maintain numbers and enthusiasm with small memberships. It is a particular consequence of the proposed high participation rates and the additional administrative requirements currently included in the legislation.

We also see problems with the impact of additional security requirements and general red tape. Collectors will be impacted upon severely by the legislation as it stands at the moment, particularly through the much tougher security requirements being imposed on people having as few as 5 collector guns where currently that number is up to 15. It is believed by the collectors that this general concern among them will have a substantial impact on the value of the guns. Dealers expect to lose considerable revenue as a result of a major drop-off in their custom. They are concerned about compensation. What are the arrangements regarding compensation, and are they just? We are advised that compensation of about $2.5 million is required to cover the guns that are expected to be taken up, and the cost to legal businesses is also expected to be about $2.5 million, so the total cost will be about $5 million. It is unfair to expect legally operating competitors and collectors to bear that burden.

In relation to the practicality of the legislation as it stands at the moment, the ability to administer the legislation is questioned, given the bad experience we

have with the current gun licensing system. I had the personal experience of being advised in early November last year that I must submit a reapplication for a gun licence not later than 22 November. I duly did that. After three months of waiting, needing to buy ammunition to carry out my own little campaign against rabbits on my farm, I contacted the authority. It advised me that there was a major delay, but it was okay for me to buy ammunition and that I would not be prosecuted. I subsequently approached the local supplier of ammunition, and he and I collectively seemed to break the law by him supplying me with ammunition. So there is an issue of resourcing and forward planning of that aspect of this legislation.

The excessive requirements for participation rates are an issue because, again, in country Victoria it may be difficult for people to attend a sufficient number of meetings, particularly if clubs do not hold the full range of matches for the range of guns a person holds. The National Party believes this can be addressed in part by recognising that activities other than actual shooting should count as continuing relevant experience, and they are activities over and above those nominated in the legislation of being a judge or range officer. There are also some impracticalities in relation to security and storage of keys. The legislation as written at the moment appears nonsensical, and some simple rewording can address the intent of the legislation and make it much clearer.

In relation to collectors, the National Party seeks guidance on what evidence there is that firearms manufactured before 1900 are used in acts of aggression and violence. We have some information that in Queensland it is not the intention of the government to restrict those firearms. So again in the interests of interjurisdictional uniformity we ask the question: why are we proceeding along those lines in Victoria?

There are also concerns about the practicalities of the security requirements for collectors in that the number of firearms requiring quite expensive monitoring and security has decreased from 15 to only 5. Collectors also express concern about the testing of firearms believed to have been fired recently, in that testing may damage these collector items, these antique firearms, and also about the reliability of this testing in determining when the firearm was fired. There are also concerns about the practicality of the requirement to surrender ammunition used in the firearms being surrendered, because much of the ammunition may be perfectly legal for use with other pistols or long arms. It is illogical to require the surrender of this ammunition if it is legal for use in other firearms.

As indicated earlier, the regulations are yet to be detailed, so in effect people, particularly sporting shooters and collectors, are being asked to support an act of Parliament based on trust, without knowing what the real detail is. Often the devil is in the detail. The particular concerns relate to firearms with a calibre greater than .38 and a magazine capacity of more than 10. There are strong arguments that reasonable restrictions can be implemented to allow for those firearms to be used in competition without putting at risk the public safety which, keep in mind, is the intent of this legislation.

The proposed amendments that we intend further discussing with the government focus on the participation and practice requirements, in particular recognising participation by sporting shooters in clubs other than their own home clubs, which caters to the need to compete in more than one club. As I indicated earlier, a wider range of activities should be recognised at meetings, not just those of range officers and judges.

There is also the opportunity to remain within the intent of the legislation regarding the probationary period, which, as currently written, appears to require six months plus an additional one month for the initial licensing period, when we believe the intention is six months. That is an exercise in tightening up the wording. As I indicated earlier, we believe there is a need to amend the requirement to surrender ammunition, because a lot of the ammunition can be legally used in other firearms.

Just recapping, the National Party, while supporting the intention of the legislation, urges the government to hasten slowly and to consult more widely with shooters and collectors to ensure achievement of a practical approach to protect public safety without unintended impacts, with consistency with other jurisdictions and with adequate compensation.

In preparing for this legislation my researchers went back to *Hansard* of 19 November 1996. At that stage the debate was on the Firearms Bill. The speaker was the then honourable member for Yan Yean, now the Minister for Police and Emergency Services, who opened his address by, firstly, indicating support for the bill but making the point:

> However, in supporting the bill I express strong reservations about the indecent haste with which the government is seeking to push it through the chamber.

Secondly:

> If we are going to deal with legislation that has such an impact upon the community it is important that we are able to consult widely.

The National Party is suggesting that the haste and the consultation are not proceeding according to plan.

Thirdly:

> It is also vital that no unintended consequences flow from the bill …

We suggest that the bill in its current form would have a number of unintended consequences.

I reiterate: hasten slowly, consult widely and ensure that the collectors and the shooters are involved in the consultation. They are prepared to make constructive comments and contributions to this debate, and they are behaving rationally. They seek to exercise their democratic right to be heard, and we look forward, with their input and with the goodwill of government, to developing legislation which achieves the original intent without unintended consequences, which is consistent with jurisdictions in other parts of Australia and which provides adequate compensation.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

RETAIL LEASES BILL

Second reading

Debate resumed from 27 February; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — The opposition does not oppose the Retail Leases Bill, which is a very complex piece of legislation. It is a reintroduction of a bill that was prepared by the government last year but with some changes. Although they are not necessarily policy changes, there have been some 30 changes since the bill was debated in the last Parliament.

Retail tenancies in the state of Victoria and right across Australia are in a continual state of change. There has been a desire from both political parties to protect the small business tenant against what may be seen to be some unfair market practices of the larger landlords, although it must be borne in mind that many of the landlords, particularly in the retail strip shopping centres, are in fact small businesses themselves.

I want to make reference to my period as the small business minister, when there were very significant changes to the retail tenancies legislation. I set up a working party to establish several steps forward in retail tenancies. It was headed by a former member for Silvan Province in the other place, Wendy Smith, and the now Leader of the National Party was also on that working party, as were representatives from small business and the Property Council of Australia. The end result of it was the 1998 retail tenancy reform legislation, which introduced sweeping changes to disclosure statements in relation to the dissemination of information, particularly to small business tenants, about the increase in tenancy rights and accessibility to a cheaper justice system via the Victorian Civil and Administrative Tribunal.

I might add that the working party was given a very broad brief by me and was free to examine whatever issues it wished. The former government basically legislated, not in toto but principally, on the basis of those recommendations of the working party. The working party was set up because there were significant concerns, particularly among small business tenants in shopping centres, about what they believed were unfair practices by landlords — and there were some fairly poor examples of management in some shopping centres, particularly in relation to the relocation of tenancies, tenure arrangements and the like.

I note in particular that the Property Council of Australia, which sat on that working party, agreed with the recommendations and broadly supported — consent does not necessarily mean embracing change — the key changes in the 1998 retail tenancies reform legislation.

I note also that the current Labor government still thinks that that particular bill was a step forward, because the current web site of the relevant department states:

> Both tenants and landlords are benefiting from the new laws in relation to retail leases that came into effect on 1 July 1998.

I thank the current government and the current minister for acknowledging that reform as a step forward!

However, retail tenancies are in a constant state of change. I acknowledge that the ALP had as part of its 1999 election platform a review of existing laws. There was some considerable disquiet, particularly in relation to the 1000-square-metre issue, which I might add was not raised by my working party simply because it chose not to raise it.

The ALP set up an inquiry. It consulted for the best part of more than two years; it had an issues paper, a discussion paper and so on. I will refer to the *Retail Tenancies Legislation — Discussion Paper Executive Summary*, which was released by the minister. The terms of reference asked everyone to comment on:

creating a more effective standard tenancy agreement;

providing wider coverage of the act to include franchisees and public corporations;

removing the 1000-square-metre floor space limit on coverage;

strengthening appeal rights and cutting red tape and waiting times for appeals;

providing reasonable security of tenure to retail and commercial tenants; and

ensuring more effective disclosure statements for landlords.

What we saw at the end of the last sitting of Parliament was a bill that broadly reflected those terms of reference and the consultation that had occurred with big business and small business alike. The ALP went to the last election with a very clear policy, which I have to say is implemented by the bill that is currently before the house.

In its plan for growing small business under its small business policy entitled *Getting on with the Job*, Labor clearly promised that it would reintroduce the Retail Leases Bill in the first sitting week of the Parliament. It also specifically promised that it would include unconscionable conduct provisions in its bill and that landlords would be prohibited from passing on their land tax liability to the tenant through outgoings.

I am referring to the policy. The Labor Party committed to replacing the 1000-square-metre rule with a rent threshold and to enhancing protection for tenants whose landlords are forcing them to relocate within a shopping centre. It also promised to create the Small Business Commissioner. Like it or not, the ALP has encapsulated those promises in the bill before the house and clearly has a mandate to do so.

There are a number of key changes in the bill, the first of which relates to the role of the Small Business Commissioner. That person will have a key role in the mediation of disputes prior to Victorian Civil and Administrative Tribunal hearings and in the registration of leases. Another change is the abolition of the 1000-square-metre rule, which I have already touched on.

There are changes to the disclosure statement arrangements. They will no longer be part of the schedule to the act but will be part of the regulations, the rationale being that it is easier to change the regulations than to change the schedule to an act.

There will be minimum five-year terms for all tenants, which compares to the previous situation of five-year leases for first-up tenants. Franchisees will be included to a greater extent. Commercial tenants will have an ambivalent status, and I will touch on that later.

Management fees will be more heavily regulated. The regulatory impact statement which has been issued by the government provides for no more than consumer price index increases and allows for refunds by landlords to tenants if, for example, marketing money is not expended. The bill also provides for the draw-down of unconscionable conduct provisions and for mediation prior to dispute resolution. Currently land tax is allowed to be passed on to a tenant on a single-holding basis only, but under the bill there will be no passing on of land tax. The bill also gives tenants increased compensation rights, particularly, for example, with relocations in shopping centres.

However, there are a number of issues I wish to raise in relation to the bill. Let me say again that the Liberal Party is very conscious of the fact that small retailers support the trend to increase the rights of smaller tenants as a result of progressive layers of retail tenancy reform. However, a number of comments have been made by landlords, in particular the Shopping Centre Council of Australia, the Property Council of Australia and the Real Estate Institute of Victoria, which are worthy of consideration by government. I ask the minister to give some consideration to reasonable requests from these groups.

I would like to itemise a number of concerns in order to put them on the public record. The first is the proclamation date of the legislation. The government gave itself two years to review the legislation — that is its style, which the opposition accepts and which I think the landlords accept. We have a proclamation date of 1 May, which I understand was set last year. However, we have before the Parliament something like 30 changes to last year's bill. I accept that they are not substantial policy changes, but they are changes in detail which require consideration. The desired proclamation date of 1 May allows very little time between the consideration by Parliament of the legislation and its proclamation.

The Shopping Centre Council of Australia has indicated that it thinks 1 July 2003 is a more reasonable proclamation date. Likewise the property council has written to the minister making that reasonable request. I quote from a briefing note provided to me by the property council in which it articulates what to me is a reasonable request. It points out how close the date is and goes on to say:

Significant education of landlords and tenants is required prior to the legislation coming into force, and the very short

> time frame could result in parties being in breach of the law as a result of not having sufficient time to prepare and comply.

This is a particularly significant issue for government, which has argued in its issues paper, its discussion paper and its second-reading speech that education is a vital component of the government's rationale. The property council document goes on to state:

> The property council had planned to run a series of forums for members on the changes to the legislation, which is significantly different to its predecessor and will require a great degree of education. However, with this extremely tight time frame … this will be difficult.

The council goes on to point out what needs to be done:

a. the final form of the legislation/regulations to be analysed;

b. precedents and protocols to be set up, which will involve:

   (i) revisiting all standard documents;

   (ii) rewriting all standard documents;

   (iii) setting up new procedures and protocols;

   (iv) rewriting centre outgoings arrangements;

   (v) educating staff;

   (vi) educating tenants.

The property council concludes:

> The date of 1 May is unworkable: 1 July would be an absolute minimum date to ensure that everything is properly in place.

I suggest to the Minister for Planning and the Minister for Small Business, who has carriage of the bill, that this is a reasonable request. All this work has to be done. There is no need to have a 1 May proclamation date, and in the interests of the education that she herself has spoken so much about, I ask her to consider a proclamation date of 1 July 2003.

I turn now to the issue of the abolition of the 1000-square-metre rule. I mentioned that it was not addressed by the earlier review under the previous government simply because the working party chose not to do so. But I understand the 1000-square-metre rule is problematic. There is the question of whether space represents a small business — for example, a caravan park is still a small business, but it has a much larger area to cover. There are a heap of internal disputes relating to whether verandas and things like that are part of the 1000-square-metre rule. It is always problematic to define a small business versus a large business, and the government's election promise was to abolish this rule and put in its place a rental threshold. The government has chosen to address this rental threshold — that is, its choice of definition of who will be protected and who will not be protected under the legislation. It has chosen to address this definition in the regulatory impact statement which was released recently.

The government's choice of threshold is $1 million per annum, and again I refer to the property council's view of this issue in its newsletter *State of Play* for this month. The property council has argued that there should be a rental threshold of $300 000. It states:

> The government's figure is of major concern and, if accepted, will have a detrimental effect on future investment in Victoria.

While the Liberal Party has a real concern for protecting small business tenants, and while the Liberal Party recognises how difficult it is to come up with a distinguishing feature for what constitutes those tenants who need the protection of the state and those tenants who are big enough to look after themselves, it is important for the minister to listen to the concerns of the property council in terms of the rental threshold, which at $1 million seems particularly high. It is not necessarily me that is making that observation; it is the government's own RIS of March 2003, which almost contradicts the conclusion that $1 million should be the threshold. Page 13 of the RIS refers to a study that was put together by an analysis undertaken for the Department of Innovation, Industry and Regional Development by FPD Savills, which is an international property consultant, and the study put together by that group indicates that 83.5 per cent of the outlets studied had a rent range of up to $100 000. Another 10 per cent had a rent range between $100 000 and $200 000, and thereafter going up to the million dollar level in a broadly diminishing rate. Indeed the RIS makes the following comment:

> Therefore setting the occupancy costs threshold at $300 000 per annum would substantially meet the objective of ensuring the coverage of small and medium-sized retail businesses.

The studies then go on to say that there is a desire to protect people in high rental areas such as Melbourne Airport, Southbank, the Bourke Street Mall and the like, and I understand that point. However, I do not think the conclusion of $1 million per annum automatically follows from the research that is presented in the RIS at page 13, where clearly the figure of $300 000 is deemed to be adequate.

I note the government's view that rather than coming back and amending legislation in this Parliament it wishes to have a buffer, and again I quote the RIS, at page 14:

> … for natural growth in occupancy costs over the usual 10-year term of a regulation.

Again I find it quite a jump, as of course does the Property Council of Australia, from $300 000 to $1 million. I am advised that this is a different measure from that used in New South Wales, Queensland, Western Australia, Tasmania and the Australian Capital Territory. So I have some sympathy with the view that the $1 million posited in the RIS may not be in the best interests of investment in Victoria.

While the government will argue that the property council and others can put their views to the RIS, nevertheless the government has clearly indicated what is its preferred option. However, I note at page 3 of the second-reading speech that a prescribed threshold is a fairer means of determining coverage, and again I quote the second-reading speech:

> The figure will be determined following final consultations with the industry.

I hope the government does consult with those who feel the $1 million level is too high and that the buffer put there by the government to provide for future rent increases is too much of a buffer.

I turn to the issue of land tax. There is a view that landlords will simply pass on land tax to tenants in the form of rental increases, and that is not an unreasonable view. I note that the Real Estate Institute of Victoria in its April 2003 edition of *Estate Agent* also expresses a view along that line. It makes the point that if the government wishes to place burdens on those providing retail accommodation, it may well wish to look at its own burdens — for example, land tax burdens. It says that in recent years land tax in some instances has gone from $5000 in one year to $10 000 the next and $30 000 the following year. How could the landlord forecast such rises and carry such costs without impacting on the overall profitability of the tenancy? REIV is very clear in its view that these costs will simply be passed on to tenants in the form of increased rental.

I say do not rely on REIV because one would expect it to say that. I think we need to look at the views of the current Premier, and the views he put to this Parliament on 13 May 1998 when debating the Land Tax (Amendment) Bill. He said in a debate on land tax:

> Even though the bill says the tax cannot be passed on, the reality is that it will be passed on in some guise or other.

So the Minister for Small Business can have her policy. It is very clear that the Premier, when he spoke on the land tax bill, knew full well that, particularly given the level of land tax this government is charging, you can write in legislation whatever you want, but land tax, like anything else, will be passed on to tenants. I know the tenant groups think it is terrific and they are particularly pleased, and I understand that, but we must remember what the Premier said, and again I quote him:

> … the reality is that it will be passed on in some guise or other.

The bill also provides for a streamlined dispute resolution process, and I note in the 2001–02 annual report of the Victorian Civil and Administrative Tribunal, which was tabled in this house in the last sitting week, that for the retail tenancies list there were 215 applications received, 221 cases resolved and 70 cases pending. The government's discussion paper indicates that that is a high level of dispute and at page 13 states that Victoria has about twice as many formal disputes as New South Wales — at the time of issue of the discussion paper about 600 since 1998, compared with 264 in New South Wales since 1995. The government wishes to have the Small Business Commissioner involved in a streamlined dispute resolution process — that is, mediation, and indeed some capacity of the Small Business Commissioner to intervene at VCAT. We will watch those figures with interest. I believe anything that eases the burden on small business in its access to justice is a step forward, but the proof will obviously be to see whether in the next annual report of VCAT those figures have come down or not.

I turn to the issue of unconscionable conduct. The shopping centre council has indicated that it supports the draw-down of section 51AC of the Trade Practices Act, but it is concerned about additional factors relating to the definition of unconscionable conduct in the bill. I refer honourable members to clause 77, which covers unconscionable conduct of the landlord, and I note that in the bill there is also a provision covering unconscionable conduct by tenants. However, the landlords are concerned — and I ask the minister to take these concerns on board — that additional factors have expanded the definition of unconscionable conduct. They have provided to the minister a legal opinion indicating that this is so. I am not a lawyer and I cannot give an informed view of whether the bill has expanded the definition of unconscionable conduct or not. However, I ask that the minister seek some advice.

Mr Robinson interjected.

Ms ASHER — I note also that neither the honourable member for Mitcham nor the Minister for Small Business is a lawyer. I ask the minister to seek

some legal advice on the opinion that has been provided to her, because the issue of unconscionable conduct impacts on all small business ministers. I recall sitting around the table when the commonwealth indicated it would fund test cases. Obviously I cannot anticipate debate on the next bill we will be looking at, but the Small Business Commissioner will be dabbling in test cases and the like.

However, if in fact the Victorian definition of unconscionable conduct is going to be, via statute, quite different from the commonwealth definition of unconscionable conduct, and the government's desire to clarify has involved added ground, then that will need to be looked at, and I ask the minister to do so.

I next turn to the issue of commercial tenants. I note that it is the government's intention, according to its regulatory impact statement, to have commercial tenants exempted by ministerial determination. I do not understand why this is not in the legislation; perhaps it is an afterthought. I ask the minister to indicate why that is so.

Indeed the Property Council of Australia has also indicated its preference that if the government wishes to exclude commercial tenants — and I guess there are good reasons for doing so — they be excluded by legislation. However, I note that while the government has consulted with a broad range of people involved in the retail sector it has not to my knowledge — and I am happy to be corrected if I am wrong — consulted with a broad range of people in the commercial sector and may need to do so, particularly in some instances where rights will be removed.

The property council has also drawn to my attention its concerns that industrial property may well be covered in Victoria, which I would not have thought would have been the intention of the government. It is not covered in any other Australian jurisdiction. I ask the Minister for Planning, who is at the table, and also the Minister for Small Business in the other place to provide an answer to the property council on that point. The general concern about this is that if you are going to argue, and I do, that small businesses need the protection of government against larger landlords and larger businesses, it is most unlikely that the industrials should be covered in terms of that policy direction.

The Shopping Centre Council of Australia advises me that there is a retrospective element in the legislation in relation to compensation. Again, as my time is running out, I ask that the minister respond to the letter that has been sent to her by the shopping centre council in relation to the retrospective element which covers changes in shopping centres that are in the works. The letter to the minister dated 13 March this year claims that:

> It is not fair that the rules are changed after such redevelopments have been planned, approved and budgeted. We suggest that an operative date of, say, 1 January 2005 would overcome this problem while still achieving the objective of consistency.

Again I ask the minister to give some specific response to that letter that has been sent to her.

Another issue in the letter sent to her by the Shopping Centre Council of Australia is the issue of the Small Business Commissioner and possible bureaucratic delays. The point is made that there is a time limit of 21 days for the Small Business Commissioner to issue certificates. The shopping centre council is concerned that certificates issued later than that are not invalid — in other words, there is no discipline if the Small Business Commissioner fails to adhere to the 21-day limit. I guess they have a fairly valid point. Everyone else is bound by the law to adhere to these limits and rules and regulations, and that is fair enough.

The shopping centre council's solution is in the letter to the minister. It suggests that the tenant's solicitor in fact could provide a certificate. The shopping centre council makes the point that one-off tenants who are not familiar with all these rules and procedures and bureaucracies will have Buckley's chance of managing this type of legislation. So I think that is a reasonable request, and again I ask the minister to specifically respond to that request.

I note that the Small Business Commissioner's position has already been advertised in the Melbourne *Age* — yes, I do read it — and the regulatory impact statement has already been issued. I remember as a member of the previous Liberal government being taken to task time and again about governments with large majorities pre-empting Parliament. I place that on record, given so many comments were made by the Labor Party about pre-empting Parliament. Of course the bill will pass Parliament and it is part of the government's election promise, but the Labor Party in opposition made a lot of comments about pre-empting Parliament. I have to say I am more concerned about the proclamation date than the issue of pre-empting Parliament.

I note the policy objectives put forward by the Minister for Small Business in her original discussion paper. Those five policy principles were very similar to those adhered to by the previous Liberal government.

Again, as I have indicated, the opposition does not oppose this legislation; the government has a clear

mandate to bring it in. However, considering the way the government is seeking to bring it in — I think that consultation up to a certain point is one thing, but there are some very key concerns from those who invest in our community about the proclamation date and a number of other technical issues — I ask the minister to adhere to her word and allow these concerns to have a fair hearing.

Mr JASPER (Murray Valley) — I join the debate on the Retail Leases Bill to indicate that the National Party will not oppose the legislation. I listened with a great deal of interest to the comments made by the honourable member for Brighton, and I join with many of the concerns she expressed about the bill and indeed the issues. The government should take them on board when considering the bill before the house and on its passage from this house to another house. Perhaps the government will be able to consider many of the issues that have been brought to its attention by the member for Brighton and indeed by the organisations which she mentioned in her contribution.

I say from the outset that the bicameral system of government is one of the strengths of our Victorian Parliament. Over the years we have seen the strength in being able to pass bills in the Legislative Assembly and have them given further consideration in the weeks that pass between the debate in the Legislative Assembly and the debate in the Legislative Council. Many people who have been in Parliament over a long period will recognise that we have often had better legislation because of the debate which has taken place in another place and by amendments which have been brought forward and agreed to by all parties and then brought back to this house for agreement.

I read with interest the second-reading speech which was delivered to Parliament. It is worth while commenting on one of the initial paragraphs, in which the minister states:

> The purpose of the bill is to establish a new regulatory framework for retail tenancies that promotes greater certainty, fairness and clarity in the commercial relationship between landlords and tenants of retail premises.

Generally the National Party would agree with that statement, but as I proceed with my contribution I will also indicate areas of concern that we have which the government should perhaps take into account in debating the legislation before this house and the Legislative Council.

We also need to recognise that retailing is an important part of the Victorian economy, which is also pointed out by the minister. There are about 30 000 retailers in the small business area in Victoria and they employ over 330 000 Victorians, which confirms that retailing is a major area of employment in this state and one which needs to have appropriate protection and appropriate legislation so it can operate effectively.

It is interesting that in seeking comments on the legislation the National Party sought responses from a range of organisations, including the Victorian Automobile Chamber of Commerce, the Victorian Employers Chamber of Commerce and Industry and the Shopping Centres Council of Australia, among others. We also had a briefing by representatives from the minister's office, and I thank the minister for making available the two officers I had discussions with. They were able to bring me up to date with the legislation and the implications of the bill before the house.

Basically the bill is similar to that which was debated last year. When I made my contribution on that bill on 30 October 2002 I made the comment that I believed it was a major step forward in seeking to clarify and provide a better position for people involved in leasing, particularly where it relates to the larger shopping complexes. The contributions and information we have received from the organisations we have consulted with have been important. I will also comment on some of the information that was provided by the minister's office.

It has been indicated that the bill is basically identical to that which was before the house in October last year prior to the prorogation of the Parliament in November last year. It is a major piece of legislation, a large bill, which needs appropriate dissection to see that it does in fact deliver what is proposed by the government. The minister's office indicated that the new bill is better drafted and is an improvement, but I understand from one of the organisations that provided information to us that there have been some major changes to the drafting which have not been accounted for in the information provided from the minister's office.

When I spoke to the Victorian Employers Chamber of Commerce and Industry it expressed no great objection to the legislation but expressed concern about some perhaps unintended consequences. It indicated to me that what we should be seeking to do with the legislation is to achieve balance between the rights of the landlords and the rights of the lessees. That is important, particularly with people involved in small businesses, who often need the protection of governments and appropriate legislation.

As a person who has grown up in small business, I understand the thrust of the legislation and the need to protect small business, and I believe there needs to be support from the government as far as small business is concerned.

As an aside, I see that the changes that have been implemented by governments over recent years have made it even more difficult for small businesses to operate. I think the Small Business Commissioner Bill, which is before the Parliament, should be able to greatly assist small businesses with the problems many of them face and the greater compliance being demanded of small business with regulation by governments at both the state and federal levels. Perhaps in the broader context of things we need to look at those issues to try to ensure that we provide the best circumstances for small businesses to operate in within Victoria so they can be profitable.

It is interesting that I used the word 'profitable', because in debates in this place in earlier times I have been taken to task for using the word 'profitable'. I suggest to the government that businesses need to be profitable. If businesses are not profitable they will not employ people, and there will be no businesses developing in this state. As far as the government is concerned — —

Mr Stensholt interjected.

Mr JASPER — A comment was made by the honourable member for Burwood by way of interjection. He should listen to the final part of my small contribution about that issue, which is that the person taking me to task was a Labor member when that party was in government during the 1980s. I made the comment that whilst the Labor government was expanding employment, it certainly could not employ everyone. We need to have people involved with government departments, but we need to make sure there is a minimalist approach and minimal interference so that businesses can get on with the job of providing services within the state of Victoria and be able to be profitable.

I have covered some of the important issues in the legislation, and the honourable member for Brighton in her contribution referred to other important issues. She referred to the changes to the 1000-square-metre rule, which is being abolished by this legislation. When I spoke on this bill in November last year I spoke of a hotelier in Yarrawonga in my electorate of Murray Valley, who believed the area of the hotel in question was less than 1000 square metres. However, the owner of the hotel claimed that it was over 1000 square metres, and he included in that the outside areas, which were the beer garden and other areas. He claimed it would be outside the 1000 square kilometres, but it was in fact the area under the 1000 square kilometres that was really applicable.

An honourable member interjected.

Mr JASPER — It is square metres, I am sorry. Let me get it right for *Hansard*, because there is a huge difference! The figure is 1000 square metres. I will make sure that I have it correct, because the hotelier believed that he had under 1000 square metres, and in fact the proprietor was suggesting that it was over 1000 square metres. It was an issue so far as that person was concerned.

I now turn to the suggested occupancy cost threshold of $1 million and note the regulatory impact statement. There may be some review of it, and it needs further comment. If a franchisee is the tenant, regardless of whether he is also the landlord, he is covered by the legislation. Short-term leases are an important area. A short-term lease of one year or less is covered regardless of whether there is a longer option. In the new legislation a lease of less than one year is not covered but will be covered once it operates continuously for longer than one year, and that is very reasonable.

Land tax is another issue that has been a great burden for many small businesses. Franchisees are able to pass on the land tax under this legislation. There is a lead time in providing the land tax information to the franchisee, making it easier as far as the payment is concerned. There is no regulation of the management fees charged by shopping centres. Those fees will now be controlled and will only be able to be raised by not more than consumer price index during the term of the lease.

Minimum terms are covered by the new legislation, with a change to a minimum five-year term for all tenants, although the parties can enter into a shorter term lease if they receive a certificate from the Small Business Commissioner. Unconscionable conduct has also been mentioned. I note there has been some criticism, and I hope I will be able to cover that with the responses I received from the National Party's representations.

It is pleasing to see that the bill makes changes to the dispute resolution process with the introduction of a Small Business Commissioner. I am informed that 80 per cent of claims are now successful in New South Wales, which has a Small Business Commissioner.

It is interesting to note the responses the National Party received from organisations. In its response the Victorian Automobile Chamber of Commerce was strong in its support of the legislation, referring to rent thresholds, franchises, short-term leases, the Retail Industry Commissioner, unconscionable conduct, disclosure statements and the five-year term, which I mentioned previously. The VACC said these were a step forward far in providing a balance between proprietors and franchisees in shopping centres.

The most interesting response received was from the Shopping Centre Council of Australia. The member for Brighton mentioned it, and it is worth while repeating some of its concerns. For instance, the legislation coming into operation on 1 May leaves little time to get the bill through the Parliament and take account of any further representations that are made or amendments that are to be included. The SCCA also indicated that over 30 clauses are different to the bill which was presented to the house last year. That is a little different from the information provided to me by the minister's office, which said that it was almost identical to the legislation before the house in the last Parliament. That needs to be taken into account, and again I mention the operative date.

When legislation comes before the Parliament it is difficult to know what the result of the regulations under it will be. They need to be subject to a regulatory impact statement, including responses and an assessment of that process. The regulations are still to be detailed, yet the bill has an operative date of 1 May.

I refer to an issue that is worth mentioning. I spoke about the 1000-square-metre provision as it relates to occupancy. We should also take note of the comments made by the council when it talked about the 1000-square-metre rule, which puts Victoria at odds with New South Wales, Queensland, Western Australia, Tasmania and the Australian Capital Territory, and about the problems that causes for establishments along, for example, the New South Wales–Victoria border.

Border anomalies have been a huge issue for me as a member of Parliament who lives near that border. We still have an enormous range of border anomalies, despite the fact that the Border Anomalies Committee was established in 1979. There have been great advances in eliminating border anomalies, but the more you talk to people about the issues the more the anomalies become apparent.

Here we will pass legislation through Parliament that will continue to give rise to border anomalies between Victoria, New South Wales and the other states. I suggest to the minister that in considering changes including the removal of the 1000-square-metre rule she should be looking for uniformity between the states and take account of the difficulties created by border anomalies.

Leases are being talked about critically. The council suggested that the options should be extended to 1 July 2003. Unconscionable conduct was mentioned as a criticism of the council. It indicated that there are three added factors that were not taken account of in the original legislation before the house last year. Those comments of concern were made about the legislation, but in the latter part of the letter addressed to me concerns relating to the regulations are detailed. What we need to understand is that concerns are being expressed by organisations about this legislation.

The council has written to the minister and brought to her attention a range of concerns. I would like to think the minister will respond to the concerns expressed, and as I indicated earlier in my contribution it is important to get a balance. Balance is required between what is going to be acceptable to the landlords and what is needed to protect the franchisees so that their businesses can be profitable, so making an important contribution to the economy of Victoria.

I do not think there is any doubt that there have been problems in the industry in the past. There have been situations where in particular small lessees and franchisees have been under pressure from landlords. Some protection needs to be afforded to them, and the legislation is a major step forward in seeking to protect those people. I accept the comments made by representatives of the minister's office who have spoken to me. I also accept the comments brought to my attention by the organisations we have contacted, which generally support the legislation now before the house.

However, we need to take account of the concerns expressed, particularly about the regulations and the date when the legislation would become operative — that is, 1 May 2003. The regulations are out in the public arena even before the bill has passed through Parliament. It is the height of hypocrisy and arrogance for the government to bring forward the legislation and make it operative from a date that is too early. It has created a situation where the regulations may not be in place but will have a dramatic effect.

Finally, I strongly support the changes that have been made, particularly the removal of the 1000-square-metre rule, which will be of great importance to many of the

small businesses that have brought this to my attention as a major issue.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The time for the adjournment of the house has arrived.

Planning: Brighton

Ms ASHER (Brighton) — The issue I have is for the Minister for Planning, and the action I am asking her to take is to intercede to reduce the number of planning cases in Brighton that end up before the Victorian Civil and Administrative Tribunal. I refer the minister to the annual report of VCAT for 2001–02 wherein Brighton unfortunately has the second-highest number of applications before VCAT of any suburb. Richmond has the highest number with 69; Brighton comes in at no. 2 with 58. I also note that Elwood in my electorate has had 39 planning applications before VCAT. The municipality of Bayside as a whole comes in at no. 8, with 122 applications before VCAT. This is an alarmingly high number of planning issues coming before VCAT. What is happening in Brighton is that VCAT is deciding what occurs in my electorate and in the major city within my electorate.

One of the reasons why there are so many referrals to VCAT is that Bayside City Council has been denied the opportunity to have its own planning scheme. Indeed, the Minister for Planning and the previous Minister for Planning have a C2 amendment on their desks, and I have raised this issue previously in the Parliament. The C2 amendment has been put forward by a Bayside City Council that was made up of an enormously diverse group of people. All political parties were represented on that council, yet the council came to a view that the C2 amendment was the best possible solution for the Bayside area. It is certainly not perfect. There was a lot of consultation and a lot of work and broad agreement. It deals with some of the issues that are so critical in Brighton in relation to density, access to sunshine in one's backyard and so on. This has not been signed off.

I understand that the minister is arguing that she wants to wait until her 2030 policy, which incidentally moves in the opposite direction, is announced. Nobody wins by having this number of planning applications before VCAT. The residents opposing development lose through VCAT fees and through stress and pressure, and so on. The sellers of land lose as they wait for VCAT to decide what happens in Brighton. The council loses because it is not in control of what is occurring in Brighton. Almost all planning applications are going to VCAT, and that is not a desirable outcome for anybody. Even the developers lose through the delays and costs and the uncertainty promoted by the fact that C2 has not been signed. I urge the minister to rectify the situation.

Bicycles: Upfield shared pathway

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Transport. I ask the minister to work with the Coburg Bicycle Users Group and the Brunswick Bicycle Users Group, as well as all those others in our local community who participate in ensuring that the Upfield shared pathway is completed by the end of the 2003–04 financial year.

After more than a decade, CBUG and BBUG have managed to enjoy an increased Upfield shared pathway. They have worked diligently and they have enticed many people, some of us who may have been reluctant cyclists over a period of years, to really enjoy cycling again. Last Thursday and Friday I had the opportunity to have an on-site briefing from Laurie Burchell, who over the last 14 years has led CBUG's campaign to have that bike path completed.

I raise for the attention of the minister the fact that both the Moreland City Council and the state government have embraced recreational cycling, seeing it as important for the fitness of the local community and in reducing harmful greenhouse emissions. In terms of distance and undulation Coburg is ideally suited for cyclists commuting to the city, allowing them to enjoy one of the state's most visited sites, the Fawkner cemetery, and to go right up to the Western Ring Road. It is particularly safe to ride where the bike path and the shared pathway have been completed, but I have had the opportunity to ride along the path between Munro Street and O'Hea Street and have found it a particularly hair-raising experience. I would not encourage anyone other than very competent cyclists to embark on it.

The Minister for Transport needs to be aware that the Moreland City Council's bike path plan of June 2000 has been worked on progressively. I congratulate the council on completing most of the work in the high-priority areas. The council is now working diligently to ensure that those areas designated as medium priority are dealt with. However, there is one stumbling block, and that is the Bell Street pedestrian crossing near the Upfield rail line. I urge Vicroads,

together with the Minister for Transport, to implement a pedestrian crossing there.

I also pay tribute to Brian Negus and his excellent team, which has worked very well with the local community. Together we can make this happen.

Bridges: Sale

Mr RYAN (Leader of the National Party) — I raise an issue for the Minister for Transport that concerns the historic swing bridge on the South Gippsland Highway, a short distance south of beautiful, downtown, sunny Sale. This bridge was built in 1863 and until recently was a fundamental component in moving traffic going south from Sale along the South Gippsland Highway. It provided an important mechanism whereby traffic travelled back and forth to Longford.

The former government in its great wisdom determined that major works should be undertaken at the site of the swing bridge. Two replacement bridges were to be built to supplant the function the swing bridge had performed since 1863, that facility having been built at the confluence of the Thomson and Latrobe rivers. Needless to say by the time this work was undertaken — which was only in the past 12 months — the beautiful swing bridge had outlived its usefulness. The new structures have now been built and they are providing an invaluable service. It is to the credit of this government that it continued that important project and indeed enhanced it somewhat by adding some money to build a bridge over the Long Waterhole, as it is known.

Nasty rumours are circulating that part of the project as originally announced by this government may not be fulfilled. The original announcement included a commitment to re-establish the swing bridge in all its former glory. Much was made of the intention to ensure that the original facility as built in 1863 would be restored to an operable state. That will entail a lot of work being done to the bridge, because there are abutments at either end of the bridge which need substantial work, as does the bridge itself. The intention has always been to return it to a functioning form, and there was a lot of discussion with committees about how the re-established bridge would operate to enable boating traffic to move up and down from the Gippsland Lakes, along the river system and ultimately to the port of Sale.

All of this will come to nothing unless the government lives up to its commitment to provide funding for the refurbishment of the swing bridge. I seek confirmation from the Minister for Transport that this vital component of the work, which the government undertook to complete, will be given effect to. I accept that it will be expensive, but the local folk want to know if it is going to be done. The government promised it, and we want to see that promise fulfilled.

Freeza program: Frankston

Mr HARKNESS (Frankston) — I raise a matter with the Minister for Employment and Youth Affairs concerning the ongoing funding for the very successful Freeza program in my electorate of Frankston. The action I am seeking from the minister is that she continue funding of the Freeza program in Frankston so that the young people of Frankston can continue to enjoy safe and secure music entertainment and cultural events in a drug and alcohol-free environment.

The Freeza program is highly regarded in Victoria, and my electorate is no exception. It demonstrates the Bracks government's willingness to actively celebrate young people's many talents through supporting young people to run music entertainment and cultural events. The Freeza program allows the young people of Frankston to continue to enjoy safe and secure music entertainment and cultural events in a drug and alcohol-free environment. It is particularly important that there is a program such as Freeza to provide a safe option for under-age young people in suburbs such as Frankston as well as in regional and rural areas of Victoria.

In my electorate this year we have seen two very successful Freeza events conducted by the Frankston City Council through the use of the Bracks government's Freeza funding. The two events, the Mornington Peninsula Skateboard Championships and the Down Out Pool Party, attracted over 900 young people to enjoy live bands and DJs. Another five events will be conducted before July this year for the young people of Frankston, including an acoustic music festival and a youth expo during National Youth Week, and the Battle of the Bands in Frankston and Langwarrin. These events will allow parents to be safe in the knowledge that their children will be attending a secure, drug and alcohol-free local event.

The Freeza funding for the City of Frankston runs out of the end of June 2003. I call on the minister to ensure that this Freeza provider and all others are given sufficient time to re-tender for Freeza funding for the next financial year. As I outlined earlier, it is a very highly regarded program in Victoria. Frankston is no exception.

An honourable member interjected.

Mr HARKNESS — Yes, Frankston is exceptional. It demonstrates the Bracks government's willingness to actively celebrate young people's many talents and support people who run music entertainment and cultural events. Freeza is a very successful program, and I again ask the minister to ensure that this Freeza provider and all others are given sufficient time to re-tender for Freeza funding for the next financial year.

Kew Residential Services: surplus land

Mr McINTOSH (Kew) — I raise a matter for the attention of the Premier. I ask the Premier to intervene to stop the subdivision and sale of publicly owned land in my electorate. Given that the Premier has recently announced the government's new policy on the sale of publicly owned land as being totally and utterly irresponsible, I ask the Premier to now intervene to prevent the sale and subdivision of some 22 hectares of publicly owned land that could be potentially public open space and used in the beautiful Yarra Bend Park, which is a natural adjunct to this particular piece of land.

The land I am talking about is the surplus land in relation to Kew Residential Services. Importantly both sides of politics understand completely that the outdated facilities at the Kew Residential Services have to be upgraded to meet the individual requirements of the residents there. I certainly applaud this government's policy of adopting what was started by the previous government: the individual assessment of each resident to determine the best accommodation outcome for them. It is yet to be completely implemented — or even partially completed, should I say — but it is certainly something this government has taken on.

But as part of that redevelopment of Kew Residential Services some 22 hectares of land has become surplus to the government's needs. Of course I agree with the Premier that it would be utterly and totally irresponsible to sell that land at a commercial rate. Yet I ask the Premier what the government is doing — perhaps it is one of the Premier's ministers; I do not know who is responsible, but that minister is ultimately responsible to the Premier — to stop that minister from selling those 22 hectares. It is proposed that some 22 hectares of land be subdivided and sold in individual house blocks that could see as many as 300 new houses or even apartments up to six storeys in height being plonked right in the middle of this land, which is adjacent to Yarra Bend Park.

I am sure the Premier would agree that the best outcome for the people of Victoria and, indeed, for this city would be to have that land added to the Yarra Bend Park. The member for Richmond, who was in the house earlier, would be aware of what a beautiful park this is. I warrant that most people in this chamber would have been at Yarra Bend Park at some stage. I agree with the Premier's proposition that it would be irresponsible to sell this land, and I ask him to intervene to immediately stop this sale.

Racing: bookmaker advertising

Mr ROBINSON (Mitcham) — It is a great pleasure to have the opportunity this evening of raising a very important issue for the attention of the Minister for Racing. I want to bring to the minister's attention the vital issue of cross-border restrictions on bookmaker advertising, which I know all members will have a great concern about, and in particular the obstinacy of the New South Wales racing industry in refusing to liberalise these arrangements. That has created a situation in which at the moment New South Wales does not permit bookmakers from interstate to advertise in New South Wales. I seek the minister's agreement to raise this important issue at the forthcoming conference of racing ministers.

This is obviously an important issue because we have a very big event coming up in New South Wales on Saturday called the Election Stakes. I know that all opposition members would love to be able to get on the telephone and see if they can back the New South Wales Liberal Party to get up. They might be getting very good odds!

This is a very significant issue. The Victorian racing industry has taken great strides in recent years in turnover and in improving the product, and bookmakers in particular have done very well as a consequence of the policies of this government. We have seen a reversal of the previous decline in their numbers, and they are now doing far better than they have done for many, many years. I can assure the house that together with a few other members I am doing my bit to help the bookmakers out, although it seems to be a one-way flow most of the time.

An honourable member interjected.

Mr ROBINSON — I am making a lot of investments that are yet to realise a return, but I am sure that situation will change!

This is an important issue. The racing industry prides itself on building a better product and on its more international outlook, but we are still confronted with a

situation in which some racing jurisdictions do not allow full competition.

The Bracks government has done a great deal to liberalise the arrangements that govern the industry, and it is only appropriate that we get to a position where Victorian bookmakers can advertise in New South Wales, which is the way it ought to be. I look forward to the minister's making the most of the opportunities at the forthcoming racing ministers conference, which I think is scheduled for April, by putting this important issue on the agenda.

Wimmera Mallee Water: Patchewollock farmer

Mr SAVAGE (Mildura) — I wish to raise an issue for the attention of the Minister for Environment. A constituent of mine — Patchewollock farmer Lionel Torney — has been persecuted by Wimmera Mallee Water for some time and is in dispute over water rates.

Some years ago Mr Torney developed some self-managed catchments on his properties at Patchewollock and Quambatook. When the northern Mallee pipeline was put through he indicated that he did not need any water, and no tappings or pipes were laid across his property. As the minister would be aware, there is a rating regime by Wimmera Mallee Water whereby customers pay a hectare charge as well as paying for dam fills. The hectare charge is quite expensive: it is about $2.05 per hectare, depending on the rated property. This is an unfair impost when the customer does not receive water.

The argument put by Wimmera Mallee Water is that no-one can opt out of the regime. That is incorrect. A number of farmers have opted out, and the reason that Lionel Torney is being targeted is because he made public his opposition to the current rating regime.

I have to say that this is one of the worst years we have faced in the catchments of Wimmera Mallee Water, and it may be unable to deliver water of any meaningful quantity in this coming year. It is talking about farm dam fills and perhaps carting in water, so any farmer who promotes self-managed catchments and can do it successfully in the Mallee should be congratulated and not persecuted for non-payment of water rates.

Section 270 of the 1958 Water Act quite clearly referred to the fact that a customer cannot be billed and charged for water he has not received. When the new act came in in 1989 those rights were referred to in section 270 but they were not specifically mentioned. I believe we should be looking at a new rating regime. If you are not taking water there should be a minimal service charge.

I ask the minister to intervene in this case. It is one that has been going on for a very long time, and I think Mr Torney has been subjected to some very unfair pressure. I ask the minister to ensure that a fairer regime is in place and that Mr Torney does not face court in April of this year.

Children: early childhood services

Ms GREEN (Yan Yean) — I seek action from the Minister for Community Services. The electorate I represent is in a growth corridor of Melbourne. The electorate has a high number of young families and lots of young children. Many of these children have special needs, behavioural problems, autism and the like. I am concerned about the need to keep up with the growth in demand for early childhood services. I have noticed a need for parents and families to be made aware of what services are available for families with young children. Accordingly, I call on the minister to take action to ensure that families in Melbourne's growth areas, particularly in the electorate of Yan Yean, have access to a range of early childhood services.

Particularly in my area I am concerned for first-time mums who have been in the work force or may be new to the area and do not have those support mechanisms. Often they are isolated and not familiar with the community and existing services. Their isolation is often exacerbated if they do not have the support of parents and grandparents or extended families.

Further, during my time doorknocking in the lead-up to the election I met new mothers who told me of the pain they had experienced in suffering from postnatal depression, and how they had great difficulty in finding out how they could receive help. Other mothers told me of the great support and advice they had received from maternal and child health services and neighbourhood houses. They also told me of the struggle they have to access quality and affordable child care due to the failure of the federal government to adequately fund child-care places in the suburban and rural interface.

Like their federal counterparts, the Liberal and National parties in this place have just today shown that they have no interest in the need for services in the interface areas. They oppose the state government's excellent initiative in having a parliamentary suburban/rural interface committee. It is a fantastic initiative.

Mr Perton interjected.

Ms GREEN — No, I am not misleading the Parliament.

Mr Perton — It's your first adjournment. Don't tell lies.

Ms GREEN — No, it's not my first adjournment; it's the second one.

The Liberal and National parties say there is no need for the committee. They have shown their true colours. They have not learnt a thing from the election result, where almost every rural and suburban interface seat voted overwhelmingly for Labor Party candidates.

Obviously people in the suburbs know that the conservatives do not care about the outer suburbs. Children and families deserve community services which meet their diverse needs. I know from my own experience as a young mother in the 1980s what is needed, and I want to see families in the suburbs having better services for their children than what I had then. I am sure the Minister for Community Services, a parent herself, shares my commitment to these quality services, and I look forward to hearing of her action in this important area for families.

Manningham Youth and Family Services: funding

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Employment and Youth Affairs, who is at the table. The action I seek is for the minister to immediately reinstate funding to Manningham Youth and Family Services for its youth services program. The Manningham City Council, Manningham Youth and Family Services and I have written to the minister seeking an appointment to discuss the issue but to date have received no response.

This case is best put in the words of Manningham Youth and Family Services in a letter it wrote, saying:

> For the past 10 years we have received funding through the youth services grant from the Office for Youth. Manningham council applies for the grant and forwards it to us through our service agreement. The current grant expires on 31 December 2002. We planned to use this funding to provide 96 days of youth counselling and 386 hours of programs in 2002–03. We provide the only youth-specific counselling in Manningham and only for two days a week, which is inadequate for the 22 000 young people in our client age group.
>
> We had applied for an increase in funding to employ a youth worker of Chinese origin to extend our program to the large Chinese community in Manningham.

Their application was rejected, and they wrote to me again on 3 February, saying:

> Since December we have obtained more information. The response from the Department of Education and Training … was that our submission failed because it did not meet the grant criteria and because it was not competitive. We were told that other agencies had been funded to provide the same services to Manningham.
>
> With regard to the first, as far as we can see our submission does meet the published criteria. An almost identical service is being funded in Yarra Ranges.
>
> More significantly, with respect to the second we have looked at all the other agencies who received funding and who would be in a position to provide services in Manningham, but none has been funded to provide the services that we have lost. Hence there has been a net loss of services to Manningham.

That is also verified in the letter from John Bennie, chief executive of the Manningham City Council, who also wrote to the Minister for Education Services and Minister for Employment and Youth Affairs seeking an appointment. The minister has been unresponsive.

Manningham is an area with a large youth population. This agency is not well funded, but it does a very good job under the patronage of Kevin Sheedy, a well-known Victorian who strongly supports it. The agency has sought to extend its programs to the Chinese community. We all understand the needs of the Chinese living in Doncaster, particularly those who are recent migrants from Hong Kong, Taiwan and China.

We would like the minister to reinstate the funding, but at the very least she could have the decency to respond in writing to the council, to me and to Manningham Youth and Family Services. Better still, I ask her to receive a delegation from us to either say to us face to face that she has rejected this application or that she will reinstate it.

National Celtic Folk Festival

Mr TREZISE (Geelong) — The issue I have for the Minister for Tourism relates to the National Celtic Folk Festival, which has been held in Geelong on an annual basis for a number of years.

As you are well aware, Deputy Speaker, Geelong has a number of magnificent community festivals. The one that usually comes to mind is the Pako Festa, which was held in February this year and opened by the Premier. This year's National Celtic Folk Festival is to be held not in the city itself but down on the beautiful Bellarine Peninsula in the township of Portarlington. I am sure members of this house are well aware of the beauty of Portarlington, especially in the summertime. As I said, the National Celtic Folk Festival has been held annually in Geelong and attracts thousands of visitors to our region.

Organisers of this year's event estimate that 3000 to 4000 visitors will come to the festival, 40 per cent of whom will come from within the region, 30 per cent from Melbourne, 20 per cent from wider Victoria and, importantly, 10 per cent from interstate. Given that the 2003 festival has moved from Geelong to Portarlington, marketing is vital to its success.

The action I seek from the minister is assistance in marketing the festival. This year the festival will be held over the weekend of 6 to 9 June and will focus on a celebration of Celtic culture, dance, literature and tradition. Having attended the National Celtic Folk Festival over the last couple of years I can assure you that it is programmed to appeal to a broad cross-section of our community and our state, not just people with a Celtic background. The festival has been a success in the past due to the strong support of a number of community organisations in Geelong, including the Friends of the Festival, the Geelong Folk Club and the City of Greater Geelong.

I commend the festival to the house, because it is great for the region. I will definitely be there, and all honourable members are more than welcome to visit Portarlington in June to enjoy it. The folk festival is a great festival that attracts thousands of people to the region. We will have cold and warm beer, and I am sure Portarlington will be a great venue. I look forward to the minister's support, which I am sure will be forthcoming.

Responses

Ms ALLAN (Minister for Employment and Youth Affairs) — The honourable member for Frankston raised the issue of the ongoing funding for Freeza programs in his electorate of Frankston. As a young member of Parliament, the honourable member for Frankston has a strong understanding of youth issues and I am certainly very pleased to pass on the mantle of being the youngest person in this chamber to the honourable member for Frankston.

The Freeza program that the honourable member for Frankston mentioned is targeted at young people between 14 and 18 years of age. It funds young people through local government and other not-for-profit organisations to run music events and other cultural events within local communities. These events can include things like band nights, dance parties or even cultural events like skateboarding — which I believe was held in the honourable member's electorate recently.

Freeza events are successful because young people are involved at every stage. They are involved in the planning of the event and the organisation of the event, and they get involved through the youth steering committees. Importantly, the Freeza events are entirely drug and alcohol free, which is a very important component of the program.

After coming to office the Bracks government doubled funding to the Freeza program, recognising how important it is to young people in local communities and recognising the importance of these events to young people's culture in those communities — for example, last financial year over 2000 young people were involved in more than 60 Freeza organising committees, and over 93 000 young Victorians attended Freeza events across Victoria.

I am pleased to inform the honourable member for Frankston that last year the Bracks government made an unprecedented commitment of $8 million over four years to the Freeza program. Not only is this double the annual funding available under the previous coalition government, but it is also the first time that Freeza has had guaranteed ongoing funding. I inform the honourable member for Frankston that the next round of Freeza funding will be through a tender process commencing in April of this year.

An honourable member interjected.

Ms ALLAN — That's another question.

This process will include young people being involved on assessment panels because, as the honourable member for Frankston can clearly appreciate, having young people involved at every stage of this process really does give them a great set of skills that they can take with them for the rest of their lives. Certainly all Freeza providers, including those in the City of Frankston, will be given plenty of time to tender for the Freeza funds in the next financial year.

The honourable member for Doncaster — in the marginal seat of Doncaster, as the honourable member for Brighton has pointed out — raised the issue of funding through the youth services program for the Manningham City Council. In 2002–03 the Bracks government committed $6.2 million worth of funding to the youth services program for services provided over the 18 months from 1 January 2003 to 30 June 2004. Through this $6.2 million of funding, 111 programs have been approved to provide youth services right across Victoria. Importantly, this represents an increase of 14 per cent in the number of programs funded. Young people in all local

government areas across Victoria will be able to access youth services through the provision of grants to non-government organisations and local government authorities.

The Manningham City Council applied to be re-funded by the youth services program in the 2003–04 period and the Office for Youth, in its administration of this program, conducted a rigorous and transparent evaluation to assess grants submissions.

Mr Perton — No you didn't! You gave it to a Labor marginal seat and did not give it to Manningham. It's the whiteboard, isn't it?

Ms ALLAN — The honourable member for Doncaster may be interested to note that Manningham City Council was unsuccessful because other agencies in its catchment area scored higher in the evaluation process. And whilst Manningham City Council was unsuccessful, young people in that local government area will be able to access youth services from other organisations such as KYM Employment Services, Uniting Care — Harrison Community Services, and the Reach Out for Kids Foundation.

I would like to finish by noting that the Bracks government is taking youth affairs very seriously, unlike the opposition, which has no dedicated shadow minister for youth affairs, which in government had no agency that dealt directly with youth affairs and which did not even take a youth affairs policy to the electorate at the last election.

I repeat that the Office for Youth undertook a rigorous and transparent evaluation process of all youth services programs and youth services grants.

Mr PANDAZOPOULOS (Minister for Gaming) — I use this opportunity to congratulate you, Sir, on your appointment as Deputy Speaker. In moving your Deputy Speakership appointment I did not have the opportunity to speak, but there is certainly no doubt that the Parliament agrees that you make a great Deputy Speaker. You have gained a great reputation for impartiality since you were elected in 1992.

I thank the member for Mitcham for raising the issue of cross-border betting. One of the things about Victoria is that it is home to the greatest racing product in Australia. Certainly we are the envy of other states. As a result people in other jurisdictions want to be able to bet on our product, but the lack of an effective national marketplace means that our own bookies are limited in what they can do in interstate markets, given that much of the product being bet on in those states is Victorian races.

The honourable member for Mitcham is concerned, and I share his concern, that because there is movement towards a national marketplace in racing we need to ensure that everyone who participates in that marketplace pays their share to support the industry. There is a basic principle which says that the owners of the racing product should derive a benefit from any bets placed on that product as though those bets were placed in Victoria, whether they were placed through the TAB or through bookies.

Of course there has been a growing trend of corporate bookmakers in the Northern Territory, the Australian Capital Territory and outside Australia taking advantage of our great racing product yet not returning 1 cent to the Victorian racing industry. This has become an issue of considerable discussion amongst racing ministers around Australia, and I am pleased to let the member know that there will be a meeting of racing ministers in April where this issue will be brought to a head.

The issue of a product fee has been raised in a discussion paper produced by the cross-border betting task force, which was appointed by racing ministers across Australia. This proposal has also been raised with the different national representative bodies of the three racing codes in order to have it put on the agenda.

The terms of reference have been expanded to include betting exchanges located within Australia and overseas, which are a related issue. I can assure the member that I will pursue all those issues at the ministerial meeting, including the issue he specifically raised in relation to the ability of Victorian bookies to promote their great business given the great things we have been able to do, making them more competitive and reducing their tax rate so they can promote themselves interstate using our product, as others do as well. I thank the member very much for his great support of the racing industry.

The member for Geelong is a great supporter of tourism festivals and events in the greater Geelong region. He raised the issue of support for the National Celtic Folk Festival, which I understand, Deputy Speaker, you have been involved with. I recall meeting representatives of that festival on a visit to Geelong late last year. The festival organisers highlighted the relocation of the festival to Portarlington and said they would like some support from Tourism Victoria to assist in their marketing campaign.

As the member for Geelong said, the festival's organisers expect to see 3000 to 4000 visitors in the Portarlington region, which is a very large crowd. Many dollars will be spent in the local community on

accommodation. If you market the event you maximise the opportunity for people to stay overnight in the area, converting them from daytrippers so they spend a bit more money while celebrating and better understanding our wonderfully diverse Celtic heritage. The member referred to a number of events in the festival literature such as dance as evidence of that diversity.

I am very pleased to inform him that as part of the extra $2 million the Bracks government made available for regional events funding, which the Country Victoria Tourism Council assists us with through the country Victoria events program, a grant of $5000 has been recommended to me to assist them with the event in June at Portarlington. I thank the honourable member very much and wish the National Celtic Folk Festival a great event in June.

Ms GARBUTT (Minister for Community Services) — The honourable member for Yan Yean raised with me an issue that she picked up while she was doorknocking in her area and talking to a lot of people, and I congratulate the new member for her efforts.

The issue concerns families with special needs. The member pointed out that her electorate is indeed a very fast-growing area and that families need information about and access to early childhood services. She mentioned that many of the new mums would be quite isolated from family support. In particular, she mentioned postnatal depression as an issue, and again affordable child care. She is right in pointing out that affordable child care is of course a federal government issue and that that government's failure in this area is obvious to us all with the high costs, the large waiting lists and the great need for child care that is not being met.

I can say to the member that in regard to state-funded early childhood services and family services this government has a very proud record and has increased funding in all these areas by around 35 per cent across this particular area. We have had to fix a mess that was left by the previous government after its cuts and neglect. Many of us remember the savage attack on preschools, where the Kennett government took $11 million out of that system and sent participation rates plummeting, especially among low-income families and families with special needs.

By contrast this government's Children First policy makes a strong commitment to giving our children the very best possible start in life. We certainly want to provide the support that allows all children to grow to their potential and to try to close that gap for children from different backgrounds. Recently I launched a Best Start project in the honourable member's electorate at the Boori Children's Centre in Epping — a $600,000 demonstration project especially selected because it is in a growth area. It tries to bring together a whole range of early year services with local parents and the local council to form partnerships to find ways to better use services that are there to support all families, especially those who have not been using services in the past and where there is a demonstrated need. We are hopeful that those demonstration projects — there are 10 others around the state under way or about to get under way — will make a big difference for parents such as those in the Yan Yean electorate.

I point out to the honourable member that our election platform commits us to supporting new children's centres integrating a range of services, and we have allocated $8 million over four years to assist in the development of up to 30 across the state. We will further boost maternal and child health services. We understand that is absolutely crucial for all parents, whether they are new parents or already have children, and we have allocated over $20 million to improve those services across the state over the next four years.

Preschools are a fundamental universal service, and the government has allocated funds for new start-up preschools in growth areas such as in the Whittlesea shire, as well as $5 million for information technology support for preschools so they can be online and use online services. Currently we are starting a whole range of inclusion programs for children who have special needs and where the parents are isolated or have some difficulty in accessing services. A particular program will assist those families so that those children will use preschools.

We have also committed another $6 million to further early intervention services, so we certainly recognise the importance of the early years in giving children a good start. We are committed to giving all children the very best possible start in life, and I hope to be able to work with the member for Yan Yean in providing more of these services.

Ms ALLAN (Minister for Education Services) — The member for Brighton raised a matter for the Minister for Planning, the member for Pascoe Vale and the Leader of the National Party both raised matters for the Minister for Transport, the member for Kew raised a matter for the Premier and the member for Mildura raised a matter with the Minister for Environment. I will refer all matters to those ministers.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.45 p.m.