

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

16 September 2003

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CONTENTS

TUESDAY, 16 SEPTEMBER 2003

CONDOLENCES	
<i>Dr John William Gamaliel Ross</i>	383
<i>Adjournment</i>	393
QUESTIONS WITHOUT NOTICE	
<i>Teachers: industrial action</i>	393
<i>East Timor: Balibo trust</i>	393
<i>Children: employment</i>	394
<i>Teachers: wages</i>	395
<i>Wind farms: government policy</i>	396
<i>Freedom of information: Ombudsman's report</i>	396
<i>Planning: Eastside project</i>	397
<i>Economy: performance</i>	397
<i>Police: Bungaree land</i>	399
<i>Major projects: funding</i>	399
PERSONAL EXPLANATION.....	400
CEMETERIES AND CREMATORIA BILL	
<i>Second reading</i>	401
WATER LEGISLATION (AMENDMENT) BILL	
<i>Introduction and first reading</i>	404
ROYAL BOTANIC GARDENS (AMENDMENT) BILL	
<i>Introduction and first reading</i>	404
EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Introduction and first reading</i>	404
EDUCATION (WORKPLACE LEARNING) BILL	
<i>Introduction and first reading</i>	405
VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL	
<i>Introduction and first reading</i>	405
MENTAL HEALTH (AMENDMENT) BILL	
<i>Introduction and first reading</i>	405
SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL	
<i>Introduction and first reading</i>	405
PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL	
<i>Introduction and first reading</i>	405
PETITIONS	
<i>Police: Bendigo</i>	405
<i>Disability services: schools</i>	405
<i>Point Nepean—Truemans roads, Tootgarook: safety</i>	406
<i>Bay—Bluff roads, Sandringham: safety</i>	406
<i>Mitcham—Frankston freeway: tolls</i>	406
<i>Emergency services: Warrnambool helicopter</i>	406
NATIONAL CRIME AUTHORITY	
<i>Annual report</i>	407
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Budget estimates</i>	407
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE	
<i>Alert Digest No. 6</i>	407
PAPERS.....	407
ROYAL ASSENT.....	408
APPROPRIATION MESSAGES.....	408
BUSINESS OF THE HOUSE	
<i>Sessional orders</i>	408
<i>Program</i>	410
MEMBERS STATEMENTS	
<i>Murrumbeena Park Bowling Club</i>	411
<i>Monash Birth Centre: relocation</i>	411
<i>Frankston Young Leaders Awards</i>	412
<i>Geoff Crick</i>	412
<i>Keep Moving Forward Women's Leadership Day</i>	412
<i>Mitcham—Frankston freeway: tolls</i>	413
<i>Schools: German poetry competition</i>	413
<i>Artists for Kids Culture</i>	414
<i>Public transport: Reservoir interchange</i>	414
<i>Fishing: scallops</i>	414
<i>Toorak Primary School: political studies</i>	415
<i>Multimedia Victoria: consultants</i>	415
<i>Friends of the Helmeted Honeyeater</i>	415
<i>Libraries: funding</i>	415
<i>Gas: Hurstbridge supply</i>	416
<i>Emergency services: Warrnambool helicopter</i>	416
<i>Students Parliament</i>	417
<i>Tam Vuong and Sam Mitchell</i>	417
<i>Timorese Ethnic Chinese in Victoria</i>	417
<i>Geelong: education, employment and training program</i>	417
VICTORIAN INDUSTRY PARTICIPATION POLICY BILL	
<i>Second reading</i>	418
SUPREME COURT (VEXATIOUS LITIGANTS) BILL	
<i>Second reading</i>	428
HERITAGE (AMENDMENT) BILL	
<i>Second reading</i>	431
ADJOURNMENT	
<i>Planning: Whittlesea zoning</i>	441
<i>Police: Ocean Grove station</i>	442
<i>Weapons: regulations</i>	442
<i>Emergency services: taxation status</i>	443, 445
<i>Disability services: Mount Martha student</i>	443
<i>Police: Narre Warren North electorate</i>	444
<i>Warrandyte State Park: rangers</i>	444
<i>Police: Nathalia station</i>	446
<i>Police: Boroondara</i>	446
<i>Responses</i>	446

Tuesday, 16 September 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Dr John William Gamaliel Ross

Mr BRACKS (Premier) — I move:

That this house expresses its sincere sorrow at the death of John William Gamaliel Ross and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the electoral province of Higinbotham from 1996 to 2002.

The house is saddened by the passing of Dr John Ross, a former member for Higinbotham Province in the other place, on 6 September. Dr John Ross was well respected, not only by the people he represented in this Parliament but by people on both sides of politics and of this house.

John Ross was born in Melbourne on 17 October 1940. He attended Gardenvale and Ormond primary schools and went on to attend Brighton Grammar. Following secondary school John Ross began his career as a technical officer specialising in industrial hygiene at the University of Melbourne. From 1962 to 1991 John Ross held the positions of inspector, scientific officer, and chief research officer for the health department of Victoria. These positions encompassed the fields of occupational health, drugs and poisons control, health education and health planning. It was during this period that John Ross gained a reputation for his interest and work in the field of addictive behaviour.

During his health department years John Ross attended Melbourne University where he gained the degrees of Bachelor of Science in 1967, Master of Science in 1973 and Doctor of Philosophy in 1977. From 1991 to 1996 Dr John Ross was director and company secretary of the Addiction Research Institute and chairman of the Breakeven and G-line counselling and referral service. In 1996 Dr John Ross was elected to Parliament as a member for Higinbotham Province — a position he held until his retirement at the 2002 state election.

During his time in this Parliament Dr Ross furthered his advocacy for improving public health. In his first speech to Parliament in 1996 Dr Ross dedicated much of his address to the history and future of public health care issues, stressing the importance of preventive health care. During his parliamentary term Dr Ross was a valuable member of the Drugs and Crime Prevention

Committee and the Family and Community Development Committee.

Dr John Ross was an active servant of the community prior to entering Parliament. He was involved in a wide range of issues, from his membership of the Carlton Football Club to his involvement in the Brighton Bowling Club and the Bentleigh RSL Club. He held life membership of the East Brighton Football Club. Prior to entering Parliament Dr Ross was a councillor for the City of Moorabbin, becoming deputy mayor in 1994. Dr Ross was an active member of the Liberal Party of Victoria and held numerous positions including those of branch president, Victorian state council delegate and many committee memberships.

Dr John Ross's untimely death at the age of just 62 saddens everyone in this house. It is therefore appropriate today that we acknowledge his great contribution to his electorate, to the Parliament and to the broader Victorian community. On behalf of the government and on behalf of the parliamentary Labor Party I offer our sincere condolences to the family of Dr John Ross — his wife, Faye, and his children, Simon, Christopher, Lynda, Lisa, and their families.

Mr DOYLE (Leader of the Opposition) — I am honoured to second the Premier's motion of condolence for John Ross and to pay tribute to a friend and colleague who served his community, our political party and this Parliament with distinction and honour.

Today we mourn the loss of a remarkable and modest man. John Ross left a lasting impression and legacy. His academic and working life provided him with great satisfaction and he made a real contribution to this state, which he loved. But nothing was stronger or more important to John than his love for his family.

Dr John William Gamaliel Ross was born on 17 October 1940 and died on 6 September 2003. He was the son of Jack Sutherland Ross, a butcher, and Jean Lorraine Ross, who was devoted to her family and household. He was also the elder brother of Leigh. In John's early years the family lived above the family business in McKinnon Road, McKinnon. In 1960 John married Pamela, and they had three children, Simon, Christopher and Lynda. In 1978 he married Faye, and she brought her daughter, Lisa, to the family. Family was always the most integral part of John's life.

John completed his primary schooling at Gardenvale and Ormond state schools and his secondary schooling at Brighton Grammar. He then embarked on an outstanding academic career, completing in 1962 a diploma in public health surveying at the Royal Society

of Health in London, in 1967 a bachelor of science degree with first-class honours at the University of Melbourne, and in 1973 a master of science degree at the University of Melbourne. In 1977 he completed his thesis degree for his doctorate of philosophy at the University of Melbourne, and it was entitled 'Pharmacological and conditional factors associated with cocaine dependence'.

As a man John was fascinated by how things worked; he liked to know how things worked. His master's degree was in entomology and focused on the mechanics of the cockroach and how it worked. It had, he thought, human applications. It actually led — this was typical of John; he was always at the next step — to his doctorate work on self-injecting mice in his study of cocaine dependence. The aim of that study was to make some scientific contribution to society's changing view of drug addiction — or drug dependence, as John would have called it.

He explored the hypothesis that drug dependence is a behavioural disorder and not necessarily a pharmacological condition known as addiction. Even when he had finished that work on drug dependence his thoughts about its practical and human applications led him to study gambling and gambling addictions. That of course eventually led to his work for Breakeven and G-line. During his PhD, John's work was described internationally as 'the most exciting work in the world in his field'. His working career was distinguished, as the Premier pointed out, commencing as a scientific officer in the occupational health division of the then Department of Health. He had significant roles as Victoria's chief research officer in the state's drug strategy unit, director of the addiction research institute and executive chairman of the Breakeven and G-line board of management. The work John did there I believe was world class and remains world class.

In John's final speech in the Victorian Parliament last year he spoke of his grandchildren, saying, 'Dylan, Stephanie, Brent and Blake have inspired me to try to make at least some contribution to a better future for all Victorians'. This was the essence of the man that I knew. He was focusing on his own grandchildren, but by extension he was talking about all succeeding generations. John made a contribution to a better future for us all.

Think of those two scourges of Australian life and society, drug abuse and problem gambling. These were more than just academic problems for John. He knew that they destroy lives, tear families apart and leave us as a community searching for solutions. John Ross attacked these problems as a profoundly respected

researcher, author, commentator and legislator. His quest was to find answers.

I recall a speech that John made to this Parliament on 17 October last year, when he said that the figure of 48 deaths due to heroin abuse at that stage of the year was still too high and urged the community to maintain the fight against drug abuse. John was an advocate of a tough-on-drugs approach. He was instrumental in our party's decision to oppose heroin injecting facilities when the government sought to make five of those facilities part of our community. His advice, foresight and knowledge were invaluable in that critical period for the future of drugs policy in our state. The declining death rate from heroin deaths over recent years, he said, had completely vindicated the decision of the Parliament to refuse the passage of such inappropriate legislation. John would have been proud of that contribution to our society.

John Ross was committed to the Liberal Party. He first joined our McKinnon branch in 1982 and served as its president from 1990 to 1995. He also served on a number of party committees, and he was elected as the Liberal Party member for the seat of Higinbotham Province in 1996. It is humbling for me, in thinking about John, to note that of all the remarkable achievements in his life he considered gaining preselection for that seat to be the crowning moment of his life. When he entered the Parliament in 1996 he spoke of his privilege in representing the citizens of Higinbotham into the 21st century. Sadly his career was shortened by illness.

When he entered the Parliament he identified public policy areas where he could provide major benefits to society by using his experience in public health to, as he said, 'best explain how I might contribute, in however small a way, to some of the workings of this Parliament'.

As the Premier said, John left this Parliament without an enemy on either side of the house. There are not many of us members of Parliament who will have that privilege, but John certainly did. He was respected by all sides of both houses for his intellect, his influence and his decency. But there was a lot more to John Ross than his academic and working life. He had a rich life outside those areas — a life centred on family certainly but also on his community and on sport.

I said before that John was a gentleman, and he was. What you might not know about John, the gentleman, is that he was what we would call a straight-ahead player on the football field. He was a pretty rugged centre half-back and a stalwart of the East Brighton Football

Club, playing a record 175 open-age games from 1959 to 1970 wearing number 10. In two of those years he was captain-coach. It was typical of John that not only was he a leader on the field for his beloved Vampires, he also served on the club's committee and as chairman of selectors, and this contribution culminated in 1972 with his life membership of the club. He loved seeing the East Brighton Football Club win the Southern Football League division 2 premiership last year and its subsequent promotion to division 1.

Post-football, John became involved with the Princes Hill Tennis Club and served it as committee secretary from 1976 to 1979. He also loved horseriding — a joy I think that had its origins in riding as a boy around the paddocks of what is now McKinnon and Bentleigh. He recently bought a horse, Mane. I suspect — in fact I know — that John knew he would not be riding Mane, but he bought it for his grandchildren so they could continue to share his passion. He was an ardent fisherman and camper. He loved travelling overseas. He actively encouraged his family to travel, to learn and to experience what life has to offer but also to give something to life.

As the Premier said, John was a local government councillor for the former City of Moorabbin. He was on the school councils of Moorabbin City Secondary College and McKinnon Secondary College. He was president of the East Bentleigh Community Health Service. He was city chairman of the Salvation Army Red Shield Appeal; and he was the founding member of the management committee of the Glen Eira Residents Association.

The Carlton Football Club had a very special place in John's heart. Out of kindness to him, it was not something that we discussed at great length in the last couple of months.

People were central to John's life. He dedicated his final speech in this Parliament to the people around him, to the people who touched him and to the people he touched — people such as his medical advisers, his colleagues, his staff and his friends. But it was his family that was at the core of John's life. He spoke of his wife, Faye, as the foundation upon which his parliamentary career was built. Light-heartedly he would tell you that Faye came with him to nearly every function because if she did not she would not see him at all. I suspect that that was true. He spoke of his children — Simon, Christopher, Lynda and Lisa — and their spouses with great pride, and as I said earlier, his grandchildren, Dylan, Stephanie, Brent and Blake were his inspiration. It was typical of John that in his last weeks he spoke to his grandson Dylan about the circle

of life, I suspect in his generous way, to help his grandson cope with the grief of his granddad's passing.

When I recently visited John at the Alfred hospital, when he was desperately ill, he told me that looking back over his life from the time that he was a little boy living over a butcher's shop in McKinnon Road, McKinnon, through to his time as a member of Parliament, in his own words, it had been 'a marvellous journey'.

I pay tribute to a man who was loved and admired by all through his marvellous journey. I extend my deepest sympathies to his family on behalf of the Liberal Party. I conclude, if I may, with a quote from Shakespeare's great play *Hamlet*:

What a piece of work is a man!
How noble in reason!
How infinite in faculty!
... how express and admirable.

That was John Ross.

Mrs POWELL (Shepparton) — It is my privilege to join the Premier and the Leader of the Opposition in this condolence motion for Dr John Ross on behalf of the National Party.

John Ross was born on 17 October 1940 in Melbourne, and he passed away on 6 September this year, losing his battle with a disease that he fought so hard to beat. He will be sadly missed by his family, his friends, his colleagues and the broader community — all who knew him.

During his adult life Dr John Ross was committed to public health and its improvement. He was a highly intelligent man. He attended Melbourne University, gaining a science degree in 1967, a masters degree in science in 1973 and a doctorate in philosophy in 1977. He was an inspector, a scientific officer and chief research officer with the then Department of Health from 1962 to 1991, giving 29 years of his life to serving the Victorian community.

He was very involved in drug and alcohol research and counselling, and he gained great respect for the knowledge he had of addictive behaviour. As well as being a dedicated member of the Liberal Party, John was also a member of the Carlton Football Club and many other sporting clubs, including the East Brighton Football Club, where he was made a life member. He was a proud member of the Bentleigh Returned and Services League.

His community involvement also included three years as a councillor and deputy mayor of the City of Moorabbin, from 1991 to 1994. John was elected to the Legislative Council of Victoria in March 1996 as a member of Higinbotham Province, and he served with commitment and distinction. He retired in November 2002, at the last election, due to ill health.

I first met John in 1996 when I was elected to the Legislative Council as a member for North Eastern Province. We became part of the class of '96. We met regularly outside Parliament to maintain a social connection with the group of Liberal and National party members — and I was the only non-Liberal Party member. John and his wife, Faye, regularly attended those functions. John wanted to become part of who we were and to make sure we had good teamwork.

I learnt many things about John during that time. He was a deep thinker and compassionate, and he had a strong social conscience and very strong family values. He and his wife, Faye, had a very special relationship and I understood the bond between his family and himself.

John and I were members of the Family and Community Development Committee. In 2001 we began an inquiry into marketplace discrimination against women consumers. John was a great advocate for equality for women and made a great contribution until he was forced to retire from the committee due to ill health. In the debates in the Legislative Council on health and substance abuse John's experience came to the fore. He was highly respected for the contributions he made using his broad skills, his many years of learning and his wide reading.

John had many qualities that earned him respect — intelligence, commonsense, compassion and the commitment to duty and his community. He never complained once during his illness. When you asked him how he was feeling when he was in Parliament during the last few months he always said he was fine. One day he was sitting in the library and I said to him, 'How are you really feeling, John?'. He just said to me, 'I hate this disease'. As a scientist, I guess he knew about the disease and the impact it would have on his life.

I pass on the deepest sympathies of the National Party to John's wife, Faye, his children, Simon, Christopher, Lynda and Lisa, and their partners, and John's grandchildren. We know he will be sadly missed by all who knew him.

Ms MUNT (Mordialloc) — I never met John William Ross, but I had heard of him. Last Friday I attended his funeral at St Andrews Anglican church in Brighton, with his family, friends and colleagues. It was a quiet and dignified service, where the speakers included the Honourable Robert Doyle, MLA, Dr Joe Santamaria, Dr Trevor Davey, Mr Graeme Disney and the Reverend Ken Hewlett, vicar of St Andrews. They spoke of a gentle man, a good man, and a man who loved his family and doted on his grandchildren.

He served the Liberal Party and his community, including many years as president of the East Bentleigh Community Health Service. He served as a member of the Legislative Council from May 1996 to November 2002 as a member for Higinbotham Province. His career spanned from 1958, when he worked as a technical officer at the University of Melbourne, through to being director and company secretary of the Addiction Research Institute Ltd, where he conducted groundbreaking and internationally recognised research into drug addiction, and onto his parliamentary service in 1996.

He attended Gardenvale Primary School, Brighton Grammar School and Melbourne University, where he gained his doctorate in drug and alcohol dependence following a masters degree with a thesis on cockroaches.

My knowledge of Dr Ross began when he was my upper house member. At the election of November 2002 his seat was taken by Noel Pullen of the ALP. When it was time for Noel Pullen to move into his office in Moorabbin, his first visitor was Dr John Ross. He offered his help and support and congratulations — and also his furniture. Noel was deeply touched by this gesture from the previous member for Higinbotham. He never forgot it, and he regards Dr John Ross as a wonderful man.

In fact everyone whom I speak to on both sides of Parliament, in the electorate and in the wider community says the same things about Dr John Ross. They say that he was a lovely man and a good man, a decent man — in fact a really good bloke. I have never heard any other comment about him. That is a great measure of a man. He was taken too early; he was only 62. His early death saddens us all, but he lived a life to be proud of.

I will finish with quotes from his beloved grandchildren and children, which appeared in the death notices of the *Herald Sun*:

‘The Grandpa’

Dear Grandpa, thanks for always being there and spending special time with us. We love you and miss you a lot — Love Dylan, Stephanie, Brent and Blake.

And also:

You didn’t like the road you were going down and you most certainly didn’t hitchhike.

You fought with dignity and strength. You inspired us with your integrity and honesty.

You are our mentor, our friend, our Dad.

Always loved, never forgotten — Simon, Debbie, Chris, Linda, Lynda and Wayne.

My sincere condolences to his family. He was a much-loved man.

Mr HONEYWOOD (Warrandyte) — At last week’s funeral service in listening to the tributes to and eulogies regarding John Ross’s life I was struck by three recurring words — namely, professionalism, integrity and trust. Two of the three eulogies were by John’s professional peers from science academia. Dr Joe Santamaria made particular reference to his former scientist colleague’s world-leading research into drug dependency. He cited a number of drug advisory and dependency agency initiatives that would not have got off the ground had it not been for the dogged professional campaigning of John.

Often today in the modern world of politics we elect representatives to Parliament who have not reached the pinnacle of their initial profession of choice before coming into this place. In fact nowadays there are many of us on both sides who will have spent the bulk of their careers as professional politicians. This Parliament is very much the richer for having elected to its membership an individual with the long-time professional scientific standing of John Ross. He added real value to the often emotional and limited knowledge each of us had in the complex policy area of drug dependency. John’s gift to us was that his membership of Parliament coincided with the very time we needed him most — the debate on drug-injecting facilities.

Integrity was also a byword for John. He was not a colleague who you could particularly impress with a slap on the back and a tall story, although he enjoyed a good joke like the rest of us. When you discussed any matter with this most gentle of men you could literally see his mind ticking over and weighing up the rights and wrongs of an issue before coming to his own well-considered position. His conscience and his integrity was everything to him.

John was also a person whom you could always place your trust in. Once he was with you or committed to a cause, he would give of his all. In his inaugural speech in another place on 15 May 1996 he noted:

I will do everything within my power to honour the trust placed in me by my community.

With John you knew full well that this was a creed by which he lived each day. His local community involvement and activism, whether it be with the community health service or the East Brighton Football Club, was extraordinary. He was trusted with the highest levels of responsibility, and he repaid that trust every day of his all-too-short life. My condolences to Faye and his children and grandchildren.

Mr HUDSON (Bentleigh) — I rise in support of this condolence motion. John Ross was an upper house member for Higinbotham Province. His upper house seat covers the seat of Bentleigh, for which I am now the member.

John was well respected in the community. He represented his electorate with great distinction and commitment. John was active in the community as chair of the East Bentleigh Community Health Service for many years. He was passionate about improving public health. This was evidenced in his roles as scientific officer and chief research officer for the health department of Victoria for nearly 30 years. It was also evident in the work he did as a member of the parliamentary Drugs and Crime Prevention Committee from 1996 to 1999, and as a member of the Family and Community Development Committee from 2001 to 2002.

Perhaps John Ross’s most notable contribution was to the Drugs and Crime Prevention Committee. While I was not in the Parliament at that time a lot of interesting characters were on that committee: Gary Rowe, the then member for Cranbourne; Hurtle Lupton, the then member for Knox; the Honourable Jean McLean, a member for Melbourne West Province in the other place; Eddie Micallef, the then member for Springvale; not to mention the Honourable André Haermeyer, Minister for Police and Emergency Services. It was an interesting committee of interesting characters with very many divergent views.

From what I have been told, John Ross was in many respects the elder statesman of that committee and made a strong contribution to the work of the committee. He was one of those members who helped hold the committee together during a very difficult time when the issue of harm minimisation in the community and the question of how we should respond to drug

abuse were at their height. Because of his interest in research, and his interest in an evidence-based approach to the issues of drugs and crime, he became one of the key figures on that committee.

The committee was undertaking its work at a time when the number of deaths from heroin-related overdoses had climbed from about 90 in 1992 to more than 350 in 1999. John Ross's work was so respected that he was nominated to look at injecting facilities in Europe, and in particular in Zurich, Frankfurt and Bern. As a result of that trip John Ross opened up his mind to what we needed to do to tackle the drug problem. I would not dare suggest for 1 minute that he was a proponent of supervised injecting facilities; he was not. But he was prepared to open up his mind to examine new ways to deal with the tragedy of illicit drug use and the tragic consequences it has for so many of our young people. It was his interest in the impact of addictive behaviour that had driven this interest in looking at what was happening overseas.

He was very good analytically, he had a strong basis in research, and he was interested in the analysis and policy applications of that research. You needed to scratch below the surface to find the real John Ross. He understood the need for an evidentiary base to everything the committee did, and he was willing to investigate and look at that. He was always thinking about new solutions to this most devastating of problems.

John was a very private man. He was a man of great honour, great dignity, and compassion, and I think that has been reflected in things said by other members today. He did not make enemies. He was diplomatic and humble. One of my colleagues told the story of a trip to Amsterdam. The first thing John did was to buy the weekly workers ticket to get around on the tram — around Amsterdam on the working man's ticket. He was humble and resourceful. He did not seek for himself the great trappings of life. Rather he sought to make a contribution to the work and life of this Parliament.

His untimely death at the age of 62 is sad for us all because it indicates that with many of the diseases present in our society we still have a long way to go in our research and the application of that medical research to tackle those diseases. But John was one of those people who was interested in doing that and I believe he has left a signature in this Parliament from his commitment to that kind of work.

I offer my sincere condolences to the family of John Ross: his wife, Faye, and his children, Simon, Christopher, Lynda and Lisa, and their families.

Ms ASHER (Brighton) — John Ross was a decent, modest, erudite, community-minded, selfless team player with whom I had the pleasure to work as the member for Brighton. He, too, was my upper house member. His professional life and career have been detailed already by other members of this place. I simply want to make an observation on my relationship with him, and I have commented briefly before that upper house–lower house relationships are not always easy. This one was particularly easy. He was a superbly cooperative person, locally entrenched and always willing to help me out by representing me at a function or a meeting or advising on local issues and so on.

I simply want to express my gratitude and my respect for John Ross and pass my condolences on to Faye.

Ms BARKER (Oakleigh) — I wish to join with other members in this house and say a few words about the late Dr John Ross.

As has been indicated by previous speakers, John was a former member for Higinbotham Province in the other place and served in that capacity from May 1996 to November 2002. Those of us who knew John are very aware that he would have certainly continued his efforts to represent the Higinbotham area had he not taken ill.

I recall seeing John in here during the parliamentary sittings of 2002. He was quite ill, but his strong work ethic and commitment to his electorate and to what he saw as his lifelong ambition to represent the Liberal Party and his constituents in Parliament, despite his illness, saw him come into Parliament. I know that his illness caused him a number of difficulties, but as I said, he was always here.

I note John's background in his work and professional area. The Premier and the Leader of the Opposition have outlined the positions that John held from 1962 to 1991, and I will not repeat them, but it is within the context of John's work and professional area, and particularly prior to his entering Parliament when he was director and company secretary of the Addiction Research Institute and chairman of the board of management of the Breakeven and G-line counselling and referral service, that I would like to make a few comments.

The promotion of better health and the challenges we face as a society to reshape the attitudes, values and beliefs of the wider community in addressing public health issues was something that John worked with

very strongly, and it was within those areas that I saw his work at first hand.

I knew John Ross in the area that I lived and worked in for many years. As many members know, I was the member for Bentleigh from 1988 to 1992, and I lived and worked in the area for 19 years. John and I shared time on the board of management for what was then known as the East Bentleigh Community Health Service and is now known as the Bentleigh Bayside Community Health Service. John joined the board of management in 1986, he served as assistant honorary treasurer from 1987 to 1989, as vice-president from 1990 to 1991 and as president from 1992 to 1994. He only resigned from the board of management of the health service when he entered Parliament in 1996.

During the time that John and I were on the board of management we faced a very important issue that needed to be addressed in our local area, and that was the introduction of a needle exchange program. John's expertise, education and knowledge in the area of addictive behaviour was very important to us as board members at that time. What could have been a very difficult program to introduce into the area became really quite easy. We all knew it had to happen, but there was concern among the board members and the community about the program itself and how it would be perceived in the local area.

John was able to lead and guide us with informed, considered and appropriate information about the issues, and we all very much appreciated his expertise in the area and his guidance. The program was introduced without any fuss or bother and very successfully. John helped us all a great deal, and he helped the community a great deal at that time with expert advice and information that we desperately needed and got from him.

There were many other programs, initiatives and discussions that we held at a board level. I recall that John always had a strong commitment to ensuring that the community was recognised and involved in the work we were doing. Expert information and advice was always available to us to ensure we made decisions that were taken from an informed position.

I was not involved in the area at the time, but I am informed by the community health service that John was again of great assistance and support when the gambling counselling service commenced in 1995, and he was always available to guide with expert advice and informed opinion on a very important community issue.

John was also a councillor for the City of Moorabbin from 1991 to 1994, and deputy mayor in 1994. I had quite a bit of contact with John in that capacity and also his wife, Faye. I recall John and Faye at many, many council functions, and it is true that Faye was with John on a lot of occasions. Another organisation that I was very actively involved in at that time was what was then known as the City of Moorabbin Band but now is known as the Moorabbin Band. It was John's broad commitment to community in that area, making sure that he attended functions and showed a strong interest in all those community-based organisations that were very important to the areas of Bentleigh and Moorabbin.

As I have said, our paths crossed a great deal, and I thank John for his considered opinion and education and all the information that he was able to impart to us at a community health level. That was very important for us at that time. He showed a strong commitment to the community in which he lived and worked. He went on to represent them in Parliament and I know that was something he really strove for. He made a very valuable contribution to that area and he served it well.

John was highly regarded by the local community. In relation to the Bentleigh Bayside Community Health Service, in my time known as the East Bentleigh Community Health Service, he was highly regarded by the staff and the board members who were there at that time, and I think that remains the same today. I extend my sincere condolences to Faye and the family and on behalf of the many community organisations that John and I worked with during that time, and John continued to give so much time to, and certainly the past and present members of the community health service, I also extend sympathies on their behalf to Faye and to the family.

Mr DIXON (Nepean) — It is a honour to say a few words about the Honourable John Ross, and he truly was an honourable man. In doing so I would like to pass on my and my wife's condolences to Faye and the family. Speaking today as the only Liberal member of the class of 96 in this place today — the member for Caulfield is away — and also as a fellow Carlton supporter, both endangered species, but both on the way back I might add, I can say that John was a great colleague and enjoyed a joke. He contributed much to the parliamentary party. As the member for Shepparton said, he was always there at the class of 96 functions. In fact I think he probably had a 100 per cent attendance record. He just thought it was very important to be part of that group. He was always quiet and gentle, but he loved a great story and he really had a tremendous

sense of humour. He added much to that group of people, and we will miss him.

He was always very dismissive of his illness, and if he had not looked so sick you would not have known he was sick because he just ploughed on regardless. He just did not let it stop him from the work that he just loved to do. It was with great reluctance that he had to retire in 2002.

I learnt a lot during the drug debate about drugs and the problems that they cause in our community from John, but I think more importantly what I learnt from John was how to be a hardworking and dedicated member of Parliament. The Liberal Party and this Victorian Parliament will certainly miss him.

Mr LUPTON (Prahran) — I join with other honourable members in expressing my condolences to the family of John Ross, a man who brought considerable expertise to his time in this Parliament but also contributed to the Victorian community for many years using that expertise particularly in the area of public health.

He had what might be called a very lengthy education, starting off as a technical officer at the University of Melbourne specialising in industrial hygiene, but then moving on to the health department of Victoria where he worked his way through positions of inspector, scientific officer and finally chief research officer. While working in these fields he dealt with occupational health, with drugs and poisons control, health education and health planning. He obtained a significant reputation in the field of addictive behaviour.

He was able to bring that sort of expertise to his work in the Victorian Parliament when he was elected to the other place in 1996. Clearly from the remarks other honourable members who were in the Parliament at that time have made, John Ross made a significant contribution to debates and community work on the issues that were very topical at that time. It is clear that working in public health gave him insights into those social problems around addictive behaviour, in particular to do with drugs, alcohol and gambling.

During his career at the health department, which I referred to earlier, his lengthy education continued. Not only did he rise through the ranks of the health department to become chief research officer, but he obtained bachelor and master of science degrees and finally became a doctor of philosophy in 1997. Clearly he was personally dedicated to education, and devoted a

significant amount of his all-too-short life to the betterment of public health and his community.

John Ross continued his work in the area of public health once elected to this Parliament. I note from reading the inaugural speech he made in the other place on 15 May 1996 that a significant amount of it was devoted to his interest in public health, and in particular to preventive health care. As has been noted by other members, John was able to continue that work in his role as a member of the Drugs and Crime Prevention Committee and the Family and Community Development Committee.

John Ross is clearly an example of a community-minded man who, through his work in public health and, finally, in public life as a member of Parliament, made a great contribution. I extend my condolences to his family.

Mr THOMPSON (Sandringham) — As the member for Sandringham, Dr John Ross was my upper house colleague, and I knew him well over a 10-year period. He brought to the Parliament an outstanding skill-set that was a product of his scientific and academic work, which led to international pre-eminence in his field of study. To that I might add his 175 games with the East Brighton Football Club, which gave him certain qualities of character and conviction. Both backgrounds served him well in the parliamentary arena.

John made a number of major contributions both at the local level and to public policy debate. Other speakers have referred to his outstanding contribution to drug law policy in this state, based on his own rigorous analysis and scientific understanding. At a local community level John played a pivotal role in the establishment of Ricketts Point as a marine sanctuary. In the ongoing development of community health and as a local community-minded person, he served in local sporting clubs, at the local government level and later as a member for Higinbotham.

In his public contributions John's comments were always thoughtful, logical and well measured. He concluded his maiden speech by saying that public health would best be advanced when individuals took responsibility for their own welfare and genuinely cared for one another. It was that genuine care that John brought to his representative duties across a range of frontiers.

In his public and private moments I always found John to be constructive, principled and wise. It is those qualities that will be most missed by his family. His wife, Faye, always accompanied him to his many and

varied activities. They were a great couple in serving the constituents of Higinbotham. His children, Simon, Christopher, Lynda and Lisa, will miss him greatly.

In many ways John confronted his own death. He was aware of the implications of his illness, and in some discussions in the closing stages as it took a more rigorous hold upon him, he indicated that he would give his final fight his best shot. Also he had the knowledge that the new drugs being tested on him would serve the advancement of science, a cause to which he dedicated the greatest part of his working life.

Mr SMITH (Bass) — I would like to join in this condolence debate for Dr John Ross, with whom I served in the Legislative Council for six and a half years. John was born in 1940 and served his community, his state and his country at the highest level in this profession until 6 September this year, when he passed away peacefully.

We all observed John's battle against the insidious disease that eventually took his life. He never gave up; he was always a man with a great deal of hope for the future, and he never let on that it was a great problem to him, although we could see from time to time the effect that it was having upon his body.

It was a real honour to serve with John. He was an extremely intelligent man. He was a gentleman. He was a good man — and you cannot say that about all people. He was a man who was liked by all members of all parties, which is most unusual in this Parliament. When he stood up and spoke, people listened to him. Whether it was in the Parliament or in the party room, people stopped and they listened. That also does not happen to a lot of people in this Parliament.

John's knowledge of drugs was incredible, and certainly that was part of his profession — to know about those sorts of things. I asked John to attend a drug seminar that I held in Wonthaggi some years ago. He came down and spoke for a long period of time. The people there — I think there were probably 150 people at the Wonthaggi Workmen's Club — listened to this man talk about the problems with drugs and how we as a community should address those problems.

John served the East Brighton Football Club, as did my father-in-law, who was president of the club for many years, during which time John would have been a player there. That club is a very proud club, and John certainly served it well. The club has made him a life member of because of his great service to it. As my colleague the honourable member for Nepean said, he was also a great Carlton supporter, and one would have

hoped that the club might have done a little better this year for John in his final year.

I extend my sympathy to John's family — to his wife, Faye, his children, Simon, Christopher, Lynda and Lisa, and to their extended family. I hope that John rests in peace.

Mr NARDELLA (Melton) — I also rise to pass on my condolences to the family of the Dr John Ross. I met John when he came into the Parliament in the upper house in 1996, and was a member with him there until I left in 1999. He was also with me on the Family and Community Development Committee until he had to retire. He served with us there in a very honourable way.

One of the words that has come through in all the addresses today is that he was a gentleman — and he was a gentle man. He was also a quiet man with a quiet voice, but he was very knowledgeable. It was amazing in the upper house: there was always a lot of banter in the upper house but whenever John got up to speak people would stop. They would stop and they would listen. He knew what he was talking about. He would only talk on the bills or on matters that he knew about. He was certainly listened to and very much respected because his contributions were measured; they were very well thought out, and people would stay quiet whilst he was on his feet.

John was also a person you could easily talk to: whether it was at the President's dinner or in the corridor or in Parliament House you could go to him and have a talk, and he was very good.

John was also a very highly respected colleague within the house. My former colleague in Melbourne North Province, the Honourable Caroline Hogg, was very pleased when he was elected in 1996 because of his knowledge and because of the work that she did with him when she was the Minister for Health. He was always thought of highly by Caroline.

But he was also very highly respected by his own team members, by his own party. I remember the Honourable Rob Knowles listening to his contributions, gaining a lot of insight and using his knowledge when he talked in the Parliament, and I know that he sought his counsel outside of the Parliament on issues that he had to deal with as Minister for Health.

I wish to pass on my condolences to his wife, Faye, his children, Simon, Christopher, Lynda and Lisa, and to the rest of his family.

Dr NAPHTHINE (South-West Coast) — The adjectives that immediately come to mind when I think of my friend and colleague John Ross are decent, gentle, honest, caring, compassionate, intellectual.

Dr John Ross was a quiet achiever. He was a quiet achiever academically, reaching the highest of levels in terms of obtaining a bachelor's degree, a master's degree and a PhD. He was a quiet achiever in health administration and is respected for his enormous contribution to the administration of health in Victoria, particularly his work in preventive medicine and preventive areas of health administration. He was a quiet achiever in his academic research and his practical application of it in addiction research.

John Ross made a real difference in his local community — the community he grew up in, which he served and worked for — indeed in areas at a local level, whether it be school councils, local community groups, ultimately serving as a local councillor and a member of Parliament, but also many years as the president of the East Bentleigh Community Health Service, which was a passion of John's and which he served with great distinction.

Probably one of the greatest contributions he made to Victoria, and I think to the world, is his work in the development of the G-line and Breakeven services. In the problem gambling area I do not think there is any jurisdiction in the world that has the services or standard of both G-line and Breakeven, with the integration of those services through a 24-hour help line for people who want assistance and a backup service for Breakeven. It is a great tribute to John that he was involved in the establishment of both of those services, which are being continued by the current government, having been set up by the previous government. They are services that I can attest are respected throughout Australia and indeed examined from around the world as some of the best problem gambling services ever. They are really world leaders, and John Ross had a lot to do with that.

I remember John only too well coming in to tell me of the diagnosis of his illness. John, in his typical humble fashion, told me of the illness that he had and that his prospects were not good. But he said that his first priority was to continue to service his electorate, to continue to serve the Parliament and the community, and to serve the Liberal Party, and he was not going to let anything get in the way of that. He wanted to put all of those things first, second and third. That was typical of John, being quiet, humble, but effective.

It was an honour and a privilege to serve with John as both a colleague and a friend, and I pass on my sympathy to Faye, his children and his grandchildren.

Mr BAILLIEU (Hawthorn) — When John Ross's predecessor retired I had the honour of being president of the Liberal Party. The party was exhorted to replace John's predecessor with someone who was steeped in the community, someone who was not only at home in the streets of Mordialloc, Bentleigh, Brighton and Sandringham but who knew the streets, the letterboxes and the halls — and where the light switches were in those halls — someone who knew and understood the people of Higinbotham and someone who understood and knew all the issues those people had. I believe the Liberal Party made a great choice in 1996 with John Ross. We were and are still very proud of John Ross, and I believe John was very proud of the Liberal Party as well.

Many members have mentioned today that John was a gentle man. I hope the house does not think that John was just gentle; he was an incredibly strong man. He had a steely strong intellect — others have commented on that — and his strength and determination and the way he faced his illness and represented his community at the same time were a great tribute to him. He was a wise, very bright and engaging individual.

Speaker, you and I were unable to attend John's funeral on Friday because we had a commitment to an Epilepsy Foundation function. I am sure both you and I were delighted to know that at the very time John's funeral was going on that function commenced with a tribute to him. I thought it was a great tribute to John that his life could be acknowledged so warmly at that function.

As I have said, it was an honour to be president of the Liberal Party when John was preselected for Higinbotham Province. It was an honour to be his colleague, and it was an honour to witness his dedication and the work he did in this Parliament. Like other members, my condolences go to his family.

The SPEAKER — In concluding this debate I want to say that John is an example of the expression that it is not how long you live but how well you live that counts. In John's too-short life he made a huge contribution to the people of Victoria, not only as a member of this Parliament but in his working life as well as the rest of his life. As we have heard from the many members who have paid tribute to him today, his work in public health, particularly in relation to addictive behaviour, his work in local government, and his work with his local football club and community health centres all show that John not only had a desire

to make a difference but took very practical steps to ensure the results were put in place.

From what we have heard of John today his family can be very proud of a man who lived his life in a way that took into account the concerns of the community, and he made a great contribution right up until his death in trying to support the community of Victoria and his electorate.

On behalf of all members of the Legislative Assembly I pass on my sympathy to his family.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr BRACKS (Premier) — I move:

That as a further mark of respect to the memory of the late John William Gamaliel Ross, the house do now adjourn until 4.00 p.m. this day.

Motion agreed to.

House adjourned 3.04 p.m.

The SPEAKER took the chair at 4.03 p.m.

QUESTIONS WITHOUT NOTICE

Teachers: industrial action

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Education and Training. I refer to the minister's open letter to parents, which states that tomorrow's teachers strike is 'a breach of the current industrial agreement', making the strike illegal under section 170 of the Workplace Relations Act, and I ask: why has the government not taken the action available under section 127 of that act through the Australian Industrial Relations Commission or the Federal Court to prevent this strike?

Ms KOSKY (Minister for Education and Training) — I thank the Leader of the Opposition very much for his question. It is absolutely typical of the opposition to say that education is its no. 1 priority yet at the first opportunity it gets to want to stick the boot into teachers and sue them, exposing them to losses of hundreds of thousands of dollars. It wants to sue teachers — —

Mr Doyle interjected.

Ms KOSKY — That is not where this government sits on this issue. We want to finalise a new pay deal for teachers, and that will be achieved by sitting around the table negotiating this issue through. It will not be about inflaming the situation. We well remember Peter Reith's fantastic efforts on the wharves and how successful they were! It is not successful to look at suing teachers, and we are not looking at that action. We are looking at negotiating with teachers and working through the issues.

It is pathetic that the only reason the opposition knew this was potentially an issue is that the member for Doncaster asked me about it this morning. The member for Doncaster does not have advice from schools, the union or other teachers — he gets it from the government!

East Timor: Balibo trust

Mr WYNNE (Richmond) — My question is to the Premier. Will the Premier inform the house of the latest efforts by the Victorian government to further strengthen ties between Victoria and East Timor?

Mr BRACKS (Premier) — I thank the member for Richmond for his question. I also thank him for his continuing support of the East Timorese community in his electorate; he is among many members of this house who are supporting our friends in East Timor.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner.

Mr BRACKS — The majority of East Timorese people who have settled in Australia have in fact settled in Victoria. We have had a long-term association with the East Timorese community.

This house notes and understands that five Australian journalists working for Channel 7 and Channel 9 were regrettably killed in an attack at Balibo in which many East Timorese also lost their lives. Remarkably, as I think I have reported to this house before, the house in which the journalists were staying is still intact, although it is in need of enormous repair and refurbishment.

I announced last year that the Victorian government would be establishing a trust to purchase the house in which the journalists stayed and were regrettably killed,

to refurbish it and to work with the East Timorese government to hand it over as a facility that that government can use in the future to support the community of Balibo and the people in that region.

Today I can announce that the work undertaken through that trust is nearing completion and that I will be returning to East Timor later this year to meet with the President, the foreign minister and others. I will inspect the renovated house and hand it over to the group which will be running it on behalf of the East Timorese people before eventually handing it over to the East Timorese government.

Members of the journalists' families will also make the journey to Balibo to honour the memory of their loved ones by having a new community facility available for the community to use.

Contributions to the trust set up by the Victorian government include a \$50 000 contribution from the Victorian government, \$25 000 contributions from Channel 7 and Channel 9 and, importantly, support from Multiplex, one of our great construction companies here in Victoria. Multiplex has coordinated the work and donations of about 40 different companies which have donated materials and support services to allow the reconstruction of the Balibo house to occur.

I can also announce today that World Vision will operate the community house. It will train local staff and hand the house over to the East Timorese government two years after the East Timorese people have been trained to support it. The community house will include a library, a child-care centre, a literacy centre and meeting facilities, and computer and sewing classes will also be held there. I believe this is an important initiative to build on the strong relationship between the East Timorese people and Victorians.

We have already contributed significant support to the East Timorese government in that country's reconstruction and rebuilding, including developing a new building code for East Timor, which is important as part of the reconstruction. In addition, some of our key public officials have been seconded to work as volunteers in East Timor. The upgrade of the Balibo house in memory of the journalists who were killed there is an ongoing tribute and provides a community facility which will be used by the people of East Timor in the future.

I again thank the member for Richmond for his question. I also thank other members, including the member for Bentleigh, who worked hard on this project. I am very pleased to say that we are now

coming to a point where we have something that will be of mutual benefit to all communities, particularly to the East Timorese community.

Children: employment

Mr RYAN (Leader of the National Party) — My question is to the Premier. I refer to the *Victorian Parliamentary Handbook*, in which the Minister for Finance proudly declared that he worked on the family dairy farm from the age of 5 to the age of 16, and I ask: given that this foolish and dangerous activity will now be prohibited under Labor, will the Premier discipline the minister for highlighting his folly?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. I know that the Leader of the Government in the upper house, the Minister for Finance, is very proud of his background on a dairy farm in Gippsland and also very proud of his accomplishments since then on behalf of the people of Victoria. I know he will take an interest in the answer to this question.

I am pleased to say that our government prides itself on being one which not only acts but also listens to the community. We are a government that will listen to input, consider sensible changes and make necessary adjustments as appropriate. I am pleased to report to the Leader of the National Party and to this house that the Minister for Industrial Relations is recommending to the Leader of the Upper House that we amend the Child Employment Bill.

Honourable members interjecting.

Mr BRACKS — Very progressive! Those amendments, following consultation with a wide range of people from the community, including the Victorian Farmers Federation, will include a change that will mean that police checks will no longer be required for grandparents who have children working. They will also not be required — —

Honourable members interjecting.

Mr BRACKS — I will just go on — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr BRACKS — Also exempt will be aunts and uncles and adult siblings. The necessary permits will still be required in accordance with the existing legislation, which has not changed. That legislation goes back some 20 or 30 years. That legislation will not

change. This is a sensible balance and a sensible change, recognising the rights of children as well as the rights of all the families. We had already exempted the immediate parents and also guardians; we are now also exempting from police checks other immediate family members. This is a sensible and balanced change.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that fashion!

Mr BRACKS — I think he is just yelling out his furious agreement with and support for the government, Speaker.

An Honourable Member — I do not think he is.

Mr BRACKS — I think he was! This is a sensible change. It is a balanced change. The government has listened to the community and is pleased to be making these amendments in the upper house today.

Teachers: wages

Ms BARKER (Oakleigh) — I direct my question to the Minister for Education and Training. Would the minister update the house on the progress of negotiations on the next wage agreement for teachers in government schools in Victoria?

Ms KOSKY (Minister for Education and Training) — I thank the member for Oakleigh for her question, which is focused on negotiating with teachers rather than trying to sue teachers and possibly jail them. Education is a key priority for this government, and unlike the opposition we will put funds and resources where our mouth is.

We value teachers, and since we have come to office we have invested a massive \$3.7 billion in education and training. We have employed an additional 4000 teachers and staff, which clearly supports —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster! The minister, to continue.

Ms KOSKY — We clearly do support teachers and ensure that teachers can carry out their duties within the classroom and not have to engage in a lot of the extra administrative work that they had to do under the previous government.

Conditions in schools have also improved. One in every three schools around the state has had major capital works done on it since we have been in office. And

class sizes have been reduced. We now have the lowest class sizes in the last decade, and for prep-to-2 classes, the lowest on record. So we have made major changes, major improvements in education and in relation to teacher —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting in that manner.

Ms KOSKY — And in relation to teacher shortages the most recent work which we have had done by the Boston Consulting Group —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting in that manner. I warn the member for Doncaster.

Ms KOSKY — The most recent work that we have had done by Boston Consulting Group on teacher shortages shows that in fact there will not be major teacher shortages, that in 2007 we will have a shortage of only 500 teachers. So that is not a major problem. It is an issue we will be able to address. We will be obviously working to ensure that students are not affected by a meagre 500-teacher shortage.

But also I would like to say that under this government teacher salaries have increased enormously. We did have a lot of catch-up to do in the first term and teacher salaries have increased by an average of 18 per cent in the first round of the enterprise bargaining agreement. Most senior teachers are now on over \$66 000 and almost two-thirds of teachers earn more than \$55 000 per annum, so conditions have improved. But we agree that there is a need for a wage increase for teachers, and it is a wage increase which is above the consumer price index of 3 per cent each year over three years, which is 9 per cent. That is what we are negotiating through with the teachers. Negotiations continue on Thursday, the day after the strike.

The strike that is being held tomorrow is completely unnecessary. It will harm students. It will put parents out enormously. We believe we will achieve the changes which we want in place in schools, and which teachers want, through negotiation, through sitting around a table working through the issues. That is our commitment. We will not — like the opposition wants us to — be wanting to sue individual teachers and to potentially lock them in jail. We are committed to education; we value teachers and we will negotiate with them in order to achieve the changes and the outcomes that benefit students.

Wind farms: government policy

Mr BAILLIEU (Hawthorn) — My question is to the Minister for Planning. Will the minister confirm that she is meeting tomorrow with the Minister for Environment and the Minister for Energy Industries, the shires of Moyne and South Gippsland, the Victorian Tourism Industry Council and Great Ocean Road Marketing to discuss the government's coastal wind farm policy, and that subsequent to that meeting the government will announce a backflip of its policy and ban wind farms in coastal areas?

Mr Smith interjected.

The SPEAKER — Order! The member for Bass is testing the patience of the Chair. I ask him to be quiet.

Ms DELAHUNTY (Minister for Planning) — I thank the member for his question. We will protect the Great Ocean Road. We will protect farms. We will ensure that wind farm applications are all assessed against our wind energy guidelines, because we are committed to renewable energy. Unlike the opposition, which opposes everything but stands for nothing, we actually have a policy on renewable energy.

There is a lot of confusion about this, because the past Leader of the Opposition, now the member for South-West Coast, is an active supporter of wind farms and renewable energy. He has gone around saying that there is enormous community support for the current proposal for additional wind farms and that he wants Portland to be the renewable energy hub of Victoria. That is the previous Liberal leader. The present Leader of the Opposition bends in the breeze, at one stage saying —

The SPEAKER — Order! I ask the minister to return to answering the question.

Ms DELAHUNTY — The question comes from the would-be leader of the Liberal Party, who talks down renewable energy at every opportunity. This government supports renewable energy. We have a target of 10 per cent by 2010, and thus we will implement it. But the would-be leader of the Liberal Party is like Don Quixote — he is tilting at every windmill while Sancho from the South-West Coast has to run around and clean up the mess. I do not know why the member for Hawthorn is so intent on talking down wind energy. Why is he intent on driving wind energy out of this state? Does he prefer, for example, reliance on black coal?

The government is getting on with the job. We are protecting the environment and will be stimulating economic activity.

Freedom of information: Ombudsman's report

Mr NARDELLA (Melton) — My question is to the Attorney-General. Will the minister inform the house of the findings of the Ombudsman's inquiry into the government's handling of freedom of information applications?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. As everyone in this house knows, openness and accountability are the hallmarks of this government, and the Acting Ombudsman's report absolutely confirms this. I am sure the opposition was hoping for more from this report. I guess it was hoping for a bit of sensation, a little fracas, anything but the slap in the face it actually got.

The opposition made complaints to the Ombudsman that there had been political interference in the freedom of information (FOI) process and that departments had deliberately delayed responding to requests. I quote directly from pages 3 and 4 of the Acting Ombudsman's report where he said:

I found no evidence to support the allegation that FOI officers had been subjected to political interference.

He went on to say:

I found no evidence to support the allegation that FOI officers are deliberately delaying responding to FOI requests.

I believe the opposition has an absolute right to use FOI and to use it effectively and efficiently. I believe it even has the right to allow, as has occurred with this mob, one MP to lodge 44 requests with a single department within just two days if he is overcome with that sort of excitement, but they should be 44 clear and concise requests. A good opposition does not clog up the process with vague and voluminous requests, nor does it congest the system —

The SPEAKER — Order! I ask the Attorney-General to answer the question.

Mr HULLS — It does not expect the FOI officers to do its thinking for it. As can be seen when reading this report, it is important to make clear and concise requests, rather than having one particular member twice sending the wrong access charge to the wrong department for an FOI request, or having two MPs — one of whom shall remain nameless, but the member for Brighton might know who she is — lodging two identical requests to the

same department just weeks apart. And a good opposition actually remembers to — —

The SPEAKER — Order! I ask the Attorney-General to return to answering the question and to relate it to government business.

Mr HULLS — It is important — and the Ombudsman makes this quite clear in his report — that you need to be concise in your request. Indeed it is inappropriate, I believe, for electorate officers to be phoning departments to find out how many requests their respective MPs have actually put in in relation to freedom of information.

Can I say that despite the opposition's orchestrated campaign to choke up the FOI process, departments are indeed, as can be seen from the Ombudsman's report, rising to the challenge, and they have systems in place now to make the process more effective. Under this government more Victorians are getting more access to more documents more often, and if one has a look they will see that in 2001–02 applicants were actually given access to documents in 98 per cent of cases and denied in just 2 per cent of cases.

The Ombudsman makes a number of recommendations, which I look forward to considering. In FOI, I guess as in any system, there is always room for improvement, and indeed it is a work in progress. I believe this report is a very good basis for improving the operation of the act. Indeed, one of the recommendations that has been made by the Ombudsman is to increase the time that is required for processing multiple requests. He has recommended that that be extended from 45 days to 90 days. He has also made a recommendation in relation to the processing of relevant commercial information and that that be accelerated.

It would be, as I said yesterday, foolhardy for the government not to take seriously the recommendations of the independent Ombudsman. I simply say that the complaints made by the opposition have absolutely backfired. The Liberals were absolute FOI vandals when they were in government; in opposition they are nothing short of hypocrites. As I said, more Victorians are getting more access to more documents more often under the Bracks government.

Planning: Eastside project

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer to the Ombudsman's decision today to conduct an inquiry into Minister Thwaites's unlawful approval of the Eastside precinct

project in Jolimont, and I ask: will the Premier guarantee that all ministerial and departmental files are available for inspection and that all officers are available for interview by the independent Ombudsman, as the Attorney-General has just called him?

Mr BRACKS (Premier) — The Ombudsman has — —

Mr Smith interjected.

The SPEAKER — Order! I warn the member for Bass!

Mr BRACKS — He is going well today, isn't he?

The Ombudsman operates under an act which gives him an enormous capacity to examine anything he requires. That will be the case in any investigation he undertakes. In this case the Victorian Civil and Administrative Tribunal, the independent tribunal, has already heard and determined the matter, and it is appropriate for third party rights to be upheld. The government supports the system where VCAT has the right on behalf of third parties to hear these arrangements and to make decisions. We respect that.

Economy: performance

Mr STENSHOLT (Burwood) — My question is for the Treasurer. Will the Treasurer inform the house of the latest evidence that demonstrates the strength and resilience of the Victorian economy?

Mr BRUMBY (Treasurer) — I thank the member for Burwood for his question. The member for Burwood and honourable members will recall that last week the Australian Bureau of Statistics data on Australian employment was released. It shows that the unemployment rate in Victoria in August was 5.5 per cent. That is the second lowest of all of the states, and it is below the national rate of 5.8 per cent. What is important to understand in the house today is that that means Victoria has been at or below the national average for unemployment for 39 consecutive months. I say to the doomsayers opposite that if they look at some of the recent economic data for our state, whether or not it is employment, they will see that it shows the strength and resilience of the Victorian economy.

So if you look at jobs, which state has outperformed Australia? The answer is Victoria. Look at retail spending: which state outstripped the national average in retail turnover in July? The answer is Victoria. If you look at building and construction, you see that the last data released shows another month of billion-dollar

approvals, \$14.9 billion for the year. We have now had in Victoria 18 consecutive months of a billion dollars plus, and before we had that first billion dollars we had never had a billion dollars.

Which state has a consumer confidence rating which is higher than the national average? The answer is Victoria. The index for Victoria rose more than nationally in September to 115.6, up 10 per cent from a year before. Which state has experienced record growth? The answer is Victoria. Here we are with 24.8 per cent of the national population and 27 per cent of the sales. Then we go to business investment. Which state over the last two years has recorded record high levels of per capita business investment? The answer again is Victoria. So if you look at all of the —

Mr Doyle interjected.

Mr BRUMBY — I will come to you in a moment!

The SPEAKER — Order! The Treasurer, through the Chair.

Mr BRUMBY — The leader mentioned ‘per capita’. If you are comparing Victoria with the Australian figures, how else would you compare them, you duffer! How else would you compare them.

The SPEAKER — Order! The Treasurer will address his comments through the Chair.

Mr BRUMBY — If you look at jobs, if you look at investment, if you look at retail spending, if you look at building approvals and if you look at consumer confidence, the state which has been leading Australia is Victoria. I saw a quote here —

Honourable members interjecting.

The SPEAKER — Order! I ask members to come to order. Their behaviour is not appropriate for the Parliament. I ask them to be quiet and allow the Treasurer —

Mr Doyle interjected.

The SPEAKER — Order! The behaviour of the Leader of the Opposition hardly brings credit on himself. I ask him to be quiet while I am speaking. The Treasurer, to continue.

Mr BRUMBY — I saw a quote recently, and it was this:

One of the things that we’ve always prided ourselves on in Victoria is that we lead the country, you know, we lead the country in growth rates, we lead the country in exports, we lead the country in manufacturing ...

I thought, ‘Well, that’s certainly been true under the Bracks government’. But I wondered, since it was the Leader of the Opposition who said it, whether it has always been true. I went back a couple of years to an article in the *Herald Sun* of 12 July 1997 entitled ‘Kennett to blame as Victoria lags nation on jobs’.

Honourable members interjecting.

The SPEAKER — Order! I ask all members, including the Treasurer, the Leader of the Opposition and the member for Warrandyte, to cease waving bits of paper about in the air, which is not in accordance with parliamentary tradition.

I ask the Treasurer to address his comments to the answer. Question time is not an opportunity to attack the opposition. The Treasurer, to return to answering the question.

Mr BRUMBY — Speaker, I am making a point about the performance of the former Kennett government. Here is the *Herald Sun* of 12 July 1997 — ‘Kennett to blame as Victoria lags —

Mr Honeywood interjected.

The SPEAKER — Order! I have spoken to the member for Warrandyte several times. I ask him to desist. I also ask the Treasurer to desist.

Mr BRUMBY — Another one from 1996 — ‘Jobless —

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr Honeywood — On a point of order, Speaker, if the Treasurer is allowed to defy your orders, why aren’t we?

The SPEAKER — Order! The member for Warrandyte has not substantiated his point of order. The request I gave was for members to stop waving pieces of paper around in the air. Ministers and other members often refer to notes when they are asked questions or are speaking in debate, which is totally different to what the member for Warrandyte was doing. I consider the member’s remarks frivolous.

Mr BRUMBY — The point of the story is that the former government said that the jobless rate would not drop below 8 per cent, and that was the forecast for 2000. Fortunately the Bracks government was elected; fortunately we have unemployment at 5.5 per cent; and

fortunately we are leading the nation on so many economic indicators.

Police: Bungaree land

Mr MULDER (Polwarth) — My question is to the Minister for Police and Emergency Services, and I ask: is it true that members of Victoria Police are being used by the Department of Infrastructure to bully landowners at Bungaree into selling their land for the delayed fast train project to Ballarat?

Mr HAERMEYER (Minister for Police and Emergency Services) — The Victoria Police act according to the operating imperatives of police command. I am unaware of those activities, but I assure the member that members of the Victoria Police do not bully anybody. I find it totally offensive that the member would make that suggestion in respect of the members of the Victoria Police. These people spent seven years in government attacking the police, and they are still doing it.

Major projects: funding

Mr CARLI (Brunswick) — I refer the Minister for Major Projects to the government's major projects agenda, and I ask: has the minister considered proposals to change how the value of projects is calculated, and if so, what decision has the government made?

Mr BATCHELOR (Minister for Major Projects) — I thank the member for Brunswick for his question. As members are aware, this government is delivering infrastructure projects across all portfolios with a total value of some \$6 billion. The government values and costs these projects based on the contracts that underwrite them. We cost and value them based on the actual cost, on the facts and on the truth of the matter. This is in stark contrast to the Liberal opposition.

We value and are getting on with the job with projects like the \$300 million Spencer Street station redevelopment, which I had the pleasure of inspecting last week — it is increasing at a rapid rate and it is going to be a great success — and with projects like the \$165 million Hallam bypass, which the Premier opened recently, 17 months early and \$10 million under budget. These projects have been selected on the value of the economic, environmental and social benefits they will bring to Victoria.

In recent days an alternative approach has been put forward by the opposition here in Victoria as to how it values and costs projects. This government absolutely rejects the policy put forward by the opposition. It is a

policy based on half-truths, inaccuracies and falsehoods.

It is interesting to look at a number of incidents where if we had adopted the costing formula put by the opposition what a debacle we would have had. In fact the Leader of the Opposition — —

Mr Perton — On a point of order, Speaker, the minister is either debating the question or irrelevant. He ought to confine his answer to matters of government administration and not to his half-truths and false assessments of opposition policy.

Mr BATCHELOR — On the point of order, Speaker, I was asked in a question by the member for Brunswick to consider current proposals on how projects should be costed and reported on in the public domain, whether the government has considered any proposals that have been put forward and the government's response to those. We have done that. I was outlining the impact of those types of proposals on the reality and on the current budget of this government.

The SPEAKER — Order! If the Minister for Major Projects does what he said he was doing he will be within the guidelines. However, he cannot stray into other areas, so I ask him to respond in relation to Victorian government business.

Mr BATCHELOR — I refer to the upgrade of the Geelong road, a project that has been built in conjunction with the federal government. I had the pleasure of opening a section of that with the federal Treasurer, Mr Costello. We have worked very closely with the federal government on that project. Over the weekend the Leader of the Opposition said that project cost \$150 million. That is not true, because the federal government was a partner in and contributed to that. So when tallying up the total of project costs and making allegations that they have overrun, the Leader of the Opposition has conveniently forgotten that the federal government has put \$120 million into that project — and that explains the gap in his mind.

There is a credibility gap in the mind of the Leader of the Opposition on this and a number of other projects. Take for example the Royal Women's Hospital project, which the opposition claims has increased from \$37 million to \$190 million. Could this be true? It is an entirely different — —

Mr Perton — On a point of order, Speaker, again I put to you that the minister is either debating or irrelevant. The question related to the government valuation of projects. The minister is just trying to

engage in a debate about his failures in major projects and trying to defend his case. The question was quite specific. It asked about the valuation of projects, and the minister is in order if he tells us how he intends to value the so-called major projects he is claiming.

The SPEAKER — Order! I do not uphold the point of order. I understand the Minister for Major Projects was to explain the financial cost, and how that might affect the Victorian budget, or what the cost is to the Victorian government.

Mr BATCHELOR — The reason the opposition does not want to hear the truth is that the \$37 million was for maintenance. The government decided that because that hospital was left so dilapidated by the former parliamentary secretary for health it needed to build an entirely new hospital. It is not a budget blow-out; it is an entirely new hospital. It is brand new. It is different. The opposition is trying to say that a maintenance program should be sufficient to fund the building of an entirely new hospital. That is the sort of voodoo economics that this opposition peddles.

Take the case of the National Gallery of Victoria, which was a \$158 million project. State governments in Victoria have contributed \$96 million plus another \$4 million for latent works, but that does not constitute a blow-out. The commonwealth government kicked in \$25 million, a fact that the opposition failed to acknowledge or take into account. The Ian Potter Foundation has generously donated some \$15 million and the trustees have given a commitment to raise the rest. So when he is totalling up projects the Leader of the Opposition does not take into account these contributions that are made to these projects from other sources.

The most extraordinary situation relates to the Berwick hospital. Over the weekend the Leader of the Opposition claimed that it had not started. The issue is that if the opposition had a member of its side who lived in Berwick or previously had a member who lived in Berwick — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr Hulls interjected.

Mr BATCHELOR — I did not hear that interjection; what was it?

The SPEAKER — Order! The minister should answer the question.

Mr BATCHELOR — If they had a member they would understand that this project had started some time ago and is making good progress. Time after time the opposition distorts, tells half-truths and cannot get a thing right, and it stands completely discredited.

PERSONAL EXPLANATION

Ms PIKE (Minister for Health) — I wish to make a personal explanation. On Thursday, 28 August, an incomplete copy of the Cemeteries and Crematoria Bill 2003 second-reading speech was circulated in the house. This version was missing page 10 of the 11-page document and neither I nor any other members of the house present at the time noticed this omission. The matter was drawn to my attention during the adjournment debate the same afternoon of 28 August.

Honourable members interjecting.

The SPEAKER — Order! I remind members that personal explanations are a serious part of business. I ask them to be quiet.

Ms PIKE — On Friday, 29 August, my office contacted by telephone and fax letters the Leader of the Opposition, the Leader of the National Party and the independent members for Mildura and Gippsland East to advise them of this omission and that I would seek to resolve this matter at the next available opportunity.

My office has had discussions with senior staff of the Department of Human Services, who have given me assurances that appropriate steps will be taken to ensure that such clerical errors are picked up in the future. I regret any inconvenience this matter may have caused honourable members.

By leave I seek to incorporate the complete second-reading speech for the Cemeteries and Crematoria Bill 2003, and for the information of members I shall now read the omitted page.

The SPEAKER — Order! Leave is granted.

Ms PIKE — It states:

... business operations of cemetery trusts to ensure they are soundly based. It will also enable the significant consultation required with the sector in the development of new regulations and model rules and a training program for all volunteer trust members regarding the new provisions.

In closing, the Parliament can be confident that the bill will provide a clear and flexible regulatory framework that will position the cemetery and crematorium sector to be able to continue to provide quality and financially responsible services to the Victorian community in the 21st century. It

will benefit the cemetery sector and allied industries by simplifying the administration of Victorian cemeteries and crematoria through modern legislation.

The bill recognises the importance the community places on the respectful treatment and commemoration of the dead and the expectation that the system will respond to the diverse cultural and religious needs of the Victorian community.

I would like to thank the many people who have contributed to the development of this bill, in particular, the thousands ...

Second-reading speech as follows incorporated by leave:

CEMETERIES AND CREMATORIA BILL

Second reading

All societies organise places to bury or cremate their dead. These places are treated very differently according to the custom of the community to which they belong. Regardless of the different traditions that communities have, burial and memorial grounds are all regarded as special places.

In Victoria there is a long tradition of religious and secular burial sites. These sites are managed by cemetery trusts of which there are currently 526. These trusts are run by volunteers and are charged with the important responsibility of managing the burial and memorial places of many of our citizens.

The trusts and the cemeteries they manage are regulated by the Cemeteries Act 1958. This is the legislation governing the use and operations of the cemetery system. It is an amalgamation of older legislation dating back to early colonial days.

Since its enactment in 1958, the act has been amended to reflect practices and values of the times. This has made it an unwieldy piece of legislation that is difficult for the trusts and the public to interpret. A challenge is therefore presented to government to assist the volunteer members of the Victorian cemetery trusts to discharge their duties.

The composition of the Victorian community is very different from that of 1958. The cemetery and crematorium system is expected to respond to the diverse cultural and religious requirements of the communities they serve wherever possible. This will reassure the broad cross-section of modern Victorian society that their place of residence is a place that is sensitive to a diversity of cultural and religious practices.

The process of review of the cemetery system has been happening for over 20 years. It is through the determination of the Bracks government that I now place before the Parliament a bill that will place the cemetery system in good stead for future generations of Victorians.

This bill repeals the Cemeteries Act 1958. The Bracks Labor government in replacing this act is meeting its commitment to maintaining access to public cemetery and crematorium services for all Victorians and to ensuring that these services are financially well managed.

We have listened to the people of Victoria. The bill has been developed with considerable input from the cemeteries sector and the broader community over many years. Input has taken

the form of written submissions to public discussion papers and targeted consultation with key stakeholders.

I will now outline key aspects of the bill.

Cemeteries and crematoria will remain in public ownership.

The expectation that trusts will respond to the cultural and religious diversity of their communities is a clearly stated obligation.

Limited tenure is not being introduced for burials in cemeteries. Perpetual tenure for burials in cemeteries will remain.

The rights and responsibilities associated with cremated remains will be clarified. Consistent with the current legislation, there will be no requirement that cremated remains must be held in a cemetery. However, a requirement that a cemetery trust must offer perpetual tenure for interring cremated remains in cemeteries will be introduced as well as continuing to offer the 25-year limited tenure option.

Some members of the community want the ability to bury or cremate body parts and pre-viable tissue in a cemetery. The bill introduces this option; however, this will not be a requirement.

The government has responded to community concern about how we care for people who die with insufficient means to cover their funeral and burial or cremation costs. The bill now provides for magistrates to order burial or cremation and for cemetery trusts to provide a simple form of memorialisation for all people buried or cremated by such an order.

Cemeteries will be able to be closed to future burials under order of the Governor in Council if there has been no interment for 25 years and no new right of interment has been issued for 25 years.

The bill recognises the heritage and record-keeping obligations of cemetery trusts to ensure that the historic fabric of cemeteries is preserved and that cemetery records are kept in the public domain and are accessible for historic and genealogical research.

Where a community no longer exists and it is not possible for a cemetery trust to continue to meet its obligations to maintain a cemetery, a process for the conversion of a cemetery to an area of parkland exists under the current act. This provision is retained in the bill but it is the government's clear intention that such action will only be an option of last resort. The minister will have to approve any conversion to a historic cemetery park and the historic fabric of a cemetery must be thoroughly documented.

Rights of interment in a public cemetery are the foundations of the business operations of a cemetery trust. The bill clarifies the type of rights of interment that can be issued by a trust and the responsibilities that flow from being a holder of a right of interment. They will be issued for graves, mausolea, vaults and a range of cremation memorials. Rights of interment for bodily remains are in perpetuity and for cremated remains can be for 25-year periods or in perpetuity.

The bill outlines when a right of interment may be granted or transferred and the associated responsibilities. This will make it easier for cemetery trusts and the public to resolve problems

relating to the registration and transfer of rights regarding places of interment in a cemetery.

Rights of interment can be transferred under specified circumstances, but a transfer will only become effective once it is registered with the responsible trust. It will be an offence to sell a right of interment for more than it would be sold by a cemetery trust.

If a grave is full, the holder of a right of interment can apply to the cemetery trust to have the burials in the grave lifted and repositioned in the same grave, thereby allowing space for additional burials in that grave. In these circumstances, an exhumation licence would not be required.

The bill introduces a requirement for the secretary to approve the establishment of new cremation or mausoleum facilities proposed by cemetery trusts. This will assist in the planning of facilities across the state.

Clarification of the core activities of cemetery trusts in the bill will help address conflict within the cemetery sector regarding vertical integration and competition issues. A new appeal mechanism to the Victorian Civil and Administrative Tribunal against specified decisions of cemetery trusts in relation to the issuing of permits will also assist the resolution of disputes between cemetery trusts and the broader funeral industry.

The volunteer trust system that administers the operations of cemeteries and crematoria will be retained. This acknowledges the significant public benefit obtained from the current model of operation. There will be an improved system of appointment to trusts and greater accountability for trusts under the new act.

Cemeteries will be able to be managed directly by a municipal council. In such circumstances, the municipal council will be subject to both the Local Government Act 1989 and the Cemeteries and Crematoria Act. The council must report to the secretary in respect of its powers and functions under the Cemeteries and Crematoria Act.

Clear powers for the secretary to provide directions to trusts will be introduced.

Cemetery trust fees will be reviewed to ensure they are transparent, meet competition principles and take account of the trusts' perpetual maintenance obligations.

The process for approving and publishing fees will be streamlined. Fees will be approved by the secretary and published on a departmental web site. This will give the public greater access to cost comparisons when selecting services provided by the sector. Cemetery trust fees will be automatically adjusted in line with the consumer price index.

Increased scrutiny of the financial activities of cemetery trusts will be achieved through giving the secretary greater powers to enforce the financial reporting requirements by cemetery trusts to the department.

Cemetery trusts will be assisted by the Department of Treasury and Finance in developing investment practices suited to their needs. The minister will have the power to approve investment directions for cemetery trusts. The borrowings of trusts will still require the approval of the Treasurer.

The bill clarifies the maintenance obligations of cemetery trusts and the owners of private memorials. Trusts will be required to secure perpetual maintenance funds for the upkeep of cemetery infrastructure such as roads, fences, grounds and facilities. The responsibilities of the holder of a right of interment to maintain any memorial positioned on the site is clarified in the bill.

A revised system for the medical authorisation of cremation simplifies the administrative processes but retains the requirement for two doctors' signatures before a cremation can occur.

False statements made by a person applying to a cemetery trust for cremation or by a medical practitioner authorising cremation will be an offence. It will also be an offence to cremate without permission from the cemetery trust.

A review and update of the offences and penalties for offences committed under the act including new offences regarding the mistreatment of a corpse or cremated remains will bring penalties in line with offences in other acts, and give police the power to act on cases of misconduct.

The bill will require a comprehensive implementation program to enable a systematic review of all the business operations of cemetery trusts to ensure they are soundly based. It will also enable the significant consultation required with the sector in the development of new regulations and model rules and a training program for all volunteer trust members regarding the new provisions.

In closing, the Parliament can be confident that the bill will provide a clear and flexible regulatory framework that will position the cemetery and crematorium sector to be able to continue to provide quality and financially responsible services to the Victorian community in the 21st century. It will benefit the cemetery sector and allied industries by simplifying the administration of Victorian cemeteries and crematoria through modern legislation.

The bill recognises the importance the community places on the respectful treatment and commemoration of the dead and the expectation that the system will respond to the diverse cultural and religious needs of the Victorian community.

I would like to thank the many people who have contributed to the development of this bill, in particular, the thousands of volunteer cemetery trust members who continue to give generously to the Victorian public through their commitment to administering cemeteries and crematoria, the many individuals who made submissions to the Cemeteries Act reviews under this and the previous government, community, church and religious groups and the various organisations which interact directly with the sector.

I commend the bill to the house.

Mr Perton — On a point of order, Speaker, was that a by-leave motion?

The SPEAKER — Order! No, it was a seeking of leave to read the page to the Parliament. It was not a motion, it was a personal explanation.

Mr Perton — As I understood the procedure, the minister intended to have that page read today and that

it be inserted into *Hansard* into the original second reading. Now that requires an expunging of the old speech and an inserting of the new second-reading speech. But to just read that page into *Hansard* now and have no way of connecting it to the speech that was made last week does not make any sense to me.

The discussions I had with the Leader of the House indicated that it would be done by motion, and we were happy to grant leave for that.

The SPEAKER — Order! I am not aware of the discussions you had with the Leader of the House; I can only work on the advice I have been given.

Mr Batchelor — On the point of order, Speaker, the Minister for Health in her personal explanation sought leave to incorporate the complete second-reading speech for the Cemeteries and Crematoria Bill and then went on to say, for the information of the house, that she would now read the omitted page. That was the agreement we had with the honourable member for Doncaster.

The minister went on to do that, and the complete second-reading speech will be incorporated into *Hansard*. As I understand it, as a matter of convenience in the perusal of *Hansard* a referral point has been included at the beginning of the first but incomplete second-reading speech, referring readers to the complete one that has just been incorporated into *Hansard* by way of the leave that was given.

The SPEAKER — Order! I have had advice that you cannot expunge the previous reading because it has already been printed. This is an amendment to ensure that the speech is correct.

Dr Napthine — On a point of order, Speaker, my understanding is that when the Minister for Planning gave a wrong second-reading speech to the house, that wrong speech was expunged from *Hansard*. With due respect to the comments of the Leader of the House regarding a cross reference, having two second-reading speeches on such an important issue as cemeteries and crematoria will be a source of constant confusion for the people of Victoria.

The current cemeteries legislation has been on the books for more than 40 years. As you would be aware, Speaker, the reference to the second-reading speech is significant in terms of the interpretation of the legislation: it is significant in terms of how the community understands the legislation and indeed how the courts at times interpret the legislation.

There should be no confusion, and we as a Parliament owe it to the people of Victoria to ensure that when we are rewriting such a significant piece of legislation, which is likely to be on the Victorian statutes for many decades to come, there is no confusion about the second-reading speech. Therefore I suggest to the Parliament that there be an expunging of the second-reading speech, which has now been shown to be deficient — and as a consequence of its being deficient, it is potentially inaccurate and misleading.

A whole new second-reading speech should be incorporated into *Hansard* so that no doubt arises. In fact I personally believe that that second-reading speech should be delivered in its entirety, but that is another matter. The most important thing is that the *Hansard* record is not potentially confusing for the people of Victoria or for the people who are interpreting the laws of Victoria into the future. That is our responsibility as legislators and as members of Parliament. Irrespective of whether we are in government or opposition, it is our responsibility.

I urge you, Speaker, to take a course of action to expunge the previous inaccurate second-reading speech and ensure that there is only one second-reading speech on the *Hansard* record, and that is the one that is accurate.

The SPEAKER — Order! I cannot uphold the point of order. In relation to the previous occasion, the amendment was made on the same day as the incorrect reading, so it was able to be changed prior to the printing of *Hansard*. I do not think I am technically able to do what the member is asking. I am quite happy to take it up with the Clerk and examine it, but I do not think it is possible to do what the member has asked in his point of order.

Dr NAPHTHINE (South-West Coast) — I desire to move, by leave:

That the previous inaccurate second-reading speech be expunged from the *Hansard*.

Leave refused.

Mr Haermeyer — On a point of order, Speaker, the opposition has already accepted, by leave, the amendments that have been proposed by the Minister for Health. What it is now — —

The SPEAKER — Order! What is the point of order?

Mr Haermeyer — It is in response to the point of order that was raised by the honourable member for South-West Coast.

The SPEAKER — Order! No, I have already ruled in relation to the point of order raised by the member for South-West Coast.

Mr Perton — On a point of order, Speaker, in respect of the personal explanation, I have sat with you in your chambers when we have gone through a personal explanation, and you have always confined it to the narrow circumstances of the explanation itself. In this case the minister brought her speech into the Parliament. It was she who did not read the speech as originally drafted, and it was she who did not pick up the fact that she did not read her own speech.

The SPEAKER — Order! What is the point of order?

Mr Perton — In the personal explanation which the Chair clearly approved, the minister, rather than just taking responsibility for her mistake, proceeded to indicate that no other member had picked up the fact she had not read her own speech properly and then proceeded to blame public servants as well. I ask, Speaker, that when you are looking at the next personal explanation you make sure that the member who is making an excuse makes it appropriately, without being allowed to somehow cast blame on other members of the house for failing to pick up the fact that, for example, she read the wrong speech.

Dr Napthine — On a point of order, Speaker, I seek your clarification as to how the process that has just taken place will be reported in *Hansard*. Will the minister's statement be reported as per normal? Will the incorporated second-reading speech, including the additional page which was not read, be included straight after the minister's personal explanation, or will it be incorporated in a different page of *Hansard*? I seek your clarification on that, because it is very important in terms of people's understanding.

The SPEAKER — Order! The full speech will be incorporated immediately following the personal explanation.

WATER LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

That I have leave to bring in a bill to amend the Water Act 1989 and the Water Industry Act 1994 and for other purposes.

Mr PLOWMAN (Benambra) — I ask the minister to give a short explanation of the bill being introduced.

Mr THWAITES (Minister for Water) (*By leave*) — The bill amends those acts to provide generally for long-term water savings plans and to increase the penalties for breaching the restrictions and for the unauthorised use of water.

Motion agreed to.

Read first time.

ROYAL BOTANIC GARDENS (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to amend the Royal Botanic Gardens Act 1991 and for other purposes.

Read first time.

EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms KOSKY (Minister for Education and Training) — I move:

That I have leave to bring in a bill to amend the Children and Young Persons Act 1989, the Education Act 1958, the Teaching Service Act 1981 and the Victorian Institute of Teaching Act 2001 and for other purposes.

Mr PERTON (Doncaster) — I ask the minister to give some brief detail on the contents of the bill.

Ms KOSKY (Minister for Education and Training) (*By leave*) — This bill is in relation to police checks on teachers and to the Victorian Institute of Teaching. The bill had been brought before the last Parliament and relates to sexual offences. There are subsequent amendments to some other acts.

Motion agreed to.

Read first time.

**EDUCATION (WORKPLACE LEARNING)
BILL***Introduction and first reading*

Ms KOSKY (Minister for Education and Training) — I move:

That I have leave to bring in a bill to amend the Education Act 1958 to make further provision for learning in the workplace and for other purposes.

Mr DIXON (Nepean) — Could I have a brief explanation of the bill, please?

Ms KOSKY (Minister for Education and Training) (*By leave*) — This bill is clarifying arrangements around work experience and work placement and around police checks for employers where students are on placement.

Motion agreed to.

Read first time.

**VICTORIAN QUALIFICATIONS
AUTHORITY (AMENDMENT) BILL***Introduction and first reading*

Ms KOSKY (Minister for Education and Training) introduced a bill to amend the Victorian Qualifications Authority Act 2000 and for other purposes.

Read first time.

MENTAL HEALTH (AMENDMENT) BILL*Introduction and first reading*

Ms PIKE (Minister for Health) introduced a bill to amend the Mental Health Act 1986 with respect to involuntary patients, confidentiality and other matters, to amend the Coroners Act 1985 with respect to reportable deaths and for other purposes.

Read first time.

**SCOTS' CHURCH PROPERTIES
(AMENDMENT) BILL***Introduction and first reading*

Mr HULLS (Attorney-General) introduced a bill to amend the Scots' Church Properties Act 1891 to alter the operation of the Scots' Church Trust Deed in relation to certain lands and for other purposes.

Read first time.

**PLANNING AND ENVIRONMENT (PORT
OF MELBOURNE) BILL***Introduction and first reading*

Ms DELAHUNTY (Minister for Planning) introduced a bill to amend the Planning and Environment Act 1987 and the Planning and Environment (Planning Schemes) Act 1996 in relation to planning for the port of Melbourne

Read first time.

PETITIONS

Following petitions presented to house:

Police: Bendigo

To the Honourable the Speaker and members of the Legislative Assembly assembled in the Parliament of Victoria:

The petition of certain citizens of the City of Greater Bendigo, specifically the residents of the suburb of Kennington, draws to the attention of the Legislative Assembly the lack of police presence in our area. We feel that the escalating incidence of crime in our area is not being adequately addressed by the police.

Your petitioners therefore ask the Legislative Assembly to consider allocating more police members to combat this problem.

And your petitioners, as in duty bound, will ever pray.

By Ms ALLAN (Bendigo East) (178 signatures)

Disability services: schools

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the Victorian Labor state government is threatening to reduce funds to disabled school students. This will result in larger classes in specialist schools, a reduction in quality programs, fewer staff, and some special schools fear they will be forced to close and students sent to local primary and secondary schools that will also be affected by less funds.

We as residents of Victoria wish to know the reasons behind reducing funds and services to disabled school students and protest at the lack of consultation throughout this process.

By signing this petition you are saying 'No cuts to the funding of disabled students in Victoria'.

The petitioners therefore request that the Legislative Assembly of Victoria maintain the current level of funding to each student on the disability and impairment program.

**By Mr HARKNESS (Frankston) (674 signatures),
Mr MAUGHAN (Rodney) (125 signatures),**

**Mr McINTOSH (Kew) (128 signatures) and
Mr THOMPSON (Sandringham) (269 signatures)**

**Point Nepean–Truemans roads, Tootgarook:
safety**

To the Honourable the Speaker and members of the
Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of
Victoria sheweth that:

The intersection of Point Nepean Road and Truemans Road
in the suburb of Tootgarook is unable to safely cope with the
peak tourist season traffic volume between the months of
September and May.

It is often difficult to see oncoming traffic when entering
Point Nepean Road from Truemans Road, and during the
peak tourist season it is not uncommon for traffic to bank up
Truemans Road for kilometres contributing directly to both
increased driver stress and irrational risk taking behaviour.

Your petitioners therefore pray that the Minister for Transport
fund the installation of either a set of traffic lights or
roundabout at the intersection of Point Nepean Road and
Truemans Road in the suburb of Tootgarook as a matter of
urgency. Urgency is added by the fact that an additional
25 000 vehicle movements are expected during the four-day
Australian Open Golf Tournament at Moonah Links golf
course in November 2003.

And your petitioners, as in duty bound, will ever pray.

By Mr DIXON (Nepean) (803 signatures)

Bay–Bluff roads, Sandringham: safety

To the Legislative Assembly of Victoria:

The petition of the residents of the Sandringham electorate
draws to the attention of the house the continuing high level
of accidents occurring at the intersection of Bay Road and
Bluff Road, Sandringham.

Prayer

The petitioners therefore request that the Bracks government
investigate and make whatever road engineering, traffic light
sequencing and directional arrow improvements necessary to
improve the safety of motorists, pedestrians, cyclists and
other road users and also to protect adjacent properties.

By Mr THOMPSON (Sandringham) (89 signatures)

Mitcham–Frankston freeway: tolls

To the Honourable the Speaker and members of the
Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of
Victoria sheweth the Parliament that the Victorian
government has decided to break its 2002 pre-election pledge
by introducing tolls on the Mitcham–Frankston (Eastern and
Scoresby) freeway.

Your petitioners therefore pray that the Parliament undertake
to ensure that the government:

1. Honours its pre-election commitment and policy as
pledged to the citizens of Victoria not to introduce tolls
on the Mitcham–Frankston (Eastern and Scoresby)
freeway, and
2. Immediately reverses its decision to impose tolls on
vehicles on the Mitcham–Frankston (Eastern and
Scoresby) freeway and thereby honour its commitment
to the citizens of Victoria.

And your petitioners, as in duty bound, will ever pray.

By Mr WELLS (Scoresby) (98 signatures)

Emergency services: Warrnambool helicopter

To the Honourable the Speaker and members of the
Legislative Assembly in Parliament assembled:

The humble petition of the citizens of Portland and district
sheweth the desire to bring to the attention of the honourable
members the issue of the lack of a multifunction emergency
helicopter rescue service based in Warrnambool to provide
emergency coverage throughout all of Western Victoria.
Western Victoria remains the only area of the state not
covered by an emergency helicopter service. Our desired
helicopter service would include air ambulance, firefighting
capabilities, day and night search and rescue facilities and
would be available for onshore, coastal and offshore
operations. We seek a speedy establishment of such a
helicopter service to cover all of Western Victoria.

Your petitioners therefore pray that this matter be raised with
the state government, requesting that the government address
this appalling situation.

And your petitioners, as in duty bound, will ever pray.

By Dr NAPTHINE (South-West Coast) (3009 signatures)

Laid on table.

**Ordered that petition presented by honourable member
for Bendigo East be considered next day on motion of
Mr WELLS (Scoresby).**

**Ordered that petition presented by honourable member
for Scoresby be considered next day on motion of
Mr WELLS (Scoresby).**

**Ordered that petition presented by honourable member
for South-West Coast be considered next day on motion
of Dr NAPTHINE (South-West Coast).**

**Ordered that petition presented by honourable member
for Kew be considered next day on motion of
Mr McINTOSH (Kew).**

**Ordered that petitions presented by honourable member
for Sandringham be considered next day on motion of
Mr THOMPSON (Sandringham).**

NATIONAL CRIME AUTHORITY

Annual report

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

That there be presented to this house the report of the National Crime Authority for 2001–02.

Motion agreed to.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES
COMMITTEE

Budget estimates

Ms CAMPBELL (Pascoe Vale) presented report on 2003–04 budget estimates, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE*Alert Digest* No. 6

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 6 of 2003 on:

Aerodrome Landing Fees Bill
Cemeteries and Crematoria Bill
Grain Handling and Storage (Amendment) Bill
Heritage (Amendment) Bill
Human Services (Complex Needs) Bill
Instruments (Enduring Powers of Attorney) Bill
Non-Emergency Patient Transport Bill
Superannuation Acts (Family Law) Bill

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Audit Act 1994 — Auditor-General — Parliament's information technology upgrade — Ordered to be printed

Auditor-General — Report of the Office for the year 2002–03

Commonwealth Games Arrangements Act 2001 —

Order pursuant to s 18

Amendment to Order pursuant to s 19

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under:

Section 17D leases:

Albert Park Reserve (two orders)

Watery Creek Gully Reserve

Section 17B licence — Watery Creek Gully Reserve

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H:

Standard for the Uniform Scheduling of Drugs and Poisons No. 18

Amendment No. 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No. 18

Notice regarding the amendment, commencement and availability of the Poisons Code

Interpretation of Legislation Act 1984 —

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 89/2003, 98/2003

Notice under s 32(4)(a)(iii) in relation to Statutory Rule No 49/1999

Judicial Remuneration Tribunal Act 1995 — Report of Determinations No 1 of 2003

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule Planning Scheme — Nos C37, C39

Indigo Planning Scheme — No C17

Moonee Valley Planning Scheme — No C44

Moorabool Planning Scheme — No C17

Moreland Planning Scheme — No C24

Wangaratta Planning Scheme — No C15

Whittlesea Planning Scheme — No C47

Wodonga Planning Scheme — Nos C19, C20, C21

Wyndham Planning Scheme — No C47

Yarra Ranges Planning Scheme — No C30

Project Development and Construction Management Act 1994 — Orders in Council under ss 6 and 8 respectively and a Statement under s 9 of reasons for making a Nomination Order (three papers)

Statutory Rules under the following Acts:

Casino Control Act 1991 — SR No 105

Fisheries Act 1995 — SR No 101

Gaming Machine Control Act 1991 — SR No 104

Gaming No. 2 Act 1997 — SR No 103

Supreme Court Act 1986 — SR No 102

Subordinate Legislation Act 1994 —

Minister's exception certificates in relation to Statutory Rule No 102

Minister's exemption certificates in relation to Statutory Rule No 101.

Ordered that report of Auditor-General on Parliament's information technology upgrade be considered next day on motion of Mr PERTON (Doncaster).

ROYAL ASSENT

Message read advising royal assent on 2 September to Catchment and Land Protection (Amendment) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Cemeteries and Crematoria Bill

Human Services (Complex Needs) Bill

Non-Emergency Patient Transport Bill.

BUSINESS OF THE HOUSE**Sessional orders**

Mr BATCHELOR (Minister for Transport) — By leave, I move:

1. That the sessional order 6(16) be amended —
 - (a) By omitting paragraph (a) and inserting —
 - '(a) where the third reading of a bill must be passed with an absolute or special majority of the whole number of the members of the Legislative Assembly, the question for the third reading must be put separately;'
 - (b) In paragraph (b), after 'absolute' insert 'or special'.
2. That the sessional orders be amended for a period of two weeks commencing on 6 October 2003 and ending on 17 October 2003 by omitting sessional order 19 and inserting:

'19. Divisions

So much of standing order nos 174 to 182 and standing order no. 184 are suspended so as to allow the following procedures:

Resolving a question

- (1) A question that is put by the Chair in the house must be resolved on the majority of voices 'aye' or 'no'. The Chair must state whether the ayes or the noes have it, and if a member

challenges the Chair's opinion, the question must be decided by a division.

Party vote unless a conscience issue

- (2) Where a division is requested, a party vote is held unless the subject of the vote is to be treated as a conscience issue.
- (3) Where the Speaker has received prior advice from a party whip of a conscience vote, the Speaker will permit a personal vote to be held instead of a party vote.

Procedure for a division

- (4) When a division is requested, the Clerk will ring the bells for 3 minutes as indicated by the timer.
- (5) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the chamber until after the division has been completed.
- (6) When successive divisions are taken without any intervening debate, the Chair may direct that the bells be rung for 1 minute.

Procedure for a party vote

- (7) After the doors are locked the Chair restates the question.
- (8) Members must sit in their allocated places in the chamber.
- (9) The Clerk asks the whip of each party, or their representative, to cast the party's votes; parties are asked to vote in the order of the size of their parliamentary membership.
- (10) The number is cast for the ayes or for the noes. Votes may only be cast for members present in the chamber and every member present must vote.
- (11) After the votes have been cast by the parties, any Independent member and any member who is voting contrary to his or her party's vote may cast a vote.
- (12) Where it becomes obvious that one member only is voting for either the ayes or the noes, the Chair must immediately declare the resolution of the house. The member who called for the division may ask for his or her dissent to be recorded in the *Votes and Proceedings*. The Chair then directs the Clerk to record that dissent.
- (13) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the votes cast by another party. Where a party's vote is challenged the Chair may direct that the matter be resolved by a personal vote.

- (14) The Chair announces the result to the house.
- (15) The whip of each party, or their representative, will immediately advise the Clerk of the names of those members of their party that were not present for the vote.
- (16) The Clerk will record the result of the vote and the names of those members voting aye and no and publish those details in the *Votes and Proceedings*.

Procedure for a personal vote

- (17) After the doors are locked the Chair restates the question and directs the ayes to the right side of the chamber and the noes to the left side of the chamber. The Chair appoints two or more tellers for each side.
- (18) Votes may only be cast by members present in the chamber and every member present must vote.
- (19) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the house. The member who called for the division may ask for his or her dissent to be recorded in the *Votes and Proceedings*. The Chair then directs the Clerk to record that dissent.
- (20) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the house.
- (21) The names of the members who have voted are recorded in the *Votes and Proceedings*'.

Briefly in explanation, this lengthy resolution is in two parts. The substantive part is the second part, which comes via a suggestion from your good self, Speaker, supported as I understand it by the Standing Orders Committee; and all parties and the Independent members of this chamber were subsequently approached in relation to this proposal. It is a proposal to change and streamline the procedure for counting members during divisions in this chamber.

The effect of this amendment to the sessional orders is as follows. Firstly, it will take effect from the week commencing Monday, 6 October and remain in force until the end of the following week. The intent of that is to provide the Parliament with an opportunity to trial this new process live, if you like, in the chamber during that two-week period. At the end of that two-week period the parties will reconvene and discuss their views as to how it went and whether it should proceed subsequently. If the latter is the view, the government will at a later date bring forward a motion to reinstate the procedures that will be trialled in this two-week period.

Other parties can speak for themselves, but agreement has been reached across the chamber. The government is not seeking to introduce the change immediately but rather during a two-week, back-to-back sitting of Parliament so we can have that continuous experience of it. We also thought it would be best to introduce it from some time in the future so that all parties, including the Parliament, can get ready for the new procedure and be well aware of how it will apply and work.

These changes have been worked up by the Clerk, and they come from the initiative put forward by the Speaker. I am happy to sponsor it not on behalf of the government per se but really on behalf of the Parliament. All the parties and the Independents have undertaken a considerable amount of discussion on and examination of your proposal, Speaker, and are keen to give it a try. This comes before the Parliament with the support and backing of all parties, and after the trial we will be keen to discuss with you, Speaker, our collective and individual attitudes on how we might progress this proposal.

Amendment 1 is to insert into the sessional orders on an ongoing basis provision for a special majority. You would recall, Speaker, that when reforms were made to the upper house they created in the constitution a new parliamentary provision of a requirement for a special majority, in addition to the requirement for an absolute majority. Because our sessional orders predate that constitutional change, and again at the suggestion of the Clerk, we need to accommodate and recognise that change by incorporating within the sessional orders the reality of a special majority so it can be dealt with through the normal procedures that take place from time to time in this chamber. On behalf of the government, I recommend that both of these matters be dealt with at this time.

Mr DIXON (Nepean) — The Liberal Party supports this motion. Being a member of the Standing Orders Committee I must say I think it is worth giving this a shot. There are various views across our party regarding this, but I think everybody is determined to give it a go over the two weeks and then to reconvene as a party and talk about it.

It is a balance between what makes this place work better and leads to a better use of time and its traditions. I understand those who have concerns about the traditions of this place, and it is important that we do not throw them all out, but they have to be balanced with the best use of time. My personal opinion is that there is nothing more demeaning than to see a division

with 85 members on one side and 3 members on the other side and with us all sitting on each other's laps.

An honourable member interjected.

Mr DIXON — It depends who is sitting on who's lap as to how demeaning it is.

The time a division takes is something we need to consider. We do support this trial. I emphasise that it is a trial. I know the Liberal Party will then discuss in its party room as to where we go from there. I support the motion.

Mr MAUGHAN (Rodney) — The National Party also supports the proposal put forward by the Leader of the House. I think there has been good consultation between yourself, Speaker, the Clerk, the whips and the various parties. We have had sufficient time to look at the proposal and consider it. I think a balance does need to be struck between slowly changing the traditions that have been built up in this house over a long time and the efficient working of the house. We all complain about having insufficient time to debate and do all the things one needs to do when Parliament is sitting. I think this proposal will save time with the numerous divisions we have from time to time. If we can save time I think it is something that is well worth considering.

I think the proposal we have finished up with, where we are going to have a trial period of two successive weeks, is a sensible one. In that period we will presumably have a number of divisions, and we will be able to have a look at the proposal and at the end of that two-week period we will be able to consider whether we want to continue with the proposal as trialled or go back to what we are currently doing. I support that move. I think it is a good move in the right direction.

I agree with the Leader of the House that while we are making changes to sessional orders it is appropriate to make changes to cater for the special majority requirement that was brought about by changes to the constitution. I think these are sensible amendments to sessional orders. They are a progression to the more efficient working of the house. For that reason the National Party will be supporting these proposals.

Mr INGRAM (Gippsland East) — I also rise to support the amendments to sessional orders. I know one of the reasons for this change is that occasionally some people with independent thought in this house call divisions which sometimes upset some members of the chamber when they are left with a large majority of the house on one side and it takes an enormous amount of time to complete the division. I understand that one

recent division took about 12 minutes to complete. That really is wasting the Parliament's time.

So I would like to say I support the trial and it will be interesting to see how exactly it works. But I would point out extremely strongly that one of the most fundamental principles of our democracy is that a member of Parliament can stand up and not only speak on legislation but also have his dissent or individual vote — —

An honourable member interjected.

Mr INGRAM — The member can have his or her position recorded in Parliament. I would like to go on to say that the rigid party discipline which is promoted by this change is probably one of the worst procedures for failing democratic principles as far as that member representing their constituents on a range of issues goes. On that I am sure I will get a lot of different views within the house.

But I would like to say that is one of the reasons I support this, because there are issues that come up in the Parliament where it is important that the member's view is recorded, particularly if we can streamline that process so it does not waste Parliament's time and cause a large amount of disquiet. I think there are times when divisions probably could and would be called but are not called because of the lengthy time it takes to record those divisions.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 18 September 2003:

- Aerodrome Landing Fees Bill
- Heritage (Amendment) Bill
- Human Services (Complex Needs) Bill
- Non-Emergency Patient Transport Bill.
- Superannuation Acts (Family Law) Bill
- Supreme Court (Vexatious Litigants) Bill
- Victorian Industry Participation Policy Bill

This is a program for this parliamentary week of seven bills. In the circumstances of an understandably late start today we think this can be satisfactorily achieved. We thank the members who participated in the condolence debate earlier today. I think it was quite an

outstanding one. This will be our legislative objective for this week, but I would ask members to bear with the Parliament this week because there is a bit of flu going around and people are trying to make sure that they are here to participate. Some people have already had to record their absences and accordingly there will be a bit of chopping and changing during the course of the week to try and accommodate those who are not feeling quite up to it on a particular day or who need to have a matter adjourned so their health can recover. This issue has been raised with the Liberal Party and the National Party and I think in that context we will be able to work together to make it. Notwithstanding the chopping and changing, we can satisfactorily get through this workload.

Mr PERTON (Doncaster) — The opposition supports the government business program this week. We obviously have a lot to get through this week and there are a number of people who have been ill. There will need to be some reordering of the bills to accommodate speaking lists and the need for lead speakers to be available, so there seems to be good humour between the parties in organising that. I believe this business program can be accommodated this week.

Mr MAUGHAN (Rodney) — The National Party will be supporting the government's business program. I want to take this opportunity to thank the Leader of the House for his courtesy in keeping the National Party informed on the changes that have been going on, and I also want to thank the Government Whip and the member for Doncaster. As the Leader of the House has indicated, there are quite a few changes because people are ill, and we need to be flexible this week. I think we have done very well so far and I hope we can continue with the same sort of cooperation for the rest of the week. I think this business program is a perfectly reasonable one and we should get through the week with a minimum of disruptions.

Motion agreed to.

MEMBERS STATEMENTS

Murrumbeena Park Bowling Club

Ms BARKER (Oakleigh) — On Saturday, 30 August, I had the great pleasure of again visiting the Murrumbeena Park Bowling Club and opening the greens for the coming season. On the day I thanked members for their contribution to the local community. By providing such an active, participatory and enjoyable sporting and recreational facility in the Murrumbeena area, this bowling club is very important

in ensuring that local residents are welcomed into an organisation that keeps them healthy, active and socially connected.

Peter Delaney, a councillor with the Royal Victorian Bowls Association, also attended on the day and made a very special presentation to one of the members. Peter presented Russ Dargavel with a super veterans badge. Russ received the badge, as he has reached the grand age of 80 in the bowling community. Russ has been a member of Murrumbeena Park since 1974, playing pennant in the no. 1 side for many years. He was part of the division 5 pennant winners in 1992 and 1993. He has been a social committee member for some 15 years and he is a great helper with the monthly dinner dances, undertaking the very important role of master of ceremonies. Russ has been on both the selection and tournament committees, and he is always on hand to help in any work around the club. He is also good for a healthy chat at any time.

Russ typifies the hardworking and dedicated volunteers at the Murrumbeena Park Bowling Club. They are great people, it is a great club and I thank them for the wonderful hospitality they have extended to me on many occasions. Under president Barb and president Vic I know that they will have a very successful season and I wish them all the best.

Monash Birth Centre: relocation

Mr THOMPSON (Sandringham) — I wish to condemn the misrepresentation, distortion and spin in a number of ALP policy pronouncements. For example, when it lifted housing commission rental payments it put out a letter under the heading 'Restoring equity to public housing rental rebates'. When it was realigning level 1 and level 2 disability payments allocated per student and rejigging the funding scheme, it had the heading, 'Better services, better outcomes'.

Thirdly, when it was removing the birth centre from the Moorabbin Hospital, it was done in the context of making way for a major upgrade at the hospital. At the last state election the Labor Party went to the polls with a Putting Victoria's Children First policy, which stated:

All Victorian women are entitled to the best possible maternity care.

...

A Bracks Labor government will work with hospitals throughout Victoria to ensure the maximum continuity in midwifery care ...

...

The Bracks government will support collaboration between obstetricians, general practitioners and midwives to provide

high-quality safe maternity care and continue to increase childbirth options for women throughout Victoria.

The government may be increasing options for women throughout Victoria, but it is certainly not doing it for the women of the Bentleigh and Moorabbin district. The Monash Birth Centre, currently located at the Moorabbin campus, is destined for closure. This is contrary to the aspirations and wishes of over 800 women who have petitioned this Parliament.

Frankston Young Leaders Awards

Mr HARKNESS (Frankston) — There exist examples of great leadership in all facets of society — in politics, commerce and community. Our schools too are full of young people who demonstrate many positive qualities, both inside and outside school — consideration for others, civic mindedness, initiative and a good understanding of contemporary world issues.

To recognise leadership potential and ability I recently coordinated the inaugural Frankston Young Leaders Awards. Each of the 19 schools in the Frankston electorate was asked to nominate the year 4 or year 10 student who best showcased these important qualities, and each student received a certificate and a \$50 book voucher.

I applaud the following Frankston young leaders: Katie Lovelock, from Woodleigh Minimbah School; Charlotte Ponchard, St Johns Primary School; Steven Burns, Frankston East Primary School; Sam Higg, Overport Primary School; Anna Mace, Derinya Primary School; Astrid Cauchy, St Francis Xavier Primary School; Belinda Hodgson, Karingal Heights Primary School; Molly Carroll, St Augustine's Primary School; Jackson Wood, Kingsley Park Primary School; Emily Heijden, Frankston Heights Primary School; Lauren Corbel, Karingal Primary School; Georgia Tignolet, Frankston Primary School; Jordon Tibbitts, Ballam Park Primary School; Dirk Harvey, grade 4, and Renee Kruzinga, year 10, Bayside Christian College; Alex Howie, grade 4, and Nathaniel Morris, year 10, Naranga Special School; Katie Mathews, grade 4, and Alexandra Purcell, year 10, Frankston SDS; Orry Lack, Frankston High School; and Stephanie Courtney Jones, from Mt Erin Secondary College. I trust that their abilities will take them far.

I also acknowledge Terry Perry, from Robinsons Bookshop, for his strong support in keeping his shop open late on 4 September and providing supper. I thank Judith Graley for her sterling administrative assistance, and I thank the parents, principals and teachers for their help. As the local member for Frankston I am standing

up for the Frankston community. I will continue to do so.

Geoff Crick

Mr WALSH (Swan Hill) — On the evening of 22 July I, along with many of my parliamentary colleagues, had the pleasure of attending the annual dinner of the Victorian Farmers Federation conference. This year's event was made especially significant because the federation bestowed a life membership on its retiring treasurer, Geoff Crick, a reward that is not given lightly and is fitting recognition of 30 years of service to his community and industry.

Geoff and Claudette Crick started farming in 1967 and have built a very successful farming business as well as making their amazing contribution to public life. Geoff's service to public life started at a local level with the dairy industry and the Wendouree Lions Club. Geoff rose to the position of deputy district director of the Lions Club before his busy life meant he had to choose between Lions and agripolitics. Agripolitics won, and in 1979 he started his first role in managing the federation's finances as a dairy group treasurer. In 1998 he shifted to be treasurer of the whole federation — a role he retired from at the July conference.

Geoff Crick's 24-year contribution to managing the finances of the VFF is, I believe, one of the keys to the strength of the farmers federation as a strong lobby group for country Victoria. Geoff was always committed to the cause of farmers and country Victoria, and I particularly appreciated his support in my term as state president of the VFF. His strong fiscal management skills and sharp policy focus will be missed in agripolitics.

I wish he and Claudette many more happy years together as they pursue other interests, particularly their passion for travel.

Keep Moving Forward Women's Leadership Day

Ms McTAGGART (Evelyn) — On Friday, 12 September, I had the pleasure of attending the Keep Moving Forward Women's Leadership Day for the Community Houses Association of the Outer Eastern Suburbs, held at Swinburne University in Lilydale. This day was funded by the Bracks government's women's leadership grants project which was announced in March this year by the Minister for Women's Affairs.

The day was primarily for women from boards and committees of management from neighbourhood houses and adult learning centres in the outer east. The aim of the day was to inspire women to continue to be involved in their communities, to look towards the future and to utilise the skills and experiences they have learnt through neighbourhood houses. It covered many aspects of committee operations, including fundraising, structure and governance, and community development, and also outlined the history of the sector.

I was delighted to speak about my experience on the committee of management for Morrison House in Mount Evelyn. Other guest speakers included Leslie Wood, current Adult Community and Further Education board member and former local councillor, and Margaret Fennell, Association of Neighbourhood Houses and Learning Centres board member and member of the Japara neighbourhood house. It was a very positive day for the women involved and continues to strengthen the commitment that women make to their local communities.

The women's leadership grants mean that no matter where women live they can create their own opportunities to develop their leadership skills or help other women achieve their leadership potential. I congratulate the organisers on a very successful day and look forward to next year.

Mitcham–Frankston freeway: tolls

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government and in particular the Premier, Steve Bracks, and the Minister for Transport for peddling yet another outright and deceitful lie to the people of the outer east.

Large new blue state government signs have been erected along the Burwood Highway and other east-west roads along the Scoresby corridor, outlining certain details concerning the Mitcham–Frankston project. However, in a misprint — or is it just another deceitful lie? — the sign informs the outer east community that it is a freeway. The Minister for Transport confirms this lie in the *Knox Journal* of 13 August 2003 by stating that 'freeway':

... is a word that's used to describe roads that provide quick and fast and easy travel, and that's what we are building.

What absolute rubbish! Everyone knows that this is nothing more than the Bracks tollway. Have the Premier and the Minister for Transport not seen the prominent signs on the Melbourne major freeways that connect to City Link that clearly state 'End of freeway' and 'Tollway starts'?

The community of the outer east wants to send a clear message to the Premier and the Minister for Transport that a freeway means exactly that — free from tolls — not the new cock-and-bull definition dreamt up by the Minister for Transport. The signs are just another example of the Bracks Labor government's smoke-and-mirrors approach to deceiving the Victorian community.

No amount of glossing over the facts with flashy signs and political spin doctoring will impress anyone. It will only add to the anger of people in the outer east that they have once again been shafted by a Labor government. The Premier has promised the Scoresby freeway would be built free from tolls.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Schools: German poetry competition

Ms ECKSTEIN (Ferntree Gully) — On 31 August I had the great pleasure of judging the state finals of the Association of German Teachers of Victoria's (AGTV) annual German poetry competition. The competition provides a wonderful opportunity for students of German from years 5 to 9 to practise their language skills. The state final brings together students from right across Victoria who have won regional finals conducted in the 12 AGTV networks.

While I have had the privilege of judging this competition for many years now, 2003 was a very special year. It is 10 years since the statewide competition was founded by German teacher, Peter Richards, who brought the idea to the AGTV from Gippsland, where he had been running a local competition for some time.

On 31 August I had the honour of judging year 5 students with Peter Richards. We had a very difficult task indeed, as all students were of a very high standard. I would particularly like to congratulate the three winners of the year 5 competition: Alex Savvas, from Ainsleigh Park Primary School, a government school, who won first prize; Christel Schachtner, from Good Shepherd Primary School, who won second prize; and Jasper Johnson, from the German Saturday School, who won third prize.

I would also like to thank the AGTV for its hard work in staging the competition each year, and I particularly thank the president, Catherine Gosling, and the poetry competition convenor, Kathy Hyland. Finally, my congratulations go to all the finalists in the poetry

competition as well as their teachers and parents. They are all winners.

Artists for Kids Culture

Mr PERTON (Doncaster) — Last night I attended the annual auction for Artists for Kids Culture (AKC) and wish to pay tribute to this marvellous organisation. Artists for Kids Culture was established in 1994 to encourage children from low-income families living in inner city housing estates to explore their creative dreams.

Since its first fundraising project AKC's annual art exhibition and auction has become a major art community event featuring works from well-known Australian artists as well as from kids in inner city housing estates. Last night it raised \$87 000 for this excellent cause.

Money raised from this year's events will assist kids, most of them between 6 and 15 years of age, who are often denied simple privileges. Funds raised by AKC have already provided for arts supplies, camping trips, school books, dance classes, circus training, sports equipment and other opportunities for children in need.

AKC is a not-for-profit group which relies solely on the generosity of artists, volunteers and sponsors, and the committed individuals who reappear each year to celebrate Australian art at its most generous. I pay tribute to Jo Darvall, David Larwill and the committee, and the artists who donate their work.

There are many major sponsors, and through the course of the night people have the opportunity to contribute. The major sponsors are the Jackman Gallery, Richard Cook Design, Moving Pictures and CPL, and there are many other excellent sponsors. Some of the artists who donated their works include Kim Westcott, Peter Walsh, James Smeaton, Judi Singleton, Mark Schaller, Victor Rubin, Geoff Ricardo, Neil McIrvine, Jeff Makin, Joan Letcher, David Larwill, John Kelly, Christine Johnson, Mark Howson, Tanya Hoddinott, Karan Hayman, Pasquale Giardino and Belinda Fox.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Public transport: Reservoir interchange

Mr LEIGHTON (Preston) — I thank the Minister for Transport for coming to Reservoir on 22 August to launch the Reservoir transport interchange. I also thank the Bracks Labor government for the funding of \$1 million, being \$177 000 for traffic signal

improvements from Vicroads and \$923 000 under the government's connecting transport services program.

The new bus interchange at Reservoir railway station makes catching public transport easier and more comfortable. It also moves the bus stops off High Street by providing a new off-street bus interchange alongside the railway station, making it safer and easier for people moving between trains and buses. Other features include new traffic signals in High Street for buses entering and exiting the interchange, increased parking for commuters, an additional 10 security cameras — bringing the total number of closed-circuit security cameras to 30 — the installation of five modern bus shelters and landscaping.

My congratulations go to the City of Darebin, Connex, the Reservoir Bus Company and the East West Bus Company, Vicroads and Victrack, which worked collaboratively together on this project to provide safer, more accessible and more comfortable public transport to our local community and to Reservoir in particular.

Fishing: scallops

Mr INGRAM (Gippsland East) — I ask all members of this place to assist the Victorian scallop industry to promote the special product that some members may have tasted either on the balcony or in the members dining room today. A number of challenges are being faced by the scallop industry. The market price has gone down significantly because of the large number of imported scallops, which are not of the same quality as Victorian and Australian scallops. Local fishermen have been forced to sell at low prices, about \$8 a kilo, because after the closure of the industry for some years we lost the infrastructure and the markets. We need to get back the more regular catch rates so that the industry has a chance to rebuild not just its structure but its markets.

I congratulate the Lakes Entrance scallop fishing industry, the processors who were here today and the fishermen who were represented so well by Tammy Van Weiss, who has some affinity with Bass Strait and the scallop industry as she swam across the strait behind a scallop boat.

The message is very simple. We want all members of this Parliament to recommend to their constituents that Victorian scallops are back in the market. They are the best scallops in the world and should be put back on the menu, not just in restaurants but in people's homes around Victoria.

Toorak Primary School: political studies

Mr LUPTON (Prahran) — I was pleased to again visit Toorak Primary School in the Prahran electorate on Monday, 1 September, to talk with the grade 5 and 6 students about government, and in particular the three tiers of government in Australia. The students have been studying the role of local, state and federal governments and had recently attended a meeting of the local council. I am continually impressed by the high level of interest in these issues shown by students in Prahran, and again on this occasion the children asked many interesting and searching questions about how the different levels of government operate.

They were interested in the historical development of Australian parliaments from colonial times onwards, and appreciated the role that Australia's large size yet small population have played in the development of our institutions. This visit to the school was also in anticipation of the students tour of Parliament House on 10 September. Their visit was a great occasion for them to see the building, sit in the chamber and get a more practical feel for how the Parliament operates. They were accompanied by teachers Shannon Baker and Margaret Critchley and integration aide Julie Miles.

During their visit they again showed by their questions that they had learnt a lot about the importance of Parliament and representative democracy from their class work. I wish all the students well in the class elections. I am sure our democracy will be in safe hands in years to come with them.

Multimedia Victoria: consultants

Mr KOTSIRAS (Bulleen) — More taxpayers money has been spent and more consultants, more public servants and more political advisers have been employed, yet this Labor government has failed to show any real leadership in information and communication technology. Despite the number of public servants and units within Multimedia Victoria, the Minister for Information and Communication Technology is still not confident that her department has the expertise and skills to promote information and communication technology in this state.

Multimedia Victoria now employs a consultancy panel to provide it with ad hoc, strategic-level public policy advice at a cost of \$3 million over two years. This equates to \$125 000 per month, or \$4167 per day. There is little evidence to suggest that the minister is receiving over \$4000 worth of valuable advice every day. If the minister is receiving such expensive advice, one would have to question her ability to implement it,

considering the large number of companies deserting Victoria. Let us not forget that despite the work of this ad hoc strategic advisory panel over the last three years, a number of industries have turned their backs on Victoria. The jobs and industries of the future are going interstate and overseas while the information and communication technology sector in Victoria continues to languish, with no vision and no long-term strategy.

The minister is happy to cut ribbons and make announcements, but she has very little vision when it comes to information and communication technology.

Friends of the Helmeted Honeyeater

Ms LOBATO (Gembrook) — I am pleased to be able to highlight the activities of the Friends of the Helmeted Honeyeater. This group was formed in 1989 when the population of these birds, the state bird emblem, reached the critically low level of 50. Headed by president Bob Anderson, the friends act to protect the existing habitat of these birds and plant future habitat, as well as raise awareness of the plight of the helmeted honeyeater. Along with the member for Monbulk and my children, Archie and Ashleigh, I was privileged in June to be able to witness first hand some of these magnificent birds in the beautiful surrounds of the Yellingbo Nature Conservation Reserve. Apparently we comprise a select group of three, along with the Minister for Community Services, the Honourable Sheryl Garbutt, who have had the opportunity to view these endangered birds in the wild.

I am very pleased that the friends are, like me, also taking an interest in the growling grass frog. This group of volunteers, of which I am a proud member, has produced nearly 250 000 local plants since 1990 in an effort to increase the habitat for this bird, including 45 000 in the last four months alone in their newly expanded community nursery facility.

I commend the president, Bob Anderson, coordinator Kieran Martin and all the hardworking members of this committee. Special mention must be made of Gaye Gadsden, who has contributed for 10 years in various roles in this group.

Libraries: funding

Mr DELAHUNTY (Lowan) — Over the last two weeks I have met with six local councils in the Lowan electorate that have all raised concerns about library funding. There are three library corporations in the Lowan electorate — Glenelg, Wimmera and Central Highlands — and all are encountering difficulties in

continuing the service under the current funding formula of the state government.

One corporation has cut \$20 000 from the purchase of books, which cannot be continued if a viable service is to be provided. Over time they have seen the government's recurrent support for library services drop from 50 per cent to approximately 25 per cent now. This has forced significant increases in council contributions, which are of great concern to the councils. An example is Ararat Rural City, whose contribution since 1995–96 has increased by 177 per cent. Over that period the consumer price index movement has been 19 per cent. This highlights the concern of all councils.

I wrote to the minister asking that the government's long-term vision for country libraries allow councils and library corporations to develop strategies that marry in with the government position. Unfortunately, but not surprisingly, the minister's response was nothing more than a media release which did not address the long-term recurrent funding issues for country library corporations. I again call on the minister to work with local government and country library corporations to address the long-term vision and funding for country library services.

Gas: Hurstbridge supply

Ms GREEN (Yan Yean) — I rise to speak in support of the extension of reticulated natural gas to Hurstbridge. I am proud to be part of a state government which restores and extends essential services, including utilities, to the whole of Victoria, including townships on the edge of Melbourne. This government is true to its word and is delivering on its commitment to spend \$70 million in order to connect up to 100 000 additional households to natural gas in regional areas and townships close to Melbourne. This is not a simple task since the Kennett government privatisation of gas and electricity, but it is a task that the Bracks government is not afraid to deal with and rectify.

This is in contrast to the federal government, which is currently seeking to undermine essential services in the other suburbs and townships close to Melbourne through its proposed privatisation of Telstra. We in the state government are about growing services for all Victorians, not ripping them out and selling them off like the federal Liberal government and the former state Liberal government when it held office. Our exciting program is one of the largest gas infrastructure projects proposed in this state for decades.

The Hurstbridge community currently does not have access to the cleaner and cheaper energy source of reticulated gas but must rely on bottled liquefied petroleum gas, which has become extremely expensive. That is not only an impost on local households but is a barrier to the town's ability to attract new industry to the area and inhibits the expansion plans of existing Hurstbridge businesses.

Many Hurstbridge residents have signed a petition initiated by the Shire of Nillumbik seeking support for the gas extension. Unfortunately the Clerk of the Legislative Assembly has advised me that the council-initiated petition does not comply with the wording required for tabling in this house.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Emergency services: Warrnambool helicopter

Dr NAPHTHINE (South-West Coast) — Today I tabled a further petition with over 3000 signatures calling on this government to immediately fund the multipurpose emergency helicopter for south-west Victoria. To date petitions with 6473 names have been tabled on this important issue.

In March 2000 Premier Bracks said about the need for an emergency helicopter in the south-west, and I quote:

There is a need; no question about that.

The need has been demonstrated this year alone, with lives lost at sea, a tragic car accident at Myamyn with severely injured people needing urgent transport to Melbourne, a toddler almost drowning at Mortlake and stroke victims needing urgent transfer from Casterton and Portland. People in south-west Victoria are sick of the rhetoric of this government, sick of its delays and sick of it failing to take action on this important issue.

Lives are at risk every day. We do need this multipurpose emergency helicopter for air ambulance services, search and rescue, bushfire control, and police and State Emergency Service work.

In October 2002 a sound business case was put directly to the Premier, and in May 2003 the Warrnambool *Standard* reported that the Premier promised a response to this sound business case by the end of June. Now it is months later, and we are still waiting for this government to act. The south-west is the only area of the state without a multipurpose emergency helicopter. It is needed; it is needed now. The government needs to respond to the sound business case and say yes to the emergency helicopter.

Students Parliament

Ms MUNT (Mordialloc) — On Wednesday, 3 September, I had the pleasure of being the Acting Speaker for the Students Parliament. Unlike what happens with the Speaker, being the Acting Speaker for the Students Parliament is far less daunting as the students are clearly much better behaved than politicians. Many schools from around the state participated in numerous debates, and I can tell honourable members that the chambers had not seen so much clear and intelligent debate for years.

In particular I would like to congratulate the students from two schools: Brianna Steed, Stephanie Baron, Jayde Van Summeran and Alyssa Rusciano of Kilbreda College for arguing that compulsory voting is undemocratic; as well as Emma Hollow, Braden Leiner, Julia Heyes and Hannah Williams of Parkdale Secondary College for arguing that the Melbourne Cricket Ground is the only place to hold the Australian Football League Grand Final, although I must admit that this last topic would be one of the few issues that would have the full support of all members.

The Students Parliament is a wonderful opportunity for students who are interested in politics to gain an understanding of how our democracy works; and what better environment to learn in than actually participating in a debate in one of the houses of Parliament. It is a worthwhile program, and I encourage all schools to participate in future. Who knows, the recent session of the Students Parliament may have unearthed some potential future MPs, perhaps even a future Premier. I now have a great deal more respect for the Speaker and for what she has to put up with in the house.

Tam Vuong and Sam Mitchell

Mr ROBINSON (Mitcham) — I want to record appreciation for the achievement of Tam Vuong, a resident of the Mitcham electorate, who recently received a Victoria Fellowship, along with a number of other people.

I will read from a note that was prepared at the time. Tam Vuong is a PhD candidate with the Victorian College of Pharmacy. She is studying how health care research is translated into policy and practice in an area of major concern — that is, the safe use of medicines. In Australia it is estimated that around 140 000 hospital admissions each year are associated with medication-related problems. Half of these cases are considered preventable. Ms Vuong will visit Canada and the United States of America to establish links with

leading specialists in the fields of health care research and health policy development.

I am sure all members would, with me, wish to extend to Tam Vuong our congratulations and best wishes as she takes up the Victoria Fellowship. We look forward to the benefits of that fellowship being extended across the public sector in years to come.

I would also like to congratulate Sam Mitchell from the Hawthorn Football Club — ex-Box Hill Hawks Football Club — for his recent success in winning the Australian Football League Rising Star award. We look forward to his former team, the Box Hill Hawks, being successful in the Victorian Football League Grand Final this coming Sunday.

Timorese Ethnic Chinese in Victoria

Mr WYNNE (Richmond) — I wish to pay tribute to the community association known as Timorese Ethnic Chinese in Victoria, or Tecvic, on the occasion of its 21st anniversary. I was privileged to attend the celebrations last Saturday night. The office for the organisation is located at the Richmond high-rise estate in my electorate and City of Yarra councillor, Li Lai, is the current president. Tecvic has represented this community for the past 20 years, providing community welfare and advocacy services.

In Victoria there is a strong community of approximately 5000 Timorese, many of whom live in the Richmond area and have children attending the West Richmond and Abbotsford primary schools. Some of course have lost loved ones, and many show physical and mental scars from the experiences which have resulted in their relocation to Australia.

The Bracks government of course continues to support the right of the East Timorese refugees to call Victoria home and recently provided a grant of \$23 695 to the Brotherhood of St Laurence to assist 20 young East Timorese to pursue a close-ties visa application. The Bracks government stands with the Timorese community at this time of need. The reception on Saturday night to honour the Timorese Ethnic Chinese in Victoria community organisation was a fitting tribute to its contribution and the important role it plays in the lives of the Timorese community living here in Victoria.

Geelong: education, employment and training program

Mr TREZISE (Geelong) — I take this brief opportunity to commend the work of the Geelong

training program SWEET, which is the acronym for success with education, employment and training.

Last week I visited SWEET and left there very impressed with the work and training taking place within the facility. SWEET is a program designed as a stepping stone or pathway to further education and training for early school leavers aged between 15 and 19 years of age — young people who without the assistance provided by SWEET may forgo any other chance to further their education or training opportunities and thus severely limit their life choices. Since the program began in 2000, SWEET has assisted 265 young people to make their transition from essentially an unsuccessful mainstream education to further study or employment — an opportunity that otherwise may not have occurred.

On reflecting on my visit to SWEET I would have to say that the key to this successful program is the mutual respect that is built up between the staff and students. This was quite evident. It was also quite evident that the students were engaged in their work and activities via, among other factors, the cooperative environment that has been established and the understanding of the staff. During my brief visit I met with numerous current and former students, including Angus Lewis and Shontal Williamson, both of whom spoke of their achievements and success gained through SWEET.

Finally I congratulate the staff of SWEET — Dani Salvo, Michelle Jepson, Debbie Walker and Andy Travis. Their commitment to their work, understanding of their students and professional attitude no doubt contribute to the success of SWEET.

VICTORIAN INDUSTRY PARTICIPATION POLICY BILL

Second reading

**Debate resumed from 5 June; motion of Mr BRUMBY
(Minister for State and Regional Development)**

Mr HONEYWOOD (Warrandyte) — It is interesting when looking at this piece of legislation to note that in question time today one would have thought given the response of the Treasurer and minister responsible for industry to a Dorothy Dixier from his own side that we were living on another planet. The rhetoric from the Treasurer was how well the economy was going, yet in addressing this bill one only has to look at, of all newspapers, the *Age* from the last week and at the headline after headline indicating that Victoria's economy is becoming the basket case of Australia.

The front page story of the *Age* on 3 September — and I am sure the backbenchers opposite read this with some relish — is headed 'Victoria hit hardest as growth stalls'. It states:

Figures from the bureau of statistics yesterday revealed that state final demand — a key measure of growth excluding net exports — crept up by just 0.3 per cent in the June quarter — the worst performance in the nation.

For the year, total spending in Victoria grew by 3.3 per cent in trend terms, well below the 5 per cent increase for the nation.

The state economy is now lagging the nation — —

Mr Stensholt interjected.

Mr HONEYWOOD — I will repeat that for the benefit of the member of Burwood who is having a bit of an episode:

The state economy is now lagging the nation in 15 out of 16 key economic measures, with lower growth in business investment, construction, retailing and jobs.

I inform the member for Burwood that they are not my words but those of Josh Gordon from the front page of the *Age* only a week ago.

We even had Tandberg, a well-known supporter of the Liberal Party as I am sure the honourable member would agree, with a cartoon on the front page. Who is it of? It is his favourite caricature, the former Liberal Premier, who is shown speeding past a broken-down car being looked at with concern by the current Labor Premier. So we have the ultimate accolade from Tandberg, of all people, with the former Liberal Premier speeding past the current Labor Premier. The only thing missing from that cartoon was the speed camera!

That was one article from the front page of the *Age*. Within the context of the bill before the house, on the following Monday, 8 September, there is another article on the front page of the business section of the *Age* headed 'Suddenly the golden state is looking rusty again'. To quote briefly from that article:

The Bracks government's continued tax slugs, its inability to make timely decisions, the regulatory uncertainty it has created and its poor business facilitation record are all undermining Victoria's economic potential and dragging down the nation.

There we have it. Listening to the Treasurer today you would have thought we were on a different planet, certainly in a different state; a state to the north where things are happening and where jobs are happening.

I come now to an article in my favourite paper, the *Age* — my favourite paper for the week, that is for

sure — and an article of 9 September under the heading ‘Victoria left behind as job ads hit new high’:

Newspaper job advertising has risen to the highest level since February, feeding optimism that the economy is growing again after stalling in the June quarter. But Victoria remained stuck in the job doldrums, with another fall in job advertisements.

...

Victorian job advertising fell 3.4 percent last month. It was the 12th consecutive monthly drop and job advertising in August was 17 per cent below the level of a year earlier.

Saul Eslake, an economist with the ANZ Bank, is reported as saying:

Victoria was the only state where the trend in job advertising was still falling.

That is, a 17 per cent drop in job ads in this state compared to the trend upwards in the nation — a 17 per cent drop in 12 months.

Then the *Herald Sun* weighed in with the headline ‘Job ads take huge tumble, survey finds’ for an article by Fleur Anderson, who also referred to the \$60 million per annum in payroll tax exemptions for employers who take on apprentices being withdrawn in the last state budget, and the \$10 million per annum Bracks government savings made by abolishing, in the cruellest cut of all, the decade-long community business employment program, which was brought in by the previous Liberal government, leaving high and dry over 1000 clients a year who did not qualify for commonwealth assistance. So even the *Herald Sun* weighed in with the fact that in this state we are going against the national trend when it comes to the job situation.

Of course the Australian Bureau of Statistics can be relied on, and I am sure the honourable member for Burwood would agree. Last month the ABS pointed out that we had an increase of 1000, 15 to 19-year-old young Victorians looking for work in the crucial teenage age category, so that teenage unemployment in the state of Victoria has gone from 15.2 per cent to 18.3 per cent. What a great record! What a record to be proud of, that young people cannot get a job, that the government has ripped off the employer-apprentice subsidy so that employers have no incentive to take on young people as trainees or apprentices because they do not get the payroll tax exemption they have had for decades under previous Liberal governments, and then the government has abolished the only employment program it bothered to fund, the \$10 million a year community business employment program. What an

indictment of this caring, sharing, open and transparent, social democratic government that we allegedly have.

Then the grand finale, today’s headline in the *Age* ‘Out of puff Victoria to “lag behind”’. The *Age* really has it in for the government at the moment. To quote again from Josh Gordon:

The Victorian economy will trail the nation over the next five years, as workers move to other states ...

So we will not get the dorothy dixers every question time from the Treasurer about jobs coming to Victoria, because they are all going north now:

The Victorian economy will trail the nation over the next five years, as workers move to other states for better job opportunities, construction winds down and consumers keep their hands in their pockets, a leading economic forecaster predicted.

They are not my words but the words of BIS Shrapnel, and I suppose it is too conservative for the member for Burwood as well, along with the ABS statistics. The article continues:

A report from BIS Shrapnel said the state economy was running out of puff, following soaring ...

activity in areas that are not reflected in the national economy. The article reports Mr Robinson from BIS Shrapnel as saying:

Stronger economic growth and employment prospects in Queensland, Western Australia and New South Wales are likely to attract workers away from Victoria, returning the state’s net interstate migration to negative once again.

There we have it. We have a week of infamy from this government when it comes to economic record and economic management. So then the poor old Treasurer, in answer to a dorothy dixer during question time today, said, ‘Trust me. Do not worry, we are doing well, we are doing okay’. Each attempt by him, with his unique insight compared to every other economist and economic journalist in the country, to justify what is totally unjustifiable means that his leadership bid to survive the current Premier and to become the next Premier is going the same way as his economic management.

Mr Stensholt interjected.

Mr HONEYWOOD — Acting Speaker, I take offence at the honourable member for Burwood saying ‘wank’. He might like to withdraw that word.

Ms Pike — He did not say that.

Mr HONEYWOOD — That is what I heard.

Ms Beattie — Clean your ears out; he did not say that.

Mr HONEYWOOD — I will give the member for Burwood the benefit of the doubt, but he has form on some of these issues.

I come to the bill. The bill clearly is the latest window-dressing effort by this government. In his foreword to the *Jobs for Victorians — Victorian Industry Participation Policy* document — and we find the usual cute photograph of the minister, and I am surprised in the current minister's case that it does not take up at least half the page — the minister says:

This is why we are committed to maximising the use of local suppliers and content in economic development initiatives throughout Victoria.

Lovely on the rhetoric; far too short on the detail. He goes on to say:

Through the VIPP, we will ensure that procurement and industry assistance activities across the whole of government use local suppliers whenever and wherever they offer the best value for money.

Where in this bill is there any reference to ensuring that this will actually occur? Members will find that this is just pure and utter window-dressing. There is no enforcement, no assessment, no follow-up; this is just a complete window-dressing exercise — and the bureaucrats who briefed us were embarrassed when we asked them the question: how much assessment goes on? But I will get to that in a moment. Absolutely nothing in this bill will ensure that procurement and industry assistance activities across the whole of government will use local suppliers whenever and wherever they offer the best value for money — it is absolute rubbish.

Then the conclusion, with the large flourish signature from the Minister for State and Regional Development:

The VIPP is about giving Victorian companies a new opportunity to win new business. And when they do, all of Victoria wins.

According to the *Age* we are losing, and this minister is doing nothing to assist the Victorian economy or bolster our economic record and our economic sustainability.

Mr Stensholt interjected.

Mr HONEYWOOD — The member for Burwood will love this one because as he continues to interject, what do we find in the second-reading speech of the Victorian Industry Participation Policy Bill before the

house today? I quote the Treasurer and the minister for industry, although we do not have a minister for industry in this government any more, there is no such title. He said:

The Bracks government introduced the Victorian industry participation policy in April 2001 to encourage increased local industry participation ...

He went on to say:

We did this because for far too long, a culture has existed in Australia that assumes that foreign goods are best. In spite of the world-class capabilities of our local industries, it is a sad irony that often local products find it easier to win markets overseas than here.

Is it not interesting that in the Drive Right program launched by this government only a few days ago, with great big billboard ads up and down the freeways, what car is the Transport Accident Commission — run by the good friend of the Premier — offering as a prize for being a safe driver in Victoria? Is it a locally made Mitsubishi? Is it a locally made Holden or a locally made Ford? No, Acting Speaker, it is a Renault. A French-made car! We are importing the prize for the Drive Right program in the state of Victoria, and our Treasurer as the Minister for State and Regional Development stands up in this house and says in the second-reading speech on this legislation that it is a cruel irony that we do not support locally manufactured goods. What message does that give to Toyota? What message does that give to Mitsubishi here in Victoria? What message does it give to Holden and to Ford? It is as though if you drive their cars, according to this government, you cannot be driving safely. You must be driving a French-made car — a Renault — to be able to drive safely.

Mr Stensholt interjected.

Mr HONEYWOOD — I drive a Ford and I drive a Holden. I have two locally produced cars. Unlike the Treasurer and the member for Burwood, I support local industry. I do not give out government-sponsored prizes of French-made cars and snub my nose at the local car industry, which is one of the highest employment industries in this state, indeed in the nation, for the Victorian economy. So much for the rhetoric. The reality is that this government does not give a damn. It does not give a damn about local industry, it does not give a damn about following through on the rhetoric. It is all window-dressing rubbish.

Let us come to the clauses of the bill. We find that we have before us a completely toothless tiger. Clause 10 is headed 'Minister to report on implementation of VIPP'. Subclause 1 states:

The Minister must make a report to Parliament for each financial year on the implementation of the VIPP during that year.

Laudable. We totally support it. Clause 10(2) states:

The report is to be in the form, and contain the information, determined —

by whom? Determined by the minister! Subclause (3) states:

The Minister must cause the report for a financial year to be laid before each House of Parliament on or before 30 November next following that financial year.

We support that too, but it is clause 10(2) that we have a particular problem with because it is the trust-me philosophy. It says, 'Don't worry, if you trust me everything will be all right', according to the Treasurer and the minister for industry, although he does not have that title. If you leave it to the minister of the day to determine the form of the report to be tabled in Parliament, I have to tell you that I do not trust this minister. He will do as he does with the state budget every year: he will change the charts, he will change the reporting format, he will make sure that you cannot compare apples with apples. We are going to have a situation in which it will be impossible to tell how much Victorian industry participation policy is actually going on in this government.

An honourable member interjected.

Mr HONEYWOOD — You come to clause 9 — and I hear the sparrow from the opposing side yelling out. It states:

Agencies to report on compliance with VIPP

- (1) Each agency must include in its report of operations under Part 7 of the Financial Management Act 1994 a report on the agency's compliance with the VIPP ...

Is it not interesting that each agency must include a report? That is laudable. One would have thought, given that this policy has been in place since 2001, it would be happening anyway, but what we found when we got the briefing from the public servants on this bill is that there is no format agreed upon for this to occur.

Mr Stensholt interjected.

Mr HONEYWOOD — The member for Burwood would realise that again the rhetoric does not live up to the reality. There is no pro-forma requirement, no agreed-upon consistency across government agencies required when it comes to reporting of their VIPP performance. Do you know why? Because the government does not have the staff to do it. It has no

dedicated staff to follow through on this much vaunted policy. Nobody.

How do you think the government is going to achieve this? What sort of priority is it going to have? Will it be some sort of mickey mouse report where there is no consistent agreement on standard, where there is no ability to compare in contrast and the government has no dedicated staff to do it? Talk about window-dressing. Give us a break. This bill is just absolutely pathetic. You could drive a truck through it. The previous Liberal government would have been too embarrassed to have brought this bill before the Parliament because it is just all words and no implementation, no resources to back it up.

Then we come to the other key clause of this bill — we have looked at clause 10 where we see the minister is saying, 'Trust me, I know what's best for you', and I am sure the backbench's mushrooms on the other side follow whatever the Treasurer says because he can do no wrong on their side, but after today's performance in question time one has to wonder — which is in relation to the follow-up assessment. What assessment goes on in this bill. I can see the member for Burwood tearing through the two or three pages of this bill trying to find any reference to assessment or follow-up. I suggest that the closest he will come to any reference to follow up for VIPP is clause 11. If he bothers to look at clause 11 he will see it is headed 'Agencies to provide information to Minister' and states:

An agency must, on request, provide the Minister with any information the Minister requires for the purpose of making a report under section 10.

Sounds good, but when you ask the public servants when they do the briefing, 'What assessment goes on?' there is stunned silence. There was stunned silence, because for four years under this government there has been no follow-up or assessment. They do not know what is happening.

The government requires a statement to be provided when anybody in Victoria bids for a government tender. In that statement of Victorian industry participation, tenderers have to detail how they are going to source Australian and New Zealand-made goods, including what proportion of those goods will be sourced from local manufacturers, and give commitments accordingly. We received embarrassed silence when we asked, 'What assessment goes on to make sure the statements that are put in with government tenders are actually followed up on?'. Obviously none occurs.

There is no unit in this government that bothers to follow through. It is all window-dressing and rhetoric, with no follow-up, no management and no action. The government does not care. It does not want to pay for public servants who will actually do the work in terms of analysing data. The government wants a heap of Labor mates — —

Honourable members interjecting.

Mr HONEYWOOD — What was the first thing the Minister for Education and Training did when she took over my old portfolio of training? She got the bulldozer in to knock a hole in the wall of the ministerial suite to add a corridor for the extra four or five private offices she needed to provide employment to members of the Labor Party who needed jobs. The government adds to the number of ministerial private advisers but does not provide funding for public servants to follow through on the Victorian industry participation policy.

There was stunned silence at our official briefing in front of a ministerial adviser. Under this open and transparent government a ministerial adviser is there to make sure the public servants do not say anything that could embarrass the government. In front of the ministerial adviser the senior public servants who briefed the opposition on this bill had no comment to make in response to question after question, in which we asked to them to explain the assessment procedure, including who actually reads the VIPP statements and who, after a contract is signed with the government, makes sure that Australian and New Zealand-made goods are actually provided under the terms of that contract. It does not happen.

Mr Nardella — It is part of the contract.

Mr HONEYWOOD — It does not happen. It is not part of the contract; it is a statement only. If the member for Melton has a quiet word with his ministerial advisers and asks them to check back with the professional public servants who are trying their best to do something about implementing this without any funding, he will find that there is no contractual requirement and that it is not enforceable — it is a statement that is delivered as part of the tendering process.

Why bother having this mickey mouse legislation at all? It is just another platform for the supposed minister for industry — also known as the Treasurer — to strut his stuff, to come in here and say, ‘Look, I have another law on the statute books. Look, I have another bill up. Aren’t we good?’. I think we have had about 30 sitting

days this year. This is a government that was going to open the Parliament up for more sittings. We were going to be sitting day in and day out, but in about four and a half months we have had two sitting weeks — that is, six days in four and a half months. We are doing good for the people of Victoria. We sit here when it is convenient for this government to make us sit. The claim about being an open and transparent government is a lot of window-dressing nonsense. This piece of legislation is a total indictment of any attempt by this government to claim that it is pro-industry, pro-employment or pro-business.

Mr Nardella — What is your policy? You do not have one.

Mr HONEYWOOD — The policy that has been consistently applied by this side of Parliament is to support Victorian industry. Labor is so pro-industry it does not even have a minister for industry! By defunding the industry department and taking out the professional public servants who might have been able to do some assessment and follow-up, the government is propping up its favoured departments. It is putting its Labor friends into its favourite little departments and ripping out any industry portfolio follow-up or emphasis. That is why jobs are going north. That is why industry is being relocated. That is why when it comes to jobs for Victorians the objectives are there but the implementation leaves a lot to be desired.

This will be a toothless tiger. This is there for show rather than substance. When we look at the benefits and opportunities detailed in *Jobs for Victorians* — *Victorian Industry Participation Policy* under ‘Benefits and opportunities’ we see that it states:

The benefits that the VIPP can deliver for Victoria are demonstrated by independent research —

You wonder who the government paid to do that.

It shows that an increase in the use of local suppliers by a mere 5 per cent would create up to \$300 million worth of new economic activity, translating into 1740 direct and 4860 indirect jobs for Victoria.

We support that. We think that is wonderful, but there is nothing in this legislation to ensure consistency of reporting and to ensure that the minister of the day is required to trawl across all state government departments and agencies to see that they are reporting in the same format on an annualised basis so that what they are doing when it comes to enforcement can be compared and contrasted. There is nothing in this legislation to ensure that under clauses 10(1), 10(2) and 10(3) there is any objectivity when it comes to the

minister's report that will be required to be tabled in this Parliament.

Ms Pike — That's a new word!

Mr HONEYWOOD — Therefore we will have a situation where from one year to the next the minister will be able to dream up a totally subjective report, a whitewash report that does not prove up.

I heard the Minister for Health say across the table that objectivity is a new word. It is interesting that this minister and her colleague the Minister for Planning are the only ministers in the 150-year history of this Parliament who have had to read a second-reading speech twice. They cannot even read a second-reading speech. So much for that minister's interjection. She and the Minister for Planning are a very good couple when it comes to recognising the forms of this house. We understand why the Minister for Health was embarrassed when making her personal explanation today. We understand why she did not want to re-read the second-reading speech.

Mr Nardella — On a point of order, Acting Speaker, the bill before the house is quite clear and has nothing to do with personal explanations. The honourable member knows the forms of the house. If he wants to debate the personal explanation, then there are opportunities for him to do so. I request that you take him back to the bill.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member raises an issue, but had there not been so many interjections from the government side I am sure the Deputy Leader of the Opposition would not have digressed. He knows the forms of the house, and I ask him to come back to the bill.

Mr HONEYWOOD — I admire and respect your ruling, Acting Speaker. In fact, I am recovering from shock!

The bill before the house would never make the statute books in any other jurisdiction across the nation. If only the minister responsible for this legislation had bothered to look at what other jurisdictions are doing, if only he had bothered to see what the Premier of Queensland is achieving in that state when it comes to enforcement and the following up of government contracts to ensure that Queensland and Australian suppliers are given genuine preference. If only the government could look at what its fellow Labor governments are doing elsewhere, then perhaps we would not have had the *Age* lambasting it for the past week with bad news stories such as 'The puff has gone out of the Victorian economy', 'Jobs head north' and

'Victoria hit hardest as growth stalls' and with all the bad news stories that the Australian Bureau of Statistics figures are revealing, the ANZ job data is revealing and BIS Shrapnel revealed on the television news last night about the state of the Victorian economy.

The government would not have had those bad news stories if it were willing to be an activist, if it were willing to talk to industry, even if it bothered to attend functions like the 40th anniversary of the Japan Chamber of Commerce held by the Victorian Chamber of Commerce, which the government did not have any senior representation at. If the government bothered to actually follow through on being pro-industry and pro-jobs policy rather than just window-dressing time and time again, then our performance compared to other states would not be drawing down the national economy, would not be a disgrace compared to that of other states and the national economy, but would actually be bolstering the other state economies and would be achieving at least average level rather than below-average level —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr RYAN (Leader of the National Party) — This is much ado about nothing. This is another one of those instances of the government wanting to occupy the time of the Parliament over an issue that really is pointless in the sense of bringing into the Parliament legislation that does nothing other than reflect policy that already exists.

The policy that this legislation reflects was announced by the Minister for State and Regional Development in a press release he issued on 24 April 2001 under a heading 'Local content in government contracts to generate thousands of new jobs' which in itself was another one of those great statements of aspiration that the government unfortunately has failed to live up to. But it raises the question: as the policy was introduced in April 2001 what in heaven's name is the purpose of bringing in this legislation?

When you look at the actual legislation itself, to take that point further, all it does is establish a framework whereby these Victorian industry participation policy (VIPP) principles are established, and in that sense it is enabling legislation anyway. In other words, although the principles are talked about as being established in the course of the bill the actual principles themselves are a moveable feast, and that is in turn exhibited by the second-reading speech.

Mr Brumby interjected.

Mr RYAN — The second-reading speech goes on to recite the fact that the guidelines at the moment — the guidelines as they presently stand — talk about the fact that where the government is funding a project procurement or a government grant which exceeds \$3 million in metropolitan Melbourne or \$1 million in regional Victoria the short-listed bidders have to provide a VIPP statement, as it is termed, regarding local content, employment skills and technology involvement; and secondly, if it is what is termed a ‘major project’ — that is, if it is over \$50 million in Melbourne or \$5 million in regional Victoria — that VIPP statement must include an implementation plan.

The Minister for State and Regional Development was at the table a moment ago and interjected but left before I got the chance to respond, so I will respond in his absence. He asked didn't I think that is a good idea, and I do think it is a good idea; I think it is a very good idea as far as it goes. But the issue remains, given the fact that that policy already exists — that the government introduced that policy in April 2001 and that the policy has been implemented and in place since then — why does the government bother bringing in a piece of legislation which takes up a few pages and some time of the Parliament and which does no more than reflect the policy?

Why do you bring legislation into the Parliament in the first place? You do that if that you want to impact upon a particular course of action. Let us look at the Child Employment Bill, where we have plenty of discussion going on in other forums at the present time and where the government is seeking to actively intervene in the way in which children under 15 years of age are able to participate in the work force and actively intervene in the circumstance of people wanting to employ them. The government brings in the legislation structure which bears out its policy, and around that piece of legislation you have mechanisms of fining people, mechanisms of enforcement and mechanisms whereby the legislation is not complied with. Then there are penalty provisions that apply to the people who do not comply with those legislative provisions.

What have we got here? All this bill does is set out the policy which the minister introduced in April 2001, and of course there are no enforcement provisions. How could there be, because the bill says that government departments are required to demonstrate that they are involved in Victorian industry participation policy, which, as I say, is a great idea as a principle — but what if they do not? What happens if a department does not comply with the terms of this legislation? What

happens if a minister in his or her role does not do what is necessary under the terms of this legislation by way of compliance? What is supposed to happen? The answer is absolutely nothing, because the bill makes no provision at all by way of enforcement, so in that sense it is all optional. The government, and in particular the minister responsible, might get a smack from the hierarchy of government, but other than that nothing occurs.

Basically this legislation could have been dealt with in the way it has already been dealt with as from 2001 — that is, effectively by way of ministerial directive. I think the notion of the legislation being before the house is another instance where the Labor government has either run out of ideas or run out of constructive things to do in the sense of occupying the Parliament's time. We are now debating a bill which in practical terms is absolutely meaningless. That, I might emphasise again, is an issue completely apart from the fact that the concept of wanting to encourage local participation in Victorian industry development is something that the National Party strongly endorses and supports.

The other issue that arises when you come to consider legislation of this nature is the way in which this fine, laudable policy has translated into actual delivery by this government. You would have to say the record is absolutely lamentable in that regard, and one has only to have recourse to various projects which are proceeding, or more particularly, not proceeding, or perhaps proceeding at snail's pace in country Victoria and indeed in metropolitan Melbourne. Let us take, for example, the Scoresby so-called freeway, which is now the tollway.

Of course, as you may know, Acting Speaker, Scoresby has become part of a lexicon in use in Victoria now. Children do not tell porky pies in the schoolyard anymore, they tell Scoresbys. What has happened is that when people want to describe promises having been made and not kept they do not talk about it any more in those terms, they talk about it in terms of doing a Scoresby. Because what happened here, as we all know, was that there was another of those solid gold, absolute, must-be delivered promises made by this government leading up to the last election about building the Scoresby freeway. Then Labor members in the Scoresby corridor got that dreaded phone call — I think it was on one Monday afternoon — to come into Parliament House to be told the awful news that it had all gone down the hole. It had all gone down the hole.

Because of budgetary constraints and because the government was running out of money — —

Mr Pandazopoulos — On a point of order, Acting Speaker, this is a narrow bill and the Leader of the National Party is now debating an issue which is not part of the bill. I ask you to ensure that he speaks in accordance with the narrowness of the bill.

Mr RYAN — On the point of order, Acting Speaker, you will be aware that there is a breadth of debate permitted from the lead speaker on the legislation. In any event this is a major project by anyone's definition.

The ACTING SPEAKER (Ms Lindell) — Order! The previous speaker on the bill was also wide ranging in his remarks. I will not allow the point of order.

Mr RYAN — I understand the sensitivity of the Minister for Gaming, because he used to be the Minister for Major Projects. I can understand that he must be blessing his little cotton socks that he is not responsible any more for some of these major projects around Victoria.

Mr Pandazopoulos interjected.

Mr RYAN — The minister wants to raise Federation Square. If I was not subject to time constraints I would happily deal with that issue at some length. I will not do that. The Scoresby disaster that the Labor Party now faces has occurred because it has run out of money, which I think is generally accepted in Victoria. The government cannot find the amount of money that is needed to match the commonwealth contribution on this project. Now it has had to pull its ears in and try to save the financial situation as best it can by making it into a tollway. That is just one example of the major project debacles that we have under this government.

The fast rail project, an \$80 million project as proposed by the government prior to the 1999 election, is now somehow \$573 million. That could only happen under a Labor government. It is an extraordinary state of affairs. Even though this project is supposed to be functioning, according to Labor government material, by 2004–05, they went out and laid the first sleeper the other day on the Ballarat link and the minister did not even turn up. The minister did not even front! Would you not think after the years of coming and going we have had regarding the slightly faster rail project, as it has become known, that the minister would turn up on the day that they actually lay a sleeper. It restores one's faith to this extent that maybe this government has some shame and understands and acknowledges that having conducted itself in the way it has with this so-called fast rail project, it can see it as it is now.

Honest to goodness, it is no wonder that it attracts the commentary it does. We are not finished yet; we will see a lot more playing out in the coming years.

What about the rail standardisation project in north-western Victoria? Approximately \$96 million was allocated for what one may call a major project in the 2001 budget. Where are we today with the project? Absolutely nowhere. The project has been abandoned; it has been canned, and nothing is happening. The blame is said to be because Freight Australia has a 45-year lease for rail lines in that part of the state and therefore the government is unable to negotiate a deal with Freight Australia to enable the standardisation project to proceed.

For some reason or other the government has been able to negotiate with Freight Australia in eastern Victoria, because the train is being returned to Bairnsdale. The government has been able to negotiate on the fast rail lines to Bendigo, Ballarat, Geelong and Traralgon in the Latrobe Valley. The government has been able to negotiate with Freight Australia regarding all those lines. It has been able to negotiate with Freight Australia in regard to other lines throughout Victoria, but it has been running out this furphy that the reason it has not gone ahead with the rail standardisation project in north-western Victoria is because of Freight Australia.

It is even at first blush such an absolute furphy because running out of money is the reason. You would think the government would have the good grace to say to the people of Mildura and north-western Victoria, 'We can't do it because we have run out of money'. You would think the government would have the good grace to tell them when it made its promises in the lead up to the election of 1999 but is not delivering on it.

What about the school maintenance programs? Schools are telling me all the time they cannot get money for their maintenance programs. At question time today I heard the Minister for Major Projects talking about \$6 billion of programs and plans to be delivered by the government. I cannot remember the name of the play, but it ends up with the King going down the street on a horse and he has not got any gear on and eventually some child from the crowd yells out, 'He has not got any clothes on!'. I hear the government and ministers talking about these projects totalling \$6 billion and you think to yourself, 'What planet have they just arrived from?'. They are absolutely surrounded by a raft of projects that they talked up so much a few years ago, only to find, of course, that nothing is happening or that whatever is happening is nowhere near what has been proposed.

On top of all this, if you want to look at this legislation in the context of the reality of today in Victoria, you need look no further than an article at page 23 in the business section of yesterday's *Herald Sun*, written by Fleur Anderson, headed 'Experts slam our mediocrity', which states:

Victoria is headed for a mediocre performance in the next five years while Australia's golden economy produces booms across other states, according to new economic forecasts.

The state's dependence on embattled manufacturing industries such as textiles, footwear, clothing and leather will drag the state's economy below the national average ...

The Victorian economy is expected to grow by just 3 per cent annually over the next five years.

This is below the rest of Australia which will grow at 3.3 per cent a year for the same period. The state's population growth will slip below 1 per cent, compared to 1.1 per cent nationally ...

New South Wales, Victoria's closest economic competitor, will lead Australia over the next five years as white-collar workers fight back after being stuck in the doldrums after the tech wreck in 2000.

Sydney is back in favour as the location of head offices of major finance institutions and branch offices of global companies after the weak world economy forced closures and downsizing.

However, the white-collar resurgence will have little effect on Melbourne.

The commentary we are hearing, unfortunately, is reflective of the same sort of thing. It might be said that opposition parties of whatever persuasion should not talk down Victoria. As a general principle I agree with that. One of the things the National Party has done is to make sure it is balanced in its commentary, that its members are positive about the state's fortunes and that they deal with the issues of the day on a basis that looks to the betterment of Victoria at large. When you get legislation like this, which simply reflects the fact that the government wants to trump a policy it announced in April 2001, in circumstances where the bill which now enshrines that policy has absolutely nothing in it except the enabling provisions that established the guidelines which are the movable feast that constituted the policy in the first place, you have to say that this is a waste of the Parliament's time and is completely flying in the face of what is happening out there in the world in which we all live. The pity of it all is that the government just does not seem to be reading this as the rest of the nation is.

Apart from all that, while the principles of giving people a go behind this legislation and policy are laudable, I invite the government to make sure that it has another look at the way it applies its own policy

relating to its operations in country Victoria. Only some months ago I was in Mildura and I received a visit from a constituent, a computer supplier, who was very concerned about his inability to even participate in the bidding process of supplying computers to local schools. He was shut out of the process. He was not even allowed to bid for the program at the schools.

He was able to demonstrate to me, and he had written to various government ministers demonstrating it also, that he could compete on price for the product, he could compete on maintenance and he could compete on every conceivable aspect of what that contract involved, but the government would not even let him participate in the bidding process.

I was in Shepparton not all that long ago talking with an office supplies proprietor. He said to me that there were government departments that were not allowed to come into his shop to buy even the minimum of supplies for their offices because that would mean they were not able to supply from a Melbourne metropolitan base. The local suppliers in Shepparton were not even allowed to contribute to enabling government departments to have whatever supplies were needed to enable those departments to function.

These are the sorts of things — again from a practical, actual and realistic perspective — that fly in the face of what is set out in this legislation. It is all very well and laudable to trumpet the idea of wanting to give people a fair go. It is fine to talk about the fact that in country Victoria and in Melbourne we will give local, Australian-owned companies and Australian-built and Australian-manufactured products a slight edge — not one that is illegal in the general trade sense these days, but nevertheless a slight edge — through this Victorian industry participation policy.

It is fine to say that all of that exists to give those companies a fair go. But what I am saying is that around country Victoria in particular a lot of our retailers and traders are not even able to entertain the prospect of supplying their goods and services to this government because it is so Melbourne centric it will not even allow them to get involved in the bidding process.

Suffice it to say that I support the principle of the Victorian industry participation policy as set out in the minister's press release in April 2001. I support strongly the process of enabling our country-based and metropolitan-based entities to have the best possible opportunity to contribute to the fortunes of the state of Victoria. But I think it is the height of farce for the government to bring in a piece of legislation which, in

the reality of things and having regard to the way in which legislation is created and passed through this place, is utterly and completely meaningless.

Mr STENSHOLT (Burwood) — I rise to speak in support of the Victorian Industry Participation Policy Bill. I thank the Leader of the National Party for his support of the Victorian industry participation policy (VIPP), even if it did take him around 17 minutes to get around to saying that. I was very disappointed in the honourable member for Warrandyte and also the Leader of the National Party for talking down the Victorian economy. In fact they spent most of their time talking about the economy rather than about jobs for Victoria. That is what this program is about — jobs for Victoria.

The government stands for Victorian policy and vision, unlike the Liberals — in particular the member for Warrandyte, who likes to talk down Victoria on jobs. In fact the member for Warrandyte spent about 20 minutes talking down Victoria. It is pretty typical; he always puts the Liberals first and Victoria second. In fact from the statements he was making he was actually putting Queensland first and Victoria second. I find it quite shocking that the spokesperson for the Liberal Party was making those sorts of comments. He is really a spokesperson for pessimism and unemployment. From the way he was talking tonight he hates business and he hates workers.

Given some of the statements he made about Victorian industry and the Victorian economy, he showed his ignorance yet again. The opposition economic team once again showed that they really do not understand what is going on here. The shadow Treasurer made the same mistake the other week when talking about the Australian national accounts data, and that was repeated earlier this evening by the member for Warrandyte. When referring to the Australian national accounts data he said it talks about growth rates for Victoria, when it does not at all. He will have to wait until November, when the gross state product figures come out, because the national accounts do not actually include a measure of state economic growth. He needs to learn how to read the national accounts before criticising Victoria's economic performance.

I noted that he also talked about the Transport Accident Commission (TAC) and the cars. In fact, the cars are being donated rather than being bought, and that is really good value for this particular program. These Liberals really do not understand. Again they talked down the excellent, world-leading safety programs we have in Victoria in which the TAC cars are used. The commission actually talked to Australian

manufacturers, but in the end the French company donated the cars, and very safe cars they are.

The Victorian industry participation policy was introduced in April 2001 to encourage and increase local industry participation in major government procurement contracts and projects. It applies to all publicly funded procurement and major projects with a level of government funding that exceeds \$3 million in metropolitan areas and \$1 million in rural areas. There is a special emphasis on programs in rural and regional areas. Indeed for major projects of over \$50 million in Melbourne and over \$5 million in regional areas short-listed bidders must submit a VIPP implementation plan. So it is actually stricter for the larger projects.

Does the Leader of the National Party pay any attention to this? No, he does not. He did not talk about the Stawell hospital, which this was applied to, and he did not talk about other programs which this also applies to. No, he just ignored that. He did not talk about the Ararat hospital redevelopment, which is worth \$6.7 million and which created 30 new jobs in rural and regional Victoria. The Liberal Party spokesman also did not talk about the VIPP and the success it has had. In fact a study by the Department of Innovation, Industry and Regional Development reveals that it applied to contracts worth \$816.9 million in 2001–02. As the Leader of the National Party pointed out, approximately \$2.5 billion worth of infrastructure programs will be carried out in Victoria each year for the next three years.

An Honourable Member — How much?

Mr STENSHOLT — There will be \$2.5 billion of projects per year. He said that nothing is happening in schools. But \$3.37 billion worth has been happening in schools. Who is living in cloud-cuckoo-land? It is the opposition and the National Party that are living in a dream world. It is not the government, which is getting on and doing things to ensure that local content and local jobs come first.

In fact in 2001–02, 1200 local jobs were created by the Jobs for Victoria program. This legislation strengthens the government's commitment to the principles of the VIPP and provides a clear and transparent framework. There will be no need for all those freedom of information applications, because the information will be in the annual reports and you will be able to read it. The minister will collate all that, as can be seen from the bill, into a report to Parliament. If he needs to, under clause 11 of the bill he will be able to ask for additional

information from agencies to make sure it is included in the report.

This is a transparent government which is making sure that the system works for jobs for Victorians. In the evaluation of 2001–02, 84 per cent of all goods and services in contracts were sourced locally, boosting opportunities for local companies. How much was it again? — \$816.9 million. That is not insignificant; it is actually quite large. There is a range of other contracts to which the VIPP has applied, such as the construction of Flemington residential units worth \$10.7 million, creating 70 new jobs, and the Angliss and Maroondah Hospital stage 1 development, worth \$3.2 million and creating 80 jobs.

I am sure that in each of our electorates there are projects which are over the threshold of \$3 million in the metropolitan area or \$1 million in regional areas to which the VIPP has to apply. Even in my own electorate some units are being built in Victory Boulevard in Ashburton. A local builder got the contract — in Oakleigh, just down the road. That shows that the government is performing and that there are local jobs for Victorians.

The Liberal Party continues to talk down the economy. It takes every chance to talk it down; it has no commitment to Victoria. It seems to be more committed to Canberra, as we saw with the health debate, than it is to Victoria. Its members are Liberals first and Victorians second. As for the member for Warrandyte, he seems not to be sure whether he is a Queenslander first or a Liberal first, but he certainly seems to be a Victorian last. This attitude is appalling. Indeed the member is completely on a different planet, a Liberal one as well, in talking down Victoria. The opposition seems to enjoy talking down Victoria.

The bill contains a range of issues on how the reporting to Parliament will be done, in particular clauses 5, 6, 7, 8, 9 and 10. All agencies will be required to report. At the moment they report to the Department of Innovation, Industry and Regional Development, and the bill will make sure there is extra reporting to Parliament. What is the highest area to which reporting can be done? It is to our Parliament. Making sure the report is given to the Victorian Parliament is showing respect for Victorian institutions. Previously information was provided to the cabinet, which would consider it and look to policy and previous experience, but it will now be given to the Parliament.

The bill requires agencies to provide a report on compliance in their annual reports. The honourable member for Warrandyte said they do not have any staff.

Actually they produce reports, and a high level of energy and expertise is put into providing those reports. The legislation will make sure the reporting will be complete. The minister will then make a consolidated report to Parliament, as is provided for in clause 10 of the bill.

Questions have been asked such as, ‘What about compliance issues? Will people comply with this?’. Non-compliance could occur at a couple of levels. It could occur when bidders fail to provide VIPP statements to demonstrate a reasonable amount of effort in obtaining local supply opportunities, because the agency then has the onus on it to make a commercial decision on how to proceed. We see from the policy, which I hope the opposition spokesman has read — although I doubt it because he has not bothered to read the Australian Bureau of Statistics figures on the national accounts — that the onus is on the agency. If one bidder puts in a statement and another one does not, and they are deemed to be equal, the one that puts in the statement will actually get the job.

There can be non-compliance at an agency level where an agency fails to build VIPP into its procurement and tendering procedures or fails to apply it properly or at all. To date the instances of non-compliance have been rare. This will be followed up by the minister.

The ACTING SPEAKER (Ms Lindell) — Order! The member’s time has expired.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

SUPREME COURT (VEXATIOUS LITIGANTS) BILL

Second reading

Debate resumed from 5 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The opposition supports this bill. It is a small bill and essentially does two things which are important and integral parts of the judicial system in this state. From the proclamation of the bill section 21 of the Supreme Court Act will be amended to enable the Supreme Court to declare a person a vexatious litigant. That has an impact not only on civil law but also on criminal law. On top of that the bill enables both civil and criminal proceedings to be taken into account when determining whether or not a person should be declared a vexatious litigant.

The bill comes into this house because of a recent decision of the Court of Appeal, where essentially the interpretation of the Supreme Court Act and the meaning of the word 'proceeding', which has application in the civil jurisdiction, was read down to only encompass civil proceedings. It removed the ability of the court to make a vexatious litigant order in relation to criminal proceedings and also prevented criminal proceedings being taken into account in determining whether or not a person should be declared a vexatious litigant. Of course it overturned what was 70 years of legal precedent in Victoria. It was a common understanding of the entire legal profession, and certainly of the court itself, that both civil and criminal proceedings would be treated equally in relation to the declaration of a vexatious litigant. Essentially this bill restores that common understanding and has the universal support of the courts, the legal profession and the opposition in relation to this amendment.

It is an important aspect of the system of the judicial administration of the courts and access to the courts that every litigant should have their day in court. Very strong bodies of law enable litigants, even if they are insolvent, to bring cases. There are limitations to that, but in the vast majority of cases people should be given their day in court. It is a very serious matter to deprive any person of their ability to litigate matters. However, sometimes litigants demonstrate a complete incapacity to understand that courts and proceedings in courts should not be used in any way oppressively or for an ulterior motive.

Courts have at common law always traditionally had the ability to ensure that people would not use the process in a vexatious, frivolous or abusive way. Section 21 effectively codifies that provision in relation to the Supreme Court. That of course has application in the inferior courts and tribunals around Victoria. That codification may have limited the court's common-law power to deal with its own process, but be that as it may, it is an important power in the court to ensure it is not used as an instrument of oppression.

In relation to the decision of the Court of Appeal in *Kay v. Attorney-General*, the opposition was able to obtain a briefing from the department and was informed it relates to a Mr Ian Kay. I should disclose to the house that I had an opportunity of being briefed to appear opposing Mr Ian Kay. It started off in the County Court. He then took the decision from the County Court on appeal to the then full court, and ultimately ended up in the High Court. It was a case where two firms of solicitors — I was acting for one of the firms — had given advice in relation to a particular family law

matter in which he was then involved. He did not like the first piece of advice, obtained a second piece of advice from another firm of solicitors, and ultimately from a third firm of solicitors, and then sued the second and third solicitors for negligence as part of the process whereby he was spreading the particular dispute relating to family law to a large number of other people.

That matter was completely oppressive. It was vexatious; it had no merit in either fact or law. It was a demonstration that it is an important part of the judicial process that courts should be able to control these people and to prevent abuses of process happening in our courts. Accordingly, as I said, the bill restores what was an accepted common understanding in the legal profession and our courts, and the opposition has no hesitation in supporting this bill.

Mr RYAN (Leader of the National Party) — Ready as I always am to participate in these debates it is my pleasure to join the debate on the Supreme Court (Vexatious Litigants) Bill. The debate occurs on a night when I readily confess to the Parliament I have a headache of fearsome proportions; indeed it could be photographed. This bill is about headaches of other proportions.

The issue of vexatious litigants is in itself a difficult issue in the sense that, as the Attorney-General recites in his second-reading speech, it is just so imperative that in a democracy the rights of litigants be protected. We as a community in Victoria and across Australia are extraordinarily aware of that concept and give effect to it as a matter of general course. However, there comes a point in time when sometimes a person who is absolutely bent upon a course of litigation, for reasons which have nothing to do with the merits but rather are related to agendas entirely outside the merits, must be stopped. There comes a point where, as a matter of fairness to the system at large and to the people who use it, there needs to be a means whereby these vexatious litigants, as they are termed, have to be accommodated. That is what this particular bill is about.

The legislation relates to the fact that since 1930 the Supreme Court of Victoria has had the power to consider the conduct of a person initiating both criminal and civil proceedings when determining if that person should be deemed a vexatious litigant. That situation was changed by a decision of the Supreme Court in the matter of *Kay v. Attorney-General* in 2000 where the court then determined that it would limit the capacity of the court to consider only matters regarding civil proceedings in relation to any application for the declaration of an individual as a vexatious litigant. That obviously was a significant change from the position

that had applied for the past seven-plus decades. The intent of this bill is to address the situation that arose as a result of the decision in *Kay v. Attorney-General* and to return the position to that which has applied since 1930.

The capacity to have a declaration of an individual as a vexatious litigant is important from another perspective altogether. Sometimes it is said that the otherwise very expensive nature of participating in litigation will serve as a means of preventing people, or at least curtailing their endeavours, from being involved in litigation. However, it must be remembered that the declaration of a person as a vexatious litigant applies not only in the court system as such, and this is borne out in section 21 of the Supreme Court Act. If you look at that section which deals with vexatious litigants it recites that the Attorney-General may apply to the court for an order declaring a person to be a vexatious litigant, but then in subsection (2) — and I will quote it because it is important in this context — it states:

The Court may, after hearing or giving the person an opportunity to be heard, make an order declaring the person to be a vexatious litigant if it is satisfied that the person has —

- (a) habitually; and
- (b) persistently; and
- (c) without any reasonable ground —

instituted vexatious legal proceedings in the Court, an inferior court or a tribunal against the same person or different persons.

The point of all of that is that the declaration of an individual as a vexatious litigant not only applies in the court as it is termed. Insofar as the Supreme Court is concerned that is the reference within the definition section of the act to the Supreme Court. The word ‘court’ within the Supreme Court Act means the Supreme Court. Section 21 says that if an order is made in relation to a vexatious litigant that applies not only in the Supreme Court but in all these other jurisdictions. I think it is a pivotal point in all of this.

In my years in practice I appeared in the Magistrates Court, the High Court and everywhere in between, in all sorts of administrative tribunals and all over the place. These days with so many forums available whereby if an individual wants to press his or her case there is a capacity to simply shift forums if the person is not getting where they want to go in the particular jurisdiction that they have chosen in the first instance.

They can be in the Supreme Court — that is right — but they can also be in the County Court, in the Magistrates Court, in the Victorian Civil and

Administrative Tribunal, in any one of an absolute plethora of associated tribunals of all sorts, shapes and sizes around the state of Victoria, to pursue what might be their intent. That is why the capacity of the court through section 21 of the Supreme Court Act to be able to make an order that an individual is a vexatious litigant is so important. The order once made applies across the whole gamut of the jurisdictions associated with the legal system — the courts themselves and the quasi judicial areas represented by the various administrative tribunals.

This is a far-reaching amendment. The National Party supports it and does so very strongly, because from 1930 we had a system apply in a way which did justice to everybody’s rights, the whole thing was in proper balance, and in 2000 the court, with respect, made a determination that in its nature altered that balance. This legislation returns the position which otherwise applied to the scheme of things since 1930. That seems to me in all the circumstances to be a fair and proper thing.

Mr LUPTON (Pahran) — I am pleased to be able to speak in support of the Supreme Court (Vexatious Litigants) Bill. The ability for a court to declare a person a vexatious litigant is important to allow the courts and importantly the court users to be protected from individuals pursuing a collateral purpose or abusing the process of the courts.

The term ‘vexatious litigant’ is defined in section 21 of the Supreme Court Act as a person who has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings. Importantly a vexatious litigant can be a person who has conducted those types of activities in any court or inferior tribunal in Victoria. It is not limited to the Supreme Court, and an order that a person be declared a vexatious litigant applies in any court or tribunal in the state once it is made. Under the section the Attorney-General may apply to the court for an order declaring a person to be a vexatious litigant, and it is then up to the Supreme Court to consider whether such an order ought to be made.

It is important that the process to be followed in the Supreme Court involves the court giving a person an opportunity to be heard. It is important to protect the rights of individuals to bring legal proceedings if that is appropriate. Accordingly a very high standard needs to be met in order to have a person declared a vexatious litigant. It means that, unless leave of a court or tribunal is given in appropriate circumstances, they are forbidden from bringing, continuing or further pursuing legal proceedings in this state.

It is a very important and fundamental part of the democratic process that people have access to the courts, and declaring someone a vexatious litigant is a step that is only taken when there is really no other recourse available. It is important to understand that people who act in a vexatious and malicious manner, abusing the processes of the court, clogging up the court process and causing enormous amounts of delay, inconvenience and costs for the court system and, importantly, for people who are using the courts, are a major problem. Accordingly the process exists to prevent such vexatious litigants from continuing that behaviour.

Historically it was understood for 70-odd years in Victoria that both civil and criminal proceedings could be taken into account by the Supreme Court when considering whether to make an order declaring a person to be a vexatious litigant. This settled and well-understood nature of the law was changed by the decision of the Court of Appeal in the matter of *Kay v. Attorney-General*. In that case the Court of Appeal found that where the term 'proceeding' is used in the Supreme Court Act in relation to vexatious litigants it only refers to civil proceedings and not criminal matters.

This bill restores the situation to the one prevailing prior to the decision in *Kay v. Attorney-General*. It clarifies that the court can have regard to both civil and criminal matters in considering whether to make an order.

Significantly the effect of this legislation is not retrospective; it is an important consideration that we do not retrospectively interfere with the rights of people unless the circumstances are particularly appropriate. However, in this situation all that this bill allows the court to do is to take into account vexatious proceedings that were instituted prior to the commencement of this amendment. But it will only affect future rights — namely, the right to institute proceedings in the future. That is an important consideration in this bill.

The effect of vexatious litigants on the administration of justice and on the cost of the legal system both to the courts and to the parties, as well as the inconvenience they cause, requires this sort of legislation to be clear and unambiguous. It is appropriate that the previous situation regarding both criminal and civil proceedings being taken into account by the courts in making an order that a person be declared a vexatious litigant should be reinstated. I support the bill.

Debate adjourned on motion of Mr THOMPSON (Sandringham).

Debate adjourned until later this day.

HERITAGE (AMENDMENT) BILL

Second reading

Debate resumed from 27 August; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — This is the Heritage (Amendment) Bill 2003. There is nothing more important to our cultural wellbeing than our heritage. In this era of transience, change and threat from all sorts of things, the understanding of our heritage, the protecting of our heritage and above all the building on of our heritage is as important as it ever was.

In my own case I had the joy of spending nearly 20 years living in heritage East Melbourne. I loved every minute of it and became very closely acquainted with the heritage values of that area of Melbourne. In my professional career as an architect I worked on heritage buildings — protecting, preserving and modifying them. Living in Hawthorn these days I wake up daily next to the oldest building in Hawthorn: a beautiful bluestone property which has been there for more than 140 years.

The opposition's position on this bill is that it will not be opposing it, but I have to say that the bill does not represent any great change. In fact nothing much will change as a consequence of this bill. Arguably this piece of legislation is really legislation for its own sake rather than to achieve anything. I guess we have increasingly come to expect that from this government.

I note that the last paragraph of the second-reading speech suggests that this bill is the extent of the government's commitment to cultural heritage protection. There is a certain irony in that because this is the government that butchered this chamber. This building is probably the principal heritage building in Victoria and over the last summer period, with no public process whatsoever, the interior was butchered and now we find ourselves, albeit in these very comfortable chairs, with a Chevy Corvette interior in an otherwise Victorian treasure. No public process was undertaken, and that for me will always be a symbol of this government's commitment to heritage protection.

There was a meeting in Carlton on Sunday two weeks ago involving the National Trust of Australia, the Melbourne City Council and various others. Those

bodies quite independently said that the government's Melbourne 2030 strategy represents a significant threat to Melbourne heritage. In fact, the Melbourne City Council said Melbourne 2030 opened the floodgates for a real threat to the future of Melbourne heritage.

We have seen more recently the government's approach to heritage of a landscape and cultural nature with its reckless and irresponsible approach to wind farms along the Great Ocean Road and other coastal locations — the head-in-the-sand attitude from a government which refuses to recognise that our heritage is under threat. In the process the government has ignored its own tourism body in Great Ocean Road Marketing, the Victorian Coastal Council, the national trust and coastal guardians. It has ignored the Victorian National Parks Association and the Victorian Tourism Industry Council. Our heritage is under threat on the Great Ocean Road.

I mention the Royal Melbourne Golf Club as an example — not the building itself but the process undertaken in the demolition of that building some 12 or 18 months ago, when the executive director took it upon himself to authorise a demolition despite the fact that there was an appeal pending on the application for heritage listing. The merit or otherwise of the listing is irrelevant, but the executive director chose to authorise a demolition before the appeal was finished.

I note the lack of any significant additional money into the heritage program and the lack of commitment to protecting, repairing and restoring the Royal Society building in the city. In my local area I note the government's lack of commitment to the heritage of Pridmore Park and the Yarra walking track. I finally note the government's attitude to rural and regional representation on the Heritage Council, which has been all but extinguished as a consequence of the actions of this government. I say with a sense of irony that if this bill represents the government's commitment to heritage then it is not saying a great deal because the bill will do very little.

The bill does three principal things. Firstly, it increase the maximum penalty for breaches of the principal act. Secondly, it provides for access to the Magistrates Court rather than the Supreme Court for enforcement orders. Thirdly, it provides powers of entry to residences subject to assessment for registration.

I note what is not included in the bill. It is extraordinary because what is not included is the very provision that the former Minister for Planning, the member for Albert Park, said was in the Heritage (Amendment) Bill he introduced in 2000 — that is, the provision for

demolition by neglect. Indeed it was in the second-reading speech but was removed from the bill itself. My predecessor in this position, the member for Box Hill, drew attention to that extraordinary oversight. No doubt it was not an oversight — the provision was removed but the second-reading speech was not changed. Demolition-by-neglect provisions are potential changes, but they have been ignored in this new bill. Equally the director's powers — the powers that were used in the example I cited before where the director authorised demolition of a property still subject to appeal — have not been changed, nor have the appeal provisions where the Heritage Council itself is still the appellate body on its own decisions in too many cases.

I want to go through the core bill provisions. I will start with the penalties. It is interesting to look at the range of the penalties. Clause 5 of the bill deals with those penalty increases. The increases range from 1.6 to five times the existing penalties. They are very high penalties. Clause 5 refers to the capacity for a fine of up to \$6000 for merely interfering with a sign. That is a fairly harsh penalty, and I imagine it is hardly ever used. Most of the penalty increases referred to go to the issue of the handling of archaeological sites and relics.

The bill proposes fines of up to \$240 000 for failing to comply with conditions of an order — an increase of some 2.4 times. Equally the bill proposes a fine of \$240 000 for damage to a registered place — an increase of 1.6 times. For corporations those penalties are doubled. There is a penalty increase of five times for interfering with an archaeological relic, up to \$60 000. The reality is that an archaeological relic is an item like a jug or a bottle and there have been issues in regard to that. It is a stiff prospective penalty.

The second-reading speech says:

The government believes that the deterrent effect of these penalties has diminished over the time.

We had a briefing courtesy of the minister and the minister's adviser was there. We asked in response to that claim for evidence that the deterrent effect of these penalties has diminished over time. We were told, 'We cannot lay before you any evidence to that effect'. Indeed it was said that it was debatable that that was the case. Clearly the courts do not think the deterrent has diminished. In saying that I come to the point that we asked in that briefing for evidence of the need to increase the penalties. We were told that there have been some 11 prosecutions in the past 12 to 18 months.

All of them we were told were guilty pleas. All were fines much less than the top fine, with one exception.

That referred to one property where there was a fine imposed of \$30 000. It was for an owner who demolished the interior of an apartment and removed some internal walls and original features. There was a fine of \$30 000. On appeal the owner was found guilty without conviction and fined \$7000, so it was hardly a case of the maximum penalty being a deterrent or otherwise. The maximum penalty was never invoked. But that penalty is now up to \$240 000 for damage to a registered place.

There was only one archaeological prosecution undertaken. It is not yet finalised. We understand it relates to the removal of an urn and two bottles from an archaeological dig off Liverpool Street in the city. We understand that that was a consequence of a break-in. But that was the briefing we were given, and then we were told in some correspondence that we have since received that rather than 11 prosecutions there were only 4. But again the basic position stands that there is no evidence of any diminution of the deterrent effect of the penalties as they were.

All you can conclude from this is that it is a big-stick approach to heritage. There is no incentive or money for the other way of operating. There is no carrot approach here. What is going to be achieved by the increase in these penalties? Arguably nothing. I guess that fits with this government's modus operandi. But I note in referring to the penalty increases that clauses 6 and 7 make some offences indictable offences, and they go to matters of damage to or relocation or disturbance of registered places or objects under section 64 of the act or damage to a shipwreck under section 111. Again all of those are subject to the capacity of the executive director to actually issue a permit in his own right to offset any offence in that regard, so there is a very strong power there, but again no evidence of the need to implement that. We have consulted widely on this. In correspondence from the Urban Development Institute of Australia (Victoria) it notes that the bill and the speech give:

... no rationale for the new fine levels. There is nothing to explain why a certain number of penalty units is imposed and some appear to be unusual increases.

That certainly is not stretching the point.

The second issue I want to raise is the power of entry. The Heritage Act currently provides for the power of entry for monitoring the status of existing residences on the register. An application to that effect can be made to the Magistrates Court to effect such a power of entry.

Clause 8 of this bill extends that power to an inspection of a residence which is under consideration for

registration. That is a fairly significant change in the sense that there are a lot of residences out there that people may have their eyes on for prospective registration and may wish to find information about which is not otherwise available to them and they could pursue it in terms of this. So at the briefing we asked for evidence that this provision was necessary and whether we could have evidence that entry in such situations had been refused. Of course it came back to us in the briefing that they could not point to any specific case where entry had been denied. It was also said that they could not imagine that they would ever have to use the existing provision for requiring entry to registered properties, because essentially registered property owners are very cooperative. So you have to wonder again why this is being done. In doing that we also need to keep in mind the rights of property owners in this issue, full stop.

On this clause I put in a word of caution about the speculative pursuit of registration. Demanding entry can be expensive, and also the pursuit can be counterproductive. I have had some experience of that myself. Without blowing my trumpet, when I was at university I was involved in a threshold study of art deco and international-style architecture in Melbourne. A paper I wrote became something that was quoted in the context, and I am sure it has been superseded since. But in the early 1980s an enthusiastic heritage architect sought to have registered a number of buildings around Melbourne. I forget the precise number, but it was probably of the order of 30 or 40 buildings. As a consequence of that pursuit many of those applications for registration failed because of the inadequacy of the applications. So many of those buildings were lost because owners who feared registration at that time in the early 1980s sought to take advantage of the fact that the registration failed. Speculative pursuit of registration is something we should avoid.

The third principal component of this bill is provided in clause 11, which inserts a new section 183A. That provides for the Magistrates Court to also have the power to require reinstatement or demolition of inappropriate works. At the moment that power essentially rests in the Supreme Court. We asked again at the briefing for evidence of the need for that. Indeed the second-reading speech says that owners have been known to make a decision to carry out works knowing that they could get away with it on this basis. We asked again when this has occurred, and the response was, 'We can only imagine that is the case. There is no evidence to that effect'.

Dr Napthine interjected.

Mr BAILLIEU — The Robin Boyd house — I will get to the Robin Boyd house in a minute.

To be fair, it was suggested that there was an ongoing problem with Docklands warehouses which are subject to development at present, but no cases have particularly been raised. Nothing has been taken to the courts as a consequence. There was only one case raised, and that is the Boyd house in Camberwell. Now the Boyd house in Camberwell is in my electorate, and I am rather familiar with it; I have actually seen it. I would be delighted to know why the minister is not in here shouting and screaming about the Boyd house — whether or not she has seen it. I suspect that, as with the wind farms, she has not seen the house, but that does not stop her from commenting on it.

Let me make a couple of comments about the Boyd house, first. The Boyd house is in Riversdale Road, Camberwell. It is essentially a single-storey property which was built in the 1940s, and it is supposedly the first house in which Robin Boyd and his family lived. Robin Boyd is a prominent Australian architect — perhaps the most — —

Ms Delahunty interjected.

Mr BAILLIEU — I said ‘first’ lived there — supposedly first lived there.

Ms Delahunty interjected.

Mr BAILLIEU — Good. Robin Boyd is a prominent Australian architect and is well regarded right across the architectural and heritage community. Robin Boyd houses are indeed precious.

The house in question, though, was altered by Robin Boyd in 1952, when a small addition was added. Subsequent to that, I think in 1975, the property was bought by its current owners, who added a significant two-storey addition which arguably dwarfs the rest of the house. The original part of the Boyd house is a gentle and quiet single-storey, skillion-roofed and angled-windowed kitchen and dining area, with the 1952 extension attached. The prominent part of the house is the two-storey addition from much later.

In 1991 the building was registered through an interesting process and not at the wish of the owners at the time. I simply say that the process was an interesting one, and various questions were raised as to the benefits of that registration.

The Boyd house in Riversdale Road, Camberwell, is set back from Riversdale Road and is substantially unseen. The portion of the house which is most recognisable as

a piece of Boyd architecture is the central piece, which is often photographed when this issue comes up.

But the issue about the Boyd house is the 1952 extension. The 1952 extension is a single-storey, approximately 11-metre-by-5-metre relatively small addition, not in the style of the rest of the house. It would be arguable that a visitor to the site would perhaps note the central original portion of the house but probably regard the extension as not the more significant part of it, if they regarded the house as of significance in that regard.

Since then there has been a very sad and sorry tale to tell about the Boyd house, and I do not think it reflects well on anybody involved from the heritage side of it. Let me quote from correspondence I have had from someone who is a noted heritage architect — not somebody prone to extravagances in this regard but an architect for the owners of the property. He says this issue has:

... sunk to levels of farce, and over the time it's been going it has become a saga, and a sad one. It reflects, both in the overall and in detail, very badly on the conservation movement. Very briefly, the stage has now been reached where an appeal against the conditions relating to the issue of permit is in process.

He goes on to make a number of other comments. But it is undoubtedly true that it is a sad and sorry saga. The saga commenced — I could detail this at great length, but let me simply summarise it in a rather rapid recitation of the chronology of events — in 1999, when the owners removed the roof of the 1952 extension of the Boyd house. It was drawn to their attention that that was against the registration provisions, and a permit for that removal was sought in July of 1999. That permit was refused a month later. A month later the owners were issued with a show-cause notice. A further month later they appealed, and in February 2000 the appeal was heard. In March 2000 they were given another show-cause notice. Proceedings were held in April 2000, and a repair order was made in May 2000. In July 2000 further applications for a permit for works were undertaken. Proceedings for those permits were held in July 2000. Permits were issued subject to conditions in November 2000. There was then a refusal in regard to the application of November 2000 — and an appeal against those refusals.

In February 2001 consent orders were made. In September 2001 a conservation management plan was proposed, and a further permit application was made in October of 2001. In January 2002 the permit application was refused, and in February there was an appeal against that permit application decision. In

March 2002 there was a hearing at the Supreme Court before Justice Balmford, and a hearing in May 2002 before the Heritage Council. A further hearing was held in the Supreme Court in June 2002. A decision was issued by the Heritage Council independently of the Supreme Court in 2002. A permit application was made in December 2002 seeking to retain the 1952 extension completely.

Whereas the previous permit applications had been variously approved and then knocked back, this application sought to retain the house. A consent order permitting the executive director to carry out work was ordered by the Supreme Court judge in December 2002. In December 2002 there was a further order by Justice Smith setting aside the Heritage Council decision in regard to the property, and in February of this year a Court of Appeal refused to expedite the appeal against the decision of Justice Balmford. A further application for a permit was made in April this year, and that is currently subject to appeal.

That is the course of events over the last three years, and it is a sad saga. The reality is that the property has been unoccupied for a long time and has been in decline for a long time. It was submitted in early May 1999, when the first permit application was made, that the 1952 extension was definitely uninhabitable. The roof and ceiling were leaking, draughty and infested with vermin. The concrete slab floor had domed, which is a technical term for a slab that has deteriorated. The perimeter brick walls had cracked and rotated as a consequence of the deterioration of the slab. A substantial amount of the original material, including windows, ceiling, plumbing and doors, had been replaced or was beyond repair.

Reference was made to a conservation management plan dated September 2001, which the owners have sought to comply with. The problem with all this is that this is an 11-metre-by-5-metre extension. The owners have sought to do the right thing, but every time they have sought to do so they have had competing orders from the Supreme Court. They have sought to meet those orders, but have not been able to do so because of the actions of the executive director, who has not been able to indicate what action is actually required, and issues — —

Ms Delahunty interjected.

Mr BAILLIEU — The minister seeks to intervene. I suggest the minister would do well to respond to her correspondence and perhaps visit the site and meet the owners, because the reality is that I wrote to the minister on — —

Ms Delahunty interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The minister will get her opportunity to speak if she wishes and if she stands in her place.

Mr BAILLIEU — I wrote to the minister on 13 May, inviting her to visit the site and meet the owners. I wrote again on 17 June, because I had had no response. I still had not had any response on behalf of my constituents until last Friday, when I finally got a response which avoided the simple question of meeting with the owners and visiting the property.

Let me say upfront that I think Robin Boyd is one of the most spectacular architects in Victoria's history. In my first architectural job I was working with an architect who would probably be described by others and by himself as one of Robin Boyd's greatest fans. It was at the time I was working in that office that Robin Boyd passed away. I am very familiar with Robin Boyd's work. I am familiar with the issues, but the result here is tragic. The reality is that the government has probably already spent close to \$1 million pursuing an outcome for this property, but still we have no solution.

I have been told by the owners that they have spent close to \$500 000 in seeking a solution to this problem. We have reached a stage where the executive director has dug in, the Supreme Court is awaiting appeal opportunities and the owners are living with this daily frustration. As I said at the start of my contribution, we are not talking of any outcome of great merit. Nothing has been achieved by the expenditure of this money. I want to see Robin Boyd's architecture preserved as it should be. I want to see it preserved where it can be and where it makes sense, and I want to see registered buildings treated in the way they should be. The owners have conceded that they made a mistake in 1999 when they first removed the roof, which they argued was falling apart.

The reality is that since then an awful lot of money has been spent and nothing has been achieved. That is not an outcome which anyone should countenance or celebrate. It needs the heritage director to give orders which can be implemented. I have spoken to engineers and architects on the property who have independently indicated that the orders they have been issued with cannot be implemented. What are the owners to do? It requires people to sit down with goodwill. The big stick will not work, and I encourage the minister to visit the property and meet the owners. The reality is that this bill is centred on the Boyd house because nothing else is of any significance other than the change which

switches the hearing from the Supreme Court to the Magistrates Court.

Mrs POWELL (Shepparton) — I am pleased to speak on the Heritage (Amendment) Bill on behalf of the National Party, and I put on record that the National Party will not oppose the legislation. The National Party is a strong supporter of retaining our history and preserving our heritage, not just for now but for future generations.

I direct the government's attention to a slight mistake on the first page of the explanatory memorandum of the bill. The note on clause 7 states that clause 7 provides that an offence under section 11 (1) of the act is an indictable offence. It has been corrected in the bill proper, because clause 7 refers to section 111 (1).

The bill has a number of purposes, but the main purpose is to amend the Heritage Act 1995 to increase penalties for certain offences under the act. It also gives the court power to make any order it considers appropriate to remedy or restrain a breach of the act where a person has been found guilty or convicted of an offence under the act. The bill also gives the Magistrates Court the power to make an order permitting entry to a residence for the purpose of investigating its cultural significance if the residence is unoccupied or if entry has been refused by the occupier. I will refer to that later, because I am concerned about that provision. The bill amends the Magistrates Court Act 1989 to enable indictable offences under the Heritage Act to be tried in the Magistrates Court.

This is the second heritage bill brought in by the Bracks government. The first was the Heritage (Amendment) Bill 2000. I spoke during the debate on that bill when I was in the other place. I want to comment on the remarks made by the member for Box Hill during his contribution to the debate on the first bill in 2000. He reminded the government that in the second-reading speech it had made a commitment to find a solution to demolition by neglect. The minister said at that time the government would consult with local government and the community. I remind the house that that was in 2000. I wonder whether that consultation has occurred; and if so, what the response was. I do not know why that was not included in this bill.

How we stop demolition by neglect is a big issue. The government gave a commitment about that yet it has said nothing in this bill about it. I understand there have been a number of examples of demolition by neglect. One example can be where an owner allows a building to fall down because of white ants. We have seen in a number of municipalities that owned but unoccupied

decent heritage buildings have been eaten away by white ants and have had to be demolished. We have to look at that, and I hope the government has had consultations, spoken to the stakeholders and will, in a further bill, put some process or guidelines in place.

The former bill also contains a provision for an inspector to attend a registered residence to search for evidence. An inspector must apply to the Magistrates Court for a search warrant before entering the private residence. Inspectors must have a prima facie reason and specify the reason for entry and must believe that an offence may be committed within the next 72 hours.

This bill goes a lot further than that. It does not just talk about registered houses but talks about houses that should be included on the register, and a process is put in place where an inspector can apply for a permit and go into a house if entry has been refused or if the house is unoccupied at the time. No evidence has been produced that entry has ever been refused, so I am wondering why this provision is in the bill. I would have thought that if entry had been refused a number of times the government would introduce a process to rectify that, but I understand no entry has been refused to inspectors wanting to go into registered houses.

I had a briefing from the assistant director, operations, of Heritage Victoria, Ray Osborne, and I thank the government for that. I raised a number of issues at that briefing. I referred to clause 8, which inserts provisions regarding an inspector or person authorised by Heritage Victoria applying to a magistrate for an order permitting entry to a residence other than a registered place for the purpose of investigating its cultural heritage significance if the occupier of the residence refuses to give written consent to entry.

The inspector or authorised person must serve a copy of the application not later than 14 days before the hearing of the application and the order ceases to have effect before 28 days have expired. I was told at the briefing that every reasonable effort will be made to locate the occupier or indeed make sure the occupier does have an opportunity to make a written response to the inspector. The concern I have is that with inspectors going into unoccupied private residences to see whether they should be included on the historic register, the issue of invasion of privacy is involved. There could be a number of issues regarding an inspector going into an unoccupied house.

I was told that the inspector would make every attempt to try and find the owner, find out whether they were away on holidays and speak to neighbours and so on. I would not like to see that provision abused. Somebody

may say the house should be included on the register but after 14 days an inspector can go into the unoccupied house and take photos or do some measurements without the owner being there. I think that is a real invasion of somebody's privacy, and I would certainly not like to see that provision being used too much.

The bill increases the penalties for unauthorised works. The types of works we are talking about are referred to in section 64 of the Heritage Act — namely, removal or demolition, any damage to a building, any other development or alteration, and of course excavation. These refer to works that are done without a permit or approval. Of course we all want to make sure that those sorts of works are done in accordance with the act and with the historic significance of the building and that some sort of protection is kept not just over the building but over a park or any similar object. It is important that we have rules in place to make people understand that they cannot just alter a building that has some heritage significance.

Hopefully the increases in penalties will deter people from doing work on significant buildings without the appropriate permit or approval. But I do not think that in itself will be a deterrent: I am not sure whether there is proof that increasing penalties in fact deters people from carrying out those sorts of works.

At the briefing I was told that there had been no change to the penalties since 1995. They will now increase by 140 per cent, which is a significant rise from 1995. The penalties will be \$280 000 for an individual and \$480 000 for a business. I was told that comparisons with other states show that in Queensland the maximum penalty is \$1.275 million, that in New South Wales it is \$1.1 million, and that in Tasmania it is \$1 million. At the moment our penalties are still under those of other states.

This bill also allows for indictable offences to be heard in the Magistrates Court. I think in a way that is to stop the drawn-out litigation involved in people having to go before a court, the onus being on the taxpayer when there are court orders, and long drawn-out situations like the one we heard the member for Hawthorn talk about before with the Boyd house.

The bill talks about local government having a significant role to play in heritage management, and it does. It is important that local government take on some of the protection of our significant buildings. When I was a commissioner with the Shire of Campaspe one of the issues we looked at was an application for an aged hostel to be built on the main

street at Rushworth. There was a very old house there which was a good example of the period in which it was built and which the developers wanted to demolish. We as a council went to the Heritage Council, and it said, 'No, you cannot, it is of significance'. The developers wanted to put the hostel next to it. What happened was that a permit was given to allow the skillion that was put on the back at a later date to be removed and so be a lot more compatible with the building that was there. We permitted them to remove the skillion at the rear, and the other building was added to that later. The architect put a design in place that included the old building, and it was a very workable aged hostel.

It was an issue on which we worked with Heritage Victoria. The council said, 'No, you cannot demolish the building', because it had a significance to the streetscape of Rushworth and the community wanted to keep it there. It also had to be a workable building. The outcome was that the older building stayed as part of the streetscape, and the other part of the aged hostel became a very workable and modern facility. Now it is very complementary, and you would not even know it was not meant to be there. I think sometimes we have to look at ways of doing things that are a bit more flexible.

The City of Greater Shepparton has been preparing a heritage survey, which is almost complete. So I think local government has a role to play in making sure that areas that perhaps may not meet significant state standards do meet significant local standards. It is really important that we protect our heritage, not just at a state level but also at a local level. Local government has a very strong role to play in that.

The Victorian Heritage Register has over 2000 places, some public and some private. There are about 500 applications a year, and I am told that over 98 per cent of those are approved by the Heritage Council. The Shepparton district in my electorate has quite a number of places and buildings on the register, and I will just name a few.

Dhurringile is one of four similar mansions in Australia. It is a two-storey towered brick mansion which was completed in 1877 at a cost of £30 000. During World War II the commonwealth government used it as a camp for German internees; in 1947 the Presbyterian church purchased the property as a home for immigrant boys; and in 1965 the Victorian government purchased the building and the 116 acres of land for use as a minimum security prison.

Today that building is still part of the prison. But the prisoners are now in purpose-built accommodation, which is much more appropriate. It will obviously be very difficult to remodel a building of such heritage significance to meet the occupational health and safety standards required for the prisoners. It is important that while making sure that modernisation occurs, at all stages we must try to protect the overall presence of the building.

It is not just about buildings. In my electorate we have the Calder Woodburn Memorial Avenue in Kialla. In 1943, along with a number of people who helped him, Fen Woodburn planted four rows of trees — 2457 trees in all. That was a memorial to his son, Calder, who lost his life serving overseas with the Royal Australian Air Force. It was also a memorial to all the local servicemen who did not return from World War II. It is an avenue of trees that is highly respected by the local community. The council, Heritage Victoria and the local Returned and Services League (RSL) branch put a number of conditions on any removal of those trees.

The avenue is known as the grandest and largest Second World War commemorative planting in Victoria, and it is significant because of its use of eucalyptus tree species. The problem we have with it, though, is that when the road needs upgrading, as it does from time to time, some adjustments have to be made as to what can be removed and what needs to be replaced. Heritage Victoria makes comment, and the City of Greater Shepparton gets involved, as well as the RSL.

As I said earlier, the National Party supports the protection of our heritage and our buildings, but it believes that all stakeholders should be consulted. I hope that the provision allowing entry into private homes while the owners are not there is not abused.

When we talk about heritage we can look around the world at different examples as well as at what we have. I think this building is one of the finest examples of what we have in Victoria and what we need to maintain. As we have to meet other standards, such as building standards and occupational health and safety standards, we have to modernise our buildings. That may mean that sometimes works may be done that may not be in keeping with heritage considerations. So it is important that those who want to make changes to buildings seek some sort of permit, which can be approved, supported or amended.

The National Party is happy to not oppose this bill but hopes that its provisions are not abused.

Mr CARLI (Brunswick) — I am pleased to rise in support of the Heritage (Amendment) Bill. Victorians see heritage as being very important, and certainly a lot of effort goes into preserving the heritage of Melbourne and Victoria.

This bill reinforces the 1995 legislation and ensures that the 2000 places listed in the Victorian Heritage Register are further protected. It is important to realise that those 2000 places are only a selection of the places that are considered important to Victorians — but they are an important selection, and we can see those around us.

This Parliament House is on that list, and out the back in the gardens we have the Federation oak, so it applies not only to buildings but also to trees. The ICI building, our first skyscraper and an early example of the modernist international style — what we now call the Orica building — is also on the list. There is also the Casselden Place development down the road, which was a very important archaeological dig.

The 2000 places cover a vast array of things that are important to our heritage. They also include, as the member for Hawthorn pointed out, shipwrecks around Victoria. There are numerous examples, and they are on a register. This amendment further reinforces our protection of them.

In my electorate a number of important buildings, both public and private, are on the heritage register, but of more importance for my community is the Upfield railway line, which is also on the register. The line had been neglected for so many years that it had become a relic of our heritage, and it has been preserved. Our community fought long and hard against numerous governments to keep that line open.

Heritage is important, but it is also important to note that heritage places must be maintained and have a purpose. Whether it is the Upfield line, which is booming at the moment, Parliament House, the Federation oak or the ICI, or Orica, building, it is important not only that they all be maintained but that they have a continuing life and continue to function.

The bill reinforces that sense of heritage and gives further protection to the Victorian Heritage Register. It does that by first of all toughening the penalties. The 22 penalties that are supported in this amendment were in the original 1995 act which was passed by the previous government and was supported by all sides in the Parliament. Those penalties have remained unchanged. Over time they have lost their deterrent impact. They have diminished over time because as

inflation has taken hold they have become less effective. There will be substantial increases.

The average increase in the penalties will be 140 per cent. The major penalty — and one hopes we never apply the major penalty — will be \$480 000 for a body corporate, which is a significant penalty. For private individuals the worst penalty will be \$240 000, which is also a major penalty. It is important to note that the first part of the bill is about increasing the deterrence to ensure people do not abuse those places that are so important to the Victorian heritage.

The second part of the bill is about ensuring the Magistrates Court has a more significant role. In the past the Magistrates Court was used to issue fines, but if you wanted to do anything beyond fines, such as to rectify works or get rid of illegal works, there was a lengthy process in the Supreme Court. The importance of this amendment is that it gives the power to the Magistrates Court to ensure that illegal works can be rectified or demolished. That is a significant step. The Magistrates Court will have significant teeth to ensure that where there are illegal works or illegal developments on important heritage places there will be an opportunity to have those rectified or to have the actual work demolished. That is a significant step.

A further step is the power of entry. I note the previous speaker had some concerns about the power of entry. It is important that we have inspectors who are able, again through the Magistrates Court, to get a search warrant to go into places and to assess the internal elements of those places, whether they be buildings or something else, to ensure that they are of cultural significance or to ensure that the cultural significance has not been detrimentally affected by the owners or the people possessing that property. It is important to give inspectors a certain authority and power. One would hope that it happens by negotiation and that we do not have to use that power. It is important to note that we are dealing with a limited number of properties and that to a large extent they are properties which have owners or guardians, if you like, who are prepared to protect them.

Currently Heritage Victoria, through mediation, attempts to ensure that either unauthorised works are reinstated or the person undertaking works which do not comply with the heritage of a building is able to rectify that work before prosecution. That is the current situation. It is important that Heritage Victoria is proactive in this approach. As I said, in cases where that is not possible it is important to have an accessible court, in this case the Magistrates Court, where

someone can go to ensure that reinstatement works are possible and that an order can be got from the court.

We are dealing with very important safeguards for Victorian heritage. It is also important to note that we are dealing with a limited number of places. We are dealing with places of equal importance. It does not matter whether it is the grandeur of Parliament House or the austerity of the Federation oak in the gardens, or whether it is to do with buildings constructed fairly recently, like the ICI building, which is in a modernist style. They are all of equal importance; and it is important to note that they are important to Victorians, as is heritage in general.

As the previous speaker mentioned, there is an important role for local government. Buildings in many places throughout the state are protected by heritage overlays. It is important that they be protected and that planning schemes be used to protect them. Having said that, the penalties outlined in the bill do not apply to those buildings. That is not to say the community does not seek to protect other areas of heritage in the state. The bill tries to protect places on the Victorian Heritage Register that are of state significance; one could say they are of national significance. It is important that we ensure that those places are protected. It is important that enforcement mechanisms have teeth. While it is never pleasant to use enforcement mechanisms, one would hope that the people who are the guardians of these places ensure that they are secured and that their heritage is protected.

We are often in situations, as with the Boyd house, where works have been undertaken in conflict with the heritage sought to be protected through the Victorian Heritage Register. It is important that there be an opportunity to reinstate and restore that building. It is important to all Victorians that we protect our heritage in this state. This amendment further strengthens the 1995 act. That legislation was broadly supported by this Parliament, and it is important that we ensure heritage remains protected in Victoria.

Mr STENSHOLT (Burwood) — I support the Heritage (Amendment) Bill. It serves to strengthen the Heritage Act 1995 and particularly to improve the enforcement of that act. Heritage, as all members know, is very dear to us here in Victoria. Many of us, perhaps all of us, have examples of heritage sites and buildings in our electorates.

Wattle Park is in my electorate. It has been dear to Melbourne's recreational history from the last century. It was gifted to the Hawthorn Tramways Trust by Eliza Ball of the famous Ball and Welch families some

85 years ago and became very much Melbourne's playground, including heritage buildings such as the chalet and many parts of the park itself. Many of our grandparents and parents remember fondly the times they spent at Wattle Park.

I agree with the member for Brunswick that heritage is not just there to be preserved in a glass bottle as if it were in a museum; it has to also be part of our lives — and it is part of our living heritage. With regard to the heritage of Wattle Park, over the last three years we have made sure that it has become a far greater part of the active community life in the area. We have, for example, reinstated the Wattle Day festival in Wattle Park, which fell into disuse over many years. We had the third festival on the Sunday before last. Members who would know their history would realise that Wattle Day has traditionally been celebrated on the first day in September. There were many wattle committees.

In the 1920s and the 1930s celebrations in Wattle Park sometimes drew crowds of 20 000 or 30 000 people, particularly when they had the trooping of the colours. It is very important that the heritage is interwoven with the life of the community. We are doing that in Wattle Park.

The Lone Pine memorial is in Wattle Park and is also part of our heritage. Over the last couple of years we have reinstated the Anzac Day ceremonies in Wattle Park at the memorial. The lone pine at the park comes from a seedling from the lone pine at Gallipoli. Heritage is important and it is very important that we strengthen it. This bill serves to strengthen it.

I was somewhat disappointed by what the member for Hawthorn said in his presentation. He spoke about the Boyd house in Riversdale Road, Camberwell. A part of Riversdale Road, Camberwell, is actually in my electorate, but not the Boyd house. The member spoke for some 14 minutes in his longwinded exposé on the Boyd house. We were not too sure what he was trying to get at in the end; it seemed to be very indeterminate indeed. I am assured by the minister that she has written to the member for Hawthorn in the last few days.

This bill seeks to give more powers and protection in cases like the Boyd house, which as the member for Hawthorn mentioned, has cost many hundreds of thousands of dollars in litigation. It is a long, detailed story, and there have been many trips to the Supreme Court — —

An honourable member interjected.

Mr STENSHOLT — I will not do it again; I have only got 5 minutes.

Certainly the provisions in here mean that reference can be had to the Magistrates Court rather than the Supreme Court, which will in the first instance be cheaper and much easier to do in terms of seeking, as it says in part 1 of the bill in clause 1(b):

to make further provision in the Magistrates' Court Act 1989 to enable certain indictable offences under the Heritage Act 1995 to be tried in the Magistrates' Court.

I thank the honourable member for Hawthorn for that. He is becoming known as the spokesperson for non-planning. I know that he is now, in terms of looking at the City of Boroondara, saying that any sort of action is about trying to implement Melbourne 2030 and that he is in extreme opposition to any type of activity in terms of good planning. Melbourne 2030, as members would know, takes account of that and one aspect of it is in terms of heritage. This is taken into account there. I urge the member to read Melbourne 2030 and make sure that he understands what it is about.

As I said, the bill strengthens the act. I was particularly interested in the aspects of inspection. I had the privilege to be a member of the Law Reform Committee in the last Parliament, and we did a report on the entry, search and seizure and powers of inspectors, such as the inspectors that we are talking about here. Whilst we recommended that a comprehensive procedure be used, particularly when you enter a person's home — as we know, in common law a man's castle is very much sacrosanct — —

An Honourable Member — A man's home is his castle.

Mr STENSHOLT — That is right, and any moves to gain entry have to be properly done and properly sought. There are a range of provisions about this, particularly in clause 8, which talks about how there has to be a proper process in front of a magistrate. Currently there needs to be agreement. If agreement cannot be sought then — —

Mr Baillieu — On a point of order, Acting Speaker, I just want to give the member for Burwood some time to collect his thoughts so he can talk about something relevant in the bill.

The ACTING SPEAKER (Mr Jasper) — Order! There is no point of order.

Mr STENSHOLT — I have no problem collecting my thoughts. The member for Hawthorn rambled on for 14 minutes and did not collect anything in the end. He was trying to have two bob each way, but he could

not even back the quinella. Here we are looking at the magistrates. Currently there needs to be agreement. This way if the agreement cannot be given or if there is nobody there, an order can be sought from the magistrate.

I should note in terms of the particular report the Law Reform Committee did that I hope there are proper procedures in place to ensure the inspectors get proper training. I am sure this can be done by Heritage Victoria. This takes into account the concerns raised by the member for Shepparton regarding privacy and that a proper procedure should also be put in place by Heritage Victoria so that if there are any appeals against improper process it can make sure that is followed. It is important that these powers, when they are given to inspectors particularly through the courts, are properly followed and implemented. This is a good bill; it strengthens the act. I commend it to the house.

Dr NAPTHINE (South-West Coast) — The Heritage (Amendment) Bill addresses the important issue of heritage in our state. I am fortunate as the member for South-West Coast to represent the town of Portland. Portland, as members in this house would know, is the first site of permanent white settlement in Australia.

While recognising the enormous contribution of the indigenous community, particularly the Kerrup-Jmara communities in the Portland and Heywood areas, in terms of our modern history we must recognise that Portland is the site of the first permanent white settlement in the state of Victoria. As such there are a number of significant heritage sites and issues in and around the Portland community.

There is an argument within historical circles as to whether William Dutton was the first permanent settler or whether it was the Henty family.

An Honourable Member — Where do you stand?

Dr NAPTHINE — Things are divided. William Dutton was a whaler and sealer. He certainly came across regularly for the whaling and sealing season and actually stayed between seasons. He was therefore in some sense a permanent settler, although the Henty brothers were the first to bring livestock across and farm the area. There is a bit of dispute among the historians as to whether William Dutton or the Henty family were the first permanent white settlers.

There are a number of important historic buildings in Portland as a result of such a rich history. The Burswood homestead is the original homestead built by the Henty family after it had been established for some

years. It is now used as a very successful bed and breakfast operation.

Mr Stensholt interjected.

Dr NAPTHINE — The member for Burwood says he has stayed at Burswood. I think he would agree that the hospitality is outstanding. The building is superb and the gardens are exemplary. It shows how modern uses can be made of heritage buildings.

Another bed and breakfast of similar ilk is Victoria House, where two families have restored an outstanding heritage bluestone building for modern use without losing any of the heritage context. That is the challenge we face in our community. It can be achieved best by a cooperative approach built on trying to achieve the objective rather than a punitive carrot-and-stick approach.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Savage) — Order! The time has arrived under sessional orders for me to interrupt the business of the house.

Planning: Whittlesea zoning

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning. It goes to an issue of a land-holding in the City of Whittlesea. I have had representations from Mrs Mala Freeman, Ms Ester Caspi and Ms Gila Schnapp representing Adjungbilly Pty Ltd, and Dr Dale Schnapp. Those individuals and that company are owners of properties in Ironbark Road and Pioneer Road, Diamond Creek.

I understand from those individuals that they have properties which are currently zoned environmental rural. In a separate matter they have sought to have the urban growth boundary, which has been defined by the government and indeed mentioned in legislation, shifted in accordance with what they believe is the history of their property. I do not propose that we go into the matter of the shift of the urban growth boundary.

However, I ask the minister to investigate the record keeping in regard to the zoning history of the properties in question. I do that mindful of correspondence that has been submitted to Mr Rynd Smith, chair of the Whittlesea amendments C26, C30 and C45 panel, in a submission dated 7 July 2003 from Peter Tesdorpf and Associates, who are planners and consultants. Peter

Tesdorpf himself is a former president of the Planning Institute of Australia.

Mr Stensholt interjected.

Mr BAILLIEU — Indeed. The member for Burwood says Peter Tesdorpf is based not far from his office. He is a highly respected planner. The issue is that the individuals in question — —

Ms Beattie — What is the action?

Mr BAILLIEU — I have asked for the action already.

The individuals in question have a concern that records in regard to the history of the zoning of their property are no longer available to be inspected. Indeed it is suspected that they may have been lost. Peter Tesdorpf says:

We have been investigating this issue in conjunction with a legal firm and have been unable to obtain any proof or confirmation from the Department of Sustainability and Environment to verify the zoning history beyond doubt.

It is the contention of the individuals involved that at some stage in the recent past their properties were incorrectly zoned due to an error, and they wish to find those records in order to have their zoning corrected. I am not in a position to make a judgment one way or the other, but if the records are missing then I ask the Minister for Planning to investigate on behalf of those individuals.

Police: Ocean Grove station

Ms NEVILLE (Bellarine) — I ask the Minister for Police and Emergency Services to report on the level of crime in my electorate. I ask him to continue to take action to improve community safety and to address issues such as violence and theft. Recently the minister announced some statewide crime rate figures which indicated a decline in Victoria's crime rate. This announcement indicated that there had been considerable decline in crime rates across Victoria.

In line with the government's ongoing commitment to police services I recently visited the new 24-hour police station in Ocean Grove, which services the Bellarine electorate. My visit occurred the day before the police moved into this state-of-the-art facility. It is a brand-new facility which was finished on time and on budget. This station will provide an additional 15 police to service the Bellarine Peninsula, with projections for further police into the future as Bellarine continues to grow. I hope the Minister for Police and Emergency

Services will be able to visit Bellarine and officially open this fantastic new facility.

However, despite recent announcements by the minister and the additional police services in operation in Bellarine, there have been a considerable number of stories in my region that would suggest there is cause for people to feel unsafe in their homes — that people in my electorate should be concerned about break-ins and thefts of property from their homes. There has also been considerable media attention on motor vehicle thefts, which would suggest that we have an epidemic of young people stealing cars. These reports easily generate fear and worry within the community, making many people feel vulnerable and scared. At a number of community meetings people have raised concerns that they feel unsafe and that media reports and stories suggest that crime is on the increase. On my reading of the recent figures I suggest that the opposite is true, and that the community is subject to misinformation which seeks only to create uncertainty.

These issues are of key concern, particularly to older members of our community. I want to be able to assure my constituents that they live in a safe community and that the government is continuing to invest in improving police services. I ask the Minister for Police and Emergency Services to respond to these concerns and to provide information on the real story and what action is being taken to improve the sense of community wellbeing in my area.

Weapons: regulations

Dr SYKES (Benalla) — I address to the Minister for Police and Emergency Services the issue of the absolutely ludicrous nature of the Control of Weapons (Amendment) Regulations 2003. I seek to have the implementation of these regulations delayed until they have passed the commonsense test.

The stupidity of the proposed regulations almost exceeds the stupidity of the recently passed Child Employment Bill, which among other things required grandma and grandpa to have a police check prior to employing their grandchildren. Fortunately in response to a public outcry the government has proposed some changes which will at least rectify the most stupid aspects of that bill.

The Control of Weapons (Amendment) Regulations will, among other things, prevent the display of family heirloom swords over the fireplace in the family home and the conduct of a sword dance at a Highland games or country show unless a prior permit has been obtained. The stupidity of these proposed regulations

includes working on the premise that if you remove the potential weapons then the rate of homicide and harm will be reduced. Wrong! Australian Institute of Criminology statistics show a stable rate of homicides at 1.6 homicides per 100 000 people over the past 90 years.

True, the use of firearms in homicides has decreased over the past 20 years, possibly associated with the stricter firearms controls implemented over the past few years. However those intent on committing homicides choose other options such as knives, blunt instruments and hands and feet. So what is the next regulation going to be — to make hands and feet prohibited weapons? The time has come to stop penalising law-abiding citizens, to stop introducing regulation after regulation and law after law, and to stop adding layer upon layer of bureaucracy. The time has come to address the causes of the problem and not to focus on the method of execution — pardon the pun.

I request that the Minister for Police and Emergency Services defer the implementation of these regulations until proper public consultation is undertaken so a practical, commonsense approach can be achieved in protecting public safety without there being unintended implications for law-abiding citizens, without destroying the fabric of our society and without interfering with people lawfully enjoying their heirlooms and having their children participate in the innocuous sport of Highland dancing!

Emergency services: taxation status

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Police and Emergency Services and relates to the federal government's draft Charities Bill 2003. There has been some publicity surrounding this, which has focused on new tax laws that may potentially muzzle charities and stifle constructive debate, particularly on government policy.

My issue, though, relates to the emergency services, particularly the Country Fire Authority and the State Emergency Service. I request the minister to undertake dialogue with the federal government to ensure that vital tax breaks for the CFA and SES are not cut as a result of the Charities Bill 2003. I note that there are a number of members in the house at present who are currently members of volunteer brigades, including the member for Benambra — and I will shortly be as well. All members of the house, whether members of the CFA or the SES or both, need to be concerned about the implications of this for their members as well as themselves.

I was with the minister at Fiskville on Friday for the CFA passing out parade, where there were a number of ranked individuals, including the head of the SES and the head of the CFA. This was a topic of discussion. The CFA volunteer brigades raised some \$5.4 million from their own endeavours, as well as donations to individual brigades. Currently the CFA is classed as a public benevolent institution, and the Victorian SES is classified as a deductible gift recipient. The concern is that they are not listed in the current federal Charities Bill, and they need to be. We need an ironclad guarantee from the commonwealth that the status of these agencies will not be affected by this bill.

If the house will indulge me, I will quote from an article in the *Herald Sun* of 31 August headed 'Heroes' tax snag'. I quote remarks from Lieutenant Paul Denham of the Country Fire Authority's Boronia brigade:

... the move would severely hamper efforts to raise the \$200 000 needed for a new truck.

As the volunteer members in this house would know, we do not have to explain to communities around Victoria about the lives that these organisations save. The money that is raised is for the brigade-owned equipment such as tankers that they purchase, and I note that the two brigades in my area of Freshwater Creek have purchased these pieces of equipment. The SES may purchase jaws of life, four-wheel-drive vehicles or trailer pumps. I ask again that the minister continue dialogue with the federal government. I also ask the volunteers in this place to support our endeavours.

Disability services: Mount Martha student

Mr COOPER (Mornington) — I have a matter for the attention for the Minister for Education Services. I request that she take action to introduce some flexibility in regard to the provision of school bus services for special needs students who attend special schools. At present there is a designated transport area policy, which is inflexible. It is one that probably suits ordinary schools, but the one-size-fits-all approach of the policy does not necessarily work for special schools.

The instance I draw to the attention of the minister is one that she wrote to me about on 8 July. It relates to a student who lives at Mount Martha and whose parents send her to the Narranga Special School in Frankston. They do so because the advice they received from paediatricians and other experts was that the curriculum at the Narranga Special School would be the most suitable for their daughter. They now have to drive their daughter to and from Narranga, a considerable distance

from Mount Martha, which places an enormous strain upon the family.

The problem is that there is an existing bus service running between Mount Martha and Narranga Special School which has spare capacity. They are not seeking a new bus service. They are not seeking anything other than the ability to utilise the spare capacity on the existing bus service until that bus service ceases to operate — and it will cease to operate when the students who are currently using it cease to have access to Narranga Special School.

So they are not seeking anything special; they are not seeking anything that would add costs to the government. They are simply seeking access to a bus service that already runs between where they live and the school which their daughter is attending and which has demonstrated that it has the right school setting for their daughter.

When the minister wrote to me on 8 July she said, and I quote in part:

I am advised that a suitable program is available for Leah at Peninsula Special Developmental School —

which is the nearest special school for this family. The advice the minister received is not correct advice. What I ask the minister to do is seek further advice from her department, look at this with some flexibility and enable this young girl to go to the school of her choice.

Police: Narre Warren North electorate

Mr DONNELLAN (Narre Warren North) — I rise tonight to ask the Minister for Police and Emergency Services, firstly, to provide assurances to my community that the extra 1400 police expected by the end of the second term of the Bracks government will improve safety for the residents of Narre Warren North and more specifically outline any statistics which may provide comfort to my electors; and secondly, to also comment on the current status of the Endeavour Hills police station, a very popular piece of infrastructure in my local area.

My electorate of Narre Warren North is wholly encompassed within the City of Casey. With the current sense of fear in our community, I believe it is our responsibility to ensure a safe, secure future for our residents. In our first term of government over 800 new police were introduced. Further, we committed to an extra 600 police officers, bringing the tally to 1400. I have concerns regarding the public perception of crime in the City of Casey. Many people complain about youths stealing their cars and robbing their houses.

Further, they complain that far too many youths are in the streets on drugs. I personally refute this assessment and partly believe this erroneous assessment is due to the enormous coverage that local papers give to these stories as opposed to the more positive stories about crime reduction, recent initiatives of the state government dealing with relationship breakdown and the like.

In addition we have an opposition that stripped the police force of members over its term, drove morale within the force to an all-time low and is now out there in the streets playing Chicken Little, saying the sky is falling down and crime is out of control. Some of the more concerning comments I hear locally are that police are being taken off the beat to concentrate on matters such as car theft as opposed to issues such as domestic violence, drug dealing and the like. I believe the local police do a great job, and I do not get the sense that they are ignoring certain matters to simply improve statistics for this government. I note with great joy that the current crime statistics for the whole of Victoria are the lowest in 10 years and dropped 7 per cent overall last year. Clearly the presence of many more police officers is deterring criminal activity.

On a separate issue, the minister would be well aware that the Endeavour Hills police station has long been sought by residents of Endeavour Hills and surrounds. It has been a long campaign, and many people before me have done a lot of good work. The presence of police in the local area will improve greatly the perception and actuality of safety in Endeavour Hills. The former member and the former government offered a milk bar police station open from 9.00 a.m. to 5.00 p.m. and no more. This was not well accepted by the local community. At the last election no police station was promised by the Liberal opposition in this area. It simply did not believe it was necessary. We on this side do believe it is necessary, and I ask the minister to provide me with an update that I can take back to my local electorate.

Warrandyte State Park: rangers

Mr HONEYWOOD (Warrandyte) — I wish to raise an issue for the attention of the Minister for the Environment. It relates to Warrandyte State Park staffing shortages and alleged staffing cutbacks. As many honourable members would be aware, Warrandyte State Park is the closest state park to the Melbourne central business district. As such it has a massively increasing visitation rate from people in the city who go out there on weekend drives and enjoy the picturesque Warrandyte State Park.

Warrandyte State Park is one of a number of reservations where the previous Liberal state government, I am proud to say, increased the size — in this case by adding Mount Lofty and Fourth Hill to that state park. The concern that is being expressed to me by various members of the community is that the park's budget has been cut to the point that it is no longer allowed to employ outside contractors. I might add that when the previous Liberal government added Mount Lofty and Fourth Hill to the state park it also provided an additional \$200 000 a year in recurrent funding to support proper ranger staffing levels for the additional park areas.

We now have two big concerns. One is that rangers are now doing the work that has always been done in the past by contractors — for example, maintenance, repairing of fences, Pindone fox baiting and rabbit baiting — and those rangers are not able to do the work they are employed to do, which is looking after flora and fauna and ensuring that the situation is patrolled appropriately. So there is a shortage of contractors and money for contractors. Rangers should not be doing that type of work. Their trained skills are being wasted, and they are not really being skilled up in the areas of maintenance work.

The second issue is that there is a very strong rumour that the Warrandyte State Park headquarters is to be closed down. That has been a longstanding headquarters in Pound Road. It has a thriving Friends of Warrandyte State Park organisation that has its own indigenous plant nursery there and relies on the rangers' expertise to be able to operate off that headquarters. The rumour is that the headquarters at Pound Road, Warrandyte, will be closed down and that the headquarters will be transferred to Westerfolds Park or Kinglake National Park, many kilometres distant from Warrandyte State Park. We cannot afford to have a so-called Labor government committed to the environment, with all the rhetoric on the one hand, while it is stripping the funding of rangers, making rangers do maintenance work and denying access to contractors to this very important state park, which is the closest to the central business district in Melbourne.

My constituents are outraged that the Labor Party has given up on environmental practices and environmental management and is going to transfer the headquarters of this outstanding state park elsewhere and deny the Friends of Warrandyte State Park their own headquarters, deny my constituents the right to have a local state park that is properly managed, properly maintained and secure from any number of vagrants — —

The ACTING SPEAKER (Mr Savage) — Order!
The honourable member's time has expired.

Emergency services: taxation status

Ms GREEN (Yan Yean) — I seek action from the Minister for Police and Emergency Services. I ask him to communicate with the commonwealth to ensure that the tax breaks to the Country Fire Authority (CFA) and the Victorian State Emergency Service (SES) are not removed or cut as a result of a draft federal bill named the Charities Bill 2003. The draft Charities Bill contains unreasonable and unnecessary restrictions on the advocacy roles of charities, but like the member for South Barwon — —

Mr Honeywood — On a point of order, Acting Speaker, the matter that has been raised is for the attention of the federal jurisdiction. I cannot understand what the member for Yan Yean is asking for, given that it relates totally to federal politics. I do not know what she is asking a state minister to do when it is not in their jurisdiction to deliver the result she is after.

The ACTING SPEAKER (Mr Savage) — Order!
The honourable member was asking for intervention by the Minister for Police and Emergency Services on an issue that is federal. I do not uphold the point of order.

Ms GREEN — The member for Warrandyte might not care about the impact of a federal piece of legislation on his local Country Fire Authority brigades, but I do. On Saturday night I had the privilege of marching in a torchlight parade with my own brigade in Diamond Creek, and I can tell you that, unlike the member for Warrandyte, there were certainly many members of local brigades who are enormously concerned about the impact of this proposed bill.

The CFA is currently classified as a public benevolent institution, giving it significant tax breaks on running costs and donations. The Victorian SES is classified as a deductible gift recipient, also giving it tax breaks on donations. Members of brigades came from as far away as Werribee, Ferntree Gully, Hoppers Crossing and, in my own electorate, Plenty, Yarrambat, Wattle Glen and Whittlesea. They are all aware and all frightened of the potential impact of this bill.

These brigades were also affected by the introduction of the federal government's unfair GST, which removed sales tax exemptions on the purchase of vehicles. Any vehicle that is now purchased by a brigade for use means that the brigade is 10 per cent worse off. Brigades used to make a profit once they had finished with the vehicle, and now they cannot. This

bill, if implemented, would place a further impost and would unfairly affect the ability of these brigades to service the community with volunteers and the enormous number of hours that they do. I urge the minister to take the issue up with the commonwealth government and ask for action. I think coalition members of this place should also be lobbying their federal counterparts and defending their local brigades.

Police: Nathalia station

Mr MAUGHAN (Rodney) — I wish to raise for the attention of the Minister for Police and Emergency Services the need for a new police station at Nathalia. The present facility at Nathalia has been there for quite a number of years, and the demand for police services in that area has grown. There are three police officers stationed at Nathalia, and quite apart from the very important role they play in patrolling the Murray Valley Highway, essentially between McCoy's Bridge and up as far as Cobram, they have important responsibilities with regard to Barmah and the Barmah Forest. They cover an area that goes from Barmah to Cobram to Waaia. It is quite a considerable area. As I say, there are three police officers involved.

The present police station, which I have visited on a number of occasions and as recently as two months ago, is totally inadequate for the three officers there. It is small and cramped, and there is no privacy for the officer in charge. It provides very little if any privacy for suspects being interviewed; there is no area where suspects can be interviewed in private. It has inadequate security for police. It has an external toilet, and if a person who is being questioned or a police officer wants to go out to the toilet they need to come into the totally inadequate kitchen to wash their hands. There is a need for a new facility for that very important policing area from Nathalia through to Cobram and down to McCoy's Bridge. If we are to attract and retain good staff, then they need good facilities. It is very important from a strategic policing point of view.

I have already written to the minister regarding the need for the station, and I invite him to make further inquiries from police command as to the need for the facility at Nathalia. I appeal to the minister to look at this matter with a view to providing capital funding for an upgrade or preferably a new police station to service the Nathalia community.

Police: Boroondara

Mr STENSHOLT (Burwood) — I ask the Minister for Police and Emergency Services to continue to take action to give priority to programs that reduce crime

and enhance community safety in the City of Boroondara, which comprises a substantial part of my electorate. The people of Boroondara take community life and community safety very seriously. The council has a community safety plan and strategy, for which the government provided \$50 000. A local councillor, Keith Walter, chairs that committee and continues to do good work in looking at community safety issues.

The city has a community safety manual, which is available to its residents and groups to help them improve their plans and actions regarding community safety. There is a very good neighbourhood watch network in the city. I noticed that the year before last the Victorian annual meeting of neighbourhood watch was held in Camberwell at the community centre.

The people of Boroondara are very pleased with what the minister has been doing to date, so we thank the minister for that action. We remember the plans the previous government had for the city. It proposed to close all the police stations and replace them with a super station — in other words, it wanted to reduce community policing in the city. The Minister for Police and Emergency Services managed to stave that off and has built a new police station at Kew, one of the many that have been built, which gives the lie to what has been said earlier in this house. Quite a few police stations have been built. This one is an excellent facility. It was built on time and on budget, and I commend the minister for that. The Camberwell police station is in the process of being upgraded, as is the Ashburton police station. The last speaker talked about the police station at Nathalia. I remind honourable members that the Ashburton police station has a few rough edges but an internal staircase is being built to improve that facility.

More police are now on the street, which is very much appreciated. There were 19 at Camberwell and now there are at least 32. Ashburton used to have four police officers and now has nine officers. The community also appreciated the drop in the incidence of crime in Victoria of some 7 per cent. I notice from the web site that the incidence of crime in Boroondara decreased in July from the previous month. I ask the minister to continue to take action to enhance community safety in the city.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The member for Bellarine raised issues about crime in her area and referred to the construction of the Bellarine police station. I have noticed that some members of the Liberal Party have

gone around that area trying to beat up the prospect of crime in the community. People running around trying to create an image of fear and saying that crime is out of control, particularly where it does not exist, is quite harmful to the community concerned: it attacks the heart of the community and says it is an unsafe place to go to, unsafe to shop in and unsafe to live in. It devalues property and means that people do not shop in local businesses.

We had a similar exercise conducted by the Leader of the Opposition when he was in Bendigo recently. He tried to create an image of crime out of control in Bendigo, which struck at the heart of trade and business in the community. The reality is that, as in Bendigo and Bellarine, the reverse is the case — not only have we had a reduction in the incidence of crime across the state in the last 12 months of nearly 6.8 per cent following a fairly significant reduction last year, but there has been a significant reduction in Victoria Police region 2, which incorporates the Bellarine electorate, where the crime rate per 100 000 is down significantly. The incidence of rape is down 16.1 per cent; other sex offences are down 25 per cent; aggravated burglary, otherwise known as home invasions, is down 15.6 per cent; other burglaries are down 20 per cent; theft from motor vehicles is down 14.3 per cent; and theft of motor vehicles is down 25 per cent.

There is an overall reduction in the crime rate of 12.6 per cent on the previous year in the City of Greater Geelong and nearly 8 per cent in the Borough of Queenscliffe. Contrary to the self-serving nonsense peddled by some members of the Liberal Party in the area, the reality is that the crime rates in both those municipalities are coming down — and coming down quite significantly. One of the reasons is the fact that we are engaging extra police, which is being felt in the Geelong and Bellarine areas, and also that we have very recently opened the new Bellarine police station. It has been completed at an estimated cost of \$15 million and replaces the old 16-hour station at Ocean Grove, which was built in the late 1950s.

I know the member for Bellarine has been a very ardent supporter of and lobbyist for this particular facility, and I congratulate her on her strong advocacy for this project. It will accommodate about 47 officers and 2 to 3 unsworn staff across a number of functions, including the uniform branch and a district inspector. Provision has also been included in the building layout to accommodate special task forces that may be required. This is an excellent state-of-the-art facility. Command members of the Victoria Police have been falling over themselves as to who will get the honour of joining us at the official opening of that facility because I think

everyone wants to strap the surf board on top of their police car. It is a fantastic facility, and I congratulate the member for Bellarine for her sponsorship and the very strong interest she has taken in safety in her community.

Similarly, the member for Narre Warren North has raised issues relating to crime in his area. I have already spoken about the crime rate across Victoria, which is the lowest in 10 years and which represents a continuing downward trend since the government started replacing the officers who were taken out of Victoria Police during the period of the previous government. In Narre Warren North, which again is in Victoria Police region 5, the crime rate per 100 000 has dropped quite significantly. Rape is down 14.3 per cent; other sex offences are down 18 per cent; robbery is down 18 per cent; aggravated burglaries are down 13 per cent; other burglaries are down 20 per cent; theft of motor vehicles is down 24.8 per cent; drug offences are down 8.4 per cent; and other crimes are down over 8 per cent.

The City of Casey, which covers the member's electorate, showed the most marked reductions, with aggravated burglary down 35 per cent and burglary down 20 per cent. Theft of motor vehicles and sex offences have also dropped quite significantly. Unlike some of his predecessors in the area, I note that the member for Narre Warren North has been a very ardent advocate of the Endeavour Hills police station, which is a project that arose out of a public meeting I attended as shadow minister in opposition.

This government is now committed to building that facility. We had originally earmarked a site, which was then undermined by the previous member for Berwick, who went to the council and lobbied against it. He set that police station back somewhere in the vicinity of 18 months. We are now in a situation where the planning scheme amendments were gazetted on 21 August, the 14-week exhibition of the amendment has closed, contracts for construction of the slipway have been let, and we expect the construction of the facility to commence quite shortly. The design of the Endeavour Hills police station is for a state-of-the-art facility which embraces ecologically sustainable design initiatives, including the retention and use of stormwater on site and natural ventilation, resulting in a user-friendly building that will minimise recurrent capital expenditure and also promote a healthy working environment for Victoria Police members.

An honourable member interjected.

Mr HAERMEYER — It will actually have a darn sight more staff than you ever had there, because you were not prepared to put a police station there.

The Endeavour Hills community is a growing community. This will be a 24-hour facility. It is one the Liberal Party was not prepared to commit to in that area. It is very good news, and I again congratulate the member for Narre Warren North for the great interest he has taken in community safety and crime reduction and particularly for the support he has shown for policing in the Endeavour Hills area.

The member for Burwood has also raised community safety issues in his electorate and has asked me to comment on programs to enhance community safety in that area. I note that this government actually provided a \$50 000 grant to the City of Boroondara to develop a community safety plan, and it has done that very assiduously. I also want to congratulate the City of Boroondara because the chief executive officer of that organisation, Mr Peter Johnstone, is a member of the ministerial crime prevention advisory council I have established. He has a wealth of ideas in trying to come up with workable crime prevention initiatives.

We have also committed to the construction of a new Boroondara police station, as the member for Burwood correctly noted. The previous government had intended to close all, bar one, of the police stations in the City of Boroondara.

Mr Wells interjected.

Mr HAERMEYER — Good grief! It was going to close all, bar one, of the police stations. This government has also committed to a very significant upgrade of the Camberwell police station. Only in February this year the member for Burwood joined me at Kew North to open a new 24-hour facility there. The previous facility was to be closed in that community. I note that across Boroondara crime rates, as they have in Narre Warren North and in Bellarine, have plummeted.

Mr Wells interjected.

Mr HAERMEYER — The member for Scoresby interjects. This is a member who sat on this side of the house applauding whilst the previous government slashed police numbers and went about the business of closing police stations. This government is constructing 135 new police stations. This is the biggest police station construction program in the history of this state. It is a \$280 million program. I am very proud of the fact that we are building police stations in the face of the 34 that members opposite were prepared to close. This government is about more police, it is about more

police stations, it is about new police stations and it is about lower crime. We are the low crime government and the more police government — and the people opposite are in the less police party.

At the last election, as at the election before, police officers were walking into polling booths with Labor Party how-to-vote cards whilst the crims were walking in with Liberal Party how-to-vote cards. With its record it is no surprise that the Liberal Party is the party of choice for every serving criminal in this state.

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! I think the members for Scoresby and Warrandyte have had a fair run at the interjections. I think it is time to cease.

Mr HAERMEYER — The member for Rodney also recognises that this is a government that builds police stations. He has approached me about capital works for a new police station at Nathalia and has written to me indicating that he believes there is a need for a major upgrade of that facility. The Nathalia police station serves a very large area, from Barmah to Cobram to Waaia, and I will certainly look at the submission made by the member for Rodney.

As I said, this government is committed to 135 police stations, a lot of which are small country police stations like Nathalia. It has developed a strategic facilities plan for every police station in this state, and I will look at the condition report on Nathalia and get back to the member for Rodney. I can certainly assure the member for Rodney that if the member for Scoresby were over here responding to him, he would be telling him that Nathalia was earmarked for closure because not enough police could be put in there.

The members for South Barwon and Yan Yean raised the issue of the commonwealth draft Charities Bill 2003. If it went through in the format proposed by the commonwealth government this bill would remove the charitable status of the Country Fire Authority and the State Emergency Service, resulting in donations to both organisations being taxed. The CFA and SES are great Victorian institutions. They are volunteer-based organisations. Regardless of how much money this government or any government might allocate to those organisations, the volunteers in the SES units and CFA brigades go around raising extra money to try to serve their communities better, to buy those extra, nice-to-have bits of equipment and items for their organisations — their units or their brigades.

What the commonwealth is doing is striking at the heart of the spirit of volunteerism in those emergency service organisations. The SES units and CFA brigades get by on the blood, sweat and tears of the volunteers who make up those organisations. Many of those volunteers put their own safety on the line to protect our community. All they really expect is a warm feeling in their hearts; they do not expect any reward in their pockets. Yet here we have the commonwealth government trying to disadvantage them by affecting the tax deductibility of their tin rattles, their chook raffles and their lamington drives. That is an absolutely heartless, penny-pinching outrage.

I would like to ask some federal coalition members like Fran Bailey, the member for McEwen, Sophie Panopoulos, the member for Indi, or Greg Hunt, down in Flinders, who are always there lining up to be photographed with Country Fire Authority and State Emergency Service volunteers, if they are going to vote for this cruel, heartless, penny-pinching legislation.

Mr Plowman interjected.

Mr HAERMEYER — They are missing in action!

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! The minister shall not respond to interjections, and the members for Benambra, Mornington, Scoresby and Warrandyte will cease interjecting.

Mr HAERMEYER — This matter will again be raised at the Australasian Police Ministers Council in November, and we will continue to put pressure on the commonwealth to amend that cruel legislation.

The police ministers have also asked the commonwealth to look at the prospect of tax deductibility for volunteers. The things which emergency service volunteers, whether from the CFA or the SES, put in out of their own pockets are not tax deductible in the same way as the things which full-time members of the emergency services are able to claim as tax deductions. Given that the state government pours enormous amounts of money into these organisations, it is only appropriate that these volunteers, who give of their time, are able to claim as tax deductions some of the out-of-pocket expenses that they incur as a result of the big commitment they make on behalf of emergency services.

I congratulate the member for South Barwon, who himself is a former firefighter with the CFA. I notice he took part in the Bluey Day head shave recently. It takes a bit of guts to have your head shorn, and I am sure he

will be pretty again one day! I congratulate the member for South Barwon on doing what many of us would shirk. I also congratulate the member for Yan Yean. We all, as members of Parliament, have big calls on our spare time and our weekends, and she has joined the Diamond Creek fire brigade — a commendable act on her part.

Finally, the member for Benalla raised the regulatory impact statement (RIS) on the control of weapons. This RIS comes out of, firstly, a rather savage murder last year near Chapel Street as a result of some people carrying Samurai swords and also a matter that was raised on Neil Mitchell's program on 3AW, where people had reported that weekend markets were selling Samurai swords and crossbows completely unchecked. There is absolutely no reason I can think of why people would be wanting to walk down Chapel Street or city streets with crossbows and Samurai swords or why people would be selling these things at weekend markets.

I acknowledge that there are legitimate uses for these implements, so the government has sought to prohibit them while making exceptions of those uses for which there should be exemptions. We certainly acknowledge that people collect them as family heirlooms, so there are bona fide collectors, and there are certain cultural organisations that use them for various purposes, and they of course would get the appropriate exemptions. But at the same time I cannot accept the argument put by the member for Benalla, who told us, quite contrary to his colleague the member for Scoresby, that the rate of homicides is stable. In this state it has gone down 20 per cent over the last year.

Mr Wells — You did not release a full set of crime stats.

Mr HAERMEYER — You are a desperate man!

The member then went on to say that homicides using other weapons have gone up. That is one of the things we are trying to address with the bill. There is no reason why anybody needs to walk down the street with a samurai sword or a crossbow. Certainly bona fide collectors or people using them for cultural purposes and those sorts of things will be exempted. The reason we have put out this regulatory impact statement is to enable community consultation to ensure that there are no unintended consequences. Members of the National and Liberal parties might find it strange that we put out a statement that asks the community to comment. We have extended the period of the regulatory impact statement for a further month because of the number of submissions that have been received.

I can assure the member for Benalla that there is absolutely no intention to disadvantage people who have bona fide reasons for owning those particular weapons, but we will certainly be out there to take them off the hoons and thugs who want to carry them down Chapel Street and around the streets of the city for no purpose other than to do harm to other human beings.

The ACTING SPEAKER (Mr Savage) — Order!
The Minister for Manufacturing and Export addressing issues raised by the members for Hawthorn, Mornington and Warrandyte.

Mr HOLDING (Minister for Manufacturing and Export) — I will draw the attention of the relevant ministers to the matters raised by those members, and they can respond to them directly.

The ACTING SPEAKER (Mr Savage) — Order!
The house stands adjourned until next day.

House adjourned 10.51 p.m.