

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT**

**FIRST SESSION**

**26 August 2003**

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## Tuesday, 26 August 2003

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

**The SPEAKER** — Order! At the start of this spring sitting the Parliament of Victoria acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

### ASSISTANT CLERK AND CLERK OF COMMITTEES

**The SPEAKER** — Order! Pursuant to the provisions of the Parliamentary Officers Act 1975 I have appointed Mrs Elizabeth Clare Choat, manager, procedure office, to be Assistant Clerk and Clerk of Committees, following the retirement of Mr Geoffrey Herbert Westcott. Welcome.

### COMMONWEALTH PARLIAMENTARY ASSOCIATION

#### Study tours

**The SPEAKER** — Order! As required by the Commonwealth Parliamentary Association study tour guidelines of September 2001, I advise that the following members have completed their study tours and submitted reports since my announcement to the house on 26 February 2003: Mr T. Languiller, MP, part 2; and Mr H. Lim, MP, part 2.

### CONDOLENCES

#### Hon. Michael John

**Mr BRACKS (Premier)** — I move:

That this house expresses its sincere sorrow at the death of the Honourable Michael John, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Bendigo East from 1985 to 1999 and Minister for Community Services and Minister responsible for Aboriginal Affairs from 1992 to 1996.

The house was saddened by the passing on 6 June this year of the Honourable Michael John, a former member for Bendigo East and minister in the Kennett government.

I am sure I speak on behalf of all members who knew Michael in this house and through his work as a member of Parliament and a minister and shadow

minister when I say that he was respected by people from all sides of politics and all members of this house who had the opportunity to work with him. We pay our respects to his family on behalf of the Parliament and acknowledge his contribution.

Michael John was born in Wales on 29 April 1943. He migrated to Australia with his family in 1956 and they settled in the Western District. He attended Hamilton High School, where he was an active student, holding the positions of school prefect and Grange house captain and establishing a reputation as a keen sportsman.

Michael John matriculated with first-class honours in modern history and was awarded a Myer scholarship and a commonwealth scholarship to the University of Melbourne. At Melbourne University he studied politics and graduated with a Bachelor of Arts degree and a Bachelor at Laws degree in 1965. Michael John established himself as a solicitor in general practice in Bendigo in 1965 and was admitted to the bar in 1967. He maintained his legal practice in Bendigo for about two decades.

Michael John enjoyed a long and effective political career in Victoria. Like many young people he had a thirst for ideas and was involved in debates and politics at university. He co-founded the university's debating team in 1964. He became an active member of the Melbourne University Liberal Club and held the presidency of the Bendigo Young Liberals from 1966 to 1967.

Michael John entered the Victorian Parliament as the member for Bendigo East in April 1985. His colleagues recognised his talent almost immediately, and he assumed the position of secretary to the shadow cabinet and served as a member of the Parliament's House Committee. As any member of this house would know, the role of secretary to the cabinet or shadow cabinet is a privileged position, and it is a great credit to Michael John that he assumed that role so soon after entering this chamber.

Between 1985 and 1992 he held a range of shadow portfolios, and in 1991 was appointed shadow Minister for Community Services and shadow Minister for Aboriginal Affairs. Recognising the strength of his contribution in those shadow portfolios, after the successful election of the Kennett government he was reaffirmed as the minister responsible for those two portfolio areas — that is, he became the Minister responsible for Aboriginal Affairs and the Minister for Community Services. Michael John was a local member in touch with the concerns of his electorate

who was able to show great understanding and empathy for the needs of Victorians and who brought these qualities to his two difficult and onerous portfolios.

Though no longer a minister after the 1996 state election, Michael John remained a respected member of Parliament until the 1999 election. He had been an active servant of the community prior to entering Parliament. He was involved in a wide range of activities, from being a member of school committees to fundraising for Apex, Lions and hospitals. He was an active sportsman. In his younger years he took part in many sporting competitions with the Hamilton Amateur Athletics Club, and he was among the top finishers in the 1969 Stawell Gift — no mean achievement in that event. He was a co-founder of the Hamilton Athletics Basketball Club and the Bendigo soccer league, which subsequently awarded him life membership for his valued support and contributions. He was also devoted to both horseracing and horse breeding. Together with his wife he ran a small thoroughbred breeding enterprise near Bendigo for some seven or so years in the late 1970s and 1980s.

Michael John's untimely death at the young age of 60 years has saddened us all. It is very appropriate that we acknowledge his great contribution to his electorate, the Parliament and the broader Victorian community.

On behalf of the government, I extend condolences to Michael John's family: his wife, Belinda; his daughters, Louise, Rebecca and Cath; his sons-in-law, Mark and Martin; and his grandchildren, Henry, Lucy, Nicholas and Jessica.

**Mr DOYLE** (Leader of the Opposition) — I am honoured to second the Premier's condolence motion and to recognise the life of the Honourable Michael John and his lifetime of service to his local community and the state of Victoria. Michael will be remembered as a passionate advocate of Bendigo; a man with a big heart who served the Parliament of Victoria with a great degree of distinction and compassion.

As the Premier has said, Michael was born on 29 April 1943 in Swansea, Wales, and sadly died on 6 June this year. He was the son of Bert John, a Welsh coalminer, and Beryl John, nee Lewis, who was affectionately known to Michael and her family as Punch. His family migrated to Australia in 1956 on an assisted passage scheme and settled in Hamilton. Michael was committed to his family. When his father died in October 1958 aged 53, Michael worked long hours at a local milk bar, on top of his schooling, to help his family get by.

In the classroom he did his family proud. He became school prefect at Hamilton High School as well as being a house captain. On matriculating, as the Premier has said, he was awarded a commonwealth scholarship and a Myer scholarship, which enabled him to study at the University of Melbourne for the degrees of Bachelor of Arts in political science and Bachelor of Laws. Michael enjoyed a debate and began to hone his sharp debating skills at university, where he co-founded the Melbourne University debating team. He was also a member of that university's A debating team.

After graduating Michael joined in the Bendigo law firm of Hyatt and Hyatt, where he later became a partner. He was president of the Bendigo Law Association in 1973 and 1974 and was a member of the Council of the Law Institute of Victoria.

Michael's career took a new turn in 1985 when he had the honour of being elected to the Parliament of Victoria as the member for Bendigo East, a position he held for 14 years. He will be remembered as a member of Parliament who helped others, who worked tirelessly for his community and who performed his ministerial and many shadow ministerial roles with excellence.

After gaining Liberal Party preselection for the seat of Bendigo East in 1984, Michael immediately and specifically identified areas in which he could make a difference. In an interview with the *McIvor Times* on 16 May 1984, he said:

The Shire of McIvor is one of the fastest developing municipalities in the state and, if elected, I will be paying close attention to the Heathcote district.

He did just that, as well as effectively representing all other areas of his electorate.

Michael was a parliamentarian who knew what he wanted to achieve. In his maiden speech he spoke of the need to enhance Bendigo's economic prosperity and to capitalise on its tourism potential. Michael's enthusiasm and passion for Bendigo never wavered.

He also spoke of his vision to seek a state where all children, regardless of their social, economic and racial backgrounds, receive a proper and a sound education. Michael said, 'I see that as providing the social mobility that is so necessary in a just society'. It was a commitment that Michael maintained during his 14-year parliamentary career.

Following responsibility for many shadow portfolios — as the Premier has outlined and I will not repeat — Michael was recognised for his accomplishments by his appointment to cabinet in 1992, where he served as

Minister for Community Services and Minister responsible for Aboriginal Affairs. He presided over these two difficult and sensitive portfolios with understanding and did significant work in areas such as child protection, support for the disabled, preschools, programs for problem gamblers and Aboriginal justice and education.

As minister Michael made a commitment to promoting policies which achieved better outcomes and real progress for Aboriginal people; and I think, Speaker, he would have been delighted with the acknowledgment you made for the first time in this Parliament earlier this afternoon. Indeed, one of Michael John's first actions as Minister responsible for Aboriginal Affairs was to take to cabinet the national commitment for improved outcomes in the delivery of services for Aboriginal people and Torres Strait Islanders — a document which was immediately endorsed by cabinet. In 1996 Michael John was appointed chair of the Federal-State Relations Committee.

However, it was not only in his professional life that Michael achieved excellence. As we all know, he was a very talented athlete. He was a finalist in the 1969 Stawell Gift and successfully competed in a host of other sprint titles. He had a love of the race; as the Premier noted — not just of the footrace but also of the equine variety. He had a major passion for horseracing, and he served on the Bendigo Jockey Club committee and raced horses himself.

Sport was central to Michael's life. He found time to be a central football umpire, and he was instrumental in setting up the Bendigo soccer league. In fact in 1971 Michael and his friend David Wilkinson created the Bendigo soccer league. They basically told the soccer players in Bendigo that they had to have six teams ready for competition on a particular date. The fact that it happened is something of a miracle, and it owes an enormous amount to the hard work and commitment of Michael John. Michael played in that league for South Bendigo, and his team was successful in winning a number of titles.

Michael John also served as president of the Bendigo soccer league and was honoured by that league with life membership. More than 30 years on, soccer in Bendigo is flourishing, and I believe it owes much to the vision of Michael John. As if that were not enough, he was also a co-commentator for Southern Cross Ten, where he called athletics and cycling.

Michael John was respected by all members of Parliament, as the Premier has said, and that was evident on Friday, 13 June this year, when a state

funeral mass was held for Michael at St Paul's Cathedral in Bendigo. Parliamentary colleagues from all sides were there to pay tribute to a man who was a problem solver, who was committed to his community and who advocated a better future for the young and the underprivileged.

I would like to quote from the eulogy given by Michael John's friend Ted Ellinghaus at the state funeral mass. In his tribute Ted said Michael would be:

... remembered by those close to him as a man of significant achievement, profoundly committed to Bendigo, with a deep compassion for the underdog, an irrepressible sense of humour, an unquenchable zest for life and enormous personal warmth, generosity, gentleness and charm.

Sadly, Michael left us early at the age of 60, leaving behind nevertheless a legacy of loyalty and of service. On behalf of the Victorian Liberal Party I want to offer my condolences to the family of Michael John. He is survived by his dear wife, Belinda; their three daughters, Louise, Catherine and Rebecca; sons-in-law Mark and Martin; and loved grandchildren, Lucy, Nicholas, Henry and Jessica. They are all in our thoughts.

**Mr RYAN** (Leader of the National Party) — I join with the Premier and the Leader of the Opposition on the occasion of this condolence motion to honour the memory of Michael John. Michael John was an able and a decent man who in his prime could run very fast. He was born in Wales. He matriculated in Hamilton, studied law and subsequently practised in Bendigo. He was, as has been reported here, a very accomplished athlete with interests in a variety of spheres.

Perhaps the attribute most remembered is his having competed as a finalist in the Stawell Gift in 1969. In 1986 he entered the Parliament as the member for Bendigo East; and although even Michael himself would not have said he brought with him the svelte figure that crossed the line in Stawell in 1969, he did bring with him many other attributes.

Michael served with distinction in the ministry of the Kennett government from 1992 until 1996, when he was the Minister for Community Services and the Minister responsible for Aboriginal Affairs. I remember coming to the Parliament in 1992 when Michael had only recently been appointed as a minister. In those years as a raw, then-young backbencher who was anxious to save the planet — as most new backbenchers are when they come to this place — I often had need to seek his advice and assistance, given the very important roles which he had. He always displayed a very keen mind, and he had an

extraordinarily caring disposition. He had time to talk to people and time for people.

Throughout his time in his ministerial roles Michael certainly made his mark in this place. It is also noteworthy that in 1996, after he left the ministry, he became the chair of the parliamentary Federal-State Relations Committee, which I believe was the first such appointment around Australia. He fulfilled what we now know to be a very important role with absolute distinction.

All of this of course was built upon the foundation that he laid in the course of his maiden speech. When he first spoke in this place he talked about the history of Bendigo and about the difficulties which that city was experiencing in 1985, but he also spoke about the capacity for the future growth of Bendigo and its region. He talked about the importance of reward for personal endeavour. He spoke passionately about Victoria and the future of this great state. He also said:

I enter Parliament with a goal and a vision for a just, prosperous and free society. When I leave I hope I will have contributed to the welfare of our children and our children's children.

As history now records, it was a portent of things to come. Governments of all persuasions are remembered by the way in which they look after the disadvantaged people in their communities. Michael John had the honour of being able to carry that ministry in that very important area — and he did so, as I said, with distinction. On behalf of the Victorian parliamentary National Party I convey to Michael's wife, Belinda, their three daughters, Louise, Rebecca and Cath, and his extended family our sincere condolences.

**Ms ALLAN** (Minister for Education Services) — As we have heard, Michael John was the member for Bendigo East from 1985 through to 1999. I have the honour of following him in representing this seat in state Parliament. We have heard already that Michael was born in Wales and was very proud of his Welsh heritage. His family moved to Hamilton, where Michael was schooled. Michael's father was a labourer, and as we have heard, he passed away when Michael was just 15. As we would expect, this was a formative moment in Michael's life. In reflecting on this it is clear that Michael's success in his adult life — in law and in politics — was because of his hard work and his commitment to obtaining a good education.

We have heard that Michael was a recipient of a Myer scholarship and a commonwealth scholarship. These are testimony to his hard work, his desire to succeed and his intelligence. Michael was very proud to be a

recipient of these awards. As I have said, his commitment to education was no doubt influenced by his own family experiences. We have heard again of his inaugural speech of 17 April 1985, when he told this house:

I seek a state where all children regardless of their social, economic and racial backgrounds, receive a proper and sound education.

It is also worth noting that the election in 1985 saw two classmates from Hamilton High School's class of 1960 elected to state Parliament. One was Michael John and the other was Roger Hallam. Also in his inaugural speech in 1985 Michael said:

I enter Parliament with a goal and a vision for a just, prosperous and free society. When I leave I hope I will have contributed to the welfare of our children and our children's children.

Indeed Michael made a fine contribution to the welfare of children in Victoria — and also directly to the children of the community of Bendigo — through his roles as Minister for Community Services and Minister responsible for Aboriginal Affairs between 1992 and 1996. In the early 1980s Michael established and was the chairman of the initial gifts committee of the St Luke's Family Care Foundation Appeal. This foundation appeal raised hundreds of thousands of dollars that went directly to support children in need in the local community. He also extended his own personal generosity to the welfare of children by donating all the moneys he received for his television commentary on athletics to the St Luke's foundation.

These two examples and what we have heard again today throughout these recollections of Michael and his contribution to politics, the law and the community show that there is a theme — and that theme is that Michael was a decent man. This was repeated on a number of occasions, through the reporting of his passing in the local paper, the *Bendigo Advertiser*, at his eulogy on a number of occasions and from people throughout the Bendigo community.

My personal recollection of Michael was certainly that he was a very decent person whenever our paths crossed in the lead-up to and during the 1999 election. Then I had the opportunity to experience first hand Michael's decency when, only a couple of days after the 1999 election, he rang me personally both to congratulate me but also importantly with an offer of assistance. In that offer of assistance he gave his personal home phone number and also a very thorough run-down on the ins and outs of the electorate office — how bits of machinery in the electorate office worked, which was very useful and also some of the constituents

I could expect to be coming early to my door. This was followed up a couple of months later when he paid a personal visit to my office and again during that visit made the offer of assistance.

During my early days as a member of Parliament my office heard time and again from a number of people who came to my office seeking assistance and were very keen to impress upon us how pleased they were with the representations — indeed, they often made reference to the vigorous representations — Michael had made on their behalf.

The theme of decency also came through from a former colleague of Michael, a former member for Bendigo West, David Kennedy, who served with Michael in representing Bendigo between 1985 and 1992. I can just imagine the sight of David and Michael sharing a cup of tea in the strangers corridor! As David recalls, Michael liked talking to people because he liked people. David also recalls that as a political campaigner Michael's conduct was ethical and commendable. He had a keen sense of decency and propriety in his public political life. He also had a good sense of humour and always liked to tell and hear a joke.

I would like to finish by reflecting on the eulogy that was delivered by John Higgs, a very close friend of Michael's, at Michael's funeral on 13 June. John's eulogy captured the spirit of Michael and, as John eloquently put it, his bountiful qualities. One of the comments I would like to make to the house that John made at the funeral is that Michael's 'dignity, compassion and understanding were the hallmarks of his approach'. John also said, 'He was a man of his word'.

The state funeral held in Bendigo on 13 June reflected the person that Michael was. There was a large contingent of people from his days in Parliament and of course there were his close friends and family. There was also a very large and strong representation from the people of the Bendigo community who wanted to pay their respects to Michael and to thank him for his many years of service to the community of Bendigo.

I would also like to pass on my respects to Michael and my deepest sympathy to Belinda and her daughters, Louise, Cath and Rebecca, and also thank Michael for his fine service to the communities of Bendigo and Bendigo East.

**Mr HONEYWOOD** (Warrandyte) — My favourite story about the late Michael John was one that Michael himself very much enjoyed telling. It involves a central role by the Minister for Transport's good friend, a

former member for Mordialloc in this place, Geoff Leigh. Michael had discovered a small problem in his electorate in Bendigo. That problem was that out of a residential premises was being run an introduction or escort agency. He was not sure quite what to do about it, but he knew that he wanted it closed down.

He came to our shadow Minister for Consumer Affairs at the time, Geoff Leigh — our up-market version of Peter Spyker — and requested Geoff's advice as to what should be done regarding this illegal premises. Geoff Leigh, of course, hopped in the car straightaway and went up to Bendigo. He organised the media on the way up there: he had WIN TV and the *Bendigo Advertiser* in tow, and they arrived at the front door of this illegal premises.

The way Michael told the story, he wanted to knock on the door, but Geoff took matters in hand, knocked the door down and was heard yelling up and down the corridors, 'Come out, you scumbags', with Michael bringing up the rear. The alleged perpetrators of these crimes were last seen heading over the back fence with Geoff Leigh in hot pursuit. A very young Helen Ballard, who worked at the time with WIN TV, was heard saying to Geoff Leigh and Michael John, 'Next time you have something happening, Michael, could you please get Geoff Leigh up here? We figure we can get quite a few stories out of him'. Geoff Leigh was most impressed by the headline in the *Bendigo Advertiser* the next day, which read, 'Elliott Ness and the Untouchables'. Michael's telling of the story was somewhat different: he said he had played a supporting role but was quite pleased that this problem was out of the way.

Michael's style was more consultative, and he did his research thoroughly before pursuing any course of action. I discovered this when I was the Parliamentary Secretary for Multicultural Affairs from 1992 to 1996 during the Liberal Party's term in office. On several occasions Michael called me in to discuss disability issues with him so he could gain a better insight into how they affected multicultural communities. He genuinely wanted to know whether his department's support and assistance was appropriately configured to meet the needs of the various communities he was trying to serve. We had many long discussions about, for example, the difficulties experienced by eastern European men with psychosomatic problems and by women from the Horn of Africa, and the problems faced by other communities also in need. Michael tried very hard to ensure that the support that was available was delivered appropriately to those communities. I know he adopted the same approach in his Aboriginal affairs portfolio.

Previous speakers have mentioned Michael's difficulties at a young age. Imagine for a moment the challenges faced at 13 years of age when you are going through adolescence and your parents say they are hopping on a ship and moving from Wales to Australia. Imagine having just settled into a country town after two years and then your father passes away. Michael's formative years would have been very challenging indeed, but he overcame all obstacles and obviously succeeded in life despite all the difficulties along the way.

I know that Michael worked tirelessly for the people of Bendigo. He earned the right to represent his community, because time and time again he put into the community in many voluntary capacities. He raised money for charities, he was involved in sporting and professional associations, and importantly he was involved in rebuilding the Liberal Party in Bendigo in the early 1980s.

One project that is surely a tribute to Michael's work — and I am sure the honourable members representing Bendigo would agree — is the effort he put into transferring the former Bendigo saleyards from the old, traditional site in the centre of Bendigo to a brand new location. Having persuaded Jeff Kennett to fund this project he said, 'We now have this great big hole in the middle of Bendigo. We need to fill it in with something'. He managed to get Jeff Kennett and me to agree to spend of the order of \$29 million over several stages on construction of an industry training centre which was housed in a brand new campus on the site of the former saleyards. I am sure that one of Michael's biggest regrets was that it fell to the current government to perform the opening ceremony for that state-of-the-art industry training centre for young people in the town which he served for so long.

My final comment about the late Michael John is that he had smiling eyes, a wonderful laugh and a genuine interest in other people's stories. I offer my condolences to his wife, Belinda, and to his three daughters and family.

**Mr CAMERON** (Minister for Agriculture) — I join with other members in remembering the Honourable Michael John who served as the member for Bendigo East from 1985 until 1999. My memories of Michael are very much as a central Victorian in the dealings that I had with him throughout our political lives. Michael was one of those people whom you could not help but like. He was the coalition MP in central Victoria with whom I always got on well.

Michael was one of those people who had an ethical framework about how you conducted political life: there was politics and there was not politics, and it had to be done in accordance with these very basic rules of decency. Very early on after the 1996 election I said something or other. Michael's retort had nothing to do with the topic. His retort in the *Bendigo Advertiser* was that that was it, that he would not introduce me to people when we were at the same functions in the future. That very much symbolised the pattern that Michael set, although Michael was of course incapable of ever following through with such a threat because he was so likeable. He had such an interest in people. He had an interest in talking to people from all walks of life. I suspect that is very much reflective of his background.

Michael was a Welsh immigrant boy who made good, but he never forgot how to have that common touch. You would see him always talking with people, because he took an interest in them. He would do that in this place: he would always talk to people on all sides. This place is unusual. There are people whom you are in combat with, but there are people with whom you can always be on very friendly terms. Michael John was one of those people. You could be apolitically very friendly with him and at the same time you could be a political foe, and the two were not ever in conflict. That is certainly the way Michael conducted himself. I think he is a great role model for conducting our lives in a civilised sort of way.

Being a government local MP in the mid-1990s could be difficult, and there was no exception to that in Bendigo, but Michael was still a champion — the honourable member for Warrandyte has mentioned it — of the TAFE development in Bendigo. That is certainly his great legacy. The site went from being an old saleyards to being a tremendous TAFE facility. That certainly is Michael's lasting legacy and his lasting contribution to central Victoria which we can all see.

I rang Michael a couple of years ago to suggest that he might put himself forward to go onto the board of the TAFE college. During that conversation Michael reflected on how proud he was of those achievements, just as central Victoria is still very proud of him for that TAFE achievement.

Michael always liked a yarn and to tell a joke. Honourable members have already reflected on that. He had a tremendous sense of humour. You could be with him for however long, and he would continue to entertain you. One night he drove me home, and for 2 hours he regaled me with a whole collection of

stories — stories of being an old Bendigo lawyer, stories of — —

**Mr Honeywood** interjected.

**Mr CAMERON** — We did have something in common, being Bendigo lawyers, but he would regale you with his old stories and all the silly and quaint things in life which add up to bring colour to the life we all lead.

Locally in Bendigo Michael made contributions to St Luke's principally, and also in the area of racing, both in athletics and with horses. Michael was a keen member of the Bendigo Jockey Club and served on its committee for many years. That sense of always wanting to contribute and to develop young people never left him.

I join with other honourable members in paying my formal condolences in this house to his wife, Belinda, and to his family, just as I know that I join with central Victorians and Bendigo Labor in remembering the late Michael John.

**Dr NAPHTHINE** (South-West Coast) — I rise to pay tribute to Michael John as a colleague and a very good friend. I wish to pass on my sympathy to Belinda and to his daughters, Louise, Catherine and Rebecca, and their families.

Michael was the member for Bendigo East from 1985 to 1999, and he was the Minister for Community Services and the Minister responsible for Aboriginal Affairs from 1992 to 1996.

As other speakers have said, Michael was born in Wales and migrated to Australia in 1956 at the age of 13. His father came from a labouring and coalmining background and tragically died at a relatively young age while Michael was still at high school. As other speakers have said, that gave Michael throughout his political and legal life a real sense of understanding and compassion for families who faced difficulties.

Michael attended Hamilton High School, which was in my former electorate. He matriculated in 1960 with excellent results. He achieved those results in a circumstance where he was not only studying but also working to make a financial contribution to his family and a contribution to the broader community at the same time. As was mentioned by the Minister for Education Services, the 1960 matriculation class at Hamilton High School had the dual distinction of having not only Michael John as one of its members but also Roger Hallam, both of whom served Victoria very well and as ministers in the Kennett government.

Michael was a school prefect, a house captain and the school athletics champion. Until recently, when Hamilton High School merged with Hamilton Technical High School to form Baimbridge College, Michael John's name was on the honour board for holding many of the sprint records at Hamilton High School.

Following his completion of high school he competed at the highest level in professional athletics. He was a placegetter in the 1969 Stawell Gift and won the 200 metres Jack Donaldson Handicap at Stawell in 1971, which capped off a career of many years of very successful athletics in the sprinting field.

As other speakers have said, he was a passionate soccer player. He was involved not only in playing soccer but also in its administration and was a leader in the development of soccer in Bendigo. He was also involved in basketball and was the founder of the Hamilton Athletics Basketball Club, which is one of the longest serving and proudest basketball clubs in western Victoria.

He was also involved in horseracing through being on the committee of the Bendigo Jockey Club and also as an owner and breeder of racehorses, which says a lot about Michael John, because if you are an owner and breeder of racehorses, you must be an optimist with a great sense of humour!

He was a graduate of Melbourne University in both law and arts and successfully practised law in Bendigo.

I followed Michael as the Minister for Community Services. When I went around Victoria and talked to people within the department and to people in the agencies who were doing community service work, the words came back to me time and again — that Michael was a caring and compassionate minister, a minister who was prepared to listen, a minister who was prepared to take on board what people had to say and a minister who worked extremely hard to try to deliver and improve community services outcomes.

There are three things in particular that Michael will be remembered for during his period as minister. The first is that Michael John introduced mandatory reporting to Victoria and brought the legislation through this Parliament. As parliamentarians, we can reflect and say that the introduction of mandatory reporting was one of the most significant improvements to child protection services in our community.

Michael also had a passion in the area of intellectual disability services. His wife, Belinda, worked at the Peter Harcourt Centre in Bendigo, and Michael had a

knowledge and understanding of intellectual disability services and the impact of having a child with an intellectual disability on the family. Two of the programs that he introduced are the Making a Difference and the Early Choices programs. The key element of both of those programs is that for the first time they were flexible in that they provided services to people with disabilities and their families by involving them in making decisions and giving them choices about how they wanted the services to be delivered. They empowered both the family of and the person with the disability. I think that change in direction and emphasis was very much Michael's passion.

Michael unfortunately died far too young, and he will be very sadly missed. What I will miss most about Michael is not only that he was a caring and compassionate person and a person who made a difference to his community at Bendigo — as was evidenced by his work on the transfer of the saleyards to the new regional sales centre, where they are now breaking records in making Bendigo a regional centre, at the same time reinvigorating the heart of Bendigo with the development of the TAFE facility there. He was also a person who had a great sense of humour and a great love of life, and a person you could very much depend on as a friend and colleague. Again I pass on my condolences to Belinda and his daughters and their families.

**Mr BRUMBY** (Treasurer) — I rise today to support the motion of the Premier and to extend my condolences to the family of the late Michael John. The Premier mentioned in his remarks that Michael John was a person who earned the respect of all sides of politics. He was indeed such a person.

I knew Michael when I was the federal member for Bendigo from 1983 to 1990. Michael was elected to this place in 1985, so we attended many functions when I was the federal member and Michael was the state member. As the Minister for Agriculture remarked, the other state member at the time was David Kennedy, and there were many functions that all three of us attended.

I developed a very strong and very positive relationship with Michael over those years. Michael stayed in state Parliament and became a minister, and when I entered the lower house in the 1990s I saw him again and came to know him in his role as Minister for Community Services.

I attended the state funeral at St Paul's Cathedral in Bendigo in June. Many members of the house here today were present at that funeral. I think it is testimony

to the respect that Michael earned on all sides of politics and in the community that St Paul's was full. For those who know Bendigo, I point out that the hall next door was full as well. So a very large crowd turned out to pay its respects to Michael, to Belinda and to the family.

During the service there were some great eulogies. We heard from John Higgs and Ted Ellinghaus many colourful stories about Michael — some of which I would not attempt to summarise today, including his prowess as a soccer umpire. The short summary of those stories is that it was a relatively short-lived aspect of his role in soccer. He made a couple of unfortunate decisions involving the son of a major client of his law firm, and I think he desisted from soccer umpiring from that point on!

If you talk about Michael, there are many adjectives you could use to describe him. Indeed the *Bendigo Advertiser* described Michael as a man who was 'strong, committed, energetic, involved, loving, generous, knowledgeable, informed, articulate, concerned, passionate, caring, professional and had a gift for telling stories'. I think Michael was all of those things. But to my mind the attributes that really stood out about Michael were that he was a very generous person, a very likeable person and a big and warm-hearted individual. I guess, to use an old-fashioned expression, he was very much a gentleman in every sense of the word.

The Minister for Agriculture indicated before that Michael was the Bendigo politician or the opposition politician that he best got on with during that period, and I can only echo those remarks. Michael was a strong local member. We used to contest elections vigorously and hard, but at functions and other occasions on which we would meet he would be a good political friend.

We can say about Michael, and we have heard it in many of the comments made today, that he was a person who was very community minded and active. We heard earlier about his involvement in and support and fundraising for organisations like the Bendigo Art Gallery, Apex and Lions. One of the reasons he was preselected by the Liberal Party and subsequently won the seat of Bendigo East in 1985 was his wide reach into the community.

He was also a person who loved sport and horseracing, and these things have been mentioned today. He was involved with the Bendigo soccer league and the Bendigo Jockey Club. He was a member, too, of the

Victoria Racing Club and the Mooney Valley Racing Club. He bred horses with Belinda.

The Minister for Agriculture mentioned the Bendigo International Madison and the Bendigo 1000 bike and foot races. For those who know Bendigo these big events are held every year during the Labor Day weekend. If you are a politician there you never go away on the Labor Day weekend. You are always there for the Madison and the Bendigo 1000, and you make sure that you are seen in the crowd, shake a lot of hands and sponsor some of the races.

Michael was there on every occasion. It has been remarked today that he was a commentator, and the fees he received for that role he always donated to charity. It has also been remarked today that in his younger days he was very much an athlete in his own right, being a finalist in the Stawell Gift in 1969.

The other things which have been emphasised today and which I want to emphasise as well include Michael's genuine commitment to those in need. Whether it was the work he did with St Luke's Family Care, the time he was on the board of Mount Alvernia Mercy Hospital or indeed his period as Minister for Community Services, he was an individual genuinely concerned about and committed to those who were in need and underprivileged.

It is worth remarking on the period when Michael was Minister for Community Services, because these were difficult times. The member for South-West Coast in his remarks picked out some of the achievements of Michael's period as minister. In preparing for these remarks today I went back to the report in *Hansard* of November 1993 of a debate on child protection. During that debate Michael John remarked:

The community services budget is to be reduced by 10 per cent over a two-year period: that is the target.

If you think back, you will remember that it was a pretty tough period for ministers in those sorts of portfolios. The Kennett government's budget cabinet of the day made decisions about funding, and ministers had to implement them — but to oversee a portfolio where you are required to deliver a 10 per cent cut over a two-year period is an extraordinarily difficult task. We can say of Michael that he did what was required of him as a minister, but he did it in a way that was as caring as possible in those circumstances.

During the state service many people talked about Michael and his generosity, his big heartedness and his success in life. During the state funeral his daughter Louise read from the poem *What is Success?* by Ralph

Waldo Emerson. It probably highlights many of the things that have been said today about Michael:

What is success?

To laugh often and much;

To win the respect of intelligent people  
and the affection of children;

To earn the appreciation of honest critics  
and endure the betrayal of false friends;

To appreciate beauty, to find the best in others;

To leave the world a bit better, whether by  
a healthy child, a garden patch

or a redeemed social condition;

To know even one life has breathed easier  
because you have lived.

This is to have succeeded.

That sums up Michael very well. He was a generous person, and he was one of those people that you meet and immediately like. I extend my sincere condolences to Belinda and to his children, Louise, Rebecca and Cath.

**Ms ASHER** (Brighton) — I wish to also speak briefly in memory of the late Michael John. His achievements have been outlined by many speakers here today. The achievements in politics were having a range of shadow ministries, his ministry for community services from 1992 to 1996, his sporting achievements and his sterling law career in Bendigo.

I had most to do with Michael John in his capacity as Minister for Community Services and in my then frequent visits to Bendigo. I had the opportunity under Michael's jurisdiction to chair as a backbencher two committees or task forces in his area of community services. The first one was on intellectual disability, which I think ended up with a better outcome for the state, and these things are of course incremental. The second one was in the area of domestic violence.

I want, in part picking up from the comments of the Treasurer earlier, to relay Michael's attitude to his stewardship of the area of domestic violence when he was community services minister. He asked me to chair a task force. He had been set funding cuts, which were appropriate at the time, but as all ministers are aware, when the concept of productivity savings or funding cuts comes up it gives an opportunity to one's department to delineate where cuts could be made in its opinion. This is often in stark contrast to what ministers may actually want to do.

Michael's department came up with an astounding proposal in relation to domestic violence. It came up with the idea that in order to meet some of the funding cuts we could shut every women's refuge in Victoria, or alternatively if we did not want to do that we could run them from 9 to 5. It was a wonderful piece of bureaucratic paperwork which he gave to me and said, 'I need your help here. I need a task force not to do this. Can you please consult, talk, go round the state and come up with the goods for me?'. I did that.

I also said to him, as I became more embroiled in the policy area without any of the sense of pragmatism that ministers have, 'We need more outreach workers as well'. To this he unbelievably said, 'Yes'. In an era of very harsh cutbacks he actually increased funding for probably the state's most vulnerable women. That increased my respect for him enormously, and I think in a small example encapsulates his humanitarian approach to his portfolio.

On a personal note I was particularly grateful to have received opportunities from a minister in my early days on the backbench, as many members of the government backbench now will experience pride in doing work, having their recommendations picked up and seeing advances in the way in which programs are run in the state of Victoria. It is a special minister who offers those opportunities to backbenchers, and I am particularly grateful for the opportunities he gave to me.

Michael was particularly proud of his achievements, in part because of his background from his humble beginnings. He had a strong liberal sense of society providing avenues of opportunity for people from humble beginnings. He was particularly proud, and spoke to me often, about the fact that he was actually educated at a high school. I was flicking through the backgrounds of members of this place on both sides of politics, and the proportion of people here educated in government schools would not be reflective of the proportion of people in society as a whole educated in government schools. He often spoke about his complete pride in having come from a humble background and through the government school system, and about what he was able to achieve using that as a base.

He was particularly proud of Bendigo. He was elected in 1985 as the new member for Bendigo East. In his inaugural speech, which has been referred to by other members, he talked about the pursuit of excellence and free enterprise, as you would expect from a newly elected Liberal member of Parliament. But he also concentrated on what he termed, and the Leader of the Opposition referred to it as well, social mobility. He strongly believed in structures in society, in particular

in the education system, which would allow people this social mobility.

I refer to another member from central Bendigo, a former member for North Western Province in the other place, my husband, Ron Best, who also wishes to send his condolences to Belinda and the family. Members of the Legislative Assembly will well know it is not always easy to get on with one's Legislative Council members — there are often tensions.

I guess there are people, certainly on this side of the house, who will know that there are also often tensions between Liberal Party and National Party representatives in the same constituency. However, I can vouch for — —

**Mr Doyle** — What have you done about that?

**Ms ASHER** — I have done a lot.

I can vouch that there was a harmonious and cooperative approach from Michael John in particular. He was a very decent man; a man who was willing to get the best outcomes. He was a man without a massive ego, which is rare in this place. He was someone who just wanted to achieve outcomes and get the best for his own community. He always worked with the elements of harmony, cooperation and decency.

I would like to pass on our condolences to Belinda and Michael's extended family.

**Mr MAUGHAN (Rodney)** — I join the Premier and other members in paying my tribute to the life and work of Michael John. I do it for a range of reasons, the first of which is that we held adjoining electorates for a number of years, and I worked very closely with Michael. I shared 10 years in the Parliament with Michael John and got to know him very well. Like the member for Brighton I was very honoured that I was chosen by him to chair the community services committee for the whole of the time that he was the community services minister. That was a very interesting and challenging time. As members have already referred to, during that time mandatory reporting was introduced and there were significant amendments to the Children and Young Persons Act and significant changes to intellectual disability services.

I formed a very close association with Michael and his staff. I came to know Belinda and to appreciate Michael for what he had achieved in his life. There were very significant achievements, most of which have been alluded to by earlier contributors — the fact that he came to Australia as a young migrant, the fact that his

father died at an early age and the fact that he then went on to achieve at a very high level at high school. He matriculated with honours and achieved great success on the sporting field, and as the Leader of the National Party and others have already mentioned, he had a notable classmate in the Honourable Roger Hallam. I think Hamilton High School can be proud of the fact that it produced two such distinguished people who became members of the Victorian cabinet at the same time and both of whom made considerable contributions to the state of Victoria.

Michael won a commonwealth scholarship, went on to Melbourne University and graduated in both arts and law. He practised as a solicitor in Bendigo; married a fellow university student, Belinda; and continued with his athletics career for quite a number of years after university, the highlight of course being his Stawell Gift appearance in 1969.

Michael John was very highly regarded as a decent man. I think if we can aspire to anything in life it is to be remembered as a decent person — a person who has tried his best; a person who has made a change to the community in which he has had an opportunity to serve. Michael John certainly did that. He was a decent man. He was a man with a very warm sense of humour who was always good company to be with. We have heard many stories today of Michael's endless fund of stories and the fact that across political boundaries he formed very good friendships. I think those of us who knew him well remember Michael with a great sense of affection.

The Leader of the Liberal Party and the Leader of the National Party both referred to Michael's very laudable objectives, which he outlined in his inaugural speech in this place and in all of which he made very considerable contributions. I suggest that he achieved many of those objectives that he set out to achieve and left the state of Victoria a much better place for his having been here.

The state funeral held in Bendigo on 13 June was, I believe, a fitting tribute from the broader community to the life and work of a truly outstanding individual. I am pleased to be able to contribute to this motion of tribute to Michael John and to extend my condolences to his wife, Belinda, and to their daughters, Louise, Catherine and Rebecca, and their respective families.

**Ms KOSKY** (Minister for Education and Training) — I join with the Premier and other members of this house in expressing sincere sorrow at the death of the Honourable Michael John on 6 June 2003. I do not wish to go through the record of Michael John's

great contribution in this place, but to add my own personal experiences with Michael.

I got to know Michael when I was working as an adviser for Kay Setches — she was the Minister for Community Services at that time. We had difficult issues around child protection, which certainly continued when the Kennett government came to power, and Michael then had to deal with some of those issues. One of the issues was mandatory reporting. I remember we had some discussions with Michael, and he indicated that he very much wanted to cooperate with the then government; but after speaking with a few of his colleagues and, I think, getting directions, he then commented that maybe he could not cooperate as much at that time. But that was an indication that he was very much committed to improving the child protection system. We certainly know, and have heard today in this house, about what he then went on to do around the child protection issue — he made it a much better system.

I got to know Michael very well when I came into this house in 1996, because I was a member of the parliamentary committee on federal-state relations, of which Michael was the chair. I place on record that he was a fantastic chair of a great committee. He was incredibly thoughtful, very insightful, extremely hardworking and very generous not only in terms of his time but also about the views expressed around the table. He had the capacity to bring those different views together so that we could all agree, which is very difficult to achieve in parliamentary committees.

Michael John was one of the best chairs at managing to get a parliamentary committee working incredibly well. We produced a lot of reports, but — more importantly — we learnt an enormous amount when we were on that committee together. That committee included the member for Murray Valley; the previous Speaker, Mr Andrianopoulos; Leonie Burke, who was in this house, and other members. The committee worked very well together and very hard under Michael John's leadership. We enjoyed some interstate and overseas trips — and we know that what happens overseas stays overseas! We travelled overseas with Michael and with his wife, Belinda, as well, so I was able to get to know them not only on a professional but also a personal level.

I suppose I would refer to Michael's sense of humour as a wicked sense of humour, which we enjoyed on many occasions. I still remember the member for Murray Valley one evening entertaining, I think, the whole restaurant with his singing, and Michael with his jokes.

It was a great committee that worked well together, had fun together, but also learnt a lot. The reports that it produced stand in very good stead now, as they did when they were produced, showing how the commonwealth and the states can work together in a much more harmonious way in our federal system.

The commitment Michael made towards the Bendigo saleyards — to getting a new saleyard site in Bendigo and ensuring that the old saleyard site was put to good use through the TAFE institute — has been mentioned. His quality of commitment to the Bendigo community and his hardworking nature — the very intelligence of the man — were the qualities that convinced me to appoint Michael to the Bendigo Regional Institute of TAFE when a vacancy arose in 2002. In the time that he served as a member on the BRIT council he put his legal and community knowledge to great use. The board has indicated to me that it really valued his appointment. In the short time he was on the board he made a great contribution through offering the TAFE institute council invaluable advice and filling a gap in its knowledge base.

I want to tell a very brief story. Michael developed good relationships with everyone — not only members in this house but with his staff and with people who came into his electorate office. He was a very genuine, friendly, warm person. We were talking about cappuccino machines at one stage, and he said, 'I've got one for sale'. I was keen to have one in my electorate office for my staff, who used to spend a lot of time going down to the local milk bar. He said to me that he had a machine because he had an Italian electorate officer who would only come to work for him if he had a cappuccino machine — which he went out and bought. I am not sure if it worked for the time that she was in the office, but I have had great difficulty with it ever since. But I know it was a demonstration of Michael's generosity and commitment to the staff in his electorate office, which he also had with the staff in his ministerial office. On the parliamentary committee he got on very well with the committee staff and the members.

He will be greatly missed. I do consider Michael to be a political friend. I very much enjoyed the time that I worked with him and his friendship as well as his wisdom. I wish to extend my sincere sympathies to his wife, Belinda, and their three children and grandchildren.

**Mr COOPER** (Mornington) — There is always a special bond between people who are elected on the same day. I am sure people who were elected at the last election for the first time have that bond. That bond

existed between Michael John and me, because we were both elected to this place in 1985.

The contributions that have been made so far today certainly reflect the Michael John I knew and the Michael John I think we all knew — a good bloke and a decent, honourable, amusing individual. He was great company, and the times my wife and I spent in the company of Michael and Belinda at the races — we particularly saw a lot of each other in our first seven or eight years in this place — were always great fun and Michael was great company.

There were always those amusing stories that people have referred to. I have a myriad of Michael John stories, some of which definitely cannot be told — one in particular which cannot be told in this place, and perhaps nowhere! But it happened in this building, and it was one of the funniest incidents I have ever seen.

*Honourable members interjecting.*

**Mr COOPER** — I am really building you all up on this! Perhaps if you would like to talk to me privately some time I will regale you with that story.

Michael's range of interests has been mentioned, particularly his interests outside of politics. In the sporting area there is the fact that he started up the Bendigo soccer league and played soccer and also was involved in horseracing. He was a very keen punter — not a good tipper, I must say; Michael very rarely gave me a winner, but he was a very enthusiastic punter — and he was also a breeder. He and his wife certainly put a lot of their hearts and souls into something that they really enjoyed.

The part of Michael's sporting life that interested me more than anything else was the fact that a Welshman could end up as an Australian Rules football umpire. I found that quite strange, although when you see some of the Australian Rules football umpiring decisions these days you think the umpires probably are Irish or Welsh or something, but certainly not Australians. Michael's career as an Australian Rules football umpire came to a spectacular conclusion. I could never tell the story as Michael did, but it was both alarming and amusing at the same time. It revolved around a match in Kerang where he had to report a local player of some note, a dearly loved player, somebody who had the whole of Kerang on his side. Michael one Saturday afternoon had to report this guy, and then on a very cold night a few evenings later had to return to Kerang to give evidence to the tribunal.

The tribunal met in the pub. When Michael went into the pub he saw the player and all the player's mates —

in fact probably the whole town, as Michael recalled it — sitting in the bar having a drink waiting for the tribunal to start. Michael walked into this atmosphere and gave his evidence, and then when he went back to his car it was about 10 o'clock at night. Kerang was of course lively, on a winter's night, midweek — there was nobody around except a couple of guys standing there looking at his car. He jumped in and drove away, and as he recounts the story he drove back to Bendigo with his foot through the firewall with a pair of headlights in his rear-vision mirror chasing him out of town. He really did fear for his life. But as he told it, you could not help but laugh. No matter how many times you heard the story you could not help but laugh, because the way Michael would recount anything like that was both entertaining and amusing, even though it was alarming.

A number of honourable member's have mentioned Michael's maiden speech. I commend it to those who have not read it, because it is a speech of quality. He said a number of excellent things in the speech, and I want to quote one small paragraph:

I seek a state where our children are encouraged to work and to be rewarded for their efforts; where they are encouraged to pursue excellence in all things; where they will grow up appreciating the value of individual initiative and where they will acclaim the value of the free enterprise system as the best means to create wealth in the state to pay for educational and welfare needs.

Michael went on to argue for the strengthening of the ethic of our pioneers, which he described as 'Leave it to me, I will do it', rather than the modern cry of 'Leave it to the government' — or 'Where is the government?', as some of us might put it.

He said in his speech that when he left this place as a member:

I hope I will have contributed to the welfare of our children and our children's children.

Michael has left this place and left this world, but he has certainly done all of that and a whole lot more. Michael was a friend of mine, and I send my sincere condolences to Belinda, Louise, Catherine and Rebecca.

**Mr HULLS** (Attorney-General) — I want to speak briefly about Michael John. I think honourable members have encapsulated the spirit of Michael John: he was a very decent and compassionate human being. He was certainly regarded by members on both sides of this place as a compassionate minister in government, and his record of service to the community of Bendigo, as we have heard, was very impressive.

He was, like me, a lawyer, and he practised for many years in Bendigo, but unlike me he was a lot quicker on his feet. That is certainly evidenced by the fact that he was the winner of many professional sprint titles and, as we have heard, a finalist in the 1969 Stawell Gift.

We know he was a lover of sport and a co-founder and life member of the Bendigo Soccer Club, as well as maintaining a lifelong interest in athletics. He was a freelance commentator for ABC TV and TV 8, as it then was, in Bendigo on the Bendigo 5000.

I remember Michael best, I guess, for his passion for a sport that is also close to my heart and that of the Leader of the Opposition — horseracing. When I had the racing portfolio I bumped into Michael on many occasions at tracks right around Victoria, particularly at Bendigo. Michael was a member of the Bendigo Jockey Club, the Victoria Amateur Turf Club and the Moonee Valley Racing Club. On many occasions I would see him in his capacity as a committee person of the Bendigo Jockey Club. Regardless of our differences in politics he was always extremely hospitable and very keen not just to tell me the tips he had for the races that day but to introduce me to all and sundry around the place. I was a relatively new racing minister at that stage, and he took the time to take me around the track to introduce me to many of his colleagues. I certainly appreciated that.

He was also someone, when he was in this place, who was happy to speak his mind, whether as a minister or indeed as a backbencher. I recall an article that appeared in the *Australian* in December 1997 after the Mitcham by-election where, in no uncertain terms, he was happy to give advice to the government of the day. The then government had taken a bit of a drubbing in the Mitcham by-election, and Michael John was quoted as follows:

'We do need to communicate better in the community. We need to listen more and explain more (of the government's achievements)', Mr John, now a backbencher, told his local newspaper on Sunday.

Obviously it was such a drubbing that party strategists started to get a bit nervous because the article goes on to say:

Liberal Party officials and government strategists are now desperate to avoid another potentially disastrous by-election and are expected to pressure state MP Victor Perton to abandon a possible move to federal politics.

I am sure that was supported by everyone in this place.

Michael John was more than happy to speak his mind. He was a very decent human being and a great bloke.

That is evidenced by what everyone has said today. He was very strongly supported throughout his career by his wife, Belinda, his kids, Louise, Rebecca and Cath, and other members of his extended family. They can be proud of Michael's record of service to the Parliament, to the people of Bendigo and to the people of Victoria.

**Mr BAILLIEU** (Hawthorn) — As everyone has said, Michael John was a very likeable man. He was a great member of Parliament. The people of Bendigo liked Michael, his colleagues liked him, the Liberal Party liked him and I liked him. I got on very well with him. As someone who served as vice-president and president of the party for nine of the years Michael was in this place I enjoyed a positive and warm relationship with him.

Michael's passing is cause for me to reflect that this is the third occasion on which I have risen to speak on a condolence motion for a minister of the Kennett government — Vin Heffernan, Ann Henderson and Michael John. The Treasurer noted earlier the tough times endured in that period, particularly when Michael was a minister. Michael handled it well, but no-one should underestimate the impact of the pressure and the hard work in this place. Everyone here needs to keep that in mind. I feel for the families of those members; I think this is another sad moment to reflect on.

As I said, Michael was a terrific bloke and a very likeable man who had a great affection for the Bendigo region. I will not repeat many of the things said by others, but I think Michael's political legacy is a very strong one, as is his personal legacy. I have discussed his achievements with those who served on his staff, particularly in the community services portfolio, and they reflect well on his achievements in community services. As the member for South-West Coast said, Michael's achievements in mandatory reporting are a very positive legacy for this state. His staff reflect well on the balanced approach he brought to deinstitutionalisation, particularly in ensuring that appropriate facilities were built in lieu of the institutions from which those people came.

Michael took a very balanced approach to juvenile justice and was very keen to see capital upgrades in the youth services field. I understand Michael was the first minister in his portfolio to establish a regular visiting program at the Melbourne Juvenile Justice Centre. I gather that that is a tradition which has been encouraged ever since.

I am proud to say I worked with Michael, albeit in a voluntary capacity, and all those who worked with him were very conscious of his extraordinary commitment

to the disadvantaged in this state. That was reflected in the tributes paid to him by the community groups he worked with. He was held in very high regard by those groups, particularly child protection, juvenile justice and, as we have heard, disability groups. Michael gave his all to leverage his enthusiasm to achieve additional resources for those areas and he was successful in that even though they were hard times financially. Michael was constantly pushing for new and innovative measures he could introduce into his portfolio area, in particular best practice, evidence-based programs for youths in detention. He also established very effective relationships with the commonwealth government and used them well.

From a personal perspective, Michael was a great friend of the Liberal Party. He was regarded very fondly among Liberal Party members. He was an integral part of the Liberal Party team in Bendigo for so many years. He will be greatly missed. I pass on my condolences and those of the Liberal Party in general to his family and his friends.

**Mrs SHARDEY** (Caulfield) — I join this condolence motion for Michael John, who served as the member for Bendigo East in this house from 1985 to 1999. I certainly convey my sincere sympathy to his wife, Belinda, and his three daughters.

Michael's untimely death at the age of 60 years brings great sadness to many and reminds us that life can be all too short and we should enjoy it, although Michael did seem to enjoy very much his service in this place and his service to the community.

He was a successful Minister for Community Services and Minister responsible for Aboriginal Affairs between 1992 and 1996, and prior to those times had been a shadow minister in a number of portfolio areas. I believe to be a successful Minister for Community Services and Minister responsible for Aboriginal Affairs you need to be a person with a great heart and a great soul. He was certainly both of those. You also need to be extremely sensitive to the needs of others. Michael was just that. Although a number of members have already quoted from his maiden speech, it encapsulates Michael's feelings and what he sought to achieve as a member of Parliament and did achieve as a minister. He said in his maiden speech:

I enter Parliament with a goal and a vision for a just, prosperous and free society. When I leave I hope I will have contributed to the welfare of our children and our children's children. I do not want change for the sake of change. I want change only where I know it will be for the better. I want our children to prize the rights of the individual over the rights of the state. My commitment is to traditional conservative values blended with new hope and new vision for Victoria.

I believe he achieved a great deal of that.

I shall focus on a few of the specific achievements in his portfolio responsibilities, because I think they have formed the basis for many of the successful programs that are being continued today. It was Michael who launched the carer strategy in early 1996 which brought about great focus for those in our community who care for others. That was something he was particularly proud of. In the community services portfolio he was responsible for bringing together and focusing on families' and children's programs in the newly formed primary care division. He was responsible for Positive Parenting programs, Healthy Futures programs, the extensive support for families in crisis and the introduction of the Families First program.

Many members have mentioned mandatory reporting, which for the first time meant that a lot of children who had been abused in our society came to the notice of those who could do something to help them. In the portfolio of Aboriginal affairs Michael likewise achieved a great deal.

Personally, Michael welcomed me as a new member in 1996 and had a lot to offer in terms of advice, which I surely needed and probably still do today. In any event, he had a wonderful sense of humour and a wild twinkle in the eye, and we all appreciated his stories and jokes. Michael will be fondly remembered by us all, by the Bendigo community and by Victorians, to whom he contributed much.

**Mr THOMPSON** (Sandringham) — While Michael John did not perhaps bring into this chamber the svelte figure that carried him over the line successfully in many professional footraces, he did bring into this Parliament his sense of fairness, his sense of justice and his innate decency. From my perspective the epitaph for Michael that I will contribute appears on the exterior wall of the Robinvale Aboriginal Cooperative, where on 1 December 1995 Michael opened the new health services being delivered through that centre.

For those members of the chamber who have not had the privilege of visiting that Aboriginal cooperative, it is of outstanding design that is a product of other departmental work at another point in time.

Michael was a man of special stories ranging between the skydiving school in Bridgewater, where I met him in the early days, through to Ottawa, where he was leading a parliamentary delegation, and to Spring Street. Some of the stories were generated by the pictures on his wall, which may have been of a

footrace, or an Aboriginal artefact on his desk that gave rise to the discussion of the occasion upon which something which was of great meaning had been presented to him.

In addition, upon a little bit of probing other stories then followed of his early years in Wales, his early days of hardship in Hamilton, of his very deep love of his mother and his regard for her and the way that she had brought him up in his teenage years following the early death of his father. He was also very proud of his achievements as a student at Melbourne University, having made his own way there on scholarship and having graduated in two courses; and the way his life compass was then set towards the Liberal Party, based upon his understanding of the political process and what would build in his view a just, prosperous and fair society.

His contributions in the sporting arena outside athletics in the fields of soccer, soccer administration and also a brief tenure as a football umpire are the source of other stories in the chamber today.

In telling stories, there are some that will live on in this chamber. Some were carried into the parliamentary chamber from the parliamentary dining room, where Michael's vivacity, sense of humour and sense of moment often held sway. He was a very gregarious person. Michael's enthusiasm for life and his innate interest in people was balanced and also counterbalanced by his outstanding wife, Belinda, herself deeply committed to the welfare of others through her professional role in disability services. Often as Michael was engaged in conversations in public meetings and gatherings it was Belinda who perhaps had a sense of political timing and moment to move him through an audience to enable them both to successfully conclude their responsibilities on a particular occasion.

Also part of Michael's political career covered the educational span of his children, Louise, Catherine and Rebecca. Their contribution in support of him, together with that of his wife, is not to be underestimated in a political career.

In my closing words I choose to draw from Ted Ellinghaus's eulogy given on the day, followed by another quote:

Michael will be remembered by those close to him as a man of significant achievement, profoundly committed to Bendigo, with a deep compassion for the underdog, an irrepressible sense of humour, an unquenchable zest for life and enormous personal warmth, generosity ...

In Michael's concluding words in his maiden speech he made the comment:

A politician thinks of the next election. A statesman thinks of the next generation.

Michael's contribution to indigenous issues bears testimony to his regard for the next generation.

**Mr SAVAGE** (Mildura) — I have only been in this place a very short period of time, but when I was first elected Michael John showed me some friendship and consideration which I have never forgotten. I formed the opinion then that he was a very decent and likeable person, and I have not changed my mind.

Obviously other members of this place have formed the same opinion. I know that both of the members representing Bendigo have always spoken highly of Michael John, and I think that is a good reflection. We have learnt much about Michael — I know I certainly have today. There were many things I was not aware of in his past and in his character, but I think he fits many of the categories in the definition of success, and my sympathies go to his wife, Belinda, and his children.

**Mr PERTON** (Doncaster) — I had selected the same poem that the Treasurer had selected, and as we listened to the poem being read a number of my colleagues and I agreed that it really summed up Michael's life. These things are often about memories and remembering these things fondly. I hope I can dedicate myself, and I suspect that the Minister for Education and Training and the Minister for Education Services would also dedicate themselves to that thing that Michael sought in his maiden speech:

I seek a state where all children, regardless of their social, economic and racial backgrounds receive a proper and a sound education.

If we can do that as parliamentarians during the course of our parliamentary career we will have done a great thing and built a great memorial to Michael John.

**The SPEAKER** — In concluding this debate and reflecting on Michael it brings to mind an expression my father used to use about people of whom he had a high opinion. He used to describe them as 'one of nature's gentlemen', and I think those of us who had the pleasure of being in Parliament with Michael would see that as an apt description for him.

The comments made about Michael, not only today but at his funeral, bear great testament to the fact that he had a great deal of love for Bendigo and for the whole state of Victoria. Not only in his life as a member of Parliament but outside that life he worked very well to

try and improve the lot of people in his own community and more broadly. It is a sadness to all of us who knew him that he died so young. On behalf of all members of the Parliament I express our deep sympathy to his wife, Belinda, his family, his children and his grandchildren.

**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 Honourable Michael John, the house do now adjourn until 8.00 p.m. this day.

**Motion agreed to.**

**House adjourned 3.36 p.m.**

**The SPEAKER took the chair at 8.04 p.m.**

## QUESTIONS WITHOUT NOTICE

### Police: files

**Mr DOYLE** (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services, and I ask — —

*Honourable members interjecting.*

**The SPEAKER** — Order! There is no need for that silly behaviour while a question is being asked. I ask honourable members to hear it in silence.

**Mr DOYLE** — My question is to the Minister for Police and Emergency Services. How many conversations has the minister had with the Chief Commissioner of Police regarding the police files scandal, and can he explain how any such specific discussions are appropriate given that the matter is an ongoing operational police investigation?

**Mr HAERMAYER** (Minister for Police and Emergency Services) — Conversations held between the chief commissioner and me are absolutely confidential. However — —

*Honourable members interjecting.*

**The SPEAKER** — Order! In the same way that I asked government members to be quiet while the Leader of the Opposition asked his question, I ask members of the opposition to be quiet while the minister answers the question.

**Mr HAERMEYER** — It is the downside to having question time after the dinner break!

I can assure the house that I have never directed the chief commissioner or any police member on any operational matter. I do understand the separation of powers, unlike the Leader of the Opposition, who just a few weeks ago suggested that the police ought to go out and breach the Equal Opportunity Act!

### **Bushfires: Emergency Services Commissioner's report**

**Mr HARDMAN** (Seymour) — I ask the Premier to outline the details of today's release of the Emergency Services Commissioner's interim report into the summer's bushfires.

**Mr BRACKS** (Premier) — I thank the member for Seymour for his question. Everyone in this house is aware that the bushfires we had over the 2002–03 season were certainly the worst in the last 20 years and probably as bad in scale and scope as those we had in 1939.

I announced at the end of the fire season that we would have an independent inquiry into the conduct of the fighting of the fires, the preparation for the fire season and also the recovery effort post the fires. I am very pleased to say that today the Emergency Services Commissioner, who was charged with the responsibility of undertaking that review under the act to which he works, has now issued to me as Premier and to the government an interim report in order to give the government advice before we come to his final report in October — that is, to give advice early so we can implement certain things in preparation for what we expect will also be a difficult fire season coming up in the 2003–04 period.

I can indicate to the house that the Emergency Services Commissioner and his panel that undertook the inquiry received 270 submissions from 400 people and organisations. They toured around all of Victoria and met with some of the key agencies as well. His overall finding — it is not surprising, and I think all members of this house would appreciate and understand, what a great effort it was that the Country Fire Authority (CFA) and the Department of Sustainability and Environment put into fighting the fires in Victoria — was that, given the scale and size of the fires, it was remarkable that so much property was saved and so many lives were saved as a result. We only have to look at what is happening overseas with the fires across Europe, the United States of America and Canada to see how extensive they are and how well off we are, given the efforts in fighting fires here in Victoria.

As with all emergencies and all major events, including fighting fires, we can learn to do it better. I believe we are at world best practice, but that does not mean we cannot improve further — and that is exactly what we asked the Emergency Services Commissioner to report to us on. In his interim report he has made some recommendations to develop better and quicker processes for approvals for fuel-reduction burns on Crown land and private property. We have accepted those recommendations, and as a result of that we will be committing some more resources — that is, more staff. Those people who are hired to fight fires will be hired at an earlier time in order to do some of that fuel-reduction work before the season is on as well.

The commissioner has also indicated that we can have an improved system for a statewide notification of fuel reduction burns. He points out that fuel reduction burns can have an impact on the amenity of an area across the community. Regrettably, as members know on occasion fires can go across control lines if they are not contained properly. Therefore better and more accurate information statewide is one of the recommendations we support and will adopt.

The commissioner also indicated that we could enhance further the local knowledge and intelligence we currently have about fire patterns and behaviour in fighting fires. We accept that recommendation, and the Country Fire Authority will now set about improving the standard of information available to those involved in the firefighting effort through local intelligence.

The commissioner also indicated that a so-called one-stop shop should be put in place for the recovery effort — that is, one phone number or one point of contact, thereby avoiding the need to go to each of the Department of Human Services, the Department of Sustainability and Environment, the Department of Primary Industries and other recovery teams that currently operate. Again the government accepts that recommendation. That system was in fact in place towards the end of the recovery process, but we will make sure it is in place at an earlier time for the forthcoming fire season.

He has also made recommendations seeking further examination of the fencing guidelines. This situation has probably been investigated by all governments over a long period of time, and it is an important matter. Our government will be undertaking a further examination of these fencing guidelines. The Minister for Environment and the Minister for Agriculture will be looking at those guidelines together, because it is true to say that a myriad of programs and schemes have been

implemented in the past. This government wants to examine the situation further.

I point out also that our government has been more accommodating in funding and supporting fencing arrangements than any other government in Australia's history. Nevertheless I accept the recommendation of the Emergency Services Commissioner because I have looked at the evidence. We will examine the situation further and look at achieving more consistency whilst encouraging people to take responsibility for the insurance of fences, which a large number of farmers already undertake. However, we need to look at some of those other issues as well.

We will also examine further the guidelines for restoration of works which are undertaken on control lines on private land. There is a timely issue involved in that restoration, and we want to make sure there are clear and explicit guidelines in that area.

We accept the recommendations in this interim report and we are acting on them now. It was delivered in order that we can ensure better preparation for future fire seasons. A final report will be issued to the government by the Emergency Services Commissioner in October. I congratulate the Emergency Services Commissioner and his team on the excellent work they have done in undertaking extensive consultations around the state and we look forward — —

**Mr Ryan** — On a point of order, Speaker, on the question of relevance, the commissioner has also sought urgent responses from government departments. Will the Premier ensure that he gets those responses?

**The SPEAKER** — Order! There is no point of order. The Premier will continue.

**Mr BRACKS** — The final report from the Emergency Services Commissioner will be delivered to our government in October. We welcome the interim report and we are acting on it. Everyone in this house would appreciate that whilst we had one of the most difficult fire seasons for at least 20 years, there is no guarantee that we will not again have a severe fire season in the coming year.

### Police: files

**Mr RYAN** (Leader of the National Party) — My question is directed to the Minister for Police and Emergency Services. Will the minister advise the house if he has at any time during his ministry sought or received information from police files regarding any past or present member of the Victorian parliamentary National Party or any candidate standing for election to

the Victorian Parliament on behalf of the National Party?

**Mr Doyle** interjected.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — Desperate Doyley!

I certainly do not believe that I have at any stage — —

**Mr Doyle** — You don't believe?

**Mr HAERMEYER** — Do you want an answer or not?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members, including the member for Brighton and the Leader of the Opposition, to be silent while the minister answers.

**Mr HAERMEYER** — I certainly do not believe I have at any stage sought access to police information about any National Party candidate or any member of Parliament in the way questioned by the honourable member. As I have said, the only access to the law enforcement assistance program that I am aware of was in relation to the matter of Matthew Guy, where the Ombudsman has already said that my access or the access to information I had in that instance was to publicly available information — it was information in the public domain — and that it was not inappropriate for me to receive that information.

### Rural and regional Victoria: growth

**Mr HELPER** (Ripon) — My question is to the Minister for State and Regional Development. Will the minister inform the house of the Bracks government's recent efforts in bringing the needs of rural and regional Victoria to the attention of the commonwealth?

**The SPEAKER** — Order! That is a very broad question, so I ask the minister to keep in mind the time limits on answering questions.

**Mr BRUMBY** (Minister for State and Regional Development) — I will keep it very brief. I will be done by 21 minutes past — past 9, that is! No; I will keep it brief.

I thank the honourable member for Ripon for his question. We all remember back four or five years ago the performance in country Victoria: country Victoria was on its knees under the former Kennett government and had high unemployment. Essentially that has turned around under the Bracks government. I am delighted to say — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The opposition benches!

**Mr BRUMBY** — They are very defensive about their record in government. I would be very defensive too, if I were them, about their record in government.

If you look at the present, the unemployment rate in country Victoria in June this year was 4.9 per cent, there have been 55 000 additional jobs created during the period of the Bracks government and regional building approvals are up to an all-time high of \$3 billion. I guess what is most pleasing is that people are moving back to country Victoria. We have had population growth of 1.25 per cent. The point is that the Bracks government is always looking for more opportunities to drive growth, drive confidence and grow population in country Victoria.

It is in that context that I wrote recently to the federal Treasurer, Peter Costello, in relation to the Productivity Commission inquiry into first home ownership, because I believe, along with treasurers in other states as well, that this is a great opportunity to grow population investment and opportunity right across regional Australia. If you look at the issue of housing affordability, just last year — these are 2002 figures, and of course prices have increased since then — the median house price in Melbourne was \$258 000 and in country Victoria it was \$144 000. The fact is that there is significant housing availability, and of course affordability is much, much stronger in country Victoria.

So last week I wrote to the federal Treasurer and asked him to extend the terms of reference for his Productivity Commission inquiry to include a clause which focused on attracting population to regional areas and the extent to which this would improve housing affordability and address demand and supply imbalances. I am delighted to say that while I have not yet heard back from the federal Treasurer I have heard huge support for this initiative from country Victoria.

Today I am delighted to say that the regional cities group released a statement headed 'Regional Cities Victoria highlights their housing affordability to the federal Treasurer'. The press release says:

Ten of Victoria's major regional councils have joined the call to have regional development considered in the terms of reference for the Productivity Commission inquiry into first home ownership.

...

'The Productivity Commission inquiry into first home ownership offers the perfect opportunity to fully explore

measures which could encourage population growth in rural and regional areas', says Regional Cities Victoria chairman and mayor of Wodonga, Cr Lisa Mahood.

The 10 member councils are the City of Ballarat, the City of Greater Bendigo, the City of Greater Geelong, Horsham Rural City Council, Mildura Rural City Council, Latrobe City Council, Greater Shepparton City Council, Wangaratta Rural City Council, Warrnambool City Council and, of course, the Rural City of Wodonga. They are all excellent councils that are supporting the initiative of the Bracks government.

What we would like to see is opposition support on this. We would appreciate the opposition saying to the federal Treasurer, 'This is a great opportunity to put regional development on the agenda'. Let us use this inquiry as an opportunity to grow investment, grow jobs and grow the population in regional Victoria by taking advantage of housing availability and housing affordability.

### **1 Treasury Place: catering contract**

**Mr HONEYWOOD** (Warrandyte) — My question is to the Premier. I refer the Premier to the recently signed \$330 000 contract with Damm Fine Foods Pty Ltd to provide one year's catering for his 1 Treasury Place hospitality suite, and I ask: can we see the menus and guest list so that Victorian taxpayers can see what they are getting for close to \$1000 per day?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to come to order to allow the Premier to answer the question.

**Mr BRACKS** (Premier) — The catering contract for 1 Treasury Place has not changed in size and scope since the previous government was in power and had similar contracts.

### **Firearms: handgun buyback**

**Mr ROBINSON** (Mitcham) — My question is to the Minister for Police and Emergency Services. Will the minister inform the house of the status of the Victorian handgun buyback?

**Mr HAERMAYER** (Minister for Police and Emergency Services) — The handgun buyback commenced in Victoria on 1 July. It commenced initially with the government entering into negotiations with major importers and dealers of handguns for them to buy back their handguns. Given that we are expecting some 10 000 guns to be handed in over the term of this buyback, unlike the hundreds of thousands which were expected to be handed in in 1996, rather

than setting up a number of fixed centres around the state, the process by which Victoria Police is approaching this buyback is to maximise convenience for shooters who want to hand their guns in by setting up a mobile buyback service both in metropolitan Melbourne and in regional Victoria, which will enable shooters and collectors to attend buyback centres based around gun clubs.

The buyback was certainly taken up well. On the very first day of the buyback there were very long queues with people coming in from long distances, which they did not need to do because there will be a buyback centre at a location near them soon. However, I want to congratulate the staff and officers of Victoria Police who stayed there until the early hours of the morning to finish the job, because there were some long queues on that day. But everything since then has run very smoothly. We have very successfully bought back and destroyed some 2076 guns to date.

As a result of the legislation that was passed earlier this year we have introduced a system of graduated access to handguns for target shooting.

**Mr Mulder** interjected.

**The SPEAKER** — Order! The member for Polwarth!

**Mr HAERMEYER** — We now have a regime of graduated access to handguns for target shooting that is based on training, experience and matched population. We have also given the chief commissioner the power to refuse or revoke firearms licences based on criminal intelligence.

There are also increased penalties and new offences relating to the illegal disposal and acquisition of firearms, especially in relation to handguns. There are also new penalties for possession of an unregistered firearm. There are now severe penalties and strict new laws in place in relation to the internal trafficking of handguns.

I need to say, however, that there is one area that is of concern. Whilst the states have undertaken appropriate responses to deal with the issue of legal handguns, the majority of crime is still committed by people in possession of illegal handguns — people who are not licensed and who do not have those handguns registered. Unfortunately, while we can try to deal with that in terms of the internal trafficking, we have a significant problem with the porous borders that exist in this country.

Until recently 3 in 1000 containers were checked for illegal handguns coming into this country. The federal government has now introduced some machinery that brings that up to about 3 per cent rather than 0.03 per cent, which is still a very small percentage of containers being checked. It is also a situation where, if you want to import illegal handguns, you know that there are three ports where containers are going to be checked and in the rest they are not. That leaves our borders still very vulnerable and very porous. We have very little control over what is coming in through our borders, not just through the main ports and the main entry points but also, as we saw with the *Pong Su* incident, what comes across from shipping off the coast.

Whilst I have to say that the federal government has been very effective and efficient at stopping anybody coming into this country who might be a refugee, it has not been quite as effective and efficient at stopping illegal guns and drugs coming into this country, so border control and boosting of customs are serious issues that the federal government needs to address.

### Education and Training: job cuts

**Mr PERTON** (Doncaster) — My question is to the Minister for Education and Training. On 31 October last year she told the Parliament she would be red faced if she had to sack any public servants. I ask the minister if she is now red faced, given she is about to sack 300 public servants, who, in her own words, ‘do not value add to students in schools’?

*Honourable members interjecting.*

**The SPEAKER** — Order! I know members are frightfully excited about being back in Parliament, but I would appreciate their assistance in allowing question time to proceed in an orderly manner.

**Ms KOSKY** (Minister for Education and Training) — It is obviously an 8 o’clock question time because the shadow minister has got a question up! I can say in response to the question that has been asked, I would be red faced if I had to sack teachers.

I refer to the recent policy announcement that the opposition made, which was about providing class sizes of 70 students. We did a few calculations on this. For years 11 and 12 — —

**Mr Perton** — On a point of order, Speaker, I understand it is after dinner, as the minister said, but the question relates to the minister sacking education public servants and her previous statement that she would be red faced were she to do so. She ought to answer that question. It has nothing to do with class sizes.

**The SPEAKER** — Order! I do not uphold the point of order at this stage — the minister has only been speaking for 30 seconds — but I remind her to address her comments to the question asked by the member for Doncaster.

**Ms KOSKY** — Anyway, if we were to address the policy issue raised by the shadow minister, it would actually mean sacking 575 teachers and saving some \$40 million from the budget — if in fact we only focused class sizes of 70 on years 11 and 12 and we only focused on a quarter of those class sizes. So whilst we are concentrating on putting extra teachers into our schools so that students have better learning opportunities — that is where our focus is, and that is where we will continue to have our focus — we know that the opposition is still focused on sacking teachers, and maybe they will close some schools.

### City Link: e-tags

**Ms BEATTIE** (Yuroke) — My question is to the Minister for Transport. Can the minister inform the house of the steps the Bracks government has taken to ensure Transurban customers are not made to pay fees because of battery failure in their e-tags?

**Mr Mulder** interjected.

**The SPEAKER** — Order! The member for Polwarth will cease interjecting!

**Mr BATCHELOR** (Minister for Transport) — In July 1999 the previous government amended the City Link — —

*Honourable members interjecting.*

**Mr BATCHELOR** — The confessions from the other side, Speaker! Seven dark years! They reinforce the message time after time.

**An honourable member** interjected.

**Mr BATCHELOR** — That's right, you had better take it up, because people will not forget. Seven years of darkness, and you have not come out of it yet. Let me remind you that it was in July 1999 that the previous government amended the City Link concession deed to allow Transurban to charge an administrative fee when registered customers travelled on City Link without an e-tag.

Now there are about 280 000 customers who choose to operate one e-tag linked to more than one car. Typically this initiative has been taken up largely by families. This e-tag can be swapped between cars. However,

many customers choose to pay the administrative fee, currently \$1.20, each time their car travels on City Link without using their e-tag rather than swapping the e-tag from one car to another.

On 14 August the office of the director of Melbourne City Link, which is located within the Department of Infrastructure, was informed by Transurban that Transurban had begun a proactive campaign to identify customers affected by battery failure in their e-tags. Transurban told my department that the catalyst for this course of action was that Transurban had noticed an increasing number of trips were being made by e-tags not responding — —

**Mr Mulder** interjected.

**The SPEAKER** — Order! I warn the member for Polwarth and ask him to cease interjecting.

**Mr BATCHELOR** — Over the last week, following discussions with my office, Transurban has agreed to undertake a number of actions. These include, firstly, that any customer incorrectly charged a no e-tag fee is being refunded.

Secondly, about 15 000 customers who may have been incorrectly charged have been identified by Transurban and are being sent new e-tags in the mail, and any incorrectly imposed fees are being refunded.

Thirdly, Transurban has launched an information campaign to inform customers about the operations of their e-tags. This includes media advertisements, electronic sign messages on the freeways and information on statements sent out to the customers of Transurban. In addition to this, Transurban is now investigating solutions that will ensure that e-tags are replaced before the batteries go flat.

### Monash Medical Centre: funding

**Mrs SHARDEY** (Caulfield) — My question without notice is to the Minister for Health. I refer to today's submission to the Australian Industrial Relations Commission by Southern Health, and I ask: can the minister advise how many health workers will lose their jobs at Monash Medical Centre because of what Southern Health blames on her government's budget cuts?

**Ms PIKE** (Minister for Health) — I thank the member for Caulfield for her question. Let me remind her and the house that of course since the enormous investment in health by the Bracks government we have seen outstanding results in our health system. We have a rate of ambulance bypass that is now 80 per cent

lower than when the Bracks government came to office. We have 12-hour bed-waits down significantly. We have waiting lists 7.5 per cent lower than at the same time last year. In fact, as of March last year we have 6237 people fewer on the waiting lists. So the investments this government has been putting in have been reaping rewards, and people in this community now not only receive better service in health but have far greater confidence in our health system.

The real threat to health in this state is the absolutely disgraceful offer that has been made by the commonwealth government in the current Australian health care agreement. The further addition to that disgrace is the support that the federal government is receiving —

**Dr Napthine** — On a point of order, Speaker, I raise the matter of relevance.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to address the question. She is being far too general.

**Ms PIKE** — Here we have organisations like Southern Health and Melbourne Health, and our whole health system right across both metropolitan and rural and regional Victoria, placed in a situation where we will have to be coping with \$350 million less if the current offer from the federal government stands, ably supported and abetted I might say by those opposite, who really have no compassion or care for the citizens of this state. Obviously our organisations will make decisions that are appropriate in their particular contexts — Southern Health is doing that — and they will have industrial arrangements in their own communities.

**Mrs Shardey** — On a point of order, Speaker, on the question of relevance, my question was very specific: it asked how many health workers will lose their jobs at Monash as a result of budget cuts. I do not think the minister has even attempted to answer that question as yet.

**The SPEAKER** — Order! I do not uphold the point of order. I understand that the minister was referring to the situation at Southern Health and how it was managing its budget in relation to its staff and other matters. The minister, to continue.

**Ms PIKE** — Southern Health is one of our health services that has managed 50 000 additional patients in the last 12 months. It is making operational decisions not only to work within its budget but of course to continue to deliver high-quality services, to keep those waiting lists going down and to keep that bypass under

control. This government has shown profound commitment in the health area, and this government will continue to fight for the best possible deal for our community.

### **Snowy River: joint government enterprise**

**Ms LINDELL** (Carrum) — My question is to the Minister for Environment. Can the minister please inform the house of progress in establishing the joint government enterprise for the Snowy River?

**Mr THWAITES** (Minister for Environment) — I thank the member for her question, and I am very pleased to advise the house of the next step in the Bracks government's commitment to protect the Snowy and restore environmental flows.

On 25 August the government, together with New South Wales and the commonwealth, reached joint agreement on the composition of the Snowy joint government enterprise (JGE). This paves the way for providing additional environmental flows. This announcement follows a delay of some eight months in setting up that joint government enterprise because the commonwealth government was refusing to rule out taxing the state's contributions to provide better environmental flows. So we had a situation where the federal Treasurer, Mr Costello, was professing concern about river health while at the same time refusing to rule out taxing the very contributions that would maintain that river health.

Victoria took a lead in getting a solution, as it has in many areas, and together with New South Wales and the commonwealth we have now adopted what is a fairly convoluted process but one that we anticipate will mean that income tax will not be payable. Under this process income will not be directly payable to the JGE in a way that may incur tax; rather, it will be held in a trust which will be managed by Victoria and disbursed to the JGE as expenditure is incurred. This means that we can get on with the job of restoring flows, restoring 212 gegalitres of increased flow to the Snowy and up to 70 gegalitres of dedicated environmental flows to the Murray.

## **GRAIN HANDLING AND STORAGE (AMENDMENT) BILL**

### *Introduction and first reading*

**Mr CAMERON** (Minister for Agriculture) introduced a bill to amend the Grain Handling and Storage Act 1995 to ensure that disputes relating to access to grain handling and storage services at the ports of Geelong and Portland

are primarily resolved by an arbitrated access regime and for other purposes.

Read first time.

### **HUMAN SERVICES (COMPLEX NEEDS) BILL**

*Introduction and first reading*

Ms PIKE (Minister for Health) introduced a bill to facilitate the delivery of welfare services, health services, mental health services, disability services, drug and alcohol treatment services and housing and support services to certain persons with multiple and complex needs, to establish the Multiple and Complex Needs Panel and for other purposes.

Read first time.

### **NON-EMERGENCY PATIENT TRANSPORT BILL**

*Introduction and first reading*

Ms PIKE (Minister for Health) introduced a bill to regulate the operation of the non-emergency transport of persons to or from medical services and the operation of particular stand-by services at public events, to amend the Ambulance Services Act 1986 and for other purposes.

Read first time.

### **CEMETERIES AND CREMATORIA BILL**

*Introduction and first reading*

Ms PIKE (Minister for Health) introduced a bill to provide for the management and operation of cemeteries and crematoria, to repeal the Cemeteries Act 1958, to amend the Crimes Act 1958 and to consequentially amend other acts and for other purposes.

Read first time.

### **INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL**

*Introduction and first reading*

Mr HULLS (Attorney-General) introduced a bill to amend the Instruments Act 1958 to revise the laws relating to enduring powers of attorney and for other purposes.

Read first time.

### **HERITAGE (AMENDMENT) BILL**

*Introduction and first reading*

Ms DELAHUNTY (Minister for Planning) — I move:

That I have leave to bring in a bill to amend the Heritage Act 1995 and the Magistrates' Court Act 1989 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask for a brief explanation of the bill.

Ms DELAHUNTY (Minister for Planning) (*By leave*) — These two acts will be amended to increase the penalties that will apply by law to breaches of the Heritage Act. There will also be changes to the Magistrates' Court Act to allow a magistrate to order the reinstatement of the works that have breached the Heritage Act.

Motion agreed to.

Read first time.

### **AERODROME LANDING FEES BILL**

*Introduction and first reading*

Mr BRUMBY (Treasurer) introduced a bill to provide for the fixing of a fee by an aerodrome operator for certain matters and for other purposes.

Read first time.

### **SUPERANNUATION ACTS (FAMILY LAW) BILL**

*Introduction and first reading*

Mr BRUMBY (Treasurer) introduced a bill to amend the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and the Unclaimed Moneys Act 1962 and for other purposes.

Read first time.

**PETITIONS**

**Following petitions presented to house:**

**Professional indemnity: medical practitioners**

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 lack of Victorian government action to address the current medical indemnity crisis:

1. will deny women the option of choosing a particular doctor or model of care for antenatal care and childbirth and force them to use an already overloaded public system;
2. will, as a consequence of the increased pressure on public hospitals, lead to a decline in the standard for women who do not have the option of choosing private care;
3. will adversely influence the availability of specialist obstetricians in Ballarat. This may threaten the existence of obstetric services in Ballarat altogether.

Your petitioners therefore pray that the government will take urgent action to resolve this crisis which will otherwise dramatically affect obstetric and other medical services in Ballarat and surrounding areas.

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

**By Mr HOWARD (Ballarat East) (785 signatures)**

**Local government: rate concessions**

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 to increase the concession on council rates, water rates, to the original 50 per cent, as was the case some 20 years ago, to be tied to the consumer price index (CPI).

Please note that the existing concessions in Victoria are the lowest in Australia. Not to act on this issue must appear to discriminate against pensioners and low-income earners.

Your petitioners therefore pray that the government will act on this issue.

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

**By Mr SMITH (Bass) (445 signatures)**

**Buses: Bellarine Peninsula**

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 public transport services in Barwon Heads, Ocean Grove and on the rest of the Bellarine

Peninsula are inadequate to meet the needs of residents and visitors.

Your petitioners therefore pray that a review of public transport be undertaken, with full community consultation, in order to provide:

more frequent buses;

buses that consistently connect to trains at Geelong; and

new and improved bus routes that give all residents reasonable access to transport, provide links across the peninsula and allow for faster and more direct trips to Geelong.

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

**By Ms NEVILLE (Bellarine) (94 signatures)**

**Disability services: wages**

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

The humble petition of the undersigned citizens of Victoria respectfully shows their great concern with the salaries and conditions under which the state's non-government disability workers are currently employed. Those employees employed under the antiquated 12-hour model are especially disadvantaged in relation to the penalties and allowances.

Your petitioners pray that the government give urgent attention to assisting disability employers to pay decent wages and provide penalties equivalent to those granted to Department of Human Services employees.

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

**By Ms LOBATO (Gembrook) (36 signatures)**

**Emerald: performing arts centre**

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

The humble petition of Gemco Players Community Theatre and undersigned citizens of the state of Victoria sheweth that in the light of —

the extensive work of Gemco Players Community Theatre in its work throughout the Dandenongs and beyond,

the extensive work with young people's theatre activities in the Dandenongs,

the extensive community effort in gathering building materials for a theatre, expert practical assistance including helping in planning and fundraising for the past 15 years,

the proven commitment by Gemco Players Community Theatre to the community for the past 20 years, and

the initiative of Gemco Players Community Theatre to provide a live theatre facility for the region —

your petitioners therefore pray to support and expedite the building of a flexible performing arts centre in Emerald to a maximum capacity of 150 in Emerald so that work in all areas of performance for all age groups can be expanded and consolidated.

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

**By Ms LOBATO (Gembrook) (630 signatures)**

### **Fishing: Point Addis**

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

The humble petition of recreational anglers sheweth grave concern regarding the permanent and total closure of the beaches adjacent to Point Addis, including Red Rock Beach, to recreational angling.

Your petitioners therefore pray that your immediate attention be given to reopening these waters for a limited season extending from the first day of May until the 31st day of August every year.

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

**By Mr LONEY (Lara) (479 signatures)**

### **Housing: loan schemes**

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

The humble petition of the following residents to the state of Victoria sheweth the state government sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings: CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised — ‘affordable home loans specially structured to suit your purse’;
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level (i.e. 20–25 per cent of income for the duration of the term for all the loan types);
4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e. a flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty. (1 Tim 2:2)

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

**By Mr LEIGHTON (Preston) (10 signatures) and Mr MAUGHAN (Rodney) (1 signature)**

### **Housing: loan schemes**

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

The petition of certain residents of the state of Victoria draws to the attention of the house that we object to the exorbitant amounts of public funds being used to mount an unethical defence of litigation brought against a government department by impecunious recipients of failed state government created home loan schemes.

The petitioners further draw to the attention of the house that these loan recipients have maintained their loans in a meticulous manner and through no fault of their own have been burdened with a lifetime of debt. And that this litigation occurs as a direct result of the refusal of past and present government ministers to acknowledge the government’s responsibility to the people who embraced the promise of home ownership offered to them through home loan schemes, especially designed for them by the state government of Victoria.

Your petitioners therefore request the house to initiate an independent board of inquiry with the scope to fully investigate the loan schemes. Further your petitioners respectfully request that until such an inquiry is held, the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members and that legal representatives acting on behalf of the defendant in this matter be instructed to act as model litigants.

**By Mr MAUGHAN (Rodney) (1 signature)**

### **Wilderness parks**

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 they are deeply aggrieved that, for all its strength and will power, our democracy still appears to be beholden to a minority with green lobby agendas that we consider to be unsound and not in the interests of Victorians or long-term protection of its natural resources.

Your petitioners therefore pray that Parliament reject the creation of more large wilderness parks, keep a balanced view, and leave open the issue of future issues for our reserve areas, as our forefathers intended.

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

By Ms GREEN (Yan Yean) (50 signatures)

Laid on table.

Ordered that petition presented by honourable member for Bellarine be considered next day on motion of Mr PERTON (Doncaster).

**Mr Batchelor** — On a point of order, Speaker, I note that the petition lodged by the member for Rodney contains 1 signature. Speaker, I seek a ruling as to whether that constitutes a petition and whether that is the lowest number of signatures ever contained on a petition and therefore should be entered into the history books of the Parliament!

**The SPEAKER** — Order! Luckily for the Leader of the House the Standing Orders Committee has discussed this recently, and I can assure him that it is legal. I know it is not the smallest number of signatures on a petition, because it is a draw!

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

*Alert Digest No. 5*

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 5 of 2003* on:

Commonwealth Games Arrangements (Governance) Bill  
 Constitution (Parliamentary Reform) Act 2003  
 Courts Legislation (Amendment) Bill  
 Crimes (Family Violence) (Amendment) Bill  
 Crimes (Stalking) Bill  
 Fair Trading (Amendment) Bill  
 National Environment Protection Council (Victoria) (Amendment) Bill  
 Seafood Safety Bill  
 Supreme Court (Vexatious Litigants) Bill  
 Victorian Industry Participation Policy Bill  
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill  
 together with appendices.

Laid on table.

Ordered to be printed.

**Annual review**

Ms D'AMBROSIO (Mill Park) presented report for 2002, together with appendices.

Laid on table.

Ordered to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

**Budget outcomes**

Ms CAMPBELL (Pascoe Vale) presented report for 2000–01, together with appendices.

Laid on table.

Ordered to be printed.

**Budget estimates**

Ms CAMPBELL (Pascoe Vale) presented report for 2002–03, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

**Annual report**

Ms CAMPBELL (Pascoe Vale) presented report for 2001–02, together with appendices.

Laid on table.

Ordered to be printed.

**PAPERS**

Laid on table by Clerk:

Auditor-General — Annual Plan 2003–04

*Commonwealth Games Arrangements Act 2001* — Notice of approval of amendment to the Melbourne Planning Scheme — No C82

*Financial Management Act 1994* — Report from the Minister for Education and Training that she had received the 2002 annual report of the International Fibre Centre

*Interpretation of Legislation Act 1984*:

Notice under s 32(3)(a)(iii) in relation to Alcohol Interlock Guidelines

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 12

Notice under s 32(4)(a)(iii) in relation to Amendment 13 of the Building Code of Australia 1996

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2002

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2002 (two papers)

*Parliamentary Committees Act 1968:*

Response of the Attorney-General on action taken with respect to the recommendations made by the Law Reform Committee's Report on the Powers of Entry, Search, Seizure and Questioning by Authorised Persons

Response of the Minister for Police and Emergency Services on action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Final Report on Motor Vehicle Theft

*Parliamentary Officers Act 1975:*

Statements of Appointments and Alterations of Classifications during the year 2002–2003 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department

Statements of Persons Temporarily employed during the year 2002–2003 in the:

Department of the Legislative Council  
 Department of the Legislative Assembly  
 Department of the Parliamentary Library  
 Department of Parliamentary Debates  
 Joint Services Department.

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

Alpine Planning Scheme — Nos C10, C12  
 Ararat Planning Scheme — No C4  
 Banyule Planning Scheme — Nos C23 Part 1, C23 Part 2  
 Baw Baw Planning Scheme — No C23  
 Bayside Planning Scheme — Nos C2 Part 1, C33  
 Brimbank Planning Scheme — Nos C43, C45, C48, C50  
 Campaspe Planning Scheme — No C24  
 Corangamite Planning Scheme — No C6  
 Darebin Planning Scheme — Nos C31, C36  
 Frankston Planning Scheme — Nos C9, C19, C26  
 Gannawarra Planning Scheme — No C6  
 Glen Eira Planning Scheme — No C36  
 Golden Plains Planning Scheme — No C15  
 Greater Bendigo Planning Scheme — Nos C48, 50  
 Greater Dandenong Planning Scheme — Nos C15, C41, C42  
 Greater Geelong Planning Scheme — Nos C11, C29, C32, C42, C48, C55, C63, C68, C75

Greater Shepparton Planning Scheme — Nos C17 Part 1, C30

Hepburn Planning Scheme — No C2 Part 2

Hindmarsh Planning Scheme — No C1

Hobsons Bay Planning Scheme — No C17 Part 2

Hume Planning Scheme — Nos C39, C41

Kingston Planning Scheme — Nos C26, C27

Manningham Planning Scheme — Nos C13, C14, C31

Maribymong Planning Scheme — No C42

Maroondah Planning Scheme — No C32

Melbourne Planning Scheme — Nos C56, C74, C82, C83

Melton Planning Scheme — No C24

Mildura Planning Scheme — No C11

Mitchell Planning Scheme — No C29

Moira Planning Scheme — Nos C11, C12

Monash Planning Scheme — Nos C40, C42, C46

Moonee Valley Planning Scheme — Nos C37, C39, C46

Moreland Planning Scheme — No C25

Mornington Peninsula Planning Scheme — Nos C40 Part 1, C44, C56

Moyne Planning Scheme — No C4

Port Phillip Planning Scheme — No C39

Strathbogie Planning Scheme — No C15

Swan Hill Planning Scheme — No C13

Victoria Planning Provisions — Nos VC18, VC19

Wangaratta Planning Scheme — No C11 Part 1

Wellington Planning Scheme — Nos C8, C9, C10, C13, C16

Whitehorse Planning Scheme — Nos C30, C43 Part 1

Whittlesea Planning Scheme — No C54

Wodonga Planning Scheme — No C18

Wyndham Planning Scheme — Nos C6, C38

Yarra Planning Scheme — Nos C28, C49, C58

*Prevention of Cruelty to Animals Act 1986* — Code of Accepted Farming Practice for the Welfare of Poultry (Revision 2)

*Rural Finance Act 1988* — Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer a scheme of assistance for farmers whose farm enterprises are affected by exceptional circumstances because of drought

Statutory Rules under the following Acts:

*Administration and Probate Act 1958* — SR No 58

*Archaeological and Aboriginal Relics Preservation Act 1972* — SR No 49

*Associations Incorporation Act 1981* — SR No 93

*Bail Act 1977* — SR No 55

*Building Act 1993* — SR No 79  
*Building and Construction Industry Security of Payment Act 2002* — SR No 50  
*Business Names Act 1962* — SR No 92  
*Cancer Act 1958* — SR No 83  
*Co-operatives Act 1996* — SR No 90  
*County Court Act 1958* — SR Nos 53, 70  
*Drugs, Poisons and Controlled Substances Act 1981* — SR No 67  
*Electricity Industry Act 2000* — SR No 73  
*Electricity Safety Act 1998* — SR Nos 72, 98  
*Emergency Management Act 1986* — SR No 85  
*Environment Protection Act 1970* — SR No 75  
*Fair Trading Act 1999* — SR No 89  
*Firearms Act 1996* — SR No 84  
*Gaming Machine Control Act 1991* — SR No 76  
*Health Act 1958* — SR Nos 64, 65, 66, 82  
*Health Services Act 1988* — SR Nos 68, 94  
*Juries Act 2000* — SR No 57  
*Land Tax Act 1958* — SR No 80  
*Liquor Control Reform Act 1998* — SR Nos 60, 63  
*Magistrates' Court Act 1989* — SR Nos 54, 61, 71  
*Major Events (Crowd Management) Act 2003* — SR No 86  
*National Parks Act 1975* — SR No 74  
*Partnership Act 1958* — SR No 91  
*Pathology Services Accreditation Act 1984* — SR Nos 77, 78  
*Pharmacists Act 1974* — SR No 97  
*Residential Tenancies Act 1997* — SR No 59  
*Road Safety Act 1986* — SR Nos 51, 87  
*Subordinate Legislation Act 1994* — SR No 62  
*Supreme Court Act 1986* — SR Nos 52, 69, 95, 96  
*Surveyors Act 1978* — SR No 99  
*Tobacco Act 1987* — SR No 88  
*Victorian Civil and Administrative Tribunal Act 1998* — SR Nos 56, 81

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rule Nos 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 81, 86, 95, 96

Ministers' exemption certificates in relation to Statutory Rule Nos 49, 50, 51, 55, 59, 77, 78, 79, 82, 83, 84, 87, 88, 89, 94, 97

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 26 February 2003:

*Business Licensing Legislation (Amendment) Act 2003* — Part 1 and sections 14 and 20 on 11 August 2003 (*Gazette G30*, 24 July 2003)  
*Estate Agents and Sale of Land Acts (Amendment) Act 2003* — Section 45 on 30 June 2003 (*Gazette G26*, 26 June 2003)  
*Firearms (Trafficking and Handgun Control) Act 2003* — Whole Act except sections 3(1)(f) and (g) and (2), 10, 14, 18, 23 to 28, 30 to 37, 46(2), 50, 53, 55, 64, 65, 66, 74 and 75 on 1 July 2003 (*Gazette S130*, 1 July 2003)  
*Health Practitioner Acts (Further Amendments) Act 2002* — Remaining provisions (except sections 37, 40, 42 and 44) on 1 July 2003 (*Gazette G26*, 26 June 2003)  
*Melbourne Cricket Ground (Amendment) Act 2003* — Whole Act on 12 June 2003 (*Gazette G24*, 12 June 2003)  
*Murray-Darling Basin (Amendment) Act 2003* — Whole Act on 1 July 2003 (*Gazette G26*, 26 June 2003)  
*Outworkers (Improved Protection) Act 2003* — Whole Act on 1 November 2003 (*Gazette G29*, 17 July 2003)  
*Residential Tenancies (Amendment) Act 2002* — Whole Act on 1 July 2003 (*Gazette G23*, 5 June 2003)  
*Seafood Safety Act 2003* — Remaining provisions (except Part 3 and sections 23, 27 to 58, 60, 64(5) and 92) on 1 July 2003 (*Gazette G26*, 26 June 2003)  
*Transport (Further Amendment) Act 2001* — Sections 15 and 17 on 20 June 2003 (*Gazette G25*, 19 June 2003)  
*Transport (Miscellaneous Amendments) Act 2003* — Division 1 of Part 3 on 25 July 2003 (*Gazette S138*, 15 July 2003)  
*University Acts (Amendment) Act 2003* — Whole Act on 1 July 2003 (*Gazette G26*, 26 June 2003)  
Victorian Urban Development Authority Act 2003 — Whole Act on 1 August 2003 (*Gazette G31*, 31 July 2003).

## ROYAL ASSENT

### Messages read advising royal assent to:

#### 11 June

**Audit (Amendment) Bill**  
**Constitution (Water Authorities) Bill**  
**Corrections (Amendment) Bill**  
**Courts Legislation (Amendment) Bill**  
**Energy Legislation (Consumer Protection and Other Amendments) Bill**  
**Estate Agents and Sale of Land Acts (Amendment) Bill**  
**Legal Practice (Validations) Bill**  
**Planning and Environment (Metropolitan Green Wedge Protection) Bill**  
**Road Safety (Heavy Vehicle Safety) Bill**  
**Royal Agricultural Showgrounds Bill**  
**Safe Drinking Water Bill**

**Victims of Crime Assistance (Miscellaneous Amendments) Bill**  
**Water Legislation (Essential Services Commission and Other Amendments) Bill**

That the Standing Orders Committee has leave to sit within the Parliament buildings during the sittings of the house, but not while the house is actually sitting.

**Motion agreed to.**

**16 June**

**Appropriation (2003/04) Bill** (*Presented to the Governor by the Speaker*)

**Appropriation (Parliament 2003/04) Bill** (*Presented to the Governor by the Speaker*)

**Attorney-General and Solicitor-General (Amendment) Bill**

**Australian Crime Commission (State Provisions) Bill**  
**Corrections and Sentencing Acts (Home Detention) Bill**

**Crimes (Family Violence) (Amendment) Bill**

**Drugs, Poisons and Controlled Substances (Volatile Substances) Bill**

**Fisheries (Amendment) Bill**

**Livestock Disease Control (Amendment) Bill**

**State Taxation Acts (Miscellaneous Amendments) Bill**

**Victorian Urban Development Authority Bill**

**Wrongs and Limitation of Actions Acts (Insurance Reform) Bill.**

## APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Commonwealth Games Arrangements (Governance) Bill**

**National Environment Protection Council (Victoria) (Amendment) Bill.**

## HOUSE AND LIBRARY COMMITTEES

### Meetings

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

That the House and Library committees have leave to sit within the Parliament buildings during the sittings of either house of the Parliament, but not while either house is actually sitting.

**Motion agreed to.**

## STANDING ORDERS COMMITTEE

### Meetings

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

## BUSINESS OF THE HOUSE

### 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, 28 August 2003:

Confiscation (Amendment) Bill

Commonwealth Games Arrangements (Governance) Bill

National Environment Protection Council (Victoria) (Amendment) Bill

Catchment and Land Protection (Amendment) Bill

Albury-Wodonga Agreement (Repeal) Bill

Child Employment Bill.

**Mr PERTON** (Doncaster) — The opposition does not oppose the government business program.

**Mr Helper** interjected.

**Mr PERTON** — It is good to see that the member for Ripon is awake this late after dinner. The basis upon which the opposition consents to this motion is that the bills the minister has indicated will be debated this week will be handled through lead speakers speaking on them and then there will be a return to the Child Employment Bill, which the opposition has amendments for and intends to pursue strongly. On that basis and that understanding we do not oppose the government business program.

**Mr MAUGHAN** (Rodney) — The National Party will also not be opposing the government business program. However, just in passing I make the comment that while six bills is not an impossible task by any means, it is 100 minutes per bill. We sometimes talk about the debate in this house, and we have some important legislation dealing with the catchment management authorities, the National Environment Protection Council and child employment, which, as the member for Doncaster pointed out, has some serious implications that members of the National Party wish to speak about. I think there will be sufficient time.

**Mr Delahunty** — The Commonwealth Games.

**Mr MAUGHAN** — The Commonwealth Games, I agree. The member for Lowan has pointed out that the Commonwealth Games bill is one that interests us all.

**Mr Robinson** interjected.

**Mr MAUGHAN** — We will deal with that one later. It is a very important piece of legislation. It is important that the state gets it right and that we run games, as I am sure we will, that are of a very high standard, but it is also important that the facilities are built on time and on budget. We look forward to the debate and will not be opposing the government business program.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Jack Dyer

**Mr WYNNE** (Richmond) — Jack Dyer will forever remain a Victorian legend. Together with his family, friends and football supporters we will mourn his loss tomorrow at St Ignatius Church in Richmond. His life will not be forgotten, nor will his team spirit and his humility. His love of football and of the Richmond Football Club in particular are renowned in this great Australian Rules city.

The way Jack Dyer conducted himself through his life is an example to us all. He grew up in the Depression and moved to Richmond at the age of 13, attending St Ignatius College on a football scholarship and serving there as an altar boy. Richmond was then known to many people as Struggletown. Like many footballers of that era, Jack was unable to afford football boots, and as a young man played barefoot for six years until he earned enough money to buy himself a pair of boots. This humble background epitomised the strength of character of this great man. He was a leader of men and a protector of others. He played the game tough and hard, and through his career as player, captain, coach and media personality he gained the respect of the entire football community.

On behalf of the Richmond electorate I wish to pay tribute to this great man, who will be sadly missed by his family and friends but who will not be forgotten by those who experienced his playing and coaching and, of course, his wonderful media performances on *World of Sport*. His qualities of supporting his mates, working hard for a living, making the most of his opportunities

and passing on his skills to others are an inspiration to the community.

### Information and communications technology: government performance

**Mr KOTSIRAS** (Bulleen) — A government document has revealed that government departments and agencies do not have the resources or equipment to deal with basic technological advances. The Consumer Affairs Victoria document reveals that a number of government agencies have very different levels of access to technology. Some agencies have one computer between four people and limited Internet access. This is despite the Bracks government claiming that Victoria is providing strong leadership in information and communications technology uptake. In 2002 Consumer Affairs Victoria received over 11 000 complaints. It has 320 staff and 22 funded agencies, but it has only one digital camera and one scanner.

The document also reveals that public servants are not equipped or trained to deal with emails. It also shows that further staff who can write need to be employed. Some public servants find current email inquiries difficult to deal with. Public servants are petrified that using email will create more work for them, and public servants are concerned about being sued if their written skills are poor.

While other states are leaping into the future by adapting to technological changes, the Victorian government is resisting these changes. It may be the year 2003, but the Bracks government is keeping the technology policies of the 1980s. The Bracks government does not have the ability to manage and deliver the services that will drive Victoria well into the 21st century.

The current Minister for Information and Communication Technology is asleep on the job — no policies, no plans and no long-term strategy —

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

### Keith Lawrence

**Ms OVERINGTON** (Ballarat West) — I place on public record the passing of Mr Keith Miles Lawrence on 10 June 2003. Keith was a respected councillor of the then Borough of Sebastopol from 1972 until forced amalgamations in 1994. I was privileged to serve alongside Keith from 1982.

Keith was a dedicated councillor and cared greatly for the borough, but he was fanatical about his beloved

Sebastopol Football Club. He started his football career with Sebastopol as a player in 1948 and played for six seasons until the club went into recess. After playing 100 games with other clubs he returned in 1962 and played until 1969, when he retired with a club record of 286 games.

Keith gave his all to the club, and in recognition of this they named the grandstand in his honour. Keith was awarded the Australian sports medal, and just prior to his death was awarded a Centenary of Federation medal for his dedication to sport; I was very pleased to have nominated him for the award.

At his funeral his coffin was carried out to the Sebastopol Football Club's theme song. It was one of the most moving experiences. Everybody joined in singing the theme song as Keith was, if you like, carried off. On behalf of my family and the community of Sebastopol I pass on my deepest sympathy to his wife, Shirley, and his daughters.

### **Sale: air force training facility**

**Mr RYAN** (Leader of the National Party) — I am proud to say that the National Party has again delivered for country Victoria. The federal government has now confirmed that the total officer training facility at Point Cook will be transferred in its entirety to the East Sale Royal Australian Air Force base. What a great thing this is — all three aspects of it, with hundreds of students each year. It has been a fantastic effort on behalf of the Wellington Shire Council, and I pay tribute to Peter McGauran, the federal member, who throughout this whole process has driven it well, and we have achieved the outcome. It is a great result for the whole of the area, not only for Sale where I live but for the Gippsland region generally and, indeed, for Victoria.

The other element that is important is that I have with me an eggslice. I have produced the eggslice tonight on the basis of being able to hand it over to the Minister for State and Regional Development because he will need to get that stuff off his face. As I said in question time on 4 June this year, he will in the end look like a goose. I do not persist with what otherwise might be interpreted as an unkind comment, but he will need to clean himself up and get his visage back in order before this sitting goes on.

I present him tonight with this eggslice. When he is finished with it he can give it to the member for Narracan because he will have need of it as well. It is good for the Vic Nats and it is good for country Victoria.

### **Latrobe Valley Eisteddfod**

**Mr JENKINS** (Morwell) — It is a pleasure to pay tribute to the Latrobe Valley Eisteddfod, which has become an institution in Gippsland in its 48 continuous years of operation. It has provided the opportunity for thousands of people to perform in the areas of music, theatrical dance, drama, speech, choral, bands, and instrumental, to name but a few.

The Latrobe Valley Eisteddfod commenced in 1956 and by 1965 — I just do not know where the eggslice came from! — there were 1450 items being performed. During the course of the eisteddfod this year over 4000 competitors will take part in 3200 solo and group item performances in the Latrobe Valley Performing Arts Centre.

I would like to take the opportunity to congratulate the eisteddfod committee. They are an extremely dedicated and hardworking group of people. They include the committee of Chris Medhurst, Marie Moulton, Rosemary Ingle, Lorraine Bawden, Maryke Poot, Gaynor Howard, Mariana Pearse, Mary Gilmour, Jeni Whitwam, R. Moulton, T. Griffiths, R. Giblett, A. Thorne, Mr and Mrs M. Carruthers, L. Murphy, A. Pawley, D. Goulding, D. Steer, Dr D. Haley, T. Moretti, S. Anderson, L. Couch — and no eggslice!

### **Mount Eliza Centre: closure**

**Mr COOPER** (Mornington) — It is of concern that the Bracks government is not denying it has plans to close down the 96-bed Mount Eliza Centre, which provides rehabilitation, aged and palliative care services, and to sell off this prime land fronting the foreshore of Port Phillip Bay for residential subdivision.

The government promised just prior to the last election that it would build extra rehabilitation facilities in Mornington in the form of a 60-bed hospital on the site previously occupied by the Mornington High School. The government promised that funding for that facility would be provided in the 2003–04 budget. That election promise has not been kept, and we now hear that not only are we not receiving the 60 extra rehabilitation beds — I emphasise the word 'extra' — but that we will lose the 96 beds that currently exist for rehabilitation at the Mount Eliza Centre.

I call on the Bracks government to reverse this decision and to leave the Mount Eliza Centre in operation. I also call on the Bracks government to honour its election commitment and to immediately commence construction of the promised Mornington hospital.

### **Bernie and Gerry Lamers**

**Ms GREEN** (Yan Yean) — I rise to pay tribute to two outstanding members of my local community in Bernie and Gerry Lamers. At a recent Diamond Creek Rotary dinner held in their honour I had the privilege to present Mr and Mrs Lamers with a certificate from the Premier of Victoria in recognition of their wonderful work in founding the Bone Marrow Donor Institute registry.

Thirteen years ago Bernie and Gerry lost their 29-year-old daughter, Christine, to leukaemia. Since that tragic event Bernie and Gerry have worked tirelessly to assist leukaemia sufferers and their families to fight this awful disease. Some 1000 leukaemia sufferers are still alive through the assistance of the registry.

On 1 July Bernie and Gerry realised their dream when the \$4 million Bone Marrow Donor Institute Rotary House opened in North Melbourne. The centre will provide a home base for patients and their families being treated from country Victoria, Tasmania, southern New South Wales and South Australia. The centre was made possible through the lobbying, arm-twisting and fundraising efforts of Bernie and Gerry.

I am proud that the Victorian government has recognised the work of Bernie and Gerry through a grant of \$1.7 million towards the centre. It is a great honour for me to represent people of such stature and humility as Bernie and Gerry, and it is indeed a privilege to put on the public record their work for the Victorian community.

### **Stamp duty: reform**

**Ms ASHER** (Brighton) — I refer to the Treasurer's reference to housing affordability in question time today, and I draw to the attention of the house the unreasonably high levels of stamp duty paid by residents of Brighton and Hampton. The Real Estate Institute of Victoria June quarter figures show that in Brighton the stamp duty paid on a median-value house is \$45 640, an increase of \$480 over the last quarter; and in Hampton the stamp duty paid on a median-value house is \$31 720, an increase of \$2760 over the last quarter.

I acknowledge that Leigh Hubbard from the Trades Hall Council was at least honest in his desire — he certainly does not live in Brighton, they would not let him in — to increase stamp duty! I also acknowledge that Bob Carr, the Labor Premier of New South Wales,

gave us an insight into the Labor Party's attitude to stamp duty in a book written by Marilyn Dodkin, which contains excerpts from Bob Carr's diary. Bob Carr wrote:

... the economy grows, the revenue from stamp duty swells our coffers and we pay off debt and spend, spend, spend.

That is exactly the Victorian ALP's attitude to stamp duty, and I call on the government to provide relief for home buyers in my electorate.

### **San Donato Festival**

**Ms D'AMBROSIO** (Mill Park) — I wish to bring to the attention of the house the San Donato Association for holding the most successful San Donato Festival yet on 10 August. I had the privilege to represent the Premier at the festival, which celebrates the life and works of St Donato of Arezzo in Italy. It was the 27th consecutive festival held at St Luke's Church and Hall in Lalor, and it has an avid following amongst the strong local Italian community.

This year the festival attracted well over 2500 people from all over Victoria. A parade was led by the committee throughout the church grounds, and 200 helium-filled balloons were released into the air, adding an amazing array of colours to the winter's day.

The ultimate item on the festival program was the concert provided by the fantastic Banda Bellini and the rapturous operatic contributions by a trio from the Lyric Opera, amongst them being Marco Cinque, who performed a wonderful selection of operatic arias from such world-renowned Italian composers as Verdi and Puccini. As commonly occurs at the festival each year, audience members can hardly contain themselves. When so moved some of them run up to the singers in between songs to shake their hands in appreciation and encouragement. This is truly opera for the people, as it should be.

In particular I pay tribute to the year-long efforts of the organising committee led by its president, Donato Polvere, and its secretary, Giovanni Mazza. They seem to outdo themselves year after year. Their voluntary commitment and that of other committee members including Nicola and Elisa Cieri, Maria Polvere and Pina Mazza, to name only a few, ensure that the festival provides a popular mix of activities for young and old.

### **Firearms: licensing delays**

**Mrs POWELL** (Shepparton) — A very angry constituent, Mr Jim Callyghan, came into my office last week. He is justifiably angry that he cannot work

because of delays by the Victorian firearms registry in endorsing his shooters licence as professional.

Mr Callyghan has been professionally shooting kangaroos for pet food in New South Wales and Queensland for the past 10 years. However, changes in legislation in those states mean he can no longer harvest kangaroos with the current hunting endorsement on his Victorian licence.

Mr Callyghan sent his application on 17 July, and since then he has been told it is under consideration. To avoid breaking the law he has been forced to sit and wait for the past six weeks while his application is reviewed. Mr Callyghan has provided the registry with a copy of his New South Wales professional trappers licence, a copy of his Queensland professional harvesters licence, his Queensland protected fauna dealers licence and a statement from his accountant saying that he derives his sole income from the culling of kangaroos.

I wrote to the Minister for Police and Emergency Services in April when several other constituents were experiencing lengthy delays. The minister's response was that Victoria Police has allocated \$1.1 million and appointed 45 new staff to ensure delays in processing applications are eliminated. The minister also said that Victoria Police is ensuring that any application that is made to allow a person to begin or continue in employment is processed as a matter of priority. Obviously the funding and manpower have not alleviated the process. I believe Mr Callyghan's application has not been dealt with as a matter of priority. I urge the minister to intervene.

### **Stonnington Primary School: Principal for a Day**

**Mr LUPTON** (Prahran) — On Wednesday, 20 August, I was privileged to be principal for a day at the Stonnington Primary School in Windsor. The day started with the students breakfast program, which on Wednesdays is supported by Prahran Rotary. This ensures the provision of a healthy breakfast for those children who need it. Stonnington primary is a school with a diverse ethnic and socioeconomic mix. The principal, Gayle Yardley, and her fabulous staff are to be commended on the wonderful educational environment they have developed.

Being principal for a day gave me an important insight into the challenges and responsibilities facing principals and teachers today. Some of the principal's duties I was able to observe and discuss included contracting for school cleaning, organising maintenance contracts, employing out-of-school-hours staff, speaking to prospective parents and students and dealing with

discipline and welfare issues, in addition to the more familiar principal's functions.

While I visit schools in my electorate regularly, being involved in such a hands-on way for an entire day gave me a unique insight into a school's operation. I was also able to spend time in the classroom, enjoying some maths lessons with the junior students — doing the numbers — and chairing debates on water conservation issues with the senior students.

I commend the organisers of the Principal for a Day program, and I thank the principal, staff and students of Stonnington primary for welcoming me so warmly.

### **Ministers: school visits**

**Dr NAPHTHINE** (South-West Coast) — I wish to invite the Minister for Education or the Minister for Education Services to the opening of the Woodford Primary School redevelopment on Friday, 5 September. Unfortunately the invitation from the school council to participate in this important school and community event has been ignored by both ministers. In addition neither minister saw fit to accept a similar invitation from the Allansford school in late July, despite both invitations having been open since February this year.

While in south-west Victoria I would be happy to take the ministers around the area to meet parents and teachers from the Warrnambool and Portland special development schools, who are very concerned about funding cuts for level 1 and 2 students who attend those schools; and to have a look at the Allansford school to see the lack of playground facilities and the impact this has on students, particularly with a growing student population, and to explain to the students and the school why the government has failed to purchase additional properties adjoining the Allansford school to fix that problem.

They could also take the opportunity earlier that day to visit Brauer Secondary College in Warrnambool to attend the sod-turning ceremony for Brauerander Park and to announce the state government's \$1 million commitment which is necessary to match the federal government's commitment to this much-needed athletics and sports facility.

I could also take them out to Panmure Primary School where there is over \$60 000 worth of backlog of maintenance or to Portland South Primary School which much needs a very urgent redevelopment. The ministers would be well advised to come to south-west Victoria.

### **Viewbank College: *Guys and Dolls***

**Mr LANGDON** (Ivanhoe) — I congratulate Viewbank College, the Viewbank school community and the Viewbank students on the recent production of *Guys and Dolls* which was put on between 13 and 23 August. It was an absolutely brilliant production. I am not trying to exempt anyone from the cast, the crew, the directors and what have you — they all played a brilliant role in putting this production together. They also had ushers from the school.

I will list a few of the main characters. I thought they did an outstanding job and I commend their acting ability, their comic delivery and their singing. For every audience I was in, and I went to the production three times — my daughter was in it, clearly — it was a brilliant performance. The principals, who included Luke Verghese, Jessica Cole, Mara Kapsis, Luke Atchison, Brad Crompton, Raymond Dey, Drew Sutton, Richard Hammett, Andrew Hondromatidis, Jennifer Tumbri, and many others played brilliant roles.

As I said, it was a production for which members of the school community came out in their droves. I think for almost every night it was sold out in a theatre that seats almost 200. As I said, it was a brilliant production. I am pleased to say that for the sixth year in a row I was one of the very proud sponsors of the production. I was more than pleased to go along three times to watch it.

### **Australian Labor Party: La Trobe federal candidate**

**Mr SMITH** (Bass) — It is nice to be back. A lot has happened over the break: the government has been exposed again and again for lying to the people and that so-called former Independent, Susan Davies, has been exposed again as the fraud that she is. She said she was an Independent, she sold her soul to the Labor government in 1999 and then in 2003 she suddenly finds the Labor Party again. Surprise, surprise! What a hypocrite. She got elected in 1997 as an Independent, re-elected in 1999 as an Independent, and dumped as an Independent by the electorate in 2002 because she ignored them. She tried to push her pinko views on them and can I say she did not work for them. Now she says she has rejoined the Labor Party. What a joke!

She never left them: in 96 per cent of every vote in this house she supported Labor, and she called herself an Independent — what a joke! Maybe she has gone back because she has got the cushy job working for the Treasurer on \$60 000, a red-plated government car and I am sure all the other perks she had here in Parliament, along with the other two Independents.

The people of the La Trobe electorate will not want her, because she cannot make up her mind about who or what party she actually represents. The people of Bass dumped her because she forgot them, because she liked the high life amongst the so-called decision-makers here in Melbourne. To the people of La Trobe I can only say — —

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

### **Frankston: Victoria Day**

**Mr HARKNESS** (Frankston) — It was on 1 July 1851 that the settlements of Port Phillip and Gippsland gained independence from New South Wales to become the colony of Victoria. Victoria Day embraces our cultural, educational and democratic heritage, acknowledging the efforts and sacrifices of past generations. It charts our progress and acts as a starting point for discussion of the future.

To celebrate Victoria Day in Frankston and to encourage the involvement of primary schoolchildren, I organised a colouring-in competition. All primary school students were invited to colour in a picture of the state's marine fauna emblem, the weedy sea dragon, and Victoria's armorial bearings. The winning entries were given prizes that were donated by Information Victoria; Toyworld, Karingal; and Scienceworks. Publicity was provided by the Frankston *Independent*.

The award recipients were: from Woodleigh School, Minimbah — Millie Padula, Chloe Smart, Jessica Baxter, and Madeline Gibson; from Frankston Heights Primary School — Savannah, Nathan, Adriana, and Elizabeth; from Derinya Primary School — Danny Erikson, Matilda Newton, and Grace Barr; from Frankston East Primary School — Jack McCarthy, Dermott Fairfield, and Wesley Field; and from Karingal Heights Primary School — Karly and Samantha. I also acknowledge Judith Couacard Graley, Tony Murrel and Daryl Rogan for their enthusiasm and assistance.

Prizes were presented during a morning tea at my electorate office, with students, parents and teachers in attendance. A highlight of the occasion was a cake and candles for Victoria's birthday. This event will be held annually. Worthy of mention is the degree of excitement and appreciation this initiative generated, and Information Victoria will display the winning entries at this year's Royal Melbourne Show.

### **Little River Primary School: playground equipment**

**Mr LONEY** (Lara) — Yesterday I had the pleasure of visiting Little River Primary School for the official opening of its new playground equipment. This equipment will be a valuable addition to the lives of children at that school.

The equipment was purchased with money raised from within the Little River community at its 2002 and 2003 country fairs. Some \$16 000 was raised by this very small community in order to provide this equipment. These community fairs are annual events run by the school community to raise money for the school, in the way that school communities do all over Victoria. For a school with around 110 students this was a terrific fundraising effort over the last few years.

As I said, the total project value is around \$16 000, and it has provided new upgraded play equipment for children at Little River Primary School. Telstra, through its Kids Fund Grants Committee, donated a further \$900 for the provision of safety features around the equipment, and the school very much appreciated that gesture. This — —

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

### **Surf Coast Highway—Heyers Road, Grovedale: traffic lights**

**Mr CRUTCHFIELD** (South Barwon) — During the last session I raised a matter with the Minister for Transport concerning traffic lights at the intersection of the Surf Coast Highway and Heyers Road, Grovedale. Yesterday I had the pleasure of announcing \$200 000 in funding to install traffic lights at this intersection. In December last year I received a petition with 700 names from Mr Matt Vos, who initiated this project. He worked diligently on a community safety issue that concerned him and his constituents and doorknocked residents, businesses and schools in that area.

I congratulate Mr Vos and the schools and businesses I met, which reinforced the fact that there was strong community support for this project. I was pleased to give them the good news regarding the traffic lights yesterday.

This is a fantastic example of a community working in partnership with the Bracks government to benefit all who use this busy intersection, including bus patrons, commuters, tourists, motorists and pedestrians

accessing the local facilities. Many people use the intersection — I note that the honourable member for Richmond, on my right, has used this intersection on his many trips down to the Surf Coast — and during the morning and afternoon peaks, during the holiday period and particularly during the busy Christmas period they have experienced frustrating, lengthy delays.

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

### **Green Gully Soccer Club**

**Mr SEITZ** (Keilor) — The matter I want to raise tonight concerns the Green Gully Soccer Club. I congratulate the club on winning the premier league championship during its game against Frankston Pines last Sunday. It was interesting to see one side of Melbourne playing off against the other side of town in the finals. Frankston Pines gave a good account of itself, but at the end of the day my local club, Green Gully Soccer Club, won the day and the match.

I have been associated with the club since the 1950s, and it was great to see that club, which came from humble beginnings and shifted from location to location, coming back once again to win a championship of great significance in the soccer community. They played the match at the Knights soccer stadium on Sunday afternoon, which was another good example of the soccer fraternity sharing grounds by playing the finals under cover. Most people would remember that last Sunday's weather was very inclement, and the supporters were amazing. Many people from the western suburbs were there.

Green Gully Soccer Club is notionally a club that is most strongly supported by the Maltese community, but all kinds of soccer supporters turned out to support the team from the western suburbs in winning this championship.

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

### **Rail: Frankston—Stony Point line**

**Ms BUCHANAN** (Hastings) — I rise to applaud the efforts and patience of commuters, concerned residents and the operators of the Frankston—Stony Point rail line, which recently had its services temporarily disrupted. A devastating case of arson destroyed crucial signalling systems for the service. I commend the efforts of staff in promptly and comprehensively repairing this system that had been completely gutted by fire. Commuters tolerated this

disruption with incredible patience, grace and tolerance, utilising the alternative bus service provided.

What was not tolerated, however, by all concerned was the malicious misinformation provided by the opposition that the line was now permanently closed. It got worse. What commuters found just as bizarre was the concurrent claim that ticket prices were rising by 38 per cent — the claim that the government was closing the line but upping ticket prices on a closed service, all in the same breath! That is another typical example of a lazy opposition that resorts to exaggeration and scaremongering. The opposition should acknowledge how much fear and anger its public statements generated in the Hastings electorate through the deliberate use of such vexatious misinformation. It displayed a total lack of respect, concern and regard for the people who rely on this vital public transport service.

The Bracks Labor government has not closed a single railway line in Victoria. We are in the business of opening lines, not closing them. We are getting on with the job.

### Epson laser printers

**Mr LEIGHTON** (Preston) — If you get what you pay for, that is certainly the case with printers. Previously Epson has been criticised for its inkjet printers whereby the cartridges using smart chips say they are empty when they are not and the printer stops printing.

I raise concerns tonight about Epson laser printers, particularly the EPL-N205s, which have been installed in members' electorate offices. I know these concerns are shared by many honourable members. Within a couple of days of a printer being installed in my office one of the chips died and the printer stopped printing. In many electorate offices the printers have failed to handle envelopes, despite the specifications saying otherwise. The fix supplied corrected the problem in some offices but caused printers to start jamming envelopes in other offices. The printer toner cartridges are not good value compared to those supplied with other printers.

I did not choose an Epson laser printer as my home laser printer, and I would not advise businesses wanting a heavy-duty laser printer to buy an Epson.

## CONFISCATION (AMENDMENT) BILL

### *Second reading*

#### **Debate resumed from 1 May; motion of Mr HULLS (Attorney-General).**

**Mr McINTOSH** (Kew) — This bill is obviously an attempt by the government to demonstrate that it is tough on crime. Certainly it goes a long way to demonstrate that by amendments to the Confiscation Act. I say from the outset that the opposition will support this bill. It makes a number of dramatic improvements to the Confiscation Act that have become necessary with the passage of time. This legislation was originally brought into the house by the former Attorney-General and was supported by the then opposition. The then shadow Attorney-General, the current Attorney-General, was the lead speaker at the time and supported the implementation of the confiscation legislation.

The most important thing about this amending legislation is that it is a fairly draconian bill. It enables the property of an accused person to be seized, retained, supervised and managed by the Assets Confiscation Office, and ultimately that can lead to the forfeiture of that property.

In his second-reading speech the Attorney-General said, without referring to any concrete examples, that the problems that have eventuated over the last four or five years since the bill came into operation are firstly, that criminals are structuring their affairs to deliberately avoid the provisions of the Confiscation Act; secondly, that they are deliberately hiding the property derived from the proceeds of crime so as to avoid the operation of the Confiscation Act; and finally, that there is a necessity for improvements to the management of retained and confiscated property to be implemented in the operation of the act.

The most draconian provisions of the Confiscation Act relate to automatic forfeiture. A fundamental principle that has been in operation in this state for nigh on 17 or 18 years since the original bill was put through in the mid-1980s is that the property used in or the profit derived from the commission of an offence should be forfeited to the Crown. As I said, that principle has been in operation in this state for nearly 20 years. Both sides of politics have felt that tainted property — if I can call it that — being forfeited to the Crown is an appropriate mechanism in the deterrent process of the criminal justice system.

A regime that was implemented by the Confiscation Act took it one step further and enabled the property of

an accused person to be subject to a restraining order taken out by the Director of Public Prosecutions before a conviction had even been entered. It allowed the DPP to make an application within 48 hours of charges being laid in relation to a number of scheduled items in the act, including trafficking in a drug of dependence, serious drug crimes and crimes involving obtaining financial advantage by deception. In those circumstances an application could be made to the court for a restraining order and within 60 days of the granting of that restraining order or conviction — it is a bit hard to see how it could occur, but whichever is the latter — all assets of the convicted person would be forfeited to the Crown.

The two important things to remember about this is that it relates to not just the property that was used in the commission of a crime or the property or assets that were derived as profit from the commission of a crime but to all the property of an accused person — the house, the car, bank accounts and anything else. Because of the severity of the offences, particularly in relation to drug trafficking and obtaining financial advantage by deception, it is felt that all the property of an accused should be incorporated in a restraining order and be subject to forfeiture. It is a substantial deterrent that both sides of politics agree on balance is an appropriate measure in those circumstances.

The second thing to remember is that it happens automatically. It happens as soon as the conviction is entered so that the property can be automatically forfeited within 60 days.

Of course the accused person has an opportunity at the time of the making of the restraining order to make an application to the court to demonstrate that the property was lawfully obtained and was not obtained in any way through the proceeds of crime — for example, a house or something like that may have been inherited from a family member. So there are two important things: it is all property of the accused person, and it relates to an automatic confiscation process, if you like, through the automatic forfeiture process.

This bill essentially adheres to that regime, but it substantially lowers the threshold. There is a threshold mechanism in place in relation to the operation of this bill. In the examples the Attorney-General used in the second-reading speech he talked about heroin. The current regime is essentially based upon the provisions in the Drugs, Poisons and Controlled Substances Act. The current regime allows for automatic forfeiture in relation to heroin where the person is accused and convicted of a crime relating to the trafficking of 300 grams of heroin, which is a substantial amount.

There is a variety of other amounts involved in this particular matter, and in relation to cocaine it is also some 300 grams.

This bill will substantially lower the threshold in the case of heroin to 30 grams. That is done by introducing a new column 2B in schedule eleven of the Drugs, Poisons and Controlled Substances Act, which is the automatic forfeiture quantity introduced by the operation of this bill. For amphetamines it is now 6 grams; for cocaine, 3 grams; for heroin, 3 grams; for lysergic acid diethylamide, or LSD, 1.5 milligrams; right down to cannabis, which is 600 grams.

In relation to property-related offences, the number of offences has been greatly expanded away from the original proposition. As I said, that related to trafficking in a drug of dependence and cultivating narcotic plants, and also dishonesty offences relating to obtaining property by deception, obtaining financial advantage by deception and conspiracy to commit those two offences. In those cases the threshold was \$100 000 or more where the property involved in the deception amounted to \$100 000.

The bill substantially increases the numbers of those offences to include things like extortion with a threat to destroy property and extortion to kill. Again there was a threshold, and in every single case the threshold has been lowered to half — to \$50 000; and if the combined effect of two or more charges relates to property amounting to some \$75 000 that has also become a threshold. So essentially even if both charges were for less than \$50 000, if the combined effect was more than \$75 000 this bill would kick in. Interestingly enough it relates to theft. Presumably in offences relating to thefts of motor cars it would not take too much to get in excess of \$50 000. Certainly with robbery and armed robbery the thresholds have been lowered to \$50 000 and \$75 000 respectively.

There are a couple of curious provisions relating to offences under the Prostitution Control Act. I refer to new item 2A of schedule 2 to the principal act, which is at page 74 of the bill. New item 2A is about an offence under section 6(1) of the Prostitution Control Act for receiving payment for sexual services provided by a child.

Again that is a very, very serious offence. The opposition does not disagree with the intent of offences relating to receiving payment for sexual services provided by a child or, an ancillary one, an agreement for the provision of sexual services by a child. However, the opposition is a tad curious about what the government is doing when item 2A refers to where:

... only one offence is charged, the value of the payment received is \$50 000 or more ...

While I do not disagree with the nature of the offence and the fact that it is serious and certainly should, perhaps with a review of this, fall within the ambit of an automatic forfeiture provision and so act as a substantial deterrent in this regard, I query whether or not the one offence is charged and whether 'the value of the payment received is \$50 000' is appropriate. It appears the government has identified a number of serious offences such as this. I am querying whether \$50 000 is an appropriate amount.

It would be fairly hard to look at an individual case where a charge was made — one single offence was committed — and where there was a payment involved of some \$50 000. Certainly under the second part of this — that is, two or more charges that may total some \$75 000 — you may have a series of charges that would total \$75 000. However, the practicalities of the one charge relating to a payment of some \$50 000 probably may have escaped the government in the operation of this legislation.

As I said, I do not disagree that these offences should be included in the matter. I will not go through the offences but just say that the government has substantially widened the range of offences beyond what could be perhaps described as obtaining financial advantage by deception and related offences. As I said, it goes to activities like theft, extortion, armed robbery and those matters, all of which the opposition does not disagree with.

Just on the matters concerning the sexually related offences, it seems a bit curious that this may be a bit unworkable given the amount of the threshold. It seems a standard amount is being put throughout the legislation. Perhaps some thought should be given to the amount that is set out there.

To raise just another example, I take the house to the bottom of page 76. Item 2A(e) of the proposed schedule talks about assisting in the carrying on of a prostitution service-providing business without a licence or in breach of a licence where only one offence is charged and \$50 000 or more is received by the business. Again there is one offence and one amount of money — \$50 000. It may be a tad inconceivable to get above that high-jump bar. It may be something that the government may consider reviewing to make it a little bit more workable in the real world.

Also in relation to drugs of dependence, as I understand it there is some difficulty with the measurement of 30 grams. It may cause some difficulty if that is diluted.

It probably has a practical equivalent of some 3 grams of heroin in the street. It may not have a terribly high street value, but there is no doubt that the opposition does not dispute that any form of trafficking in drugs is a serious offence. It is certainly appropriate to the purpose of the legislation under the Confiscation (Amendment) Bill.

I move on to what are called tainted property substitution orders. Again the opposition has no difficulty with these at all, because they act as substantial deterrents. The principle of the bill is that where a person uses property or some form of asset in the commission of an offence, that should be forfeited to the crown. Equally any profits that are derived from the commission of the offence should also be forfeited.

An example the Attorney-General uses is stolen cars: in many armed robberies or bank robberies, for example, stolen cars may be used. It is highly unlikely that an offender in those circumstances would actually use their own car. The stolen car is owned by a third person, and of course an order cannot be made against the property of a third person. They are an innocent victim in all these circumstances.

What enables it to be done is that if in an application before it the court determines that the convicted person has property that is of a similar nature and description to the type of property that was used in the commission of the offence — for example, a car — then that can be substituted in relation to this matter and the car can be seized in that regard. This applies generally. It does not just apply to automatic forfeitures, it applies generally to the applications made before the court. Importantly it is a very powerful tool and part of the deterrent process.

To move on to the information-gathering parts of the bill, there is a mechanism that enables the police, in carrying out their investigations relating to forfeiture, to determine the types and amounts of assets a particular accused person may have and perhaps even trace those assets. There is the ability to obtain a monitoring order whereby notice is served upon financial institutions such as banks, building societies and credit unions. People may have a number of different accounts, and it requires a financial institution to provide details relating to that accused person's bank accounts and financial transactions.

What this does is to extend the definition of 'financial institution', I think appropriately given modern circumstances, to include things like the TAB or the casino. It enables these monitoring notices to be issued in relation to the TAB or casinos, where people may have a number of different accounts in relation to the

property they hold, and not only to banks, building societies and credit unions.

Again, it enables the police or the Asset Confiscation Office to serve one of these notices on the newly defined financial institutions to determine whether or not the individual who is the subject of the confiscation investigation holds an account or a number of accounts with a particular institution and also in what sum.

There is a section 85 attached to this provision that basically says that a person cannot bring an action against a financial institution regarding what is essentially a breach of the fiduciary duty that would be owed by the financial institution. Again, the opposition feels that this is appropriate in these circumstances to make it perfectly clear that financial institutions should be complying with these matters.

I move on to what is termed in the legislation to be a freezing order. A restraining order can be made in the lead-up to the laying of charges or at any stage during the process right up to conviction — or indeed after conviction, if absolutely necessary. The government has introduced in this bill a more flexible and more interim approach, which is to provide things relating to freezing orders. These freezing orders are supposed to be flexible, interim measures that can be made very quickly and very expeditiously — in emergency circumstances, if you like.

It provides for applications to be made over the phone and by fax. It is very much akin to what people involved in the civil jurisdiction would term to be interim injunctions, whereby you freeze assets or get interim injunctions. It is very short term, but ultimately it leads to formal restraining orders, where the evidence and material have to be put before the court in the usual way.

On balance the most important thing is that anything that speeds up the process to enable this provision is appropriate in the modern day because assets can be moved very quickly and very speedily not only between institutions here in Victoria but right around the country and the world just at the stroke of an electronic pen. Accordingly, it is appropriate that some flexibility is introduced into the process.

A number of lawyer colleagues have raised with me the need for such a freezing order and whether there is any utility in it given the fact that that type of application could in fact be made under the current regime. However, I think the legislation makes it perfectly clear that the police have the power to obtain such a freezing order.

The other thing in relation to the investigation process is that it now allows — and again one would expect that this would normally take place but it puts it beyond doubt — the three government agencies involved in the investigation and confiscation of property — the police, the Asset Confiscation Office and the Director of Public Prosecutions (DPP) — to share information. Indeed it almost places an obligation on those bodies to share information to ensure that the maximum outcome is achieved in that regard. Of course, the police carry out the investigation and the actual seizure of the property; the Asset Confiscation Office manages and enforces the confiscation and the DPP conducts the confiscation proceedings as well as the criminal prosecution in court. The more these agencies can share information, the greater the utility in these orders.

Finally in relation to the operation of this bill, it is important to note that there is certainly an attempt in it to improve the management structure through which the act now operates. It introduces new provisions and amends other provisions relating to the management of seized and restrained property. It is all commonsense sort of stuff, that information can be obtained about insurance that would enable the property to be protected if it is held in the name of the Asset Confiscation Office, whereby the secretary of the department may have to take out an appropriate insurance policy. It also enables the property to be maintained and enhanced to again maximise the property that may be returned to the Crown.

It also strengthens the provisions in relation to seizure of property on premises, which basically means that currently a warrant for the seizure of property has to be served on premises. This puts it beyond doubt that the warrant can be served in a public place, for example a car. We spoke about cars being seized. Now a warrant can be executed in a public place if the car was merely parked on the street, for example.

They are basically the matters that I wish to highlight in relation to this bill. As I said, the opposition has consulted widely with a number of lawyers, the Law Institute of Victoria, the bar council, the Criminal Bar Association and Liberty Victoria. It is fair to say that the legal profession generally is very concerned about the issue of asset confiscation. It expressed concern at the time of the original passage of the act, which changed the law very substantially.

But in the modern world you are talking about very serious offences — obtaining financial advantage by deception, the sexually related offences we talked about and most importantly, trafficking in a large quantity of drugs. These are serious offences that the whole

community is concerned about. This bill certainly adds to the current regime and takes it substantially further. It lowers the thresholds but by doing so it delivers a fairly strong message in a fairly cogent way.

We all talk about sentencing. We talk about the power of the police and other investigatory bodies, and we always try to expedite the criminal prosecution process, but part of this package is the ability to confiscate.

**Business interrupted pursuant to sessional orders.**

**Sitting continued on motion of Mr CAMERON (Minister for Agriculture).**

**Mr McINTOSH (Kew)** — I am indebted to the Minister for Agriculture. I will be brief. As I said, I think the bill strikes the correct balance. The overwhelming majority of the community desires it, and it delivers a very strong message — that these very serious crimes will not be tolerated in this state and that breaching the law will have dire consequences.

**Mr RYAN (Leader of the National Party)** — It is my pleasure to join the debate about the Confiscation (Amendment) Bill. It truly is a sign of the times that there is legislation of this kind before the house. Pre-1986 one could not imagine, quite frankly, that this style of legislation would be contemplated by the Parliament, let alone enacted in the form we now have before us.

The Crimes (Confiscation of Profits) Act 1986 in many senses now bears little practical resemblance to the legislation that is before the house this evening. This bill amends the Confiscation Act 1997, which was passed after having been introduced by the former coalition government. The core provisions of the Confiscation Act appear in its sections 32 and 35.

Section 32 deals with the applications that can be made for a forfeiture order. I am not going to go through the whole process, because it has been explored by the member for Kew and these comments are based upon my understanding of how the Confiscation Act is applied. Section 35 deals with the automatic forfeiture-after-conviction provisions and the mechanics of making an application in those instances.

The focus over the years has moved away from the quaint notion of coming in after the event to try to take from an accused any ill-gotten gains from his or her crime. It has shifted to the notion of precluding any movement of assets in anticipation of a prosecution — doing what is necessary to protect the public interest and ensure that that interest is accommodated before a

prosecution, as opposed to trying to catch up with criminals after the event.

In the second-reading speech the Attorney-General referred to the fact that, in essence, the crims have gotten smarter with the passage of time and these amendments have to be brought in to accommodate the way in which those criminal elements conduct their activities. It would have been instructive to have some examples brought before the house to exemplify that, but nevertheless we have the legislation before us, and so it is that these comments are addressed to it.

I have before me some comments by Jeanette Morrish, QC, on behalf of the Criminal Bar Association and by Elizabeth Brimer on behalf of the Victorian Council for Civil Liberties. In the document they provided they acknowledge the contribution of Remy van de Weil, QC, for what he has added to the material they produced. It is about an 18-page commentary on this legislation, and it is very instructive. I have read it carefully and considered its terms.

The core principle which underpins this advice is the doctrine of proportionality — that is, that the punishment ought to fit the crime. The essence of the views expressed in this very informative document is to the general effect that the legislation now being debated is going a bit past the pale, that it is seen to be in some sense taking things too far. There are various examples which are given by those who are the authors of this excellent document to illustrate the points that they make. I recommend this document for reading by all members of the house because it is instructive. It is an excellent analysis of the legislation. It is pretty exhaustive in its content, and the general tenor of it, as I say, is to the effect that the legislation in various respects goes too far and in other respects is not necessary and therefore ought to be generally resisted.

I think there is agreement by all concerned that the tenor of all these things is fine, but the objection here in the course of this commentary is that the mechanics set out in this legislation take the issue too far. These are matters that I have considered and taken into account for the purpose of reporting this legislation to my own party room, but in the end I came to the conclusion that the National Party should not oppose the bill.

This bill adds to the automatic forfeiture provisions in a number of ways. It makes them harsher and it expands the nature of the crimes which will attract the provisions whereby automatic forfeiture will occur. The member for Kew has given some examples. The minister's second-reading speech talked particularly about drug-related crimes. The provisions of the

amending legislation on page 70 substitute for item 2 of schedule 2 to the principal act the many forms of crime which will now attract the automatic forfeiture provisions. Certainly there is an expansion into what is loosely termed — not only those that appear in its original form in the schedule to the bill, but also under what is termed in the second-reading speech — white-collar crime. We have no particular objection to the way in which that has been drafted.

The second aspect of what has happened is that the actual thresholds which will apply to attract the operation of the legislation have been reduced in various ways. In the case of drugs — just to take one example — the second-reading speech talked about the current legislation providing for an automatic forfeiture provision being attracted wherever 500 grams of diluted heroin are involved. That is now to be reduced to 30 grams of diluted heroin. There is commentary in the opinion from those members of counsel to whom I have referred that this could amount to only 3 grams of heroin in its pure form, which would, they say, make a mockery of what is intended. While I sympathise with that point of view — and I emphasise that the word ‘mockery’ is mine and not theirs — nevertheless the general thrust of the legislation in this day and age is unfortunately appropriate and is not one that we will oppose.

There are various other elements of the legislation which are of relevance. There are provisions which amend the tainted property definitions that are contained in the bill. There are provisions relating to what are termed tainted property substitution declarations. They relate to tainted property which would have been seized under the provisions of the bill had the perpetrator used it in the course of the crime, but in this instance it had not been used. If the perpetrator of the crime owns other property which is of similar nature, or is property bearing no similarity at all, the provisions of this bill will allow it to be regarded as being tainted property and be subject to forfeiture. Again, it is an extension of elements of the legislation that are there already, but it extends them in such a way that some might say it will be very interesting to see how it applies in practical terms and how the courts go about determining whether orders will be made to enable this particular provision to be exercised.

Elements of the bill deal with investigation and information gathering for confiscation proceedings. The definition of ‘financial institution’ has been broadened to include entities such as a casino and the TAB. This will enable the police to obtain monitoring orders where they are able to produce the appropriate material to justify them so they can follow the way in which

funds have been deposited into these forms of financial institutions as they are now being defined. The police will be able to serve information notices which will require these institutions to provide account details to the police.

It is interesting to note that a section 85 provision will apply. It is a justified use of the section 85 provision, because the intention is to protect those entities and the people who work with them who provide the information to the police required as a result of the service of one of the information notices. It is again ironic to reflect on days of yore when the Labor Party, then in opposition, made such a play about the use of section 85 provisions which invariably were being used in a similar fashion by a former government. Now, of course, it has become the task of this government to pass meaningful legislation and section 85 provisions are used freely, but such is life.

The bill refers to freezing orders. These are used as a supplement to the existing provisions that provide for restraining orders. Restraining orders have a general intention to stop the dissipation of assets, but a freezing order is a step before the use of a restraining order. So there is a capacity here for an application to be made to a court to enable assets to be frozen so as to give enough time to enable an application for a restraining order to be made. As happens often in the civil jurisdiction, this style of order, which has the nature of an injunction about it, is necessarily of short duration, and in this instance it is to be for 72 hours. There cannot be a new application for a freezing order, but the existing one can be extended in exceptional circumstances. A fine of \$120 000 is applicable to any institution which pays out from an account that is the subject of a freezing order.

An important element of this provision is something that touches on the broader scope of the operation of the legislation at large — that is, the significance of the application having been made to a court. A court will need to be satisfied that the circumstances exist to justify one of these orders being made in the first instance. Importantly, the provision goes on to say that the court can attach whatever orders or conditions it wishes for the purpose of making that order.

That may, of course, extend to the question of costs. In a civil jurisdiction if someone makes an application for an order of this nature and obtains it, almost as a matter of custom if it is ultimately discharged and some sort of damage is suffered by the person or entity who is the subject of such an order, that individual or entity can make an application seeking damages against the person who brought the order in the first place.

Inasmuch as concerns are being expressed about the way in which this style of order is sought and given effect, it ought offer comfort to those who have those concerns that a court does have wide-ranging powers to impose conditions at the time that an order of this nature is under consideration.

If a restraining order has been granted the bill provides that the person who is the subject of such an order must provide a declaration of other interests in the asset listed in the restraining order. This is to ensure that as many as possible of the others who have interests in the asset are able to be advised that the order has been given effect.

A further provision will allow information sharing between Victoria Police, the Asset Confiscation Office within the Department of Justice and those responsible for the prosecution of crime in Victoria — namely, the Director of Public Prosecutions and police. I think this is a sensible provision. I know there has been commentary about the issue of the right to silence in the sense that information being transmitted from one department to another may necessarily mean that another department obtains information regarding an accused person in circumstances where that evidence would not otherwise be able to be gleaned because of the right to silence.

Nevertheless I think the tenor of this legislation is such that these provisions are unfortunately necessary in this day and age. It will be very interesting to see how the bill takes effect as these very significant powers are exercised by all those who have a responsibility for their management and administration.

There is a provision in relation to property management. This relates to property which has been seized by warrant or restraining order or under the new provisions in the legislation which extend the existing provisions. This is a practical provision which enables property to be dealt with. As the second-reading speech recites, it is not difficult to think of a situation where a house, for example, might be the subject of a restraining order. That house has to be managed and maintained and people need to be brought in to look after it. The provisions contained within this aspect of the bill will enable those sorts of things to happen.

From a practical perspective that work will be undertaken by the Asset Confiscation Office, and the Secretary of the Department of Justice will be given certain powers through the provisions in this general area. There are extended seizure powers, as referred to by the member for Kew.

In essence they are the general provisions of this bill. As has been said, it is draconian legislation; that is the fact. However, when you get right through to the end of it the real issue here will be the maintenance of the checks and balances through the way the courts choose to have these provisions apply. From my point of view it would be a very different thing if there were a capacity in the authorities to unilaterally exercise the powers set out in this bill but that is not the case. There will always be the safeguards of a court being involved.

At first blush it does seem to be a rather far-sighted thing to do with the somewhat extraordinary consequences that applications can be made by telephone or fax or other such means, but I say again that I think the important balance to put into this is that an application must be made — these things cannot be done as of right. The applicant, whoever it is, seeking to use the powers created under this bill will have to go to a court to obtain the orders necessary to give effect to the terms of this legislation.

I am a strong and committed believer in the capacity of courts to be sensible about these things. My experience of things over the years is that, certainly in the civil jurisdiction, if a court is ever called upon to exercise powers of the general tenor and nature as those detailed in this legislation, those powers are, much more often than not, exercised on a very conservative basis. I have great confidence that as a matter of general course that will be the attitude of whoever receives and deals with these applications.

To put it the other way around, this style of order will not be issued on a willy-nilly basis. There will need to be ample justification for the exercise of the powers which this legislation contemplates. It is with those thoughts in mind that I reiterate the National Party does not oppose this bill.

**Debate adjourned on motion of Mr MILDENHALL (Footscray).**

**Debate adjourned until later this day.**

**Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).**

## ADJOURNMENT

**Mr CAMERON (Minister for Agriculture) — I move:**

That the house do now adjourn.

### Taralye language centre: funding

**Mr PERTON** (Doncaster) — The matter I raise is for the attention of the Minister for Education Services. I refer to the imminent closure of a program for school-age deaf children with cochlear implants because of a lack of government funding. The program is run by Taralye, the oral language centre for deaf children at Blackburn Road, Blackburn.

The school transition program provides intensive oral language services for deaf children and is aimed at developing their skills to a level where they can participate in mainstream school. Our state is known for its cochlear implants. Hand in hand with the program is the provision through Taralye of world-class oral language programs for young children. In very young children this is an essential part of the success of the implant. Over 50 children with implants now attend Taralye for early intervention and language development, making it the leading provider in Victoria.

The aim is to develop children's oral language to a level where they are able to participate in mainstream school alongside their hearing peers. In this way Taralye saves the state considerable money by reducing the need for intensive language support services in the school years. All children in the transition program are severely to profoundly deaf. While chronologically and cognitively ready for school, they require a program of intensive language development to ensure readiness for school entry.

Taralye has the results to show that they make a difference in these children's language outcomes. One example is a child who entered the school transition program at 5 years and 3 months of age. She was assessed at entry as having a receptive language age of 3 years and 1 month, and now at the chronological age of 5 years and 7 months she has a language age of 5 years and 8 months. The child has achieved age-appropriate receptive language, along with the development of social skills to be well equipped to take part in mainstream schooling of her hearing peers.

The school transition program was established in 1997 through funds from philanthropic trusts and donors. However, the trusts have indicated their belief that ongoing funding should be a government responsibility, and applications for further trust funding have been unsuccessful. Despite strong demand for the service and research evidence that shows the difference in learning outcomes, without recurrent government funding the school transitional program will cease.

Taralye has not received a response from the minister to its letter dated 23 July 2003. I know the member for Burwood has been making representations, too. A letter from the Premier's chief of staff indicates that the government will not provide funding for a school transition program, yet today in contrast the Premier, when challenged on the issue on his 3AW spot, said he would look into it.

The action I ask of the minister is to take up the challenge and find a way of funding this valuable program. The director of the program indicates that the programs that the Department of Education and Training currently funds assume a child is able to participate in school and has age-appropriate language. That is not the case with these children, and I believe it is appropriate — —

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

### Whittlesea Country Music Festival

**Ms GREEN** (Yan Yean) — I draw to the attention of the Minister for Tourism the importance of funding for the Whittlesea Country Music Festival and seek his action in support of the festival.

The government has previously shown its commitment to this important regional event by providing \$7000 in funding for this year's festival, which was held in February. This important event features performances by country music artists and is a valuable community asset which attracts significant numbers of visitors to the region for the three-day festival.

From its beginnings 14 years ago as a fundraising event in Kyneton the festival has now grown into a major Victorian event at its new home in Whittlesea. The 2003 festival received rave reviews from sponsors, artists, stallholders and the public. The location is ideal for such an event. It has great facilities just 40 minutes from the Melbourne central business district but with very much a country atmosphere, largely run by volunteers from the local community.

The festival has three major components: the Victorian and National Country Music Awards, the Saturday Street Party and the Sunday Spectacular. At this year's festival I had the privilege of representing the Victorian government at the awards ceremony and of presenting an award. The festival attracted 530 entries — almost as many as its better known cousin, Tamworth — and was telecast nationally on the Prime TV network and broadcast on ABC Country Radio and dozens of country music stations.

This year I understand the festival will be aiming to increase attendance and visitors to the event by diversifying its activities to reach a broader audience. Over 65 per cent of those who attend the three-day festival are from outside Whittlesea. That is evidence of the important impact this event has on the regional economy. Extra funding will significantly assist in increasing the economic impact of the event on the region.

I urge members of this place to take the opportunity to attend the next festival in February. I know a new resident of Whittlesea, Rob Mitchell, who is a member in the other place and a well-known petrolhead, will be among the first in line for his ticket to the truck and ute show, which runs in conjunction with the country music festival and provides further economic benefit to the Whittlesea area. I know that many members here enjoy country music. In particular the honourable members for Frankston and Macedon are great country music fans, so get on your moleskins, your Akubras, your big hair and your dancing boots and come on down to Whittlesea!

I ask the minister to take action to continue this government's commitment to this great event and to help grow the event through marketing and bringing people to the region for longer periods of time to increase the economic benefits to the region.

### **Water: Dartmoor treatment facility**

**Mr DELAHUNTY** (Lowan) — I raise a matter for the attention of the Minister for Water concerning the Dartmoor water reticulation project. I seek action from the minister to ensure the water treatment facility is constructed and remove the uncertainty from the Dartmoor community and the timber mill in the town.

In 2000 the now Treasurer gave a grant of \$97 000 to Portland Coast Water to supply the township of Dartmoor with a guaranteed safe water supply. In a press release issued by him, the Minister for State and Regional Development said that the project has strong community support and will ensure the future of the Dartmoor timber mill.

Dartmoor is a small rural community situated in the south-west corner of the state. It has a population of about 300 people. It is one of Victoria's largest towns without a reticulated water supply. The main industries in the area are farming and forestry, with a large softwood timber mill employing over 100 people. The mill has in the past supplied about 50 homes in the town with household water from its own bore. The town also has a very good primary school, a bush

nursing centre, small businesses, a good hotel and a very active Country Fire Authority and State Emergency Service, and this Friday it will open a transaction centre.

In June this year Portland Coast Water withdrew its support for the current project, saying it wanted to assess a more cost-effective option. The community of Dartmoor is very worried. This could mean the loss of this important project. Water, in this case quality reticulated water, is essential to the future of the Dartmoor township. Since 1996 the Dartmoor community, the Green Triangle Forest Products Ltd mill and Portland Coast Water have developed a package for water treatment in the town. There are about 280 tenements.

The government has designated Dartmoor a water district in Portland Coast Water, which now has the responsibility of providing world health standard water to this town. Many people have purchased properties anticipating quality water. Do not let these people and this timber mill down. Why should country people not have water of similar standard to their city cousins? I again ask the Minister for Water to take action to ensure the construction of a water treatment facility in this great township of Dartmoor within the Lowan electorate.

### **Neighbourhood houses and community centres: recognition**

**Ms McTAGGART** (Evelyn) — I call on the Minister for Education and Training to take action to ensure that the hard work and the commitment of neighbourhood houses and community centres are recognised and celebrated.

In my electorate of Evelyn I have four extremely community-focused centres: Morrison House in Mount Evelyn, Seville community house, Chirside Park community centre and Wonga Park community house. I can speak first hand on how vital these houses are to their local communities. They offer educational courses such as literacy and numeracy, and information and technology and accredited courses such as child care, first aid and food handling, along with many other activities such as craft and personal development courses.

Most importantly, they offer learning opportunities in a more relaxed, friendly and inviting environment in local communities. Some students find traditional learning centres a little threatening and choose the community houses. Each house promotes volunteering, which gives participants confidence and improved

self-esteem whilst building relationships and partnerships within their local communities. Many people who have been out of the work force, who are new to the area or who are looking to establish links within their local communities find these centres absolutely invaluable.

I have been associated with Morrison House in Mount Evelyn for over 10 years. I was part of its committee of management for many years, and through this contact I have made many friends from a variety of groups in my local community. There are many success stories of adult students who have moved on to improved employment or educational opportunities since attending this house. Morrison House has been involved in programs which give some students with mental health issues the opportunity to integrate back into the community, and it also has initiated many other community projects, including Mount Evelyn becoming a learning town.

We had the privilege of having a visit from the Premier just a couple of weeks ago to see first hand the work that community houses contribute to local communities. Chirnside Park community centre is looking forward to a maternal and child health care centre being completed as part of its complex. This will be a vital contact for new mothers to join in activities and connect with other members of their local community. The Seville and Wonga Park community houses provide learning opportunities to their communities by way of craft and computer courses, et cetera.

I am a strong advocate for neighbourhood houses and community centres, and ask that they be recognised as vital assets in our community. I commend the managers of these centres for the fabulous work that they do and for their commitment to lifelong learning. We are never too old to learn.

### **Ambulance services: Hampton incident**

**Mr THOMPSON** (Sandringham) — I wish to raise a matter for the attention of the Minister for Health on behalf of Roseann Lenihan of Conifer Street, Hampton. Roseann is the widow of Donald Lenihan. I ask the minister to investigate ambulance services in the city of Bayside.

On 16 January at 6.06 a.m. Mrs Lenihan phoned urgently for an ambulance and indicated that her husband appeared to be having some type of fit. In retrospect she also believes that he suffered a stroke. The ambulance arrived at 6.21 a.m., which was apparently an initial response time of 12 minutes and

27 seconds. According to a letter from the Metropolitan Ambulance Service the closest available emergency ambulance was despatched from Moorabbin ambulance station at 6.10.06. Why did it take over 10 minutes in the early hours of the morning to travel a distance which in peak traffic would only take 6 to 7 minutes maximum? The crew advised that there was no delay in their response to the address.

Subsequent inquiries have been undertaken by other people who have endeavoured to track the distance. Mrs Lenihan did so herself in July, and it took 6 minutes and 53 seconds. Over the course of last weekend two other estimates were undertaken by people by the name of McNaught. On one occasion the time taken was 6 minutes and 5 seconds, with one red light; and then on Saturday, 23 August, a further measurement was taken, and it took 6 minutes and 45 seconds, with four sets of red lights and in heavy traffic. The overall distance was 4 kilometres.

Mr Lenihan was unconscious when the first ambulance arrived. According to Mrs Lenihan the ambulance officers did not appear to be in a hurry. Subsequently they ordered a mobile intensive care ambulance. Why did it take over 30 minutes before the services of the MICA ambulance crew were available to treat her husband from the time of the first emergency call, which I might note Mrs Lenihan believes took place at 6.06 a.m. and not 6.08 a.m., as the ambulance records show?

Another question that arises in relation to this matter is: what training benchmarks are in place to ensure that the conduct and comments of ambulance officers are reflective at all times of the highest standards of professionalism? Sadly Mr Lenihan died on 19 January at the age of 53 years. At the time he was a senior lecturer at RMIT. Mrs Lenihan and her children would like to have some clear answers to the questions that have been raised tonight.

### **Victorian certificate of applied learning: Seymour electorate**

**Mr HARDMAN** (Seymour) — I would like to raise a matter for the Minister for Education and Training. There are a number of fantastic programs running in our schools right across the Seymour electorate, from Healesville up through to Alexandra and down to Assumption College in Kilmore. Many of these programs are initiatives by the Bracks government. They are providing the students in our electorates with better life choices and obviously giving them more relevant education and training opportunities as well.

An example of this is the excellent work that is being done by the schools through the Victorian certificate of applied learning (VCAL). I ask the minister to take action to ensure that the Victorian certificate of applied learning program be extended into more regional and rural schools so that they may provide students from areas right across the state with the same opportunities that are at present being provided in the Seymour electorate.

In Seymour, for example, we have some really fantastic programs. One of note, which was launched last week by the Minister for Education Services, is a community VCAL. This particular VCAL was auspiced by the technical high school and is being conducted locally by Berry Street Victoria. Ten students who are basically disfranchised from schools, who are non-attendees, go into a community venue for their literacy, numeracy and work placement programs. That has been a very successful program which has actually taken disengaged young people and given them a better life chance, which is a great example of how VCAL can work.

A program at the TAFE college is another novel one in Seymour. The program has 10 or 11 students; 1 of them is doing her work placement in my office every Friday and is doing a marvellous job learning a number of administrative skills.

**Mr Nardella** — Hear, hear!

**Mr HARDMAN** — I encourage local members to assist the VCAL programs by attracting them to their areas as well. It is fantastic. It is great to hear the member for Melton supporting the program, with about five students operating over there.

The Seymour Technical High School has programs. There is a novel program operating in Healesville which is attracting students to get involved in community business programs through the production of a community and business calendar. There are also many great programs right across to Alexandra. These programs are operating in conjunction with the local learning and employment networks. They are adding to the fantastic work being done through environmental scans, identifying the needs of our local communities. I commend the VCAL to the house.

### **Kent Park Primary School: portable classrooms**

**Mr WELLS** (Scoresby) — Had I known that the Minister for Police and Emergency Services was going to be here, I would have directed an adjournment

debate issue to him. However, this is for the Minister for Education Services. I ask her to take immediate action to address the needs of the Kent Park Primary School which is on the Kent Park estate.

The school has a number of issues, and it has been lobbying for a number of years now to fix the problems that it has with regard to more permanent classrooms. At the moment the school has 7 permanent and 13 portable classrooms for its 454 students. But to add insult to injury, even the toilet block is a relocatable. In a local newspaper just recently the former member for Knox, Hurtle Lupton, is reported as having said that the former Minister for Education, now the Minister for Planning, gave Kent Park Primary School a commitment that the school would receive an additional permanent classroom. These comments were published in the *Knox Leader* of 4 September 2001. We are getting up to almost two years later and the school still has not seen the commitment made by the previous Minister for Education.

The matter has received a lot of publicity locally. It has been brought to my attention by a constituent in the electorate of Scoresby, Mr Tim Wilson. Mr Wilson has written to the government asking for an explanation of why the project has not been funded. The response has been nothing, I have to say, but bureaucratic rubbish and a fob off.

Labor has a reputation for ignoring the needs of the outer east. I remind the house that when Labor was last in government, in the Cain-Kirner days, the Wantirna Secondary College ended up with 50 portable classrooms. That is the way the previous Cain and Kirner governments wanted to treat the people in the outer east. Under this Minister for Education Services we are looking for a more positive result in regard to this.

What we do not want are more promises for the Kent Park Primary School. What Mr Wilson wants, along with all the other hardworking parents of Kent Park Primary School, is a budget commitment now to fix the problems.

I ask the minister to take immediate action to fix this problem, because it is obvious that with a population of 454 students this is quite clearly an excellent school that attracts students, and it deserves to have more than seven permanent classrooms. When you look at it, the school is using an additional 13 portable classrooms. I ask the minister to look at the situation and treat the matter as urgent so we can get back to the parents of Kent Park Primary School.

### Victoria University of Technology: funding

**Mr NARDELLA** (Melton) — I ask the Minister for Education and Training to urgently take up the issue of a shortfall in funding for the Victoria University of Technology with the federal Liberal Minister for Education, Science and Training, Mr Brendan Nelson.

The VUT was established in the mid to late 1980s. It was an Australian Labor Party initiative, and it was about providing higher education courses to the poor, disadvantaged and working-class region that it now services, mindful of the fact that those communities have special needs. To do this the university needs to be a multi-campus organisation. The campuses are located in communities as varied as Newport, in the Premier's electorate; Werribee, in the electorate of the member for Tarneit, in conjunction with the Deputy Speaker; Melton; Sunbury; St Albans; Sunshine; and Footscray, as well as other campuses at other locations. VUT is similar to the University of Western Sydney (UWS) in that it serves a similar socioeconomic area and has also been targeted by the Howard government.

VUT has implemented innovative programs to increase higher education participation, like the portfolio program for secondary students in western and outer western suburban schools. It encourages and works with these students to help them achieve their dreams of going on to higher education and doing a degree at university. In a recent study it was found that about 24 per cent of VUT undergraduates come from disadvantaged backgrounds, compared to an average of 7.3 per cent and lower at institutions like the University of Melbourne. The study, by R. James, is entitled *Socioeconomic Background and Higher Education Participation — An Analysis of School Students Aspirations and Expectations*. As I am speaking about universities, I thought I would make a footnote.

VUT is part of our community and works with the Western Melbourne Regional Economic Development Organisation, local government and the transport industry to promote employment and enterprise within the region. The changes to the funding arrangements introduced by Mr Nelson have reduced the revenue base for VUT in the first instance, keeping it stagnant whilst concurrently massively increasing base funding for other institutions, such as \$10.7 million for the Royal Melbourne Institute of Technology. This change may mean increases above the higher education contribution scheme fees for 50 000 students. Already the University of Western Sydney has decided on a 30 per cent increase in fees in response to the changes implemented by Mr Nelson. Any fee rise to keep the university solvent will affect the ability of low

socio-demographic students to undertake courses. I direct honourable members to the Philips Curran and KPA Consulting report. The only option open to VUT might be to increase course fees, and this would further disadvantage young people.

This formula is wrong, it is discriminatory and it sets higher education within my region back 30 years. It must be changed so that the special, unique circumstances faced by VUT and UWS are dealt with equitably.

### Schools: Internet connection

**Mr MERLINO** (Monbulk) — The issue I raise is for the urgent attention of the Minister for Education Services. The urgent action I seek from the minister is an assurance that the remaining schools in my electorate that are suitable for the installation of a high-speed asymmetrical digital subscriber line (ADSL) Internet connection but have not yet gained access to this information technology infrastructure will receive this great resource as soon as possible.

The Bracks government has invested heavily in school infrastructure, and this is particularly so in the area of information technology. Shortly after election of the Bracks government for a second term, seven schools in my electorate had their Internet connections upgraded to ADSL level. These schools are Billanook Primary School, Boronia Heights College, Boronia Primary School, Selby Primary School, The Basin Primary School, Upwey High School and Upwey Primary School. The Internet upgrades at these schools have made an enormous difference to the quality of education received by students. I am sure all honourable members appreciate the importance of a high-speed Internet connection.

Increasingly the delivery of innovative educational curricula requires high-speed Internet access, and it is great to see that the Bracks government is progressively rolling out upgraded Internet access across Victoria. In addition to those seven schools I mentioned I understand that last week three more schools in my electorate had an ADSL connection installed. Those schools are Monbulk College, Monbulk Primary School and The Patch Primary School.

In visiting the schools in my electorate I have been pleased to see the focus that school communities — parents, students and teachers — are placing on using and upgrading their computer facilities. The applications that these computer facilities provide for students is immense, and range from applications for young children developing skills to high school

students undertaking complex multimedia or science applications. The skills of these students at both ends of the educational spectrum is outstanding. The IT infrastructure provided in our education system must keep pace.

The expanded bandwidth that ADSL delivers is important because it provides much faster response times. Members would agree that the speed with which both primary and secondary school students whiz through their computer programs and the Internet demands improvements to our IT infrastructure. The expanded bandwidth also provides a much greater volume of information that can be sent or downloaded, which is vital as our use of the Internet expands and as the Internet itself matures.

I again ask that the minister ensure that ADSL is connected to the remaining suitable schools in my electorate as soon as possible.

### **Torquay Angling Club**

**Mr CRUTCHFIELD** (South Barwon) — I ask the Minister for Environment to review the lease tenure of the Torquay Angling Club. The club has some 300 members, the majority of whom are from the Torquay area. The club facility also houses the marine rescue boat on a voluntary basis, and the club allows the operators of the boat to use the facilities.

The club is concerned about the one-by-one leasing arrangement, which means that each year the club has to renew its lease with the local coastal committee. The club approached me a week or so ago with its concerns about the lease tenure. When you have a one-by-one leasing arrangement rather than the three-by-three arrangement the club is asking for, it means that long-term strategic planning for improvements of the facility down there is not as easy to do as it would be if the club had a six-year lease. The club raised the issue of improving the facilities at Torquay, which I suppose one could describe as substandard. The club is keen to use its resources to improve those facilities with a view to encompassing the marine rescue boat in the foreshore facility.

The club also has an issue regarding the improvement of the boat ramp and having a safe launching facility at Torquay. At the moment that is compromised by the current leasing concerns. I reiterate my call for the Minister for Environment to review the leasing issue and ask him to consider seriously the request from the club for a three-year by three-year lease.

### **Responses**

**Ms KOSKY** (Minister for Education and Training) — The honourable member for Evelyn raised a matter in relation to the celebration of adult education and neighbourhood houses. I am pleased to inform her that we will indeed celebrate adult learning and adult education, particularly neighbourhood houses, with Adult Learners Week, which will be held this year from 1 to 7 September. It is an Australian annual celebration of adult learning. It is really about highlighting adult learning, but it is also about celebrating and recognising, I suppose, some extraordinary adult learning and teaching that takes place.

More than 450 adult and community education centres exist across Victoria, and the government provides \$36 million to support those centres. They cater for all age ranges, from 15-year-olds right through to those over 100.

To mark the commencement of Adult Learners Week this year there will be a focus on literacy, which will coincide with the United Nations Literacy Decade. It will be a broader focus on literacy than just basic English literacy skills; it will also look at a range of other literacies, including information technology literacy and financial literacy, which are relevant to being part of a complex and ever-changing world.

We are also looking at the different ways in which we can promote and encourage adult learning within our communities. We will be using public libraries across the state, with promotional materials and local advertising to prompt members of the community to contact their local adult and community education organisations during Adult Learners Week. We also have a designated information line that people can call to find out about the adult education available and the nearest adult education centre.

As well there are a number of different awards which recognise the amazing contributions made to adult learning. The award categories are the outstanding learner, the outstanding learner (Koori), the outstanding tutor, the outstanding program and the outstanding provider. It is an opportunity to acknowledge the fantastic contribution that people make to adult learning.

It is terrific that the launch of Adult Learners Week this year will feature Brigette Muir. For those in this house who are not aware of her, she is the most well-known female mountain climber and an avid adult learner at the Horsham Learning Centre.

**An honourable member** interjected.

**Ms KOSKY** — It is a terrific spot. She is a terrific mountain climber as well, and a great adult learner. She is very committed to adult learning.

A lot of activities will be occurring during that week, but most importantly it is a chance to celebrate and recognise adult learning and to promote lifelong learning throughout our communities.

The member for Seymour raised a matter for my attention. He wanted me to take action to ensure that the Victorian certificate of applied learning (VCAL) is extended to more rural and regional schools. I have spoken in this house on a number of occasions about the importance of the Victorian certificate of applied learning and the opportunities that it has provided for students in years 11 and 12 for whom the Victorian certificate of education does not work or for whose needs or ongoing educational requirements it does not cater.

I am pleased to say that this year 222 schools, TAFE institutes and ACE organisations have delivered VCAL to over 5200 students. It has really taken off, and there is great interest among students, who are now succeeding with their education.

We have also had a positive impact in rural and regional Victoria, with 114 providers currently delivering VCAL to more than 2200 students in those areas, and 63 of them are small rural government secondary schools that have fewer than 500 students — so smaller schools are also involved in the delivery of VCAL. Next year another 17 small rural government schools will also deliver VCAL. On a per capita basis the uptake of VCAL in regional and rural Victoria far exceeds that in metropolitan Melbourne.

We have been able to provide greater opportunities for students in regional and rural Victoria, and hopefully it will improve the completion rates for year 12 or its equivalent in regional and rural Victoria, which is one of our targets as a government. We are currently looking at other ways of encouraging small rural schools to be able to offer VCAL viably in their settings, and I am expecting a report to come to me in September which will look at how we can further encourage it in regional and rural Victoria.

I will mention a few of the providers in regional and rural Victoria. In the Seymour region we have a number of providers — I am sure the local member will be interested to know they are Seymour Technical High School, Alexandra Secondary College, Healesville High School, Broadford Secondary College, Yea High

School, Goulburn Ovens Institute of TAFE and Assumption College, Kilmore.

I will also identify a few of the very small schools that have offered VCAL very successfully. Murrayville Secondary College in the far north-west of the state, which has fewer than 200 students enrolled from prep to year 12, is offering VCAL to students in years 11 and 12. Rainbow Secondary College, a school that has only 100 students, has developed a VCAL program to meet the needs of just three students in year 11 who are seeking apprenticeship outcomes. Wedderburn Secondary College, likewise a P-12 school, has fewer than 300 students but is also offering VCAL. So it is being offered in quite a number of very small schools. But we are keen to look at how we can encourage and support a greater uptake by regional and rural Victorian schools, particularly some of those smaller schools that may need extra assistance so they can offer VCAL in a viable way.

The member for Melton raised a matter for action to address the shortfall in funding for the Victoria University of Technology. He highlighted the concerns that Victoria University has, and that I know he has, about the impact of the commonwealth government's new grants scheme on VUT — a university that was established for people within the western region where the uptake in higher education was very low prior to its establishment. It is a poorer community that needs a range of different mechanisms and pathways in order to encourage greater participation in higher education. That is why it was established, and it is very important that the goals of the establishment of that university continue and are not undermined by the commonwealth government's new grants scheme.

I know that Victoria University is concerned about the impact of the Nelson review and the Nelson proposals, because under its new program the commonwealth government boasted that all universities would be better off under the changes to higher education funding. However, its own figures showed that at least six universities would be worse off, including VUT.

The commonwealth sought to hide this funding shortfall by offering completely inadequate transitional funding of \$12.6 million until only 2007. Less than a month after that initial announcement it backed down and had to acknowledge the inadequacy of the transitional funding; it had to increase funding by \$26 million — a minor miscalculation by the commonwealth government of over 200 per cent. How could they get it so wrong, and was it a deliberate attempt to reduce funding to such an important

university, particularly in the western region of Melbourne?

I am concerned, and I am sure that the member for Melton is concerned, that this additional funding may only be provided until 2007. If that is the case, VUT will be forced to raise revenue through other sources, and it is possible that it will have to raise its higher education contribution scheme (HECS) fees. In fact, if it is to cover that projected shortfall after 2007, it will be forced to raise its HECS fees by 7 per cent.

As I said, VUT was established to encourage greater participation in a poorer community within the western region. We heard earlier today in this house about the importance of education to provide for social and economic mobility, but if the federal government does not honour its commitment to VUT beyond 2007, the HECS fees will have to be increased. That will mean people will be travelling across the Yarra River to go to VUT because the students in the western region will not be able to afford to go to VUT, which of course will be incredibly detrimental not only to their educational opportunities but to their future economic opportunities.

We will certainly be continuing our pressure on the commonwealth government to ensure that VUT is not disadvantaged by what is a very flawed funding arrangement and approach to funding of higher education across the nation.

**Mr PANDAZOPOULOS** (Minister for Tourism) — I thank the member for Yan Yean for her continued enthusiastic support for the Whittlesea Country Music Festival as well as for tourism across the board.

The member for Yan Yean, not long after she was elected, approached me about whether I was aware of how important the Whittlesea Country Music Festival was in the country music scene not only in Victoria but in Australia and in its relationship with the Tamworth festival. I told her that I was aware. I actually met a delegation from the Whittlesea festival. They are a great, enthusiastic crowd who are kicking goals in tourism for the Whittlesea region through this event. The member wants to make sure that the festival continues to grow in its profile. As she said in her contribution, the majority of people who visit the Whittlesea Country Music Festival are not from the Whittlesea region, which means a huge economic benefit from people coming in to spend locally. All accommodation in the entire region is full to capacity when this event is on.

In the last three years Tourism Victoria has been working with the festival to help it grow through the Country Victoria events program. It is a small marketing grants program for events that are trying to grow their profile, and it has had fantastic results.

Last year we gave financial support, and the festival was able to increase its marketing profile. During that three-year relationship we have seen that long-stay visitors in the region increased to 3000 during the event last year. That relationship between how you increase visitation and encourage people to stay longer is certainly working, with a comparatively small amount of money.

I recognise the huge contribution of voluntary hours that the organisers of this event put together and the support received from local business. There is no doubt that with ongoing support from the local municipality, traders and tourism operators, together with Tourism Victoria, the event will continue to grow in its profile.

I am pleased to announce to the house and to the member for Yan Yean that as a result of her work and the work of the Whittlesea Country Music Festival the Country Victoria Tourism Council, which manages the Country Victoria events program, has recommended to me that a grant of \$5000 be made this year. That means over three years a \$19 000 state government contribution through Tourism Victoria to help grow this wonderful country music event for Victoria.

**Ms ALLAN** (Minister for Education Services) — The member for Scoresby raised a matter for my attention to do with the Kent Park Primary School in his electorate, which as the member indicated in his contribution has 454 students housed in 7 permanent classrooms and 13 portable classrooms. The member for Scoresby will be well aware of the massive investment the Bracks government has put into capital works — \$822 million in our first term and at least \$371 million to be invested in our second term —

**Mr Nardella** — How much?

**Ms ALLAN** — An amount of \$371 million! That is something those of us on this side of the house are very proud of. This compares to the miserable effort of the former government, which in its last three budgets contributed only \$333 million in capital funding, clearly excluding Kent Park Primary School.

However, I do note the issue raised by the member and recognise that a number of portables are being used on this site. I am pleased to also note that this matter has been raised with the department. There has been a response from the facilities division general manager,

who has indicated that the school's requirements have been identified and are on a priority position for future consideration when funding becomes available. I will raise this matter again with the facilities division of the department, as I said, recognising the large number of portables housed on that site. However, in saying that, I note the fantastic commitment the Bracks government has made to building permanent facilities for schools right around the state.

The member for Doncaster raised a matter to do with Taralye, a school that provides transitional support to hearing-impaired preschool-age students and their families. I would like the member to note that new facilities are currently being developed, which will include the Mornington centre, Carronbank School for Deaf-Blind Students and Princess Elizabeth Junior School. These facilities will together become a world-class facility that will support children with hearing impairment who need to use a variety of communication methods, whether oral or sign language. It is expected that these facilities will be consolidated on the one site from term 3 in 2004.

Taralye has been advised that there is no funding currently available to replace the private philanthropic funding that was withdrawn from this service. I would like to reinforce that the funding the member refers to has come from a private philanthropic source, not from the government, to establish Taralye.

**Mr Perton** — On a point of order, Deputy Speaker, I had actually made that quite clear, had the minister listened. It was the Premier who said on 3AW this morning that he would review the matter.

**The DEPUTY SPEAKER** — Order! The member for Doncaster is not raising a point of order, he is answering a point made in debate. Does he have a point of order?

**Mr Perton** — It is quite clear the minister did not hear what I said.

**The DEPUTY SPEAKER** — Order! That is not a point of order.

**Mr Perton** — I accept your ruling.

**Ms ALLAN** — As I was indicating to the house, this private philanthropic funding has ceased to be made available to Taralye. However, I am advised that the department is holding discussions with the organisation on ways that it may be able to assist, recognising the needs of these students.

Finally the member for Monbulk raised the issue of upgrading suitable schools in his electorate for high-speed ADSL Internet access. I am very pleased the local member has raised this issue because clearly the information technology needs in schools in outer fringe areas of metropolitan Melbourne are very important. The Bracks government certainly understands the crucial and central role that IT plays in educating our young people. For this reason, and also because increasingly sophisticated educational software is being developed — and as we know there is forever a latest IT product that is available that requires increased capacity — the Bracks government is investing heavily in ensuring that as many students as possible have access to a high-speed ADSL Internet connection.

Why is it important to upgrade schools to have high-speed ADSL Internet access? It is because the ADSL upgrade provides faster access to the Internet, which means quicker download and upload times; and for the students sitting at the computer this means less time wasted on downloading information from the Internet and waiting for that information to come up onto the screen. More time is spent on learning.

In the last 12 months almost 900 schools have been provided with this upgrade, and we are continuing to provide more schools with the opportunity to be upgraded. I am very pleased to inform the member for Monbulk, and I am sure he will be very pleased to inform his local schools, that a further seven schools in his electorate are to have their connections installed this week. They are Ferny Creek Primary School, Kallista Primary School, Mount Dandenong Primary School, Olinda Primary School, Sassafra Primary School, the Sherbrooke Community School and Upper Ferntree Gully Primary School. Clearly this is great news for those schools, and these upgrades will certainly improve the educational outcomes for students in those schools. It is another great example of the Bracks government investing in education in Victoria.

**Mr Perton** — On a point of order, Deputy Speaker, I raise a matter with you which I would like you to raise with the Speaker. Today this minister lodged two answers to questions on notice on exactly this topic — one on the telecommunications purchasing and management strategy (TPAMS) and one on ADSL. In response to those questions all she could say is, 'I am informed as follows: the provision of the information requested cannot be justified on the grounds it would require an unreasonable diversion of time and resources which are not available'.

This is a minister refusing to answer questions which, as you know, would have been answered in previous

times. But tonight with a public relations script she can give an answer. I ask you to raise with the Speaker whether the provision of these sorts of answers by ministers comply with the rules and the expectations of this Parliament in respect of a minister answering questions on notice. I ask you to refer this matter to the Speaker.

**Ms ALLAN** — Deputy Speaker, the member for Doncaster, who is also the manager of opposition business, might be a bit cross that his side missed a call tonight on the adjournment debate, but on the point of order regarding the questions on notice, I would like you, Deputy Speaker, in your reference to the Speaker, to note that the member opposite has been an extremely vigorous user of the question on notice system.

So much so that my department has had to deal with 4182 multi-part questions submitted by the opposition and in particular by the member for Doncaster. Most of those questions asked for information that is readily available on the Internet. So the member for Doncaster was asking the Department of Education and Training to use its time on developing policies for the opposition when it stands — —

**Mr Perton** interjected.

**Ms ALLAN** — I ask you to withdraw that!

**Mr Perton** — I refuse to withdraw it.

**Ms ALLAN** — I ask you to withdraw that.

**The DEPUTY SPEAKER** — Order! Through the Chair.

**Mr Perton** — I will withdraw the comment.

**The DEPUTY SPEAKER** — Order!

**Mr Perton** — She is speaking on a point of order, Deputy Speaker, and you are now allowing her to make a speech.

**The DEPUTY SPEAKER** — Order! The member for Doncaster! I will try to deal with one thing at a time. The minister has made a request for a withdrawal. The member for Doncaster has withdrawn. I believe it is probably time to wrap up the point of order.

**Ms ALLAN** — Just to conclude, Deputy Speaker, in light of the request to you to raise this with the Speaker, I will also be seeking representations through you to the Speaker to take into consideration the issues that I have just raised.

**The DEPUTY SPEAKER** — Order! On the point of order, while I am sure that the Speaker will look forward to reading the comments of both members on this particular matter — and in this instance I will advise her that the matter was raised — I think in future the correct path for raising these sorts of issues is probably directly with the Speaker rather than at this particular juncture in the proceedings of the house. However, on this occasion I will raise the matter with the Speaker.

**Ms ALLAN** — The members for Lowan, Sandringham and South Barwon raised matters for various ministers, and I will refer them for their action.

**Motion agreed to.**

**House adjourned 11.13 p.m.**