

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**18 September 2001**

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## Tuesday, 18 September 2001

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

### OPPOSITION LEADERSHIP

**Hon. BILL FORWOOD** (Templestowe) — I advise the house that on 11 September after the resignation from the leadership of the opposition of the Honourable Mark Birrell I was elected as Leader of the Opposition in this place. I am also pleased to advise honourable members that the Honourable Carlo Furletti was elected deputy leader.

I wish at this time to acknowledge the outstanding contribution Mark Birrell has made as leader of the Liberal Party for 13 years, to the Parliament and to the state of Victoria.

**Hon. R. M. HALLAM** (Western) (*By leave*) — I seek the indulgence of the chamber to make just a few comments on the announcement just made. I first and foremost extend my heartfelt congratulations to the Honourable Bill Forwood on his election as Leader of the Opposition in this place and to the Honourable Carlo Furletti as deputy leader. I share the confidence of their colleagues and expect that both members will do well in their new positions. I might also say that my personal best wishes go with the fervent hope that they get to serve at least some of their roles on the other side of the chamber and become members and ministers of a future government. Life has some very strange twists. To my mind it is quite remarkable that the two gentlemen that I congratulate today were friends before they entered the service of this Parliament.

I want to make a couple of brief comments about the Honourable Mark Birrell. I think I understand better than most the sentiments which drove him to take the decision which has been announced today to step back as distinct from stepping out, because I faced many of the same questions not so many months ago.

I know the coalition lost the election, and I am not complaining about that outcome — after all, it could be said that it was our fault — but it is very hard to go from the role of minister to that of a member of the opposition and at the same time retain some equilibrium, much less some enthusiasm, for the fray. All the analogies we hear are quite appropriate — the question of going from a rooster to a feather duster, or from chocolates to boiled lollies. I know it is called democracy, and we would all fight to protect that concept, but it can still be very cruel at the personal level. It is my considered opinion that for those we need

to have making decisions for our community, opposition is a very tough role.

I think I understand the sentiments Mr Birrell must have faced in the last few days, and I feel for him, particularly given his role in government. We should never apologise for being hungry for government and never be satisfied with opposition, and I respect the Honourable Mark Birrell for his decision to step back not out; to hang about, give support and direction to his party and grant time to allow a successor to be groomed. That demonstrates real maturity and commitment to his party.

I know Mark Birrell looks back without a single regret, and that is the way it should be. The pinnacle of his career was his role with the Kennett government. While I would not want to get involved in partisan politics, the Kennett government will go down in history as the most courageous on record, and Mark Birrell was a very important member of that team. The time of the Kennett government was hectic and demanding, frustrating and adrenalin charged, but above all it was rewarding. Mark Birrell has much of which to be very proud. He served as Minister for Conservation and Environment, Minister for Major Projects and Minister for Industry, Science and Technology. He was a senior minister, a member of the leadership team for seven and a half years, and the master tactician in the team. He was championed by his colleagues as leader of this place, was feared by the opposition, but was respected by everyone, and that is the mark of the man.

**Hon. R. F. Smith** — Enough!

**Hon. R. M. HALLAM** — In respect of the opposition and the comment we just heard, I hope the events of last week would remind us all of our mortality and that each day is special. I might not be spared to be here tomorrow, and I wanted the chance to make comment about someone who has made an extraordinary contribution to this Parliament, to his party and to the people of Victoria.

On behalf of the Hallam family and all members of the National Party, I take this opportunity to say congratulations to Mark Birrell for a superb contribution to this community.

**Hon. M. M. GOULD** (Minister for Industrial Relations) (*By leave*) — I would like to pass on the government's congratulations to the Honourable Bill Forwood — I already did so last week — and to the Honourable Carlo Furletti on his promotion straight from the backbench into the deputy leadership. I know what that feels like and I wish him well in that role.

I spoke to the Honourable Mark Birrell last week after his announcement and I wish him all the best and success in the future when he leaves this place.

## UNITED STATES OF AMERICA: TERRORIST ATTACKS

**Hon. M. M. GOULD** (Minister for Industrial Relations) — By leave, I move:

That the Council agree to the following resolution:

We, the Legislative Council of Victoria, in Parliament assembled, express our deepest and sincere condolences to the President and people of the United States of America at this time of great suffering caused by appalling acts of terrorism. In recording these sentiments we express the unanimous feeling of the people of the state of Victoria who are shocked and outraged by such senseless acts of violence.

This is the first such motion to be brought before the Victorian Parliament since the assassination of President Kennedy in 1963. At that time we expressed our shock and sorrow at the cruel loss of one man. Today we again express those emotions, only magnified to a scale we hoped we would never see. The terrible blow that the people of New York and Washington have taken has deeply affected us all. In sending our condolences we hope to let the American people know that their grief is shared and that the pain they are feeling is felt here in Victoria.

Because the events of last week unfolded so publicly, for many of us literally in front of our eyes, it was somehow easier to imagine ourselves and our families and colleagues in the place of those who have been killed and injured. That feeling is the beginning of empathy, of shared grief and of shared loss.

We will never know the exact nature of the pain being experienced, but we can imagine it. We can imagine not just the terrible shock of last week's events, but the long grief ahead for many thousands of people. For each of those who died there are many who are now enduring a terrible absence. It is to them that we send our deepest sympathy.

I know I speak for all Victorians when I express our sorrow at the death of thousands of civilians, office workers, airline passengers and rescue workers. For each of us there will be one or two details we have focused on among the torrent of information coming out of America: the last telephone calls from passengers on board the airliners; the people at hospital emergency departments who waited for the injured to arrive, but the injured were outnumbered by the dead; and the

rescue workers — hundreds of them — who are now among those being recovered from the wreckage in New York. We focus on these details because they help us comprehend what is almost incomprehensible. It is incomprehensible in scale and incomprehensible in cruelty.

These events also have impacts much closer to home. Sadly, Victorians were also directly affected by this tragedy. Sixteen Victorians are unaccounted for, and I am personally aware of one Victorian who is still missing. Leanne Whiteside grew up in Blackburn and was 31 years old when she started work in New York just a few weeks ago. She was tremendously excited by her new opportunity. Tragically, it meant that she was on the 98th floor of the World Trade Centre when the second plane hit. My thoughts go to her family and to her many friends who are deeply saddened by these events.

In these circumstances it is important to look at the highest possible principles for guidance. It was President Kennedy who said that even in crisis we have choices — choices about our behaviour and choices about how we respond. Whoever is found to be responsible for these events, and however the world community responds, it is vitally important that we reflect on the kind of responses we each make and ask ourselves what kind of a future we want.

We do not want acts of great cruelty to be the spur for acts of misplaced blame. We do not want our faith in each other to be splintered.

I am confident that Victorians will make the wise choice, the mature choice. I am confident we will continue to show each other tolerance and understanding. Every community in Victoria — Islamic, Jewish, Catholic, Protestant and Orthodox — condemns these terrible events. The best response in Victoria is to strengthen our great tradition of tolerance and harmony. In this way we deny terrorism its moral victory; we deny it the ability to spread distrust and hatred.

The Premier has met with representatives of the Islamic and Jewish faiths, the Anglican, Lutheran and Uniting churches, as well as the Churches of Christ, the Salvation Army, the Assemblies of God and the Coptic Orthodox Church. They spoke with one voice of their shock and their sorrow. They joined with the government in inviting all those who wished to attend to join us at a multifaith gathering this Thursday at the Rod Laver Arena at 12.30 p.m.

We will be joined by representatives of the Victoria Police Force, the Metropolitan Fire and Emergency Services Board, the Country Fire Authority, the Metropolitan Ambulance Service and the State Emergency Service.

It is an opportunity for Victorians to share the sorrow they feel and to show our compassion for those suffering in the United States of America, and our compassion for each other.

In passing this motion of condolence to the people of America, we express our condemnation of the terrible events of the past week and our shared grief at their consequences.

**Hon. BILL FORWOOD** (Templestowe) — It is with incredible sadness that I rise to speak on behalf of the Liberal Party on this motion in which this house, this Parliament, indeed all the people of this state, express our deepest and sincere condolences to the President and people of the United States of America for the events of last Tuesday.

The world, not just America, is a vastly different place than it was just one week ago when these appalling acts of violence caused such mayhem and devastation, a devastation which in human terms, in any terms, it is still not really possible to comprehend. So many people from all walks and all stages of life, from 38 different countries, including Australia, are dead. Many thousands more were injured, and thousands more are in grief and shock and affected in so many ways by this tragedy.

It was a terrorist plan, simple in concept but overwhelmingly deadly in effect and an attack remarkable for its extraordinary callousness and total disregard for human life. It was an act of war, aimed not at an enemy army but at ordinary people innocently going about their daily routines. This was not an act of a particular race, not an act of a particular religion, this was an act of pure hatred.

In the past week we have all seen so much, heard so much and read so much about this act of terrorism and its aftermath. But it seems to me that our language is not adequate to express what we think and feel about it. What can one say in the face of hell on earth? What words can one use?

So we move to the use of symbols to express our grief and solidarity. Religious ceremonies have been held all around the world. Last Friday with the Deputy Premier, the honourable member for Prahran in another place and the Honourable Ron Bowden, I attended St Paul's cathedral for a service of prayer in solidarity with the

victims of terrorism. The cathedral was packed with people grieving and searching for answers. The Consul-General of the United States, David Lyon, spoke eloquently about the relationship between Australia and the United States of America. The singing of the ballad 'Battle Hymn of the Republic' almost lifted the rafters, and the people were silent as they listened to the extraordinary tenor Michael Leighton-Jones sing 'America the Beautiful'.

Other symbols include the spontaneous memorials all around the world, such as the one in St Kilda Road with flags, flowers, candles and gifts; the condolence books we all have in our offices and elsewhere around Australia; and a symbol like this motion today, which includes all Victorians. Soon we will stand in silence as individuals, but we will stand also representing our electorates and our whole community.

We use these symbols to record our heartfelt sadness at these events, but also to acknowledge and to recognise the incredible strength of the human spirit, which in the face of such terror has brought forth extraordinary acts of heroism, selflessness, compassion and community spirit from so many people in so many ways. Such spirit has united America and the world with a steely resolve that terror will not win and the Dark Ages will not return, and that the great values and institution of democracy and democratic ways of life around the globe — freedom of speech, freedom of religion, freedom to choose where to live and how to live; the ability to live without fear; the rule of law; trust in one another; goodwill to people not just like us but to those who are different, from different cultures, backgrounds and faiths — will not be lost.

We must strive with America and with the free world. We must deal with terrorism in all its facets, whenever and wherever it occurs. We must respond appropriately and not react in blind anger. We must not make scapegoats of the innocent, for if we do then terror has won. In dealing with this dreadful situation we must not become like the perpetrators, for if we do then terror has won.

As the elected representatives of Victorians we will soon stand in silence to pass this motion of condolence at this terrible time. We will do so in total solidarity with people all around the world and with the people of the United States of America — the land of the free and the home of the brave.

**Hon. P. R. HALL** (Gippsland) — None of us will ever forget 11 September 2001. The implication of the events of that day will have a profound and everlasting effect on how we think and the way we behave in the

future. I left Colac a little after 10.00 p.m. on the night of Tuesday, 11 September to drive back to Melbourne and, as is my wont, I switched between radio stations to keep myself awake. I tuned between music stations and ABC stations and at 11.30 p.m. I flicked back to 774 to hear the President of the United States of America in the middle of an address to the nation and to the world. To start with I thought it was a hoax. Perhaps it was a book reading, as is often the program broadcast on the ABC at that time of night. It took me a long time to realise that what I was hearing was the reality and that those events were taking place at that very moment in the United States.

I am sure many others shared my feelings of absolute disbelief when they first heard of these events. I know that, like me, many people watched the television in a state of numbness and absolute disbelief later that day and on ensuing days as the events of the night and the next few days unravelled — and indeed they are still unravelling.

In response to events such as those one goes through a whole range of mixed emotions. Certainly one feels an initial sense of shock to hear of such actions: a sense of fear, of great sadness and great empathy for those who have been directly affected by these events, a feeling of wanting to do something to actively support those affected, and finally, a feeling of emotion and anger in wanting to ensure that the perpetrators of such dastardly crimes are brought to justice.

While I have experienced each of those emotions, the ones that still linger in my mind today are those of grief, fear and admiration. We will grieve forever for those who have lost loved ones in those tragic events. While reading every newspaper article and watching every television program about the events in the past week I have cried for those who have suffered. I have also experienced a strong sense of admiration during all this time of sadness. I have admiration for the firefighters and rescue workers who bravely put their lives at risk to help others; many of those rescue workers and firefighters have made the ultimate sacrifice. I have great admiration for the passengers aboard United Airlines flight 93, who took a personal stand against the terrorists in control of their plane. Although we will probably never know the full story of that particular flight, surely their heroic actions saved the lives of thousands of others by ensuring that that plane crashed into a rural landscape rather than a crowded city building. I have the greatest admiration for those millions who continue to be involved in the rescue operation, for those who are prepared to donate their own blood and gifts and for all those who gave

and continue to give such great moral support to all those others who are grieving.

Fear is another emotion that pervades my thoughts at this time. I fear for the future. On 11 September our son was flying in an aeroplane in another part of the world — on the other side of the world. When one hears of a plane being hijacked and crashed into the World Trade Centre in New York, as remote as it might be thoughts of great fear go through one's mind, as it did through mine when I heard this announcement. We will all have feelings and emotions of fear and anxiety next time we step into an aeroplane or an elevator inside a tall building. Each of our lives will be affected by the fear that at another time and in another place other people may similarly suffer at the hands of terrorism.

I support every effort to see the perpetrators of this act brought to justice, and I support the collective efforts of nations around the world to act against terrorism, but I am concerned about some of the terminology that is being used — in particular, phrases like 'the first war of the millennium'. While I appreciate the need to act against terrorism, I fear for the declaration of war on a nation state. An escalation to international warfare does not seem so remote when one considers the recent acts by the terrorists and the justifiable anger in response of those people who have been directly affected. If I could make one plea to world leaders it would be to please proceed with great caution on this matter. Most of us are still going through the grieving process, and the last thing we need is further loss of innocent lives — something that an international war between states would invariably result in.

Times of hardship and adversity bring people closer together, and the acts on 11 September have certainly brought the people of America closer together — in fact, they have brought the people in most parts of this world much closer together. I feel certain that if some good is to come from this tragedy it will be a heightened sense of compassion, understanding and tolerance towards our fellow human beings.

Many have said that the events that have occurred will change the world forever. I believe that to be true. While our hearts will remain heavy and our levels of anxiety will be increased, I trust that the greatest influence on all of us will be a refocusing on the really important things of life. Life and love, families and friends, and compassion and comprehension are the real things that matter. It is unfortunate that the 11 September events made us realise they are the important things.

My greatest sympathy and the sympathy of my colleagues in the National Party are extended to all those who have lost loved ones and whose lives have been traumatised by the events of 11 September.

**The PRESIDENT** — I wish to be associated with the motion. I believe that the three leaders, on our collective behalf, have forcefully and cogently put the reason why we should support the motion. I particularly endorse the remarks of the Leader of the National Party in hoping that wisdom guides the leaders of the Western world, in particular, in the weeks and months ahead.

I ask honourable members to signify their assent to the motion by rising in their places and standing for 1 minute's silence.

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

**Hon. M. M. GOULD (Minister for Industrial Relations)** — By leave, I move:

That the following address to His Excellency the Governor be agreed to by this house:

We, the members of the Parliament of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to the Governor-General the accompanying resolution for transmission to the President of the United States of America.

**Motion agreed to.**

## CONDOLENCES

**Hon. William Archibald Borthwick, AM**

**Hon. M. M. GOULD (Minister for Industrial Relations)** — I move:

That this house expresses its sincere sorrow at the death, on 31 July 2001, of the Honourable William Archibald Borthwick, AM, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral districts of Scoresby from 1960 to 1967, and Monbulk, from 1967 to 1982, and as Minister of Water Supply from 1967 to 1970; Minister of Lands, Minister of Soldier Settlement and Minister for Conservation from 1970 to 1979; Minister of Health from 1979 to 1982; and Deputy Premier from 1981 to 1982.

Bill Borthwick passed away suddenly after complications during open-heart surgery at the age of 76. The news came as a shock to politicians across all party lines. Both sides of Parliament will remember

former Deputy Premier Bill Borthwick as a man of great honour, decency, vision and compassion.

Bill Borthwick was born in the rural township of Murrayville in the Mallee and spent his early years working on his parents' farm, where he developed a love for the countryside. During his education at Walpeup state school Bill's academic potential was recognised and he was offered a scholarship at Ballarat Grammar School. At school Bill's greatest hero was Sir Charles Kingsford Smith.

Bill had two fine goals. The first was to serve in the air force; the second was to become a state member of Parliament. As the events of his life unfolded he was certainly successful in achieving both those goals.

During World War II, after his 18th birthday, Bill enlisted in the Royal Australian Air Force as a fighter pilot and flew missions over England, Italy and Yugoslavia. At the end of his service he arrived in Australia as a hero after being granted a special award by the Yugoslav government for his exploits as a fighter pilot.

In 1945 Bill headed to the Dandenong Ranges, which became his home for the next 45 years. Bill was an outstanding athlete and played football for Boronia, being a member of that club's 1949 premiership team. Later tennis took over and he played in three consecutive teams as well as becoming secretary of the Ferntree Gully Tennis Club.

Bill married and had children. He worked as a bank officer and an insurance representative and later became a politician. He developed a commitment and willingness to involve himself in a number of community activities. He co-founded the Upper Ferntree Gully scouting association and was a scoutmaster for several years. He served as treasurer to the William Angliss Hospital and as a board member of the Ferntree Gully Technical School and the Upwey High School. He was a life member of the Upper Ferntree Gully Rural Fire Brigade.

In 1960, in a by-election after the sudden death of Sir George Knox, Bill entered Parliament as the member for Scoresby. Bill's first words in his inaugural speech in Parliament were of the great pride and humility he felt in speaking in the other place as the member for Scoresby. He spoke passionately about the growing cities in the east and the need for greater service in that area. As a local member he was a caring man who had an exceptional understanding of people and helpful approach to local problems. Bill established close personal relationships with many local organisations,

which were developed over the many years he spent working on community projects in the hills.

Bill impressed his colleagues in Parliament with his constructive approach to problems and his sensible and practical contributions to debate. He served on parliamentary committees, including the Printing Committee from 1961 to 1964 and the Statute Law Revision Committee from 1964 to 1967. In 1967 Bill was elected to the marginal seat of Monbulk, which he held until 1982. After only seven years on the backbench, Bill was appointed to the position of Minister of Water Supply, which he held from 1967 to 1970.

Bill's stature and involvement grew under the Hamer government, in which in 1967 he was appointed the Minister of Lands, Minister of Soldier Settlement, and Minister for Conservation. Bill will be remembered most for his efforts in conservation, and we in the state of Victoria still reap the benefits of those efforts. He established a new department of conservation, with a determination to preserve and enhance the environment and to ensure its continuation. Bill founded the Environment Protection Authority to tackle pollution. He established the Land Conservation Council to recommend the best use of public lands and oversaw the vast expansion of Victoria's national parks system.

In 1979 Bill was appointed Minister of Health, where he encountered new challenges. He was perhaps a man ahead of his time because he recognised that people with intellectual disadvantage should not be treated as having a health problem. He proceeded to display a human touch with both sympathy and compassion.

In 1981 Bill missed out on becoming Premier, but was elected Deputy Premier in the Thompson government. However, at the very next election, in 1982, he lost his seat of Monbulk, and with his wife bought a cattle farm near Creswick before retiring to Barwon Heads.

Bill Borthwick's outstanding community service to the state of Victoria was recognised when honorary freedom of the Shire of Lillydale was conferred on him. At the time he was only the second person to have received such an award. At his testimonial dinner in 1982 Bill said he would love to see a situation in Australia where every person born had the objective of serving the community. Bill Borthwick was always committed to public service in one way or another throughout his life. Certainly he set a great example for others.

Bill Borthwick passed away on Thursday, 31 July 2001. A state funeral attended by family members,

colleagues, friends and well-wishers was held on 7 August 2001, as was befitting for this great Victorian. As Leader of the Government in this place, I extend my condolences to the family of William Archibald Borthwick, including his wife, Margaret, and their sons, David, Mark and Andrew and their families.

**Hon. BILL FORWOOD** (Leader of the Opposition) — It is an honour to rise today to join in the condolence motion recognising the contribution that the Honourable William Archibald Borthwick, AM, freeman of the Shire of Lillydale, made to Victoria, to the Parliament and to his local community.

I did not personally know Bill Borthwick, but I have been struck by the nature and tenor of the words both spoken and written about a man who left this place nearly 20 years ago. There can be no doubt he left his mark on all who knew him from all sides of politics and the community. There is also no doubt that he left his mark on this state. Premier Bracks said of him:

He was a great Victorian, a great Deputy Premier, and gave great service to the state of Victoria.

Former Premier Hamer said of him:

... Victoria has lost one of its finest citizens, a man of vision and achievement. As a person, he was a man of honour and attractive personality; as a member of the Victorian Parliament and a minister of the Crown, he was respected by his supporters and his political opponents alike for his compassion and fairness, as well as his drive and determination.

Former Premier Thompson said of him that the world would be a better place because of his outstanding contribution during his 76 years of life. He was a splendid minister, a loyal and effective Deputy Premier, a great Australian and a great Victorian. Former Premier Cain remembered him as a decent bloke who was caring and sensitive.

Premiers of this state do not speak like that without due reason. I invite honourable members to reflect on the words of Tim Colebatch in an article entitled 'Tribute to a man who made a difference' and subtitled 'Today's politicians could learn a lot from Bill Borthwick'. The article starts:

I wish those people who are cynical of politicians had known Bill Borthwick. Bill had been almost 20 years out of politics when he died last week. But as the deluge of tributes to him from community groups of all kinds testifies he had made a difference to people's lives ...

He was a shrewd, passionate, caring man who loved life, had exceptional understanding of people, thought for the long term and showed great reserves of courage in absorbing attacks and pushing his agenda through.

He was a man who made a real contribution to the future of Victoria. As the Leader of the Government said, Bill Borthwick was born in 1924 in Murrayville where his parents kept a store and post office. After education at the local schools he won a scholarship to Ballarat Grammar School, which started an association that lasted nearly all his life. His funeral was held at the school. He was on the school council and at least one of his sons was educated there.

As the Leader of the Government said, he left school on turning 18 and went straight into the Royal Australian Air Force where he had a distinguished career as a fighter pilot in Italy, England and Yugoslavia. He obviously was a man of real courage and daring. He returned after the war and lived in the Dandenong Ranges, starting an association that continued for him for many years. It was a place he loved, a place that was his home and a place to which he contributed extraordinarily in so many different community ways. The list is extraordinary because as well as starting the scouts he was involved in starting a music group. He served on hospital boards, school boards, the rural fire brigade, theatre groups and was associated with tennis and football. You name it, Bill Borthwick was involved in it.

In 1960, after a by-election following the sudden death of Sir George Knox, Bill entered Parliament as the member for Scoresby. That started a career that was to last until 1982. As the Leader of the Government also said, he served in a number of portfolios, and in each of them he made a mark for Victoria. First with water supply where he set out to drought-proof Melbourne, then as the Minister of Lands and Minister of Soldier Settlement where he was involved in the Heytesbury development. As Minister for Conservation he established the department, the Environment Protection Authority and broadened Victoria's state park network, and he is well remembered by many people. As the Minister of Health he changed the nature of the attitude of the bureaucracy towards disability services and Koori services. One should not forget his contribution in the antihanging debate, and I invite honourable members to read his speech in that debate.

Bill was a man of action, but also a thinker. He was a man of the people, devoted to his community. On 25 August I attended Melbourne University's graduation ceremony where Sir Edward Woodward, the former chancellor of the university, was made a doctor of laws. Over 300 people graduated that day, many of whom would have been 3, 4 or 5 years old when Bill Borthwick ended his contribution in this place.

In the occasional address that Sir Edward gave that afternoon, he spoke of Bill Borthwick — a man most of the people in the room would not have heard of — and he talked about the contribution Bill had made to his local community. Talking about volunteers, he made the point that Bill Borthwick was a man of stature in the community and a dedicated member of Parliament, who was also volunteering in his community. He ran through the extraordinary variety of community activities — football, tennis, scouts, hospitals, kindergartens, schools — that I just ran through before, and he made the point that our community is better for the contributions of people who get involved. Bill Borthwick was this example.

Bill Borthwick made an extraordinary contribution to this state, and to the Liberal Party. On behalf of the Liberal Party, I extend condolences to his wife, Muffie, and to his sons, David, Mark and Andrew.

**Hon. P. R. HALL** (Gippsland) — The National Party wishes to join this condolence motion in paying tribute to the late Honourable Bill Borthwick for the contribution he made in both his political life and his community life.

I did not have the privilege of ever meeting Bill Borthwick, and for that I am disappointed, because there are a lot of people with whom I work and speak today who often ask me whether I knew him. Their comments are, 'He was a mighty man who did a lot of things for people in country Victoria'. Such was the view that people had of the late Bill Borthwick.

His distinguished career has been outlined by the previous speakers in this condolence motion; and his achievements also were very impressive. A lot has been written and said about him, and in particular I refer to the article also referred to by the Leader of the Opposition, written by political commentator Tim Colebatch, which appeared in the *Age* of Tuesday, 7 August. I was taken by the headline of that article 'Tribute to a man who made a difference'. That headline in itself says a lot about the person — that his contribution to political and community life made a difference. We would all like to think that our contributions could make a difference.

Some of the things that Tim Colebatch wrote about Bill Borthwick are:

He was a shrewd, passionate, caring man who loved life, had exceptional understanding of people, thought for the long term and showed great reserves of courage in absorbing attacks and pushing his agenda through.

...

What most impressed me was not just what he did, but how he did it. Borthwick was always wary of relying on public service advice —

a man of courage, I would say —

and would meet critics directly to find out what the problems were.

We know a lot of other people spoke highly of him — friends of his — but keep in mind that this is a political commentator, a critic, writing these nice things about him; and as I said, many of the things I have read and heard about Bill Borthwick are echoed by the sentiments I have just quoted from that article.

His achievements are certainly significant. The list is almost endless during the almost two decades that he served in politics. While I must say that perhaps some of those achievements I might not necessarily agree with — and I would have enjoyed debating him on those particular issues today — you do not have to agree with a person to admire and respect them, and indeed no-one could dispute the respect shown to Bill Borthwick, who had achieved so much.

There was much to like about Bill Borthwick, and it is little wonder he was held in such high regard by both acquaintances in his time in politics and by those who knew him in the broader community.

Tim Colebatch advises us that we would do well to learn from the example set by politicians like Bill Borthwick, and indeed we can. It is at times like these that we can sit back and reflect on the way we are currently doing things, and we could do far worse than to heed the examples set by popular and effective politicians like the late Bill Borthwick.

The reflections offered by both writers and speakers on the passing of Bill Borthwick would surely make his family feel very proud. It makes me feel humble. To his family members, and particularly to his wife and children, on behalf of all my colleagues in the National Party I convey our sincerest condolences on the passing of the Honourable William Archibald Borthwick, AM.

**Hon. M. A. BIRRELL** (East Yarra) — Bill Borthwick was a great man. He was full of passion and full of ideas, and was perhaps one of the finest state Liberals that we have ever known.

From my perspective, he introduced me to quite a rare combination: he had rural roots and a farmer's sensibility, but he also had urban credibility. It is very rare to have someone who could just as easily write our conservation policy as our agriculture policy, with equal acclaim from both sides. Bill Borthwick had that

touch. He died at the age of 76, tragically after complications with open-heart surgery. We have lost a tremendous Australian.

Bill Borthwick served under premiers Bolte, Hamer and Thompson. I did not have the pleasure of serving with him here in Parliament because he went out of Parliament in 1982, a year before I came here. However, I was honoured as a Young Liberal to know him well. He was a role model for us and for many young people, because regardless of what age he was at the time, in areas like conservation and health he was a pacesetter, and of course as Deputy Premier he was regarded as being a considerable achiever. In simple terms, to young people Bill Borthwick was generous and inspiring.

He had an extraordinary life. He had an early ambition to fly aeroplanes but unfortunately it was realised in war rather than in peacetime. Just 12 days after he turned the legal age of 18 he joined the Royal Australian Air Force. He immediately became a fighter pilot in Italy, England and Yugoslavia. But he was no ordinary fighter pilot: he received a special award from the Yugoslavian government for his heroism in a series of hazardous missions over its country during the war.

When Bill came back to Australia after the war he lived in the Dandenong Ranges, and remained there for 45 years. He had two sons from his first marriage and one from his second marriage, to Muffie. Those sons are Mark, David and Andrew. For those who went to the funeral at Ballarat Grammar School, which he had attended, there is one lasting image of that brilliant service, and that was the speeches by his three sons. I cannot imagine how difficult it is to be a son speaking at your father's funeral, but they acquitted themselves in a manner that was breathtaking. The first son spoke forthrightly, passionately, evocatively and with a sense of incredible love for his father. Frankly, to put it in perhaps practical terms, it was a pretty hard speech to follow. Then the second son spoke with humour, with gravity, with passion and with absolute dedication to his father. There was not a dry eye in the place. Then the third son spoke. What we learnt as he spoke was that these young Australians, these extraordinary boys now in their 20s and 30s, had had one hell of an upbringing and one great set of parents, and in this case, one great father, because the third son, with the same spirit, commitment, and ability to champion over the moment made a speech that simply took our breaths away.

Collectively they left an impact on all of us, because they had the guts to speak about their father in such an

open manner, but they also told us a helluva lot about Bill Borthwick.

He was — I did not realise this — an excellent sportsman in football and tennis. He was an extraordinary local community activist. He was in a local scouting group. I did not understand until later that he founded the local scouting group and was the scoutmaster. He was involved in the local hospital. I did not realise until the funeral that he had been on the board for over a decade. He was also on the technical and high school councils. He was also on the preschool association. He was a life member of the 1812 Theatre. He was the patron of the Dandenong Ranges Music Council, which he helped to form.

He was one of the key supporters of Puffing Billy when it was an idea rather than a tourism reality. He was only the second person to receive honorary freedom of the Shire of Lillydale, which was a recognition not that he was the local politician, but more importantly that he was a defender of the area. He was a life member of the Country Fire Authority. He was heavily involved in the Upper Ferntree Gully Rural Fire Brigade, and was known affectionately as Bushfire Bill. He was actively involved in the Rural Finance Corporation for farmers who struck difficulty.

In simple terms, if you knew him — as I said, in the Young Liberals I had an opportunity to get to know him a bit — you would know he was a visionary, a decent person, incredibly practical in the way farmers are, caring, compassionate and humane. He was an achiever. His maiden speech emphasised many of his ambitions, particularly in the field of education and in developing the outer east, remembering that at that time the outer east needed employment and economic development.

As a backbencher he started to really make his way. With Sir Gilbert Chandler he persuaded the then government to buy back large tracts of land in the Dandenongs for fire protection and to preserve the environment. It was this initiative that resulted in the Dandenong Ranges National Park, perhaps the most popular national park in Victoria. As a result of his action, it also resulted in the National Rhododendron Gardens, the R. J. Hamer Arboretum and many more areas of protected land that are used by hundreds of thousands of people each year. That was Bill Borthwick's work when he was a backbencher.

He was appointed conservation minister in 1970, and still has the record this day of being the longest serving conservation minister in Victorian history. He initiated the Land Conservation Council. He established the

Environment Protection Authority. He doubled the number of national parks, introduced formal training for park rangers and set aside 5 per cent of the state for public open space — a breathtaking achievement in its time. He became affectionately known at that time as Koala Bill, presumably to a different group from the bushfire group!

He was appointed as health minister, which was regarded as seriously hard work; 1979 was not a time when being a health minister was easy because it was a time of huge focus on the government. He supported the unfashionable move of deinstitutionalising people who had intellectual disabilities. At the time it was considered revolutionary, now it is par for the course. It was unpopular, but not more unpopular than his actions to help people with drug addictions, where he broke through and helped establish Odyssey House.

I strongly remember being at a public rally with Bill Borthwick in 1980 on the grounds of Odyssey House, with the protesters outside saying that this would bring crime and difficulties to the local area and the individuals inside literally moved to tears by the public defence that Bill Borthwick gave; it being action he knew would harm him and which, like his stance against the Right to Life organisation, did harm him. He put aside that criticism because he knew his support for Odyssey House and his support for issues that offended the Right to Life organisation were far more important than those short-term, opportunistic criticisms.

He suffered politically and lost his seat, but he lost none of the respect of the community that he had earned as a result of his work as a backbencher, a local person and a minister in so many portfolios. After leaving Parliament he bought a cattle farm near Creswick before making the sea change and retiring to Barwon Heads.

In conclusion, I make two comments. Firstly, Bill Borthwick deserves our thanks for the effort he put into inspiring young people. He was the role model of a generation. He was generous to a fault and as a result many people were inspired and encouraged. Secondly, and most importantly, it needs to be recorded that he had the highest respect of both sides of Parliament. Many Labor Party members, of course wanting to defeat him in his seat at the 1982 election, were nevertheless clearly distressed that he was a loser in that election. It is often the difficulty we have where we have a clear party-political ambition but a personal sense of disappointment at the consequences of that action. I do not think anyone wanted to knock off Bill Borthwick, and people, as a result, firmed up in their views of the contribution he made.

We have lost a great Australian but his memory will linger forever.

**Hon. I. J. COVER** (Geelong) — I join the condolence motion for Bill Borthwick on a solemn day in the house. However, at the same time I take the opportunity to celebrate and pay tribute to the life of Bill Borthwick who was both a constituent and a neighbour. I met Bill Borthwick almost 20 years ago in this place when I was working for Glyn Jenkins, a former member for Geelong Province, who in 1982 was a cabinet colleague of Bill Borthwick's. Quite a gap occurred between that time and recent years in Barwon Heads where I had the opportunity to reacquaint myself with Bill and his wife, Muffie, who were enjoying their retirement in Barwon Heads.

From time to time I encountered Bill at the local branch of the Liberal Party in Barwon Heads where he attended, but not regularly because he did not want to interfere or give advice to members of Parliament. However, he was available to give advice should it be sought. Anyone perusing the debate on the condolence motion for Bill Borthwick in the Legislative Assembly *Hansard* will note that my colleague the honourable member for South Barwon in the other place articulated some advice he received from Bill Borthwick on one occasion.

The last time I saw Bill and Muffie together was in the local pizza shop in Barwon Heads. In the hurried lifestyle that we all experience I was picking up a takeaway pizza while Bill and Muffie were able to sit down and enjoy their meal together. For a man who was enjoying his retirement it struck me how well, healthy and robust Bill still looked in his mid-70s. So the news that he died in hospital undergoing surgery was a shock to me personally, as it was to so many other people who knew Bill and to the wider communities he served.

As honourable members have heard, his community service went across a range of activities and organisations: firstly, as an individual and a citizen; and later to the electorates he represented and of course to Victorians as a member of Parliament, a minister and Deputy Premier. He also gave great service to his country — which also has been articulated in the motion today — in World War II as a fighter pilot. As the Honourable Mark Birrell said, Bill Borthwick joined the Royal Australian Air Force just 12 days after his 18th birthday, which is amazing to contemplate. He served in England, Italy and the former Yugoslavia with skill, courage and dedication.

Among the tributes that have been paid to Bill Borthwick, both in print and in the other place, one story that has been associated with his service as a fighter pilot in the air force has been perpetuated incorrectly.

It goes to show that we should not always use newspaper articles as a primary source of information for speeches. I have been informed that the statement made in a newspaper article — which was then repeated by at least one honourable member in the other place — that during his war service in and out of Yugoslavia Bill had taken dispatches from Churchill to Tito and then taken dispatches back is incorrect. That needs to be pointed out because Bill Borthwick, as has been clearly indicated by all the speakers, was a man of great modesty about his achievements and exploits. It has been pointed out to me by his wife, Muffie, that Bill would be horrified to think that while paying tribute to the service he gave as a fighter pilot people had said he was actually involved in doing that work for Churchill and Tito, so I place it on the record that he did not. At the same time, however, he did a lot of other great things in his war service and, of course, in his other community service.

I have noted that not only have ex-premiers, journalists and members of Parliament paid tributes to Bill Borthwick, some of which we have heard today, but the best and most eloquent and brilliant tributes that were paid to Bill were made by his sons David, Mark and Andrew at his state funeral in Ballarat. I echo the Honourable Mark Birrell's comments about the contributions Bill's sons made at the state funeral when they spoke about their father. It might have been opportune for Hansard to have recorded the speeches made at the Ballarat Grammar School chapel so that all honourable members could read and reflect on what David, Mark and Andrew said about their father, Bill.

Bill's wife, Muffie, was a great support to him and obviously shared a similar sense of community service. I recall Muffie coming up to speak to me outside the newsagent's in Barwon Heads not all that long ago when she was selling raffle tickets on behalf of one of the community organisations — again demonstrating the service to the community shown not only by Bill but also by Muffie — when she asked if I could give her some information about a government initiative to retrain former nurses. She was herself contemplating going back to nursing and making a further contribution to the people of Victoria, which is reflective of the man to whom she was married.

To Bill's sons, David, Mark and Andrew, and to Muffie, I extend my sincere condolences.

**Hon. G. B. ASHMAN** (Koonung) — It is with great sadness that I join in this motion noting the passing of Bill Borthwick. As has already been said, he was a highly respected member of our community. He came to the seat of Scoresby after the death of Sir George Knox in 1960. I had met Bill a couple of years earlier through my involvement with the Boronia Football Club, and he was still very active in the Ferntree Gully Football Club at the time. Even at that very early meeting I understood what a significant contributor he was to that local community.

It was probably a couple of years later when Sir Gilbert Chandler said to me, 'It's about time you joined the Young Libs'; I thought, 'Well, maybe I should', as one should always take advice from one's elders, and off to a meeting I went. The meeting was held in Albert Street, Upper Ferntree Gully, at the home of Bill Borthwick. That was the first real encounter I had with him on a one-to-one basis, and it became quite regular contact because the local Mountain District Young Liberals did not have many places to meet, and of course the local member's home was always a very welcome venue.

I became good friends with Bill, who, in many respects, became my mentor. He was active in anything that moved in the outer eastern area, which was then a rural community with distinct communities at Boronia, Ferntree Gully, Upper Ferntree Gully, Belgrave, Upwey and Tecoma — you could list towns in the whole area. The suburbs did not then join up and the area had a large number of farms.

Bill, as the local member, was in communication not only with the townspeople but with all those rural communities. He understood the issues in each segment of his communities. As has already been mentioned, he was also active in working for the hospital. He and Sir Gilbert Chandler were instrumental in driving the William Angliss Hospital forward from a bush nursing hospital to a full-blown hospital. Had it not been for their efforts we would not today have a hospital with its significant style and high standards.

He was involved in the 1812 Theatre. As young people we would go to that theatre on Saturday night, line up, buy tickets and watch whatever was on. You would find that waiting next to you at the ticket box would be Bill Borthwick and his wife, Muffie. They were very much part of that community. At that stage he was a patron of the theatre, but that did not stop him queuing up with members of the community to buy tickets.

He had a reputation for being a person who was caring and compassionate. I recall that when I stood for the

seat of Knox in 1979 I sadly lost but not because of the lack of effort on the part of Bill Borthwick. At the time one of the first telephone calls I received was from Bill saying, 'Do you want to come doorknocking with me?'. I am not sure of the exact dates, but about 10 years previously Scoresby had been carved up in a redistribution of boundaries and the new seat of Monbulk had been created. The mountain district part of the old Scoresby electorate had gone into the new Scoresby and dropped out of the Monbulk electorate.

I said, 'Yes, great!'. We trotted off to the local shopping centre. That was a real lesson for me because it had been probably 10 years since Bill had been the local member for that area, yet his recognition factor was about 80 to 90 per cent in that area. It was remarkable!

When I successfully stood in 1988 I got the same phone call. Bill said, 'Do you want to come doorknocking with me?'. We went to Mountain Gate and, again, the recognition factor was remarkably high. One of the reasons Bill's recognition factor was high was because in the mid 1960s there had been a housing development at Mountain Gate by, I think, a company named Mainline developments, which had gone broke. The company had financed most people into their homes at Mountain Gate and provided ongoing mortgages for about 250 houses. At the time Bill went around that estate and single-handedly negotiated a refinancing deal through the former State Bank Victoria. That was a remarkable effort! It showed the type of person Bill Borthwick was when, 20 years later, the people on that estate remembered what he had done for them.

I can also relate some of the experiences through the Country Fire Authority. As has been noted, Bill was very active in the Upper Ferntree Gully Rural Fire Brigade. I was involved in the Boronia Fire Brigade at that time. The siren would go in the middle of the night. At 2 a.m. you would drag yourself out of bed and onto the truck and go off to a house fire somewhere in the hills. You would get there and who would be the first person to greet you but Bill Borthwick — Bushfire Bill is a very accurate comment. It could be 0 degrees out there on a winter's night but it did not stop Bill turning out with the rest of the community. He was just a great caring and committed person.

In high summer in the 1960s and early 1970s the Dandenong Ranges were prone to a large number of major fires. The first person you would meet when you got to the fire was Bill Borthwick. One story I tell quite frequently to friends is about a time in the late 1960s when the Boronia Fire Brigade was sent to a fire in what is now the Ferntree Gully National Park. We were trapped in there and could not get out for something

like 4 hours. Two groups came in to assist us when the fire slowed down a little. The first was a group with Bill Borthwick on a truck coming in from Ferntree Gully, and about 20 feet behind was the Salvation Army. It is just another demonstration of how committed he was to being in that community and doing things.

After I entered Parliament there would be times when I would meet him. We would have a quiet cup of coffee; he would always give me some advice, and it was always very well received.

As has been noted in the motion, Bill Borthwick was a very significant contributor to the administration of this state. He created a large number of initiatives. In fact it is probably fair to say he was ahead of his time with some of his views: he was very progressive. As Minister for Conservation he was a passionate advocate for that cause. In the health portfolio he was an equally passionate advocate for the cause.

At no time did he ever lose sight of his grassroots. In 1979, when I was unsuccessful in being elected to the seat of Knox, he succeeded in Monbulk by a small margin, and he probably did so only because he had developed such a strong rapport with his local community. They were not voting for a Liberal or Labor candidate up there; they were actually voting for Bill Borthwick. He used to say to me, 'Son, there is no such thing as a personal following in politics. It doesn't matter what you do as an individual, you have no personal following'. I have to say he was the exception to the rule. He broke that rule comprehensively; he had a very significant personal following in that electorate.

I do not believe there are accolades sufficient for this man. He was one in a million. He will be sadly missed by many of us, but no more so than by his family. Bill Borthwick was a true liberal.

**Hon. W. R. BAXTER** (North Eastern) — I want to pay a personal tribute to the memory of the late Bill Borthwick because Bill Borthwick extended the hand of friendship to me when I came to this Parliament in 1973 as a very young new member for the then Country Party. It was at a time when relationships between the Liberal Party and the Country Party were at a fairly low ebb. It would have been very easy for Bill Borthwick, as a senior minister in a well-established government, to not give me, as a new backbencher of a corner party, the time of day. But to his credit Bill Borthwick gave me a great deal of assistance and listened to the constituency issues I raised with him. I believe I learnt a lot from Bill Borthwick.

I would like to think that perhaps the reason he extended that friendship to me — and I am sure to others — had something to do with his background and his upbringing in the Mallee. Apart from Mr Best and Mr Bishop there are probably not too many of us here who know much about Murrayville. It is one of the remotest parts of and probably one of the harshest environments in Victoria. It must have been a particularly harsh place during the Great Depression of the 1930s when Bill Borthwick was growing up.

One of the most significant contributions that Bill Borthwick made to the Legislative Assembly has already been referred to by the Leader of the Opposition, and that was his remarkable speech when the debate was taking place on the abolition of the death penalty. While in those days I may have held a different view on that issue, of all the speeches made on that day it is Bill Borthwick's I recall some 26 years later, and I think that does say something of the man.

In many respects he was a man ahead of his time, but he was also a man for his time, in this place in particular. It seems to me Bill Borthwick more than any other made the generational change in the then Liberal government. The great ministers, such as Bolte, Hamer, Bloomfield, Chandler and the like, came into government in 1955 and had held it for so long, but the need for change, fresh ideas and noting how community attitudes were changing was best identified by Bill Borthwick. It was he who sustained that generational change, which then sustained that government in office for longer than might have been the case, because he epitomised the views that the then developing suburbs in particular felt were worth grasping for and holding.

I feel privileged that I was able to serve with Bill Borthwick in Parliament, both in the Legislative Assembly and later when I came to this place. In this age of cynicism about politicians, unfortunate as that is, Bill Borthwick is one we can hold up with absolute confidence and pride, because no-one could ever accuse him of being just a cynical politician. He was much more than that, and as has already been alluded to by the Honourable Mark Birrell and others, the electoral cycle in 1982 which took him out of Parliament was most unfortunate, not so much for the change of government perhaps but for the fact that the change took out one of our best operators.

Nevertheless, Parliament and the people of Victoria enjoyed and benefited from Bill's long contribution. As Mr Ashman just alluded to, his contribution went well beyond Parliament.

**Hon. A. P. OLEXANDER** (Silvan) — It is a privilege to associate myself with this motion. I do so on behalf of the people in the former electorates Bill Borthwick served, the electorates of Scoresby and Monbulk, whose constituents love and remember him fondly, particularly those who live in the Dandenong Ranges, where he made his home for many years.

I met Bill Borthwick in 1982 at a farewell testimonial dinner, but I did not really know him back then. Today I feel by reputation and by the legacy he left, not only Victoria but particularly locally in the Dandenong Ranges, I now know him well. The dinner I attended was one of the first events I attended as a Young Liberal member. I was a member of the Nunawading Young Liberals back then, and it was his testimonial after his loss at the state election in 1982.

I will always remember former Premier Thompson speaking about Bill at the dinner. He said that Bill Borthwick was responsible for the great strides that had been taken by successive governments in conservation and environment protection. As a young man that impressed me because I understood that a former Premier giving that accolade to somebody is very special indeed. It was given truthfully and generously to Bill Borthwick. He also talked about Bill having honour and being trusted by his colleagues. He talked about Bill as a man who understood the meaning of friendship and compassion, and about Bill Borthwick as a man who understood the meaning of loyalty. The former Premier of Victoria, Lindsay Thompson, felt all those things were very important about that man.

I remember that when Bill approached the microphone to speak that night it was really quite exciting. The function was held at Rembrandt's restaurant in the outer east of Melbourne, and the people in the room rose spontaneously to recognise his contribution over so many years. The standing ovation he was given did not subside for a considerable number of minutes, and I, as a newer member of the party, did not quite understand why that was so. I think I understand that now, after having listened to the contributions of members in this place and also having represented the local electorates he represented in Parliament, because I hear it from my constituents almost daily.

Bill Borthwick said that night that he left the political scene feeling proud that he had been a part of the action. He was a man who always got involved. He said he would love to see a situation in this state and this country where all of us got involved in our local communities to the extent that he did; and believe me, as my colleague Mr Ashman said, he did join everything that moved. However, he did not join just to

be a joiner; he joined to get involved and to make a difference.

When he was talking to us that night he told us how in his early life his mother had instilled in him a value which remained with him to that day. He had just left politics at that stage. He told us that he had walked out into the twilight with his mother in the Mallee where he grew up and she said words to the effect that there was nothing in the world he could not achieve, and that stayed with him throughout his life. He said it was as important to him at the end of his parliamentary political career as it was at the beginning. That is also a very great measure of the man — that he could remember those early influences upon him and that he was prepared to share them with us.

It is not a secret that he cared about people in the hills community very much. He was a very compassionate man, and his office in Belgrave was a landmark for years and years. When he did pass on, the outpouring from the local community in Silvan and the Dandenong Ranges was just extraordinary. People came into local offices of members of Parliament, including my office, to express their condolences. Some people had known him 20 years previously and they spontaneously outpoured their sadness at the loss of this great man whom they remembered fondly and loved very well.

Bill has been described today as a visionary and as a compassionate and strong man. He was all of those things. He was community focused and charismatic. He was decent, and he was also a loyal Liberal. He had the respect of people on all sides of politics when he contributed in this place and afterwards.

It is important to realise that Bill had a personal philosophy which probably put him in the small-l Liberal category within our side of politics, but it is also true to say that while he held his views very strongly, he always believed other people's opinions were important and that his opinions were never more important than those of others.

I believe that was why he gained so much respect from all sides of politics. He will be sadly missed by people in the Dandenong Ranges and he will be sadly missed by the Liberal Party and by the people of Victoria. Obviously he will be very sadly missed by those he left behind — his family and friends.

**The PRESIDENT** — Order! I would like to add a few remarks to the eloquent tributes made in this house. Most of us will pass through this place leaving very little for history, I regret to say, but Bill has made his

mark in a way most of us can only hope to emulate. As has been pointed out, his legacy is manifold.

It is amazing what events stick in your memory. The Honourable Bill Baxter recounted the greeting he received from Bill Borthwick, then a senior minister, when he entered the Parliament in 1973. My recollection from that year, having been a colleague of Mr Baxter in the Legislative Assembly at that time, is of being invited to go to a room on the third floor of this establishment to wet the head of young Andrew, who had just been born. My recollection of the party is that not only was it very boisterous and loud, but it went on for a number of days. The event had a big impact on me.

Bill Borthwick was one of those ministers whom you loved to have in your electorate. There are some ministers that make you wonder what they are going to do. You get a minister loose in your electorate and you wonder what they are going to say and what clangers will result. Bill was one that you had absolute confidence in because his compassion, his interest and his integrity were obvious for all to see.

As has been pointed out, he achieved some remarkable changes in the health portfolio. As is known, the health portfolio has been the death seat for many ministers over the years, irrespective of which party is in government. It is the most difficult portfolio, and everyone knows that you could pour the whole state budget into health and still not satisfy demands.

Bill's commitment to the environment was a natural thing and part of his ethos, perhaps as a result of growing up in small communities in the Mallee. I remember on one of his visits to Hamilton during the 1970s he spoke to a group of farmers. He encouraged them to propagate red gum trees and explained how simple it was to do, and today Victoria has some magnificent stands of red gums. That example demonstrated his commitment to the environment.

Over the years we enjoyed meeting Bill and Muffie in their retirement at a number of functions. I join in sending condolences to Muffie and to Andrew, Mark and David. My remaining regret is that I was unable to attend the funeral, but the description by Mr Birrell very tellingly spelt out to the house the nature of the three remarkable sons who are proud to have had Bill as their father.

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

## ADJOURNMENT

**Hon. M. M. GOULD** (Minister for Industrial Relations) — I move:

That, as a further mark of respect to the memory of the late Honourable William Archibald Borthwick, AM, the house do now adjourn until later this day at 8.00 p.m.

**Motion agreed to.**

**House adjourned 3.34 p.m.**

**The PRESIDENT took the chair at 8.03 p.m.**

## PUBLIC NOTARIES BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. M. R. THOMSON** (Minister for Small Business).

## AGRICULTURE LEGISLATION (AMENDMENT) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. C. C. BROAD** (Minister for Energy and Resources).

## TRANSPORT (FURTHER AMENDMENT) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. C. C. BROAD** (Minister for Energy and Resources).

## CRIMES (VALIDATION OF ORDERS) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. M. R. THOMSON** (Minister for Small Business).

## COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

### *Introduction and first reading*

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON  
(Minister for Small Business).

**The PRESIDENT** — Order! I remind honourable members to lift the microphone up in front of them when they are about to speak.

## QUESTIONS WITHOUT NOTICE

### Retail tenancies: leases

**Hon. C. A. FURLETTI** (Templestowe) — I direct my question to the Minister for Small Business. Given the recent decision by the Victorian Civil and Administrative Tribunal and its interpretation of the term ‘base rent’ in the Retail Tenancies Reform Act which has thrown into uncertainty the rent review provisions of thousands of retail tenancy leases, will the government immediately move to restore certainty to those provisions of retail tenancy agreements, or will it procrastinate as usual at the expense of small businesses and many self-funded retirees?

**Hon. M. R. THOMSON** (Minister for Small Business) — I congratulate the Honourable Carlo Furletti on his elevation to the position of deputy leader. It is unfortunate that his first performance in that role has been tarnished by his question and the tone in which it was asked.

It is a very important issue and the government has had discussions with the Law Institute of Victoria. As part of the retail tenancy legislation that will come before this Parliament the government will deal with this issue as well. The government is about to release the options paper on retail tenancies. We are very fortunate in that the number of submissions received has exceeded what we believed would be the case. The paper will outline the options available to the government on retail tenancies and its recommendations.

When we started the review of retail tenancies we said that we wanted to fix the whole of the legislation and that we would deal with all of the detail of the legislation in doing that.

I thank all of those people, particularly the Law Institute of Victoria, the Australian Retail Association and the Shopping Council of Victoria for the way in

which they have contributed to the work done in the review of retail tenancies. When that bill is introduced into this place it will be legislation that works for tenants and landlords. Unfortunately that is not the record of the previous government.

### Ansett Australia: consumer assistance

**Hon. R. F. SMITH** (Chelsea) — Given the collapse last week of Ansett Australia and the subsequent considerable disruption and uncertainty for Ansett customers, can the Minister for Consumer Affairs outline to the house what Consumer and Business Affairs Victoria has done to assist consumers on this matter?

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am only interested in hearing the minister. Would honourable members please keep quiet!

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — This has been a tragic week for the world and for Australia, and the collapse of Ansett is a national tragedy, one for which we will all feel the repercussions for many months and probably years to come.

In the absence of the federal government taking the front foot on this issue, last Friday Consumer and Business Affairs Victoria ran a hotline to assist consumers about the circumstances they were facing and the rights they had under legislation for tickets purchased.

Consumer and Business Affairs Victoria also rang around the banks to ask whether they would be prepared to give refunds for tickets purchased by credit card. On Saturday Qantas had put an advertisement in the newspapers advertising free tickets, which was false, and Consumer and Business Affairs Victoria had that advertisement removed. There have been over 5400 calls to that consumer hotline.

**Hon. W. R. Baxter** — One was mine!

**Hon. M. R. THOMSON** — I hope they were helpful. As far as we know we are the only consumer affairs agency that has undertaken to do that on behalf of consumers. We received calls from around the state and we were able to provide consumers with very important and vital information that has helped them in dealing with the situation they now face.

**Public sector: industrial disputes**

**Hon. BILL FORWOOD** (Templestowe) — My question is to the Minister for Industrial Relations. The home page of the Community and Public Sector Union contains a box saying:

EB2001 campaign —

Industrial action is taking place across the VPS as CPSU members fight for a better EB2001 offer.

[List of current action].

If one clicks on the list of current action box one gets a list of 83 different divisions of the Victorian public sector. What is the minister's role in all of this?

**Hon. M. M. GOULD** (Minister for Industrial Relations) — I thank the honourable member for his question.

**Hon. T. C. Theophanous** — Refer it to the CPSU!

**Hon. M. M. GOULD** — I should refer it to the Community and Public Sector Union (CPSU) because it is the union's industrial action that has been undertaken as a result of the enterprise bargaining negotiations that are currently being undertaken with the union.

Honourable members would be aware that the government last year entered into a 12-month agreement with the CPSU, and that agreement expired at the end of June of this year. The government has been in negotiations with the union prior to and subsequent to that date with respect to negotiating a new enterprise agreement.

Honourable members would be well aware that under the Workplace Relations Act unions are entitled to take protected action if their agreement has expired, and this agreement has done so. The union has undertaken some industrial action to progress its claim.

The government is committed to negotiating a fair and reasonable outcome with the union, but we will do it in a way that is economically sound and responsible. We have entered into negotiations with the union, which are continuing, and discussions are being held.

The union is entitled under the Workplace Relations Act to take protected action under the conflict-based act that the federal government has introduced, an act that does not encourage a conciliatory approach and does not encourage the settling of disputes, but this government is committed to entering into an agreement with the CPSU that is economically and financially

responsible and is of benefit to employees of the Victorian public sector, and we will continue to do so.

**Ports: export statistics**

**Hon. E. C. CARBINES** (Geelong) — Can the Minister for Ports advise the house what action the Bracks government has taken to ensure Victoria's ports remain export leaders?

**Hon. C. C. BROAD** (Minister for Ports) — I am pleased to advise the Council on this date, which is indeed the second anniversary of the change of government, during 2000–01 a record volume of 17.3 million tonnes of cargo was handled by ports across Victoria. Revenue from Victorian exports reached an all-time high of \$22.5 billion, representing an 18 per cent increase over the previous financial year. That is a total of 36 per cent growth over the last two financial years.

Over this time Geelong's volumes — because this is not only a matter for the port of Melbourne; it is a matter for our regional ports also — grew by 17.8 per cent. Melbourne's volumes grew by 16.1 per cent, and Portland's volumes grew by 6.8 per cent.

Victoria is now the largest exporter of manufactured products of any state in Australia. Our manufacturers exported a record \$8 billion worth of products such as cars, textiles and electrical products during the last financial year.

The efficient and effective operation of its ports has been a key factor in Victoria's strong performance in export markets. However, despite this outstanding performance the government remains committed to taking a leadership role and improving access to ports across Victoria, as well as continuing to develop ports.

The government is undertaking a massive investment in transport infrastructure across the state to improve access, including rail gauge standardisation, the Wodonga rail bypass and road upgrades. In short, this government has a vision for Victoria's ports that recognises their contribution to the economy of the whole state, including rural and regional Victoria, where employment and local income are often directly dependant on the local port.

This government's commitment is in contrast to the distinct lack of interest shown in Victoria's ports by the shadow Minister for Ports. This is clearly demonstrated by his failure to ask a single question regarding ports in the last session of Parliament. I can understand that he might have been distracted in recent weeks with the

goings on of the opposition. I daresay something will happen now in relation to his interest.

Unlike the previous government the Bracks government has delivered on its commitment to getting the balance right between our economic, social and environmental objectives; and in particular within the portfolio of ports it is delivering on its vision for better ports infrastructure and better access to our ports to deliver better services and better outcomes.

**Minister for Industrial Relations: performance**

**Hon. R. M. HALLAM** (Western) — I remind the Minister for Industrial Relations of the title that appears on her letterhead — namely, Minister for Industrial Relations. I also remind her of the major disputes which have taken place in the power industry, across the education sector and within the nursing profession, not to mention the unprecedented action currently being taken by members of the Victorian police force, all during her relatively short term as minister. Given the cost and disruption suffered by the entire Victorian community as a result of these disputes, what more would it take for the minister to acknowledge that she has been an unmitigated disaster and to convince her to surrender her ministerial commission?

**Hon. M. M. GOULD** (Minister for Industrial Relations) — I know the National Party does not understand industrial relations and does not understand the relevance of enterprise bargaining, the Workplace Relations Act and the entitlement and right of employers and employees to sit down and negotiate an agreement. The federal Workplace Relations Act, which was supported by the opposition — the National Party and the Liberal Party — allows for employees to take protected action under the law of this land. The Bracks government tried to introduce the Fair Employment Bill, which would have had provision to help bring — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Smith and Mr Theophanous, please allow the minister to answer her question.

**Hon. M. M. GOULD** — The Victorian government attempted to bring into the Parliament the Fair Employment Bill, which would have allowed for parties to come in and undergo mediation. All the disputes raised by the Honourable Roger Hallam, apart from the Community and Public Section Union negotiations and the police, have been resolved under the available provisions. The teachers and nurses disputes have been resolved. Mr Hallam was part of the

previous government that ripped nurses out of the health system. This government has put nurses back. They had cut teachers out of the system and this government has put them in. The government has recognised teachers and changed the payroll structure. The negotiations have taken place under the enterprise bargaining system, which is flawed because it is conflict based. The Bracks government has called on the federal government to change it. We tried to assist with the Fair Employment Bill and Mr Hallam voted against that legislation.

Employers lock workers out on a regular basis, and unions are entitled to take protective action. The Workplace Relations Act needs to change. However, if the opposition had supported the Fair Employment Bill we would have been allowed to bring in parties to help mediate some of the disputes and they may not have lasted so long as they have. Unfortunately the act and the system under which we operate allow for conflicts, and we call on the federal government to change them.

**Sport: funding**

**Hon. G. D. ROMANES** (Melbourne) — In light of the previous comments made to the house by the Minister for Sport and Recreation in relation to the devastating effects of the federal government's funding cuts to regional sports assemblies, and more particularly grassroots sports, will the minister advise the house as to how the highly publicised federal funding package for sport is finding its way through to sporting organisations in this state?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — No doubt opposition members appreciate that following the release of the commonwealth government's new policy Backing Australia's Sporting Ability, the Australia Sports Commission terminated its three-year agreement with Sport and Recreation Victoria under the sport and recreation development grants program. We were into the first year of that agreement and this decision brought to a halt many years of cooperation between the state and the commonwealth for the development of sport in Victoria.

I am particularly disturbed at the abandonment by the Australian Sports Commission, and particularly the federal Minister for Sport and Tourism, Ms Kelly, of the relationship with regional sport assembly program and Older Adult Recreation Network providers, state sporting associations and community clubs that this termination will affect. These ham-fisted actions have left no scope for properly managing the transition to the new arrangements. Again one can see this only as a

cynical political exercise by the federal sports minister, Jackie Kelly.

I wrote to the Honourable Jackie Kelly — apparently she is the federal Minister for Sport and Tourism — in May expressing my deep concern at the commission's inappropriate actions and seeking at least as a minimum a transition period of six months. It took until August for the minister to reply rejecting my representations and confirming that the termination date would not be extended. If that is not bad enough, the new commonwealth funding for Backing Australia's Sporting Ability, which was aired at a federal level, has not flowed through to sport. Sport nationally has not seen any of that money!

I am advised that the 10 identified sports have as yet not seen any of that money. They have not seen one zack and they have not been able to finalise proposals due at the end of this month to the Australian Sports Commission for funding. Apparently a number of sports have already lodged submissions to the Australian Sports Commission and have been rejected. They have been rejected because not only are the sports unaware of what the Australian Sports Commission actually wants but apparently neither is the Australian Sports Commission. This clearly reflects the fact that these sports and the federal government are at a loss as to what they want. It is not even clear what the federal government wants.

This is having damaging effects not only on sports regionally and on the Older Adult Recreation Network but also on all those sports nationally. If that is not bad enough, as we see the federal issues unfurling in relation to the airlines and the cost that will be to national sporting organisations, one could be forgiven for concluding that the federal minister for sport has it all wrong. Not only that, she is also incompetent and unfortunately that incompetence reflects the entire federal government's approach to state relations. Unfortunately that is doing irreparable damage to sport in this state through those national sporting organisations.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — I know opposition members do not want to hear it, because I would not want to hear how my federal colleagues in government were making cynical political decisions.

**Hon. P. A. Katsambanis** — On a point of order, Mr President, I understand that ministers have significant leeway in answering questions, particularly dorothy dixers; however, I have listened intently for

almost 5 minutes to the minister and as far as I am concerned he has done nothing except offer a commentary on issues relating to another government in another jurisdiction. It is a total abuse of the process of this place that the minister acts as a political commentator on other levels of government and I ask you, Mr President, to either direct the minister to address an issue within his jurisdiction as sports minister in this state or rule the question out of order.

**The PRESIDENT** — Order! One of the principal rules for answers to questions is that the minister should not debate the issue. Clearly the minister has gone down that path. I do not uphold the point of order, but I invite the minister to signal his last comments very quickly.

**Hon. J. M. MADDEN** — I will wind up, Mr President, because I know how much this is hurting the opposition. I repeat that this has significantly affected regional sport and the Older Adult Recreation Network, particularly those out there in the regions. Our department has in good faith commenced negotiations with the Australian Sports Commission regarding future relationships with Sport and Recreation Victoria for the delivery of the commonwealth's refocused programs. Unfortunately I hold no faith — I reinforce that — in the processes of the Australian Sports Commission at this present time and also in the federal sports minister, Jackie Kelly.

### **Australian Football League: grand final tickets**

**Hon. I. J. COVER** (Geelong) — Talking of cynical political exercises, I ask the Minister for Sport and Recreation to admit that despite his rhetoric and posturing — and indeed the cynical political exercise he embarked on — that Australian Football League Grand Final tickets will still be scalped this year and that he has done nothing to change the situation.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — No doubt the opposition would be well aware of our press releases on the action taken on this and the progress we have made on this issue. No doubt opposition members will also appreciate that when we have tried to introduce legislation in this house on ticket scalping, the opposition has traditionally over many years failed to support it. Mind you, Mr President, this has been an issue — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I ask the house to settle down and allow the minister to answer. I invite the minister to ignore the provocation and he will get through his answer quicker.

**Hon. J. M. MADDEN** — This probably goes back well before the time of honourable members opposite. If they would like to — —

**Hon. B. N. Atkinson** — On a point of order, Mr President, the minister referred to legislation introduced in this house to address this problem. I would like him to enlighten the house as to which legislation was not accepted by the opposition and when it was brought in. The point of order is that the minister has misled the house because no such legislation has been introduced.

**The PRESIDENT** — Order! The minister certainly introduced that subject. He might like to identify the legislation to which he referred.

**Hon. J. M. MADDEN** — Over many years prior to my coming into this house — and probably over many years prior to the gentlemen opposite coming into this house — whenever former Labor governments have tried to introduce legislation on scalping, the opposition has not been prepared to support it.

**Hon. B. N. Atkinson** — On the point of order, Mr President, I ask the minister to withdraw that statement because he has not identified any legislation and he has described some vague term. The fact is there has been no such legislation and he is therefore misleading the house.

**The PRESIDENT** — Order! I am not aware of whether this house has knocked back such legislation. I thought there was some implication that the current Parliament had seen such legislation; clearly it has not. If the minister desires to introduce that material it would be better if he were more specific, setting it in 1900 and whatever it was, and if it was. I invite the minister to move on to the next issue.

**Hon. J. M. MADDEN** — I reinforce the fact that the opposition has never been prepared to support that stance at any other time and the fact that we have made significant progress on this issue. We have consulted stakeholders, which the opposition would not even consider doing in its time in government! It had not heard of the word ‘stakeholders’ until we came into power. I also reinforce the fact that we have consulted with stakeholders — —

**Hon. Andrew Brideson** — On a point of order, Mr President, the minister has now been on his feet for some time and has not answered the question. He is debating the issue and inflaming the house and I ask you, Mr President, to bring him back to the issue at hand and direct him to answer the question rather than debate the issue.

**The PRESIDENT** — Order! The question was specific about any action taken by this government, not a previous government. The minister may like to address the question.

**Hon. J. M. MADDEN** — I will continue to answer that question if I am not rudely interrupted by members of the opposition. I regret that opposition members are so precious and sensitive about the way I speak to them.

I reinforce how we have progressed this matter. We have released a discussion paper for the industry so we can provide leadership and bring the industry along with us rather than following the autocratic style of the previous government, which would have been to hand down a decision and implement it without consulting the sector.

**Hon. K. M. Smith** — On a point of order, Mr President, the minister has made vague references to legislation brought before the house. This side of the house has indicated we believe he is misleading the house. I ask you to direct him to bring the legislation before the house or to apologise to the house for misleading it at the earliest possible time, certainly no later than tomorrow morning, first up.

**The PRESIDENT** — Order! The Clerk reminds me or suggests that there was such legislation, but during the term of the Cain government.

**Hon. J. M. Madden** — I said historically you did not support it.

**The PRESIDENT** — Order! I do not uphold the point of order. The minister would have helped the house had he been more specific in his reference.

**Hon. B. N. Atkinson** — Truthful!

**The PRESIDENT** — I do not uphold the point of order, but had the minister been more specific in his reference the house would not have been having this argument.

### **Skilled Equipment Manufacturing Pty Ltd**

**Hon. D. G. HADDEN** (Ballarat) — Will the Minister for Industrial Relations inform the house of the role played by the Victorian government in the resolution of the recent industrial dispute at the Skilled Equipment Manufacturing Pty Ltd site in Ballarat?

**Hon. M. M. GOULD** (Minister for Industrial Relations) — I thank the honourable member for her question and I know she has an interest in that particular dispute, which, as she said, was at the Skilled

Equipment Manufacturing Pty Ltd site in Ballarat, and was between the company and the production workers.

The parties were in dispute in relation to their enterprise bargaining negotiations. The company manufactures and reconditions emergency vehicles and associated equipment for the Country Fire Authority and other fire authorities. The Skilled Equipment Manufacturing site at Ballarat employs 70 workers and makes a significant contribution to the local community. During the dispute production workers were stood down without pay after they had taken some industrial action in support of their claim in accordance with the federal Workplace Relations Act. The dispute attracted considerable attention in the local community, and genuine concerns were expressed about the future of the business in Ballarat.

Late in August the dispute was at a stalemate. However, in an effort to move the parties forward they accepted an offer of Industrial Relations Victoria (IRV) to facilitate further discussions. I understand neither party had gone to the commission for assistance because they both knew that under the Workplace Relations Act it cannot be involved in any arbitration of an industrial dispute about enterprise bargaining; it is against the Workplace Relations Act to do that.

I am pleased to report that negotiations facilitated by IRV were successful in resolving that long-running dispute and the employees returned to work last week. Both the company and the union have acknowledged the role played by IRV in the resolution of that particular dispute.

The Bracks government is committed to playing a constructive role in settling industrial disputes, as it did in this case. The IRV is the key body that provides that assistance. As I have said many times, we do not take sides when it comes to this issue. The government acts as an honest broker in assisting the parties to resolve their differences, wherever possible. The IRV's involvement in the dispute is also an example of how the Bracks government recognises the important role regional centres like Ballarat play in this state and it continues to work in the effort to grow the whole of the state.

### **Mars Confectionery of Australia**

**Hon. B. N. ATKINSON** (Koonung) — I refer the Minister for Sport and Recreation to a press release he issued on 15 August 2001, headed 'A sweet manufacturing success story' in which the minister announced that a \$100 000 grant would be given to

Mars Confectionery of Australia to train new and existing staff at the company's Ballarat factory.

I am particularly interested in this because of the failed strategy of the government in respect of Nestlé and Arnotts. Nevertheless, it seems the minister has expanded his wings beyond youth, sport and recreation to include involvement in programs for the training of staff in a multinational company. I ask the minister: from what government program were the funds allocated, and what other companies are they available to?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for his question, but what the honourable member may not appreciate is that at the time I was representing the Minister for State and Regional Development. Therefore I recommend that the honourable member ask the question of the Minister for State and Regional Development.

**Hon. B. N. Atkinson** — On a point of order, Mr President, I am prepared to table the press release, which makes no mention of any other minister. It is specific in saying — and I will quote it for your edification and for your ruling, Mr President:

The Minister for Sport and Recreation, Justin Madden, today delivered a Bracks government sweetener for Mars Confectionery in Ballarat signalling the realisation ...

No other minister is mentioned. Only the Minister for Sport and Recreation issued the press release and provided the grant. I want the information from this minister, not another minister.

*Honourable members interjecting.*

**The PRESIDENT** — Order! On the assumption that the statement made by the honourable member is correct — in other words, there is no reference to any other minister in that statement — it is a fair question to the minister who issued the press release and the minister should attempt to respond to it.

**Hon. B. N. Atkinson** — I seek leave to table the document.

**The PRESIDENT** — Order! Mr Atkinson can make it available. Rather than the minister flick-passing the question he could say he will obtain the information from the minister and pass it on to the honourable member in response to his question. That is one possibility.

**Hon. J. M. MADDEN** — Again, I have given my answer. I was representing another minister. If the

honourable member has a question for another minister, I would expect that question during the adjournment debate.

**Hon. Bill Forwood** — On a point of order, Mr President, the minister is flouting your ruling in relation to this issue. There is nothing in the issue Mr Atkinson has raised that identifies any person other than the minister in his capacity as sworn in handing out the money. The minister now has the responsibility to get an answer and bring it to this place.

**Hon. T. C. Theophanous** — Further on the point of order, Mr President, it is clear that the responsibility that the minister has is to clarify, as he has in his answer, what his role was in relation to that press release. He has done that and said he was acting in the capacity of another minister. He has invited the honourable member to ask the question in another forum in this place.

There is no requirement on ministers during question time to answer a question that is not related to their portfolio area. The question is not related to the minister's portfolio area. He was acting on behalf of another minister. He has made that clear in his answer to the question. Therefore there is no point of order to be upheld.

**Hon. B. N. Atkinson** — Further on the point of order, Mr President, the Minister for Sport and Recreation has issued a press release. His is the only name on it; it has been issued under his name. The sad truth is that when you issue any document in politics you now own it. That is the sad truth in politics: if you sign something and issue it in your name, you own that document. The minister has issued this document. I will accept an answer of, 'I don't know', because in many ways I would probably expect that answer, but the fact is that he cannot say that he was representing someone else when the press release has gone out under his hand.

**The PRESIDENT** — Order! It would have been a lot simpler if the minister had said in response — —

**Hon. Kaye Darveniza** interjected.

**The PRESIDENT** — Order! Have you got a problem?

**Hon. Kaye Darveniza** interjected.

**The PRESIDENT** — Order! Well, I suggest you keep quiet.

**Hon. Kaye Darveniza** — I am waiting for your answer.

**The PRESIDENT** — Order! It would have been a lot simpler for the house if the minister had indicated, as he said, that on that occasion he was representing another minister and that he would ensure that the question was passed on to the minister. That would have finished it. It is a matter of courtesy. On the other hand, the minister has given an answer which is responsive to the question. We cannot force him to do anything else. I am just saying that if he made that offer, we would not have an issue before us. I do not know whether the minister wants to saying anything more.

### Consumer affairs: USA relief donations

**Hon. JENNY MIKAKOS** (Jika Jika) — My question is to the Minister for Consumer Affairs. In light of the recent tragedy in the United States of America and the response of generosity by Victorians, what advice can the minister give to consumers in relation to donating funds to assist with the relief effort?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I am actually sad that I have to rise to answer a question like this. We spent some time in Parliament today expressing our regret over what occurred in the United States and the worldwide tragedy. Although far away, the majority of Victorians now wish to donate — and from what I understand from the Red Cross they are donating blood, giving money and being extremely generous in trying to help in whatever way they can — but unfortunately the scum of the earth also come out on occasions like this.

We have been made aware of unsolicited emails that have been sent saying that the sender is a charity raising funds for the victims of the terrorism that occurred last week and seeking donations via bankcards and credit cards — and they are intended to line the pockets of those individuals. Two have come to light: the Express Relief Fund and the Victims Survivor Fund. The American authorities are trying to shut down these operations as soon as they appear in the United States. We certainly will be vigilant here in Victoria, and I would assume Australia wide, through agencies to try where possible to take action as quickly as we can, as we are alerted to them or if we find them as we scan the Internet ourselves.

It is important and I seriously ask honourable members to make their constituents aware that these scams are occurring, that they need to be very careful about donating at a time when they feel it is important to donate and that they give only to charities that they know. The Red Cross is collecting on behalf of the American Red Cross and will ensure that all donations

collected on its behalf will go directly to Red Cross America. It also wants it known that it has a web site, [www.ourcommunity.com.au](http://www.ourcommunity.com.au), which it considers to be a bona fide site at which people can make donations.

I ask all honourable members to take it upon themselves to make sure that their constituents are aware of these operators, and to do all in their power to alert consumers not to donate if they do not know whom they are donating to.

## QUESTIONS ON NOTICE

### Answers

**Hon. M. M. GOULD** (Minister for Industrial Relations) — By leave, I move:

That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

**Motion agreed to.**

**Hon. M. M. GOULD** — I have answers to questions 1765, 1778–9, 1806–9 — —

**Hon. R. M. Hallam** — I am having difficulty hearing the minister. This is a very important announcement. I would ask her to take it very carefully and succinctly.

**Hon. M. M. GOULD** — I will repeat it. I have answers to questions 1765, 1778–9, 1806–9, 1811–5, 1821–3, 1825, 1827–35, 1837, 1842–50, 1860–1, 1866, 1870–3, 1879–1904, 1911–12, 1931–7, 1940–8, 1950–5, 1958–9, 1961–82, 1986–9, 1991–2, 1995–2027, 2029–31, 2033–7, 2039–42, 2069, 2111, 2116, 2119–25, 2139–44, 2146.

**Hon. R. M. HALLAM** (Western) — Mr President, I followed that very carefully, and according to my records questions 2028 and 2029 directed to the Minister for Energy and Resources, representing the Minister for Local Government, were not included in the answers provided. I ask the minister whether she is able to provide an explanation to the house.

**The PRESIDENT** — Order! Did the honourable member notify the minister beforehand?

**Hon. R. M. Hallam** — My very word, Mr President.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response, I believe the numbers that Mr Hallam referred to were 2028 and 2029. I believe

2029 is on the list which the Leader of the Government read out. In relation to 2028, that question was asked by Mr Hallam to me for the Minister for Local Government. I will inquire with the responsible minister as to why that question has not been answered and endeavour to get an answer as soon as possible.

## BUSINESS OF THE HOUSE

### Sessional orders

**Hon. M. M. GOULD** (Minister for Industrial Relations) — By leave, I move:

That so much of sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

**Motion agreed to.**

## ECONOMIC DEVELOPMENT COMMITTEE

### Youth unemployment

**Hon. M. M. GOULD** (Minister for Industrial Relations) — I move:

That the resolution of the Council of 1 March 2000, requiring the Economic Development Committee to inquire into the incidence of youth unemployment in Victoria and to report to Parliament by 31 December 2001, be amended so far as to now require the committee to report by the end of the 2002 spring sitting.

**Motion agreed to.**

## INFERTILITY TREATMENT (AMENDMENT) BILL

### *Introduction and first reading*

**Hon. M. M. GOULD** (Minister for Industrial Relations), by leave, introduced a bill to make various amendments to the Infertility Treatment Act 1995 and for other purposes.

**Read first time.**

## BLF CUSTODIAN

### 52nd report

**Hon. M. M. GOULD** (Minister for Industrial Relations) presented copy of report dated 31 August 2001 given to Mr President pursuant to section 7A of BLF

**(De-recognition) Act 1985 by the custodian appointed under section 7 (1) of that act.**

Laid on table.

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Victorian Auditor-General's Office

**Hon. R. M. HALLAM (Western)** presented report on appointment of replacement auditor to conduct financial audits, together with appendices.

Laid on table.

Ordered to be printed.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Alert Digest No. 9

**Hon. M. T. LUCKINS (Waverley)** presented *Alert Digest* No. 9 of 2001, together with appendices.

**Hon. M. T. LUCKINS (Waverley)** (*By leave*) — Yesterday afternoon members of the Scrutiny of Acts and Regulations Committee met to discuss bills reported on in *Alert Digest* No. 9. Regarding the Commonwealth Games Arrangements Bill members of the committee, particularly members of the opposition, were given an undertaking by the executive officer of the committee that he would correspond with me by email so that I could seek the support of my colleagues regarding comments made in the *Alert Digest* formulated after the meeting concluded yesterday. Unfortunately I did not receive the email, and I must note that the comments made on pages 10 and 11 of the *Alert Digest* do not reflect adequately the debate and the views held by members of the opposition at the meeting yesterday.

I ask the chamber to take that into consideration when considering the Commonwealth Games Arrangements Bill.

Laid on table.

Ordered to be printed.

## PAPERS

### Laid on table by Clerk:

Anderson's Creek Cemetery Trust — Report, 2000.

Anti-Cancer Council of Victoria — Report, 2000.

Ballaarat General Cemeteries Trust — Report, 2000.

Bendigo Cemeteries Trust — Report, 2000.

Cheltenham and Regional Cemeteries Trust — Report, 2000.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 16, 2 June 2001, together with Amendment No. 1, 1 September 2001 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

Electoral Commissioner — Statements of functions conferred, 22 May, 7 August and 11 September 2001.

Environment Conservation Council — Box-Ironbark Forests and Woodlands Investigation Final Report, June 2001.

Falls Creek Alpine Resort Management Board — Report, 1999–2000.

Fawkner Crematorium and Memorial Park — Report, 2000.

Geelong Cemeteries Trust — Report, 2000.

Keilor Cemetery Trust — Report, 2000.

Lilydale Memorial Park and Cemetery Trust — Report 2000.

Memorial Park Cemetery Trust (Altona) — Report, 2000.

National Environment Protection Council Act 1995 — Report on operation, 31 January 2001.

Necropolis Trusts — Report, 2000.

Northern Victorian Fresh Tomato Industry Development Committee — Minister for Agriculture's report of 23 August 2001 of receipt of the 1999–2000 report.

Parliamentary Committees Act 1968 — Whole of Government response to recommendations of the 38th report of the Public Accounts and Estimates Committee on the 2000–2001 Budget Estimates.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendments C34 Part 2 and C41.

Banyule Planning Scheme — Amendments C12 to C14.

Bass Coast Planning Scheme — Amendments C2 Part 2, C3 and C4.

Baw Baw Planning Scheme — Amendment C16.

Bayside Planning Scheme — Amendment C19.

Brimbank Planning Scheme — Amendments C20, C24, C29 and C35.

Casey Planning Scheme — Amendment C16.

Dandenong — Greater Dandenong Planning Scheme — Amendments C2, C5 and C16 Part 2.

East Gippsland Planning Scheme — Amendment C7.

Frankston Planning Scheme — Amendment C11.

Geelong — Greater Geelong Planning Scheme — Amendment C27.

Hume Planning Scheme — Amendments C8 and C22.

Latrobe Planning Scheme — Amendment C5.

Maribymong Planning Scheme — Amendment C22.

Monash Planning Scheme — Amendment C17.

Nillumbik Planning Scheme — Amendments C3 Part 1 and C5 Part 1.

Shepparton — Greater Shepparton Planning Scheme — Amendment C14.

Stonnington Planning Scheme — Amendment C2.

Strathbogie Planning Scheme — Amendment C10.

Victoria Planning Provisions — Amendment VC12.

Whitehorse Planning Scheme — Amendments C21 and C23.

Whittlesea Planning Scheme — Amendments C8 Parts 1 and 2, C18, C21 and C23.

Yarra Ranges Planning Scheme — Amendment C18.

Property Leasing Ltd — Report for the six months ending 31 March 2001.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 82.

Conservation, Forests and Lands Act 1987 — No. 86.

Dangerous Goods Act 1985 — No. 85.

Drugs, Poisons and Controlled Substances Act 1981 — No. 84.

Fisheries Act 1995 — No. 78.

Livestock Disease Control Act 1994 — No. 81.

Magistrates' Court Act 1989 — No. 80.

Road Safety Act 1986 — No. 83.

Tobacco Act 1987 — No. 87.

Water Act 1989 — No. 79.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 80.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 71, 81 to 84, 86 and 87.

Templestowe Cemetery Trust — Report, 2000.

Wyndham Cemeteries Trust — Report, 2000.

### Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts:

Electricity Industry Acts (Further Amendment) Act 2001 — Section 5 — 6 September 2001 (*Gazette No. G36, 6 September 2001*).

Gambling Legislation (Miscellaneous Amendments) Act 2000 — Sections 21 and 22(1) and remaining provisions of Parts 3 to 5 — 28 August 2001 (*Gazette No. G34, 23 August 2001*).

Statute Law Amendment (Relationships) Act 2001 — Sections 4, 5 and 7 of that act and items 2, 3 and 6 of Schedules 1 to 3, item 2 of Schedules 4 and 5 — 23 August 2001 (*Gazette No. G34, 23 August 2001*).

## SOUTH GIPPSLAND CONSERVATION SOCIETY

### Right of reply

**The PRESIDENT** — Order! Pursuant to the sessional orders of the Legislative Council I advise that I have received a submission from Mr and Mrs Cuttriss of Inverloch seeking a right of reply to statements made in the Council by the Honourable Ken Smith, MLC, on 6 September, 24 October and 1 November 2000.

During my consideration of the application for the right of reply I gave notice of the submission in writing to Mr Smith as required by the sessional orders.

On 3 April 2001 a right of reply from the South Gippsland Conservation Society relating to the same matters which are the subject of the submission from Mr and Mrs Cuttriss was presented to the Council. The society's response was made on behalf of its members and specifically named Mr and Mrs Cuttriss as being aggrieved. I believe that the submission now made by Mr and Mrs Cuttriss does not materially add anything to the right of reply already presented, and therefore in accordance with the sessional orders I have determined that no further action be taken in relation to the submission.

## PUBLIC NOTARIES BILL

*Second reading*

**Hon. M. R. THOMSON** (Minister for Small Business) — I move:

That this bill be now read a second time.

Honourable members may be surprised to hear that a Victorian who wants to be appointed as a public notary must apply to the Archbishop of Canterbury in England. The role of the Archbishop in appointing notaries dates back to the 1530s when King Henry VIII broke away from Rome. Unfortunately, only Victoria and Queensland still continue this archaic procedure under which the appointment of Australians, for the purpose of notarial acts in Australia, is made by a foreign authority. Victorian notaries should be appointed under Victorian legislation, by a Victorian authority.

What is a public notary and what role do they play? The office of public notary can be traced back to Roman times. Honourable members who have an interest in history should refer to the notaries' bible, *Brooke's Notary*. This English textbook goes into some detail about the origin and development of notaries. However, notaries play an important role in the modern context and it is for that reason that the government has introduced this long overdue Victorian legislation.

Typical services a notary would perform today include attesting declarations or affidavits, attesting execution of documents and preparation of ships' protests — a declaration by a ship captain as to incidents on the journey that might have damaged the ship or cargo. The most important characteristic of a notarial 'act' is that it is destined for use in a foreign jurisdiction and not in the notary's own country. In many countries, properly executed notarial acts are accepted by foreign courts as conclusive of the facts witnessed. With the continuing emphasis on international trade, it is expected that the role of notaries in a commercial context will grow in importance for Victoria.

Notwithstanding this importance, our notaries are still appointed by the Archbishop of Canterbury in England. There is no governing legislation in Victoria or England. The Society of Notaries of Victoria plays a key role in supporting or opposing people who apply to the Archbishop of Canterbury to be notaries. The submissions of the society are regarded as highly persuasive.

The society has developed criteria for appointment as a notary. In brief they are:

there must be a demonstrated need for the appointment of a public notary in the geographic region in which the applicant practises as a lawyer; and

the applicant must have practised as a principal solicitor for a period of at least 10 years.

The Scrutiny of Acts and Regulations Committee was asked to review the role and appointment of public notaries in 1996. SARC's report recommended the enactment of Victorian legislation dealing with the appointment of notaries.

In summary SARC recommended that:

only qualified lawyers should be eligible for appointment as notaries;

applicants should have at least five years legal experience;

the numbers of notaries should not be limited by reference to geography or population;

appointments should be made by the Supreme Court; and

applicants should be required to undergo an approved course of training.

All other states and territories, with the exception of Queensland, have their own system for appointing public notaries involving the Supreme Court. Following consultation, the bill provides that applications will be made to the chief justice. The Supreme Court already has the infrastructure in place to process applications by lawyers for admission and the bill follows that model. The Council of Legal Education currently approves the course of study that lawyers must complete and the Board of Examiners considers applications for admission and issues certificates of eligibility. The Society of Notaries favours this approach.

Notaries are required to certify as to the legal effect of documents for international purposes — frequently for use in foreign courts. The essential function of notarial acts is to provide an international guarantee of the authenticity and legality of those documents. The work of public notaries ranges from determining and applying evidentiary procedures in order to notarise a document to preparing documents of legal force. The society's submission to SARC was that no Victorian notarial act has been disputed by another country, whereas the acts of notaries from other countries, where legal qualifications are not a prerequisite for appointment, are required to be re-authenticated.

Accordingly, the bill provides that applicants demonstrate an objective measure of practical legal experience. Currently the society requires an applicant to have 10 years experience as a principal. In line with the SARC recommendation, and following consultation with the chief justice and the society, the bill provides that an applicant must have five years practical experience.

Applicants will also be required to complete a course of study approved by the Council of Legal Education. The Society of Notaries has already had preliminary discussions with the Leo Cussen Institute about developing an appropriate course.

Rather than create a new bureaucratic body to regulate notaries, the existing structures in place for regulating legal practitioners will be relied on. If a notary ceases to hold a practising certificate authorising them to practise as a principal, they will not be entitled to practise as a notary. Similarly, the bill provides that if a person is removed from the roll of legal practitioners, they will also be removed from the roll of notaries.

Finally, the bill deems existing notaries to be appointed for a period of six months from the commencement date. Within that period, a notary can sign the roll of notaries without needing to make an application to the chief justice.

This legislation is long overdue. It provides for an administratively simple system for appointment of Victorian public notaries. Together with the removal of existing anticompetitive criteria, this new system of appointment should ensure that Victorians have greater access to notarial services. The involvement of the chief justice in the appointment process will ensure that Victorian notaries continue to be held in high regard internationally.

I commend the bill to the house.

**Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).**

**Debate adjourned until later this day.**

**AGRICULTURE LEGISLATION  
(AMENDMENT) BILL**

*Second reading*

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The bill provides for a number of amendments to the Meat Industry Act 1993 in response to a recent review of the act and also provides for the repeal of three acts which are spent.

An independent review of the Meat Industry Act was undertaken as part of the government's obligations under national competition policy. The review found that most of the restrictions imposed under the act were justified to maintain high standards for food safety. However, several amendments were recommended which have been agreed to by this government and are reflected in the bill.

The spent acts which the bill will repeal are the Margarine (Repeal) Act 1994, the Quarantine Officers (Transfer) Act 1990 and the Tobacco Leaf (Deregulation) Act 1994.

I turn now to the particulars of the bill.

Clause 3 of the bill amends the ministerial exemption powers under the Meat Industry Act. This limits the ability of the minister to provide exemptions from the act to individual businesses. It does this by restricting exemptions to classes of licensees or classes of meat processing facilities.

The current provisions of the act potentially allow for the minister to discriminate between similar types of businesses. The government believes that similar types of businesses should face the same regulatory constraints.

It is important to note that recently these exemption powers have been used appropriately to enable the government to act swiftly to allow the industry to capture market opportunities. This year the government had cause to grant an exemption to certain branding requirements for classes of meat processing facilities so that they could continue to export lamb to Middle Eastern markets. At the same time the food safety standards required of all facilities were maintained.

In line with this government's policy to increase transparency and accountability of government, and government agencies, clause 4 of the bill amends the Victorian Meat Authority's power to impose restrictions on who may conduct an audit. Currently, the authority's power is unlimited. This provides the potential for the authority to place restrictions on a person which are not necessarily related to their suitability to conduct an audit. The amendment limits the capacity for such inappropriate restrictions by specifying that such restrictions must relate to the suitability of a person to conduct a required audit.

Increased transparency and accountability are again the themes behind clause 5 of the bill, which provides rights to appeal to the Victorian Civil and Administrative Tribunal. Persons who may now appeal are those who have been refused approval as an inspection service and those who are restricted on the grounds of suitability from conducting a required audit. The Meat Industry Act already includes a number of rights of appeal to the Victorian Civil and Administrative Tribunal. The additional appeal rights complement those that currently exist within the act.

Clause 6 of the bill repeals the specific ban on the slaughter and sale for consumption of horses and donkeys. The current provision potentially restricts consumer choice and is inconsistent with the treatment of other consumable animals which, if their slaughter were to be prohibited, would be prohibited by regulation under the act. As there is strong community sentiment regarding the slaughter of horses and donkeys, the government intends to maintain the prohibition by using the regulation-making powers of the act, subject to a regulatory impact statement process.

Clause 7 of the bill provides for greater accountability and transparency of the minister's decision to direct the authority. This increased public accountability and transparency will require ministerial directions to be in writing and the authority will be required to publish the direction in the *Government Gazette* and in its annual report.

The Victorian Meat Authority and the Victorian meat industry continue to work together to ensure that the hygiene status of Victorian meat products is the equal of world's best practice. The amendments to this act build on this partnership, increasing the accountability and transparency of the operations under the act.

Clauses 8, 9 and 10 of the bill repeal the Margarine (Repeal) Act 1994, the Quarantine Officers (Transfer) Act 1990 and the Tobacco Leaf (Deregulation) Act 1994. These acts have all served the purpose for which they were intended. Repeal of the Quarantine Officers (Transfer) Act 1990 will not affect the rights of the officers who, at the time, were transferred from the commonwealth to the Victorian public service. Similarly, the repeal of the Tobacco Leaf (Deregulation) Act 1994 will not affect the transfer of the former Tobacco Leaf Marketing Board's property, rights and liabilities to the Tobacco Cooperative of Victoria Limited. The Margarine (Repeal) Act 1994 ended a former outdated licensing scheme for the manufacture of margarine.

I commend the bill to the house.

**Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).**

**Debate adjourned until later this day.**

## TRANSPORT (FURTHER AMENDMENT) BILL

*Second reading*

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The main purposes of the bill are:

to amend provisions of the Transport Act 1983 to provide a mechanism for the winding-up of the Public Transport Corporation;

to make a number of consequential amendments to the Transport Act and other acts; and

to amend the Melbourne City Link Act 1995:

to facilitate the introduction of weekend passes and more flexible arrangements for the infrequent user; and

to ensure the ability to use warning notices as part of the range of enforcement measures continues to be available.

As honourable members will be aware, the Public Transport Corporation was created as the statutory corporation which owned and ran the public transport network, including infrastructure and rolling stock.

As a result of the franchising of the transport system, the overwhelming majority of the PTC's assets have been transferred to Victorian Rail Track or to the private operators of the train and tram networks.

The PTC continues to be responsible for a number of functions, particularly finalising a number of legal actions to which it is a party.

However, these matters should be finalised in the short to medium term and there is no substantial reason why the organisation should continue as a separate statutory corporation in the longer term.

The bill provides that the administrator and deputy administrator of the PTC will go out of office when the winding-up of the PTC takes effect and that the

Secretary to the Department of Infrastructure on behalf of the Crown will take over any remaining assets and liabilities of that organisation. This is appropriate given the nature of the PTC's assets and liabilities and the functions and powers which the secretary has under the Transport Act.

The changes to the Melbourne City Link Act facilitate the introduction of weekend passes and other more flexible tolling arrangements for the infrequent user.

The act will also be amended to remove an amendment, which is not yet in operation, which otherwise would sunset the ability to use warning notices as part of the range of enforcement measures available. This change is necessary because infrequent users still make up a large portion of City Link traffic and first offenders continue to comprise 50 per cent of all offences. Repealing the sunset of warning letters will enable a measure of leniency for first offenders to be maintained and the availability of warning letters as a deterrent.

The bill also provides for a number of corrections to existing acts and consequential amendments to take account of the proposed winding-up of the Public Transport Corporation.

I commend the bill to the house.

**Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).**

**Debate adjourned until later this day.**

## **CRIMES (VALIDATION OF ORDERS) BILL**

### *Second reading*

**Hon. M. R. THOMSON** (Minister for Small Business) — I move:

That this bill be now read a second time.

DNA technology is a valuable investigative and evidentiary tool. The value of DNA information lies not only in its capacity to implicate a person in the commission of an offence, but also in its ability to eliminate a person from suspicion.

The forensic procedure provisions contained in the Crimes Act 1958 allow for forensic samples to be taken from suspects, prisoners and convicted offenders. The existing forensic procedure provisions also enable DNA information obtained from such samples to be placed on a computerised database for analysis against unsolved crime scene evidence.

The Crimes Act sets out the procedure by which the police can apply to the Magistrates Court for an order allowing them to take a forensic sample from a person convicted of a serious offence who is serving a term of imprisonment. To process the large volume of applications magistrates were hearing these applications in chambers.

A legal challenge to the procedure for hearing applications in chambers was brought before the Supreme Court in December 2000 in the case of *Lednar and Ors v. The Magistrates' Court and Anor*. In that case, the Supreme Court ruled that the hearing of such applications in chambers did not comply with the requirement in section 125 of the Magistrates' Court Act 1989 and that all proceedings should be heard in open court.

The court held that the breach of the Magistrates' Court Act was such that the making of each of the orders in question was voidable. As a result, it could be argued by other convicted offenders that the orders made by magistrates in chambers are invalid.

This bill validates those orders made by magistrates in chambers prior to the decision of the Supreme Court. The bill will affect some 1064 orders which were made and executed and a further 1384 orders which were made but which have not yet been executed.

The bill brings certainty to forensic procedures provisions and seeks to clarify what was understood by magistrates to be lawful at the time the orders were made. If these orders are not validated valuable DNA information may have to be removed from the computerised database. This would be contrary to the spirit of the legislation and could jeopardise not only the future investigation of crimes but also the value in retaining DNA samples as a deterrent against future offending.

To require police to apply for these orders again would impose a substantial financial and administrative burden on Victoria Police and the Magistrates Court. Offenders would also be exposed to a further intrusion in their lives if an additional forensic sample had to be taken.

This bill reflects this government's firm commitment to effective law enforcement and the promotion of public confidence in the criminal justice system.

I commend this bill to the house.

**Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).**

**Debate adjourned until later this day.**

**COMMUNITY VISITORS LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL**

*Second reading*

**Hon. M. R. THOMSON** (Minister for Small Business) — I move:

That this bill be now read a second time.

**Purpose of the bill**

The purpose of the Community Visitors Legislation (Miscellaneous Amendments) Bill 2001 is to make various amendments to the four statutes that provide the legislative mandate for the community visitors programs and the statute that establishes the Office of the Public Advocate. These are the:

Intellectually Disabled Persons' Services Act 1986;

Mental Health Act 1986;

Health Services Act 1988;

Disability Services (Amendment) Act 2000; and

Guardianship and Administration Act 1986.

**Background**

Community visitors programs were established in 1986 as part of a package of reforms to address the needs of people with disabilities. The Office of the Public Advocate was established under the same package of reforms.

The community visitors programs, managed by the Office of the Public Advocate, provide coverage of a wide number of services and offer safeguards and access for individual issues not available elsewhere in the service system.

The primary functions of these programs are to visit and inquire into:

The adequacy of residential services governed by the acts, including:

the appropriateness and standard of facilities for the accommodation, physical wellbeing and welfare of residents;

the adequacy of opportunities and facilities for the recreation, occupation, education, training or

rehabilitation of persons receiving treatment and care;

any failure to comply with the provisions of the acts; and

complaints from residents.

The government introduced last year an amendment to the Disability Services Act 1991 (DSA) to ensure that community visitors are able to visit and inspect residential services funded under the DSA to ensure these protections for the wider disability sector.

**Aims of the bill**

The Public Advocate has requested amendments to the legislative frameworks for the community visitors programs and to clarify his powers.

The intention of the bill is to maintain the policy basis of community visitors programs where local volunteers visit local services within their community. This bill introduces machinery amendments that provide consistency across the legislative frameworks, gives the Public Advocate powers to meet urgent needs and provides flexibility in the appointment of community visitors.

**The Public Advocate**

Currently the Public Advocate does not have powers that mirror those of the community visitors to enter registered premises and inspect documents.

Therefore this bill contains an amendment to the Guardianship and Administration Act 1986 to give the Public Advocate the same powers as community visitors. This would enable the Public Advocate and appropriate staff from his office to apply resources where there are insufficient community visitors to meet urgent needs.

The other policy objectives of the bill are to:

remove the requirement that a community visitor must reside in the region of appointment to promote flexibility in the administration of the programs and enable more efficient use of resources where there is a need for special investigations and there are insufficient appropriately skilled visitors available in a region.

insert a common definition of 'region' in each act.

insert a common 'secrecy' provision, including penalty provision, in each act.

The proposed amendments implement the government's objectives and priorities through the promotion of flexible and responsive service delivery. An effective and efficient use of resources is proposed, while improving service quality within a consistent legislative framework across the disability and health sectors.

I commend the bill to the house.

**Debate adjourned on motion of Hon. M. T. LUCKINS (Waverley).**

**Debate adjourned until later this day.**

## ADJOURNMENT

**Hon. M. R. THOMSON (Minister for Small Business)** — I move:

That the house do now adjourn.

### Women: help cards

**Hon. P. A. KATSAMBANIS (Monash)** — I raise with the Minister for Small Business, who represents the Minister for Community Services in another place, a matter that relates to the women's help cards initiative that was launched by the minister on 7 September this year. The help card is an information card for women and is a specific initiative against domestic violence.

The card has been translated into a series of eight separate community languages, which in itself is a good thing. All members would agree that anything that can be done to assist in combating domestic violence and violence within a family environment is a good thing, but it has been brought to my attention by a number of my constituents that in the translation into certain community languages some languages have been left out, specifically the Russian language, which is spoken by a significant number of people in my province. Those constituents tend to be more recent arrivals to Australia and have a limited grasp of the English language.

The Russian language was specifically referred to as not having been included in the range of community languages that the card was translated into. It is on behalf of my Russian-speaking constituents that I raise this issue with the minister. While commending her for the initiative in producing the women's help cards, I ask her whether she would give consideration to translating the cards into more community languages, specifically Russian.

### James Harrison Secondary College

**Hon. E. C. CARBINES (Geelong)** — I raise with the Minister for Sport and Recreation representing the Minister for Education in the other place concerns for the future of the James Harrison Secondary College in my province. The college decided to undertake a public consultation process over the last two months due to falling enrolments. The consultation process with the school community has canvassed future options to ensure the best educational outcome for the students at the college.

Today's *Geelong Advertiser* reported that the results of the community consultation process at the James Harrison Secondary College have now been conveyed to the minister's office for her consideration and ultimate decision. Will the minister give this matter urgent consideration to facilitate optimum planning for the 2002 school year?

### School buses: review

**Hon. P. R. HALL (Gippsland)** — I raise with the Minister for Sport and Recreation representing the Minister for Education in another place the government's review of school bus services, an election promise of the Bracks government. That review took place in the latter part of 2000 with an expected completion date and a report to the minister by early 2001. The foreword of the *Review of School Bus Services*, signed by the Honourable Theo Theophanous, says that:

The review will be a major task and it is my expectation that the review panel will make its report to the minister early in 2001.

It is now late 2001, in fact three days from the end of term 3, and if there are to be major changes to the operation of school bus services the announcements need to be made immediately.

Given the fact that many school communities, individuals and individual parents made submissions to that school bus review with the expectation that something would happen, it is about time that something did happen. I ask the minister, firstly, whether the review panel has made its final recommendations and given its final report to the minister. If so, when can we expect to learn of the government's response, and will any changes be made in time for the start of the 2002 school year?

### Springview Primary School

**Hon. B. N. ATKINSON** (Koonung) — I refer the Minister for Sport and Recreation, as the representative in this place of the Minister for Education, to the Springview Primary School in Junction Road, Nunawading. The school's postal address is Blackburn North. This week I attended a school council meeting of that school and was concerned about two issues that were raised with me by the school council. The first is the state of the staff car park at the school and the fact that the education department has refused to acknowledge any need for it to contribute to or support the school in providing a safe and effective car park for the school's staff and visiting parents, including people who attend before and after school care programs.

The school also has a problem in that some sections of its perimeter fencing on Wakefield Street have now collapsed. It is a danger both to schoolchildren and the general public and represents a significant public liability issue. The Whitehorse City Council has issued an order for the fence to be made good or for it to be replaced. I understand that the education department has made no provision of maintenance funding to address that issue.

This school council does an extraordinary amount of work. It raises funds, as do many school councils in my electorate, and it is currently in the process of providing funds for the airconditioning of school buildings. It is not in a position to address either the staff car parking issue or the perimeter fencing, which is a matter of public safety. I ask that the minister address these issues as matters of priority.

### Industrial relations: employee protection

**Hon. R. A. BEST** (North Western) — I refer the Minister for Industrial Relations to the protection of workers rights in the workplace. I am aware that the government has provided accommodation in legislation such as the Whistleblowers Protection Act to protect workers rights in the workplace and that this provides them with protection from employers who do not do the right thing. However, I am unsure of the rights of employees who are harassed, intimidated or threatened. What protection is there within Victorian legislation and what are employees' rights when employers are trying to stand over their staff?

### Stroke Association of Victoria

**Hon. C. A. FURLETTI** (Templestowe) — I refer the Minister for Industrial Relations, as the representative of the Minister for Health in another

place, to the Stroke Association of Victoria, a volunteer organisation operating from my electorate. Mrs Jackie Douglas and her husband, Barry, who is himself a stroke survivor, devote hours of their time and energy to working to assist people in the community who have been affected by strokes. They coordinate telephone and home counselling and hospital visits; provide information, advice and expert opinion to all levels of the government; and compile and distribute a quarterly newsletter to stroke survivors and their families, all of which assists greatly in alleviating the trauma and stress of those affected.

The stroke association is in need of assistance to produce and distribute brochures and posters to enable it in partnership with the YMCA, and using YMCA premises throughout Victoria, to heighten the awareness of Victorians of the impact of strokes by means of a stroke awareness week. I am sure all honourable members share my enthusiasm for the week-long promotion planned to take place shortly and wish it every success. The association needs to raise about \$10 000 to pay for Stroke Awareness Week 2001, which is proposed for October. The association has written to every member of Parliament seeking assistance in procuring the funding for this very worthwhile cause. I understand some honourable members have made donations, while others have indicated their willingness to raise the matter with the minister.

On behalf of all honourable members so inclined, I ask the minister what he will do to procure the funding necessary to ensure that the significant and unique initiative proposed by Mr and Mrs Douglas and the volunteer committee of the Stroke Association of Victoria can take place.

### Ansett Australia: regional services

**Hon. B. W. BISHOP** (North Western) — I refer the Minister for Small Business to the collapse of Ansett and its regional affiliates, which may seem insignificant compared to the horror of the terrorist attacks in the United States of America but which will have a profound effect on small business, particularly in regional Victoria. Mildura, as a regional centre, was very fortunate to have had two services, Qantaslink and Kendell. I am confident that Qantaslink will mobilise its resources to meet the extra loading. In fact, I have spoken to Captain Tony Mathews, who runs Qantaslink out of Mildura, and he hopes to have some extra services shortly. I note the Ansett administrators have now changed, and while that may slow down the process, it is still proceeding.

However, Portland, Albury-Wodonga and the Latrobe Valley are hardest hit by the sudden removal of their air services, which are essential to small business in those areas. This is not the time for political bickering, so I ask the minister what actions the Victorian government is taking to return these essential air services to regional Victoria to enable small business in country Victoria to participate effectively in national and international marketplaces.

### **Alfred hospital**

**Hon. ANDREA COOTE** (Monash) — My question is to the Minister for Industrial Relations, as the representative of the Minister for Health in another place. It is a short question but is important nonetheless. I refer to the Alfred hospital, which is in my electorate. It has come to my notice that the fire brigade attends the Alfred hospital on a regular basis. Two engines turn up at any given time. Will the minister advise me of the number of times the fire brigade has attended the Alfred hospital in the past six months and explain what types of fires were attended?

### **Bridges: River Murray**

**Hon. W. R. BAXTER** (North Eastern) — I raise a matter with the Minister for Energy and Resources for referral to the Minister for Transport in another place. The house will be aware that the federal government has made available some \$45 million in funding from the Federation celebrations to replace three bridges across the Murray River at Robinvale, Echuca and Corowa. The Corowa bridge is being financed almost entirely by the federal government, but the responsibility for the construction rests with the two state road authorities.

Regrettably, in determining the tender process the state road authorities have adopted a selective tendering regime and have identified four companies which will be invited to tender. The tragedy is that the road authorities in Victoria and New South Wales have only selected the major construction companies, which are based in Sydney in particular and to some extent in Melbourne, and entirely denied the right of local contractors to even tender.

That seems very strange indeed, bearing in mind that Nelmac Pty Ltd of Yackandandah is a bridge builder well known throughout south-eastern Australia and has a very good record. It is competent to build bridges of this magnitude, and in fact is at this very moment building a bridge now nearing completion across the Murray River at Howlong — the very next crossing to that at Corowa. I am not advocating that Nelmac be

given the job to build the Corowa bridge, but I am adamant that it ought to be given the right to at least put in a price, which it is currently being denied. This seems to fly in the face of this government's professed sympathy for regional Victoria and the giving of opportunities to regional Victoria.

I invite the minister to discuss with her colleague the possibility of reopening or reconsidering the tender invitations to enable locally based north-eastern firms to have a fair go at getting the job.

### **Multifaith service: parking fees**

**Hon. A. P. OLEXANDER** (Silvan) — I seek the assistance of the Minister for Industrial Relations representing the Premier in the other place in relation to the multifaith service to be held on Thursday commemorating victims of the terrorist atrocity in the United States of America. The Premier has rightly called on Victorians from all walks of life and from all areas of the state to attend this service, and in my view he has done so with great statesmanship. He has made the Rod Laver Arena available and entry to that centre for this important event is free of charge. However, I understand the Melbourne Cricket Ground Trust and the Olympic Park Trust intend to charge participants in that important event and service being held for all the people of Victoria fees for parking around the Rod Laver Arena on the day.

I ask the Premier to investigate and clarify whether this is the case and, if it is the case, to urgently intervene with those trusts to ensure that those who wish to express their solidarity with the people of the United States are not out of pocket in doing so.

### **Forests: box-ironbark**

**Hon. E. J. POWELL** (North Eastern) — I raise an issue with the Minister for Energy and Resources representing the Minister for Environment and Conservation in another place. On 23 August the *Box-Ironbark Forests and Woodlands Investigation — Final Report* was tabled in Parliament. Those who have seen the document will know it is a huge document which is the culmination of five years of investigation by the former Land Conservation Council and the Environment Conservation Council. Although some changes have been made to the draft report there are still some major concerns in the north-eastern part of the state, which the Honourable Bill Baxter and I represent.

Over the years we have met with a number of the user groups such as the North-eastern Apiarist Association,

the Bush Users Group and Timber Communities Australia — in fact, the National Party had a briefing again today with Timber Communities Australia. I have recently received a number of letters expressing concern about the final report's recommendations on, in particular, the expansion of the Chiltern Box-Ironbark National Park and concerns about its former usage and a number of the activities that people have always enjoyed there — for example: camping, picnicking, bike riding and horse riding on the trails in the forest. The mayor of the Shire of Indigo, Cr Peter Graham, has written to me seeking a public meeting in the Indigo shire to make sure the community fully understands the consequences to public use of the areas affected by the report.

In his letter to me Cr Graham quotes *Hansard*, which reports the Minister for Environment and Conservation as saying on the day the report was tabled:

Over the coming months the government will be consulting extensively with stakeholders, interested parties and the opposition about the impacts and implications ...

The mayor of the Indigo shire has indicated that he would be prepared to facilitate such a public briefing.

I ask the minister to make herself and representatives of her department available to attend the public meeting in the Shire of Indigo which will be facilitated by the council to allow members of the community to give their views on this final report before the government makes its final decision on it.

### **Monash Freeway: safety barriers**

**Hon. N. B. LUCAS** (Eumemmerring) — I raise an issue with the Minister for Energy and Resources, who represents the Minister for Transport in the other place. In July I attended the funeral of the late Anthony Layton, who tragically lost his life while driving along the Monash Freeway. As the result of a traffic accident on the other side of the freeway a vehicle which had been travelling in the opposite direction came across the grassed centre of the freeway and collided with Anthony Layton's vehicle. Following this accident there has been renewed discussion regarding the benefits of barriers being erected along the centre of the freeway.

To his great credit Anthony's father, Richard, has publicly initiated a campaign to encourage the establishment of barriers along the length of the Monash Freeway. I am pleased to support his endeavours. There have been similar fatal and other accidents on this freeway and on other freeways in the past, and I understand installation of barrier works has

been undertaken or is proposed on the Geelong and Eastern freeways and also on the Western Ring Road.

The July 2001 issue of the *Vicroads* magazine confirms the installation of wire rope barriers on the Eastern Freeway between Hoddle Street and Bulleen Road at an estimated cost of \$1.5 million. I support these works and hope the government will provide ongoing funding in order that barriers can be erected along the Monash Freeway eastwards from the Warrigal Road interchange.

Anthony Layton was a bright and engaging young man with great promise. He leaves to his family a legacy of achievements and happy memories. I hope the legacy that he leaves the community at large will be an enhanced desire to undertake barrier works along the Monash Freeway and other freeways to prevent further accidents of this nature occurring. I therefore call on the Minister for Transport to immediately introduce a program for the installation of barriers on the Monash Freeway eastwards from Warrigal Road.

### **Youth: services funding**

**Hon. W. I. SMITH** (Silvan) — I raise with the Minister for Youth Affairs a matter that comes within his portfolio and the portfolio of the Minister for Health. However, because the matter involves three youth services I will raise one issue and ask the minister to investigate the other two.

On 24 August I received a letter from the Maroondah City Council in which it expressed concern about three of its youth service programs for which it has not had any guarantee about continued funding. It says that although the 2001–02 state budget was released on 15 May there is still uncertainty surrounding the three external funding grants for which the council has received support in the past. The first one, and the one I wish to raise with the Minister for Youth Affairs, is the Freeza program, which is obviously funded through the Office for Youth. The council receives \$20 000 for that program, but as I said it has had no confirmation about whether the funding will be continued. I ask the minister to give a guarantee to the Maroondah City Council that the Freeza program will be continued.

The other two youth services are the School Focused Youth Service, which is funded through the Department of Human Services and is worth \$120 000 annually, and the youth services program, which is worth \$16 000 annually. Each of these three programs meets specific and identified needs within the municipality. The School Focused Youth Service is primarily an early intervention preventive program

which has resulted in strong links and the development of 150 key partnerships between local schools and youth service providers.

The Freeza program provides approximately 20 drug and alcohol-free events for the young people in the area and attracts up to 300 young people at each event. The Freeza youth advisory program developed by the council's youth services department has been recognised as a model of best practice in the state. The counselling and support program provides intensive assistance to some of the most vulnerable young people living, working and studying within the Maroondah area. Each of these programs is integral to the provision of a broad range of relevant youth services to the municipality.

I ask the minister to give a guarantee that the Freeza program will be continued, to advocate on behalf of the other two youth services and to investigate if they are to be funded.

### **Guides and scouts: ceremony invitations**

**Hon. M. T. LUCKINS** (Waverley) — The Minister for Youth Affairs would be aware of the wonderful contribution to young people made by the guide and scout movements of Victoria. I recently had the honour of addressing the annual dinner of the guides and scouts where it was brought to my attention that the movement leaders have been snubbed by the Bracks government. Traditionally, and certainly under the previous government, guide and scout leaders were invited to state events. Since October 1999 the government has invited many community leaders to the flag-raising ceremony at Parliament on Australia Day, to the centenary of Federation celebrations, to the opening of Parliament and to the installation of the Governor, John Landy.

I ask the minister why the government has failed to extend an invitation to guide and scout leaders to attend these events, and in particular to the installation of the Governor, who is the patron of the scouting movement; and importantly, why the government has failed to acknowledge the valuable work of these youth leaders in this the International Year of Volunteers.

### **Mordialloc Creek**

**Hon. J. W. G. ROSS** (Higinbotham) — I raise a matter for the Minister for Energy and Resources, representing the Minister for Environment and Conservation in the other place. I refer to the dredging of the mouth of the Mordialloc Creek that comprises part of the southern boundary of my electorate. Prior to

the Kennett government's buyout of the scallop licences a number of scallop boats were moored at anchor in that creek and Parks Victoria maintained a suitable channel because of the draught of the boats so they could come and go from the creek.

Now that scallop dredging is no longer carried out in the bay Parks Victoria seems to have taken the view there is no longer a need to dredge the mouth of the creek, but other boats use that facility. A number of small hire-boat firms often attract customers without a great deal of seamanship attached to them and the Mordialloc Motor Yacht Club, with larger vessels, is accommodated in that creek.

It is not just an issue of the depth of the channel. As the silt builds up and a sandbar is created at the mouth of the creek, with certain tidal conditions the waves break and boats attempting to gain access to the creek can surf on the waves and run a real risk of crashing into the adjacent pier. Not only is it a question of access to and from the mouth of the creek by the people using the facility but it is also a real safety issue.

I ask the minister to pursue the matter with the minister in the other place before some tragedy occurs and to ensure that the dredging program at the mouth of the Mordialloc Creek is again implemented.

### **Koo Wee Rup Regional Health Service**

**Hon. R. H. BOWDEN** (South Eastern) — I seek the assistance of the Minister for Industrial Relations, representing the Minister for Health in the other place. I draw attention to a serious health difficulty in existence at Koo Wee Rup Regional Health Service, which is a substantial facility at Koo Wee Rup providing many services to the community. For instance, it provides surgical services, recovery and recuperative services, and hostel services. It incorporates a nursing home. On a conservative estimate at any point in time there would be about 200 people in the vicinity of that complex, 24 hours a day, 7 days a week.

When the Koo Wee Rup Regional Health Service was expanded during the late 1950s and early 1960s a nurses home was built on the site to provide accommodation. During the last decade that nurses home has not been required and has essentially been abandoned. The nurses home that is not used now is in a poor condition although its fundamental outline is in good shape. It is not required by the Koo Wee Rup Regional Health Service. It contains a great deal of asbestos and has large quantities of vermin despite regular and repeated attempts by the management of the health service to eradicate them. Also, next to the

nurses home is the earlier matron's cottage, which is in daily and busy use.

My request is that the minister urgently consider a special grant to eliminate a large portion of the asbestos that comes close to the vicinity of the main surgical wing of the hospital. It is also a substantial risk for members of the public and staff who are using the matron's cottage. The medical service there requests urgent consideration for a grant to get rid of the asbestos and vermin. I ask that special attention be paid to my request on a priority basis.

### **Minister for Transport: correspondence**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) —

I raise an issue for the Leader of the Government as the representative of the Premier in another place. During question time today I was amused at the mock outrage expressed by the Minister for Youth Affairs when he said he had written to his federal counterpart in May and not received a response until August. Also, I was amused by the Premier's comment earlier this week when he claimed he had written to the Prime Minister about the Ansett issue but had not received a response for a month.

The comments by the Minister for Youth Affairs and the Premier demonstrate extraordinary hypocrisy because I can provide an example of the Bracks government's tardiness when it comes to dealing with correspondence. It is a matter I am sure many honourable members could raise here, but the matter I refer to concerns a letter written by Mr Douglas Black, the president of the active Frawley Road Action Group in my electorate. He wrote to the Minister for Transport in the other place in August 2000 seeking his intervention in a matter.

A month after writing to the minister in August 2000 Mr Black received an acknowledgment, saying his letter would be dealt with. Some eight months later Mr Black had not received a response. On 3 April this year I raised this matter again and asked that the Minister for Transport respond to Mr Black because it had been some eight months since he had written to the minister and it was not unreasonable that he should receive a response.

It is unfortunate that today I have to report that as at 13 September Mr Black still had not received a response from the Minister for Transport. It is about 13 months since Mr Black wrote to the Minister for Transport, but he still has not received a response. The Premier complains about not getting a response from the Prime Minister after one month, yet a member of

the Bracks cabinet does not reply to a letter 13 months after he received it. I ask the minister to take the matter up with the Premier and ensure it is addressed.

### **Sale College**

**Hon. PHILIP DAVIS** (Gippsland) — I raise a matter with the Minister for Sport and Recreation in his capacity as the representative of the Minister for Education in the other place; it concerns Sale College. Last Thursday, with the honourable member for Warrandyte in the other place, I visited Sale to talk to members of the council of that college because they are concerned about departmental approval and funding to complete the school's building program.

In 1996 Sale High School and the Macalister Secondary College were merged to form Sale College. The reasons for the merger were to increase curriculum opportunities and to provide for improved facilities for Sale's secondary students. Funds were provided in 1997 for stage 1 of the redevelopment and in 1998 for stage 2 at a total cost of \$1.6 million. In 1998 work on stage 2 at the Guthridge campus commenced and by April 1999, \$1.693 million had been spent on that part of the program. In 1999–2000 a further \$1.76 million had been expended on stage 3, of which \$235 000 was provided by locally raised funds. All that work was undertaken by the previous coalition government.

No further commitments have been made to completing the building program — that is, stage 4 — since the change of government in 1999. Now the frustration is that departmental decisions are causing extreme anguish about the way the college operates the school maintenance program. We have physical resource management system funds, and minor works funds have been committed. PRMS funding of the order of nearly \$700 000 has been committed but the school has been advised — —

**The PRESIDENT** — Order! Would you pose your question, please.

**Hon. PHILIP DAVIS** — Yes. The school has been advised that PRMS funding cannot be used for classrooms that have been taken out of service as a result of the facility upgrade and reallocation.

**The PRESIDENT** — Order! Pose your question!

**Hon. PHILIP DAVIS** — The question is: when will stage 4 of this building program be commenced?

**Victorian Multicultural Commission:  
*Multicultural Victoria***

**Hon. B. C. BOARDMAN** (Chelsea) — I pose a query for the Minister for Industrial Relations to pass on to the Premier who is also the Minister for Multicultural Affairs. I refer the minister to the 1999 ALP document entitled 'Integrity in public life', which states:

Labor will:

Put an end to the use of the public purse for inappropriate political advertising and promotion.

...

Promoting Victoria does not require a government to spend millions of taxpayers' dollars on glossy brochures chockfull of ministerial photographs.

Bearing that in mind, I, like a number of other members on this side, were startled when we received a copy of the usually respectable publication *Multicultural Victoria* to see what is quite clearly blatant opportunism on the part of this appalling government to promote its members to be seen to be doing something worthwhile in the community.

As an aside I would like to pass on my appreciation to Stefan Romaniw, the outgoing chairman of the Victorian Multicultural Commission, for the outstanding work he has done in that position. Unfortunately his fine reputation has been tarnished by the editorial dictation of this government, and particularly its manipulation of the VMC community grants program. Not only do we have on the cover of the publication the honourable member for Carrum appearing with a number of people in multicultural communities in my electorate and her electorate under the VMC banner, but on the back cover in full glossy colour there are eight photographs of Labor Party members of government promoting themselves and manipulating these communities for their own good.

Let me just go through them: there are the honourable members for Dandenong North, Ivanhoe, Tullamarine, Clayton, Dandenong, and Mitcham, and there is even the Speaker, the Honourable Alex Andrianopoulos, and — not once, but twice — the Honourable Gavin Jennings! He does not want one photo!

What makes matters worse is that judging by the Honourable Gavin Jennings's facial expressions he was not enjoying himself during the photo shoot, which is just terrible! I seek an explanation from the Premier as to why he would allow such a blatant contradiction of ALP policy. Quite clearly he went to the election trying to improve standards that he identified, and yet he

would manipulate for quite clear political opportunism a publication that otherwise has had a fine reputation.

**Responses**

**Hon. M. M. GOULD** (Minister for Industrial Relations) — The Honourable Ron Best raised with me a matter with respect to employees who may be harassed or intimidated as a result of whistleblowers making statements. As the whistleblowers legislation impacts on public servants, in the initial stages it is quite confidential. However, if the honourable member has a particular case, I am happy to have a look at it. If it would assist the honourable member I could arrange a full briefing by the Attorney-General's office on the provisions and protections for people under the whistleblowers act. I am not sure whether he has a hypothetical or actual case. I am happy to arrange that for the honourable member.

The Honourable Carlo Furletti raised for the Minister for Health a matter regarding Jackie Douglas and her husband, Barry, who is a stroke survivor seeking some assistance. I will ask the minister to respond to the honourable member in the usual manner.

The Honourable Andrea Coote raised for the Minister for Health a matter with respect to the number of times that emergency vehicles had attended the Alfred hospital. I will ask the minister to respond to the honourable member in the usual manner.

**Hon. Andrea Coote** interjected.

**Hon. M. M. GOULD** — Yes, the number of times that fire brigades, not ambulances, had attended.

The Honourable Andrew Olexander raised with the Premier a matter with respect to the multifaith service that is to be held at the Rod Laver Arena. I take this opportunity to advise honourable members that seats will be allocated for members of Parliament. I will advise tomorrow the actual number of seats and other details, but seats will be specifically set aside for ministers and members so that there will not be a problem obtaining seating. There was a question about parking fees that will apply. I will ask the Premier to respond to the honourable member in the usual manner.

The Honourable Ron Bowden raised for the Minister for Health a matter regarding problems with the Koo Wee Rup Regional Health Service. He said it is seeking a grant to remove asbestos. I will ask the minister to respond to the honourable member in the usual manner.

The Honourable Gordon Rich-Phillips raised a matter for the Premier to take up with another minister. I will ask the Premier to respond in the usual manner.

The Honourable Cameron Boardman raised a matter for the Premier. I will ask the Premier to respond in the usual manner.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The Honourable Bill Baxter raised for the Minister for Transport a matter concerning the tender for the Corowa bridge and asked that that be reopened. I will refer that matter to the minister.

The Honourable Jeanette Powell raised for the Minister for Environment and Conservation a matter concerning the *Box-Ironbark Forests and Woodlands Investigation — Final Report* of the Environment Conservation Council and requested that the minister attend a public meeting and consult on that report before any final decisions are made. I will refer that matter to the minister.

The Honourable Neil Lucas raised for the Minister for Transport a matter concerning a program for installation of barriers on the Monash Freeway. I will refer that matter to the minister.

The Honourable John Ross raised for the Minister for Environment and Conservation a matter concerning Mordialloc Creek and called for the reintroduction of dredging. I will refer that matter to the minister.

**Hon. M. R. THOMSON** (Minister for Small Business) — The Honourable Peter Katsambanis raised for the Minister for Community Services a matter concerning the women's help card that has been translated into eight community languages and commended the minister on the production of the card and the fact that it has been translated into community languages. Given that the Russian language has been left out and there is a large number of recent arrivals from Russia, he asked whether that language can be included. I will pass that on to the minister for her direct response.

The Honourable Barry Bishop raised a matter about Ansett Australia and the subsidiary airlines that operate in regional Victoria that are now affected by the suspension of its services and seeks to know what action we are taking. The Treasurer and Minister for State and Regional Development is undertaking discussions on behalf of the government on these issues. We clearly deplore the situation that has arisen. The current situation can clearly be traced back to the failure of the commonwealth's aviation policy and Air New Zealand's inability to confront change.

This national tragedy is affecting regional Australia quite drastically. At least in Victoria other transport avenues are being put in place. Other airlines are temporarily operating some of Ansett's regional routes and alternative transport modes are being increased to carry more passengers and freight. As I said, the Treasurer is having discussions and the government will do everything it can to maximise the opportunities for other airlines to cover these services.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I will refer the matter raised by the Honourable Elaine Carbines regarding the James Harrison Secondary College and community consultation to the Minister for Education in the other place.

I will refer the matter raised by the Honourable Peter Hall regarding the review of school bus services to the Minister for Education in the other place.

I will refer the matter raised by the Honourable Bruce Atkinson regarding Springview Primary School in Nunawading and the issues relating to parking and fencing to the Minister for Education in the other place.

Regarding the matter raised by the Honourable Wendy Smith concerning the Maroondah youth services, the Freeza program, School Focused Youth Services and new service grants, I have visited Maroondah youth services and appreciate the significant contribution it makes to the community. I again reinforce my commitment to the Freeza program and I would expect those organisations that deliver the programs to be notified regarding their continuation and ongoing future in the not-too-distant future. The other programs are the responsibility of the Minister for Community Services in the other place, and I will refer those issues to the minister.

The Honourable Maree Luckins raised with me issues concerning guide and scout leaders and their invitations to certain government-related public events. The government has not snubbed the movement and recognises the volunteer activities they provide to the community are particularly significant. I will determine whether invitations have or have not been issued to those groups.

I will refer the issues raised by the Honourable Phil Davis concerning Sale College to the Minister for Education in the other place.

**Motion agreed to.**

**House adjourned 10.23 p.m.**

