

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

8 October 2002

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Tuesday, 8 October 2002

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.00 p.m. and read the prayer.

CONDOLENCES

Hon. Thomas Leslie Austin

Hon. M. M. GOULD (Minister for Education Services) — I move:

That this house expresses its sincere sorrow at the death on 1 June 2002 of the Honourable Thomas Leslie Austin 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 Hampden from 1972 to 1976 and Ripon from 1976 to 1992, and as Minister of Public Works and Minister for Property and Services from 1978 to 1980, Minister for Agriculture from 1980 to 1982 and Minister for Forests from 1981 to 1982.

The Honourable Thomas Leslie Austin sadly passed away after a long illness on 1 June this year. Mr Austin will be remembered for his considerable service to the Western District seat of Ripon and for his contribution to the Victorian Parliament during his 19 years as a member in the other house, 5 of which were spent as a minister in several portfolios and 2 as deputy opposition leader.

He will also be remembered for his natural ability with people from all walks of life. Tom Austin had a rich and colourful life as a farmer and an avid sportsman. He was a crack-shot marksman, I am informed, with a love of politics, and sometimes those two could go hand in hand. He was a man of diverse talents who lived life to the full.

Tom was born on 24 September 1923 and attended Geelong Grammar School. In 1941 he enlisted with the Royal Australian Navy, serving as a landing craft officer on board HMAS *Manoora* and being present for eight assault landings in various theatres in the south-west Pacific during World War II. After the war he returned to the land, working variously as a wool classer for Dalgetys, as a share farmer and then as a farmer and grazier in the district of Darlington since 1950.

Tom was a full-time farmer until he was elected to Parliament in 1972, when the demands of political life meant that he had to employ a manager to work the farm. He succeeded Sir Henry Bolte in the seat of Hampden. Tom's parliamentary career included membership of the Osteopathy, Chiropractic and

Naturopathy Committee from 1973 to 1975 and of the Public Works Committee from 1976 to 1978. As I indicated earlier, he was the Minister of Public Works and Minister for Property and Services from 1978 to 1980; Minister of Agriculture from 1980 to 1982; Minister of Forests in 1981 and 1982; and shadow Minister for Sport, Recreation and Racing in 1990 and 1991.

Tom's constituents had great respect for him. This was illustrated in the 1982 election that saw Labor elected yet Tom retain his seat with a swing to the Liberals. He served as opposition spokesperson on agriculture until his election by the party as deputy opposition leader, a position he held from 1985 to 1987.

After his retirement Tom spoke of the proudest moment in his career. He said his greatest satisfaction came from responsibility for building the World Trade Centre and helping the people of his electorate after disastrous bushfires in 1984 and 1997. Tom always had a great affinity with and affection for the bush. He served in a rural electorate, and at the time of his retirement he offered the intuitive advice that he was worried that politicians had lost touch with the bush.

After Parliament Tom served as chairman of the Victorian Dairy Industry Authority from 1992 to 2000, and chairman of the Racecourses Licenses Board from 1992. He was always an actively involved member of the grassroots Liberal Party.

On behalf of the government I extend condolences to the family of Mr Austin, including his wife, Joy, daughters, Deborah, Vicky and Lisa, his son, Jonathan, and their families, as well as his stepchildren, Tiffany and Justin, and their respective families.

Hon. BILL FORWOOD (Templestowe) — I am proud to rise today to speak on the condolence motion for the Honourable Thomas Leslie Austin and to touch briefly, as the Leader of the Government did, on his extraordinary contribution to the people of Victoria over a very long time. As the Leader of the Government said, he was born on 28 September 1923 and died on 1 June this year. Other honourable members who will speak today saw him more recently than I did, but he was a person who left his mark on all of us who came across him in our lives. He was a man of extraordinary talents and he was brave. The Leader of the Government outlined his war record. He was hardworking, he was determined and he was loyal, but above all he was a really great human person. He got on well with people from all walks of life.

Tom was educated at Geelong Grammar. Because they expect the Austins to go to Geelong Grammar people do not know that Tom won a scholarship during the depression. Money was tight, and the only way he could get there was to win a scholarship, which he went and did. That showed his determination to achieve, which served him so well throughout his life.

He had a distinguished career at Geelong Grammar. He was a school prefect and captain of cricket, like his father and his grandfather before him. Cricket was a passion of his all his life. He played country cricket, and towards the end of his life he served on the Melbourne Cricket Ground trust. It was through cricket that I first met him. There was a cricket camp at Geelong Grammar at the start of each season, and we used to play Western Plains. Tom was the captain of Western Plains.

In the early 1960s he came down for those of us who were trying out for the first eleven. I remember that match very well because Tony Street was the bowler and he bowled leggies. He was only a little bloke, but he bowled them very well. He had a wrong 'un that ripped like Shane Warne's. I was in all sorts of trouble, and Tom caught me because I did not get the pitch of the ball. After the match he took me to one side and talked about technique in cricket, just to a kid at school, and that is what he did with people all his life. He took them under his wing and helped them, and there are many stories in the Western District of Tom, his cricket and his coaching of young people.

He was enthusiastic in anything and everything he did. After he got back from the war he farmed near Sir Henry Bolte near Elaine. They decided that they would form a branch of the Liberal Party, and in 1947 they formed the Meredith branch. Jo Austin said:

Together they formed the first branch of the Liberal Party in Meredith. Sir Henry was the president and dad the secretary. They would call a meeting on the first Wednesday of every month. No-one else would turn up so they would go into the local pub and have a beer and write up the minutes!

They started the Liberal Party in that area, and in 1947 they both stood for Parliament. Tom was only 24 at the time. Sir Henry won the seat of Hampden and Tom stood for the seat of Grant next door. No-one expected him to win, but he gave the National Party a bit of a run for its money and came within 700 votes of winning. Then he got on with his life. He had a soldier settler block, which he developed with his wife and children. He farmed for 25 years until Sir Henry's retirement, when he became the member for Hampden. After that seat was abolished he went on and became the member for Ripon, where he served until 1992.

As the Leader of the Opposition said, he had a distinguished parliamentary career, serving as a minister. He was Minister for Agriculture, Minister for Property Services and Minister of Public Works. When we went into opposition in 1982 he served as shadow Minister for Agriculture until 1992 and also as shadow Minister for Sport and Recreation. As the Leader of the Government said, he was Deputy Leader of the Liberal Party for a two-year period. He was influential in his politics. Stewart McArthur, who was his good friend and who spoke eloquently at Tom's funeral, is full of stories about the influence Tom had, not just in the Parliament but also through the party itself. Stewart, who was party president, credits Tom with the fact that he achieved that position.

As Rob Knowles once said to me, Tom was a person who had the capacity to change people's minds. To be able to influence people and to get them to move from one position to another is a highly valuable art in a politician, and Tom had it in spades. He was a man who enjoyed the confidence of many and betrayed the confidence of none.

After Tom left Parliament he went on to lead an active life and continued to serve in many capacities. He was on the Melbourne Cricket Club trust. He was also at the showgrounds. He was with the Victorian Dairy Industry Authority and was chairman of the hunting advisory committee. He was not a sportsman with just ball sports but a very good shot and a great fisherperson as well. He really enjoyed his fishing —

An honourable member interjected.

Hon. BILL FORWOOD — Fisherman? All right. Yes, Tom was a fisherman. He was a racing man as well. He was chairman of the Racecourses Licences Board from 1992.

He was influential in Liberal Party affairs but even more so he was influential in his daily life with people. He made friends and kept them. His was a life that was well lived. It was a life lived to the full; a life that gave joy to those around him and one which, any way you measure it, made a real difference.

To his wife, Joy, and his daughters, Deborah, Vicky and Lisa, and his son, Jo, we pass on our condolences.

Hon. P. R. HALL (Gippsland) — I am honoured today to associate the National Party with this condolence motion. By every account Tom Austin lived a remarkable life. His official occupation has been listed as farmer and grazier but of course his interests and service extended well beyond that description.

As has already been said, Tom Austin served in the Royal Australian Navy from 1941 to 1945. He also served as a member of the Victorian Parliament for the best part of 20 years, firstly as member for Hampden from 1972 to 1976 and then as the honourable member for Ripon from 1976 to 1992. At various times he also served in ministerial positions: as Minister of Public Works, Minister for Property and Services, Minister of Agriculture and as Minister for Forests.

When Tom Austin retired from Parliament in 1992 he did not give up his service to public life and served in a number of voluntary positions, including as chairman of the Victorian Dairy Industry Authority from 1992 to 2000. He had a period of time as chairman of the Racecourses Licences Board. He was a Melbourne Cricket Ground trustee, a Melbourne showgrounds trustee, and chairman of the hunting advisory committee from 1998 until the time of his death. Tom Austin served a period of 10 years of post-parliamentary service — in total more than 30 years of public service to the people of Victoria. In addition he served the people of Australia during his time as a member of the Royal Australian Navy.

They were the formal positions that Tom Austin held but there were many informal positions as well. I am informed that one of those was as a numbers man for the Liberal Party, and some in this chamber would know better than I whether that was the case.

He also had a fine reputation as somebody who was skilled and had considerable talent at rabbit trapping and skinning, and he was a keen and capable hunter. He was a capable sportsman, excelling particularly in the sport of cricket, loved his golf and was a keen racing person.

While I served for four years in this Parliament alongside Tom Austin, I cannot claim to have known him well. To me at times he had somewhat of a gruff appearance but it was probably just as much my fault in having that perception of him because his service and experience in this Parliament was extensive. I was a relatively new kid on the block at that time and I did not have the confidence to get to know him very well particularly as he was an older and wiser person in a party other than the one to which I belong.

Equally at the time of coalition, when we came together in the party room Tom Austin was well entrenched with his regular colleagues around him. I regret not having got to know him as well as I should have. His experience, knowledge and intuition were great assets that served him and the people to whom he passed on those skills well. I knew Tom well during the 10 years

in which he served as chairman of the Victorian Dairy Industry Authority. At that time the dairy industry was undergoing a great deal of restructuring, but Tom very capably handled the industry during that difficult time.

Tom is also fondly remembered by those involved in hunting, which was one of his favourite recreations, and for his time as chairman of the hunting advisory committee.

On behalf of my colleagues in the National Party, I pay tribute to a remarkable man and extend my sincere condolences to his wife, Joy, his children and grandchildren.

Hon. M. A. BIRRELL (East Yarra) — Tom Austin died recently at the age of 78, and I am very pleased to be able to pay tribute to a great man.

By any stretch of the imagination you would have been lucky if you had had the pleasure of meeting a more entertaining, influential and wise figure. In that context we are today not just saying farewell to a minister in an appropriate manner but also to an awesome individual in state politics. He was a powerful man who left a powerful legacy and a person who used power well. He was a friend, and anyone who knew him well was all the better for having known him. Even if you did not share all of his views he still imparted his wisdom generously. That was the mark of an individual.

I am sad to say that I learned more about him at his funeral than I had previously known, and I felt inadequate about not knowing enough about his past. I guess we are all trapped into knowing people in terms of their current life rather than understanding their early beginnings. My love for him was strong and was only strengthened by knowing more about his early childhood and his service for Australia during the war, which he never spoke about despite having the opportunity to do so on many occasions.

He left school at 17 during the early stages of World War II and immediately broke the law by offering himself for service. Together with a mate he forged his birth certificate and got into the army. One night later the sergeant major sent him home to 'be with his mother', realising that perhaps they should not have accepted him. Having been rejected by the army, he then joined the Royal Australian Navy, which was less scrupulous and accepted him as an ordinary seaman. He almost immediately gained a commission and served in the south-west Pacific area commanding a landing ship infantry, landing troops under fire in the attack on Borneo. Even in his teens he was prepared to work the

system and make a contribution with broader interests in mind, leaving a positive legacy.

After the war he returned to his share farm and did general country work. He then became interested in politics. It was during the days of the terrible rabbit plagues that affected much of Victoria. He became a skilled rabbiter and competed, along with his friend and neighbour, at the Moyston rabbit-skinning championships. His claim to fame was that he was a regular world championship runner-up in those championships, frequently coming second. His friend and neighbour at those championships was someone who helped to shape his life — a young Henry Bolte. As the Leader of the Opposition has indicated, Tom started the first branch of the Liberal Party in Meredith. Bolte was the president with Austin as secretary, and that relationship never waned. It would be fair to say that Tom spoke in the most honoured terms of Henry Bolte's legacy, and you could see the impact it had on him.

Both of them decided to stand for Parliament. It was 1947, not long after the war, and the Liberal Party's position was quite strong but this was territory that had been held by the National Party for 15 years and it was pretty hard to move. Bolte chose Hampden and Austin, at 22 years of age, stood for Grant. Bolte won but Austin lost by 700 votes. He did not give up; he stood again and won.

In between he took an 830-acre soldier settlement block at Darlington, much of it originally very rough country. In time he overcame the problems of that farm and doubled its size. Tom loved the challenge of farming and made a great success of it. However, it would have to be said that he had a pretty able work force; his wife, Judy, and their four children — three of them daughters — built it into a very productive area. As I heard more and more about this I kept thinking of the current television show *McLeod's Daughters* because it seemed that while Tom was in charge the work was done by the hardy women of the family. His eldest daughter, Deborah Smith, spoke at the funeral and I do not think anyone who was there found it anything other than a most powerful and evocative speech. As tragic as it must be to make a speech at your father's funeral, to make one that simply takes away the breath of those listening is extraordinary. She spoke of a natural love for her father but also of quite an extraordinary individual in rural Victoria.

I learnt that Tom was a phenomenal sportsman; frankly, his physique did not lead me to that conclusion! He was pretty rough and tumble. He never did his shirt up properly, particularly at the bottom. He was perhaps

slightly overweight but this guy I was sitting and learning about was a phenomenal amateur sportsman. He never boasted about it but he was outstanding at golf — really outstanding — outstanding at tennis — really outstanding — football, cricket, fishing, shooting, hooky, darts, table tennis and billiards. This is one of those guys of whom you ask, 'Is there anything he can't do?'. He did not boast about it but obviously he built up a helluva reputation.

He won the seat of Hampden in 1972 on Henry Bolte's retirement only to see it disappear in the redistribution. Bolte thought Austin would be a oncer, to quote Bolte, and that Ripon would be won by the Labor Party because at that time the area had very strong Labor connections. Austin doorknocked the area and doorknocked it hard. He won the seat in 1976 and held it until his retirement in 1992; in that sense he was the consummate campaigner. You could never make one of those side comments about Austin being a politician who took his electorate for granted or who just did a bit of work during the campaign — it was constant.

His wife, Judith, took over the running of the farm during that period and her support and that of the children meant he was released for a 19-year term in Parliament, first in Hampden and then in Ripon until 1992. As the Leader of the Government mentioned, he was a minister for public works, property and services, and agriculture.

In my case Tom Austin was a parliamentary colleague for about 10 years, many of them when we shared time in shadow cabinet. I found him to be inspirational and profoundly wise. It is nice to be able to have a confidential discussion with someone who can pass on years of experience and actually wants to do so; we need these type of great people. In my early years I welcomed the fact that he simply tolerated me as we did not have a hell of a lot in common. I was very strong on green issues; he certainly was not. I was tolerant of some issues on which he established the benchmark for intolerance! However, he was the type of person whom you learnt from and perhaps you realised there was something in the middle, or perhaps he was just baiting you and thoroughly enjoying the occasion.

He was an extraordinary gambler, not as far as I know with the TAB or anything like that, but he loved a game of cards. He loved to extract money from your pocket and was very successful in doing so! It was part of the warmth and the engagement that he had.

During the lean years of opposition a number of us got together under Tom's guidance and went away for long

weekends to try to work out what the hell you do when you are out of power and you need to plan to get back in.

A young Jeff Kennett, Rob Knowles, Phil Gude, Alan Stockdale, Tom Austin and I went on houseboat weekends. We drove up to somewhere on the Murray, hired a houseboat, and went wherever the current took us at the time. Tom was the organiser, the fibre, the team promoter and a strength of that group. With Jeff, Rob, Phil and Alan, a lot of discussion was able to take place. They consumed more than I did, and over those discussions we planned some grand things that eventuated a few years later.

The reality is of course that Tom was much more than just someone who brought people together — he got results. If there is one person who can take the claim for putting Jeff Kennett back into the leadership of the parliamentary party and then the premiership, it is Tom Austin. Without any doubt, he was a consummate numbers man, but he did it without seeking any praise or notoriety; he felt no need to background journalists on his achievements and to seek to portray himself as that powerful force. He did it because he thought it was right, and he put Jeff Kennett into a position of leadership and into a position to become Premier, and that man did just that.

In that sense, you have to recognise Tom Austin as someone who could do behind the scenes what many others would just love to do. But he in fact achieved it. He was a 24-hour-a-day politician, without any doubt. He kept on loving the environment he worked in. I guess that is the reason the state got so much out of him and is so much richer for it.

Tom had a lifelong love of being on the land. He loved duck shooting and quail shooting — all issues I disagreed with him on. Indeed, when he was ill in his final months he went out duck shooting, and only a few days before he died he was in one of his most beloved swamps at Lake Wellington in East Gippsland thoroughly enjoying the time and the experience. To its credit, only a few years before the Labor government had appointed him as chairman of the hunting advisory committee. He enjoyed that work. You could see that decades and decades later the values that drove him from his teens had not altered and that he had remained true to them.

At his funeral there were some brilliant eulogies, but I particularly recall the statement about how he and Stewart McArthur, who through his work Tom had effectively placed into the position of state president of the Liberal Party, had been going out duck hunting for

many years. Tom would get a bag of ducks because it was illegal to get any more, and Stewart McArthur was an incredibly hopeless shot and would not get any at all. Just before his death, Tom said to Stewart, 'I'm going to come back as a black duck and will live on your swamp'. Stewart said, 'Why?'. Tom said, 'Because I know I'll be safe there'.

I can just imagine that Tom Austin has come back as a black duck and is gently working his way through the Western District back to the Stewart McArthur swamp. I hope he does live well in that way; he will certainly live in the memories of so many.

In his first speech to Parliament Tom paid tribute to Henry Bolte, saying:

... He possessed the qualities which Australians most admire ... and this is why he was such a tremendous success ... He had tremendous judgment, which continued to the end of his parliamentary career ... He did not succumb to power and this probably shows the greatest quality of the man.

That is Tom Austin on Henry Bolte. Those words perfectly described Tom Austin himself. He was a friend, a great Victorian, and he will be sadly missed.

Hon. R. A. BEST (North Western) — I also wish to pay my respects to the life of the Honourable Tom Austin. I would particularly like to express my condolences to his family, particularly his wife, Joy. As Mr Birrell alluded to, there are two distinct aspects of my relationship with Tom Austin. The first was my coming to this place in 1988 as a new member representing an area that adjoined the seat of Ripon, and understanding and admiring the respect that Tom enjoyed within his local community and the way in which he was able to put the 'local' back into local member.

As Mr Birrell said, Tom Austin was a 24-hour politician. He knew the issues and was in touch with his electorate. As a new member it was with a sense of awe that I saw that Tom had the respect of his community. I looked across the boundary and saw how he related not only to people from a farming background but also to the various other levels of community life. Like Mr Hall, I found it a somewhat interesting confrontation to speak to Tom about issues. I happened to be handling a piece of legislation relating to the divesting powers of producers in the egg industry. I was supporting many of the egg growers in my community and looking for greater protection, and Tom told me in not-too-subtle terms exactly where the egg industry should be going and why my view was ill-informed and not appropriate to the future of the egg industry!

I got to know him a lot better later on during the years when he was chairman of the Victorian Dairy Industry Authority. I found him to be not only an earthy character but an absolute straightshooter: he told you exactly what he was thinking. As has already been alluded to, many people in the Liberal Party enjoyed the opportunity of seeking his counsel. He acted as coach and elder statesman, and many people in the parliamentary Liberal Party have a lot to thank Tom Austin for in establishing their parliamentary careers.

It is the second aspect that I have enjoyed the most. I had the opportunity of mixing with Tom and Joy socially, often at the races at Caulfield, where he would join his good friend Peter Lawrence and his partner Mary. It was only after those occasions when we sat down and had a few beers after the races that I started to get a lot of the stories of his parliamentary career and his political life. He shared those stories with my wife Louise, particularly about the role of being deputy leader.

The way in which he assessed his political colleagues during the re-establishment of Jeff Kennett as leader of the Liberal Party was interesting to me, and without divulging confidences, so were the people who were crucial in moving spill motions and the way in which Tom chose people he thought were most appropriate to move the spill motion eventually leading to the re-establishment of Jeff Kennett. It was the larrikin in Tom that enabled him so ably to know the characters of the people he was dealing with and the cause for which they could be used for the greater good of the Liberal Party.

He was much admired and his political judgment was respected. He had great political instincts, particularly on issues relating to the balance between country and metropolitan areas. I can imagine the interesting debates that he and Mr Birrell would have had over green issues. The respect that he had locally and the closeness he felt to his community not only served him well but brought balance to the Liberal Party.

I place on the record my respect for Tom Austin and join with others in expressing my condolences to his family, particularly to his wife, Joy.

Hon. G. R. CRAIGE (Central Highlands) — I join with my colleagues today in paying respect to Tom Austin. To me he was a really good mate. We had a lot in common and shared many great times and opportunities. The Honourable Ron Best mentioned 1988 when some of us new people came into this place and the other house. For years I thought that I was the only one from 1988 that he selected and took under his

wing! But as I went on I suddenly realised that there was a whole swarm of us and that we were all taken under his wing on certain aspects about which he felt passionate. The thing that I learnt to admire about Tom more than anything was the fact that he spent the time and shared those moments with us as new members in that period in 1988.

I will share with honourable members several moments in the life of the Tom Austin that I knew. Tom was shadow minister for agriculture when I was the director of industrial relations for the Victorian Farmers Federation (VFF), and to my mind there was no greater advocate of and no greater contributor to country Victoria than Tom Austin. He did it in such a way that on many occasions he was able to convince you to change your mind on many different issues relating to country Victoria and the farming community, which was his great passion, and he did it with a great deal of energy.

I can recall Tom getting somewhat cheesed off with the VFF — which he did from time to time, let me tell you — and he quite often said to us guys sitting there around the table, ‘It’s easy for you to sit there and throw stones. Why don’t you get into the real action and join political parties and get into the political scene rather than sitting out in the VFF?’. It was those comments that rang in my ears on many occasions when I met Tom over rural issues that eventually persuaded me to join the Liberal Party. And what a great Liberal Tom Austin was! The thing I will always admire about Tom was the way he stood up for the Liberal Party and the real values of the Liberal Party that he believed in, which he did with a great deal of energy and enthusiasm.

Tom Austin, as has already been mentioned, was a great shooter. I recall Tom asking me some innocent questions about my electorate in my early days here. He asked me about some of the places that existed in my electorate, but more importantly he asked me if Coldstream was on my way home, and I said ‘Yes, it is just out of town on the way to Lilydale’. He said, ‘So you go out that way?’ and I ‘Yes, it is out past Lilydale and on the way to Healesville’. He said, ‘Can you do me a favour?’ and I said, ‘No worries, Tom; what is it?’. He said, ‘My gunsmith is out at Coldstream and I need my shotgun taken out every year, and I wouldn’t mind if you did it for me’. I thought that would be okay, so he said, ‘I’ll give you a ring and let you know, and we’ll make the transaction and away we’ll go’. I assumed he would park his car and transfer the shotgun into my car, and away I’d go.

I have to tell you that it was a lot more brazen than that, and I do not know if we would get away with it today! Tom waltzed up to me in the corridors of Parliament House with his shotgun case, transferred the shotgun across to me and said, 'Here you are, Geoff. Will you drop this off?'. That in itself was quite an encounter for me, having to rush with a shotgun out of the Parliament to put it into the boot of the car. But the second encounter was with the gunsmith at Coldstream, where I saw Harley-Davidson motorbikes parked out the front of the place, and a barking dog. I thought, 'My goodness gracious me, what have I got myself into here?'. But I met the gunsmith, and what a great guy and a great character he was. He told me many yarns about Tom and his gun.

For years and years I carried Tom's gun to Coldstream for him to have it serviced and then brought it back again and made sure he got it. As time went on the gun case got a little older, and I will never forget that one year it suddenly did not have a handle any more, but Tom had got some twine and wound it around the case, so I had to waltz this gun case with a bit of green twine along the corridors of Parliament and out into the boot of my car. I did that with a great deal of pride for a man whom I will always remember fondly for the way in which he went about things. I saw it as something I wanted to keep doing and I was only too willing to volunteer to assist and to make sure that the gun that he treasured so much got that needed service.

Some people have said that Tom had an unofficial position in the party on the numbers. I do not know how unofficial that was, but he was certainly a very good, strong advocate in respect of the numbers game. I want to let the Labor Party know that it probably has a lot to learn from numbers. Even at Trades Hall Council when looking for numbers and queuing, certain individuals are making sure you vote in certain ways. Tom in his special way did all those things without any offence to anybody. He was able to gather numbers and he managed to convince people, but he did it with great finesse and in a way which delivered. He always delivered the outcome, and you were always prepared to deliver the outcome for him. He did not need to waltz up to the ballot box to make sure that that happened.

He was a great Liberal and an advocate in the strongest terms for hunting. In particular he had a love and passion for duck shooting. He was also a great advocate for rural matters, no matter what they might be. He was also very strong in his commitment to the horse racing industry. Tom will always be remembered by many Victorians as a guy who believed in a fair go, especially for country Victoria and for those who wanted to

pursue their recreational interests, especially in those justified issues such as duck shooting and hunting. My condolences go to Joy and Tom Austin's family.

Hon. R. M. HALLAM (Western) — Like all new members I found my election to this place a rather profound experience partly because I got to personally meet all the characters I had come to know via the TV, and it was a bit of a shock to learn that some of them were human beings. They were not larger than life at all and Tom Austin, I would have to say, was my greatest surprise. I had come to know of him and to respect him in his role as a minister of the Crown, in particular for his role as the Minister for Agriculture. I had come to learn of his reputation as a very professional, forthright and no-nonsense minister.

Tom was nothing like the TV image that I had built of him. In fact, he was a bit of a shock — he was quiet, unassuming, easygoing, very relaxed in outlook and even more relaxed in attire, which is a kind way of saying that dress standards were not his strongest point. He was happy to share a moment, a drink or an experience with the new kid on the block and had the easy charm of someone who had done it and who was keen to offer advice and support for others who might hope to do it. We very quickly became friends.

I came to know him a little better when we formed the coalition's shadow cabinet in opposition in the run-up to the 1992 election. We were confidently preparing for government, and Tom's experience as a minister of the Crown shone through — his sense of purpose, his patience and his wit. Tom and I became friends because of what we shared in politics.

I had the good fortune to become a mate of Tom Austin's because of our shared passion for duck shooting and the chance that that offered us to swap some yarns about bird numbers and bags. I did not get to shoot with him very much — more's the pity — but I did see him in action often enough to know that I would have loved to have been able to shoot like him. He was, as has been previously reported, a top shot. Like all committed shooters I am careful when talking about tallies, but Tom did not need to exaggerate — he was that good.

In respect of our mateship I would like to share with the chamber two stories which stand out, the first being an experience very early in my career where the parties had been invited to send representatives to a meeting to address hunters at an organised shoot at Lake Buloke near Donald. It was at the height of the duck hunting controversy. It was, I remember, a very big occasion. All the peak organisations were represented. The TV

crews were there, complete with helicopters, and the police were in security garb. I remember Laurie Levy being there — no surprise! There were hundreds of shooters. It was a very big turnout.

I went to represent the National Party, Tom Austin went to represent the Liberal Party, and I cannot remember whether Labor was game enough to send anyone, but it was a never-to-be-forgotten experience. Amongst the things I remember was a very valuable lesson for a new member of Parliament. I drove up from Hamilton and thought it was appropriate to be casually but smartly dressed. I turned up in time to address the gathering from the back of the truck. Tom went earlier in time to take part in the shoot, and his attire on the back of the truck bore obvious evidence that he had plucked and cleaned a great many ducks.

I remember vividly that when he gesticulated to make one particular point that I and everybody else noted that he had not even had time to wash his hands. If ever anybody wondered about whose side Tom was on, the guts and feathers on his hands were a graphic illustration. The lesson was that Tom Austin's message was much more effective than mine.

The second experience I would like to share was some years later after many years of almost continual gun-control debates, an enormous amount of passion in respect of shooting sports and truckloads of criticism directed at members of Parliament. Field and Game Australia decided to try and get some members of Parliament on side and at least have them understand the issues involved in shooting sports. They decided to invite them to a special organised shoot. Sale was chosen because of the bird numbers and, not surprisingly, Tom Austin was nominated as the liaison officer or urger. That was not surprising because not only did he have the experience as a minister of the Crown and the respect of all sides of politics but he was the chairman of the hunting advisory committee, a position he held until the very day of his death.

It was discovered that there were only four members of Parliament Australia wide who were qualified to take part in that shoot because they had hunting licences. As it happens, there were two in this chamber — the Honourable Carlo Furletti was the other one. Field and Game Australia had a great deal of ground to cover. Tom came to see me to persuade me to take part in the shoot. I remember saying to him, 'Tom, it's a lovely offer. You know I'd love to be there, but Sale is in the wrong direction, I live 3½ hours drive the other way and it's in the middle of the parliamentary sitting. I will have been away from home for a week. I really can't afford to be away from home for two weeks. I need to

go home, Tom'. He said, 'Well, that's fine. I understand all that and I'm really impressed that you want to go home. The trouble is you've got to come to Sale'. He wore me down — he was a very hard man to say no to.

That was the first shoot four years ago, and it was a great outing. I made a lot of new friends, as did the others who attended. We were looked after superbly. I remember discussing with Tom afterwards that it was something like duck shooters heaven. We had a great time and we shot some ducks. That has become a well and truly annual event and is the highlight of the duck season calendar. I have not missed one of those shoots, and up until now neither has Tom. In fact, the most recent was just a few days prior to his death. When Tom arrived he did not look well and admitted to being a bit crook. He had certainly slowed up, but his enthusiasm had not waned in either shooting or politics. He undertook both with great gusto. He was enormous company at the pre-outing dinner. He was among the first on the swamp the next morning, and I can attest that he got his share of the bag.

Tom and his long-time shooting mate, Stewart McArthur, the federal member for Corangamite, were allocated one of the most accessible blinds on the swamp in deference to Tom's condition because he had become pretty tottery. Stewart reported on the day's events in the wonderful tribute he gave at Tom's funeral service when he noted that Tom shot seven ducks and that he, Stewart, had got none, which was the usual outcome. I say as an aside that it is a very brave man who can report as publicly as that that he did not trouble the scorer. Indeed, Tom used to say of Stewart that his prowess with the gun was what made him such a great shooting mate because he was never known to get anything like his bag, which meant Tom always had to help him out — and he was always only too happy to do so.

It was pretty obvious to those who were fortunate enough to be on that shoot that Tom would not attend another, but it was even more obvious that he cherished every minute of the outing. We all felt pretty special that he had made the effort to attend. We shall miss him something fierce.

The postscript is that some of us who could allocate the time stayed on to shoot the swamp next day and, as luck would have it, I was allocated the blind that had been occupied by Tom and Stewart the morning before. I am not going to challenge Stewart's recollection or the accuracy of his report, because no shooting mate would stoop to such a thing. I simply make the point that there were an awful lot of feathers on the ground

for just seven ducks! I think Tommy Austin may have helped just a little bit more than Stewart recalled.

Of course Tom will be missed by his family and his devoted wife, Joy. His passing obviously leaves a huge gap, but I suggest to members of the chamber that they can be very proud of his memory, his enormous contribution not just to his immediate family but to the wider Victorian community. His family can rejoice in what he packed into 78 years.

We have heard about the enormous range of interests Tom followed and the skills he enjoyed. They can also be delighted that despite his illness he was active right up until the very last days of his life. It was, as the Honourable Mark Birrell has pointed out, indeed appropriate that Tom's funeral service was a celebration of a life lived to the full. It was not so much a candle blowing in the wind; it was more like a candle burning furiously and at both ends. Like everyone in attendance I felt it a privilege to have known Tom Austin and to have described him as a friend.

Hon. C. A. FURLETTI (Templestowe) — I, too, am privileged to be able to contribute to this condolence motion today. Thomas Leslie Austin, as we have heard, died on 1 June 2002 at 78 years of age. Others have put on record here and in other places details of his career and his lifetime of outstanding community and parliamentary service and his ministerial and shadow portfolios that he handled with great skill and ability, and he was justifiably proud of his achievements.

His contribution to the Liberal Party made him the elder statesman and he never forgot the party. Certainly he advised young and not-so-young but more recent arrivals to this place as to what was expected of them.

We have heard today that when leadership was required Tom Austin was never one to stand back, whether it was in his capacity as a sportsman, as a coach or throughout the whole of his life — his chairmanship of numerous boards and committees that we have heard of, including the Racecourse Licences Board, the Victorian Dairy Industry Authority and the hunting advisory committee. The irony perhaps lies in the fact that Tom was a life member of the Royal Society for the Prevention of Cruelty to Animals, which clearly shows the balance and fairness that he had. His wisdom and good counsel were always valued whether in these areas or in life generally.

I first met Tom here. I guess it was as a result of events that Mr Hallam was talking of earlier — that is, of being in a very small minority — that he took to me

very quickly, and we developed a rapport very expeditiously. One of the first things he said to me, in fact, was, 'You know, of course, that it was my family that set up the Austin Hospital,' which is in Heidelberg and is part of the electorate that I have the honour to represent.

I was pleased to be able to remind him that I had actually done some homework, and he was justifiably proud of the efforts of his great-grandmother, Elizabeth Austin, who had contributed £7000 back in 1882 to build the hospital on land given to the new organisation by the state government. I think that sense of generosity and community was in Tom's genes because it certainly went through everything he did in his life. That hospital was built and initially named the Austin Hospital for Incurables. Mrs Austin subsequently contributed money to setting up a ward in the hospital for children with tuberculosis. His great-grandmother must have been a special lady.

Another element of Tom's genetic make-up comes through another story I read about Mrs Austin. It appears that back in the mid-1800s his great-grandmother hosted the Duke of Edinburgh — Alfred, son of Queen Victoria — and they went out shooting rabbits. They bagged 416 in one sitting, which explains Tom's talent as a rabbit skinner.

He was a great person to be with. I spent a few weekends with him — only two or three — but every time he met you it was as if you had seen him yesterday. I was very fortunate to have been part of a group of shooters who met 10 days before Tom died. We were down in the vicinity of Sale. We were having a dinner. Tom was there absolutely enjoying life. He was ill, he was frail, but he was not going to miss it for anything. He went out next morning, as the Honourable Roger Hallam indicated, but he could not stay for the weekend. We said goodbye and he left. Obviously he had had a good day spent doing what he loved and enjoyed.

The eulogies and the condolences that have been expressed about Tom are not exaggerated. I think we will all miss a great Victorian. I extend my condolences to Joy and to Tom's family.

Hon. E. G. STONEY (Central Highlands) — In my brief contribution I will place on public record that indeed Tom Austin made an enormous contribution to the cause of the mountain cattlemen. Tom understood the bush, and he understood how rural people think. He certainly had an affinity with country people that shone through. He was a great hit with the mountain cattlemen.

The first time many of us met Tom was at the annual mountain cattlemen get-together. I have to explain what that is. Thousands of people from all over Victoria go to a remote location in the mountains. There are lots of horse events, music and dancing. There are a few speeches and a few tall stories, and everyone wakes up with a headache, rides horses around again and eventually goes home on about Tuesday.

In the late 1980s we had the call from Parliament House that Tom Austin wanted to come to the get-together, he was going to bring his wife and he wanted to camp on site. All of us said, 'What does this mean? What do we do?'. The cattlemen's get-together in that particular year was in a very remote spot. We did not know whether Tom Austin had ever camped — but we soon found out that he had. We did not know anything about him or quite what to do.

The minute Tom Austin arrived with his wife everything was all right. He bounded out of the car, introduced himself around, got himself a tent and set himself up. Everybody then relaxed a bit. I designated an old cattleman to look after him. I said, 'You have to look after Tom Austin; if he feels a bit uncomfortable in these surroundings you have to look after him'. This old fellow said, 'I don't know, what happens if he doesn't drink?'. I could not answer that, but we got over that.

I had other duties and later that night I ran into this old cattleman. I said, 'Where's Tom?' and he said, 'He doesn't need looking after, he found the bar and I think he's going to be the last to bed'. Next day I found out that not only was Tom last to bed but that he was first up and was tramping around the camp looking for a cup of tea while muttering very loudly, 'Where the hell is everybody?'.
 That demonstrates how Tom Austin fitted in anywhere. As one speaker said today, he certainly understood both country and city ways of life. In his life he made an enormous contribution to rural Victoria. He brought rural issues, like the cattlemen's one, to Spring Street. He had a lot of friends on all sides of politics.

The story I really like about Tom is the one where he had developed a very good relationship with the Royal Society for the Prevention of Cruelty to Animals to the point where the RSPCA used to ring him regularly.

This rep would ring Tom at home and Tom's wife had great delight in telling him that he was not available because he had gone duck shooting.

Tom opened the eyes of many city politicians. He explained very clearly what rural Victoria is all about,

and I publicly acknowledge what he did for mountain cattlemen since the time we first met. His efforts assisted greatly in the cause of the mountain cattlemen over many years. I pass on my condolences to his family on his passing.

Hon. PHILIP DAVIS (Gippsland) — It is with pleasure that I rise to speak on this condolence motion. Tom Austin was a remarkable man. Whilst I did not serve in the Parliament with Tom, I feel I knew him as well as any of my current colleagues in the sense that Tom was ever-present in the Parliament, notwithstanding that he retired in 1992. His desire to participate in debate on significant policy issues that affected Victoria, particularly rural Victoria, was such that he was earnest about ensuring that people understood not just his own view but what the issues were that would affect the way matters were resolved.

I knew him especially well, not because of parliamentary association but through an aspect of his life which has not yet been spoken about in particular — his family. I have known two of Tom's daughters, Vicky and Lisa, particularly well for a long time. Not only are they twins, but we were all born on the same day. I am not quite sure what that means, but we certainly have enjoyed the odd celebration together.

For most of my adult life I have known Vicky. She was a near neighbour of mine, in a country sense, living 20 kilometres away from where we were farming and therefore we saw a lot of her. Every time I saw Tom Austin, whether it was in a formal sense or any other regard, he always asked about Vicky and how she was getting on and he wanted to know what the family was up to. He took enormous pride in Vicky. Her twin sister Lisa, whom many members of this place will know as Elise, worked for me for several years. Again, Tom took enormous pride in what Lisa would be involved in, and without fail every time he was around the place he would inquire after his children. He talked with pride about his only son Jo and what he was doing in terms of developing a business, the seal-watching venture down at Portland.

There is no doubt that Tom had an aspect about him which was that he was an enormously balanced man. He was a man with an enormous capacity to be persuasive, as we have heard, but more importantly to understand and read the relevance and importance of issues. Without doubt he was a fine leader of the Victorian Dairy Industry Authority as its chairman from 1992 until 2000. He steered the dairy industry through the deregulation process, for which many Victorian farmers need to be grateful. The deregulation of the

dairy industry has been well recognised as being of huge benefit to Victorian dairy farmers.

We have taken note of Tom's particular interest in hunting. It was in my role as Parliamentary Secretary, Natural Resources, working with the ministers for agriculture and conservation and land management, in association with the Department of Natural Resources and Environment, that I was given the task of confirming the establishment of the hunting advisory committee. The then Minister for Conservation and Land Management, Marie Tehan, agreed that the proposal that was initiated by Geoff Coleman when he was Minister for Natural Resources should proceed. So, with the authority of Marie Tehan, we proceeded to set up that advisory committee of which Tom was the inaugural chair. It worked very effectively to represent the interests of hunters.

My great debate with Tom was the fact that while I have always been a shooter I am not a hunter. I used to say to Tom, 'Frankly, my personal view is that bow-hunting pigs gives everybody a fair go, but I do not know if I think that shooting ducks is as sporting as bow-hunting pigs'. Therefore Tom and I used to have this constant debate about what 'sporting' was. All I can say is that my view, which I shared with Tom, was that hunting is a traditional activity which should be preserved, but over time I guess there are fewer people who are enthusiastic about it. That is one of the realities that we live with in a contemporary society. Tom was a great enthusiast for hunting, but I do not think he ever went bow-hunting pigs on my recommendation.

Probably the thing that really sticks in my mind is what an affable man Tom was and how he could relate to anybody. While I had got to know him through the 1970s, it was in 1980 or 1981 when he was Minister for Agriculture — I think it was 1981 — that he visited Sale to open the RSPCA office. After he had done the formalities we adjourned to the front bar of the Star Hotel. I have to say that we did a lot of very good campaigning that afternoon. Tom demonstrated his ability to have a relationship with anybody. Whether he met them 20 years ago or 5 minutes ago he could engage them in conversation and inspire an interesting discussion.

That evening we did the usual thing that ministers do when they are out visiting electorates — the usual party function — and again he was equally at home. The thing that sticks in my mind is his capacity to enjoy those occasions. Not only was he keen on black ducks he was keen on black label. I knew for some 20 years of that particular enthusiasm.

Tom Austin was a man of many gifts — a sportsman, a politician — but more importantly he was a good human being who had enormous love for his community, for his family and for what I would describe as the traditional values that are important to rural and country Victorians.

I simply extend to his first wife, Judith, and to Joy, Deb, Vicky, Lisa and Jo my condolences. Victoria has lost a favourite son.

Hon. I. J. COVER (Geelong) — It gives me pleasure to rise and join today's condolence motion on the life of the late Honourable Thomas Leslie Austin. In doing so I am paying respect to a man for his life of service. As we have heard from all the speakers today, Tom gave great service to his country, serving in the navy in the Second World War. He also gave great service to Victoria, particularly country Victoria, as a long-serving member of Parliament, including five years as a minister, and later, after he left the Parliament in 1992, through his work on a range of bodies and organisations.

One of those organisations was the Victorian Dairy Industry Authority. A few years ago I was present at a dairy industry conference in Shepparton and ran into Tom, who was seated at the head table. The first thing I recall saying to him was, 'What are you doing here? I thought you had retired'. Of course there was no such thing as retirement for Tom, who continued to work with so many organisations and to serve the people of Victoria. That service was an extension of his interests in so many things. For my part, I knew Tom Austin best of all for his interest in politics and people, and by extension his interest in sport.

It is through sport you get to meet so many people from so many different backgrounds, and sport itself proves to be the great leveller. If you ever need to keep your feet on the ground with an interest in sport try barracking for Geelong! Tom was a great Geelong supporter. I often ran into him at Geelong games when he was in attendance with his wife, Joy, and we often lamented what was going wrong on the field and enjoyed many conversations about the football and the fortunes of the Geelong club. Occasionally the conversation turned to politics, and with Geelong's fortunes on the field not always being dominant there were opportunities to discuss other topics. Tom was one of a number of people who encouraged me, given my connections with Geelong, to take a formal interest in the politics of Geelong and ultimately to stand for Parliament.

Not only did I share an interest in supporting Geelong with Tom Austin but I find myself now, as the shadow Minister for Sport and Recreation and shadow Minister for Racing, filling a role that he also filled for a time in the Parliament. On a number of occasions I had the opportunity to talk about that role with Tom. He dispensed wisdom, knowledge and the benefit of his experiences with loads of commonsense. Occasionally in having those conversations or in being around Tom you became aware of his influence. That is a word used at the outset by the Leader of the Opposition and a theme continued by Mr Birrell — Tom's influence across a range of interests and people. No challenge was too big or too small for Tom Austin.

I conclude my brief contribution with an anecdote which to me sums up the way Tom Austin could use his influence. It was earlier this year in February on Blue Diamond Stakes day at Caulfield and was the last occasion on which I was in Tom's company. While this might not be quite as significant an example of Tom's influence as doing the numbers for Jeffrey Gibb Kennett and returning him to the leadership of the Liberal Party, it nonetheless showed that no challenge was too big or too small.

The committee room at Caulfield has banks of television screens where you can watch races coming in from all around the country and tote divvy updates as they come to hand, as well as the prices for the next race. Geelong happened to be playing Carlton on this particular day in a pre-season match at Optus Oval, and I thought with so many TVs around surely one of them could be switched to the coverage of the Geelong–Carlton game. I contemplated talking to one of the bar staff or one of the waiters when I spotted Tom Austin and thought he was the man to go to — he was the go-to man in any situation. I said to Tom as a fellow Geelong supporter, 'I know it is only a pre-season match and it doesn't really count, but I would be interested to know how the Cats are going against Carlton just at the minute. I thought one of these TVs could bring us some pictures'.

A few minutes later Tom came over to me with a wink and a nudge and said, 'Come out the back to near the tote windows outside the committee room'. He took me around the corner and one of the TVs had been switched to the Geelong–Carlton game. That afternoon I spent a delightful half hour between races watching Geelong play Carlton in the company of Tom Austin and another friend of his through politics and sport, Tom Reynolds. It is a great way to remember Tom Austin, spending that afternoon with him at the races and doing something he really loved — watching the races and the footy at the same time.

I extend my condolences to Tom's wife, Joy, and to his family.

The PRESIDENT — I desire to support the motion so eloquently moved by the Leader of the Government and supported by members of the house, and I will not repeat anything that has been said.

I was elected as a member of the Legislative Assembly in 1973, which was one year after Tom had entered the Legislative Assembly. I learnt early on that Tom had much more influence on the powers that be than I had. In 1975 we were having an electorate redistribution, and it was obvious that we were going to lose a seat in western Victoria. The question was whether it was going to be his seat or mine. You know who won!

Mr Craige mentioned earlier that Tom was known as a numbers man. There was a day in 1986 when I came into this building and ran into Tom. He said, 'You've got the numbers'. I said, 'What do you mean?'. He said, 'You have the numbers for leader in the upper house.' I repeated, 'What do you mean?'. He said, 'Alan Hunt' — who was then the leader of the opposition in this place — 'is moving a spill motion against Kennett. He won't get up. He will have to resign; so you have the numbers to take his place'. I tried to talk Alan Hunt out of that particular challenge and was unsuccessful. Like Tom said, I had the numbers — although he did cut it a bit fine because I believe I won by one vote!

Tom was a very canny and competitive golfer. He was competitive at any sport — playing cards or whatever. He loved to win and he particularly loved to take your money. Occasionally some of us were invited to play at his beloved Royal Melbourne Golf Club. On one occasion a couple of us, including Alan Stockdale, went there to play. Stockers tended to spray the balls all over the place in those days — he may have improved, I am not sure — and during the round he lost about a dozen balls. Tom was good at finding balls and while we were looking for them he found at least a dozen, but he insisted that none of them belonged to Alan Stockdale. Recently — I think it might have been at Tom's funeral — I reminded Alan Stockdale of that story and he vehemently denied that he had ever lost 12 golf balls on a golf round!

Tom was a great man, a very special person and a great Australian. I would like to express my condolences to Joy, to his first wife, Judy, and to his children.

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

Hon. Ann Mary Henderson

Hon. M. M. GOULD (Minister for Education Services) — I move:

That this house expresses its sincere sorrow at the death on 4 June 2002 of the Honourable Ann Mary Henderson and places on record its acknowledgment of the valuable services rendered by her to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Geelong from 1992 to 1999 and Minister for Housing and Minister responsible for Aboriginal Affairs from 1996 to 1999.

The Honourable Ann Henderson, sadly, passed away on 4 June 2002 following a long and brave fight against cancer. She will be remembered for her dedicated service to the people of Geelong whom she represented in the other place from 1992 to 1999 and for her contribution to the Victorian Parliament as Minister for Housing and Minister responsible for Aboriginal Affairs.

Ann Henderson was born in Melbourne on 31 December 1941 and educated at Kilbreda College and Mandeville Hall. I wish to acknowledge that Ann made a significant contribution to the Liberal Party. She worked on election campaign committees. She was a state council delegate from 1987 to 1991 and the endorsed candidate for Geelong in 1988. She was also, I understand, vice-president of the party's Newtown branch from 1987 to 1989 and president for the following two years.

In her inaugural speech on 30 October 1992 Ann highlighted her concerns. They were access to further education and meaningful jobs, especially for younger people, and youth homelessness. These policies and interests and her commitment to making a difference were recognised in 1996 when she was appointed to the ministerial portfolio of housing and as the Minister responsible for Aboriginal Affairs. These were areas she felt she had an affinity with, and her work outside the political arena also reflects this. Her career reflected her passion for advancing Geelong and the wider region and her concerns for the welfare of others, as well as an interest in the arts.

Ann was a welfare officer and director of Do Care and administration and welfare officer for Geelong Legacy. She was an alumni development officer at Deakin University from 1992 to 1996 and a member of the Deakin University council. Ann was administrator of the Port Fairy Folk Festival, executive officer of the Geelong branch of the National Trust and executive officer of the Geelong Art Gallery Foundation. She also served as mayoress of the City of Newton.

In 1992 Ann was elected to the other place as the honourable member for Geelong. Her parliamentary career included serving as chair of the aged care committee and as a member of the local government community services and tourism committee from 1992 to 1996. In 1994 Ann chaired the International Year of the Family ministerial council and served as a board member of the National Ageing Research Institute from 1994 to 1996. It was in that period that I came into contact with Ann in my capacity as the opposition shadow spokesperson for aged care.

In early 1999 I became the shadow spokesperson for housing and I had the opportunity on a number of occasions at community functions to sit with Ann and talk to the community. I know she had a passion and concern about some of the problems in the housing industry in relation to stock that was available and waiting lists. She worked tirelessly in an attempt to address some of the problems in that portfolio. It was only for a brief time when she held the housing portfolio, but a little more when she had a lesser role as chair of the aged care committee.

After leaving Parliament in 1999 Ann became the presiding member of the board of the Australian Institute of Family Studies, a position I understand she held until her death.

This is how Ann Henderson will be remembered by honourable members, by the people of Geelong and by the many people with whom she worked. She worked in areas that make a difference, and she did it with a human face. On behalf of the government, I extend condolences to the family of Ann Henderson: her children Sarah, Jodie and Andrew; son-in-law, Rob; and grandchildren Angus and Marcus.

Hon. BILL FORWOOD (Templestowe) — It is with great sadness that I rise to speak on the condolence motion for my friend Ann Henderson. She was the honourable member for Geelong in the other place from 1992 to 1999 and Minister for Housing and Minister responsible for Aboriginal Affairs from 1996 onwards. She was a member of the class of 1992 when so many of us came in. Many people in this and the other house have extraordinarily fond memories of Ann. She is a person who was taken from us too early; she was just 60 years old when she died. However, she left a lasting impression on so many people at an individual level and on so many communities at a group level.

In the early days of 1992 the Parliament was much different from now. We had an extraordinary baptism of fire in those early days, and we got to know each

other pretty well. We had long nights in the dining room. I remember getting to know Ann better in that period; I first got to know her when she was the candidate for Geelong in 1988 and I was the deputy state director. She came so close to winning in 1988, and she just kept working until 1992, when she did win. In the early days of the Kennett government we got to know each other and we got the measure of each other.

Ann was a person to whom you immediately warmed. She had an extraordinary capacity to express feelings and emotions and ideas in a way that engaged you. That became very much the hallmark of the relationship I had with Ann. I had just come back from spending 10 years in the Northern Territory. I had a lot of contacts in the Aboriginal community up there, and she had a strong interest in Aboriginal affairs, even at that stage. We also worked together on the housing committee for the party in the early days, well before she became Minister for Housing. We used to have lunch. She was a fantastic conversationalist. She had a wonderful capacity to engage — an openness and a genuineness that she brought to everything she ever did.

You only need to look at her career before she came into Parliament and what she did after she left Parliament to know that Ann cared about people and places, particularly her beloved Geelong. She worked for Do Care and Legacy, she ran the Port Fairy music festival and the National Trust in Geelong — and the art gallery and the university. She was involved in her community completely and absolutely all the time.

Ann got cancer not long after Michael died. She fought that with courage as she had done with everything else. The commitment she brought to fighting that was like the commitment she brought to everything else she did. She fought her way through that. I remember having very funny conversations with her about her various hairstyles at that time. As many will remember, she started with the wig and then she went to the no. 1 cut, which she wore proudly with a smile that was so infectious whenever you met or saw her. Right up to the very end I was having conversations with her about various things, including politics, because we had great interest in encouraging people to run for Parliament.

I was privileged to represent the Parliament at her funeral service in the cathedral at Geelong, when so many people spoke eloquently and lovingly of Ann as a person, of her family as a family and of her as a contributor to Victoria, to Geelong and to the people she met. Tony Cahir, the head of Aboriginal Affairs Victoria, was also there. I want to read into *Hansard* the notice that AAV put in the paper. It said:

All staff at Aboriginal Affairs Victoria (AAV) mourn the passing of our previous minister for Aboriginal affairs. She was a delight to work for, a person who showed leadership and compassion in her dealings with the Aboriginal community, a deep understanding of the issues and a minister who achieved a number of outstanding successes in Aboriginal affairs.

Most of all, she had a marvellous relationship with all her staff at AAV and great rapport with members of the Aboriginal community. All at AAV are saddened by her passing and express our sincere sympathy to Sarah, Andrew, Jodie and family.

I think all of us feel that way about Ann. She had a great rapport with all sorts of people, not just members of the Aboriginal community. Her commitment was just extraordinary in the way she dealt with people who faced challenging situations.

In a recent article her daughter Sarah wrote:

Anyone sitting in the chamber that day —

talking about the day the condolence motion was moved in the Assembly —

would have realised that politics is about much more than one-upmanship and point scoring. It is also about working together and sharing a common goal — to improve the community in which we live.

Any way you measure it, Ann Henderson improved the community in which we live. To Sarah, Jodie, Andrew, Rob, Angus and Marcus: on behalf of the Liberal Party I extend our sincerest condolences.

Hon. P. R. HALL (Gippsland) — The late Ann Henderson has been described by those who have paid various tributes to her life as being warm, welcoming, caring, compassionate, and a person of high integrity. I would concur with every one of those sentiments.

Ann Henderson was elected to this Parliament in 1992. Like many in this chamber, I had the absolute privilege of serving alongside Ann during her seven years as a member of Parliament. I found her to be a very unpretentious person. It was not difficult to like Ann Henderson. She was warm and friendly, she was inclusive and she always made time to accommodate people.

As has been said, Ann was Minister responsible for Aboriginal Affairs and Minister for Housing between 1996 and 1999. In her ministerial capacity I found Ann was one of those rare ministers who always found the time to discuss with her MP colleagues matters concerning their particular electorates. To me the common courtesies stood Ann Henderson above many others. She was very diligent about notifying members of Parliament of visits to their electorates, and she

included MPs in those visits in a very bipartisan way. She went to great lengths to accommodate meetings, deputations and constituency groups, and the many requests we as MPs made to her. As I said, it was the common courtesies that in my mind stood Ann Henderson above many others.

It was impossible to dislike Ann. She was a very competent and well-respected minister and member of Parliament, due largely I believe to the diligence she applied to the task at hand. The fact that the respect for Ann Henderson extended across all sides of politics further gives credit to Ann as a person.

Much has been said and written and we have heard today about Ann's personal life and the tremendous challenges that aspects of her life presented to her. While I was not close enough to have discussed those matters with her, one cannot help but admire the courage and resolve that Ann obviously demonstrated to meet and overcome those challenges.

Ann's death in June touched us all deeply. We will not forget her courage, her honesty, her warmth, her sincerity or her competence. On behalf of my colleagues in the National Party I pay tribute to a remarkable lady and extend sincere condolences to her children, Sarah, Jodie and Andrew, and their respective families.

Hon. E. C. CARBINES (Geelong) — I also wish to contribute to the condolence motion on the passing of Ann Henderson, the honourable member for Geelong from 1992 until 1999, and the Minister for Housing and the Minister responsible for Aboriginal affairs from 1996 until 1999.

In doing so, on behalf of the people of Geelong Province I wish to acknowledge and pay tribute to Ann's contribution, both as a member of Parliament and as a minister in the Kennett government. Unlike other members in this place, who knew Ann as a colleague and a friend, I did not know her personally and never had the opportunity to meet her. But as a Labor candidate in the 1996 and 1999 state elections, I can attest that Ann was a formidable part of the Kennett team in Geelong, and I know that she was respected across our community.

Although Ann and I probably would have disagreed on many topics, I greatly admired her capacity for work and her dedication and commitment to the values she held dear. For me, Ann's contribution to public life is poignantly underscored by the fact that during her time in Parliament she had very difficult personal battles to confront — firstly, the death of her husband, and

secondly, her breast cancer diagnosis, which ultimately claimed her life.

I cannot imagine how hard it must have been for Ann to fulfil her duties, not just as a member of Parliament, but as a minister in the face of such adversity. Accordingly, as an honourable member for Geelong Province, I pay tribute to Ann's courage and offer my sincere condolences to her children and their families.

Hon. ANDREA COOTE (Monash) — It is with great honour and profound sadness that I rise to contribute to the condolence motion for my friend Ann Henderson. In his contribution the honourable Bill Forwood outlined Ann's personal life before she entered this place, and I believe it was those attributes that she brought to this place that made her the minister and the honourable member for Geelong that she was. Her compassion, her wit, her diligence, her understanding, her organisation and her being a great listener were all attributes that made a huge difference to the way she conducted herself as a minister. In addition, her involvement in Geelong with Do Care and Legacy, her mayoral roles, and her involvement with the Geelong College and Deakin University and so many other aspects of the Geelong community made her a truly great Geelong member.

As many honourable members have said, Ann was very passionate about Geelong. In fact, no conversation with Ann ever went past without her taking the opportunity to tell you how good it is. I think one of the very real and tangible results of Ann's work in Geelong is the Geelong waterfront. Those of you who remember what it was like before will know that it was full of half-empty restaurants and was rather run-down and fairly seedy. On Ann's behalf I encourage you to go and look at what has happened on the waterfront now. As a member of the Kennett government she lobbied very well to put in a vibrant, vital and exciting place for us all to visit. During the daytime it is bustling with children and families, and the esplanade would not look out of place in sophisticated South Melbourne or St Kilda. At night it really is a bustling and exciting place. That it sits there as it is today is a true legacy to Ann as the honourable member for Geelong.

I remember Ann telling me how delighted she was and yet how humble she felt when Jeff Kennett rang to ask her if she would like to be the Minister for Housing and the Minister for Aboriginal Affairs. I think that humility was what she took into her ministry. She was a great advocate and fierce protector of the Aboriginal community. As testament to that — as the honourable Bill Forwood spoke of in his moving tribute to Ann — were the advertisements placed by the Aboriginal

community upon her death and the number of Aboriginal leaders and people from the Aboriginal community who were at her funeral to say farewell.

When she arrived at the housing ministry Ann did a most unusual thing. She decided she would visit each floor and speak with the people concerned. Much to their surprise, right at the early stage she went down and introduced herself to the staff members. She got to know not just the middle-level and senior staff but also the people on the floor. She then called in middle-level management as well as senior staff to listen to what they had to say. I think it was from that moment on that she captured their hearts and certainly captured their respect, and they went on to work with her in a very positive and meaningful way.

One of the things Ann felt very keenly about was crisis housing. She was very concerned that people in crises had sufficient and immediate housing to enable them to get out of that desperate state. She had a great deal of insight and introduced a segmented waiting list and transitional housing.

Within my electorate the Argyle Street centre is a huge tribute to Ann and the innovations she brought into the housing area. Many hundreds of Victorians have been able to access crisis housing because Ann made it possible for them. These people were in great need and had been overlooked; Ann made certain that they were cared for and looked after. She has left a huge legacy, and many of us should be very proud to live in a community in which these people are catered for and looked after. I thank Ann on behalf of us all.

I was unable to attend Ann's funeral because I was leading a bill through this very chamber. Although I was very disappointed at not being there on the day, I believe Ann would have understood why I was not there. She was a true professional and would certainly have understood. But the people who did attend Ann's funeral did not come back with heavy hearts or sad faces; they came back with reports of enormous love and care and an uplifting experience. They also spoke of the diversity of people who were there to say farewell to Ann. They included politicians from both sides, footballers, actors and the Aboriginal and Geelong communities. Geelong was there to say goodbye to one of their very own in that cathedral. They were very proud of Ann, and justifiably so.

Although I had been a friend of Ann's for a long time, I officially overlapped as a colleague of Ann's for only about a month. It was a very tumultuous month when the question of who would govern this state was being decided. Ann's seat of Geelong was lost by only a

whisker — 16 votes — which, given her illness, was a huge testament to her determination and the courage with which she fought that campaign. To think that it came within a whisker is a huge tribute to her.

Today other honourable members made mention of how daunting it was when they first arrived in this place. With the turmoil that was going on at that stage, people forgot about those of us who were new. Ann, who could have been excused for being absorbed with what was happening in her own seat, took me under her wing and introduced me to all the staff in this building, from the basement to the rafters. Everyone — from right across all political parties and staff from every element — had a kind word to say. They all said hello and spoke to Ann.

Ann led me into that lion's den and baptism of fire, the Liberal Party party room. She saved me a hallowed seat, which I now realise was a huge thing to have done, because those seats were so tightly held and allocated. I was very sad, as were all her colleagues, particularly from the 1992 batch, not to see Ann join us in the 54th Parliament.

In a personal sense Ann and I used to have regular dinners with a group of people at the Argo pub. The rule was that you had to live within walking distance. A number of judges, other politicians and political advisers would meet on a regular basis and have a very enjoyable and exciting dinner together, bantering and discussing a whole range of issues.

They were certainly a lot of fun and something that I looked forward to. On a personal basis so too were the several lunches and breakfasts I had with Ann at a restaurant called Harvey's in my electorate. There she gave me an enormous amount of advice and shared her knowledge and understanding of this place. She shared with me so much of which I will miss.

Ann's three children were the light of her life and her eyes would sparkle when she spoke of them. Everyone would agree that the dignity and courage with which Andrew, Jodie and Sarah have conducted themselves at the loss of their mother is a true credit to Ann. They did a wonderful job with Ann when she was not well and indeed at the funeral and afterwards. At one of those Harvey's breakfasts Ann in her true sense of compassion for others said, 'I am very keen to make certain that other people learn from this. I think it is extremely important that we look into cancer research and develop a first-rate cancer research development team in Victoria. I would like you, Andrea, to be part of that'.

I was humbled when her family approached me to be part of what has now become the Melbourne Cancerians which her wonderful children initiated together with their aunt. It is a force that is growing, and I encourage all parliamentarians to contribute and be part of it in Ann's name. It will be worth while into the future and something tangible that we can all do. I am looking forward to making it work and raising money with her children whose parents both died of that invidious disease. I am sure all parliamentarians have loved ones and people in their families who have had cancer, and I encourage them to be a part of it.

Ann, I will miss you. I will miss the lunches. I will miss the advice and I will miss seeing her scooting around South Yarra in her little red convertible with her short-cropped hair and her smiling face. Goodbye Ann. Thank you. You gave us all so much.

Hon. E. J. POWELL (North Eastern) — I am pleased to join other speakers in this condolence motion for Ann Mary Henderson. I am grateful to have the opportunity of placing on record the high esteem in which Ann is held by the people of the North Eastern Province.

I entered this Parliament in 1996, the year Ann was appointed Minister for Housing and Minister responsible for Aboriginal Affairs, and I was fortunate to be on both of Ann's bill committees. During that time I got to know her not just as a very dedicated minister, but more importantly as a wonderful human being — as most of us in this and the other house have spoken about.

Honourable members have spoken about Ann's long history of caring for those who are most vulnerable in our community. The portfolios of housing and aboriginal affairs were perfect for her. She was able to use all the skills she had acquired over many years together with her skills from her community involvement.

She often travelled through rural Victoria as part of keeping abreast of her portfolios. I remember when she came to inspect a public housing development in Shepparton, which was then more commonly known in the area as the ghetto. It was one of the largest public housing estates in Victoria. Ann listened to the problems that we, as local members, told her about and she listened to the members of the housing development. She listened intently and asked us to come up with solutions. She then asked me to chair an advisory committee to look at completely redeveloping the whole estate and putting in quite a large amount of money. Whenever I saw Ann in the Parliament she

would ask how the committee was going and how close it was to finding a resolution to making some changes in that housing development. The committee recommended over \$5 million of development of the housing estate and Ann was prepared to approve it. Just before the election she called me to Parliament and wanted to know where we were up to. We were briefed by the department which was passionate about making sure that the people in the public housing estate were put in safe homes, appropriate to their change of life.

Unfortunately the election was called and while Ann had approved the funds, everything was put on hold. Tragically she lost her seat which was devastating for all of us. The current minister, Bronwyn Pike, accepted the recommendations and most of that was due to Ann's passion and commitment and that of her department and its support of the project so that they got through and this government accepted the recommendations.

A number of people have spoken about Ann's wonderful contribution to the Liberal Party but she looked past people's politics. She was mainly interested in people's views. I will share a story about Ann's non-political side and how she treated everybody the same. Ann was in Wodonga with the Honourable Bill Baxter and me launching a self-help building housing project. That night the Liberal Party was to host a dinner party and Ann was to be the guest speaker. We had had the tour of the housing development and as we were leaving Ann said to me, 'I will see you tonight at the dinner'. I had to remind her that I was a National Party member. She looked a little embarrassed at first and then she regained her usual composure and grace and said, 'I am sure you would be most welcome so please do come'. I did not go but I appreciated the offer. Ann looked across political lines and most of us saw that in her.

Ann also made a wonderful Minister for Aboriginal Affairs. She was warm, empathetic and respectful not just of Aboriginal people but also of their culture. She treated them with a dignity they all came to love and to respect her for. The Aboriginal communities in Echuca and Shepparton held Ann in the highest regard and often asked me to say hello to her. It was indicative of the type of person she was that whenever she met anybody and they called her 'Minister' she would immediately put them at their ease and say, 'Please call me Ann'. She never stood on ceremony and a lot of the Aboriginal people in the north-east felt that Ann was a person they could look up to and that she cared about the way they lived their lives.

Ann had that wonderful ability to make all people feel special and included. During her illness she had some good days, as we all know, and she also had some bad days. Her staff have already been mentioned today.

They were wonderful and they protected her. I do not want to single people out, but the ones I had a bit to do with were her senior adviser John Baring; Tony Carr; and her driver, Bryan Temple, who was very supportive of her and also very protective. They travelled with her and made sure she did not get stressed or tired when she travelled into the country. Bryan used to keep me abreast of what Ann was doing after she lost her seat.

During Ann's illness I sent her a couple of books I had seen as I travelled around which I thought might be helpful to Ann. The books were written by a cancer survivor and they were about motivation, positive attitude and diet. She sent me a lovely note thanking me for the books and saying that she kept them by her bedside and read them every day, particularly when she felt down. I hope they were some comfort to her.

We will all miss Ann's beautiful smile, her beautiful blue eyes, her warmth, her keen mind and her no-nonsense attitude. I pass on my sincere condolences to Ann's family: to Sarah, Jodie, Andrew and Rob, to her grandchildren Angus and Marcus, and to her extended family. I hope they are comforted by the knowledge that Ann touched so many lives in a positive way and left a wonderful legacy to so many people.

Hon. M. A. BIRRELL (East Yarra) — I am pleased to be able to join others in making some comments about the marvellous career and contribution of Ann Henderson. I had the pleasure of getting to know Ann very well when she joined the cabinet in 1996. As is often the case with lower house members when you are a member of the upper house, your paths do not cross as much as you would like, but in cabinet, Ann shone. She was always one of those people whom you found it a joy to meet when you turned up for cabinet meetings and had a talk about what was going on.

Ann was infectious positive and always full of life. She was a person who wanted to add something constructive and humane to a conversation about key issues of the day, and she did so quite fearlessly.

It is a tragedy to lose someone so young, and it is a tragedy to think of someone who entered this Parliament in only 1992 being the subject of this type of condolence motion today. We have all clearly been robbed of the ongoing contribution I know Ann would have made if she had not died at 61 years of age.

Ann faced considerable adversity through her parliamentary career, but I never once heard her complain about it. She uttered not a word in my presence that reflected the pain and discomfort she must have been going through. Instead, you always found her with a smile on her face and with a good idea or a good comment to contribute.

If it were not enough for her to have to face the early death of her husband from cancer in 1995, it is of staggering proportions to think of the impact it must have had on her to discover that she had breast cancer just before the 1996 state election. Its recurrence during a very hard fight in the 1999 election was brutally unfair.

It would be fair to say that no-one in the cabinet room at that time knew quite how to cope with the anguish we all felt for her, until we met with her each Monday and realised not only that she was brave but also that she had a zest and a sense of life about her that impressed everyone. We learnt from her in that sense, and we were able to put into a better light the troubles she was going through.

Ann was always positive and she always continued to be gregarious. She will be remembered for a number of things, and I am delighted that so many comments about her contribution have been made from both sides of politics here and in the Legislative Assembly. One contribution that was mentioned at her funeral in an excellent eulogy by Marie Tehan stuck in my mind as being so true.

You would not perhaps expect a housing minister to have had a profound influence on transport infrastructure projects, as they do not overlap — normally — but they certainly did in one project where Ann left a classic imprint, and that project was City Link. It was a symbolic example of how she could be concerned about an issue and prepared to add another layer of complexity to a very complex issue because she knew it had to be fixed.

City Link was a massively challenging project to put together. Ann realised very quickly that it was all very fine for us to be building a link between the West Gate Freeway and the Tullamarine Freeway as part of this project, but it meant a new six-lane freeway, five storeys above the ground going past her public housing. Ann knew that issue had to be solved as part of the City Link deal and that it could not be put off — it could not be deferred — and it could not be ignored. There was nothing in it for her — there were no votes in it for her, let alone for us — but she knew that public housing tenants would be demonstrably disadvantaged by this

project unless the problem was fixed. She stuck to her guns — she was an excellent advocate — and as a result of that the highly innovative barrier tunnel was created on City Link. There is therefore no noise pollution as cars drive past those old housing commission towers because an architectural and engineering solution was created to fix the problem that Ann Henderson had identified.

I give full marks to Ann for getting involved in a very intense policy issue. It is an example of something that clearly came from the heart, which is why she wanted to solve it in the first place.

Of course Ann will be remembered for many more things than that. She introduced the needs-based policy in public housing which segmented waiting lists and ensured that the most needy got to the top of the list and not just the noisiest and the ones who had been on it for a certain time in a certain area. That was a very difficult social policy change and it was overwhelmingly meritorious, but it did not occur until Ann brought it in.

Ann had an extraordinary empathy with the Aboriginal community, which was reflected in the fact that they were very well represented at her funeral. Her efforts in that area will perhaps achieve the highest level of recognition, in particular her efforts to achieve the health outcomes she sought for the Aboriginal community in this state. She will also be recognised for the reconciliation speeches she made in the Legislative Assembly, which also clearly came from the heart.

I will conclude my remarks by quoting from the comments made by Marie Tehan in her eulogy at Ann's funeral a few months ago. Marie had this to say:

She was an MP dedicated to the interests of her constituents; she was an outstanding lobbyist for the development of Geelong and she worked tirelessly on many local issues including the very successful redevelopment of the Geelong waterfront.

She came into the Parliament at a momentous time in the history of Victorian politics. There was an energy and an excitement in the Parliament; it was a time of vision, of new resolve and radical reform.

Ann often recalled the exhilaration of that first session of the Parliament in November 1992 when the house sat for three consecutive weeks, often long into the night. The late nights meant long dinners, suppers, gatherings in offices and a chance to form friendships and establish congeniality. Ann did this quickly and easily. She relished the camaraderie of the house and grew to be respected on both sides of the Parliament. There are not many politicians of which it can be said that no-one in the Parliament had a bad word to say about her.

I do not believe anyone ever have a bad word to say about Ann Henderson, and that was because most

people got to know her, and when they got to know her, they got to respect her. That is something of which her family and her friends and colleagues can be very proud.

I pass on my condolences to Sarah, Jodie and Andrew. It is tragic to have lost a mother, particularly at that age, and it is tragic for all of us to have lost a great parliamentarian.

Hon. R. M. HALLAM (Western) — One of the upsides of parliamentary service is that it throws people together in circumstances that do not apply elsewhere. I did not actually meet Ann Henderson until her election to this place in 1992, and I really did not get to know her until she became a member of cabinet in 1996 as the Minister for Housing and the Minister for Aboriginal Affairs.

I, like many others, very quickly succumbed to her charms because she was simply a darling. She took to the challenge of those portfolios with enormous determination and enthusiasm, and very quickly established a reputation as a very competent operator, and she enjoyed great working relationships at all levels of administration. She was a very good thinker and a great contributor at the cabinet table, but it was her caring and compassionate outlook which impressed all who came into contact with her.

As has been noted, she was always extremely courteous and always had a smile no matter how tough the circumstances might have been. I thought that what made Ann's outlook on life even more impressive was that she had more than her fair share of personal sadness, with the loss of her husband, Michael, and then her brave battle with breast cancer. Simply her strength of character throughout her illness was an inspiration.

All who knew her feel her loss to be not only a tragedy for her family but for the Geelong community at large, for which she was such a stout advocate and committed worker. The reports on Ann's health were very depressing, and we had come to expect the worse for some time, yet when the news of her death reached me it really hit home. It was not so much that the charming colleague I had come to love was actually gone but that the community had been deprived of a real contributor who had so much more to offer. In that context Ann's passing is very sad indeed. In fact, as has been noted, it is a tragic waste. I join with others in extending my sincerest condolences to Ann's family and I do so on behalf of the entire Hallam clan.

Hon. G. R. CRAIGE (Central Highlands) — Ann Henderson was a great person. I wish to join with others today in recognising her significant contribution to the lives of many Victorians. I got to know Ann in 1996, when with some of our other colleagues we joined cabinet for the first time and became very good soul mates.

I admired her energy, her compassion and her sense of fun and love for life, but importantly, I admired the way she cared for other people. She was a strong advocate in the best possible way. Her representation of the Aboriginal community earned her the greatest respect from all people. On many occasions I can recall Ann firing up opposite the cabinet table on issues that she believed in from the bottom of her heart, and she fought for those issues with such energy.

I remember clearly when I first heard that Ann had cancer — I, like many other cabinet colleagues, found it very difficult to cope with — going over and hugging her but not knowing what to say. She shared some very special moments with many of us around her illness. I recall that in her latter time with us Ann somehow found out that I knew a little about and had a passion for cars. She spoke to me about getting a little sporty number and asked did I know much about sporty, lairy little cars. I said, ‘What are you talking about?’. She said, ‘Well, I think I would like to feel the breeze in my hair and get into one of these convertible numbers, you know, the ones you take the roof down on and all that’. I said, ‘Oh, Ann, I’d love to talk to you’. That enthused me and made me feel very comfortable with Ann with her illness.

Ann was able to communicate to me that there was a part of her life that she had not shown to a lot of us. She was a great carer for other people but underneath there was a real desire to be a little different — the desire to drive around in a car that really made a statement. We talked for many hours about models, about how much they cost and about colours. She eventually went through all that. A lot of people talk about these things but never do it. What I admire about Ann is that she actually did it. She went out and bought that lairy, little number and enjoyed it immensely. I admired her so much for going ahead and doing that.

I will miss Ann and the contributions she made at many of those cabinet discussions. I will miss her interaction on noise — vehicle noise and the residents of the North Melbourne housing commission flats. Mr Birrell has mentioned her energy and representation, and it was not going to be any ordinary sound barrier that was put up. It was not going to be made of concrete and have a

staid look to it. Ann was passionate about it meaning something to those people who lived in those flats.

What I admired about Ann enormously was that passion and commitment. Ann Henderson made a real difference to so many Victorians. I pass on my sincere sympathy to her family.

Hon. PHILIP DAVIS (Gippsland) — I rise to make a contribution on this condolence motion for Ann Henderson. Ann and I served together in the Parliament from 1992 until 1999, but it was the first time that I met Ann which marked our relationship.

As MPs we well know that one of the hazards that political parties put in our paths is the necessary promotional aspects of campaigning, including corflute posters and such other printed material. To produce that material one has to have the requisite photograph taken. I can recall visiting some establishment in Port Melbourne before the 1992 election to have the photographs taken. I went there at the appointed hour to take my turn to do what was necessary to do that. We were just about to get organised to take my photograph when a whirlwind came through the building, moved in, had the photograph taken, moved out and moved on. It was Ann Henderson. She demonstrated in the space of about 90 seconds, which is the total time she was in the building, that this woman was somebody who knew exactly where she had come from, where she was going and how everybody was going to fit in around that agenda.

Ann was very purposeful. She had an ability to determine what was important, to cut through all of those issues that we all find difficult to balance in terms of being a distraction. Ann was always somebody whom I felt knew what was important and made a contribution to those important issues.

When she became a minister following the 1996 election one of the hallmarks of Ann’s behaviour as a minister was the fact that she never forgot that she had been a backbencher and that we who were on the back bench sometimes have difficulty getting through to the very busy people who are ministers of the Crown. Ann was a great one for picking up the phone and talking to members directly. I had numerous experiences of Ann calling me in my electorate office to talk to me directly about an issue to do with her portfolio in relation to my province. I found it a refreshing change from the way most of us who were on the back bench felt about the relationship ministers. Ann had two essential qualities in my view: one was being clear about what she sought to achieve in her parliamentary life and the other was

realising how important it is for ministers to be very aware of local issues.

I simply want to say to Ann's children, Sarah, Jodie and Andrew, that I regarded Ann Henderson as a huge contributor to the Parliament of Victoria and as a person of incredible integrity.

Hon. I. J. COVER (Geelong) — I join today's condolence motion. As the Leader of the Opposition, the Honourable Bill Forwood, said in his introduction, he was speaking with great sadness. There is much of that in how I reflect on the fact that Ann Henderson has passed away at just 60 years of age. At the same time, in joining today's condolence motion I wish to remember Ann Henderson with the fondness and happiness that she generated in everyone around her and with whom she came into contact.

As a starting point to my contribution I suppose this is one of those occasions when people talking about someone they have known for a while use the expression, 'We go back a long way'. I recall starting my working life as a cadet journalist with the *Geelong Advertiser* in the late 1970s. Covering life in and around Geelong you soon become aware of people who are active in the local community. It did not take me long to become aware of the Henderson family and their role in life in Geelong. Ann's late husband, Michael, was a prominent lawyer in Geelong and was involved in local council, most notably as the mayor of the City of Newtown.

Ann was making a contribution to a range of local organisations, many of which we have heard about today, including the National Trust, Legacy, Do Care and the Port Fairy music festival. To extend the journalistic links for one moment, I recall when I moved on from the *Geelong Advertiser* to work at the then *Herald and Weekly Times*. I was working on a show biz publication called *TV Scene*. I was sent to interview a budding television reporter for the Channel 7 network named Sarah Henderson. I knew Sarah from Geelong and was thrilled to be able to write about someone from Geelong. My thrill, and I think Sarah's at the same time, was only matched by the delight of Sarah's mother, Ann, that the first story about Sarah in the big time in Melbourne was being written by another person from Geelong. What so often comes through in any conversation in reflecting on the life and the contribution of Ann Henderson is the Geelong factor.

Ann gave great service to the people of Geelong not only as a member of Parliament but in other roles she was involved in prior to being elected in 1992. It should

not be overlooked that Ann had also run for the seat of Geelong in 1988 but had been unsuccessful on that occasion, but her commitment and passion for Geelong was such that she buttered up again, stood and was successful in 1992.

During that period from 1992 to 1996 obviously there was much work to be done in Victoria, with perhaps even more to be done in Geelong because of many of the setbacks that had occurred there. Ann played a vital role in turning things around in Geelong, along with the other Liberal members elected in 1992.

When preparing to speak today about Tom Austin and Ann I was reflecting on the influences and effects that people you come into contact with have on your own life. In my earlier contribution about Tom Austin I reflected on how he had provided encouragement to me to stand for Parliament. I think Ann could claim the title of being the first person to encourage me to do so.

I remember quite vividly being at a wedding just outside Geelong when everyone was enjoying its delights. I was distracted from the conviviality and the festivities by indulging in a rather heavy political discussion about my future and how it should take shape in Geelong as a prospective candidate. Of course it was Ann who gave me the encouragement and advice on that occasion. She played a very encouraging role. As I serve in the Parliament now I think it will always be on my mind that one of the reasons I am here and one of the reasons why one has to continue service to the people of Geelong is because of Ann Henderson's contribution.

In the weeks leading up to the March 1996 election Ann had been receiving treatment for her illness, and she was determined to campaign. Much of that had to be done from home while she was convalescing before getting back onto the hustings. One afternoon I visited her at the family home in Newtown where she was working busily on the design, layout and content of an election pamphlet that was to be part of a mail-out.

I was to be heading later that day to Liberal Party headquarters in Melbourne. Ann asked whether I could take some of this material with me to headquarters in Melbourne, which was no problem at all. I recall that Ann was so delighted that I could do that. I said, 'I am going there; it is not a problem at all'. She was hoping she was not putting me out by having me deliver some documents to 104, which I happily did.

In his contribution Mr Craig talked about Ann and her car — the red sports convertible that made such a statement. There is another statement that was made in

a colourful and visual context by Ann during that campaign in 1996 when she emerged back onto the streets of Geelong, and into Pakington Street where her electorate office was located. She emerged bigger, brighter and better than ever. As was mentioned by her very good friend Sue Trethowan-Jones in her contribution at the funeral, Ann was decked out in her bright yellow jacket, so you could not miss her when she was back on the streets and on the hustings — and the *Geelong Advertiser* photographer did not miss her either because Ann was displayed across the front page of the paper the very next day, announcing that she was back, campaigning and ready to win the seat of Geelong as she did in 1996.

That was when I also was elected. One of the first phone calls I received on the Sunday after the election on the Saturday was from Ann, having spent an exciting previous night with her and party supporters in Geelong as the votes came in not only for her seat of Geelong but also for Geelong Province.

Ann went through the full gamut of emotions on that night as we worried about how close it was going to be and whether she was going to win. As the night unfolded Ann won — and not only did she win but in 1996 she achieved a swing to her in Geelong whilst in other parts of the state there was a swing against the Liberal Party albeit it still managed to have a net gain of one seat across the two houses.

Ann had a tremendous result in 1996. On the Sunday morning she was on the phone to tell me that next day we would be meeting at Parliament House and that she would meet me out the back at 10.45 a.m. — I think the meeting was set down for 11 o'clock — and show me around, direct me to room K and show me where to sit, as she did with the Honourable Andrea Coote. It was tremendous to be looked after in that manner by Ann Henderson on my first day at the Parliament, but it was only an extension of the way she treated her own family.

Between 1996 and 1999 she moved on from being not only the honourable member for Geelong but also to become a member of the cabinet. She worked even harder not only at continuing the vast turnaround in the fortunes of Geelong, which had been occurring between 1992 and 1996, but also in making a difference in her portfolio responsibilities of housing and Aboriginal affairs.

Because Ann had to take on more responsibility as a minister she had to step down from her position on the Deakin University council; this was in the days when we were on university councils. I recall Ann getting me

aside in room K after a party meeting one morning and saying it would be a good thing for me to take her position on the Deakin University council because she was a bit busy as a minister and it might be a good experience for me to make a contribution to that institution.

At the same time as she was stepping down and asking me to take that role, you could tell that Ann felt that she was actually letting Deakin University down by stepping down; that if she could find a way to continue on the council she would have. Again, that reflects the way in which Ann Henderson approached all her responsibilities; she always did everything asked of her and then, if possible, a little bit more.

I suppose the biggest contribution that remains in a tangible sense in Geelong is the revamped waterfront. Mr Birrell spoke about how every time you drive along the part of City Link that runs through the ribcage tunnel near the public housing units in Flemington you are reminded of Ann Henderson's contribution. Similarly, every time you drive along the waterfront in Geelong you think of the same thing. Ann was a driving force on the Steampacket Place Development Board, which was established to drive the redevelopment and the rejuvenation of Geelong's waterfront. I get an opportunity every day when I look from my office, as does the other member for Geelong Province, who has an office in the same building, to overlook the waterfront of Geelong. It is a daily reminder of Ann Henderson's contribution to our great city.

Among many other electorate responsibilities, I remember visiting with Ann a housing development in the eastern part of Geelong done under Ann's auspices as the Minister for Housing. There was the official part of the morning, which included speeches and cutting a ribbon or unveiling a plaque and some morning tea. For Ann, that certainly was a part of the job she enjoyed, but the thing that gave her the greatest pleasure that day — and I again recall this with great fondness — was visiting each of the units that had been developed as part of this public housing precinct in East Geelong and talking to the people who are now occupying each of these brand-new public housing units. As we moved around you got the feeling that Ann was with her family. She was making sure they had been settled in properly, that the house looked good and that the occupants were all very happy in these units. It was a tremendous indication of the genuine interest that Ann Henderson had in not only that portfolio but the people who came into contact with that area as tenants of public housing.

Of course 1999 was a great disappointment to all of us electorally, and no greater disappointment than that suffered by Ann in losing the seat of Geelong by just 16 votes. Another thing I will always remember as I go through life will be grand final eve every year, not because the next day is going to be the grand final in the Australian Football League, but because on grand final eve in 1999 I was in Melbourne attending some grand final functions and the like. The election had been the previous Saturday on preliminary final day. On the night of the election in 1999 — it was 18 September — what was happening in Geelong was inconclusive; in fact the election result was on a knife's edge.

As the week unfolded and postal and absentee votes were opened, Ann edged closer towards retaining the seat. By Thursday it was just 18 votes the difference between Labor and Liberal. On the Friday the last of about 200 votes were to be counted after they had been found. The way votes had been falling during the week, there was reasonable confidence that out of the 200 those 18 votes could be made up, and that Ann could retain the seat of Geelong. On the afternoon of grand final eve on that particular Friday I rang her at her ministerial office in Melbourne and asked her how it was going. She said, 'Come on down! We are all gathered in the office'. So I went down to her office at 555 Collins Street and the margin had decreased from 18 votes to 16. Just two votes had been made up out of those 200 on that particular day.

The air of despondency in the office was very difficult to describe. Among Ann's very loyal, dedicated and hardworking staff were John, Fiona and June, who had gathered there. Rob Knowles had come in from his adjoining office. I think Knowles might have already known his fate by that stage. We were all terribly disappointed about that too. While we were, as I said, despondent and gloomy and all, one person lit up the afternoon, and that was Ann Henderson. She came in saying, 'Come on! Why is everyone so down? Let's all cheer up!'. She was more concerned about the fate of her own staff and what that day had meant for them than what it was ultimately going to mean for her and her career as a member of Parliament and as a minister. I will not forget that either: the manner in which Ann handled that situation and cared for her own staff rather than her own position. Of course this is all against a background of fighting yet another battle against her cancer.

I wish to conclude by saying that after 1999 it was tremendous to keep in contact with Ann. I did see her zipping about in that red car with the roof off and which she parked in the car park here from time to time.

Necessity meant that she was in Melbourne more than she was in Geelong, but she certainly kept in contact and was often on the phone to pass on ideas about local issues in Geelong and how we should go about our business in making sure that Geelong continued to have its voice heard in the Parliament and in Spring Street, particularly now that we have found ourselves in opposition.

As has been mentioned by a number of speakers, there were many things that you learnt from having contact with Ann Henderson. Indeed, I have reflected on that in recent weeks. I pay my respects to Ann Henderson and extend sympathy to her children Sarah, Andrew and Jodie, to Jodie's husband, Rob, and to Ann's grandchildren, Angus and Marcus.

There are lessons for all of us in how we conduct our lives privately and as members of Parliament from the way Ann Henderson lived hers. That was driven further home for those of us fortunate enough to attend Ann Henderson's funeral in Geelong by listening to her children speak with great love and affection for their mother. It was also reinforced to me by the speakers on the condolence motion in the other place. If honourable members were not there and did not hear them I suggest they read them in *Hansard*. Again today the lessons have been passed on to all of us and if honourable members have not paid attention perhaps they might like to read those lessons in *Hansard* tomorrow.

As further reading I also recommend, as was mentioned by the Honourable Bill Forwood, the recent article in the *Herald Sun* by Ann's daughter Sarah which further reinforces the lessons we can all learn from the life of Ann Henderson.

The PRESIDENT — I desire to be associated with this motion. I first got to know Ann during the 1992 election. I was not up for election at that time so on my trips from Hamilton to Melbourne I would regularly call in to Ann's office to help draft press releases and generally help with the campaign in my small way.

Ann commanded respect for her personal attributes across the Parliament: for her warmth, knowledge and compassion. As a minister — and this was an issue taken up by the Honourable Philip Davis — she was unusual because her first reaction when you approached her was to say, 'How can I help you and your constituents?'. Dare I say that can be a rare quality among ministers, both then, and dare I say it, now. That attitude, in either of her portfolios, was welcomed by members of Parliament such as me who had constant issues which affected her portfolios.

I pay tribute to Ann and pass on my condolences to the members of her family.

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

Hon. Michael Alastair Clarke

Hon. M. M. GOULD (Minister for Education Services) — I move:

That this house expresses its sincere sorrow at the death on 11 August 2002 of the Honourable Michael Alastair Clarke 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 Council for the Northern Province from 1964 to 1976.

Michael Clarke was also a member of the Statute Law Revision Committee from 1964 to 1976; a member of the Library Committee from 1964 to 1976; a member of the Company Takeovers Committee from 1973 to 1976 — I am sure honourable members would appreciate some of the work in that area in this day and age. Michael Clarke's wife, Helen Lewis, died in 1982 and they had three daughters.

Michael was educated at Melbourne Grammar School and at Oxford. He was a Melbourne barrister and was in the armed forces. He was involved in the Battle of Britain, North Africa, Greece and Crete. He was a lieutenant and a prisoner of war between 1941 and 1945.

He farmed in the Clarkefield area from 1946 and moved to — I am going to pronounce this wrongly and I call on Mr Baxter to advise me —

Hon. W. R. Baxter — Burnewang North.

Hon. M. M. GOULD — It was Burnewang North near Rochester in 1959. He was president of the Rochester Agricultural and Pastoral Association and a member of the Pony Club Association of Victoria. He was a member of the Latrobe University council from 1964 to 1970. After Parliament I believe he returned to practising the law and being a farmer.

Mr Clarke comes from a long line of Clarkes who were members of this chamber. He was a nephew of Sir Frank Clarke and of Sir Rupert Clarke who was a member of the Legislative Council going back to the 1890s. He was grandson of Sir William Clarke who was a member in the 1870s. He was a great grandson — and I could go on. Michael Clarke came from the legendary big Clarke gang —

Hon. Bill Forwood — I'm not sure they were a gang!

Hon. M. M. GOULD — Well, the big Clarkes. There were numerous members of the Clarke family in this chamber. He wrote books about the Clarke family, including *My War* and *Clarke of Rupertswood*.

On behalf of the government I extend condolences to the family of the honourable Michael Alastair Clarke.

Hon. BILL FORWOOD (Templestowe) — I rise to join in the motion of condolence for the death on 11 August of the Honourable Michael Alastair Clarke and to place on record the Parliament's acknowledgment of the services rendered by him to the people of Victoria.

As the Leader of the Government said, Mr Clarke came from the big Clarke line — I think that is probably the word we are looking for. They were legendary squatters in Victoria and they had a huge amount of property around the Sunbury–Clarkefield–Rupertswood area.

I was taken by a sentence in his maiden speech in which he said:

I have pride in informing the house that members of my family have now served in the Legislative Council for a period of 110 years. My great-grandfather, my grandfather, my father and two uncles collectively served 110 years in the Legislative Council and the age of the house is 108 years from the date of responsible government. So my family is just ahead of the house.

Michael Clarke came from a family that had a long history, not just in Victoria but certainly in this place. As the Leader of the Government pointed out, it appears as though the seat of Southern Province was a sort of family dynasty because 'Big' Clarke held it from 1856 to 1861 and William Clarke held it from 1878 to 1897. They then switched over to the Northern Province, which must have been the province next door?

Hon. W. R. Baxter — No, a totally different region.

Hon. BILL FORWOOD — Not quite — different region, same family. Thank you, Mr Baxter.

Michael Clarke came from a very distinguished family which had made a significant contribution to Victoria as he also did. As the Leader of the Government said, he was born in Sunbury, I presume in the Clarke family mansion. He was educated first at Melbourne Grammar School, then at Harrow in England, before going to Oxford, where he received a Master of Arts degree. He then went to the Inner Temple in London, where he served as a barrister.

He fought and distinguished himself in World War II and later wrote a book called *My War*. As the Leader of the Government said, he served with the 2/3rd Field Regiment, was involved in the Battle of Britain, served in North Africa, Greece and Crete, and spent four years as a prisoner of war in Germany.

When he returned to Australia he married Helen Lewis, the daughter of Essington Lewis, who was the managing director and chairman of BHP for over 30 years and who also played a significant part in the war as director-general of munitions under the Menzies government. Michael and Helen had three daughters.

He was active in his community, particularly after he moved to Rochester. I am not sure what the pony club does in Rochester — it probably still exists — but he was a member of that club. He also served on the La Trobe University Council.

As an author he wrote *Big Clarke* and later *Clarke of Rupertswood*. He led an active life and contributed enormously to farming in the areas he lived in. He served for 12 years in Parliament as a member of the Country Party, not the National Party; but I presume he would have been a National if he were here today. He said in his first contribution:

I am particularly happy to be here as a member of the Country Party, because, as a member of an independent party, I feel free to offer criticism to both the Liberal Party and the Labor Party.

Hon. R. A. Best — Nothing has changed!

Hon. BILL FORWOOD — Thank you, Mr Best, nothing has changed.

My understanding of Michael Clarke was that he did do more than criticise. He was a significant contributor to the Country Party, to Parliament and to Victoria.

Hon. W. R. BAXTER (North Eastern) — I had the privilege of serving in Parliament with the Honourable Michael Clarke, and it is probably appropriate that I speak on this condolence motion on behalf of the National Party.

As has already been outlined by the two leaders, Michael Clarke was somewhat unique in that he was the sixth member of his family over four generations to serve in Parliament. As we have heard, his father, grandfather and great-grandfather were all members, and his uncle, Sir Frank Clarke, was our longest serving president, serving from 1923 to 1943. One could say it is a famous name in the annals of the Legislative Council of Victoria, and it is significant that for so long

a member of the Clarke family was a member of this chamber.

In some respects Michael Clarke was an aristocratic man, and I suppose you could say he came from one of the few families in Australia that might in some way resemble the aristocracy. Australia's only baronetcy was established by Queen Victoria when she conferred on Michael Clarke's grandfather, Sir William Clarke, the baronetcy that is now held by the third baronet, Sir Rupert Clarke.

One could say Michael Clarke's early life was one of wealth and privilege, but he would himself acknowledge that he was of the generation where things changed. He once remarked, I think, that at least the men of his generation had to work for a living. Michael Clarke certainly set out to carve a career for himself. He did not see that life as a gentleman, as perhaps his father had lived, was appropriate for him, and he set out to gain qualifications. He was sent to Harrow, and he later went to Oxford and trained as a barrister and solicitor. He probably would have entered law in Melbourne but the war intervened, and he joined the armed forces and had a distinguished career in the army. He might have gone on to greater heights if he had not been captured on Crete in 1942, along with thousands of other Australians, and spent the rest of the war in a variety of difficult prisoner of war establishments, first in the old Turkish Prison at Salonika and then in Germany.

However, Michael came back to Australia after the war, re-established himself in legal work and took up farming on the family properties at Clarkefield and Rupertswood. He then married Essington Lewis's daughter Helen, as we have heard from the Leader of the Opposition.

At some stage he decided that farming in that area did not have a great future given the growth of Melbourne and the difficulties of farming. He was perhaps one of the early people who saw the problems we were going to have with right to farm and urban expansion. He and Helen moved to Rochester and purchased the famous property Burnewang North. Coincidentally it has recently changed hands again. It is one of the premium properties of northern Victoria and it was husbanded very well indeed by Michael and Helen. They both entered into local community life in Rochester through the agricultural and pastoral society and the pony clubs. It was not just local pony clubs. I think Michael became president of the state pony club association at a time when pony clubs were very popular, particularly with girls, and there were thousands of members throughout the state. It was an acknowledgment of his contribution

to the pony club association that Frances Corry, a long-serving secretary of the association, attended Michael's funeral at St John's in Toorak last August.

Of course, Michael became involved in politics in Rochester and became president of the Rochester branch of the Country Party and president of the Rodney district council. I attended his preselection in 1964 when he beat off a significant field of contenders. I think one would have to say that Michael was not your usual Country Party candidate. He was succeeding the Honourable Dudley Walters from Kerang who had held the seat with distinction for a long while. That was my first preselection — I have been to a lot since — and it was a very interesting exercise. Another solicitor contested that preselection and subsequently became a Country Party senator, the late Tom Tehan from Kyabram.

Michael won preselection for Northern Province and entered the Parliament. He served in the Parliament with distinction until 1976 when he had happen to him what unfortunately does happen to some of us on occasions — and happened to Mr President, as he alluded to earlier today — his seat was abolished after a redistribution. I always think that for any member of this place to have one's seat abolished in a redistribution is indeed fairly trying to say the least. However, Michael took it in his stride. Northern Province went out of existence and most of the province was placed in Bendigo Province which then ran right up to take in Rochester, Echuca, up to Kerang and so on. The eastern part of Northern Province went into the then North Eastern Province. Bendigo was pretty tough country for the Country Party.

Hon. R. A. Best — Still is.

Hon. W. R. BAXTER — Yes, but we have made inroads, Mr Best, much credit to you. Michael took up the challenge and went very close to winning the new province of Bendigo in the 1976 election. Unfortunately he just missed out so he went back to the farm. Perhaps before I go on to that I should just say something about Michael's work here in the Parliament.

Michael brought to the Country Party and National Party room a quiet wisdom and an intellectual rigour which I think we valued and perhaps needed. Not many of us in the party room had university degrees but we had two members who had been to Oxford — the Honourable Thomas Walter Mitchell and the Honourable Michael Clarke. In quite different ways they each brought a lot to our party room.

We certainly valued Michael's advice and wisdom. He did a tremendous amount of good work on committees. He was one of those members who saw committee work as being very important. He did the leg work, the research work and he put the thought into the committee's recommendations; I would think that anybody who served on a committee with Michael Clarke would acknowledge that the reports bore his hallmark.

Michael was especially interested in libraries. Many current members would have noticed an older gentleman beavering away in the north library on non-sitting days over the past five or six years — that was Michael Clarke. I often ran into Michael here; he came back to this library and used it a lot. He was very keen to ensure that we got libraries in country Victoria. It is interesting to note a comment from the late Dr Barrett Reid, who headed the public libraries division of the State Library of Victoria. He said:

Michael Clarke, more than any other politician in those early years, supported my work in setting up public libraries around the state. It is fair to say that I could not have succeeded without him.

I think that is a pretty fair tribute to Michael Clarke and his interest in establishing libraries and ensuring that they were properly funded.

As I said, after Michael's seat was abolished he contested Bendigo but was not successful. He went back to Rochester and he did what a few members do when they leave this place but something which I sometimes have some difficulty understanding — he joined local government. He went on to be president of the Shire of Huntly. Even more extraordinary than that, because the farm was bisected by the municipal boundary, the northern half of Burnewang North was in the Shire of Rochester; so his wife, Helen, was a councillor of the Shire of Rochester. At one extraordinary stage they were respectively shire presidents of Huntly and Rochester. Undoubtedly local government was the topic of discussion around the kitchen table at Burnewang North quite often, I would have thought!

However, I think it is an indication of the mark of the man that he had a commitment to community service. Having served 12 years in this place he could have easily ridden off into the sunset and said he had made his contribution to public life but he chose to do otherwise and served on the Shire of Huntly and numerous other bodies.

After Helen's untimely early death in 1982 Michael moved to Melbourne. He resided in Toorak and took up

the research work to which I have alluded. He bought a home in rural France and he spent a part of each year there. He had a tremendous command of languages. I understand he spoke three or four languages, certainly French, Italian, Spanish and German. He went to France each year and enjoyed that part of his life. Many colleagues and former colleagues had the privilege of staying with him in France when they were overseas.

As has already been said, he wrote a number of books including one on 'Big' Clarke — William John Turner Clarke. He wrote a book about his war experiences which is a most interesting read and generally he had a quiet but enjoyable retirement after he moved to Melbourne.

I was pleased to be able to attend his funeral at St John's in Toorak along with our former colleague and his former Northern Province colleague, the Honourable Stuart McDonald who is now the chairman of the Rural Finance Corporation. It was also pleasing to see some other former colleagues including Bill Stephens from Ballarat and Aurel Smith from the Mornington Peninsula and a church full of people who paid tribute to Michael. A very good eulogy was delivered by the former federal member for Murray Bruce Lloyd.

I think it is worth recording that while Michael had a privileged upbringing early in his life you would never have known it. He saw his commitment to public life, and he honoured and did that extraordinarily well. I extend the condolences of the National Party to his three daughters, Andrea, Louise and Rosemary, and to their husbands and children. They can be very proud of their father's contribution to the state of Victoria.

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

ADJOURNMENT

Hon. M. M. GOULD (Minister for Education Services) — I move:

That, as a further mark of respect to the memory of the late Honourable Thomas Leslie Austin, the late Honourable Ann Mary Henderson and the late Honourable Michael Alastair Clarke, the house do now adjourn until 8.00 p.m. this day.

Motion agreed to.

House adjourned 5.00 p.m.

The PRESIDENT took the chair at 8.02 p.m.

ROYAL ASSENT

Message read advising royal assent to:

18 June

Appropriation (2002/2003) Act

Appropriation (Parliament 2002/2003) Act

Criminal Justice Legislation (Miscellaneous Amendments) Act

Domestic Building Contracts (Conciliation and Dispute Resolution) Act

Environment Protection (Resource Efficiency) Act

Gaming Legislation (Amendment) Act

Liquor Control Reform (Packaged Liquor Licences) Act

National Parks (Marine National Parks and Marine Sanctuaries) Act

17 September

Guardianship and Administration (Amendment) Act

JURIES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Introduction and first reading

Received from Assembly.

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

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

AGRICULTURAL INDUSTRY DEVELOPMENT (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).

UTILITY METERS (METROLOGICAL CONTROLS) BILL

Introduction and first reading

Received from Assembly.

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

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Education Services) — By leave, I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

Snowy River: water releases

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy and Resources. Recently the Victorian government released 38 000 megalitres of water for environmental flows for the Snowy River. Eastern Australia, including Victoria, is facing one of the severest droughts on record, which is estimated to cost farmers, country towns and the economy billions of dollars. Will the minister advise

where the water savings have been achieved which allow the release of this water in the middle of a drought?

Hon. C. C. BROAD (Minister for Energy and Resources) — I take this opportunity to congratulate the honourable member on his return to the front bench following a very productive period on the back bench.

When the government negotiated the arrangements for the return of environmental flows to the Snowy River it made it very clear at the outset that irrigators' entitlements would not be affected, and it has stuck absolutely to the letter of that agreement.

In relation to the actions of the government on the matter of drought and drought assistance, this government has done more than the Kennett government ever did for farmers, and if the Kennett government were in office today the assistance that has been provided by the Bracks government to farmers would not be on offer under the rules — —

Honourable members interjecting.

The PRESIDENT — Order! It is in the interests of no-one if honourable members carry on like that. We are entitled to hear the question and we are entitled to hear the answer without assistance from either side of the house.

Hon. C. C. BROAD — The fact is that, as I have indicated, the water that has been borrowed will be repaid under the agreements that are in place, which were negotiated as part of corporatisation of the Snowy hydro scheme. This does not impact on irrigation entitlements to any extent, and that is an undertaking which the government is very committed to delivering on. The government has delivered on it and it will continue to deliver on it into the future.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Clearly the minister has acknowledged that the water that is now committed to the 38 000 megalitre environmental flow for the Snowy River has been borrowed against savings which have not yet been realised. If water savings from efficiencies have not been achieved, then the release of water down the Snowy for environmental flows can only be sourced from borrowing into the future. Is it not the case that accruing this water debt will create a major problem for Victoria's farmers as a consequence of this most severe of droughts on record?

Hon. C. C. BROAD (Minister for Energy and Resources) — In short, the answer is emphatically no.

These provisions, as the honourable member knows full well, were included in the agreements that were negotiated with the full knowledge of the irrigators at the time, and these borrowings do not affect irrigators' entitlements 1 millimetre — and he knows it. This is a complete beat-up by the honourable member, and he knows it.

ICT: industry performance

Hon. JENNY MIKAKOS (Jika Jika) — As we are all aware, there has been a global downturn in the information and communications technology (ICT) industry for a number of years now. I ask the Minister for Information and Communication Technology to inform the house of how the Victorian ICT industry has performed during the term of the Bracks government.

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question.

Honourable members interjecting.

The PRESIDENT — Order! This is no good to anyone.

Hon. Kaye Darveniza — They've spent too long in the bar!

The PRESIDENT — Order! I suggest that the honourable member not go along that line. The Honourable Jenny Mikakos has asked a question, which we heard, and we want to hear the minister's answer.

Hon. M. R. THOMSON — I welcome the opportunity to place the facts on the record in relation to the ICT sector in Victoria, and also to correct the record in relation to the misleading information being peddled by the opposition.

Since coming into office the Bracks government has facilitated more than \$663 million worth of investment into the ICT sector in Victoria, which has realised more than 5000 new jobs. Victoria has fared better than any other state in Australia during the current global ICT downturn.

Whitehorse Consultancy statistics for the first six months of this year indicated that Victoria's ICT turnover has grown by \$600 million, from \$19 billion to \$19.6 billion, while the nation's ICT turnover has decreased by \$1.6 billion.

Victoria has also had the highest employment growth in the ICT industry, registering an increase of 800 jobs,

which now means a total of 63 000 Victorians employed in the ICT sector, 31.3 per cent of the Australian total. Victoria was one of only two states to record employment growth in the sector. That is a good result for Victoria given what is happening internationally.

Unfortunately, global forces are beyond our control, and last week's closure of Ericsson's research and development (R & D) facilities is a demonstration of that. When a multinational corporation sheds 23 000 jobs worldwide it is hard for anyone to be immune. The Melbourne R & D facilities had escaped being part of these worldwide closures for 18 months. However, Ericsson's poor financial performance in the second quarter of this year precipitated the need for further cuts.

Ericsson's global general manager for network development, Anders Wanman, said:

This in no way reflects on the competence and performance of our R & D group in Australia, but underlines the tough decisions that are being taken in the current environment.

Ericsson was explicit about why this occurred: because of the global situation and the need to trim jobs around the world which has seen closures in other countries in Europe and around the globe. The Liberals tried to lay blame on the government and went about talking down the sector. This shows that the Liberals are either ignorant of how global markets operate or, even worse, they are just dishonest.

In the past three years we have not seen one new policy initiative from the Liberals relating to ICT — not one. What we have seen is continual talking down of the sector. The Bracks government is not talking down the Victorian ICT industry, it is taking action to grow it.

We have delivered on strategies to attract investment, we have delivered on strategies to grow and promote emerging clusters of excellence, such as the computer games and microelectronics industry — —

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

Commonwealth Games: building projects

Hon. D. McL. DAVIS (East Yarra) — I refer the Minister for Commonwealth Games to the Surveyor-General's report for 2001–02 which draws community attention to the fact that:

The level of maintenance of the survey control network ... is considered to be unsatisfactory.

and:

That 30 per cent of permanent markers in the survey control network are no longer available because of attrition or damage.

What will be the impact on Commonwealth Games buildings and projects such as the MCG redevelopment and the Commonwealth Games village of the reported decline in the survey control network and surveying standards?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am intrigued by that question because I know that had the opposition been in government during this time it would not have been able to deliver the projects we are building. It would never have been able to bring together the partnerships required to build the Melbourne Cricket Ground. It would never have been able to bring together the projects we will deliver for the Commonwealth Games on time and on budget.

No matter what the Surveyor-General says, these projects will be built on time and on budget. We will have one of the most magnificent Commonwealth Games ever seen — a games that we can all be proud of. The games will build on the back of Manchester and will be games that the Liberal and National parties could never have delivered had they been in government.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — It is clear to me that the minister has no idea how to conduct a major project, how to get a major project going or how to deal with the details of major projects which require proper forward planning. I want to make it clear that the minister has shown why the Bracks government is so ineffective in putting major projects together. I quote one further passage from the Surveyor-General:

The Valuer-General has advised that during the year, in the undertaking of the rural assistance program, which involved some 14 rural councils, approximately 20 000 land parcels were identified as missing or incorrectly described in the Vicmap property database.

In that context what actions will the minister take to ensure that proper surveying practices will not hold up any Commonwealth Games projects?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am not sure where the question mark was, but I think I got the gist of where the question was going. As I said, we will make sure that all those projects are delivered on time and on budget. They will be projects we will all be proud of.

They will be projects that will be delivered because we will have the expertise required. We will have the surveys done and we will have all the preparation done, and those projects will be delivered on time and on budget.

Mr Davis can ask as many obscure questions as he likes in relation to the Commonwealth Games, but at the end of the day these games will be games we will be proud of and which the opposition could never have delivered because it could never have delivered the partnerships we have delivered, in particular with the Melbourne Cricket Ground. We look forward to seeing in this state the most magnificent Commonwealth Games ever.

Teachers: recruitment

Hon. E. C. CARBINES (Geelong) — I refer my question to the Minister for Education Services. The minister has previously advised the house that the Bracks government is turning the state around in education. Accordingly, will the minister advise how the Bracks government is working to attract people to teach in Victorian government schools?

Hon. M. M. GOULD (Minister for Education Services) — I thank the honourable member for her question. I am delighted to advise the house of the success of the recent major recruitment campaign that was launched by the government on 13 September. It is a five-week multimedia campaign called Help Shape the Future — Teach. It has already resulted in over 1 100 phone calls from interested non-teachers and former teachers. We have also had a number of phone calls from interstate.

I am sure that everyone in this house has had the opportunity to see those ads on television that promote the teaching profession and have seen the advertising in print.

We know that the previous government sacked 9000 teachers and that it spent \$300 million in redundancy and sacking payments. It dragged down the teaching profession in this community. It did not care about the teaching profession and it does not care now that it is in opposition.

This government has invested more than \$2.75 billion in education. We have already employed more than 3000 teachers and extra staff in our government schools. However, we know that we are facing shortages in this state with respect to the teaching profession, and we are acting now to recruit teachers back into the profession. We are acting now to make sure that the VCE students who will finish school this

year will take up the teaching profession in their further studies. We want to attract teachers who are the brightest and the best back into our teaching system. We want to ensure that young graduates who finish their teaching studies go into the teaching profession.

We know that without this action it will be too late to repair the damage of the Liberal government. Our recruitment campaign targets motivated and innovative teachers. We want the best teachers in our schools because the Bracks government values teachers and values teaching. Public education is critical to providing all Victorian schoolchildren with the best opportunities, irrespective of where they live, unlike the previous government, which destroyed the morale of teachers.

Hon. Andrew Brideson interjected.

Hon. M. M. GOULD — Mr Brideson knows that the Bracks government listens and then acts. The Bracks government is turning education around. We want teachers committed to shaping the future of Victoria, and we are recruiting those teachers and undoing the damage of the previous government.

Fishing: bay and inlet licences

Hon. P. R. HALL (Gippsland) — Could the Minister for Energy and Resources advise the house if she has released a report on the government's review of the 1999 bay and inlet commercial fishing licence voluntary buy-out and, if so, where one might obtain a copy of that report?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am very happy to take this question on notice and establish the availability of that report. I am certainly aware that a review of the buy-out, which was commenced by the previous government, was undertaken. This happened some time ago. Obviously I do not have a copy of the report to hand, but I am happy to follow that up for the honourable member.

Supplementary question

Hon. P. R. HALL (Gippsland) — I find that an extraordinary answer — that the minister is unaware of the outcome of that review, given the fact that it was only last Friday that this government made a decision to withdraw commercial fishing licences in Mallacoota and Lake Tyers. If she does not know the outcome of the report, on what basis did she make the decision to withdraw those commercial licences?

Hon. C. C. BROAD (Minister for Energy and Resources) — The honourable member is somewhat confused between a review of a voluntary buy-out

conducted by the previous government and completed by the current government and a decision which I announced, and which I am very pleased to be able to refer to in the house tonight, through which this government will compulsorily buy out the small number of remaining commercial netting licences, preferably by negotiation after a consultative period.

The government has indicated that an independent negotiator will be appointed to obtain a fair compensation outcome for that small number of remaining licence-holders. This is in the interests of recreational fishing. It is a decision I am very proud of.

Sport and recreation: funding

Hon. G. D. ROMANES (Melbourne) — Given the previous government's inability to provide sporting opportunities for all Victorians, will the Minister for Sport and Recreation advise the house what progress the Bracks government has made in this area?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — During September I had the great pleasure of officially opening the Swan Hill leisure centre. It is a fantastic venue, and let me tell the house why. Honourable members should be interested in this if they are interested in rural communities because this project involved an innovative partnership between the Swan Hill Rural City Council, McKillop College, the Swan Hill Secondary College, Sport and Recreation Victoria and the Department of Education and Training. The outcome of this partnership was a \$4.2 million leisure centre, which includes a 25-metre, six-lane, indoor, heated pool with disability entry ramp; a toddlers pool; a sports hall; gymnasium and creche; change rooms; cafe; and office accommodation for the management and staff.

This project was assisted because it was able to achieve a \$1.78 million grant through the funding program of Sport and Recreation Victoria on top of a \$600 000 grant from the Department of Education and Training. What is most significant about this is that the Swan Hill community now has a year-round indoor aquatic centre that is adjacent to both the state secondary college and McKillop College. It is a facility the whole community of all ages and abilities can use virtually all hours.

It is not the only facility built by the government in regional Victoria. It is one of quite a number built because we changed the funding ratios. The government appreciates the need for rural communities to build this sort of infrastructure. It is vital to enable

Victorians in regional and urban communities to maintain healthy lifestyles.

I have also assisted in opening new indoor aquatic facilities in Warrnambool, Wangaratta and Seymour. I emphasise that they are not necessarily our constituent base. The government is growing the whole of the state. We are building facilities in some of the opposition's electorates. Why? Because we are committed to growing the whole of the state and we care for rural and regional Victoria — not like the previous government, which ignored rural and regional Victoria. It ignored them and would not put money into these facilities. Those country towns were run down because the investment was not made by the previous government.

This government has made that investment and will continue to make it. We all know the previous government was city centric, and nothing much has changed. Look at its new leader, Mr Doyle. He was part of that neglect, but he has been running around wanting to contribute money to every marginal seat in Victoria. Why? Because he realises that the previous government did not spend a cracker on regional Victoria. Not one cent. The big zero. That is all it spent. That is all the previous government did.

There is a truism: if you stand for nothing, you fall for anything. That is what the opposition has done and will continue to do. Maybe eventually we will be able to decide which parts of the \$3 billion the Leader of the Opposition has committed across all these marginal seats are true and which parts he will really spend on, because none of them has any credence.

The PRESIDENT — Time!

Elwood College

Hon. P. A. KATSAMBANIS (Monash) — My question is directed to the Minister for Education Services. On 16 September the minister issued a press release attempting to defend her government's record on school maintenance funding. She said that maintenance had been proceeding and that immediate issues were being addressed. She used as a shining example of the government's efforts Elwood College, where she said the maintenance issues had been addressed. However, nine days later, on 25 September, the *Emerald Hill Times* quoted the principal of Elwood College as saying:

The school still needed more than \$100 000 for 'high priority' maintenance works including guttering and restumping.

'We all know what happens when guttering isn't fixed. It just causes more problems' ...

Given those extraordinary comments from the principal, will the minister now admit that her press release was false and misleading and commit to immediately funding the extremely urgent maintenance works at Elwood College?

Hon. M. M. GOULD (Minister for Education Services) — The maintenance figures the honourable member is referring to have been taken from press releases by the honourable member for Warrandyte, the shadow minister for education in the other house, and he has failed to analyse them correctly.

Those figures were released by the government to the opposition under freedom of information, and it seems that the opposition has been misled by the Deputy Leader of the Opposition in the other place. The figures that were referred to were compiled over two years ago. Since that audit was undertaken many of the maintenance projects that were identified in it have been funded and others are currently being addressed.

Let me give the house just one example — the one that the honourable member referred to. The school that the honourable member for Warrandyte chose for the purpose of holding his press release over the back fence in an attempt at 'exposing' these figures was Elwood College. He claimed that at Elwood College over \$1 million of maintenance was required. Sadly he failed to check the facts and seemed to be unaware that since those figures were calculated, \$2.8 million of capital works have been undertaken at Elwood College. He has got it wrong again — \$2.8 million!

I can only draw to the opposition's attention that this is a perfect example of how the Bracks government is not about providing bandaids, which is what the opposition did. Instead we want to provide schools across Victoria with state-of-the-art facilities for our young people's education. Elwood College is just one example of where this has already occurred. This government has made an unprecedented investment in our schools in upgrades and modernisation projects. This means that fewer schools now require money to be spent on maintenance. Unlike the previous government, which closed over 300 schools and under which those schools left behind were left to rot, this government is turning things around.

We have spent over \$822 million on maintaining buildings and upgrading schools and TAFEs. The only blow-out the opposition has been running up is the credibility of the opposition — its credibility has been blown out on this! Unlike the previous government, the Bracks government is building better schools and undertaking major improvements in existing schools.

Supplementary question

Hon. P. A. KATSAMBANIS (Monash) — My question was very specific. I was not relying on freedom of information figures. I was not relying on opposition or government figures. I was relying on a direct quote from the principal of Elwood College in the *Emerald Hill Times* of 25 September, where the principal himself said that the school still needed more than \$100 000 in high priority maintenance works, including guttering and restumping.

The minister totally failed to address that issue in her answer to my question. I would like her to come back to this issue. I am happy to table this document given that it is a direct quote from the principal. The school needs urgent guttering and restumping works. Will the Minister for Education Services address these urgent guttering and restumping works at Elwood College or will she allow students at the college to continue to be educated in substandard conditions?

Hon. M. M. GOULD (Minister for Education Services) — As I have indicated, this government has spent more than \$500 million — that is half a billion dollars — in comparison with what the opposition spent on maintenance when in government. The government has spent \$2.8 million at Elwood College. The government has invested in our schools. When it was in government the opposition left schools to rot and applied band-aids. The government is building new schools, undertaking major upgrades and making major investments in our schools. The credibility of the opposition has been blown out because opposition members are using figures that are two years old. This government has invested more in education than the opposition ever did.

Port of Melbourne: channel deepening

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Ports outline to the house which policies the government is implementing to promote the port of Melbourne and which policies the government has considered?

The PRESIDENT — Order! I am not quite sure I understood that. Could you repeat the last part of the question? It did not seem to make sense.

Hon. KAYE DARVENIZA — Will the Minister for Ports outline to the house which policies the Bracks government is implementing to promote the port of Melbourne and which policies the government has considered?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for her question. I am pleased to be able to advise the house that this year the port of Melbourne recorded a 5.8 per cent increase in total trade volume compared to the previous financial year. This again demonstrates the strength of the performance of the port of Melbourne under this government, especially when you take into account the slowdown in global economic activity.

The Bracks government is fully aware of the huge role that the port of Melbourne plays in the economic life of Victoria and indeed the life of the nation. It handles some 37 per cent of Australia's container imports and exports and contributed some \$5.8 billion to the Victorian economy this year. Over the period to June this year the volume of loaded containers — —

Honourable members interjecting.

The PRESIDENT — Order! The minister has been asked a question and the house is entitled to be able to hear the answer. I ask Mr Hallam to have a chat to the minister later on but not here.

Hon. C. C. BROAD — As I was saying, this was a 5.6 per cent increase in loaded containers. As international trading conditions and the economic outlook begin to improve I believe we can look forward to even higher growth rates in the port of Melbourne.

The Bracks government is committed to setting up structures to maintain the position of the port of Melbourne as a leader in Australia. We have considered a range of policies designed to build on and strengthen the port's position as a leader. One of those policies is the decision made by this government to deepen the channels in Port Phillip Heads, subject to stringent economic, environmental and technical investigations.

The government considered a range of policies in adopting this position, including doing nothing and including the port of Hastings, and chose to discard those options as being uneconomical and, in the case of the do-nothing option, totally irresponsible and a threat to the future of the port of Melbourne.

However, this seems to be the position of those opposite, who do not seem to be able to get their act together on this question of channel deepening. In the case of the shadow Minister for Transport, he seems to have resorted to throwing around misleading comments in a desperate bid for a vote — any vote he can attract — notwithstanding the damage and the threat the position he is advocating poses to the Victorian economy.

We have the bizarre situation where the honourable member for Mordialloc is attacking the government's decision while the shadow Minister for Ports says absolutely nothing on this subject, a subject which is vital for the future of the port of Melbourne and the Victorian economy. Victorians have the right to ask: what does the Liberal opposition stand for?

Honourable members interjecting.

Hon. C. C. BROAD — 'What does it stand for?' is the question. The government will continue to do the responsible thing, even when the opposition cannot.

Youth: *Stuff*

Hon. A. P. OLEXANDER (Silvan) — I refer the Minister for Youth Affairs to the recently distributed consumer affairs youth publication entitled *Stuff*.

Honourable members interjecting.

Hon. A. P. OLEXANDER — Listen to the question; I hope we don't get last year's answer. Does the Minister for Youth Affairs endorse the advice given to young Victorians on ecstasy use which is contained in this publication?

Hon. M. M. GOULD (Minister for Youth Affairs) — The Bracks government has made its position with respect to the publication called *Stuff* very clear. We will not bury our heads in the sand, as opposition members do. Our young people need to know about the risks of illegal drugs.

My daughter brought this publication home to me last night, and if you bother to read the publication — and coincidentally I happen to have a copy of the publication *Get a Life*, which I strongly suggest the honourable member ought to read — you can; look at what the opposition, when in government, put in *Get a Life* about ecstasy! A picture! That is what the opposition did when it was in government. That is what the previous government did.

This government has responsibly given advice to young people about the dangers of taking drugs.

An honourable member interjected.

Hon. M. M. GOULD — January 1999.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I have a supplementary question for the Minister for Youth Affairs. The minister has given a somewhat shrill response to my very simple question — I am not sure

what she is waving around there, but I want a verbal response. Has the minister been advised that it is the Bracks government's policy that the use of ecstasy is safe for young Victorians as long as they take it with plenty of water?

Hon. M. M. GOULD (Minister for Youth Affairs) — As I have indicated, the Bracks government has made its position perfectly clear. With respect to this document, we are not going to bury our heads in the sand, as opposition members have done. We have taken advice, which is almost a carbon copy of that of the 1999 publication *Get a Life*, and have ensured that proper advice is given to young people to indicate that taking drugs is harmful to their health.

Showcasing Women in Small Business strategy

Hon. D. G. HADDEN (Ballarat) — I refer my question to the Minister for Small Business. Earlier this year the minister announced the launch of the Bracks government's Showcasing Women in Small Business strategy. As this was the first time a Victorian government had produced a small business strategy specifically focused on the needs of women in small business, can the minister inform the house of the progress of this groundbreaking program?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. The Showcasing Women in Small Business strategy is the first of its kind in Victoria. There was nothing like it under the previous Liberal government, which did little for small business and nothing for women in small business.

Since its launch on 6 March to coincide with International Women's Day, the government has sent out more than 2000 information kits and conducted business seminars for women. Showcasing Women in Small Business is a direct result of discussions I had with women in small business through listening to small business sessions. It is a perfect example of how the Bracks government listens to small business and takes action. It has delivered for small business.

Showcasing Women in Small Business has been so successful that the document is now in its second print run and more than 2000 manuals and associated information kits have been distributed throughout Victoria. Recently while I was in the City of Monash I was informed that the Show Me the Money financial seminar run for women had been so popular that a second seminar had to be organised.

The feedback from women who have participated in the program has been terrific. For example, a woman who attended the Bendigo seminar commented that:

I gained a better understanding of the financial aspects of business, of how business works. It gave me more confidence.

The success of the program has also been recognised outside Victoria. Business agencies from the South Australian and Western Australian governments have contacted the department seeking information on Showcasing Women in Small Business. They are particularly interested in the manual *Show Me the Money* and having access to it.

The reason the Bracks government is delivering this program is because it made the effort to listen to small business and to assist women in small business, unlike the previous government whose only effort for women in small business was to provide a directory that was out of date by the time it was printed. Where this government listens and then acts the previous Liberal government could not act because it did not listen.

MOTIONS TO TAKE NOTE OF ANSWERS

Fishing: bay and inlet licences

Hon. P. R. HALL (Gippsland) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable P. R. Hall relating to the buy-out of commercial fishing licences.

Last Friday the government made the decision to withdraw 7 commercial fishing licences — 3 in Lake Tyers and 4 in Mallacoota. This came as a total surprise to the individual licence-holders and to the industry as a whole. There was absolutely no consultation whatsoever with the individual licence-holders or the industry. The government unilaterally decreed that it would remove those commercial fishing licences from both of the bays and inlets. So much for this government's transparency. So much for its honesty, accountability and its pledges to consult with people on decisions of this nature. There was none. Regardless of whether one thinks this was a good or a bad decision, the government stands condemned for not consulting anybody whatsoever before making this decision.

An honourable member interjected.

Hon. P. R. HALL — As my colleague says, it is not only a gross discourtesy because it goes far further than that. It is a show of arrogance and political opportunism by this government in making that decision.

My question today was a fairly simple one. I asked for a justification for that decision. I asked the minister why that decision was made and on what basis. If the minister had come back and answered that it had to withdraw the licences for important resource management reasons, she may have had some credibility. Instead she said today that she could recall that the government undertook a review of the voluntary buy-out of bay and inlet licences, but she could not recall the outcome of that review. She had no recollection of the outcome of that review! Therefore on what basis can she make the decision to withdraw a further seven commercial fishing licences without any justification whatsoever? The only conclusion one can draw is that it is because of political opportunism. The government thought it would get a few votes by withdrawing commercial fishing licences. Bad luck for the individuals concerned in this particular case. There has been absolutely no regard whatsoever for them.

I turn to the Fisheries Co-Management Council report of 1999–2000 to get some indication of what occurred during the previous government's voluntary buy-out of those licences. I emphasise the word voluntary because that was a path the previous government took. This government undertakes a path of compulsory acquisition of those licences. Both of those policies stand in contrast to each other.

Under the previous government's voluntary system, 108 of the 208 bay and inlet licences were surrendered voluntarily as part of that buy-out — an extremely good result. More than 50 per cent of those commercial licences were voluntarily handed back in. Sixty one were full-time active licences, 20 were part-time licences and 27 were rather latent licences which were not taking a great deal of catch anyway. However, they would have had a significant effect on the resource availability in the bays and inlets concerned.

If the government claims — as the minister half-claimed in her answer — that this will be good for recreational fishing, the National Party does not disagree with the putting aside of recreational fishing zones in the state of Victoria. After all, we have many recreational fishing zones now — Anderson Inlet, Shallow Inlet, Tamboon Inlet and the 400-metre radiuses around the mouth of every river. All of our inland waterways are commercial-fish-free zones and they are all recreational-fishing-only zones. But now this government says that is not enough, and, without any consultation, it has withdrawn a further seven commercial licences.

The government stands condemned for the way in which it has gone about this — that is, without any

consultation. In a display of sheer arrogance for political opportunism it has withdrawn those seven licences, three of which are non-transferable and will expire on the retirement of the current licence-holders, and those in Lake Tyers now fish for only five months of the year.

This government is a sham. It has no regard for people in country Victoria and it is happy to take away jobs without any consultation. The government stands condemned, and the people of country Victoria will let it know at the next election!

Hon. PHILIP DAVIS (Gippsland) — I am delighted to join with the Honourable Peter Hall in debate on this motion. It seems that these days I am often in vigorous agreement with many of the observations of my colleague in Gippsland Province, and I am in vigorous agreement with him on this particular matter. I will take a slightly different approach, though, and talk about the process that has been used.

As Mr Hall highlighted, the previous government undertook an exhaustive consultation process to deal with the perceived tensions between commercial and recreational fishing interests in our bays and inlets. Over a couple of years, following the investment of thousands of man-hours of community input into that process by recreational and commercial fishermen and by other stakeholders, and following extensive consultancy reports researching the issues affecting our fish stocks and their long-term sustainability, the conclusion was reached that clearly most of our bays and inlets suffer not from overfishing by commercial fishermen but from the challenge of the environmental impact of the degradation of our waterways. In fact, that is the principal reason why fishermen complain that fish catches are declining over the long term.

Nevertheless, there is always a perception about competitive access issues and therefore the former government, with the support of the recreational fishing community, initiated a program of voluntary buybacks which, as Mr Hall has already indicated, achieved a 50 per cent buy-out of commercial licences. It was a comparatively painless program, and a lot of latent effort was removed and some quite active fishermen also chose to exit the industry. The result of that program was that a measure of goodwill was retained in relation to fisheries management.

What is of interest to me is that the Minister for Energy and Resources clearly indicated in her press release dated 4 October that the government has stepped aside from the statutory process that is required. It is quite

clear under the Fisheries Act that there is a requisite procedure for dealing with these fisheries closures, and that is that there must be consultation with the Fisheries Co-management Council, peak bodies, the local community and obviously the licensees.

For the minister to go through the farce of releasing a so-called *Consultation Paper Enhancing Recreational Fishing in Gippsland's Bays and Inlets*, and in that paper to say that:

The government has initiated formal consultation on the cancellation of these licences with the Fisheries Co-management Council and other relevant consultative bodies and peak bodies ...

is an absolute misrepresentation. There had been no consultation with the licensees, with Seafood Victoria, with the Fisheries Co-management Council or with other stakeholders before the government made its decision. The only advice people received was after the fact when they were informed they would be taken out of the industry.

This is reprehensible. It is a breach of the Fisheries Act and inevitably a major degree of pain will be experienced in the relationship between those fishermen, their families and those local communities, and, importantly, in the confidence we have in fisheries administration in this state.

For all the time that I have been in Parliament I have been receiving representations about reducing the commercial fishing activity in Gippsland's bays and inlets, and I am very sympathetic to that because recreational anglers see it as impacting on their particular activities, but it is absolutely unacceptable that a minister of the Crown should subvert legislative requirements in terms of consultation and unilaterally close fisheries.

The PRESIDENT — Time!

Hon. R. F. SMITH (Chelsea) — A fisherman I am not, but one thing I know is that recreational fishers think that what the government is doing is the right thing for them. How does the government know that? Because it listens to them. They asked this government to protect their resource. They went to the Minister for Energy and Resources and told her they wanted those stocks protected.

Hon. Philip Davis interjected.

Hon. R. F. SMITH — That is what the government did. It listened to the constituent base down there — something the honourable member for Gippsland might like to try himself.

This was a courageous decision by the minister, and she has been more than consistent in that regard. It recognises the fact that the commercial fishermen were having a detrimental impact on those fishing stocks, and the government has done something about it.

Fishing stocks in this country — not just in Victoria — are under enormous pressure. We know that. We believe that. Maritime scientists are telling us that we have to be aware of the fact that our stocks are under enormous pressure from all sorts of areas, and we are taking stock of that.

I stress the fact that the Bracks government understands the importance of recreational fishing in this state. Huge numbers of Victorians of all ages — and genders — are recreational fishers. In fact, recreational fishing is an extraordinarily large contributor to economic life in Gippsland. Something of the order of 50 000 people in the region are recreational fishers.

It is extraordinary from my perspective to hear the opposition bleating about what the government is doing when you consider that 50 000 people in Mr Davis's area are saying to us that they want their reserve stocks protected. The government is listening to them, and he might like to do that himself.

Hon. Philip Davis — Are you saying they have no rights, Bob?

Hon. R. F. SMITH — They have rights. They also have a voice and they have come to us and said, 'Save our stocks', and that is exactly what we are doing.

This is not a willy-nilly decision by the minister. Serious considerations have been given to this particular subject. The Bracks government has on numerous occasions across the state been consistent with regard to protecting the interests of fishing interests, in particular the interests of recreational fishers, and indeed the interests of commercial fishermen are being protected as well.

The minister made the very important point that there will be voluntary buy-outs of licences, et cetera, and in the event that some are unhappy with that an independent person will negotiate the buyback of those licences. I do not know why anyone would want more than that. How could you ask for more than that? There will be voluntary buyback, and if you are not happy with that, an independent arbiter will sit down and negotiate a sensible and rational resolution of the issues.

At the end of the day what have we done? We have protected the stock and resource for the enjoyment of at least 50 000 recreational fishermen in Gippsland. We

know damn well that they are not a natural constituency base for this government, but it is not important in our thinking in this regard; we are looking after the state resource and listening to Victorians who are requesting strongly to the minister that we do something about it.

I am not sorry that opposition members are upset about it. In fact, given that we have upset them indicates to me that we have done the right thing. We are winning and hurting them politically out in their heartland. That is tough, fellas; the opposition will have to live with that. In making the decision we have delivered on an election commitment and we are consistent in that regard and proud of it.

Motion agreed to.

Snowy River: water releases

Hon. W. R. BAXTER (North Eastern) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable Philip Davis relating to environmental flows for the Snowy River.

At the outset it ought to be noted how deplorable it is that the minister chooses not to remain in the house. It was obvious there would be take-note motions of questions asked of her at the very time that I understand the other place is debating government legislation which calls for an improvement in the operation of the Legislative Council. What hypocrisy that she refuses to be part of being held accountable by this house.

Mr Philip Davis might be in furious agreement with Mr Hall on the fishing question, and I am in furious agreement with Mr Davis on his question to the Minister for Energy and Resources. I think she gave an extraordinary answer to Mr Davis. It was a very illuminating answer nevertheless because she acknowledged that 38 000 megalitres has been turned back down the Snowy River. The government gave a commitment that that would only occur after savings had been found. However, that is not the case. No savings have yet been found. This has been borrowed on the never-never; it has been put on the water Bankcard.

It was one of the most insensitive actions I have seen in my life to see the Premier of New South Wales and the Premier of Victoria masquerading in waders in the Snowy River at Jindabyne in one of the biggest droughts northern Victoria has seen. It is the first year in history that irrigators will not have delivered to them 100 per cent of their water entitlements. Yet we see a stunt conducted by the two Premiers for the benefit of the metropolitan media from Sydney and Melbourne at

a time when farmers in Victoria, and the Riverina in particular, are under the most extraordinary financial and psychological stress because of a water shortage.

This government says, 'Regardless of the promises we made that we would not release water down the Snowy until we had found savings, we are putting all that aside and releasing this today. We are breaching the Mowamba aqueduct forever. We are borrowing this water on the never-never'. Then we have the gall of the Minister for Energy and Resources in saying tonight that this will not affect irrigators' entitlements in the biggest drought that we have had for 100 years in this state.

Let me say this to the minister: on the Murray River many farmers, particularly dairy farmers, who over the past 20 or 30 years have been accustomed to having 150 per cent of their water rights will not get that this year. They are under a great deal of extreme stress because of the fact that they are not having their usual amounts of water. If the 38 000 megalitres had been sent down the Murray River it would have gone a long way to assisting that problem, but instead it is going down the Snowy River. The minister might say, 'Oh, well, they're getting more than the 100 per cent, so they have to expect that this will occur'. That may be so.

I turn to the Goulburn system where irrigators for the first time ever will not get their entitlements this year. They were initially offered only 41 per cent. That has increased to 47 per cent. We all thought we would probably scramble at the end of the season up to something like 80 per cent of water entitlements. That is now clearly not going to occur. At best we can hope to get to 60 per cent. Horticulturalists in the great food bowl of Shepparton, who produce peaches, pears, apricots and the like, will have their trees and permanent plantings under stress. Dairy farmers and families are beside themselves trying to choose the least cost option to get through this, and we have two Premiers up there doing a symbolic releasing of water down the Snowy River during this big drought.

The minister might say, 'Oh, yes, but the Goulburn system is not connected to the Murray. We couldn't have got that water to those farmers who are in dire trouble anyway'.

Hon. T. C. Theophanous interjected.

Hon. W. R. BAXTER — Yes, we could have used the Nine Mile Creek and the Broken Creek systems. They are in the Murray irrigation area, which is largely supplied at present, and has been historically, by the East Goulburn channel out of the Goulburn system.

That water could have gone to the Goulburn Valley irrigators and we could have supplied Broken Creek irrigators via the outfalls from the Murray Valley irrigation system. If we had had that 38 000 megalitres, yes in the totality of it all, Mr Theophanous, it is not much water, but to someone who was desperate and only getting 47 per cent of their water entitlement, to someone whose cows will suffer dreadfully because of this drought it would have been very significant indeed. What did this crass government do? It went up and pulled a publicity stunt. It completely abrogated the commitments it made to the people of this state.

Hon. G. D. ROMANES (Melbourne) — In speaking on this issue, I am aware, as I am sure many honourable members in this house are also aware, that the issue of water is coming to the forefront of concern and awareness for the people of Victoria as we face critical issues relating to water in this state and in this country. In fact, there would be very few countries across the world that would not be aware of the vital importance of water — water for life, water for crops and water for industry. Water is of vital importance to their future whether a community lives in the Third World, the First World or wherever.

For example, the Healthy Rivers campaign that is doing a lot of work in the state is also drawing to the attention of citizens the critical state of rivers and the way they have been allowed to deteriorate over past decades. We need also to address those issues which were manifested in the commitment that the Bracks Labor government made at the time of the last election to restore environmental flows to the Snowy River. As we all know, claims are being made by communities throughout the state for the restoration of the environmental flows to our rivers and streams. The Glenelg River is another one that people are concerned about.

The Bracks government recognises that the demand for water in northern Victoria has increased significantly in recent years. Any government will have a significant role to play in attempting to provide access to additional water for future development and irrigation which is vital to the livelihood of many of the farming communities across the state. However, at the same time that must be balanced with restoration of environmental flows to the Snowy River, to the Murray River and to other rivers in the state. That is part of the commitment of the Bracks government to growing the whole of Victoria.

As the minister acknowledged in her answer to the Honourable Philip Davis's question earlier, those issues were to the forefront of the government's

considerations when negotiations took place on the restoration of environmental flows to the Snowy River. The commitment was that irrigator entitlements would not be affected by the negotiations and agreements that were made under that program.

One of the key ways in which water entitlements must be secured in the future is to identify water efficiency improvements in storage and delivery systems as key mechanisms to provide the necessary additional water saving proposals. As honourable members would be aware, the environment minister has supported numerous efforts across the state in the last three years to provide capital support to make it possible for those efficiency improvements to minimise the loss of water through evaporation as it is carried across the channels and waterways of the state. We have to increase our commitment in that regard to further increase water efficiency savings in the future.

In February 2001 the Bracks government announced a \$25 million package of water savings projects in northern Victoria. These initial projects will provide water savings of up to 25 gegalitres of water per annum. That is the way to go. The previous government did nothing about this and the attitude of the opposition now is typical of the carping and negativity that Victorians have come to expect of it.

Hon. PHILIP DAVIS (Gippsland) — I find myself confronted with what is an extraordinary detachment from reality. The house has been confronted this evening with this most bizarre response, firstly by the minister, and then by the minister's representative because the minister is too timid to be in the house to deal with this motion.

It is completely bizarre for the fact that Victoria is acknowledged to be entering one of the worst droughts in recorded history. Clearly for the government to be talking about policies that are at this stage simply commitments to make an achievement at some future time and at the same time divesting the opportunity to direct water to irrigators who are in a great deal of difficulty indicates how out of touch the government is.

Mr Baxter and many other rural MPs will know just how difficult conditions are in rural Victoria. Indeed the government was dragged kicking and screaming to formally declare a drought only last week — indeed a week ago today.

Hon. W. R. Baxter — Ms Romanes did not use the word once.

Hon. PHILIP DAVIS — Interestingly it took more than a month for the Premier to be persuaded to use the

word 'drought' and clearly, members of the government have not actually read the Premier's own statements to the effect that we are now formally in a state of drought.

It is bizarre that the minister, in response to my question tonight, could have acknowledged formally in the Parliament of Victoria that in the middle of the biggest drought in recorded history the Victorian government is borrowing water for environmental flows and has not achieved any savings in respect of delivering those environmental flows notwithstanding that it has committed \$150 million of taxpayer funds to that effect. When will those savings be achieved? Nobody knows because the minister who is responsible for this is unable to answer the question and is clearly, I think, beyond the competence of her stewardship to be able to respond in this house. That is why she is not here to listen to this debate and respond to it.

Clearly the minister has abrogated her responsibility, and she is adopting an accounting practice with which she is well familiar. It is, after all, the case that this minister was the chief of staff to the former Labor Premier of Victoria, Joan Kirner. We know exactly what the accounting practices of the Cain-Kirner governments were that left a legacy of debt for Victorians to deal with in the 1990s. Here we go with the same accounting method and just a different process, although I have to say that recent announcements in the media by the Treasurer about losing half a billion dollars somewhere would reflect the case of not just accumulating a debt of water but a fiscal debt as well.

It is clear that if the government persists with this policy of borrowing water — the minister has announced tonight that that is specifically what it is doing — against future potential efficiency gains while those gains have not yet been demonstrated to be realised and in the middle of a drought period, the government is leading rural Victoria into disaster. Clearly the impacts of this for farmers, for country towns and for rural economies is horrendous. It amazes me that the minister could be in the house and not understand the consequences of her actions.

What appals me entirely is that this minister, who has prided herself on being so diligent in responding to the detail of many questions raised in the Parliament over the last three years, is simply completely incapable of giving a coherent response about how water savings will be achieved and how they will be delivered to preserve the rights of farmers to undertake their commercial activities.

Motion agreed to.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Education Services) — I have answers to the following questions on notice: 2706, 2789, 2806, 2817, 2818, 2996–3001, 3003–09, 3012, 3013, 3018–26, 3028–38, 3040–49, 3056–84, 3088, 3095–97, 3100–02, 3104, 3106–12, 3114–24, 3126–55, 3160–63, 3171, 3173–3234, 3237, 3238, 3278–88, 3290–98, 3304, 3383–90, 3468–82.

PETITION

Bunyip State Park

Hon. N. B. LUCAS (Eumemmerring) presented a petition from certain citizens of Victoria requesting that the Minister for Environment and Conservation:

- (a) **urgently review forestry operations in the 350 Upper Bunyip forestry block and order an immediate cessation of logging operations until a comprehensive scientific study is undertaken throughout the block to establish fully the extent of threatened flora and fauna species and other natural and social values; and**
- (b) **initiate a review of the Bunyip State Park management plan (1173 signatures).**

Laid on table.

ROAD SAFETY COMMITTEE

Road toll

Hon. M. M. GOULD (Minister for Education Services) — By leave, I move:

That the resolution in the Council of 21 November 2001 requiring the Road Safety Committee to inquire into the reasons for the escalation in Victoria's road toll during 2000–01 and to report to Parliament by 31 October 2002 be amended so far as to now require the committee to report by 31 May 2003.

Motion agreed to.

HIGHWAY AUTHORITY PROTECTION BILL

Introduction and first reading

Hon. P. R. HALL (Gippsland), by leave, introduced a bill to protect highway authorities from liability for nonfeasance.

Read first time.

BLF CUSTODIAN

56th report

Hon. M. M. GOULD (Minister for Education Services) presented report dated 31 August 2002 given to Mr President pursuant to section 7A of the BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

COMMONWEALTH TREATY DOCUMENTS

Agreements and conventions

Hon. M. M. GOULD (Minister for Education Services) — By leave, I move:

That there be laid before this house a copy of the following treaty documents:

- (a) agreements tabled in the commonwealth Parliament on 18 June 2002, together with national interest analysis, dealing with —

air services, between Australia and the Cook Islands;

air services, between Australia and the Republic of Chile;

Australian declaration under paragraph 2 of article 36 of the statute of the International Court of Justice 1945;

Australian declarations under articles 287(1) and 298(1) of the United Nations Convention on the Law of the Sea 1982;

enforcement of maintenance (support) obligations, between Australia and the United States of America;

establishing the International Organisation of Vine and Wine;

International Convention for the Suppression of the Financing of Terrorism; and

prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects.

- (b) agreements tabled in the commonwealth Parliament on 25 June 2002, together with national interest analysis, dealing with —
- arrangements for the exploration and exploitation of petroleum in an area of the Timor Sea, between Australia and the Democratic Republic of East Timor;
- compliance with international conservation and management measures by fishing vessels on the high seas; and
- Timor Sea, between Australia and East Timor.

Motion agreed to.

Laid on table.

STANDING ORDERS COMMITTEE

Review of standing orders

For the PRESIDENT, Hon. B. W. Bishop (North Western) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Hon. B. W. BISHOP (North Western) — I move:

That the Council take note of the report.

As the report indicates, this is the first major review undertaken of the Legislative Council standing orders since 1924. Today, some 78 years later, we are still operating under the same standing orders adopted in 1924. Honourable members would be aware that the former Clerk of the Legislative Council, Mr Allan Bray, was commissioned in May 2000 to undertake a review of the standing orders and prepare a draft set of new standing orders in anticipation of a reference from the Council to the Standing Orders Committee. I pay tribute to Mr Bray, whom most of you would know, for the outstanding work he produced for the committee. Following discussions between the President and the party leaders, the house on 20 June 2001 gave the Standing Orders Committee a reference to undertake a review of the standing orders and make recommendations with a view to ensuring that they are expressed in clear and consistent language and in gender-neutral language where appropriate, eliminating redundant and obsolete standing orders, incorporating much of the sessional orders of the Council that have operated for many years and consolidating standing orders in accordance with those parameters to ensure the more efficient operation of the Council.

The committee met on 18 separate occasions during the review under your chairmanship, Mr President. There

was a real will to get the work done and a genuine attempt among all committee members to reach unanimous agreement on all issues across all party lines. Credit must go to you, Mr President, for your chairmanship. If we struck a difficult part, you moved on, then came back to the issue and in each case the issue was resolved unanimously. I am pleased, and I know that you are as well, Mr President, to report to the house that the committee was unanimous in the adoption of its report and the recommended new draft standing orders and rules of practice.

In brief, the draft standing orders recommended by the committee contain some significant changes including the omission of 33 obsolete standing orders; the incorporation of longstanding sessional orders such as the incorporation of material in *Hansard*, and some trial sessional orders that commenced operating this year; numerous changes to gender-neutral language; clearer language; a simpler, easier to understand format in many instances; and a new system of numbering the standing orders on a chapter-by-chapter basis.

The committee also believes the house should formally adopt standing rules of practice which are generally based on those that have been in place for many years, as a supplement to the standing orders, in line with Mr Bray's recommendation and which are similarly used in many other parliaments operating under the Westminster system. These rules relate to questions, answers to questions on notice, urgency motions, daily adjournment speeches, incorporating material in *Hansard*, and the transmission and broadcasting of proceedings.

The committee sought the views of the parties in the house as to which of the current trial sessional orders first operating from the autumn sittings this year could be considered for inclusion in the standing orders. Because of the relatively brief time of their operation, it was agreed that only those sessional orders dealing with members' 90-second statements and advising the house of answers to questions on notice and the new procedures for the presentation of parliamentary committee reports should be adopted.

At this stage I would like to thank all committee members: yourself, Mr President, as chairman; the Honourable Gerald Ashman; the Honourable Gavin Jennings; the Honourable Jenny Mikakos; the Honourable Glenyys Romanes; the Honourable Ken Smith and myself. I would also like to thank the Honourable Roger Hallam, who was formally appointed as my replacement had I been unable to attend. As it happened Roger was not called but I thank him for his commitment.

I also thank the clerks, Wayne Tunnecliffe and Matthew Tricarico, who were a great source of history and parliamentary practice and who by their diligence and commitment to meticulous research and minute-keeping made the task of the committee much easier and in fact enabled us to find a way through some complex areas to put together a good report.

I believe the committee has achieved the task it was charged with by the house and I am confident that if adopted the draft set of standing orders contained in the report will ensure the more efficient operation of the Council for many years to come.

Hon. JENNY MIKAKOS (Jika Jika) — I wish to make some brief comments on the report from the perspective of a relatively new member of the house. About three years ago I attended a seminar organised by yourself, Mr President, to introduce new members of the house to the rules of the chamber. At that seminar I was issued with a little red book — our current standing orders of the house. I must admit that while I read the standing orders carefully I found them to be particularly unhelpful as an introduction to the procedures and rules of the house. The language and even some of the practices in our current standing orders are outdated and reflect the fact that the standing orders were last substantially reviewed in 1924.

The Bracks government believes this house should strengthen its role as a house of review. Simplifying and streamlining its various procedures is one, albeit small, way of doing this.

The standing orders which are included at appendix A of the report are put forward to this house in a constructive manner and with the support of all members of the committee representing all parties in the house. The suggested standing orders meet the terms of reference, having streamlined the standing orders into a more understandable format. The standing orders have been reorganised into 21 relevant chapters — with, for example, dedicated chapters on questions and members' conduct; a simplified numbering system; and standing orders ordered sequentially to reflect the actual sequence of events. Plain English and gender-neutral language has been used.

The report recommends that 33 redundant standing orders be omitted. For example, members might be surprised to know that the current standing order 201 enables this house to establish secret committees. Not surprisingly, the report recommends that this standing order be omitted as it is inconsistent with the ideas of a modern democratic house of Parliament.

The report also recommends the incorporation of longstanding rulings and guidelines into a set of standing rules and practice to supplement the standing orders. This will make it easier for members to locate rules of procedure. Some longstanding practices and sessional orders of the house have also been incorporated into the standing orders. For example, the report recommends allowing right of reply to a member — usually it will be a minister — who moves the second reading of a bill. This should obviate the need for ministers to clarify matters on clause 2 of the consideration of a bill during the committee stage or to seek a limited reply during the third reading of a bill. The report also recommends that some of the trial sessional orders in operation this year, which all parties agree are working well, be incorporated into the suggested standing orders. These are outlined in paragraph 61 of the report and include matters such as members statements.

Trial sessional orders are exactly that, and the remainder of the trial sessional orders need to be tried over a longer period.

In conclusion I want to thank the various individuals involved in the preparation of the report: firstly, you, Mr President, for your leadership role and your determination to review the standing orders over a long period of time. I want to acknowledge the work of Mr Allan Bray, the former Clerk of this house, who provided the first draft of the revised standing orders on which the final standing orders which are included as an appendix to this report have been based. I want to thank the Clerks, Mr Wayne Tunnecliffe and Mr Matthew Tricarico, who provided valuable advice and assistance to the Standing Orders Committee. They were able to explain the historical context and precedence of some of the more puzzling standing orders, and this report does them considerable credit.

I also wish to thank my colleagues on the Standing Orders Committee for the constructive way in which they approached the work of the committee. Those members included yourself, Mr President, as Chairman; the Deputy Leader of the Government, the Honourable Gavin Jennings; the Honourable Glenyys Romanes; the Deputy President of this house, the Honourable Barry Bishop; the Honourable Gerald Ashman; and the Honourable Ken Smith.

In conclusion, I believe that if adopted the draft standing orders and rules of practice will make the rules and procedures of this house simpler and more readily understandable to new and existing members. They should therefore assist in the efficient operation of the house. On that basis I commend the report to the house.

Hon. K. M. SMITH (South Eastern) — I was elected to this place on 1 October 1988. One of the first things that happened to me was that I was presented with a copy of these standing orders. Each member of the house had been presented with a copy. I must say that until today I had never understood the standing orders of this place, but it has not been for the want of trying — very trying, some people would say!

A lot of time and effort has been put in by all members of the committee, and also the clerks. The adoption of these new standing orders means that when people come into this chamber after the next election and are presented with a copy they will actually understand the proceedings from the start. We have never been in a position where you could follow this book and get enough direction to be able to stand up in this place and debate or bring up a point of order or know about divisions or the procedure to be followed at the opening of Parliament. People will now be able to follow the new standing orders of this Parliament.

I congratulate you, Mr President, on your initiative in implementing this. Apart from a short period of time I will probably not have an opportunity to use these standing orders. I hope I will be able to go over to the other house and adopt its standing orders. It may be we can make some changes over there and make the running of that house more efficient, as this house will now be.

Congratulations to the Deputy President and the other members of the committee. I will not go through their names — that has already been done. Congratulations also to the clerks, who tried as hard as they could to organise things so that honourable members became almost irrelevant. The clerks are all important, and until now Parliament could probably have been run without members. I am pleased that we finally managed to get some order back into it and that honourable members will now be able to run this house of Parliament with a little less help from the clerks.

The PRESIDENT — Order! I think that is called an ironical expression.

Debate adjourned on motion of Hon. G. D. ROMANES (Melbourne).

Debate adjourned until next day.

DRUGS AND CRIME PREVENTION COMMITTEE

Volatile substance inhalation

Hon. B. C. BOARDMAN (Chelsea) presented final report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. B. C. BOARDMAN (Chelsea) — I move:

That the Council take note of the report.

I preface my comments by suggesting that taking note is simply not good enough. I urge honourable members to read and digest the report. If honourable members do that they will be doing something that is relatively unique. Considering some of the misleading comments on this report, particularly by the media and by some agencies, it is essential that the 662 pages of information, findings and evidence in it are fully understood to prevent such misleading comments being made again. Although 662 pages may be considered in some circles to be long and cumbersome, each and every page is relevant. Each and every detail is important and needs to be interpreted to derive the maximum benefit from what the committee is trying to achieve.

I was saddened that on the date this report was tabled in the other place the Premier decided to use a report into what is a debilitating and serious community challenge as an opportunity to maximise some political capital. He suggested quite misleadingly and deviously that this report and its findings were at odds with Liberal Party policy simply because the chairman — me — happened to be a member of the Liberal Party. Not only was that comment irrational and incorrect, it showed how disastrously off the mark the Premier is when it comes to trying to devise policy that is responsive to the problem of substance abuse. It was also quite remarkable that the Premier's comments in this situation were completely contradictory to that of his own Minister for Health, who on the same day, at a separate but similarly timed press conference, not only welcomed the report and its findings but suggested that this report should be used as a basis to move forward. I put on record officially how saddened I was with the Premier's initial comments in response to this report.

I was equally disappointed with the way the report's findings were pre-empted by misleading comments of agencies, although I offer a little bit of latitude considering the time some of these agencies had to

digest this report. I have since had an opportunity to discuss the report with many different agencies and to inform them of the findings and recommendations and the basis of and justifications for these. I thank those agencies for that opportunity to correct the record. However, some specific sections of the media have not been as forthcoming.

The committee did receive quite detailed criticism from some media outlets in relation to one of its key findings — that is, the recommendation to establish a national coordinating committee. Honourable members would be aware that this is a very much under-resourced area in addressing substance abuse. What limited amount of research has been conducted in the past has been conducted in an ad hoc, uncoordinated and at times very unpredictable way, which has not produced any great results.

What has been needed but has been lacking in this debate for some time is leadership and coordination. The committee's recommendation to have this led at the national level by the conference of state attorneys-general is certainly the right way to go. The role of such a committee at the national level would be to ensure that the national inhalant abuse prevention and treatment priority agenda is based on coordination and consultation with the states, appropriate research organisations, community-based organisations, manufacturers and retailers of these type of products. It is essential that that multifaceted approach take place and it is not good enough to simply dismiss that out of hand as just the establishment of another committee.

Irrespective of the hundreds of people with whom I and members of the committee spoke, the many hundreds of submissions and the detailed inspections, hearings and examinations that the committee undertook, it was still vilified for the position it took. However, I do not want to harp on that. This is undoubtedly the most comprehensive report of its kind, not only in Australia but perhaps internationally as well. The feedback we have had from many people overseas has been quite welcome.

I want to place on the record some special thanks. Two young people who came to the committee demonstrated enormous courage. They discussed with the committee their problems, their lifestyles and their dependency on these products and they did it in a way that was quite candid and deserves strong admiration. They demonstrated courage, professionalism and that they knew that they had the ability to make a difference. I thank them very much for their efforts. In addition, I thank all the committee staff and personnel who participated in producing this comprehensive report. I

trust honourable members will read it and give it credence.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Clothing outworkers

Hon. G. D. ROMANES (Melbourne) presented report, together with minority report and minutes of evidence.

Laid on table.

Ordered that report and minority report be printed.

Hon. G. D. ROMANES (Melbourne) — I move:

That the Council take note of the report.

I wish to make some comments on the report. First and foremost I wish to put the view that I believe outworkers are the most isolated and vulnerable participants in the work force in Victoria and Australia. The committee was faced with a plethora of studies and reports from the past decade attempting to nail down the dimensions of the problems facing outworkers. There have been many reports prepared by government agencies, academics, the Productivity Commission, the Textile, Clothing and Footwear Union of Australia, Working Women's Health and others.

Early on the committee encountered a sense of frustration from some organisations and individuals who have worked for a number of years to obtain wage justice and fair working conditions for clothing outworkers. Many of these people were disappointed by the defeat of the Fair Employment Bill by the opposition in this chamber last year and were looking for action rather than yet another inquiry. However, despite their disappointment they made submissions to the committee's inquiry. I thank representatives of the Textile, Clothing and Footwear Union of Australia, Fair Wear and many clothing outworkers for their contributions to the learning of the committee about this topic. I also thank the representatives of government agencies and clothing industry manufacturers and retailers for their contributions to the inquiry.

A number of issues emerged in the course of the inquiry. One is the uncertainty of employment status under the current legislation for those clothing outworkers who are not operating as contractors or

small businesses. Another key issue is that of wage levels. While these were difficult to quantify and were clouded somewhat by the piece rates that outworkers often earn, there is little doubt that many workers are receiving wages significantly below award entitlements.

There are the perils of the complex production chain and the difficulty of identifying the responsible employer when remuneration is not paid or is not paid in full. There are occupational health and safety issues such as the high levels of soft tissue injuries, no doubt due to the pressures of piecework, yet there was little evidence of access to workers compensation. There are difficulties for workers working in homes where they are largely alone and are therefore vulnerable to isolation and, as we discovered, at times, harassment.

The report affirms the importance of the textile, clothing and footwear industries in Victoria and clothing outwork as a source of employment, particularly for migrant women for whom language is often a barrier to entering the mainstream work force or who prefer the flexibility that home work gives them. The report recommends legislation to deem outworkers who are not contractors or small businesspeople as employees and to clarify the position of clothing outworkers as employees for the purposes of occupational health and safety under the Accident Compensation Act. There are other recommendations to find ways to deliver to outworkers rights and entitlements and to encourage employers in the industry to meet their responsibilities and obligations.

We learnt a lot from New South Wales and its comprehensive Behind the Label strategy. We will continue to learn from New South Wales, which is reviewing the national home workers code of practice and conducting research into the supply chain.

I would like to thank the staff who put in a tremendous effort to get the report ready for tabling in the Parliament: Paul Bourke, Lara Howe, Iona Annett, and when Iona went on maternity leave we had the assistance of Chantel Churchus. I would like to thank the other members of the Family and Community Development Committee for their contributions.

Hon. B. N. ATKINSON (Koonung) — I wish to comment on this report and to draw the attention of the house to the minority report that has been tabled by the Honourable Glenyys Romanes. By and large the remarks the honourable member made are a fair indication of the concerns of the committee and the difficulties it faced in addressing this issue. I join with her in thanking the staff of the committee and the

people who came forward as witnesses and presented information to the committee to assist in its deliberations in trying to establish a position in regard to the reference referred to it.

I and two other members of the committee — the Honourable Jeanette Powell and the honourable member for Bentleigh in another place — were concerned about a decision made by the government members at a meeting of the committee on 4 September pursuant to instructions or requirements from the Department of Premier and Cabinet that some of these inquiries be finished and recommendations come forward quickly. Because of that the committee was forced to truncate the inquiry. As I said, that was a great concern to the three non-government members of the committee because we believed that that decision left the committee in a position where it really was not able to form a competent view of the position of outworkers.

A considerable amount of evidence was taken, although we would contend that not enough was taken in the Victorian jurisdiction. Indeed the report relies very heavily on experience in New South Wales, and that experience reflects a system that is very new and is not even fully in operation at this point in time. It has certainly only been operating in all of its context for the better part of this year, so there was not even an opportunity to draw on the experience with the New South Wales legislation, procedures and machinery that have been established to deal with issues related to outworkers and contractors.

We certainly do not believe the evidence we took in Victoria was adequate for us to form a position. We do not believe that adequate evidence was gathered, and we believe that a lot of the evidence that was supplied to us was inconclusive as to enabling us to arrive at any conclusion as a committee. That dilemma was shared by the government members as well, and as the Honourable Glenyys Romanes said, I believe the committee — particularly the staff but also the members of the committee — worked cooperatively and diligently to try to frame recommendations that fairly represent a position that this house and the other house might consider in terms of recommendations going forward to the government.

As I said, because the inquiry was truncated we non-government members do not believe the committee was in a position to make any final conclusion. We certainly had the view that while we did not oppose the report, we also did not believe we were in a position to support or endorse it. We have drawn the house's attention to that in a statement in the minority report

that the non-government members were not in a position to endorse the report.

Notwithstanding the diligent work of the committee, we believe that many of the recommendations and conclusions made are not easily substantiated by the information that is here. I think some of the data collected has considerable holes in it and that some of the evidence of industry experience and so forth, particularly here in Victoria, was not really available to us. We also missed out on opportunities for a number of site visits, particularly to country Victoria, where we believe there are a number of different employment issues which the committee might well have considered and compared to those of metropolitan areas. That is unfortunate.

Notwithstanding that, all the non-government members shared with no doubt most honourable members of this house — certainly with the other members of the inquiry — a view that workers ought not to be exploited. We do not condone any sort of exploitation of workers. We simply found that in these circumstances it was not possible to pursue — —

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

Hon. E. J. POWELL (North Eastern) — I join with the honourables Glenyys Romanes and Bruce Atkinson in making a comment on the inquiry into the condition of clothing outworkers. As the Honourable Bruce Atkinson said, a minority report was presented by the three non-government members, and there were a number of reasons why we presented that report. First of all I congratulate the staff, whose names have already been mentioned.

We believe that not enough evidence was given to the committee for it to make a responsible recommendation to this Parliament as a report. As the Honourable Bruce Atkinson said, I particularly asked a number of times for the committee to visit outworkers and businesses, industries or homes in rural Victoria to see if there were some issues there that were different to those that arose from the metropolitan evidence we had received. That was not done, and I think that was a flaw in the report. Questionnaires were also sent out, and there was a large amount of deliberation on those questionnaires.

The committee did not receive enough independent responses. In fact the responses it received were from a union-run English class and were all very similar. That was quite disappointing. The committee should have looked into it further and perhaps tried to ascertain more independent responses or at least got a bit more

Victorian-based evidence. It relied heavily on Australian and New South Wales evidence.

There was also a lack of consistency with the number of outworkers. The figures varied from 50 000 to 329 000 across Australia. A number of reasons were given for this, but none was confirmed or substantiated. Some of the outworkers could have been illegal immigrants or even tax evaders as well as other reasons. So that was not substantiated even though a number of people had raised it.

In July the committee made some site visits to outworkers' homes in Melbourne. It asked for independent interpreters, or at least that committee members could speak to English-speaking makers or outworkers. The committee was disappointed when it was given an interpreter provided by the Textile Clothing and Footwear Union of Australia, which was interesting because the union interpreter prompted the person we were speaking to a number of times. The outworkers we spoke to were doing quite well and did not seem to be under any threat — —

Hon. D. McL. Davis — They obviously liked their work!

Hon. E. J. POWELL — They obviously did like their work but they were not under any threat from anybody. A number of them did not call themselves employees; they called themselves employers because they owned their own machinery and members of their family helped them. The committee was not able to substantiate the fact that they were a disadvantaged group. It was hard to discern the type of money they were getting and whether they were getting underpaid or overpaid. Some of them were being paid piecework and some were being paid cash in hand and hourly rates. So it was difficult to ascertain the types of wages they were getting. Outworkers are not an easily defined group. They are low skilled, with limited English, limited employment opportunities and family responsibilities.

Non-government members believed the work of the committee was not completed. The report does not include sufficient evidence to make proper conclusions about the conditions of outworkers. The evidence was not substantiated. I believe the inquiry was truncated for political reasons. It is disappointing that the three non-government members were not present at a meeting on 12 August when the government members voted to complete the inquiry and have the report tabled on the first day of the spring sitting. Non-government members believed they needed more information and we had no alternative but to put in a minority report

even though, as Mr Atkinson said, none of us on the committee condoned a disadvantaged group of outworkers being discriminated against.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Subordinate Legislation Act

Hon. JENNY MIKAKOS (Jika Jika) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. JENNY MIKAKOS (Jika Jika) — I move:

That the Council take note of the report.

In so doing I wish to make some comments on the report. I am pleased to speak to the report as the chair of the Regulation Review Subcommittee of the Scrutiny of Acts and Regulations Committee as the subcommittee undertook this inquiry of behalf of SARC. I note at the outset that this report is a report of the full SARC.

The report examines the effectiveness of the regulation-making system in Victoria and the scrutiny functions performed by the committee. It makes 55 recommendations to improve that system so as to enable Victoria to achieve best practice standards set by the Organisation for Economic Cooperation and Development.

The subcommittee received written submissions in response to its discussion paper. It conducted public hearings and studied regulation-making systems in all Australian jurisdictions. It also studied selected jurisdictions in the United States of America that are at the forefront in their use of technology as part of their regulation-making processes. The report seeks to give an overview of all the jurisdictions examined to further an understanding of the proper context of the recommendations.

The committee found that within Australia Victoria leads the way with its regulation-making process. The report therefore begins with the premise that the basic framework of the act should be retained but that there is scope for improvement.

The current act gives the committee a scrutiny role over statutory rules as defined in the act. However, statutory

rules constitute only part of the total number of subordinate instruments issued by the executive arm of government. Instruments that fall outside the scope of the act are not necessarily the subject of any parliamentary scrutiny, nor are they subject to any prescribed form or period of public consultation, nor to any prescribed cost-benefit analysis or other review.

Recommendations 1 to 3 relate to extending the scope of the act so that all instruments that are legislative in character, other than local laws made by local government, would come within the scrutiny mechanisms contained in the act.

The report is premised on the basis that the rule of law requires that all Victorians be able to easily access the various laws that regulate many aspects of their lives and that they have an opportunity to be consulted on those laws. The report makes a number of recommendations relating to utilising modern information and communication technology such as the Internet to improve the public's access to legislative instruments and regulation impact statements (RIS). The report recommends the establishment of a centralised web site for authorised versions of all legislation, including subordinate legislation, and the electronic posting of RISs and publications such as the *Victorian Regulation Alert*.

The report makes a number of recommendations relating to strengthening consultation processes such as extending the time for public submissions to RISs from 28 to 42 days.

The committee found that the quality of RISs varied and a number of recommendations relate to improving their quality and consistency. For example, it is recommended that the Office of Regulation Reform conduct independent assessment of RISs and that it provide advice and training to departments and agencies on compliance with the act.

The report also makes a number of recommendations relating to broadening the circumstances in which a regulatory impact statement and consultation would be required. The report recommended a triple-bottom-line approach requiring a consideration of economic, social and environmental impacts. The report also recommends updating the Premier's guidelines that supplement the act.

I take this opportunity to thank the many individuals and organisations who made written submissions to the inquiry or who appeared at the hearings. I also thank members and staff of counterpart scrutiny committees and other key organisations who met with the

subcommittee's delegations in Australia and the United States of America. Their time and assistance was greatly valued.

I also thank Mr Rex Deighton-Smith for his insightful analysis of Victoria's regulation impact statements.

I take this opportunity to thank my SARC colleagues, especially those members on the Regulation Review Subcommittee, for their work and contribution to this inquiry. The subcommittee members include the Honourable Andrew Olexander, Ms Mary Gillett, the honourable member for Werribee, Mr Tony Robinson, the honourable member for Mitcham, and the Honourable Robert Maclellan. I note that part way through the inquiry the Honourable Maree Luckins and Mr Martin Dixon, the honourable member for Dromana, resigned from the Scrutiny of Acts and Regulations Committee. I take the opportunity to thank them also.

Finally, I take the opportunity to thank the committee's staff, in particular Ms Jenny Baker and Mr Simon Dinsbergs, for their work.

The committee found the inquiry to be both challenging and worth while. The recommendations, if adopted, will make significant improvements to Victoria's regulatory system and enable Victoria to be a world leader in regulatory reform and regulatory scrutiny. I commend the report to the house.

Motion agreed to.

Vagrancy

Hon. C. A. STRONG (Higinbotham) presented final report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. C. A. STRONG (Higinbotham) — I move:

That the Council take note of the report.

In so doing I draw the Council's attention to the fact that this review was a follow-on review from the review of the Summary Offences Act, which the committee finished earlier this year.

The report into the Vagrancy Act recommends the repeal of the act. That recommendation resulted from two basic findings. Firstly, that there are a lot of inappropriate and old-fashioned provisions of the Vagrancy Act that should be repealed and therefore can be got rid of in totality; and secondly, that there are

other various provisions which are either duplicated in other acts or should be kept. Where those provisions are duplicated, the committee recommended that they go into more subject-specific acts. For example, several provisions in the Vagrancy Act deal with firearms and the like. The recommendation there is that they go into the Control of Weapons Act and the Firearms Act. Where those provisions are not duplicated and should be kept the committee recommended that they be repealed from the Vagrancy Act and inserted in the Summary Offences Act.

An important part of the logic of that is that the committee held the view as a result of its review of both the Summary Offences Act and the Vagrancy Act that there was a necessity for an act which swept together all the miscellaneous minor criminal offences that are not appropriate to be put into the Crimes Act but which are not duplicated in other acts. The committee's view was that the Summary Offences Act should be the one act that pulled together all these small summary offences and that therefore those provisions that were not appropriate to be fully repealed in the Vagrancy Act, for the reasons I have outlined, should be swept up in the Summary Offences Act.

Various very interesting issues were dealt with by the committee, and in the little time available I will touch on one of those issues — that is, the issue of begging. The committee spent quite some time thinking and talking about that issue and the question of whether begging is a social issue or an issue that should still be considered as a criminal matter. A decision about that question was made harder by a lack of appropriate evidence on the whole issue of begging. Not a lot of research has been done into begging in Australia. A significant amount of research has been done overseas, and that research clearly indicates a very significant linkage between begging and crime and drug abuse. For instance, English research found that the great majority of beggars had various substance addictions. One piece of research done in Melbourne by Hanover welfare services found that even here in Melbourne something like 71 per cent of beggars were suffering from a substance addiction and that many of them used begging and minor crime to fund their substance addiction.

The committee concluded after some consideration that begging should remain a criminal offence and that therefore it should be put into the Summary Offences Act. The committee also recommended that greater research needs to be done into the issue of begging in order to better understand it.

In conclusion, I thank the other members of the subcommittee who worked with me on this review. I also thank our consultant, David Blumenthal, who helped a great deal in putting the final touches to the final report. I commend the report to the house.

Debate adjourned on motion of Hon. JENNY MIKAKOS (Jika Jika).

Debate adjourned until next day.

SELECT COMMITTEE ON THE URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR

Final report

Hon. N. B. LUCAS (Eumemmerring) presented report, together with appendices, extracts from proceedings of committee, minority report and minutes of evidence.

Laid on table.

Ordered that report, appendices, extracts from proceedings of committee and minority report be printed.

Hon. N. B. LUCAS (Eumemmerring) — I move:

That the Council take note of the report.

It was not an easy situation the committee faced in respect of this matter referred to it. Firstly, I want to place on the record my thanks and appreciation to all the members of the committee. I thank in particular the Honourable Roger Hallam, who put an amazing amount of time and energy into this; my colleague the Honourable Gordon Rich-Phillips; and the members of the government, Mr Jennings and Mr Theophanous, who no doubt squirrelled away on their minority report. I want to pay tribute in particular to our secretary, Dr Ray Wright, and to Sarah Davey, the research officer for the committee. I thank them all for their time and commitment to the task.

There is no shadow of doubt that Jim Reeves's appointment as managing director of the Urban and Regional Land Corporation (URLC) was a job for a mate. I know it was a job for a mate, the government knows it was a job for a mate and the public knows it was a job for a mate. Jim Reeves is a longstanding friend of the Premier. Jim Reeves assisted the Premier's election campaigns. Jim Reeves's family holidayed with the Premier. Jim Reeves's wedding was attended by a member of the Premier's family.

Prior to the recruitment process the Minister for Health, John Thwaites, wined and dined in Brisbane with

Mr Reeves and his boss, the Labor Lord Mayor, Jim Soorley. The government's fix-it man, department head Lindsay Neilson, admitted in evidence that he had known Jim Reeves for 12 years.

On 9 April 2001, the former Minister for Planning, Mr Thwaites, and Professor Neilson discussed the impending vacancy at the Urban and Regional Land Corporation (URLC). Just five days after that meeting an article in the Brisbane *Courier Mail* said that Jim Reeves had accepted a new position with the Victorian government.

At that stage there had been no discussion at the URLC about the recruitment process; no arrangements had been made about how that was to be filled. It was obviously a done deal. The minister and Professor Neilson — the head of the Department of Infrastructure — had obviously told Mr Reeves on 9 April that they would get him the job. There was an orchestration involved in getting the job for Jim Reeves, and that was delegated to Professor Neilson by the minister. Professor Neilson arranged to be a member of the URLC interview panel, the interviews were held and — much to Professor Neilson's consternation — the URLC did not rate Jim Reeves in the top three! It proposed another candidate for appointment. Mr Reeves was closed out by the URLC.

Do you know what Mr Reeves did as a result of that? He got on the telephone and rang directly through to the then Minister for Planning, Mr Thwaites. He also picked up the phone and rang Lyndsay Neilson to say, 'What's going on? I've been closed out'. That shows a very close relationship with Mr Reeves.

Professor Neilson, with the approval of the minister, devised a plan to appoint Jim Reeves to the job. He enlisted the support of the head of the public service, Terry Moran, and the assistant head of the treasury, Grant Hehir, who conducted a series of second interviews. The only trouble was that Grant Hehir said, 'I don't believe Jim Reeves has the necessary commercial experience'. So they dreamt up a solution: that the management structure of the URLC would be changed, with two new, very senior, positions created to prop up and nursemaid Jim Reeves, thus fulfilling the prophecy of Mark Petrovs, who — following a number of meetings with Mr Reeves — suggested he would need a 24-hour nursemaid. The government pressured the URLC into accepting Mr Reeves, and his appointment was announced. That is when the pressure built up. That is when the Premier described Mr Reeves as a 'past friend'. That is when the wheels fell off. That is when Jim Reeves withdrew from the position.

Throughout the deliberations of this committee we have been frustrated by Mr Hulls, the Attorney-General and his seven letters, by the Premier, Mr Bracks, not wishing to appear, by the Speaker getting involved to intervene about the Telstra telephone calls, and by members of the government dreaming up a lot of spins in relation to this issue and dreaming up a minority report which I recommend to all honourable members, because when you read this you will see that the government has come up with this alternative spin.

Hon. R. M. HALLAM (Western) — Perhaps the most important lesson to come from the Jim Reeves affair is that, whenever a stuff-up occurs, as it invariably will in government administration, it is better to immediately call a halt, to admit the stuff-up and start afresh, and to cop any embarrassment or criticism at that point, because any attempt to cover up is likely to compound the problem. It runs the risk of the cover-up itself becoming a bigger issue than the initial mistake. So the lesson is that it is better to say ‘Oops’ and ‘Sorry’, than to manufacture or contrive a defence.

The facts in this case are that the Urban and Regional Land Corporation (URLC), an independent statutory authority, went about the task of securing a new chief executive — and it should be noted that that task was a specific responsibility of the board under the act — and the board went about that in a most professional way. It did the right thing. It discussed the brief with the minister responsible and the departmental secretary, it had the intended process signed off by the minister and the secretary, it hired a well-respected executive search consultant, it established a subcommittee to supervise the search, and it even agreed to have the secretary of the department sit in on the interviews. When a candidate was eventually chosen, it advised the two ministers who had to be consulted under the act. The board got only one thing wrong in the entire process — it had the misfortune not to select the government’s preferred candidate, Jim Reeves.

The government could have taken one of two courses at that point. It could have copped the board’s decision, which would have been the best outcome, particularly given that there was general acknowledgment that the board’s recommended appointee was a class candidate — there was no criticism of his credentials.

Alternatively, the government could have said to the board, ‘Look, you’ve got it wrong; we want you to appoint Jim Reeves’. That would have been a bad outcome to the extent that it would have undermined the board’s authority, but at least it would have been honest.

The government chose not to do either of those two things. Instead, it cobbled together a contrived arrangement to see not only that Jim Reeves got the job but that it could claim that the job had been awarded on merit. As the evidence shows in the report, the harder the government worked to demonstrate that Jim Reeves had been chosen on merit the more contrived the process appeared, and in the end it became absolutely farcical.

The government even agreed in the end to reconstruct the management profile of the URLC specifically to accommodate Jim Reeves’s acknowledged lack of commercial experience. It did so without reference to the board of the URLC — absolute breathtaking discourtesy and arrogance — and without even bothering to inquire as to the costs which would be incurred by that policy decision. In the end it was the public questioning of how Jim Reeves got the job which led to his resignation.

The process had been a total disaster. The position is still vacant 15 months later, the candidates have been embarrassed, the independence of the organisation has been undermined and senior public servants have been compromised. Why? All because the government was determined to ensure that Jim Reeves got the job. It was all designed to help a mate. The remarkable thing is that when the pressure came on the so-called mates simply walked away.

As the chairman has said, the select committee was given a very tough assignment because it was a politically charged environment. The government went out of its way to frustrate the brief at every opportunity and the committee was denied access to some key witnesses. Nonetheless, I think the committee has produced a credible report in that it does not only direct some brickbats at those who were responsible for this debacle but it offers some advice on how a repeat might be avoided in the future.

I, like the chairman, would like to congratulate the members of the committee. I particularly mention the Labor members of the committee, who maintained their good grace throughout, which I acknowledge. I also acknowledge their determination and ingenuity in constructing a positive spin on every situation.

I also want to acknowledge the role of the chairman for his enduring patience. I also want to thank Dr Ray Wright and Sarah Davey for their support, good humour and assistance. I thoroughly commend the report to the house.

Hon. GAVIN JENNINGS (Melbourne) — I encourage all members of the Victorian community, if they are interested in the deliberations of the select committee, to pick up the report and have a read for themselves. In particular, I have confidence that if they so do then they will understand that there is a substantial body of evidence on the public record now to indicate that there was a problem within the preselection process in relation to the candidate for chief executive officer of the Urban and Regional Land Corporation and that some action was taken by senior public servants within this state to try to correct the problem to ensure that the appointment was made consistently with the requirements of the act.

I encourage members of the Victorian community to read the evidence that is before us. There is a substantial body of evidence that was taken by the select committee. There are over 448 documents that the committee considered in its deliberations. There were 19 witnesses called and some 424 pages of transcript to demonstrate the case that I will outline to the house that is included in the minority report.

It is important that people read the full report and the minority report to ascertain for themselves what they believe the body of evidence suggests. If they so do they will discover that there are a number of scurrilous findings in the majority report that were not backed up by the evidence. If you drill down through the evidence before the committee you will determine a number of findings consistent with the government's position.

I will outline what they are. In the first critical issue about the role of various ministers in relation to this matter, there are only three actions of the Minister for Planning that were identified within the evidence that was before the committee, and they are referred to in the minority report. There are only three actions that were ever recorded, documented or volunteered by any of the witnesses before the committee, and we grilled witnesses for hours before the committee. We discovered that the former Minister for Planning, Mr Thwaites, acted on three occasions: in April he met his departmental secretary, Lyndsay Neilson, to outline the forthcoming process. In August of 2001 he requested that the chairman of the URLC participate in the second round of interviews and approve Professor Neilson's advice to him that a second round of interviews was to be conducted. On 20 September 2001 he wrote to the chairman of the URLC on the basis of advice from the three secretaries to suggest that Jim Reeves should be appointed to the position.

The Treasurer, who has responsibility to be consulted under the act, made it very clear through documentation

provided to the committee, that he deferred to the planning minister as the responsible minister. There was only that one intervention in the whole process. There is no evidence gathered by the select committee in all of the evidence that we considered to indicate that the Premier was involved in this process from the beginning to the end — not one skerrick of evidence to suggest that.

The nature of the problem was that the actions of the board members in the government's view failed to satisfy the requirements of the act. When they made the most critical decision that they were going to make during the term of a board, which was to make the appointment of the CEO, they did so on the basis of a report that was completely deficient. In the words of the head of the Department of Premier and Cabinet, it was deficient. In the words of Professor Neilson, it was the most unprofessional report he had ever seen in his life as a public servant and in his involvement in public sector recruitment. In fact, it was monumentally deficient.

In terms of the evidence of witnesses before the select committee, two members of the board said that Jim Reeves satisfied the requirements of the appointment. Mr Davis, who was one of the two members selected from the board, said that the five candidates considered all had merit and that Mr Reeves was one of those candidates who could have satisfied the requirements of the job. When he was asked, the chairman of the board reiterated the words of Mr Davis to say that Jim Reeves was a candidate who warranted being recruited.

This is an expedition that has been a monumental failure. It has been a year that will go down in history as being about as successful as the failed Burke and Wills expedition.

**Debate adjourned on motion of
Hon. G. K. RICH-PHILLIPS (Eumemmerring).**

Debate adjourned until next day.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Hon. A. P. OLEXANDER (Silvan) presented *Alert Digest No. 7 of 2002*, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 8

Hon. A. P. OLEXANDER (Silvan) presented *Alert Digest No. 8 of 2002, together with appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Alpine Health — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Anti-Cancer Council of Victoria — Report, 2001.

Auditor-General — Annual Plan, 2002-2003.

Benalla and District Memorial Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Bendigo Healthcare Group — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Cobram District Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated access area, Project and Venue Orders, pursuant to section 18 of the Act.

Crimes Act 1958 — Chief Commissioner of Police's authority to conduct forensic procedures, pursuant to section 464Z(2).

Crown Land (Reserves) Act 1978 — Minister's Order of 27 May 2002 giving approval to granting of a lease at Yarra Bend Park Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 16, Amendment No. 4, 1 June 2002 and No. 17, 2 June 2002, Amendment No. 1, 1 September 2002 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (five papers).

Environment Protection Act 1970 — Order in Council of 4 June 2002, declaring the State Environment Protection Policy (Prevention and Management of Contamination of Land).

Financial Management Regulations 1994 — Order in Council of 23 July 2002, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment No. 10, Building Code of Australia, 1996.

Kyabram and District Memorial Community Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Kyneton District Health Service — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Maldon Hospital — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Mallee Track Health and Community Service — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Manangatang and District Hospital — Report, 2000-2001.

Maryborough District Health Service — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Melbourne City Link Act 1995 —

Order in Council of 17 September 2002, decreasing the Project area, pursuant to section 8(4) of the Act.

Orders in Council of 13 August 2002, decreasing the Project area, pursuant to section 8(4) of the Act.

City Link and Extension Projects Integration and Facilitation Agreement Ninth Amending Deed, 28 June 2002, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Fifth Amending Deed, 28 June 2002, pursuant to section 15D(6) of the Act.

Melbourne City Link Seventeenth Amending Deed, 28 June 2002, pursuant to section 15(2) of the Act.

Melbourne City Link Third Deed Amending Master Security Deed, 28 June 2002, pursuant to section 15(2) of the Act.

Melbourne Water Corporation Act 1992 — Minister for Environment and Conservation's direction of 5 September 2002 to Melbourne Water Corporation.

Mildura Base Hospital — Report, 2000-2001.

Mt Alexander Hospital — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Murray Valley Citrus Marketing Board — Report, 2000-2001.

National Parks Act 1975 —

Advice of National Parks Advisory Council to Minister on proposed excisions of land from existing parks.

Minister's notices of 30 May 2002 of consent for granting of exploration licences at Chiltern Box-Ironbark National Park (7 papers).

Parliamentary Committees Act 1968 —

Minister's response to Family and Community Development Committee's report upon the inquiry into the conditions of clothing outworkers in Victoria.

Minister's response to recommendations in Public Accounts and Estimates Committee's Final report upon Environmental Accounting and Reporting.

Minister's response to Road Safety Committee's report upon the inquiry into rural road safety and infrastructure.

Parliamentary Officers Act 1975 — Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2001-2002 (ten papers).

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

Alpine Resorts Planning Scheme — Amendments C6 and C12.

Ballarat Planning Scheme — Amendment C49.

Banyule Planning Scheme — Amendments C21 and C27.

Bass Coast Planning Scheme — Amendments C12, C15, C17 and C20.

Bayside Planning Scheme — Amendment C27.

Bendigo — Greater Bendigo Planning Scheme — Amendments C26 and C33.

Boroondara Planning Scheme — Amendments C14 and C30.

Brimbank Planning Scheme — Amendment C44.

Campaspe Planning Scheme — Amendment C19.

Cardinia Planning Scheme — Amendments C23, C30 and C32 (Part 1).

Casey Planning Scheme — Amendments C13 and C45.

Colac Otway Planning Scheme — Amendment C2.

Dandenong — Greater Dandenong Planning Scheme — Amendment C11.

Darebin Planning Scheme — Amendments C18, C19, C22, C35 and C38.

Frankston Planning Scheme — Amendment C13.

Geelong — Greater Geelong Planning Scheme — Amendments C38, C44, C45 and C47.

Hepburn Planning Scheme — Amendment C8.

Hobsons Bay Planning Scheme — Amendments C22 and C28.

Horsham Planning Scheme — Amendment C7.

Kingston Planning Scheme — Amendments C17, C19 and C20.

Knox Planning Scheme — Amendment C2.

La Trobe Planning Scheme — Amendment C20.

Loddon Planning Scheme — Amendments C6 and C8.

Macedon Ranges Planning Scheme — Amendment C12.

Manningham Planning Scheme — Amendment C11.

Maribyrnong Planning Scheme — Amendments C9 and C14 (Part 1).

Maroondah Planning Scheme — Amendment C28.

Melbourne Planning Scheme — Amendments C10, C19 (Part 2), C22, C66, C69, C70 and C72.

Mildura Planning Scheme — Amendment C9.

Mitchell Planning Scheme — Amendment C10.

Monash Planning Scheme — Amendments C7, C20 and C39.

Moonee Valley Planning Scheme — Amendments C31, C33 and C34.

Moorabool Planning Scheme — Amendment C15.

Moreland Planning Scheme — Amendment C14.

Mornington Peninsula Planning Scheme — Amendment C43.

Mount Alexander Planning Scheme — Amendments C13 and C15.

Murrindindi Planning Scheme — Amendment C6.

Nillumbik Planning Scheme — Amendment C15.

Port Phillip Planning Scheme — Amendment C30.

Shepparton — Greater Shepparton Planning Scheme — Amendments C18 and C21.

Southern Grampians Planning Scheme — Amendment C3.

South Gippsland Planning Scheme — Amendments C5 and C11.

Surf Coast Planning Scheme — Amendments C5, C8 and C9.

Towong Planning Scheme — Amendments C3 (Part 2), C6 and C8.

Wangaratta Planning Scheme — Amendment C10.

Wellington Planning Scheme — Amendments C14 and C15.

Whitehorse Planning Scheme — Amendments C27, C29, C33 and C42.

Whittlesea Planning Scheme — Amendments C12, C28 and C36.

Wodonga Planning Scheme — Amendments C9 and C14.

Wyndham Planning Scheme — Amendments C8, C12 and C34

Yarra Planning Scheme — Amendments C25, C26, C37 and C41.

Yarra Ranges Planning Scheme — Amendments C11, C15, C20 and C26 to C28.

Rural Finance Act 1988 — Treasurer's directives of 10 August 2002 and 6 September 2002 to Rural Finance Corporation (two papers).

South East Water Limited — Report, 2001-2002.

Statutory Rules under the following Acts of Parliament —

Adoption Act 1984 — No. 77.

Births, Deaths and Marriages Registration Act 1996 — No. 45.

Building Act 1993 — No. 68.

Catchment and Land Protection Act 1994 — No. 83.

Children's Services Act 1996 — No. 82.

Companies Act 1961 — No. 58.

Confiscation Act 1997 — No. 67.

Conservation, Forests and Lands Act 1987 — No. 48.

County Court Act 1958 — Nos. 54 and 55.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 62.

Drugs, Poisons and Controlled Substances Act 1981 — No. 86.

Electoral Act 2002 — No. 73.

Electricity Safety Act 1998 — No. 59.

Environment Protection Act 1970 — No. 43.

Fisheries Act 1995 — Nos. 63 and 78.

Freedom of Information Act 1982 — No. 44.

Fundraising Appeals Act 1998 — No. 65.

Gaming Machine Control Act 1991 — No. 51.

Gas Safety Act 1997 — No. 60.

Health Act 1958 — Nos. 69, 75, 80 and 81.

Health Records Act 2001 — No. 42.

Health Services Act 1988 — No. 79.

Magistrates' Court Act 1989 — No. 41.

Meat Industry Act 1993 — No. 72.

Melbourne and Metropolitan Board of Works Act 1958 — No. 94.

Pharmacists Act 1974 — No. 85.

Private Agents Act 1966 — No. 52.

Prostitution Control Act 1994 — No. 71.

Racing Act 1958 — No. 87.

Road Safety Act 1986 — Nos. 88 to 90.

Second-Hand Dealers and Pawnbrokers Act 1989 — Nos. 61 and 92.

Subordinate Legislation Act 1994 — Nos. 40, 46, 47, 57, 64 and 93.

Supreme Court Act 1986 — No. 91.

Tobacco Act 1987 — Nos. 66 and 84.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 53.

Victims of Crime Assistance Act 1996 — No. 76.

Victorian Institute of Teaching Act 2001 — No. 74.

Water Act 1989 — No. 56.

Water Industry Act 1994 — No. 49.

Whistleblowers Protection Act 2001 — No. 70.

Wildlife Act 1975 — No. 50.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 40, 47, 54, 55, 64, 76, 80 to 82, 85, 86, 91 and 93.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 41, 48, 52, 58 to 61, 63, 65, 66, 68 to 71, 73 to 75, 77, 78, 83, 84, 87 to 90 and 94.

Surveyor-General — Report upon the progress and co-ordination of surveys under the Commonwealth national mapping scheme and the administration of the *Survey Co-ordination Act 1958* for the years 1999-2000, 2000-2001 and 2001-2002 (three papers).

Terang and Mortlake Health Service — Minister for Health's report of 22 August 2002 of receipt of the 2000-2001 report (*in lieu of that tabled on 19 March 2002*).

Vicfleet Pty Ltd — Minister for Finance's report of 26 September 2002 of receipt of the 2001-2002 report.

Victorian Casino and Gaming Authority — Notice of amendment to rules, pursuant to section 78(2) of the Gaming Machine Control Act 1991.

Victorian Electoral Commissioner — Statement of function conferred, 1 October 2002.

Victorian Environment Assessment Act 2001 — Minister's request for Council to investigate possible elevation of Angahook-Lorne State Park to national park status, pursuant to section 16(1) of the Act.

Victorian Law Reform Commission — Report on Failure to appear in Court in response to bail.

Wimmera Health Care Group — Report, 2000-2001 (*in lieu of that tabled on 20 November 2001*).

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

Electoral Act 2002 — Whole Act — 1 September 2002
(*Gazette No. G35, 29 August 2002*).

Electricity Industry (Amendment) Act 2002 — Whole
Act — 31 July 2002 (*Gazette No. S131, 30 July 2002*).

Energy Legislation (Further Miscellaneous
Amendments) Act 2002 — Remaining provisions —
29 July 2002 (*Gazette No. G29, 18 July 2002*).

Energy Legislation (Miscellaneous Amendments) Act
2001 — Remaining provisions — 2 July 2002 (*Gazette
No. G24, 13 June 2002*).

Gaming Legislation (Amendment) Act 2002 — Sections
62 and 64 — 12 September 2002 (*Gazette No. G37,
12 September 2002*).

International Transfer of Prisoners (Victoria) Act
1998 — Remaining provisions — 8 August 2002
(*Gazette No. G32, 8 August 2002*).

Melbourne City Link (Further Miscellaneous
Amendments) Act 2002 — Section 12 — 25 June 2002
(*Gazette No. S111, 25 June 2002*).

Melbourne City Link (Miscellaneous Amendments) Act
2000 — Sections 41 and 42 — 14 June 2002 (*Gazette
No. G24, 13 June 2002*).

Racing Acts (Amendment) Act 2002 — Sections 1, 2, 8,
18 and 24 — 11 July 2002 (*Gazette No. G28, 11 July
2002*) — Remaining provisions — 26 September 2002
(*Gazette No. G39, 26 September 2002*).

Second-Hand Dealers and Pawnbrokers (Amendment)
Act 2001 — Remaining provisions — 1 September
2002 (*Gazette No. G29, 18 July 2002*).

Snowy Hydro Corporatisation Act 1997 — Remaining
provisions — 28 June 2002 (*Gazette No. S110, 25 June
2002*).

Victorian Institute of Teaching Act 2001 — Parts 1, 2, 7,
8 and 9 and sections 88, 90 and 94 — 20 June 2002
(*Gazette No. G25, 20 June 2002*).

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Study tours

The DEPUTY PRESIDENT — Order! On behalf of Mr President I inform the house that, as required by the Commonwealth Parliamentary Association study tour guidelines of September 2001, the following members have submitted study tour reports since Mr President's announcement to the house on 19 March 2002: the Honourable Cameron Boardman, MLC, and Mr Barry Steggall, MP.

As of today's date no member of the Legislative Council of the 54th Parliament has contravened the study tour reporting deadlines.

JURIES (AMENDMENT) BILL

Second reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

The Juries Act 2000 was an important reform of the jury system in Victoria.

The act implemented many of the recommendations made by the parliamentary Law Reform Committee in its 1996 report on jury service in Victoria.

The Juries (Amendment) Bill amends the Juries Act 2000 to address a small number of operational difficulties that have been encountered since the act commenced in 2001.

Jury districts

The Juries Act 2000 currently provides for the assigning of jury districts to the courts in Melbourne and all circuit towns. The act states that a jury district is the area comprising the electoral districts for the Legislative Assembly assigned by the Governor in Council by order published in the *Government Gazette*.

The jury districts are assigned on the recommendation of the Electoral Commissioner, after consultation with the Juries Commissioner and having regard to the needs of the courts in Melbourne or a circuit town.

This bill removes references to Legislative Assembly electoral districts as a basis for the creation of jury districts.

This amendment is necessary because the latest electoral boundaries, which will come into operation upon the calling of the next election, have restricted access to potential jurors for various courts throughout Victoria.

For example, the proposed electoral boundary for the new Legislative Assembly district of Lowan encompasses both the towns of Horsham and Hamilton. Both the Supreme and County courts sit in these towns.

As section 18 now operates, under the new electoral boundaries jurors for the court in Horsham could not be selected from a nearby town such as Warracknabeal (which is less than 60 kilometres away) as it is located in a different electoral district.

The combined effect of section 18 and the new electoral boundaries will make jury pools for some towns too small.

The amendments to sections 18 and 19 of the act therefore remove references to electoral districts.

Instead, jury districts will be developed administratively by the Electoral Commissioner in consultation with the Juries Commissioner (an office created under the Juries Act 2000) before being assigned by the Governor in Council by order published in the *Government Gazette*.

The amendment bill also provides for a further automatic amendment to the Juries Act 2000 upon the commencement of the Electoral Act.

This automatic amendment will ensure that the Juries Act 2000 reflects the new terminology under the Electoral Bill, such as the new register of electors.

Appeals against decisions of the Juries Commissioner

Currently, under section 10 of the act, potential jurors can appeal to the Supreme or district court against a decision of the Juries Commissioner about deferral of jury service, excusal from jury service for a good reason or permanent excusal from jury service.

The act currently provides that the appeal can be lodged within 14 days after notification of the decision or before the date on which the person is required to attend for jury service, whichever is the sooner. Under the current jury selection process, potential jurors are forwarded a questionnaire. At this point, the potential juror may apply for deferment or excusal from jury service.

When the questionnaire is returned to the Office of the Juries Commissioner, the juror may be contacted informally by telephone about their application for deferral or excusal.

If the office is not satisfied that the person should be excused or their service deferred, a summons to attend for jury service is issued.

Questions have, however, arisen as to whether the telephone call or the service of the summons constituted notification of the decision. In order to clarify and give flexibility to the appeals process, clause 3 allows appeals to be lodged at any time before the person becomes a member of a panel.

Calling out of jurors' names

Since the commencement of the act, jurors have expressed concern about the repetitive calling of their names in court which may compromise their security during and after their jury service.

While some of these concerns have been addressed by changes in court procedure, section 31 of the act requires calling out the names of the potential jurors when they come to the court prior to their empanelment.

In order to address this concern, section 31 has been amended to make this preliminary process discretionary rather than mandatory. In this way, the only time the potential jurors' names are called out before the accused is during the empanelment process.

Section 31 continues to provide that a court may direct that panel members be identified by number only during the empanelment process where the court considers it appropriate for security or other reasons.

Majority verdicts in civil trials with jury of five

Section 47 of the act provides for majority verdicts in criminal and civil trials. In criminal trials (other than those punishable by life imprisonment), majority verdicts will be accepted from juries that have been reduced by a juror's death or discharge under section 43 of the act.

However, section 47 does not currently provide for the acceptance of majority verdicts in civil trials where the jury has been reduced from six to five jurors.

Clause 7 provides for such a situation. This amendment will enable such trials to continue rather than requiring a retrial, at great cost to the parties and the community.

Remission of fines and imprisonment ordered summarily

Section 81 of the act empowers the court to deal with a person (by way of a fine or imprisonment) for failing to comply with a summons for jury service or an instruction to attend for jury service, or having been empanelled, for failing to attend as a juror.

It does not, however, include a power to remit the fine.

Clause 8 amends section 81 to include a power of remission of the fine where the person dealt with satisfies the court that they had a reasonable excuse for failing to comply or attend.

This amendment ensures that while the court may deal with a breach summarily, any subsequent reasonable explanation for the breach can be dealt with just as easily.

Disqualification of jurors

Clauses 2 and 3 of schedule 1 disqualify persons who have served terms of imprisonment of varying lengths from jury service.

The amendments seek to clarify these clauses to ensure that a person is disqualified on the basis of the length of sentence (or period of detention) that they have been ordered to serve rather than the actual time spent in prison or in detention.

Ineligibility of jurors

Clause 1(f) of schedule 2 currently provides that persons are ineligible for selection as a juror where their duties or activities, whether paid or voluntary, are connected with the investigation of offences, the administration of justice, or the punishment of offenders.

The phrasing of this clause has led to persons claiming ineligibility on the basis of their roles as traffic by-laws officers, Neighbourhood Watch committee members and bank fraud investigators.

It is inappropriate that such persons could be ineligible for jury service.

Therefore, clause 1(f) has been amended to limit such persons to those who are employed or engaged (whether on a paid or voluntary basis) in the public sector within the meaning of the Public Sector Management and Employment Act 1998.

Conclusion

The Bracks government is committed to an open, transparent and accountable judicial system. Juries are an essential part of such a system, allowing the community to contribute directly to the judicial process.

These amendments seek to ensure the smooth running of the jury system in Victoria and improve confidence in our legal and courts system.

I commend this bill to the house.

**Debate adjourned on motion of
Hon. P. A. KATSAMBANIS (Monash).**

Debate adjourned until next day.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

Introduction

I am pleased to be able to present the Residential Tenancies (Amendment) Bill 2002 today.

This bill balances tenants' needs for security of tenure, the need for landlords to protect their assets; and maintains market investment incentives, thereby strengthening the role of private rental accommodation as part of the total housing system.

Furthermore, this bill addresses the government's commitment in the Better Housing policy to review the Residential Tenancies Act 1997 with a particular focus on tenure security and fair rent mechanisms.

This bill builds on the protections for both landlords and tenants contained in the current act and addresses areas of concern for a number of key stakeholders about the operation of the act. In this way, the best features of the current act have been maintained and the intention to simplify the operation of the act is given effect through streamlining the administrative processes.

It is important to note that the amendments represent moderate and responsible change that modernise this important legislation, whilst maintaining certainty for market investment and therefore the future of the Victorian rental market.

Much work has gone into the development of the legislative amendments proposed in this bill. It represents the culmination of broad consultation with key stakeholders in the residential tenancies sector and the deliberations of the residential tenancies legislation working group, chaired by Ms Jacinta Allen, MP, member for Bendigo East. Membership of the working group included the Real Estate Institute of Victoria, Tenants Union of Victoria, the Victorian Caravan Parks Association and other key sector representatives. The bill represents a balance of the views of these key stakeholders.

The working group returned a substantial number of recommendations for the government to consider, and the changes incorporated into this bill reflect both the perspectives of the working group and an analysis of

the impact of changes on all aspects of the Victorian rental market.

Security of tenure

The act currently allows for a landlord, rooming house owner or caravan park owner to give a tenant or resident 90 days to vacate without giving a reason. The bill provides that this notice period will increase to 120 days. This amendment is intended to deter property owners from using the no-reason notice to vacate inappropriately. This is an important provision that will increase the security of tenure for tenants and residents; however, it does not limit landlords' proprietary rights as the act provides a series of specific purpose notices to vacate as an alternative to the revised 120 day notice.

This is a balanced and even position, supported by key stakeholders, that places Victoria at the forefront of reform in this area.

The government also intended to improve tenure security for caravan park residents and had proposed that the 90 day period for residency be reduced to 60 days. This action would have given residents of caravan park sites rights and protections under the act sooner than is currently the case, while also providing opportunity for caravan park owners to make an assessment of the likely success of a long-term tenancy arrangement with a potential resident.

However, this clause was not allowed in the other place, and I note the government's disappointment that the amendment has diminished our efforts to better support low-income residents of caravan parks.

Rent increases

This bill reintroduces the limit of two rent increases per year and commensurately reduces the notice period for a rent increase from 90 days to 60 days. It is not the intent of the amendment that there be two increases, rather that there be no more than two. This is consistent with the position that applied prior to 1997.

This amendment has been based on two factors. First, the removal of the restriction on the number of rent increases in 1997 has undermined tenure security and the ability of tenants to budget, as the unrestricted ability to raise rents has reduced their certainty and predictability. Secondly, the 90 day notice period requires property owners and agents to forecast rental prices at least three months in advance and potentially set higher prices to cover future inflation.

Additionally, the 90 day notice has proven in practice to be cumbersome for tenants and landlords, requiring a

reminder letter to be sent closer to the date of the actual rent increase. This amendment creates greater certainty and predictability for tenants, while maintaining property owners' ability to seek financial return from their investment and respond appropriately to market movements.

In addition, the bill will expand the criteria which may be considered in determining whether or not a rental increase is excessive. They include:

- the number of rent increases issued in the previous 24 months;

- the size of previous rent increases; and

- the period since the last rent increase.

This will ensure that comprehensive information is available to all parties together with the information currently supplied about the rental housing market and the cost of goods, services and facilities provided with the rented premises.

This will enable the tribunal to be in a better position to assess each case on its merits, rather than relying purely on information about the market in general.

Benefits — simplifying the act

Landlords identified a number of administrative difficulties in working with the act.

In addition to addressing the impact of the 1997 act in regard to tenure and fair-rent mechanisms, this bill includes significant changes to eradicate red tape that will be of benefit to landlords and their agents.

The government's recognition of these issues is reflected in the large number of amendments aimed at improving the operation of the act and streamlining administrative procedures where possible. Generally, these amendments address administrative anomalies that have been identified by users and administrators of the act over the first three years of its operation.

In order to address a number of specific concerns raised by landlord representatives, a number of new provisions have been introduced. For example, the bill will allow a landlord, rooming house owner or caravan park owner to apply for an urgent hearing in the Victorian Civil and Administrative Tribunal if a tenant or resident refuses entry to a property. This section of the act will apply when entry is required to show the premises to a prospective buyer or to a lender who will be taking a security interest over the property.

Violence, penalties and receipts

There are three significant areas of amendments that I would like to highlight in this bill. These relate to:

dealing with potential misuse of the provisions allowing for residents to be suspended from rooming houses and other high-density accommodation for allegedly violent behaviour;

penalties; and

the issuing of receipts.

Misuse of the violence provisions

Communal high-density living, such as rooming houses and caravan parks, can lead to conflict between residents. Part 8 of the act contains special provisions to deal with violence in rooming houses, caravan parks and other managed high-density accommodation. These provisions are required to ensure that managers and owners are able to respond quickly and effectively to dangerous and violent behaviour, by suspending residents or their visitors from the premises for two business days in response to that behaviour.

Nonetheless, while it is acknowledged that property owners have a right to protect their asset from damage and other residents from injury, there have been situations where these provisions appear to have been misused to exert authority or in retaliation against residents. The bill provides that the suspension provision may only be used in response to a serious act of violence.

The bill proposes the introduction of a new offence in circumstances where the power is used inappropriately. A penalty would only apply where a person does not have reasonable grounds to believe that a serious act of violence by the resident or resident's visitor has occurred on the premises, or that the safety of any person on the premises is in danger from the resident or the resident's visitor.

This is consistent with the penalty for attempting to evict a tenant or resident other than in accordance with the act.

Penalties

Extensive consideration has been given to strengthening the mechanisms used to enforce the act. Accordingly a number of new offence provisions have been created to discourage parties from not complying with the provisions of the act.

Offences created in this bill include failure by a landlord to provide a copy of a completed bond lodgment form to a tenant, or for a landlord to enter a rental property other than in accordance with the act.

Failure to comply with either a monetary or non-monetary order of the Victorian Civil and Administrative Tribunal with respect to the operation of the act will also be an offence under the act.

Receipts

The bill contains provisions to update the requirements for landlords or their agents to maintain records of rent payments. This amendment is required to bring the act in line with recent technological developments and ensures electronic payments of rent are sufficiently recorded.

Consistency, efficiency and clarity

The balance of the amendments can be broadly classed into three groups of issues:

areas identified by the working group where greater consistency between provisions is deemed beneficial;

amendments required to improve the existing processes in the act; and

amendments required to clarify the act.

For example, the bill clarifies the exemption from the act for premises which are ancillary to an educational or training institution. It does this by ensuring that only premises which are owned or leased by, or are formally affiliated with an educational or training institution, are entitled to this exemption. This will provide appropriate protection for students who are living in residential facilities which are not truly connected with an educational or training institution.

The bill extends the period to 90 days that an owner of the rented premises must keep these personal documents that are left behind at the end of a tenancy before disposing of them.

It also removes the requirement for landlords, rooming house owners and caravan park owners to place expensive advertisements of their intention to dispose of documents at the end of the 90-day period.

This amendment balances the need to ensure that residents' and tenants' personal documents are protected, while reducing the financial burden on landlords who wish to dispose of these documents after an appropriate period of time.

Working group

Earlier, I mentioned the work of the residential tenancies legislation working group. All members of the working group invested a significant amount of time in identifying issues, arguing the merits of various positions and representing their constituents. While the working group did not always achieve a consensus, all members demonstrated a commitment to the process and reached fair and common ground where possible.

The efforts of the residential tenancies legislation working group were the impetus behind the amendments in the bill.

I would like to thank the chair of the working group, Ms Jacinta Allen, MP, for her commitment and dedication. I know that it is not easy to chair a large group, charged with examining such complex issues. The results, however, have been extremely valuable and I would like to commend the honourable member on her management of the process.

I would also like to thank all of the members of the working group.

Finally, I would also like to extend my thanks to the many members of the community who took the time to provide input into this process. I would like to thank all of the people who attended consultation sessions or provided written submissions on the issues raised during this process. This feedback was valuable in informing the working party of various perspectives and highlighting issues of concern.

The provisions in this bill meet the government's commitment to review the balance of the act. This bill introduces moderate and responsible change which will improve the balance of rights and duties of landlords and tenants or residents, by providing greater certainty for tenants, predictability for landlords and by significantly improving the operation and efficiency of the act.

I commend the bill to the house.

Debate adjourned for Hon. ANDREA COOTE (Monash) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

AGRICULTURAL INDUSTRY DEVELOPMENT (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.

This bill implements the government's response to the national competition policy review of the Murray Valley Citrus Marketing Act 1989 of Victoria and New South Wales, which was jointly commissioned by the Victorian and New South Wales governments in 1998. Each act establishes the Murray Valley Citrus Marketing Board, which is based in Mildura and provides a range of research and market development services to the industry in the Victorian and New South Wales areas of the Murray Valley. While the two boards are legally two separate entities they have effectively operated as a single entity.

The national competition policy review recommendations reflected the key conclusions that the boards should continue to be underpinned by legislation and compulsory levies but that direct market intervention powers of the boards should be repealed because they are anticompetitive and no longer relevant and that other elements of the legislation should be changed to make the boards more accountable to producers.

Following extensive consultation with the citrus industry, both governments accepted and agreed to implement all recommendations of the review. To implement the changes in the most appropriate legislative framework, it has been agreed that the Agricultural Industry Development Act 1990 of Victoria and the Agricultural Industries Services Act 1998 of New South Wales will be amended to enable either act to reconstitute the existing boards as a single entity which can exercise its functions in defined areas of both states.

The proposal to establish a single board recognises that, while the citrus industry in the Murray Valley is artificially divided by state boundaries, participants in the citrus industry have common needs and business interests on both sides of the Murray River and have always worked together effectively on industry activities. This legislation assists in relation to statutory support to foster cooperative industry development activities in the region.

Reconstitution of the citrus boards under the Agricultural Industry Development Act 1990 or Agricultural Industries Services Act 1998 has significant benefits. Both acts provide for the establishment of committees to administer compulsory charges collected from producers for research and market development services. The acts do not confer direct market intervention powers on committees and both have been amended recently to provide for increased accountability of committees to producers. As such, they provide a more appropriate legislative framework than the current citrus acts, which are obsolete and would require substantial amendment to comply with national competition policy obligations. Four committees are currently operating successfully under the Agricultural Industry Development Act 1990 for the wine grape, strawberry and tomato industries. Reconstitution of the boards under this act will bring all Victorian committees collecting compulsory charges under one act.

The proposal to reconstitute the two current citrus boards as a single entity in one state with extraterritorial operation in the production area of the other state represents a significant step forward in interstate cooperation to achieve administrative efficiencies and deliver cost savings to both government and industry.

Legal advice to both the Victorian and New South Wales governments confirmed that state parliaments have legislative power to make laws of extraterritorial operation and that complementary legislative provisions are needed in both jurisdictions permitting the relevant government to consent to the formation of a committee with extraterritorial application and creating a mechanism for the government to give such consents.

The proposed process and indicative timetable for amending the legislation in both states and reconstituting the citrus boards are as follows:

The Victorian and New South Wales governments propose to achieve passage of legislation in 2002 to amend the Agricultural Industry Development Act 1990 of Victoria and the Agricultural Industry Services Act 1998 of New South Wales to introduce complementary provisions for extraterritorial committees, provide transitional arrangements relating to the citrus boards and provide for the repeal of the citrus acts following reconstitution of the boards.

Two intergovernmental agreements will specify certain administrative arrangements associated with the proposed extraterritorial arrangements. A generic agreement, proposed to be signed prior to

commencement of the amending acts, will cover a process for resolving disputes between governments, provision of information to ministers about the operations of extraterritorial committees and obligations of governments before amending corresponding acts or extraterritorial instruments. A second agreement will cover specific issues relating to the proposed extraterritorial citrus order.

Following the passage of the amending legislation in both states, a poll of producers will be conducted in both states on the proposed reconstitution of the boards by an order made under the Agricultural Industry Development Act 1990. The citrus industry in both states has recommended that the boards be reconstituted under the Victorian act because the board office and the majority of both producers and citrus production are in Victoria. The poll will ensure that producers are fully informed of the consequences of their vote. The poll process could commence in November 2002 and be completed by March 2003.

If the polls in both states support the proposed extraterritorial order, the Victorian minister will make the order and it would be brought into operation when recognised by the New South Wales government. If the proposed reconstitution is rejected by either or both polls, both governments would consult with the industry to decide whether the existing boards should be dissolved or reconstituted under the Agricultural Industry Development Act 1990 of Victoria and Agricultural Industry Services Act 1998 of New South Wales on an intrastate basis.

I now turn to the main provisions in the bill.

The bill provides for extraterritorial operation of committees by amending the Agricultural Industry Development Act 1990 (the act) to make provision:

for committees established under the act to perform functions and exercise powers outside Victoria;

for committees established under corresponding legislation in another jurisdiction to perform functions and exercise powers in certain areas of Victoria; and

for the law of the jurisdiction under which the committee is established and certain associated laws to apply outside that jurisdiction.

To give effect to the proposed arrangements, most of the extraterritorial provisions in the bill will be mirrored in the amending legislation in New South Wales. The

bill provides that the associated laws that would apply in the production area of the participating jurisdiction are those relating to the jurisdiction and procedures of courts and tribunals, judicial review of administrative decisions, jurisdiction of the Ombudsman, access to information held by public officials, protection of whistleblowers, protection of privacy of personal information and provision of financial and annual reports.

The bill empowers the Governor in Council, on the recommendation of the Minister for Agriculture, to declare:

another state or internal territory to be a participating jurisdiction;

an act of a participating jurisdiction to be a recognised act; and

an order, regulation or other instrument made under a recognised act to be a recognised instrument.

This establishes the basis for the application of laws in relation to producers of a commodity in specified production areas of Victoria and the participating jurisdiction.

While the bill provides that New South Wales is the only participating jurisdiction initially and that citrus is to be the first commodity to be covered by an extraterritorial order, the generic extraterritorial provisions could potentially apply to other jurisdictions and commodities in the future.

The interests of Victorian producers are protected in relation to an extraterritorial instrument made in another jurisdiction by providing that the minister must not recommend the declaration of a recognised instrument to apply in Victoria unless a poll of producers of the relevant producers has been held and the majority of votes cast by Victorian producers are in favour of the proposed instrument. Orders in council can also be disallowed by resolution of either house of Parliament.

The bill empowers the minister to make an extraterritorial order under the act to apply to producers of particular commodities in specified production areas of Victoria and a participating jurisdiction. The current general provisions of the act apply in relation to the preparation of a detailed report on the proposed order and the public consultation process conducted prior to a poll of producers in the proposed production area.

The interests of the government and producers in the participating jurisdiction are protected by providing that the minister must not direct that a poll be conducted

unless the minister in the participating jurisdiction has agreed to the content of both the proposed order and report distributed during the public consultation process and the question to be put in the poll.

The minister can make the proposed order only if the majority of votes cast by producers in Victoria are in favour of the proposed order and the poll result in the participating jurisdiction would enable the minister in that jurisdiction to recommend that the proposed order be declared a recognised instrument. Provision is also made that the order does not take effect until it is declared to be a recognised instrument in the participating jurisdiction.

The bill makes special provisions for polls for proposed extraterritorial orders. The minister may authorise the conduct of a poll in the production areas of both Victoria and the participating jurisdiction. In the first poll to establish an extraterritorial committee, some poll provisions of the corresponding legislation in the participating jurisdiction must apply in the participating jurisdiction. However, Victorian provisions apply in subsequent polls to continue the committee for the same commodity and production area.

The bill also provides that if a poll is conducted and the proposed extraterritorial order receives majority support in Victoria but does not receive sufficient support in the participating jurisdiction, the minister may make an order in substantially the same form to apply only in the Victorian production area without conducting a further poll.

The bill makes provision for a poll of citrus producers to be held within six months after the amending legislation receives royal assent on the question of whether the citrus board should be reconstituted by an extraterritorial order made under the act. Voting entitlements and the poll outcome needed to enable the minister to make the order are specified.

The bill provides that the Murray Valley Citrus Marketing Act 1989 will be repealed on 1 July 2004 or an earlier date to be proclaimed when the boards are reconstituted or dissolved. This will ensure that national competition policy obligations are met.

The bill also inserts a number of transitional and savings provisions relating to the operation of the proposed new reconstituted board. Some provisions of the Murray Valley Citrus Marketing Act 1989 are included in the bill as a transitional measure for the four-year term of the order establishing the new board. This maintains the obligation of approved receivers to

collect and pay to the board the charges imposed on producers.

Transitional provisions relating to the appointment and obligations of approved receivers, the transfer of assets and liabilities of the current boards, membership of the new board and the successor in law of the current boards will apply when the current boards are reconstituted at a future date.

While not part of the response to the national competition policy review, the government recognised that the search and entry powers of authorised officers appointed by committees under the act are wider than required and in some cases are inappropriate. The bill inserts a number of new provisions to:

enable orders to be able to restrict the powers of authorised officers to those required by the particular order; and

require an authorised officer to obtain the consent of the occupier, or obtain a search warrant, before entering premises.

The bill provides a contemporary framework to enable Victorian primary producers with direct industry links to their neighbouring growers in another state to participate in industry development activities where they believe regional initiatives are appropriate. As a first step, the bill will provide a way of unifying the industry development activities of citrus growers in the Victorian and New South Wales areas of the Murray Valley.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. C. A. Furetti.

Debate adjourned until next day.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the house do now adjourn.

ALP: election promises

Hon. N. B. LUCAS (Eumemmerring) — I wish to raise with the Minister for Education Services a matter for the Premier. Prior to the last election the Labor Party made a number of promises in the Dandenong–Berwick area, and I wish to refer to some of them quickly.

Labor promised to construct and open the Endeavour Hills police station during the current term of the government. I want to report to the house that not a brick has been laid. The Narre Warren underpass has been announced three times but there has not been a hole dug in the ground yet. A big construction job is needed there. The Narre Warren premium station has been announced at least twice. The government brought down a tent the other day, provided coffee and scones and announced the project yet again, but still there are no works. The Minister for Health in another place promised to open the Berwick hospital in 2002, and it is now promised to open in 2004; still not a brick. The Dingley bypass is on hold; there are no works whatsoever there. The Scoresby freeway has been linked in with the Eastern Freeway and there have been no works there.

The Labor Party suggested that it was going to fix the waiting lists at the Dandenong Hospital. The government has fixed the hospital up by increasing waiting lists. They are not my figures, they are the government's figures. The government puts out this document every three months and as soon as it arrives I look at the figures for the Dandenong Hospital. Every three months consistently since this government came to office the waiting lists have increased.

Fast trains to Gippsland — not a sleeper. Not a train has passed through the Dandenong–Berwick area on the way to Traralgon. Not a sleeper has been laid in this project. Reduction in crime? The figures for the Dandenong and Berwick areas show that crime has increased and the community is not happy with that; yet the government maintains that it is doing all of those things for the community. But the facts are that it is not. The government has not achieved a reduction in unemployment to 5 per cent.

In all the promises the Labor government has made, not one of the ones I have mentioned tonight — and just off the top of my head I can think of 10 of them — has been met; not a break, not a sleeper, no works. All promises and spin but no action. The problem with this government is that it is big on announcements, spin and entertainment but not on action. It cannot do anything. I ask the Premier: does the Labor government intend to fulfil any of its promises of proposed works and services in the Dandenong–Berwick region?

Lake Eildon: recreational access

Hon. E. G. STONEY (Central Highlands) — I raise a matter for the Minister for Environment and Conservation. Last week the chairman of Goulburn-Murray Water publicly suggested that Lake

Eildon may be closed for recreational purposes due to low water levels. It is estimated that those comments cost local business at least \$50 000 in the two days following their release, through cancellations of forward bookings for operators and people providing recreational services around the shires of Murrindindi and Delatite.

Goulburn-Murray Water then retracted the comments, but the damage had been done because television, radio and the newspapers love bad news and made sure that everybody in Victoria, and indeed in Australia, knew that Lake Eildon was to close. For example, one radio station ran a quiz. The question was: 'What can we do on our holidays?'. The answer was that you can go and have mud fights at Lake Eildon. You can imagine the sort of damage that was done.

I went to the 4 x 4 camping show on the Friday and the local operators said that all the people who came by their tents said, 'Why are you here? Lake Eildon is going to close'. So the public perception is that Lake Eildon is going to close, and operators have suffered damage from that. There has been enormous and lasting damage done to the shires of Murrindindi and Delatite and to the operators there. The basic problem is that authorities like Goulburn-Murray Water are running their own agendas. It is plain that the government has lost control of many authorities, especially Goulburn-Murray Water.

I ask the minister to rein in Goulburn-Murray Water and instruct it to never again make an ill-timed and unnecessary public statement or take any hasty action that will destroy a local economy, as it has done with this issue.

Kangaroos: control

Hon. R. M. HALLAM (Western) — I raise an issue for the Minister for Agriculture to do with the government's policy decision to rule out the commercial use of the huge number of kangaroos currently being culled. It is generally acknowledged that the drought conditions have prompted a large number of kangaroos to migrate looking for better pastures. The numbers in my part of the state have never been experienced before. I cite the example of my immediate neighbour at Mooralla, who is trying to run a grazing operation. He is battling tough seasonal conditions and my reckoning is that he is now running more kangaroos than anything else. It is heartbreaking for the farmer, and I suggest it is not too much fun for the roos either!

The government said it would fast-track the permit process, and true to its word it is now very easy to get a permit. My Department of Natural Resources and Environment regional officer is keen to assist and reports that there are dramatically increased permit and cull numbers. But the question remaining now is what to do with the carcasses because under the current permit conditions they can only be used for dog meat. It would suggest that the average permit-holder would need an awful lot of dogs.

The government says that it is impractical to allow commercial use and cites two grounds: the first is the time and cost of complying with federal wildlife laws. The federal Minister for Agriculture, Fisheries and Forestry, Warren Truss, has put that to rest. The government also says that the capital cost of establishing a processing works would preclude commercial use. My suggestion is that it is nothing to do with the government anyway and the private sector would quickly find a way round it. For instance, the carcasses could simply be transported to existing interstate facilities.

At the end of the day the government says it does not want the cull driven by commercialism. That is a nonsense position. It is unfair on the farmers who are currently meeting the cost of feeding the increased numbers and who were denied the opportunity to recover any of those costs. But worse still, the government still retains control over the numbers culled and therefore the ultimate determination of any size of the commercial trade.

Leaving the roo carcasses to rot in the paddock is an incredible waste, and I appeal to the Minister for Agriculture to apply some commonsense to this tragic situation.

Kensington Road–Bellarine Highway, Leopold: safety

Hon. E. C. CARBINES (Geelong) — I raise a matter for the Minister for Transport in the other place. It concerns the issue of pedestrian traffic safety at the intersection of the Bellarine Highway and Kensington Road in Leopold. The local primary school is situated at this intersection and many children cross the highway at the designated pedestrian crossing, walking to and from school each day. I have been contacted by several Leopold residents who are concerned about the risks faced by those students.

I have received a letter from Mr Peter Fisher, the president of the Leopold Primary School council. He says:

The Leopold Primary School community believes our students are facing an extraordinary risk when having to cross the Bellarine Highway. The volume and speed of road traffic at both arrival and departure times present very real dangers to our families.

The crossing supervisors are doing a magnificent job in the face of cars and trucks travelling at excessive speeds as well as coping with the ever-increasing numbers of students and parents.

The school community is seeking your support in achieving a 'black spot' status as a matter of urgency and pursuing whatever funding might become available as a result of that classification.

The establishment of lights at the Kensington Road–Bellarine Highway intersection is seen as imperative to the traffic safety of our families.

Vicroads has advised me that it has developed proposals for the improvement of a number of intersections in Leopold, and I call on the minister to support the Leopold Primary School community and allocate the necessary funding for the installation of traffic lights at the intersection of the Bellarine Highway and Kensington Road.

Budget: surplus

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the attention of the Treasurer in the other place. Last Friday the Treasurer made an extraordinary announcement. He announced that under his stewardship a \$515 million black hole had developed in the Victorian budget for the year ended June 2002. The Treasurer announced that he had taken his own estimate of \$765 million for the operating surplus for 2002 and revised it down to just \$250 million.

It is worth putting this fact into some historical context. When the Bracks government came to power it inherited an operating surplus of \$1.8 billion, and yet last Friday the Treasurer was announcing that the operating surplus for the financial year ended June 2002 was only \$250 million — a reduction of almost \$1.6 billion!

The Treasurer has suggested that this is as a result of movements in international equity markets over the period since the budget estimates were made. What is extraordinary about the Treasurer's announcement is that when he tabled his estimated operating outcome of \$765 million on 7 May it was only 54 days before the end of the financial year. The Treasurer is now asking us to accept that within 54 days from the time he tabled that estimate on 7 May there was such a substantial change in the international economy that it blew a \$515 million black hole in the budget.

I seek an explanation from the Treasurer. I want the Treasurer to explain what assumptions underpinned his estimate of a \$765 million operating surplus for the year ended June 2002, and, more importantly, what changed in the 54 days between 7 May and the end of the financial year that resulted in a \$515 million black hole.

Gunnamatta: sewage outfall

Hon. R. H. BOWDEN (South Eastern) — I raise for the attention of the Minister for Environment and Conservation in the other place the matter of the continuing and increasing community concern about the Gunnamatta outfall at the Point Nepean National Park.

The distance between Flinders and the eastern side of the Port Phillip Heads is about 40 kilometres, and the Gunnamatta outfall is approximately halfway along that distance. It is an important part of the coastline immediately adjacent to a very important part of the Point Nepean National Park.

On the figures available I understand that approximately 350 million litres of contaminated processed sewage water is pumped into Bass Strait at the Gunnamatta outfall each day. This is unacceptable. It has been an issue within the community on the southern Mornington Peninsula for a long time, and even today at the mass rally outside the Parliament a representative from the organisation was addressing this issue.

It is a public health matter, and concern about its scope is increasing within the community. The situation is likely to affect the health of a considerable number of people, and with the approach of summer, with the warmer waters and warmer weather conditions, 350 million litres of contaminated water being pumped into that area each day is plainly undesirable.

As a local member I have been raising this issue for a considerable number of months both last year and this year, and I ask the minister to take urgent action on this important public health issue to achieve a positive outcome so we can have clean water at the Gunnamatta outfall without any further delay.

Disability services: home care

Hon. W. I. SMITH (Silvan) — I raise for the attention of the Minister for Community Services in the other house the matter of a resident who came to see me in May because his family was in crisis. He has a daughter who has ataxic cerebral palsy, and his wife died in April, four weeks prior to his coming to see me.

This man's daughter, a young woman, is severely handicapped and he was having a lot of problems getting disability services home care, which he had applied for so he could continue working to support his other child.

This gentleman came to see me in May, and I raised the matter on the adjournment debate on 4 June, when I asked the Minister for Community Services about the 2002–03 budget which had allocated a total of 72 extra places in Victoria this year for this type of home care. I asked the minister if she would look into the matter because those 72 places had not been allocated. The minister wrote to me on 5 July to say that:

In response to the allocation of the 72 Home First places across Victoria, I am able to advise that 15 Home First places have been allocated ...

They were available.

This means Nicole's application —

Nicole is this gentleman's daughter —

will be considered along with other urgently listed clients for one of these 15 Home First places.

That was three months ago. This parent is still waiting to hear from the department, and he has heard absolutely nothing.

As I said, he came to me in April when his family was in absolute crisis, the question was raised in June, in July I got a response, and three months later we are still waiting to hear from this government about where we are at.

I have to question this government, which talks about care and having a heart, when 72 places were allocated in the budget and yet the minister has been unable to get her department to allocate places for this desperately needed home service. If the minister has made the decision to allocate places, I ask her to try to get her department to move things along so these families know if they will get the grant or not.

South Melbourne Soccer Club

Hon. P. A. KATSAMBANIS (Monash) — I raise for the attention of the Minister for Environment and Conservation in the other place an important matter that relates to issues arising at the Albert Park recreational reserve in my electorate — specifically the lack of permanent training facilities available to South Melbourne Soccer Club, which is one of the premier sporting clubs that use the wonderfully redeveloped Albert Park complex.

Unfortunately for the past few years the South Melbourne Soccer Club has not been able to obtain permanent training facilities and has been forced during the course of the year to move from field to field within the Albert Park complex. This has resulted in the team having to train on substandard grounds on many occasions.

Recently the club captain, Paul Trimboli, caught his ankle in a pothole and injured himself quite badly. He had to miss a number of matches as a result of training on substandard pitches scattered all over Albert Park. In a ludicrous situation a few weeks ago the club was forced off its allocated training facility for the day because it had been taken over by a group of frisbee throwers!

It is unfortunate that Parks Victoria continues to ignore the requests for the South Melbourne Soccer Club to have a permanent training facility and a permanent pitch within the complex allocated to it so that the field can be developed properly to make it safe for players to train on in the knowledge that they will not fall through potholes and will not have flying frisbees or baseballs or any other type of implement coming at them.

I seek the assistance of the minister to ensure that one of the premier sporting clubs in Victoria — and certainly the premier sporting club within my electorate — is given the opportunity to have access to good quality facilities.

The Albert Park reserve has been redeveloped, as I said, and a number of sporting clubs have been able to obtain permanent facilities for training within that complex, and it is only right that a club of the stature and status of the South Melbourne Soccer Club be given the same opportunity.

I seek the minister's assistance and I hope she will treat this request seriously and expeditiously, because we want to avoid any further potential for injuries to these players and we want to assist the club as it embarks on the current national soccer league season.

Coode Island: chemical storage

Hon. ANDREA COOTE (Monash) — I raise for the attention of the Premier the very important issue of the purchase of the Coode Island chemical plant.

In April this year I raised concerns about the sale of Coode Island and the doubt it cast over the implementation of a \$40 million safety upgrade. I then asked the Premier to guarantee that the new buyer would continue with the safety upgrade at the chemical plant. While it is not in my electorate, its close

proximity to my electorate of Monash Province and the residents of Port Melbourne means they would be affected directly if there were a chemical explosion.

After five and a half months the Premier had failed to give me an answer. So when I read in an article in the *Herald Sun* of 22 September that the new foreign owner of Coode Island was implicated in an environmental disaster and linked to two others, I was extremely alarmed. The company is being sued by 23 organisations for damages relating to one spill and is fighting allegations over its failure to meet safety regulations. Dr Peter Browtheron, representing the environmental concerns on the Coode Island Consultative Committee, is also very concerned about the spills, and has stated:

We would want to know how they occurred, who was responsible and whether the incidents have any implications for the operation of Coode Island.

I ask the Premier what knowledge he had of the company's environmental record, and what is the current status of the proposed \$40 million safety upgrade at Coode Island.

Rail: Linking Victoria brochure

Hon. K. M. SMITH (South Eastern) — I would like to put my concerns through to the Minister for Transport in the other place in regard to a misleading advertising brochure that has been put out by the Department of Infrastructure called *Linking Victoria — Bringing Trains Back to the People of Regional Victoria*. It is very misleading.

This brochure talks about the rail service that would be running between Melbourne and Leongatha, or from Cranbourne to Leongatha. It says that:

Rail will allow more efficient transport of bulk and export cargoes such as sand and agricultural products ...

The truth of the matter is I have called together a meeting of all of the people involved — and it is going to be the sandmining capital shortly — and none of those people are at all interested in moving any of their stuff by rail transport. I had all the road transport freight companies from that area down there, and I spoke to them about whether they would be interested in putting their gear into the trains at Leongatha and shipping it to Melbourne or wherever. There was no interest at all. I had Murray Goulburn, the bulk milk people, but no-one at all was interested in having their freight moved by rail.

The worst thing is that I have a misleading brochure here. I ask the Minister for Transport to withdraw this

brochure because it is blatantly misleading the people in the Gippsland area about this train. There is a photograph of Margaret Smith, a resident of Cape Paterson. She says:

The South Gippsland line will enable me to visit my grandson more often and arrive relaxed and unstressed.

I thought, 'That sounds really fantastic'. The only trouble is that Cape Paterson is 50 kilometres from the nearest railway station that this woman could go to! This is just claptrap; this is rubbish; this is misleading propaganda put out by the Minister for Transport. It should be removed from the shelves where it is on display. It is a blatant lie, and is nothing more than what this government has done since it came into office. It should be withdrawn, and the sooner the better.

Eastern CASA

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Community Services in the other place through the Leader of the Government in this place.

The issue I raise is the dire financial position of a very important service in my electorate, the Eastern Centre Against Sexual Assault. The centre is in dire financial straits because it has extremely long waiting lists for very much needed counselling services which it provides free of charge to about a thousand clients within my local electorate. About half of its clientele are women, 30 per cent are men, and about 20 per cent, sadly, are adolescents and children.

The centre's waiting lists have increased by about 20 per cent over the last year. It cites reasons for this, including an increase in referrals from other paid agencies, costs associated with running its free service, and also, sadly, from publicity generated in the media by recent cases of child sex abuse, which seems to have raised awareness in the community about this very serious problem.

The centre provides a very professional and good service to the community, but unfortunately on its priority waiting list for counselling services there is currently more than a five-week wait for a first referral, and for second and subsequent referrals waits can be up to five months for an appointment for this very badly needed service.

The service raised the concerns with the Minister for Community Services first at a meeting it held with the minister on 7 May. It also sent some material to the minister later in May, and in July sent full details of all its waiting lists. Nothing had happened until last week,

when the waiting list plight was published in the local newspaper in the electorate and suddenly a grant of \$25 000 was promised to the centre by the minister. According to the management of the centre the \$25 000 grant is clearly insufficient. It has had to cope with an award wage increase for those who provide the counselling services locally. The \$25 000 that has been forwarded has not even put a dent in the waiting list because it has been soaked up by wage increases.

My request to the minister is that as a matter of urgency, with me she meet the management and staff at the centre and review the decision on funding to help the centre, in conjunction with her department, to come up with a management strategy to reduce these waiting lists and help this excellent service provide a great and very much needed service to victims of sexual assault in my electorate.

Human Services: tabled reports

Hon. G. B. ASHMAN (Koonung) — I raise with the Minister for Education Services a matter which relates to the papers tabled earlier this day. I note from the list of papers nine health reports which have been tabled in lieu of reports previously tabled. The nine reports being replaced are replacing reports that were tabled almost 12 months ago in this chamber.

It is a disservice to this chamber that we are not provided at the time of the tabling with an explanation why these nine health reports are being replaced with new reports. I seek from the minister an explanation of why these reports have been re-tabled and why the chamber was not given the courtesy of an explanation at the time of the tabling of these papers?

Schools: Geelong

Hon. I. J. COVER (Geelong) — I raise with the Minister for Education Services, who I am glad is with us in the chamber tonight, the crisis in the government school maintenance backlog. The matter was raised by the Honourable Peter Katsambanis in question time earlier this evening. He received a shrill response from the minister but not a specific response to his question.

I wish to highlight the problems confronting schools in the electorate of Geelong Province. It has been put to me that there is growing concern among schools in Geelong about the government's apparent lack of current policy in relation to school maintenance funding. It seems no current government policy exists as to how the shortfall will be met for schools that have immediate maintenance needs.

Looking at the figures made available to the Liberal Party, in the electorate of Bellarine the immediate maintenance needs for schools are to the value of more than \$650 000; in the electorate of North Geelong, which becomes Lara at the next election, the immediate needs are to the tune of \$940 000 and above; in South Barwon the immediate needs are more than \$1.4 million; and in the seat of Geelong, the most marginal seat in the state of Victoria, the immediate needs for schools in the electorate are more than \$2.4 million. This is the electorate held by Ian Trezise, the honourable member for Geelong in the other place.

As the Premier and members of the cabinet would have discovered when they visited Geelong for a cabinet meeting yesterday, people are turning to the Liberal Party and the candidate in the electorate of Geelong, Stretch Kontelj in particular. It is no wonder when you see such figures as a maintenance backlog in that seat of Geelong of more than \$2.4 million. No doubt that will have been a valuable lesson for the minister when she was in attendance in Geelong yesterday with the Premier and the cabinet.

In raising these immediate needs for school maintenance programs to be addressed I call on the minister to admit that there is a maintenance crisis and address the current lack of policy in relation to school maintenance funding.

Ross Gregory Oval, Albert Park

Hon. ANDREW BRIDESON (Waverley) — I raise an issue with the Minister for Education Services to relay to the Minister for Environment and Conservation in another place concerning the Ross Gregory Oval at the Albert Park sporting complex, which is in the electorate of Monash Province. I discussed this issue with the members for Monash Province prior to raising the matter.

It is my understanding that it is incumbent on Parks Victoria to conduct routine maintenance on this oval at the completion of the football season and prior to the cricket season commencing. I believe it has done this in previous years, and certainly under the Kennett government administration that was carried out. This year the maintenance has not been carried out. The cricket pitch is below the standard required by the Victorian Cricket Association (VCA).

I have received a communication from the St Kilda Cricket Club secretary, who is well known to me and who has made persistent and numerous requests of Parks Victoria on behalf of the St Kilda Cricket Club. He has also sent several emails, the first of which was

sent on 25 September. Apparently Parks Victoria is stonewalling — it has not made any response and is trying to pass off these requests.

I would like an explanation from the minister as to why these requests from the St Kilda Cricket Club have gone without action. Will she instruct Parks Victoria to carry out the necessary maintenance as quickly as possible, particularly before any injuries occur to cricketers because of the poor standard of the pitch and the ground, and before the VCA pulls matches because of the bad condition of the pitch and the surrounding area?

Banyule Community Health Service

Hon. C. A. FURLETTI (Templestowe) — I raise with the Minister for Health, through the Minister for Education Services, an issue I have raised before relating to the plight of the Banyule Community Health Service in Heidelberg on the corner of Alamein Road and Catalina Street. I raised last year the serious need for the government to decide on and remove the uncertainty as to the future of the community health centre.

I attended the annual general meeting with the Honourable Bill Forwood on 23 September last and, lo and behold, the primary issue in the executive officer's report to the meeting was the fact that the centre is now literally bursting at the seams. For example, there is a three-year waiting list for dental services. The difficulty is that the service simply has no room to expand and cannot provide services which have been put on it by the government in various shapes and forms.

I draw to the attention of the government that in November 1998 the Honourable Rob Knowles, the then Minister for Health, had promised capital funding for the redevelopment of the centre. I have said previously in contributions in this place that had a Liberal government remained in office after the 1999 election the Banyule Community Health Centre would by now have been redeveloped and would be servicing the people in my electorate.

I draw the now desperate plight of the Banyule Community Health Centre to the attention of the Minister for Health and ask him to consider the very urgent commitment of funding to determine once and for all what the future of the centre will be.

Weedon Heights Primary School

Hon. B. N. ATKINSON (Koonung) — The issue I raise for the attention of the Minister for Education Services is in regard to Weedon Heights Primary

School in my electorate of Koonung Province. At the moment the school has a number of portables on site which have enabled the school to deliver its curriculum and to meet the government's requirements in terms of class sizes. However, the school council has raised with me a concern that those portables are likely to be moved off site before the next school year and the enrolment at the school is such that it will definitely need those portables to maintain the class sizes required, particularly in junior grades, and to deliver the curriculum it wishes to provide for the children. I seek an assurance from the minister that those portables will not be moved and that they will be retained on site to meet the needs of this school and the school community.

Melbourne 2030 strategy

Hon. C. A. STRONG (Higinbotham) — The issue I raise for the attention of the Minister for Education Services is for her colleague the Minister for Planning in the other place. It is in reference to the metropolitan strategy that was released this week. The strategy plans for an extra 620 000 dwellings in the Melbourne metropolitan area without any expansion of the metropolitan area available for the development of those extra dwellings.

To achieve the vast majority of the 620 000 new dwellings it is estimated that something like 60 per cent to 70 per cent will be in the form of renewal of existing urban areas and medium-density housing. Of course this will have a huge impact in the more mature and developed suburbs such as the Bayside area in my province. Bayside residents are already groaning under the strain of the current renewal and medium-density housing.

Is it true that councils like Bayside in Higinbotham Province will be forced by modifications to planning schemes and development codes to approve even more medium and high-density development?

Premier's awards: budget

Hon. BILL FORWOOD (Templestowe) — I raise an issue for the attention of the Minister for Industrial Relations in the other place. When I still had the gig as shadow Minister for Industrial Relations I asked a couple of questions on notice of the minister, particularly question 3023. The question I asked was how many nominations had been received for the Premier's awards for partnership at work in the categories of more than 100 and less than 100 employees, and how many attended the Premier's foundation awards for organisations. I asked about the

budgeted cost and the total cost. The answer that came back included:

There have been 20 nominations from workplaces with more than 100 employees —

and:

There have been 10 nominations from workplaces with less than 100 employees.

That makes 30, 11 of which made the short list, but the budgeted cost for the whole thing was \$230 000. When you do the maths that works out at \$7500 per nomination. The reply says that as at 11 June, inclusive of the GST, they had spent \$157 000 — so it was not as though they had overbudgeted — but they would spend all this money.

We know this government has a particular attitude towards industrial relations. We also know this government has a particular attitude towards wasting money because it does a lot of it. But I would have thought that \$230 000 for these awards for only 30 nominations is just a bit steep. I wonder whether it is the intention of the government to spend another \$230 000 on this next year.

Powers Creek: pollution

Hon. PHILIP DAVIS (Gippsland) — I direct a matter to the attention of the Minister for Energy and Resources. It concerns the mine tailings dumps at Cassilis, which is near Swifts Creek in the Tambo Valley in north Gippsland. There is community concern at pollution entering streams from the leachate from these dumps.

Water samples from Powers Creek at Cassilis — which is a tributary of Swifts Creek, which in turn runs into the Tambo River, which in turn runs into the Gippsland Lakes — have been tested by the Marine and Freshwater Resources Institute. The tests revealed zinc levels at 3000 times higher than acceptable levels, lead at 1420 times, arsenic at 720 times, mercury at 140 times, copper at 80 times and cadmium at 10 times.

Powers Creek runs adjacent to a dump of mine tailings that extends for over 500 metres, and erosion in the tailings dump indicates how much run-off is occurring, with resultant pollution of the stream. A sign erected by Parks Victoria warns visitors to the area to beware of a number of hazards, including arsenic-poisoned tailings. Community concern demands that there is a thorough investigation of this matter, followed by appropriate action. Residents in the area state that their concerns have been raised with a number of organisations and government agencies, but there has been no response.

I note that I wrote to the minister in July of this year, but she also has not responded. Will the minister please satisfy the community concerns by investigating this matter and responding to me and the community?

Surveyor-General: government administration

Hon. D. McL. DAVIS (East Yarra) — My matter is for the attention of the Minister for Environment and Conservation in the other place. It concerns the Surveyor-General. In this place today we have seen three annual reports tabled — the 1999–2000, the 2000–01 and the 2001–02 reports. These have been tabled very late, which is a matter for concern given that the Survey Coordination Act 1958 requires that those reports be tabled annually in Parliament. That has not occurred despite the fact that the Surveyor-General has sought, according to those reports and other information that has come into my possession, to ensure that those reports are tabled.

My concern about the government's treatment of the Surveyor-General is broader than just the matter of the section 20 reports under the Survey Coordination Act. The government and, in particular, the minister have embarked on a vendetta against the Surveyor-General. They have sought to vilify him, and certainly at the Public Accounts and Estimates Committee (PAEC) the minister indicated a lack of confidence in the Surveyor-General. The government has failed to renew his contract for the full three-year term and has put him on a short, six-month contract.

Given that the Surveyor-General holds a very important position that has statutory responsibilities, I must confess I am very concerned about this treatment. The government has gone further and has sent private investigators into his office to put pressure directly on him.

Hon. T. C. Theophanous — On a point of order, Mr President, I am not sure about how to raise this with you. However, I am very concerned at the line being taken by Mr Davis at the moment.

An honourable member interjected.

Hon. T. C. Theophanous — No, he is not a parliamentary secretary — I am not sure what he is! I do not want to breach the privilege of the PAEC. However, some issues have been raised by the honourable member in relation to the use of confidential documentation that was made available to him by the Surveyor-General, which he tabled at a meeting of the PAEC. My concern is that he has embarked on a process of seeking to suggest that the

government has a relationship with or has attempted to vilify the Surveyor-General.

An Honourable Member — What is the point of order?

Hon. T. C. Theophanous — Mr Davis is using confidential information that has been provided to him and that he has provided to the Public Accounts and Estimates Committee. He should not come in here seeking to use it for those purposes.

An Honourable Member — It's public.

Hon. T. C. Theophanous — It is not public; it is within the committee. Indeed there is a motion standing which would refer Mr David Davis to the Privileges Committee of this house. There is a motion which has been foreshadowed for the next meeting of the PAEC for this very reason. The line that is being pursued by Mr Davis is totally inappropriate given what has happened at the PAEC. I ask that you, Mr President, instruct him that if he wishes to comment about an officer such as the Surveyor-General he should do so only in terms, firstly, of the information he has been provided with which he can verify, and secondly, that do not impinge on the deliberations currently occurring within the PAEC which have been instigated by him.

Hon. D. McL. DAVIS — On the point of order, Mr President, there are two aspects to what the honourable member has just told us. I will deal with the first very swiftly. It relates to the Public Accounts and Estimates Committee, which has an inquiry into independent officers of the Parliament. The Surveyor-General is an independent officer who is not an independent officer of the Parliament, but he has statutory duties, and that is a matter on which the committee is deliberating. There are documents before the committee that will be considered there. I look forward to the honourable member and others joining me in considering those matters at the relevant time before the committee. The matters I am raising tonight are matters either of public record or additional documentation that is not documentation I have before the PAEC. It has got nothing to do with it, so the honourable member should sit down. There is no point of order.

The PRESIDENT — Order! The general point made by Mr Theophanous was correct, and I have ruled on that before. If in fact we have an assurance from Mr David Davis that the information has come from sources other than the Public Accounts and Estimates Committee, which he clearly said, I am unable to uphold the point of order.

Hon. D. McL. DAVIS — I will continue. What I will say is that Mr Theophanous and other members of the government are involved in this process of putting an enormous amount of pressure on the Surveyor-General, and that has gone to the extent of sending private investigators into his office — —

Hon. T. C. Theophanous — On a point of order, Mr President, the honourable member indicated in his comment just now that I and other members of the government have been involved in a process to place pressure on the Surveyor-General. I refute that completely. If he is going to make that kind of statement about a member in this house you, Mr President, would be well aware that he can only do so by substantive motion. I ask you, Mr President, to have him withdraw the comment and if he wishes to pursue it to put up a substantive motion.

Hon. Bill Forwood — On the point of order, Mr President, the rule of the house says that for withdrawal to be required from a member it must be objectively offensive.

Hon. T. C. Theophanous — Well it is!

Hon. Bill Forwood — I put to you, Sir, that to suggest that somebody is pressuring someone scarcely falls into that category.

Hon. R. M. Hallam — Especially when it's Mr Theophanous!

Hon. Bill Forwood — I am not sure I was going to go quite that far, Mr Hallam.

For Mr Theophanous to suggest that the words used by Mr Davis are objectively offensive is extraordinary. I ask you, Mr President, to consider suggesting to Mr Theophanous that he calm down.

The PRESIDENT — Order! I ask Mr Theophanous to be a bit more specific. The general provision is that he objects to offensive words or expressions. I would like Mr Theophanous to spell out why that is offensive to him.

Hon. T. C. Theophanous — He is making an accusation about a certain kind of behaviour. I am sure that if somebody accused you of pressuring somebody of the stature of the Surveyor-General you would take objection to that as well, just as if somebody were to accuse you of pressuring even a member of this house you would take objection to that. I certainly take objection to it. I also say the statement is completely untrue and is an attack on a member of this house — me! — and under the standing orders if he wants to

make that kind of accusation he has to do so by substantive motion.

The PRESIDENT — Order! The issue is: is it objectively offensive? Is, for instance, the accusation that Mr Theophanous is taking some action which is illegal or in some other way improper?

Hon. T. C. Theophanous — It would be improper to try to pressure the Surveyor-General.

The PRESIDENT — He is just another person. I cannot see how this is objectively offensive. You put pressure on any officer in society, but how is that objectively offensive? Mr Theophanous has not been specific enough, and that is why I am inviting him to explain to the house why he finds this objectively offensive so I can rule. So far I see nothing that is objectively offensive. I am giving Mr Theophanous an invitation; I have not given a final ruling. Mr Theophanous knows the proceedings; I do not.

Hon. T. C. Theophanous — Mr President, let me put it to you in this way: it is one thing to say that somebody in a general sense applies pressure in the community, by their comments or whatever, to a whole lot of people. I believe the comment made by Mr Davis was specific in the sense that he was suggesting that the government and I were applying inappropriate pressure.

An honourable member interjected.

Hon. T. C. Theophanous — That was the clear implication of what he said.

The PRESIDENT — Pressure to do or not to do what?

Hon. T. C. Theophanous — It was pressure to be applied, I take it, to the Surveyor-General in relation to the performance of his duties. That was the whole of the statement he had made. It would be inappropriate for anyone to apply pressure to the Surveyor-General in relation to the performance of his duties. That is what the whole statement — —

An honourable member interjected.

Hon. T. C. Theophanous — That is exactly what the honourable member was saying. Just before I raised my first point of order he was talking about the inappropriateness of intervening in that officer's performance of his duty. I think that is inappropriate, and I take objection to anyone suggesting that I would interfere in an officer such as the Surveyor-General performing his duty, and any other member of this house would also take objection to it were it to — —

Hon. N. B. Lucas — He did not say that.

Hon. T. C. Theophanous — That is exactly what he said. I believe that is what the honourable member has said. If he is able to give an assurance that he is not saying that then the whole thing is completely different. However, he is saying, in my judgment based on what he said before about inappropriate intervention — —

An honourable member interjected.

Hon. T. C. Theophanous — The honourable member obviously was not listening. The honourable member opposite began by talking about intervention by the government in a whole range of ways in the function and operation of the Surveyor-General. He then went on to — and this is the bit that I objected to — name me personally as someone who had applied that inappropriate pressure. I take objection to that.

The PRESIDENT — Order! Can Mr Davis assist the Chair? The difficulty here is that both honourable members have knowledge of this matter that the house does not. That is why I am finding it difficult. Normally I can rule on these things straightaway, but I find it difficult to understand what is being objected to and whether to classify it as being offensive in an objective way.

Hon. D. McL. DAVIS — On the point of order, Mr President, Mr Theophanous's involvement came about when he raised a point of order and I picked him up as a member of the government. I believe that the government does have a plan to put certain pressures on the Surveyor-General — —

The PRESIDENT — Pressure to do or not to do what?

Hon. D. McL. DAVIS — To not perform certain aspects of his duty. This relates precisely to my point, and in that sense I am seeking to improve government administration in this specific area of the minister's responsibility. I believe the government's actions in performing its duties have not assisted the administration of government activities. That is precisely the sort of pressure I am talking about. Mr Theophanous is a member of the government, and he associated himself with this by making a point of order so I associated him with it as a member of the government, as other members of the government share a measure of responsibility in the actions of the government as a whole.

The PRESIDENT — Order! The point is marginal but there is some merit in what Mr Theophanous is saying. I uphold his point of order and ask Mr Davis to

rephrase the point he wishes to make in a way that does not make a potentially offensive remark about a member of this house.

Hon. D. McL. DAVIS — I withdraw any remarks that are offensive to the honourable member. I continue my point that the government has sent private investigators into the Surveyor-General's office unannounced and with great force and with — —

Hon. T. C. Theophanous — Rubbish!

Hon. D. McL. DAVIS — No. It is not rubbish. A personal assistant of the Surveyor-General was interviewed without announcement and with the shortest possible notice, and I think that is inappropriate.

I seek two things from the minister. I want a clear commitment that the pressure on the Surveyor-General will stop and that the Surveyor-General will be appointed for the full three-year term, which has not happened to date. I also ask that section 20 reports be tabled properly in future.

Schools: security services

Hon. B. C. BOARDMAN (Chelsea) — My issue is specifically for the Minister for Education Services. It relates directly to her area of portfolio responsibility, and I trust she will listen attentively.

The minister would be aware that in response to incidents committed on or at department of education premises that involve a suspected criminal offence the department's emergency and security management branch coordinates security officer response. Furthermore the minister would be aware that an officer responding to such an incident can be either a contracted security officer from a private company or an emergency management officer from the emergency and security management branch. In the event that such a contracted security officer responds to such an incident on departmental premises, can the minister inform the house in relation to the payment for this specific contracted service from which budget it comes and/or where the responsibility lies?

Schools: Mildura

Hon. B. W. BISHOP (North Western) — I direct to the Minister for Education Services an issue I suspect is her responsibility. It was with some relief after repeated representations that I welcomed the announcement that the Mildura West Primary School would be given the ability to acquire more land in Mildura to expand in preparation for future enrolments. I understand that

both the Mildura West Primary School and the Ranfurly Primary School are at capacity, with the future bringing enrolments that both schools would have difficulty in serving. Ranfurly Primary School was built to alleviate the large student population of Mildura West Primary School and now both are at critical levels again.

The revision of the schools catchment areas is welcome, but there is a real need to build another primary school on the west side of Mildura aimed at the home building that has been undertaken there. Enormous development is also occurring down on Walnut Avenue, one of the main thoroughfares. I have been told there will be another 750 houses built in Mildura over the coming 18 months. The short-term measure of revision of the school's catchment is very welcome, but it is exactly that: very short term.

Again, after considerable representation, areas such as Nichols Point have been promised by the government a new school and expansion. That is also welcome, but the bigger picture remains, and that is that Mildura is growing at a rapid rate and the education facilities are currently lacking, with a strain on most if not all of the current primary schools. The area urgently needs a thorough survey of all its schools in the light of land which is currently being sold and developed for housing estates. These houses will primarily be purchased by young families who will undoubtedly be seeking education facilities for their children. This goes beyond the primary care side of the issue and poses the question of adequate child care and public kindergarten funding and facilities. The district will be desperate for kindergartens and trained staff so that people can settle in the district and bring up families in the future. It is imperative to have the security of quality care and education for their children.

In view of the fact that Mildura is one of the fastest growing areas in Australia, I ask the minister what is the government's long-term plan for investment in Mildura's future and for providing good quality public education for local children.

Rural Addressing Initiative

Hon. W. R. BAXTER (North Eastern) — I wish to raise a matter with the Minister for Environment and Conservation concerning the Rural Addressing Initiative, which is a program to give rural properties in Victoria a street number address, rather than the rural mail bag or RMB system, which has been in place for several decades.

I think the program has merit and is generally supported, but the implementation which is currently under way is throwing up some anomalies which need to be addressed. For example, some longstanding district names are at risk of disappearing. Residents living on the Murray Valley Highway at Huon, a very historic district in north-eastern Victoria, were surprised to learn in a letter from the Electoral Commissioner that their address is now going to be 'Murray Valley Highway, Tangambalanga'. That would suggest to people that the Murray Valley Highway travels through Tangambalanga when in fact it does not go anywhere near it; not that Tangambalanga is a big town of any particular notoriety in any event. People are naturally upset about this.

Similarly, people living at Staghorn Flat who currently have RMB numbers, Wodonga, find that they are now going to have addresses such as 'Adams Lane, Yackandandah'. They feel that when emergency vehicles such as fire trucks or ambulances are sent to the area they are likely to turn up at either Tangambalanga or Yackandandah in the first instances, thinking that is where they should be.

The Shire of Indigo, to its credit, has taken some action and moved to implement a better system. I wrote to the Minister for Environment and Conservation about this issue in July. The minister responded, and in passing I mention that she signed the letter on 13 August but it took until 26 August to reach my office. Why it takes a fortnight to post it I do not know! The minister more or less passed the responsibility on to local councils. That is not what this glossy brochure indicates — it claims all the credit for the government on this initiative. It is unfair for the minister to be saying now that it is up to local government to fix the problem.

I wrote to the minister again on the issue and a reply is outstanding. Only four weeks have gone by, but one would not expect a reply just yet from this government. The point I want to make is that this is a good initiative, but it was poorly handled in the first instance when these locality delineations were decided upon. Community consultation was clearly deficient. Not enough people were made aware of the implications of this program. They would have taken more interest if, for example, they had known they were going to get a Tangambalanga address. I therefore ask the minister to give it her urgent attention before any more difficulties arise when the pilot program is completed and it is extended statewide.

Responses

Hon. M. M. GOULD (Minister for Education Services) — The Honourable Neil Lucas raised a matter for the Premier, and I will refer it to him.

The Honourable Graeme Stoney raised a matter for the Minister for Environment and Conservation regarding Goulburn Murray Water, and I will pass it on to the minister.

The Honourable Roger Hallam raised a matter for the Minister for Agriculture regarding kangaroo culling and the carcasses. I will pass it on to the minister and ask him to respond.

The Honourable Elaine Carbines raised a matter for the Minister for Transport about a crossing at Leopold Primary School. I will raise that with the minister and ask him to respond.

The Honourable Gordon Rich-Phillips raised a matter for the Treasurer about losses in international equity markets, and I will pass that on to the Treasurer and ask him to respond.

The Honourable Ron Bowden raised a matter for the Minister for Environment and Conservation regarding the Gunnamatta outfall, and I will raise that with the minister and ask her to respond.

The Honourable Wendy Smith raised a matter with the Minister for Community Services about a family in her constituency which is in crisis with respect to home care. I will raise that with the minister and ask her to respond.

The Honourable Peter Katsambanis raised a matter for the Minister for Environment and Conservation about the Albert Park–South Melbourne Soccer Club. I will raise that with the minister and ask her to respond.

The Honourable Andrea Coote raised a matter with the Premier regarding Coode Island, and I will raise that with him and ask him to respond.

The Honourable Ken Smith raised a matter for the Minister for Transport about a pamphlet put out by the Department of Infrastructure. I will raise that with the minister.

The Honourable Andrew Olexander raised a matter for the Minister for Community Services about the Eastern Centre Against Sexual Assault. I will raise that with the minister and ask her to respond.

The Honourable Gerald Ashman raised a matter with me regarding a number of health reports that have been

replaced. I am not aware of the reason for that, and I will raise that with the Minister for Health and ask the minister to advise the honourable member of the reason.

Hon. Bill Forwood — On a point of order, Mr President, I think that is the normal accepted way of this being done, but if a document is tabled in this place that has in it words like ‘tabled in lieu of’ Parliament is entitled to receive a response. My concern about this is that under the new regime we do not seem to get responses to adjournment issues very promptly. I think that in a case like this I would be asking the Leader of the Government if she could find out what this means and get back to us quickly.

Hon. M. M. GOULD — I will get in touch with the minister first thing tomorrow and ask his department to supply reasons.

The Honourable Ian Cover raised a matter with me regarding school maintenance. He made mention of Liberal Party candidates in Geelong and maintenance. I draw his attention to a letter to the editor in the *Geelong Advertiser* yesterday which referred to that particular issue. I refer him to a letter from a Roger Richardson who was very concerned about the Liberal candidate, Mr Kontelj, and his claims of a maintenance backlog. The letter states:

I was school treasurer and convener of the finance and building subcommittees for five years at one of the schools Mr Kontelj named.

I am most offended by Mr Kontelj’s statements that this school, that I voluntarily and proudly served at, is in a run-down state needing urgent maintenance work.

Unless there has been an earthquake or some other natural disaster that I am unaware of in the nine months since I left the school, it was in excellent shape regarding maintenance with the continuing PRMS program of maintenance well ahead of schedule.

I draw that to the honourable member’s attention.

The Honourable Andrew Brideson raised a matter for the Minister for Environment and Conservation regarding the Ross Gregory Oval. I will raise that with the minister and ask her to respond.

The Honourable Carlo Furletti raised a matter with the Minister for Health regarding the Banyule Community Health Centre. I will raise that with the minister and ask him to respond.

The Honourable Bruce Atkinson raised a matter for my attention regarding Weeden Heights Primary School and relocatables. There are more than 1600 schools in

the state, and I am not aware of exactly the circumstances with respect to Weeden Heights. If there is an overentitlement, the relocatables will be moved but if the enrolments forecast for next year mean the school will require one or more of the relocatables it has on site, those relocatables will remain. If the enrolment figures mean there is an overentitlement, the relocatables will go to schools where there has been growth. I am happy to look specifically into that school and advise the honourable member.

The Honourable Chris Strong raised a matter for the Minister for Planning regarding the metropolitan strategy. I will pass that on.

The Honourable Bill Forwood raised a matter for the Minister for Industrial Relations regarding Premier’s awards. I will pass that on to the Premier.

The Honourable Philip Davis raised a matter for the Minister for Ports regarding leaching into rivers. I will pass that on to the minister and ask her to respond.

The Honourable David Davis raised a matter for the Minister for Environment and Conservation concerning the Surveyor-General. I will advise the minister of that.

The Honourable Cameron Boardman raised a matter with me regarding emergency services and payment to them. I am advised that that payment comes out of the Department of Education and Training.

The Honourable Barry Bishop raised a matter for me regarding Mildura West Primary School and the growth in that area. The planning of new schools is the responsibility of the Minister for Education and Training in another place, but I can advise the honourable member that the department is very conscious of ensuring that it looks at the growth corridors and plans accordingly. It is very diligent in the Mildura area. I was up there recently talking about the growth that is occurring in the area. I can assure the honourable member that the department takes its responsibility very seriously in ensuring that it has the growth statistics and facts when planning schools. However, the planning of schools is the responsibility of the Minister for Education and Training.

The Honourable Bill Baxter raised a matter for the Minister for Environment and Conservation regarding the rural address numbering system. I will pass that on to her.

Motion agreed to.

House adjourned 12.30 a.m. (Wednesday).

