

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**16 September 2003
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Tuesday, 16 September 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.00 p.m. and read the prayer.

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

CONDOLENCES

Hon. Michael John

Mr LENDERS (Minister for Finance) — I move:

That this house expresses its sincere sorrow at the death, on 6 June 2003, of the Honourable Michael John and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Bendigo East from 1985 to 1999 and as Minister for Community Services and Minister responsible for Aboriginal Affairs from 1992 to 1996.

It is with sadness that the house marks the passing of the Honourable Michael John, former Legislative Assembly member for Bendigo East and minister in the Kennett government, on 6 June this year.

Michael John was a well-respected member of this Parliament — well respected not only by the people he represented but also by people on both sides of politics.

Michael John was born in Wales on 29 April 1943. He migrated with his family to Australia and they settled in the Western District in 1956. He attended Halton High School, where it is understood he held the position of school prefect and Grange House captain. Whilst at high school he also established a reputation as a keen sportsman. Michael matriculated with first-class honours in modern history and was awarded a Myer scholarship and a commonwealth scholarship to the University of Melbourne. At university he studied politics and graduated with a bachelor of arts degree and a bachelor of laws degree in 1965.

Michael John established himself as a solicitor in general practice in Bendigo in 1965, was admitted to the Victorian bar in 1967 and maintained his legal practice in Bendigo for around 20 years.

It has to be noted here today that Michael John enjoyed a long and illustrious political career. During his time at university he developed a strong taste for ideas, debate and politics. His political ambitions culminated in April 1985 when he entered the Victorian Parliament as the member for Bendigo East.

In his first term in Parliament his colleagues recognised his talent, and he assumed the position of secretary to the shadow cabinet and became a member of the Parliament's House Committee. Between 1985 and 1992 he held a range of shadow portfolios, and in 1991 he was appointed shadow Minister for Community Services and shadow Minister responsible for Aboriginal Affairs. Recognition of the strength of his contribution was reaffirmed after the election of the Kennett government when he was made minister responsible for his two shadow portfolios.

Michael John was a local member who was in touch with the concerns of his electorate. He retired as a minister after the 1996 state election and stayed as a member of the Parliament until the 1999 election.

Michael had been an active member of the community, serving it in many ways prior to entering the Parliament. He was involved in a wide range of activities from school committees to fundraising for the Apex and Lions clubs as well as for hospitals. Michael's untimely death at the age of 60 years has saddened us all. Therefore it is appropriate that we acknowledge his great contribution to his electorate, to the Parliament and to the broader Victorian community.

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

Hon. PHILIP DAVIS (Gippsland) — I am honoured to second the condolence motion to recognise the life of the Honourable Michael John. Michael gave a lifetime of service to his local community and made a significant contribution to the state of Victoria. I had the privilege of serving with him between 1992 and 1999, but it was as a candidate for the Liberal Party leading up to the 1992 election that I first became acquainted with him in a close fashion. Michael was a prodigious worker and he was very willing to help new candidates. I found his assistance to me, both as a candidate and as a person, enormously valuable. I had the privilege of getting to know Michael quite well during our time together in Parliament.

Although Michael was a minister in the first Kennett administration and made a significant contribution in that capacity, he still had time to meet with and talk to members of the new, enlarged backbench, as it then was. During that period he earned my respect for his diligence in being available to his parliamentary colleagues. I believe he will be remembered as a passionate man with a huge commitment to Bendigo.

He served with great distinction, both as a member of Parliament and as an advocate for the Bendigo community.

Michael was born on 29 April 1943 in Swansea in Wales. Regrettably he passed away far too early in his span in June this year. He was the son of Bert John, a Welsh coalminer, and of Beryl John. His family migrated to Australia in 1956 on an assisted passage scheme and settled in Hamilton. Michael was committed to his family, and when his father died he took up a serious role in assisting in the small business, the local milk bar, which the family operated to assist his family in getting by.

Michael was an exceptionally good student. In the classroom he did very well and certainly achieved in sport as well as in leadership in his school, both as a school prefect and house captain. On matriculating Michael was awarded a commonwealth scholarship and a Myer scholarship, which enabled him to study for the degrees of bachelor of law and bachelor of arts in political science at Melbourne University.

Michael always liked a good argument. Those of us who came to know him well will recall vividly some long hours contemplating the meaning of life, which is perhaps one way of expressing it. Michael used his passion for a good argument to great effect by becoming very actively involved in debating. He honed his debating skills at Melbourne University where he co-founded the debating union. He was also in the A debating team.

After graduating Michael John joined the Bendigo law firm Hyett and Hyett, of which he became a partner. He was president of the Bendigo Law Association in 1973–74 and was a member of the council of the Law Institute of Victoria.

Michael's career took a new turn when he was preselected for the Liberal Party in 1984 and contested the 1985 election, successfully being elected to the newly created seat of Bendigo East, which he held for 14 years. Michael will be remembered by his parliamentary colleagues as a tireless worker for the community and for his diligent discharge of his ministerial and shadow ministerial responsibilities.

In reflecting on Michael and what typified his approach to parliamentary life I look to his maiden speech. If this house will bear with me for a moment I will read something which we should all take note of and remember. He said:

I enter Parliament with a goal and a vision for a just, prosperous and free society. When I leave I hope I will have

contributed to the welfare of our children and our children's children. I do not want change for the sake of change. I want change only where I know it will be for the better. I want our children to prize the rights of the individual over the rights of the state. My commitment is to traditional conservative values blended with new hope and new vision for Victoria.

I seek a state where our children are encouraged to work and to be rewarded for their efforts; where they are encouraged to pursue excellence in all things; where they will grow up appreciating the value of individual initiative; and where they will acclaim the value of the free enterprise system as the best means to create the wealth in the state to pay for educational and welfare needs. I seek a state where all children regardless of their social, economic and racial backgrounds, receive a proper and a sound education. I see that as providing the social mobility that is so necessary in a just society.

Those of us who serve in this place should reflect on those remarks and how Michael John tried to apply them in his service in the Parliament. We should take note of the fact that they are pretty good guidelines for all of us. Michael maintained his commitment to those principles throughout his parliamentary career of 14 years.

He had responsibility in opposition for many portfolios, but it was his appointment to cabinet in 1992 which demonstrated the regard in which he was held by his parliamentary colleagues, and he discharged his duties as the Minister for Community Services and the Minister responsible for Aboriginal Affairs to great effect. He presided over these very challenging and difficult portfolios with understanding and did a significant amount of work for child protection, support of the disabled, preschools, programs for problem gamblers and Aboriginal justice and education. As a minister he was committed to making decisions that promoted policies which achieved better outcomes and real progress for Aboriginal people. And in 1996 Michael John was appointed chair of the Federal-State Relations Committee of the Parliament.

But Michael had a much larger life than just politics and parliamentary achievement. He was very engaged as an athlete. He competed at school at an elite level and as a finalist in the 1969 Stawell Gift, and he successfully competed in many other sprint finals around the state.

He certainly enjoyed the pleasure of racing both as an athlete himself and also as a spectator of horseracing, in which he was actively involved, serving in racing administration on the Bendigo Jockey Club committee. He was very engaged in all the activities involved with racing. He was also prodigious in his efforts to be involved in physical fitness, and in that sense he took up umpiring Australian Rules football for a period of time.

But the hallmark of Michael John in the sporting world was probably his engagement with soccer. In 1971 he and his friend David Wilkinson effectively created the Bendigo soccer league, which is still a very well-supported league today.

It is clear that Michael was instrumental in that football league's success, and he was honoured with a life membership for his enormous commitment of more than 30 years to soccer in Bendigo.

As if all of this were not enough he was busy being a commentator for Southern Cross television, calling athletics and cycling. As the Leader of the Government observed, Michael John was respected by all sides of politics, which was clearly evident at his state funeral on Friday, 13 June, this year at St Paul's Cathedral in Bendigo. Parliamentary colleagues from all sides were there to pay tribute to a man who was a problem solver and was committed to his community and to the future for young people and the underprivileged.

As I said earlier, Michael left us far too young at 60, but he certainly left behind a great legacy. On behalf of the parliamentary Liberal Party I offer my condolences to Michael John's family. He is survived by his wife, Belinda, his three daughters Louise, Catherine and Rebecca, and grandchildren Lucy, Nicholas, Henry and Jessica. We will all remember Michael John with affection.

Hon. P. R. HALL (Gippsland) — The National Party joins with the government and opposition in expressing its sincere sorrow at the passing of Michael John. We have already heard today that by any measure one would assess Michael John as being a hell of a nice fellow. That is certainly the impression I got during the time I knew Michael. Indeed, I had the privilege of serving in three Parliaments alongside Michael John, and throughout that time he extended me the utmost courtesy and respect as I think he did to all backbenchers and all people in this Parliament. I can recall when I first came to Parliament — at that time we were in separate parties; there was no coalition — Michael John came up and introduced himself to me. As a young person in this Parliament I felt it an honour to have Michael come and introduce himself and make me feel welcome in this place.

When he then went on to become the Minister for Community Services and Minister responsible for Aboriginal Affairs between 1992 and 1996 that courtesy continued, and Michael was always making himself available to meet with backbenchers, to talk through the issues and meet with them at our request. Sometimes it was simply to talk about a matter of our

constituency; other times the request may have been to visit our electorate or it may have meant involving a deputation to come and meet with him. I cannot think of one occasion that Michael John did not find the time to honour all of those requests that I put to him, and I am sure other people were in exactly the same boat as I was. So by any measure Michael was a thoroughly decent person, a very capable politician and ultimately a minister of the Crown.

It has been said that Michael John had a very rich life, emigrating from Wales at a young age. He was educated at Hamilton High School and won scholarships that enabled him to complete a law degree at Melbourne University. As has been said, he practised law at Bendigo before being elected to Parliament in 1985 as the member for Bendigo East and then rose to become a minister.

Michael enjoyed fellowship, and part of the conversations that invariably we had with him involved sport because of his keen interest in it. As has also been said in this condolence motion Michael achieved excellence in the area of athletics and was a finalist in the 1969 Stawell Gift. I had the opportunity to speak to him about that and marvelled as his attaining that level in his chosen sport of athletics. He was also heavily involved in soccer in Bendigo, as the Leader of the Opposition said. He was also very keen on horse racing and was a member of his local racing clubs as well as other clubs in Melbourne.

Like all good members of Parliament Michael was a strident advocate for the area he represented in Bendigo and took every opportunity to ensure that the needs of his electorate were put before the Parliament.

Michael was a thoroughly decent chap and we in the National Party were saddened to learn of his passing — as has been said by the Leader of the Government and the Leader of the Opposition — far too early. On behalf of my colleagues in the National Party I wish to extend our sincere condolences to his wife, Belinda, his daughters Catherine, Louise and Rebecca, and to their extended families.

Hon. ANDREA COOTE (Monash) — On 13 June this year hundreds of people attended a state funeral at the Cathedral of St Paul in Bendigo. They were there to honour the life of the Honourable Michael John. The cathedral itself was full to overflowing with former colleagues, family, friends and members of the Bendigo community. Indeed the streets of Bendigo and the hall beside the cathedral were also full of people whose lives had been touched by Michael or who just wanted to come and pay their respects to a very fine man.

They were there to pay their respects to a man who, in his life, had earned a huge amount of respect. He earned respect when he arrived as an immigrant. As we have heard today, he became a house captain at his school in Hamilton. He earned respect through his academic work: he earned two scholarships when he matriculated from school, and went on to do law, and arts at Melbourne University.

He was a successful lawyer. He was a success on the athletic field, and we have heard about his success at the Stawell Gift — no mean feat in such a prestigious event.

He was a huge contributor to the community of Bendigo, and in his work he achieved success as a Minister for Community Services and Minister responsible for Aboriginal Affairs. He also earned huge success as a loving and dedicated husband, father and grandfather.

These people who knew Michael would know he was a man of humour, intellect and professionalism, but Michael was also a very humble man. I think he would have been absolutely overwhelmed to have known that he would be given the honour of a state funeral, that the streets of Bendigo would be closed on his behalf and that he would have a police escort. I think he would have been very humble and very overcome.

Michael's daughter, Louise Krol, read a poem at his funeral. It is entitled *What is Success?*. I will read it, because I think it is very pertinent to Michael and his life. It is attributed to Ralph Waldo Emerson:

What is success?
 To laugh often and much;
 To win the respect of intelligent people
 And the affection of children;
 To earn the appreciation of honest critics
 And to endure the betrayal of false friends;
 To leave the world a bit better, whether by
 A healthy child, a garden patch
 Or a redeemed social condition;
 To know even one life has breathed easier
 Because you have lived.
 This is to have succeeded.

I had the honour and privilege of working in Michael John's ministerial office when he was the Minister for Community Services and the Minister responsible for Aboriginal Affairs, and I saw a number of issues Michael brought to a fruitful conclusion.

We have heard today about the changes he made, and I would like to reflect that at the time we were trying to make change we were a state that was trying to pull in the economic horns, and it was very difficult to achieve

a number of profound changes in the area of community services. But Michael did in fact do that.

One of those challenges was in kindergartens. We had the backbench — not unlike the backbench we have here now — who were very gung-ho, very keen, and the very first time they were ever attacked it was not by militant unionists or anybody like that, they were attacked by kindergarten parents and small children. They were bombarded by letters, faxes, placards, small children, pitiful stories and local paper deputations as well. There was a lot of pressure, but Michael dealt with the cabinet — which was not easy to deal with at that stage because he was having to deal with community services and issues that were hard and challenging — and also with his backbench. He always had an open door for Kindergarten Parents Victoria, and he dealt very fairly and objectively with those people.

I would like to read from a speech that Michael gave in 1995 on the kindergarten issue. I think this summarises what he felt:

It is the government's policy to ensure that all eligible children have the opportunity to attend kindergarten prior to attending school. The government is extremely proud of the remarkable success of kindergarten reforms over the past two and a half years ... 2300 more children are attending kindergarten than last year. Enrolments this year are up by 4.2 per cent.

We have the cheapest kindergarten system and the most affordable kindergarten fees in the whole of Australia. The average fee structure is about \$5 a week in country Victoria and up to \$10 a week in the city. Michael achieved those performances against quite significant odds, and he did it with patience, persistence and with dialogue — as we saw with Kindergarten Parents Victoria.

Another area he was very involved with was also contentious and difficult to deal with at times — that of child protection. He was profoundly affected by the death of young Daniel Valerio. I am sure many of you here will recall the tragic death of that toddler. Michael realised the challenges this problem presented and that someone needed to take responsibility for it. He felt it was up to the government to do that. He subsequently achieved significant success in that area. He said, in the other place, on 10 March 1993:

The protection and welfare of Victorian children is of paramount importance to this government. It is determined to ensure that Victoria has in place a responsive, efficient and sensitive child protection system which operates in line with government objectives and community expectations.

...

That legislation will not stop child abuse, and no government can guarantee to prevent it. But we must act to minimise the tragedy of abuse. We must address how we, as a government and as a community, can effectively protect our children from abuse.

I think that was true success: to look at it and to put in place legislation so that we as a community did address that issue.

He was also active in the area of deinstitutionalisation of the intellectually impaired — a problem that presented huge challenges. Some of you may remember that there was an enormous public relations campaign. There was uncertainty on the part of the clients and their families and some heart-wrenching stories came to light. Michael had a vivid insight into disability issues. His wife, Belinda, had worked with the Peter Harcourt centre in Bendigo and knew first-hand what some of the issues facing those families were. This was reflected in the attitude that Michael had to this job. He was lucky enough to live long enough to see the success of many individuals in these state resource centres and community resource units, and he would have felt very proud to know that that was what he achieved.

Within Michael's own community he was also seen as a great success. He was a member of the Bendigo Jockey Club and he set up the Bendigo Soccer League. He was also involved with the St Luke's family care foundation and the Mount Alvernia Mercy Hospital. He was involved with moving the Bendigo stockyards from the centre of town and challenged former Premier Jeff Kennett to replace the stockyards with \$29 million worth of new buildings and infrastructure, which he achieved.

One of the things he was particularly proud of, which happened after he left Parliament, was the building of an athletics track. He wanted it to be first rate and of world standard. At the time Jeff Kennett felt that a normal athletics track would be okay, but Michael fought for and achieved the building of a world-class track. He convinced Jeff Kennett to approve the track, and since that time there have been some excellent meetings in Bendigo. The Bendigo community has derived a lot of benefits from the track.

The athletics track was opened by the government, and Michael went along as an observer to see its opening. I must pay tribute to the government for recognising he was there and inviting him onto the dais. He was given the recognition he was due and praised by the government for the work he had put into initiating the building of this world-class athletics track. Michael was chuffed to have been invited to stand up and be

recognised and it was one of the highlights of his life after Parliament.

Going back to the poem *What is Success?*, I think Michael would have considered that he did succeed in all he did. He did win the respect of intelligent people; he did leave the world a bit better by redeemed social conditions and he would have known that his work enabled many lives to be made easier. But Michael's greatest contribution has been his family. Together with his strong and supportive wife, Belinda, he raised three intelligent, compassionate, thoughtful and caring daughters who will, in their parents' tradition, make our community a better place. My thoughts are with Belinda, Louise, Cath, Rebecca and their families.

Hon. BILL FORWOOD (Templestowe) — I rise also to speak on the condolence motion for my friend, Michael John. At the outset I extend my condolences and deepest sympathy to Belinda, Louise, Catherine, Rebecca, and their families.

I first got to know Michael when I was working for the Liberal Party in the late 1980s and he was the member for Bendigo East. I got to know him better during the election campaign in 1988. He was an extraordinarily friendly man; he knew Bendigo like the back of his hand and was involved with it. He brought to his electorate an attitude of extraordinary energy and good humour. He was always on the go, he was always busy and he was always contributing. He rightly deserved the success that he got at the election in 1988, which, as many members would know, was very close.

He had already been recognised by his peers in this place and as the Leader of the Government has said, he became secretary of the shadow cabinet very early in his career. He had a sharp intellect and the capacity to persuade people by argument. He was well regarded in the Parliament in his early days, and that continued.

I got to know him better when we came into government in 1992. I have no idea why but he sought me out and asked me if I would go on his community services policy committee, which other members of this place served on at that time. I think it was partly because I had some experience with Aborigines, having come from the Northern Territory not long before.

In many ways Michael was a mentor to me in those early days in Parliament, and I was grateful for his friendship. I remember with real delight many of the discussions we had. He was bright and liked an argument. He was keen to have a discussion and keen to make a change. He was committed to making things better and he gave me some opportunities. In late 1994

he established a taskforce into intellectual disability services that was chaired by the Honourable Louise Asher, the member for Brighton in the other place, and I was a member of that taskforce. We spent a considerable time looking at intellectual disability services throughout the state. I travelled the state widely and got to know many people in that sector, who are still my friends today. I believe that we made a difference there in some small way.

When I was getting ready for this contribution I looked back at that report and came across a note that I had written in 1994 which says, ‘Michael says he wants the funds to go to the clients, not the institutions or the bureaucracy’. That was an entirely appropriate comment because that was the way he was thinking then. I am not sure that we have yet got there, and I look forward to the discussions in relation to the state plan that is currently being developed. All of us would agree that the funds should go to the clients.

Michael was a man of great compassion, of huge energy and enthusiasm and a doer in so many fields — his local community in particular and also sport, as we have heard. But he was a listener and a thoughtful and considered man. He did not shirk from the hard tasks and we have already heard the story of Daniel Valerio. I know that when he was a shadow minister and the then government was looking at the issue of mandatory reporting, Michael was involved in conversations about whether it was deliverable at that time. It was not, but he had the capacity to change his own party and in 1993, very early on in the Liberal government, Michael was responsible for taking the change in policy through our party room which led to the introduction of mandatory reporting. Good on him, I say! At that time he was also actively involved with issues of domestic violence and women’s refuges, again an area where he left a lasting legacy.

At his funeral his friend Ted Ellinghaus said that Michael would be:

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

All of that is true. Rob Knowles spent 20 years in this place. His measure of a member of Parliament’s success was their ability to influence change and their ability to change something that otherwise would not be changed. By that measure Michael was a great contributor not just to this Parliament but to the state of Victoria.

Hon. B. W. BISHOP (North Western) — I rise to make a small contribution to the condolence motion for Michael John. Like the Honourable Philip Davis, prior to entering politics I had only met Michael a few times, and mostly when I was director of the Australian Wheat Board. We met at various agricultural meetings held around the Bendigo area. However, I certainly got to know Michael and Belinda quite well when I was elected to North Western Province, and of course Michael held the seat of Bendigo East — one of the four lower house seats in North Western Province.

As many have said here today, Michael was a really strong advocate for Bendigo. He would fight tooth and nail for his area. It did not matter what the issue was, he would always be in there fighting.

In 1992, during the first term of the Kennett-McNamara government, Michael John was given the job of Minister for Community Services and Minister responsible for Aboriginal Affairs — a really tough call. I know very well that Michael agonised over the demands this portfolio placed on him, as he worked all over the state. It was a tough job, particularly when there were limited resources.

While not being from my party, Michael and Belinda were always most generous in their hospitality, whether at their home or at Michael’s office, and on visits to Bendigo you were always made more than welcome.

The regard in which Michael was held was readily apparent on that very cold, windy day in Bendigo, at St Paul’s Anglican Cathedral, where the funeral service was held. People from all walks of life were there, people whose lives Michael had touched during his time as a solicitor, a parliamentarian, a minister in the government and, more importantly, as a valued member of his community.

John Higgs and Ted Ellinghaus, who spoke at the funeral service, recognised attributes such as Michael’s great love of his Bendigo Jockey Club and many other organisations in and around Bendigo.

He was a proper sort of bloke, was Michael. He was always well dressed, and he was a kind fella. A couple we know lived near Michael and Belinda, and one of them was very ill some time back. Michael never said much to me about it, but our friends reported that Michael and Belinda would keep a check on them, and I well remember being told that Michael would ask how the health of our friend was and would say that they should not hesitate to give him a call if he could do anything for them, regardless of how busy he was.

More and more of those stories are coming out. I remember hearing another one on the day of the funeral. I was chatting to Belinda at the get together after the funeral service, and a young fellow who had done some work with Michael came up to us. He made a point to Belinda about how good Michael had been to him not only during the time he worked with him but on a continuing basis ever since. I know very well that there are many more examples such as that throughout the community.

It has been recorded here today that Michael was a top athlete, a top sprinter, who did very well in the tough arena of that sport; but times do change, and I well remember one day here in the Parliament when Michael and I were skipping, if you could imagine it, fairly smartly up the stairs to the extent that we were both puffing a bit when we got to the top. He said to me, 'Bish, you know, I could once run a hundred metres in a handful of seconds, but now I'm puffing going up the stairs'. And I guess that comes to all of us.

I thank Michael for the job he did well, and I particularly thank him for his friendship and his friendly generosity as a political colleague. I extend the sympathy of my wife Brenda and myself to Belinda and the family.

The PRESIDENT — I wish to associate myself with the motion before the house. In reflecting on the life of the Honourable Michael John what is obvious is his deep commitment to the people of Bendigo, which he served in the electorate of Bendigo East from 1985 to 1999. He made an important contribution to the state of Victoria through his portfolio areas as Minister for Community Services and Minister responsible for Aboriginal Affairs from 1992 to 1996.

In particular his contribution to child protection was significant, and he played an important role in bringing mandatory reporting legislation through the Parliament. This remains a valuable improvement to children's protective services in Victoria.

I too attended the state funeral on 13 June of this year, and during the course of the service the minister indicated that there were people listening to the service at the side of the church. I thought he meant at the front of the church around the corner, but in fact it was not until I left to be an official pall bearer that I realised that the entire church hall, which ran the length of the church beside it, was full of people from Bendigo, which shows the community support Michael had both in his public life and in his community life.

It is a testimony to Michael for the work he did for the people of Victoria, Bendigo in particular. On behalf of all members I wish to express deepest sympathy to his wife, Belinda, and daughters Louise, Rebecca and Catherine.

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

BUSINESS OF THE HOUSE

Sessional orders

Mr LENDERS (Minister for Finance) — By leave, I move:

That sessional order 28(b) be suspended to the extent necessary to permit debate on the condolence motion for the late Dr John Ross to exceed the time allocated in the sessional order.

Motion agreed to.

CONDOLENCES

Dr John Ross

Mr LENDERS (Minister for Finance) — I move:

That this house expresses its sincere sorrow at the death, on 6 September 2003, of Dr John William Gamaliel Ross 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 Higinbotham Province from 1996 to 2002.

The house is aware that Dr John Ross, a former member for Higinbotham, died on 6 September. John Ross represented the people of the electorate of Higinbotham from May 1996 to November 2002.

I am pleased to lead the tribute from this side of the house to John Ross and his contribution to public life. John Ross was born in Melbourne on 17 October 1940. He attended Gardenvale and Ormond primary schools and then went on to Brighton Grammar from 1952 to 1958.

Following secondary school John Ross began his career as a technical officer specialising in industrial hygiene at the University of Melbourne from 1958 to 1962.

From 1962 to 1991 John Ross held positions of inspector, scientific officer and chief research officer for the health department of Victoria. These positions encompassed the fields of occupational health, drugs and poisons control, health education and health

planning. It was during this period that John gained a reputation in the field of addictive behaviour.

As a new MP for a Dandenong electorate, one of the things that the City of Greater Dandenong did was periodically get MPs together to discuss issues. The first time I met John Ross was at one of those breakfasts where clearly his interest, compassion and knowledge in those areas stood out. It was an eye-opener for me and a tribute to him for the expertise and the care he had in those areas.

During John's health department years he attended Melbourne University where he gained the degrees of bachelor of science in 1967, master of science in 1973 and doctor of philosophy in 1977.

From 1991 to 1996 Dr John Ross was director and company secretary of the Addiction Research Institute, and chairman of the board of management of the Break-Even/G-line Counselling and Referral Service.

In 1996 Dr John Ross was elected to Parliament as a member for Higinbotham. John served his constituents and this Parliament until the 2002 state election. During his term John was a member of the Drugs and Crime Prevention Committee from 1996 to 1999 and a member of the Family and Community Development Committee from 2001 to 2002.

Dr John Ross contributed to the community in a variety of other ways: he was a councillor for the City of Moorabbin from 1991 to 1994 and served for a year as deputy mayor in that last year. He was a member of the Carlton Football Club, Brighton Bowling Club, Bentleigh Returned and Services League Club, and a life member of the East Brighton Football Club. In the political field Dr Ross was an active member of the Liberal Party and held numerous positions during his years of membership.

It is clear from Dr Ross's life and career that this was a man committed to and passionate about improving public health. In his maiden speech in this place on 15 May 1996 he described how his vocation in public health might contribute to the workings of the Parliament. He went on to question what role Parliament could play in the promotion of better health and the challenges that faced Parliament in reshaping the attitudes, values and beliefs of the wider community in addressing public health issues.

His untimely death at the age of 62 years saddens us all. On behalf of the government and of the parliamentary Labor Party I offer our sincere condolences to his wife, Faye, and to his children, Simon, Christopher, Lisa and Lynda, and their families.

Hon. PHILIP DAVIS (Gippsland) — John Ross was a colleague and an academic. He was energetic, committed, loyal and, above all, determined. I will recall John Ross as somebody who persisted with the greatest of dignity through what was an extraordinarily difficult time at the end of his parliamentary career.

Those of us who served in this place with John knew that he felt it was a great honour to be a member of Parliament, and he demonstrated that every day of his parliamentary life. Above all when he was diagnosed with what was then not determined to be curable as an illness — that is, leukaemia — he determined that it would not affect his commitment to the Parliament. So rather than do what many others perhaps would have been tempted to do, which is to seek to take himself out of this place, he decided that he would overcome the health implications. I have to take my hat off to him. I agree that it is a privilege to be a member of this place. We should honour John Ross's memory by being as committed as we can in his shadow.

I am honoured to support and to second the condolence motion for John and to pay a tribute to a colleague and to his family on our behalf. John left with me a lasting impression. Indeed many of the aspects of John's life that I am now familiar with I was unaware of when he was a serving member. John was one of those intriguing people who was not brash and boastful, as many of us are in parliamentary life. He just got on and did the business, and that was after a lifetime of great achievement in professional life and of academic excellence and, as I will refer to shortly, huge achievements in terms of community leadership and community service.

John was born on 17 October 1940 and died on 6 September last. He was the son of Jack Ross, a butcher, and of Jean Ross. Theirs was a devoted household. He had an older brother, Leigh, and in the early years the family lived above the butcher shop business in McKinnon Road, McKinnon. In 1960 John married Pamela. They had three children, Simon, Christopher and Lynda. In 1978 he married Faye, and she brought her daughter Lisa to the family. Family played an integral part in John's life, as did sport.

John completed his primary schooling at Gardenvale and Ormond state schools and his secondary schooling at Brighton Grammar before embarking on an outstanding academic career. In 1962 he gained a diploma as a public health surveyor at the Royal Society of Health in London. In 1967 he gained a bachelor of science with first-class honours at the University of Melbourne. In 1973 he gained his master of science at the University of Melbourne. In 1977 he

gained his degree as a doctor of philosophy at the University of Melbourne, his thesis being on pharmacological and conditional factors associated with cocaine dependence. I refer to that specifically because it is particularly relevant that his academic work on addiction led him to practical applications in the field of problem gambling, and that culminated in Break-Even/G-Line, and he was very involved in research, as I have indicated, into a number of aspects of drug dependence. It was that work that was recognised internationally and described as the most exciting work in the world in his particular field.

John's career was distinguished. It commenced as a scientific officer with the occupational health division of the department of health and led to his significant roles as Victoria's chief research officer in the state's drug strategy unit, director of the addiction research institute and executive chairman of the Break-Even/G-line board. He clearly led the way in what is world best practice in this area.

John had a particular interest in two major problems for Australian society: drug abuse and problem gambling. It was more than just an academic interest, he had an understanding of the impacts on families of these two problems. John wanted to attack the problems as a researcher, as an author, as a commentator and as a legislator. It was certainly in this regard that we came to know John. He understood that families were being torn apart by these particular problems.

John was an advocate of the tough-on-drugs approach, and he was instrumental in the debates within the Liberal Party about the decision to oppose heroin injecting rooms when the state government determined in the previous Parliament to create five injecting rooms as part of the facilities in the community.

It was John's advice, knowledge and foresight that led to a particularly informed debate on these matters. Indeed in the wider community sense John has been vindicated in a sense because the declining death rate from heroin use indicates that the decision Parliament took at that time was appropriate. The observance I make about John Ross is that he was fearless in taking an academic proposition and turning it into a practical notion.

John was very committed to the Liberal Party. He joined the McKinnon branch of the Liberal Party in 1982 in which he held offices and was its president from 1990–95. He served on various committees of the Liberal Party and was preselected and elected to the seat of Higinbotham Province.

John, like many members of this place, set out to encapsulate in his maiden speech something of his own philosophy. He said:

God willing, it will be my privilege to represent the residents of Higinbotham well into the 21st century and it is timely for me to speculate on some selected areas of policy that might provide major benefits to society as we reach that milestone. My vocation to public health and my experience and reading I think can best explain how I might contribute, in however a small way, to some of the workings of this Parliament.

As I said, it is with great humility that we respect John's contribution. It is my view that that passage properly sums up the area of his expertise, interest and commitment to public policy.

John left the Parliament without an enemy on either side of the house; indeed he made many friends on both sides. He was respected for his decency and for his influence in policy debate.

As I said earlier, he was interested in sport. He was involved in a vast range of activities, which previously I had not been aware of. I did not know John as a young man, but he was a very keen footballer. He played 175 games for the East Brighton Football Club and assumed leadership in that club as a captain-coach. He subsequently served in the administration of the club as chairman of selectors and on the club's committee. He was recognised for his contribution to the club in 1972.

After football he became actively involved in tennis and was the secretary of the committee of the Princes Hill Tennis Club. He also loved horseriding — again, something of which I had no knowledge, but apparently as a boy he rode around the paddocks of McKinnon and Bentleigh. It is interesting that even in recent months he was encouraging his grandchildren to take an interest in horseriding.

He was an outdoors man. He loved to go camping and fishing, and he loved travelling overseas. He encouraged his family to travel and to learn and experience what life has to offer. He was very involved in his community, having served on the school councils of the Moorabbin city secondary college and the McKinnon Secondary College. He was president of the East Bentleigh community health centre, city chairman of the Salvation Army Red Shield Appeal and a founding member of the management committee of the Glen Eira Residents Association. We have heard quite a deal over time about his enthusiasm for the Carlton Football Club, but you cannot help but feel bad luck!

The way I would like to remember John is from a delightful discussion I had with him on 24 June of this year at a farewell function to recognise his service to

Parliament and the Liberal Party, held by the Higinbotham electorate council of the Liberal Party in Mordialloc. As I recall, John believed he had overcome his health challenge and that he was in fact winning. He was very confident of his future. He looked and sounded robust, and he absolutely showed that grit and determination that we came to know of him.

He talked about his family and his dependence on his wife, Faye, and the fact that she went with him to virtually every public function he attended in the evenings. He said then, as he had said on many occasions, that it was the only basis on which they could see each other because John was one of those classic local members who believed that he had a duty to his community to accept if not all, then as many as he could of the invitations which were offered to him as a member of Parliament — again, a great contribution to his community.

He was certainly a very committed family man. To his wife Faye, to his children Simon, Christopher, Lynda and Lisa and to grandchildren Dylan and Stephanie, Brent and Blake, I offer the sympathy of the parliamentary Liberal Party. John Ross will be in our memories forever.

Hon. P. R. HALL (Gippsland) — The National Party joins the government and the opposition in expressing its sincere sorrow at the recent passing of Dr John Ross. John Ross did not speak as often as some of us in this place but when he did speak he always had something to say. He was well worth listening to. Unlike some of us who sometimes stand on our feet to speak just for the sake of speaking, John Ross was one of those who spoke when he had an important message to convey to us and the rest of the world, and he did it well. His contributions during debates on health issues were particularly impressive, and I can vividly recall the passion and the knowledge he exhibited in this place when he spoke on heroin injecting rooms. That is one of the landmark speeches in this place that will always remain in my memory.

John and I shared another passion — that is, we both barracked for the Carlton Football Club. I can recall having the pleasure of meeting his wife, Faye, when both John and Faye attended with my wife and I at a president's luncheon at Princes Park one Saturday afternoon. I did not think John was a raucous barracker for football or that sort of character but I can tell you that during the course of that afternoon he got extremely excited, and that passion, that love of sport was clearly evident that afternoon. That was a different side of John Ross — one I had not seen before.

John also impressed me with his diligent representation of Higinbotham. Unlike some other members he took the adjournment debates in this house very seriously. On every occasion that he participated in the adjournment debate he did so sincerely on behalf of the people of Higinbotham. I do not know how many times he did it, but he seemed always to be able to throw 'Higinbotham' into every one of the adjournment debates that he participated in.

I suppose what I most admire about John Ross is the way in which he dealt with illness in the latter part of his life. As a man of science, John knew that his disease was terminal but he bravely did not hide that fact and indeed spoke to many of us about it. His final speech in this chamber prior to the last election was to me heroic. Although I am not a strong advocate for a demonstration of applause in this chamber in most circumstances, the conclusion of that speech was certainly one occasion on which the applause and acclaim of all members of this house was well and truly warranted.

I was sincerely disappointed that I could not break some prearranged commitments to attend John Ross's funeral. However, I wrote to his wife, Faye, expressing the admiration and respect of National Party members, the views we held of what a fine man John Ross was and once again expressing our appreciation for the contribution he made during his relatively short time as a member of this chamber. Today I have an opportunity to do so again in person. On behalf of my colleagues in the National Party, I extend our sincere condolences to his wife, Faye, his four children and their extended families.

Mr GAVIN JENNINGS (Minister for Aged Care) — I would like to take the opportunity to mark the passing of John Ross on 6 September 2003 by making some brief comments about the way in which John made an impact upon me and my reflections upon the features of parliamentary life.

First of all, as has already been mentioned in this condolence motion today, his contribution to the debate on the supervised injecting bill on 31 October 2000 was a very impressive argument: it demonstrated a depth of understanding, conviction and passion. I disagreed with his summation then, and I disagree with it today. But in terms of what this Parliament is about — quality of argument and understanding and putting aside humbug and prejudice in the name of prosecuting an argument — hats off to John Ross, because that is what he did on that occasion.

I re-read his speech as recently as this morning. I would encourage many of us to read it to gain a proper understanding of public policy into the future. Members will see that John Ross absolutely passionately opposed decriminalisation of drugs. He drew our attention to some failed experiments in dealing with treatment around the globe. But in his speech he acknowledged that there are appropriate times for harm minimisation to be part of a drug enforcement regime. Even at the conclusion, where his submission was diametrically opposed to mine in terms of support of that specific piece of legislation, there was much that we shared in common in terms of our concerns and our views on the way forward in terms of public policy for the future.

The second matter I would like to refer to is that of the connections we share as members of our community. Even though I have travelled for only a relatively few moments in John Ross's life, there were three parallels in our lives — we both started our primary education at Gardenvale Primary School, we both worked in the health department in the mid-1980s and we both served the Parliament of Victoria in the 54th Parliament. It reinforced in my mind that regardless of what divides us, because many people would not think John Ross and I were contemporaries — he barracked for Carlton; he was a member of the Liberal Party — I am very mindful of the underlying thesis of the six degrees of separation: all of us are bound by a number of uniting factors that we may not immediately be able to observe.

That brings me, in a very neat segue, to the third element of this contribution, which is about the sheer humanity and compassion that is the best of all of us and which was demonstrated in another speech by John Ross — a speech made, surprisingly, two years exactly to the day after his speech on the supervised injecting bill — on 31 October 2002, when he was leaving the Parliament. By that stage we all know that John's body was weakened and had been weakened for some time. But the strength of his courage and the principles that underpin the best of parliamentary life came through in his gracious contribution that day.

He was gracious to all of us, and I would like to record that in his contribution he said:

To whatever degree I have been able to sustain some semblance of health, I thank my medical advisers, but no less important is the encouragement, forbearance and support I have enjoyed from every member of this Parliament.

Gracious to the last moment in this Parliament. On his way through when he paid a degree of honour to his wife, Faye, and children, Simon, Christopher, Lynda and Lisa, he concluded with the following remarks:

My grandchildren, Dylan, Stephanie, Brent and Blake, have inspired me to try and make at least some contribution to a better future for all Victorians. This evening probably marks not only the closing chapter of my parliamentary service but also of my academic and working life. I have cherished every moment of it.

Indeed it was not only the words but the way John Ross spoke them that will live on in my memory and the memories of all members of the 54th Parliament long into the future.

With those words I wish John's family the very best for the future.

Hon. BILL FORWOOD (Templestowe) — This is very sad. It was about two years ago that we knew that John was sick and autumn when we gave him leave to see if he could get himself better. I was delighted, as many people were, when he came back in spring of last year. He made a contribution again and spoke about heroin injecting rooms, a topic about which he knew so much and an area of expertise where he had no peers. I remember also, of course, the poignant speech he gave when he left this place for the last time.

He was a modest man; quiet, but very determined. He had an outstanding intellect, which he put to great use. He was a man who valued life and used his time and attributes extraordinarily well. He had an outstanding academic career and an equally outstanding career in public service. He was a world expert in his field of research — addiction. He put that research to practical use in his career with the health department and later on with the Addiction Research Institute and Break Even.

His was truly a life of practical achievements which made a difference to people's lives. As has been said, he regarded his election to Parliament as his crowning achievement, because it gave him great scope to contribute to public policy debates, an area in which he excelled. He said in his final speech, which has been quoted already:

My presence in this place has been one of the great privileges of my life.

I saw John recently and we had a long conversation. He had moved from Cabrini to the fifth floor of the Alfred hospital; later he moved to the second floor. We talked about his illness and his love of the Parliament and the party that he had served so well, and above all about his family.

He knew that things were tough. He had had blood cells taken from him two years before and they were giving them back to him. He knew that he faced a two-week period when his immune system would be down and he

might not make it through. He was content with that knowledge, but he was fighting all the way, he was not giving up. But he did know that his chances of making it through were not great. During that two-week period I had a number of conversations with members of his family, and he was doing it tough. He was ill, but he was really fighting on. He knew that this was a road he had to walk alone.

In my mind he won the respect and affection of all for the manner of his life, for the way he fought the fight and for the dignity of his passing.

Mr SMITH (Chelsea) — I liked John Ross, he was a good bloke; someone I would describe as a decent human being. He had a rare talent that I was not aware of until I travelled with him. People say that you do not really know your parliamentary colleagues until you travel with them. Along with my wife and some other parliamentarians, I went on a study trip to Taiwan and it was there I discovered the dry sense of humour that John hid from us most of the time, and I was rewarded by five days of travel with John and his humour. Some others there were not quite as humorous, I have to say, but John brought a sense of fun to the trip and made it quite worth while.

I am interested to hear that he was a football coach. I can never imagine John as a football coach. I cannot picture him addressing his team at three-quarter time, with it five goals down et cetera. However, I am sure that he was good at what he did and having heard the contributions of other speakers about his vociferous support for the Carlton Football Club, I can well imagine that he was a good coach.

He represented his electorate with alacrity — what more can you say about a politician that is better than that? Like a lot of people, I did not hear John speak often in here, but when he did he made sense and in particular on those issues that have already been talked about he spoke with genuine fervour and feeling, and I respected him for that. To his family and Faye in particular, I offer my condolences and say, ‘Goodbye, John Ross’.

Hon. C. A. STRONG (Higinbotham) — I also rise to support this condolence motion on the passing of our ex-colleague and my friend Dr John Ross. Much has been said about the character of the man and his history, and I particularly want to reflect on some of my personal feelings, having spent many years as a friend and a colleague of this very fine man.

He was an outstanding local member with an enormous heritage in our area. As has already been said, he went

to primary school in Gardenvale and Ormond and then went on to secondary school at Brighton Grammar. He played football for the East Brighton Football Club for many years, and as we have also heard, he was captain and subsequently captain-coach of that club. Finally, for his contribution over many years to the East Brighton Football Club he became a very proud life member of that club.

John was a councillor of the City of Moorabbin from 1991 to 1994, as was his father, John Sunderland Ross, JP, before him, so he had a very deep and enduring respect and love for and knowledge of his local area. He joined the McKinnon branch of the Liberal Party in 1982 and had many positions in the party from that time, culminating in his election to this house in 1996. He had an enormously distinguished career. We have heard other members talk about John’s quiet determination and he was a man of very great quiet determination.

When you think that he studied from the time he left Brighton Grammar in 1958 to when he was awarded his PhD in 1977, he studied for close to 19 years. Any of us who have studied and undertaken part-time or night studies would realise what enormous determination and courage it takes to stick with that belief for close to 19 years.

He is a man who, in my view, is characterised by certain words. He was kind, he was thoughtful, he was considerate, he was a man of enormous integrity, and he was enormously knowledgeable, as many of us here have said. He was quietly determined, and he was a man you could not help but respect. He was a man of compassion.

I was lucky to have spent quite a bit of time with him, not only as members of the Liberal Party and the community in our Higinbotham Province area before either of us were in this place, but also during the time I was unfortunate enough not to be able to drive when we were in this place. John, in a most generous and outgoing way, helped me so much, whether it was with my coming home from this Parliament late at night, or whether it was with my needing to go to some meeting somewhere. In the most selfless way, he offered me lifts to all sorts of places all over Victoria. In that 12 months John and I spent an enormous amount of time together, and I got to know him extremely well.

There is another of his characteristics that other members have spoken about. Until you had actually spent many hours with John I do not think you realised the strength of the love and support that he had from his family. He and Faye were devoted in ways that it is

impossible to describe — in the depth of their feeling for each other and their support for each other. Wherever they went they were together; whether it was to branch meetings or anything, Faye and John were always there together. Faye would just be sitting there with John to give him support. They were often holding hands just being friends together. They were enormously devoted to each other, something which in this day and age we unfortunately do not see enough of. John lived for his family and particularly his grandchildren.

As has also been said, John had an enormously strong belief in how we should deal with the whole issue of drugs. He believed there was no simple solution, that many of the ideas put forward by our society today were essentially forms of a cop-out, if you like, and that you had to rely on individuals to deal with the devil of drugs and beat it themselves.

I can remember having many hours of discussion on this. We used to talk about solutions to this terrible problem of drugs as we would drive around Victoria to various functions. I can remember him talking about so many schemes. He was somebody who earnestly believed — and he could also produce the evidence to support this — that the needle exchange program which we have is fundamentally counterproductive in what it seeks to achieve. On the whole issue of safe injecting rooms, which has been touched on today, it was not so much that he did not think they could help people, but that he held the view and was able to present evidence that they led to the forming of ghettos and were ways in which people could be pushed away and hidden so they were not a problem to society. He thought it was a way of disappearing the problem rather than solving it, and that solution needed to be thought through.

As has been said, his life was in the region of public health. It is a tragic irony that somebody who believed so strongly in and whose life was into promoting public health should have contracted leukaemia at such a relatively young age, because with the best will in the world that is not a disease that could be dealt with in a public health way.

It was a tragedy to watch John as he sat here with us all. You could see him fading away, and as has been said before, he took time off and came back and looked really well. I remember it was only a matter of four or five weeks ago that we saw him at a function. My wife and I even saw him at Southland recently and he looked so well and we thought, 'Isn't this wonderful?'. But it was not to be.

Only last Friday John's life was honoured at a funeral service at St Andrew's Church in Brighton. The most moving eulogies honouring his life were given there by Robert Doyle, the Leader of the Opposition in the other place, about John's life in politics; by Dr Joe Santamaria, who talked a lot about his time at the addiction research institute; and by Dr Trevor Davey, who spoke about his friendship with and knowledge of John when they were medical students together.

They all paid tribute to a really unique man in every way, and a man who will be very sadly missed. I conclude by quoting the last paragraph of John's maiden speech when he was in this place, which defines the nature of the man — a man who had a compassion for other people but also had this wonderful belief and commitment to the whole area of public health. He said in closing his maiden speech:

I believe Parliament should play a real role in articulating the mores of society, with particular reference to health and to focusing public attention on prevention as the cornerstone of health care reform. The trick is not simply to teach individuals what they do not know about behaviour and how it is related to health; what we need to appreciate in this place is that measurable health gains will only accrue when every Victorian accepts personal responsibility for his or her own health and we all genuinely care for one another.

That last sentence sums up what John Ross believed in his life — that is, personal responsibility and caring for one another. I have much sadness in placing on record my condolences and my special wishes from both my wife, Kate, and me to Faye Ross, who I know will miss John so much, to the children John loved and had so much respect for — Simon, Christopher, Lynda and Lisa; and the grandchildren he simply adored and could never, never stop speaking about all the time — Dylan, Stephanie, Brent and Blake.

Mr PULLEN (Higinbotham) — I rise with a great deal of sadness for this condolence motion to the late Dr John Ross. As members are aware, I was elected as a member for Higinbotham Province following the decision of John to retire at the last election. I have severe doubts as to whether I would be here if John's health had held up and he had actually stood for the Higinbotham electorate at the last election.

The *Herald Sun* contacted me in relation to how the electorate office was when I took it over from the previous member. John actually came into the electorate office when I was elected. He made sure everything was right and that we did not have a problem in the world. That continued on for about a month — I could not get rid of him half the time! But the position was fantastic; he helped me so much.

John gave me a statement to make in the house that he had not been able to make. It was on the Newlands project in East Bentleigh. I was pleased to make that my first statement in this house after my inaugural speech.

I first met John back in the mid-1960s when he was playing football at the East Brighton Football Club. I used to turn up on the Sunday mornings and John would also be there among the Sunday sippers with many of his good friends, particularly Charlie Sarsero, who would be running the 100 to 1 draw to raise money for the club — and I know Charlie was at the funeral on Friday, which unfortunately I could not make due to a previous commitment.

It has also been said that John was a solid half-back flanker, and I remember him playing. He was a Collingwood 6-footer and wore no. 10 for East Brighton. He actually played 177 games for Easts — 61 of them were in the seniors. In 1966 he was a member of East's South-East Suburban League A grade premiership team when it defeated Murrumbena 13 goals 7 to 11 goals 5 — ironically Murrumbena won the second division premiership in the Southern Football League this year. John then went on to captain-coach the seconds in 1968 and 1969.

I had lunch today with a councillor from Bayside City Council who played football at East Brighton as a youngster under great coaches in Teddy Woods and John Wooley, and they would always call on John to address the players, particularly at half time and three-quarter time. What Cr Mike Dwyer said to me today was that John would talk about motivating the players, telling them to enjoy participating in the game rather than just focusing on winning. John also did a great amount of work for the club, as has been mentioned before, and was subsequently awarded life membership.

John spoke highly of Norm Loader in both his inaugural speech and his last speech to this house. I know my colleague from Higinbotham made a statement only recently about Norm Loader. Norm, who passed away earlier this year, was a foundation member of the East Brighton Football Club and was its first secretary in 1948. I had the pleasure of chatting with both Norm and John at the club's annual auction night last year. It was a very enjoyable discussion. I knew John was ill then.

Only last Saturday I was speaking with a legendary East Brighton identity, Alan Meaney, who told me that John recruited him to East Brighton Football Club. Alan played the first two games in the seconds and

kicked 14 goals. When he approached John and asked why he had not been promoted to the firsts, John answered, 'Are you sure you have proved yourself yet?'. That was the way John had with words, and I found that over the many years I knew him.

President, I will always remember your telling me that John's final address to this house on 31 October 2002 was the most moving you had heard. I made sure I read it, and I agree with you entirely. I know how passionate John was about this house. At the time of the constitution commission I went into his office and he provided me with an enormous amount of detailed information about the Liberal Party's position on the commission. It is very important that we note that John said in his final speech that he would not force a by-election on his constituents at the very time the upper house was under careful scrutiny by the constitution commission.

John Ross, at 62 years of age, member for Higinbotham Province from 1996 to 2002, was too young to die. To Faye and his family I extend my deepest sympathy.

Hon. ANDREA COOTE (Monash) — John Ross was a gentleman. He was a gentleman in the truest sense of the word. He came to this place as a gentleman, and from all the accolades we have heard about him today I think both sides of this chamber would agree that he left here as a gentleman as well. He conducted himself throughout that process with enormous dignity, honour and professionalism. I feel very lucky to have known and worked with him as a colleague and a friend.

I first met John when he was working with G-line. We take such services for granted today, but at the time when John was initiating G-line his work at that time was ground breaking, and it put Victoria on the map. John did it in a quiet and professional way, but it was a service that gave enormous support to a whole range of people who were under enormous difficulty.

I first worked with John through a Liberal Party policy assembly committee where he conducted an inquiry into private health insurance. John, in his extraordinarily professional way, crossed every t and dotted every i. We had an excellent debate. Professional people spoke with us, and John ran the seminar in a very positive way which provided the groundwork for some of the Liberal Party policy we went on to develop. Indeed, before he became a member of Parliament John was affecting and looking into policy at a detailed level.

I was in at the beginning of John Ross's political career. I helped in his preselection process and was on his

preselection panel. A large group of people was vying for the seat of Higinbotham, but I must say that John stood out head and shoulders amongst them all. Together with Faye he was in, as my colleagues have said, a real and true partnership. They were there together on the day and showed that together they would have a partnership in the job. John went right through his parliamentary career with the two of them together very much in a partnership role.

At the preselection process John was dignified, professional and demonstrated the depth of work in his community in the health field and his policy work with the Liberal Party. It was a pleasure to have been there right at the beginning of John's very distinguished political career.

In my electorate the drug debate and debate on heroin injecting rooms were a hot topic. St Kilda, as most members would know, was one of the areas suggested for a heroin injecting room. I was honoured to share an office with John when I first came to this place, and we had many long discussions about heroin injecting rooms.

John suggested to me that it might be a very good idea to have a look at them. He gave me detailed information, names of people and places overseas. I travelled to Switzerland and England. In England we spoke to dignitaries and specialists on this issue. Everywhere I went John was held in high regard. He was a man from our Parliament speaking on an issue where he was regarded and regaled in a worldwide sense as an expert. Everywhere I went people were keen to know what he was thinking. They were keen to know how the debate was progressing and keen to give accolades to a very distinguished man.

In that office we shared we had many late-night discussions while Parliament raged on and on. They were quiet discussions, many of which were held in the middle of the night. Many were about a whole range of philosophical issues. The discussions always had depth. From what we have heard today, many people would have had such conversations. He had quite a chuckle which was rather fun as well.

I remember speaking to him about his preselection for the last election. He said, 'Andrea, I've just been told that I have leukaemia and I won't be standing again. Many people do not know this'. We had a long discussion about what his direction would be, and in true John fashion he looked at it very analytically as he spoke to me, who knew nothing about the disease. He spoke about his prognosis and his life and how he was going to make the most of it.

We have heard today how he did just that. All of us will remember that final speech. You could have heard a pin drop. Everybody was silent. It was one of the most dignified, honest, sad and humble speeches I have ever heard.

Much has been said about Faye, because they were such a partnership. In his final speech to this house — and much of John's memory lives on in Faye — he said:

My wife, Faye, is the foundation upon which my parliamentary career was built. She accompanied me to nearly every branch meeting, party and civic function — simply to be with me. Her usual comment was if she did not go to those meetings she would never see me.

I think all of us can understand that it was a true partnership. My thoughts are with Faye and the family, and I certainly will miss John Ross.

Hon. D. McL. DAVIS (East Yarra) — I also wish to associate myself with this important condolence motion and place on record my enormous esteem and respect for Dr John Ross. I do not want to add much because an awful lot has been said about John's life, his professional career, his local activities, his activities within the Liberal Party, the strength of his family and his relationship with Faye. I extend my heartfelt condolences to his family and Faye.

I want to reflect on just a couple of aspects of his life, and one of those is John's commitment to public service through his professional background and his commitment to public health in particular.

I believe he was a model not only for parliamentarians but for many others in the community in his ability to use rational examination of the evidence and to focus on how to solve public health problems through that rational examination of evidence. His contribution and ability to bring his mind to bear on important public health topics — the truth is that those public health areas are the areas where most progress in our health system nationally and internationally can be made — stand as a fine testament to those skills.

I also want to reflect on the contribution John Ross made to a particular group in the Liberal Party and the National Party. I was elected with him and 14 other members of either the Liberal Party or the National Party in 1996, and I was very proud to have that association with him. That group of individuals — the Class of 96 as they became known — esteemed John highly. I can only say that it is a great pity that he is not here with us still. It is a very small group in this chamber — I think I am the only one who remains in this chamber from that 1996 group — although Jeanette

Powell, Helen Shardey and Martin Dixon are in the other chamber. I thought it was important that I place on record today the strong support that group extended to him and the strong impact and influence he had on all of us.

His humanity came through so strongly. His commitment to not only the Parliament but to the Victorian community and to Higinbotham Province was unique and will not be replicated.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — When John Ross retired last October he did not retain the title ‘Honourable’. However I can think of few members who have served in the 54th Parliament who were more deserving of that title than the late Dr John Ross.

Throughout my dealings with John Ross he always displayed humility, integrity and decency, and they were characteristics that John always displayed in his dealings with members in this chamber. Every speech I heard John deliver was based on painstaking research and deep thought about the issues concerned, such was the respect that John had for the forums of this Parliament.

Other members have highlighted his knowledge and background in the health area, particularly on the subject of drugs, and throughout the community debate on safe injecting rooms John travelled extensively throughout Victoria.

I recall him and Faye spending a Sunday afternoon in my electorate talking to a group of only about eight people. They very willingly spent the afternoon talking to those people so that locals in my area — I think they were Liberal Party members — could have an understanding of the issues at hand in the safe injecting debate.

When John was elected in March 1996 his maiden speech had a theme: the contribution he wanted to make on behalf of the people of Victoria and extending the work that he had done in academia. Last October the members of the 54th Parliament were privileged to hear John’s final speech in this Parliament. Again, the theme of that speech was the contribution that John wanted to make, in that instance, as a legacy for his grandchildren and for the benefit of the people of Victoria. So, right to the end John was thinking of the contribution he would make to the people of Victoria and to his electorate, and their concerns remained at the forefront of his mind throughout his parliamentary service.

It was a privilege for me to serve in the 54th Parliament with the late Dr John Ross. I extend my condolences to his wife, Faye, and to his children. Dr John Ross’s passing is a great loss to this Parliament, a great loss to the Liberal Party and a great loss to the state of Victoria.

Hon. R. H. BOWDEN (South Eastern) — I rise to support the motion today before the house in relation to Dr John Ross. With his passing we have all experienced the loss of a fine gentleman and a fine colleague. There are several qualities that single out and make the late Dr John Ross an outstanding person. I always knew him to be courteous, considerate and compassionate. On many occasions debates were held in the party room or elsewhere and when John Ross spoke on the topic of public health or issues related to illicit drugs, people listened — and they listened carefully. His views were always respected in the councils whenever I heard him speak.

I would describe John Ross amongst other ways as a quiet achiever. He was a sincere listener, a genuine thinker and, above all, a very sincere person. I had the opportunity some years ago to travel with John and Faye to Taiwan. John was most professional. He enjoyed that experience and contributed to the team, and the impression that our hosts in Taiwan gained through the work of Dr John Ross was excellent.

I also had the privilege early last year of driving John up to Benalla. Just the two of us were in the car, and we exchanged thoughts, views and so forth. I gained the very clear impression that there was a special quality about him. He was very proud of and grateful to his parents who had made much in the way of sacrifice to give him an education that he was absolutely grateful for. John told me in the car that he absolutely adored his parents for that sacrifice, and that they had enabled him to progress in life and add to his experiences. He never forgot the sacrifice that his parents made for him.

Another point I was surprised to hear in the car — but I should not really have been surprised, knowing John — was that he considered his time in this house to be the apex and the absolute pinnacle of his achievement in life, in public service and in his professional work. He really adored and valued most highly the opportunity to be a member of this Parliament and to serve the people of his electorate and the people of Victoria through being a member of this house. That is a fine sentiment and a fine statement indeed.

Much has been said about John’s community service, his party service and his personal qualities, and what has been said is definitely true. I would like to

express the condolences of myself and my wife, Lynn, to John's wife, Faye, and to his children, Simon, Christopher, Lynda and Lisa. We have indeed all lost a friend.

The PRESIDENT — I also wish to be part of this condolence motion before the house. Dr John Ross did not spend as long a time in this Parliament as some others. He served as the member for Higinbotham from 1996 to 2002 but his contribution was valuable nonetheless. In his final speech to the Parliament last year he said that it had always been his intention to seek re-election, but unfortunately ill health made this impossible for him.

John was respected by all sides of politics, and in that final speech he also thanked the government for the consideration he was given during his time of illness. He acknowledged the role members played and the encouragement and support he received that made him able to sustain some semblance of health, as has been reported.

As Mr Pullen indicated, I said to him that if anyone wants to know about the man, John Ross, they should read his last speech. It epitomised what John was all about — his family, Higinbotham and, as indicated, his apex, in his view, of becoming a member of this house to represent his constituents. John had a successful career as a scientist, but the closing chapter of his working life was serving as a member. On behalf of all members, I offer my condolences to his family: to his wife, Faye, and his children, Simon, Christopher, Lynda and Lisa.

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

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That, as a further mark of respect to the memory of the late Honourable Michael John and the late Dr John William Gamaliel Ross, the house do now adjourn until this day at 5.00 p.m.

Motion agreed to.

House adjourned 3.47 p.m.

The PRESIDENT took the chair at 5.02 p.m.

ROYAL ASSENT

Message read advising royal assent to:

16 June

Appropriation (2003/2004) Act
Appropriation (Parliament 2003/2004) Act.
Attorney-General and Solicitor-General (Amendment) Act
Australian Crime Commission (State Provisions) Act
Corrections and Sentencing Act (Home Detention) Act
Crimes (Family Violence) (Amendment) Act
Drugs, Poisons and Controlled Substances (Volatile Substances) Act
Fisheries (Amendment) Act
Livestock Disease Control (Amendment) Act
State Taxation Acts (Miscellaneous Amendments) Act
Victorian Urban Development Authority Act
Wrongs and Limitation of Actions Acts (Insurance Reform) Act

2 September

Catchment and Land Protection (Amendment) Act.

CHILD EMPLOYMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Commonwealth Games).

NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

CONFISCATION (AMENDMENT) BILL*Introduction and first reading***Received from Assembly.****Read first time on motion of Hon. J. M. MADDEN
(Minister for Sport and Recreation).****ALBURY-WODONGA AGREEMENT
(REPEAL) BILL***Introduction and first reading***Received from Assembly.****Read first time on motion of Mr LENDERS (Minister for
Finance).****QUESTIONS WITHOUT NOTICE****Wind farms: government policy**

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Energy Industries. Will the minister confirm that he is meeting tomorrow with ministers Thwaites and Delahunty, the shires of Moyne and South Gippsland, the Victorian Tourism Industry Council and Great Ocean Road Marketing to discuss the government's coastal wind farm policy and that subsequent to that meeting the government will announce a backflip on its policy and ban wind farms in coastal areas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. It is very interesting that the honourable member decided to go down to Gippsland with his leader, Robert Doyle, the Leader of the Opposition in the other house, to do a tour and support his leader in talking about energy issues, including wind, in Gippsland. But they forgot one very important thing — that is, to take the opposition spokesperson on energy, Mr Forwood, with them. But they did not forget; they did this for a very important reason — that is, that Mr Forwood is on the record many times in this house saying that he supports a mandatory renewable energy target, that he supports the development of the wind industry in this area of the state, and that he recognises the contribution of wind — —

Hon. Philip Davis — On a point of order, President, the minister has had a minute to address the question, but all he has done is debate it. I ask you to draw him back to the question and direct him to answer it and be responsive to the question.

Hon. T. C. THEOPHANOUS — On the point of order, President, I am well aware of the question that has been asked by the honourable member, but in his question he asked me about issues related to wind and questions how the government will be dealing with it. He mentioned something about a backflip. It seems to me that in talking about wind I am entitled in the preamble leading up to the answer to the honourable member's question to also indicate what the opposition has been saying in relation to wind and about its members' recent actions in relation to wind energy in this state.

The PRESIDENT — Order! The minister has had a minute of his preamble, as he indicated, and I think he has got 3 minutes to go to answer his question, so I ask him to continue with his answer.

Hon. T. C. THEOPHANOUS — What we have is an opposition which is — —

Hon. Philip Davis — On a point of order, President, you have made consistent rulings about ministers in this place debating questions. The minister is out of order to continue in this vein.

The PRESIDENT — Order! In my previous ruling, which was 7 seconds ago, I said that the minister had made a preamble, and I asked him to get back to answering the question. With his 2 minutes and 53 seconds remaining, I ask the minister to answer the question put to him.

Hon. T. C. THEOPHANOUS — The opposition leader is very sensitive today!

Of course this government is about supporting wind. It has been about supporting wind power ever since it came into power, and it does so because it is a very important component of the renewable energy strategy which is being pursued by the state. There is no question about backflips from the point of view of the government, because it has always held the position that wind plays and will play an important part in answering our energy problems. It is not all of the answer to our energy problems, but it will play an important part in how we deliver the energy requirements of Victorians into the future, and it does one other thing for us — it reduces the amount of greenhouse emissions that this state produces.

Make no mistake: one of the biggest issues we face going forward as a state is how to deal with greenhouse emissions. We produce more greenhouse emissions in this state than in any other, and over the last 10 years those emissions have increased by 41 per cent. We have

a serious problem which needs to be addressed in relation to greenhouse emissions.

One of the ways in which we can address that issue is by using renewable energy resources. We have an opposition that at every opportunity gets up and criticises us for wanting to take forward this debate and get renewable energy in this state, particularly wind. You really do not know how this is to be approached when you have the shadow Minister for Energy Industries saying one thing about supporting the mandatory renewable energy target and about supporting wind in the state, and then you have the member for Hawthorn and the Leader of the Opposition in the other place going around saying the exact opposite to what the energy spokesperson on the other side is saying. Let me tell you, President, that the person who has got it right on this occasion is the opposition energy spokesperson, not the opposition leader.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given that the minister failed to address any of the points in the question, I guess I will have to recite it further. I asked the minister whether or not he is meeting tomorrow in the company of other ministers with the shires of South Gippsland and Moyne, from Western Victoria, and with the Victorian Tourism Industry Council and Great Ocean Road Marketing, and would he advise the house if it is the intention of the government to announce tomorrow a reversal of its policy in relation to wind farms in coastal areas?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The difference between the government and the opposition is that this government consults with stakeholders, and we will continue to consult with them in whatever industry we are dealing with. We do consultations, listen to people and make decisions. We are committed to developing the wind industry in this state, and we will continue to be supportive of wind as one of the answers to the development of renewable energy sources for this state.

There will be no backflip from this government. The only backflips that we see are from an opposition which cannot get its act together and cannot even decide whether it should support the energy spokesperson or Ted Baillieu, the planning spokesperson in the other place.

Real estate agents: practices

Hon. KAYE DARVENIZA (Melbourne West) — I refer my question to the Minister for Consumer Affairs. Will the minister please inform the house of recent action the Bracks government has taken in relation to the real estate industry?

Mr LENDERS (Minister for Consumer Affairs) — The Bracks government listens and acts and in doing so goes out there and consults with our communities.

Mr Jennings — That is what listening is about!

Mr LENDERS — That is what the deputy leader says listening is about. When we look about and we think how listening and acting deals with the important issue of consumer affairs it becomes quite clear to us that there has been a growing lack of confidence in the auction system among some consumers. The government has listened and acted in a couple of ways. Firstly, it has brought in legislation, which the house is probably familiar with, dealing with dummy bidding and under and overquoting. That is now in place and the proclamation of the sections dealing with dummy bidding will take effect on 1 February.

More recently some incredibly unethical practices among a small number of real estate agents disturbingly came to my attention. I say it is a small number of real estate agents, but they have besmirched the reputation of the entire industry. When it came to my attention that a very small number of estate agents were indulging in the unethical practice of hiding from their blurbs and other material powerlines, power poles, adjoining buildings and — —

Hon. Bill Forwood — Gas meters!

Mr LENDERS — As Mr Forwood has said correctly, they are hiding gas meters. We have had two aims for consumers affairs — to empower consumers so they are confident, as Mr Olexander knows, and, when that has not worked, to look after vulnerable consumers — and this matter fits absolutely within the issue of how to make consumers more confident and how to protect vulnerable consumers.

The first step in making consumers more confident is to give them certainty so when they see an advertisement put out by an estate agent they can know that it is correct and that what they see is what they get. Some have argued that at auctions sellers put on coffee, place flowers and make bread to make the house look more authentic and that photos are often taken on sunny days, so there is nothing wrong with going the next step and blurring out powerlines, gas meters and adjoining

buildings. I say categorically to this house and the Victorian community that the Bracks government wants to put a stop to this.

This insidious creep into crossing the line removes the confidence of consumers in the auction process — the confidence that we have restored by listening and acting by bringing in the amendments to the legislation a short time ago to deal with the confidence issues of dummy bidding and under and over quoting. This activity has been brought to my attention, and we wish to stamp out unethical practices.

Through listening and acting this government has moved, and I have asked the director of consumer affairs to report back to me on the specific instances that were in the media in the last few days. He will report back promptly. We will deal with these issues because we want consumers to be absolutely confident.

Hon. B. N. Atkinson interjected.

Mr LENDERS — Mr Bruce Atkinson mocks the many complaints we have received. We have received complaints consistently from people in the eastern suburbs of Melbourne who wish to have confidence in the auction system. They want a transparent system; they want to be confident that what they see is what they get. They want to be confident that they are bidding against a person and not against a tree, a passing tram or a cat. They want to be confident of these things. This government has listened and acted. It is empowering consumers; it is protecting them and it is being decisive.

Mount Eliza Centre: future

Hon. ANDREA COOTE (Monash) — I direct my question without notice to the Honourable Gavin Jennings, the Minister for Aged Care. I refer to the Mount Eliza Centre, which is a 96-bed palliative care and nursing home centre, and the minister's inability last month to guarantee the future operation of this centre. When he refused to confirm or deny that the Bracks government was looking at closing the Mount Eliza Centre he said, 'We will be looking at all health facilities on the Mornington Peninsula, including Mount Eliza'. My question is: for what purpose specifically will he be looking at the Mount Eliza Centre?

Mr GAVIN JENNINGS (Minister for Aged Care) — As the shadow minister knows, there is an urgent and ongoing problem of residential aged care within the Victorian community. In fact we are in the order of 4500 residential beds short of the

commonwealth's benchmark, which is an ongoing problem in terms of guaranteeing the adequate supply of residential aged care to members of the community.

Within the last 12 months there has been a review of facilities that are available along the peninsula. Our government is concerned to ensure that there is an adequate supply of residential aged care across Victoria, and the peninsula is an essential part of that service delivery into the future.

It is fairly clear that the take-up rate of private sector and non-government investment in residential aged care varies significantly across the state. The peninsula, we are pleased to say, is one of the regions where there has been a high take-up rate of private sector and non-government investment. That is very positive for that community. Peninsula Health did a review of whether there was an ongoing reliance on this facility in light of significant investment that has to be undertaken to satisfy accreditation compliance by all facilities until 2008. It was the considered view of Peninsula Health that the licences within this facility were not required to meet the ongoing service provision and it would be overly costly to ensure that there was adequate investment within the facility to provide that level of care in the future.

As has been indicated to the house, we are actively considering all options that may be available for the mix of service delivery within the peninsula, and the department will provide advice to me once it has received advice from Peninsula Health about how this would proceed in the future.

Supplementary question

Hon. ANDREA COOTE (Monash) — I ask the minister whether he can confirm that the Mount Eliza Centre will continue to operate from the current Jackson Road site.

Mr GAVIN JENNINGS (Minister for Aged Care) — In fact if the honourable member was listening, my contribution concluded with the words that Peninsula Health will be advising the department and the department will be advising me on the use of facilities within Peninsula Health into the future, which includes the site mentioned in the question.

Wind farms: public support

Mr SMITH (Chelsea) — My question is to the Minister for Energy Industries. Following on from the question from the Leader of the Opposition, could the minister inform the house as to what degree of public support exists in this state for renewable energy?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his impromptu question! The Bracks government was re-elected last year on a platform of environmental sustainability. Two of the major planks in our platform were firstly, that we would facilitate up to 1000 megawatts of wind power by 2006 — that was a very important part of our policy framework; and secondly, that we would increase renewable energy consumption from renewable sources to 10 per cent of all sources by 2010, which is a very ambitious target as well. So 10 per cent of our consumption is to come from renewable sources.

We did this because we believe the Victorian public expects us to back the renewable energy industry and to find ways to fight climate change. Some members may have seen the results of a recent survey of public attitudes to renewable energy which was commissioned by the Australian Wind Energy Association, and the good news from that survey is that it confirms strong public support for renewable energy, including wind energy.

A vast majority of those people who were polled gave their support for building wind farms, despite the scare campaign mounted by some members of the opposition. The level of support was astounding considering that scare campaign. It was not 50 per cent or 70 per cent — it was 95 per cent support for wind energy in this state. Ninety-five per cent said it was a very good idea to set a target to increase the contribution of clean energy from renewable sources.

Which party has set targets? It is not the Liberal Party nor is it the National Party — it is the government, the Labor Party, which has set such targets. The survey vindicates the Bracks government's commitment to getting behind the renewable energy sector.

Unlike the government, the opposition is going around bagging wind — so much so that we have started to call the member for Hawthorn in the other place 'Black Coal Baillieu' because it seems that he has spent the entire parliamentary recess tilting at windmills in Victoria and supporting black coal stations in New South Wales instead. He has not convinced many Victorians but he has convinced Robert Doyle, the Leader of the Opposition in the other house, who now believes that wind farms are not crucial to our future power generation needs. That is what he said in the Latrobe Valley.

Mr Doyle should tell this story to Mr Forwood, the shadow minister, who seems to support the Environment and Natural Resources Committee and

wind power. Mr Doyle and Mr Baillieu should listen to the overwhelming majority of people who do understand how important wind is in this state for our future. Mr Forwood, like Bob Dylan, knows that at least part of the answer, my friends, is blowing in the wind!

Electricity: generation capacity

Hon. P. R. HALL (Gippsland) — My question is also directed to the Minister for Energy Industries and I ask the minister: given NEMMCO's prediction of Victoria's future electricity needs, including the possibility of power shortages this coming summer, what is the government's view of the need to establish a new brown coal-fired power station in the Latrobe Valley?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The first point I would make in answer to the honourable member's question is that, as NEMMCO has outlined, Victoria has enough capacity this summer to ensure that this state will not have power shortages. By his comments the honourable member is again trying to create a scare campaign or fear around something which even NEMMCO, the authority which looks after electricity, has said is not the case. Of course we always monitor the situation with respect to our energy requirements.

There are two aspects to this. One is the peak load issue. Honourable members will recall that last year we reached a record level for peak usage in this state and the system was able to cope with that. This year we have even more capacity to deal with the peak load issue, and I believe we will cope with it.

As members are aware, NEMMCO applies a certain level of padding in making its calculations so that if the biggest generator we have goes down, there will still be enough capacity to be met peak demands in the summer period.

Hon. P. R. Hall — We will be below that.

Hon. T. C. THEOPHANOUS — We will not be below that this summer. There are issues with respect to next summer, and the government is obviously looking at that very closely, but in terms of this summer, assuming all of the assurances we have been given are in place, then I believe we have more than enough capacity to meet that additional demand.

I think Mr Hall supports the construction of a base load power station in the Latrobe Valley — at least, I think he was quoted as saying that.

Hon. P. R. Hall — Yes.

Hon. T. C. THEOPHANOUS — I think he is happy to put that on the record. On the other hand, when he made his little trip down to the Latrobe Valley, Mr Doyle, the Leader of the Opposition in the other place, was quick to say that he supports a base load station within the Latrobe Valley. As I have indicated to the house, Nemmco has identified base load power as an issue Victorians will have to look at over the next decade. We will need to consider the provision of additional base load power. Despite all of this government's attempts to reduce the consumption of electricity and to provide alternative renewable energy resources, we will still need some level of base load power. A number of options, including gas, coal and other forms of demand management may well come into play to change that situation.

With my responsibility as the minister I continue to monitor this situation and at the same time to seek to attract investors into the industry to ensure that we have an adequate supply into the future.

Supplementary question

Hon. P. R. HALL (Gippsland) — I welcome the minister's commitment and the acknowledgment that there is a need for future base load power generation in Victoria. Let me correct the record. I am not about misleading the house. I quote from the *2003 Statement of Opportunities* produced by Nemmco:

The analysis of supply and demand in Victoria and South Australia indicates that while reserves for the winter will be adequate until 2011, summer reserves fall below the minimum requirement in the coming summer. The reserve deficit is forecast to be 69 megawatts in summer 2003–04.

Does the minister acknowledge therefore that Nemmco predicts possible shortages in this coming summer, 2003–04?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am afraid that the member has his facts wrong again, or at least he is well behind the current position.

When that document was produced that was in fact the case. Since then there has been an announcement by Loy Yang A that it would be upgrading its facilities to a further 80 megawatts. Even Mr Hall should be able to understand that if Nemmco has said that we are down 69 megawatts and there has been an announcement of a further 80 megawatts, that means we are over what is required. So there will be no deficit because of that. The only reason there might be a deficit is if Mr Hall's

leader keeps going around and wanting to downgrade what is happening in the Latrobe Valley in this state.

The PRESIDENT — Order! The minister's time has expired.

Small business: Trade Practices Act inquiry

Hon. J. G. HILTON (Western Port) — My question is for the Minister for Small Business, the Honourable Marsha Thomson. In April this year I asked the minister about the Dawson review of the Trade Practices Act and in response she told the Council that she would be taking the issue up with the federal Minister for Small Business and Tourism at the ministerial council meeting that she would be hosting. Can the minister please advise the Council what happened at the ministerial council, and also if there are any alternative policies on this matter?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. I know of his interest in this matter as his role prior to entering the Parliament was that of a business operator operating his own business, and very successfully as well. He has fallen into this job and is also extremely attentive to the needs of small business in this role — —

Honourable members interjecting.

Hon. M. R. THOMSON — On his feet!

But this is a very important issue, and one which the Bracks government has pursued diligently on behalf of small business. It is an important issue and particularly important to us in Victoria because of the establishment of the Small Business Commissioner and the role that person will play in defending the rights of small business against unfair market practices. He of course must rely on a close relationship with the Australian Competition and Consumer Commission (ACCC) and on a Trade Practices Act that actually does the job it was intended to do.

We have had a very unreceptive federal government in relation to the Trade Practices Act up until this point, but I am pleased to say that we have had a bit of a breakthrough. At the ministerial council meeting held in July here in Victoria, the federal Minister for Small Business and Tourism, the Honourable Joe Hockey, actually agreed to work with state governments to have a look at section 46 of the Trade Practices Act, and this is the first step, we hope, to giving adequate protection to small businesses against unfair market practices.

We are looking towards work plans being developed so that we meet our commitments to small businesses. This comes on the back of the ACCC submission to the Senate economics committee which highlights how small business has lost power in relation to recent court decisions and the need for section 46 to be consistently applied in accordance with the policy intention of the Parliament.

I want to take everyone back to 1985, to the Trade Practices Act amendments that were brought in by the then federal minister, the Honourable Lionel Bowen, who said in his second-reading speech:

... an effective provision controlling misuse of market power is most important to ensure that small businesses are given a measure of protection from the predatory actions of powerful competitors.

He went on to say:

What is being aimed at is the misuse by a business of its market power. Examples of misuse of market power may include in certain circumstances, predatory pricing or refusal to supply ...

It is important that now we take the opportunity to have a good, hard look at section 46 and that we protect our small businesses from unfair market practices. The Bracks government is committed to a fair and competitive marketplace. We want to ensure that our small businesses can prosper and grow in a fair, competitive market.

I am sorry to say, however, that we are yet to hear from the opposition about its position on section 46. It would be a fantastic opportunity to see a united position in Victoria, to see the strengthening of section 46 and the protection of our small businesses so that they can thrive in the Victorian economy.

Gas: Bullarto and Trentham supply

Hon. BILL FORWOOD (Templestowe) — My question this afternoon is also for the Minister for Energy Industries. I refer the minister to the minutes of the meeting of the Kyneton branch of the ALP on 24 June. I am happy to make a copy available to the minister and anyone else who has not got a copy.

The PRESIDENT — What is the question?

Hon. BILL FORWOOD — That was just a preamble. I refer the minister to page 3, under general item (g), 'Natural gas', where it says — —

Ms Mikakos — On a point of order, President, I refer the house to the fact that questions should be addressed to government business, and I cannot see

why discussions in a Labor Party branch meeting have anything to do with government administration.

The PRESIDENT — Order! The member has not asked his question. He has 20 seconds to do so, and I ask that he ensure it is directed to government policy and business.

Hon. BILL FORWOOD — The minutes say:

Judy —

that is, Judy Brady —

reminded members that part of the Wombat Forest timber trade off was that the supply of natural gas be extended to Bullarto and Trentham.

Will the minister outline to the house details of this arrangement?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not a regular attender, I must admit, of the Kyneton branch of the Labor Party, but perhaps I should make it my business to attend more often. I am at a loss to know why Mr Forwood has such a passion for looking at the minutes of Labor Party branches. You really do have to get a life, Bill, because there are better things to do in life than reading through the minutes of Labor Party meetings.

I am not quite sure how to answer this question, except to say that I take this to be some sort of request by the branch for the government to look at these issues. Of course all requests in relation to natural gas, even requests from the party — —

Mr Viney — Even the Liberal Party?

Hon. T. C. THEOPHANOUS — Even requests from the Liberal Party — any requests at all go into the same kind of process, a process that has been established for the rollout of this very important \$70 million program to provide natural gas to up to 100 000 small businesses and consumers in rural and regional Victoria. This is a program which the government took to the election and is in the process of delivering. The reason it is undertaking this program is that because of the sale by the previous government of the Gas and Fuel Corporation of Victoria there is now no body that will provide gas extensions to non-commercial areas in rural and regional Victoria.

You have to understand what gas connections mean to these country towns. I recently went to St Leonards and Indented Head for the delivery of the gas main to those communities, and it was just amazing how many people in the community attended. I congratulate Elaine

Carbines, my parliamentary colleague, and other colleagues who were also there on the day because they had lobbied so hard for the gas extension to these areas.

When you bring natural gas to any part of regional Victoria you must understand that for an average family that uses gas for hot water, cooking and heating, it can represent a saving in that community of up to \$1200 per annum. That is \$1200 which that community is able to spend on other things. It is a very important part of this government's delivery of what is essentially a social responsibility to regional Victoria.

I thank the honourable member for his interest in gas extensions around the state, and I look forward to working with members in this house to ensure that as many people as possible get natural gas in regional Victoria.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his comprehensive answer. Will the minister confirm that there is no arrangement made as part of the trade-off for natural gas to be extended to Bullarto and Trentham?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The honourable member opposite knows very well that the government has made a number of specific commitments regarding natural gas in this state. He is well aware of the areas to which they relate. He is also well aware that all other areas in the state will be considered on merit. There have been an enormous number of applications; well in excess of the 100 00 that it was envisaged the program would cover. The government is in the process of looking through those applications to try to ensure that as many people get gas as is humanly possible.

Housing: waiting lists

Ms HADDEN (Ballarat) — I refer my question to the Minister for Housing. The minister will be aware of comments made following the recent release of the June 2003 quarter public housing waiting lists. Will the minister advise what action the Bracks government is taking to ensure the fair and proper maintenance of the public housing waiting lists?

Ms BROAD (Minister for Housing) — As part of the Bracks government's commitment to open, accountable and transparent government, public housing waiting lists for each quarter are released on the Department of Human Services web site. I remind the house that this is a practice that the government instituted in its first term. I also remind the house that

under the Bracks government the public housing waiting list has decreased by around 16 per cent from 41 027 in June 1999 to 34 534 in June 2003.

The Bracks government's massive investment in social housing is making a difference in assisting people with affordable housing. We committed around \$1 billion in our first term for the acquisition, construction and upgrading as well as the redevelopment of Victoria's social housing stock. Part of this was the successful social housing innovation project of some \$94.5 million over three years. This will be increased by an additional \$88.8 million over four years for affordable housing and homelessness assistance announced in this year's budget.

The government's waiting list confirmation process is resulting in significant decreases. Under this process regular and thorough checks of public housing waiting lists are conducted to ensure that housing assistance is going to those who need it. It makes no sense at all for those who for whatever reason no longer require public housing to be on the list. That is why the list, through a process of writing to applicants to ascertain their requirements, is regularly maintained to ensure that housing assistance is going where it is needed.

I am concerned by recent comments from the opposition, following the release of the June quarter figures, that seem to fly in the face of this practice and fly in the face of commonsense.

The member for Caulfield in another place has described the sound and proper maintenance of the list as 'a rolling campaign of cleansing started by the government last year', which is another good example of an opposition with no policies saying anything because it is desperate to get a headline. I am even more concerned because the practice is a standard one that follows on from the previous government, and the opposition appears to be all over the place as to whether or not it supports what is commonsense. If the opposition wants to accuse the government of keeping up-to-date and accurate records, then it is an accusation the Bracks government is happy to confess to.

The member for Caulfield's comments indicate that if Victorians ever again have the misfortune of being governed by those opposite, they can look forward to inaccurate and out-of-date records about who is seeking public housing. Those who have moved away into the private rental market and purchased homes et cetera would remain on our public housing waiting lists without any prospect of government action to have the applications removed. Not content with manipulating the waiting list figures by including transfer figures in

her media releases — that is people who are already in public housing — the member for Caulfield and the opposition want to go further and let the list run free with applicants who do not even need public housing.

The Bracks government remains committed to the proper and sound management of those lists to ensure that housing assistance is targeted to those who need it, even if the opposition is not.

Surf Coast: electoral review

Hon. J. A. VOGELS (Western) — My question without notice is to the Minister for Local Government, and I ask: does she support the recommendation made by the Victoria Electoral Commission in its electoral review of the Surf Coast Shire Council in a report released on 8 September that nine councillors be elected from an unsubdivided municipality using the proportional representation method of voting, thereby for the first time taking away an individual council's ability to decide on its preferred voting model?

Ms BROAD (Minister for Local Government) — I welcome what is a preliminary report by the Victorian Electoral Commission on the electoral representation review of the Surf Coast Shire Council. That review was established in July to consider options for fair and equitable representation in the Surf Coast Shire, something which the Bracks government also supports.

Members opposite may remember that this review was a recommendation which came out of the commissioner's report into the Surf Coast Shire, a report which I received, and I was happy to support the recommendation. The draft recommendation of the commission is that the Surf Coast Shire Council comprise nine councillors based on either proportional representation from an unsubdivided council or alternatively, a nine single council ward structure. The preferred option requires legislative change.

My position is that I encourage interested residents in the Surf Coast Shire to make submissions to what is a preliminary report to the commission. I understand that submissions can be made up until 29 September and also a public meeting is to be held in Torquay on Monday, 6 October. That is the appropriate process to be followed and that is what I endorse as Minister for Local Government.

Supplementary question

Hon. J. A. VOGELS (Western) — Is it the government's intention to request the Victorian Electoral Commission to review the electoral procedures of the other 78 Victorian councils, with the

express intention that all councils will be unsubdivided with a proportional representation voting method?

Ms BROAD (Minister for Local Government) — I am not sure that there is a connection between the supplementary and the initial question, but nonetheless, as I indicated in my response to the initial question, this review came out of a commissioner's investigation of the Surf Coast Shire; it was not something that was instigated by the government. It came about as a result of accepting that recommendation from the commission report. It does not apply to another council in Victoria.

Aboriginals: Council of Australian Governments trial

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Aboriginal Affairs. How does the recent Council of Australian Governments trial in Shepparton demonstrate the Bracks government's commitment to empower Aboriginal communities to make their own decisions and deliver positive outcomes for their people?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for his question and his enthusiasm about Aboriginal communities and the development of better responses by governments to the needs of Aboriginal communities across the state. Indeed, the member travelled with me to Shepparton earlier this year.

Just recently on 4 September, I had the privilege of travelling to Shepparton with the Premier in the company of the Aboriginal facilitation group, which had been charged with the responsibility of developing the Council of Australian Governments trial. There we met with the federal Minister for Employment and Workplace Relations, Mr Tony Abbott, and were welcomed by the Aboriginal community and the mayor of the City of Greater Shepparton, Anne McCamish. We also had the company of the Honourable Wendy Lovell at the event that took place that day. It was one of those occasions where the three tiers of government in our federal system got together and said, 'We have to provide better service delivery and outcomes for Aboriginal communities'. It was a rare occasion when federal and state ministers shared a platform, an agenda and an intent to do better in the name of delivering better outcomes for Aboriginal communities.

For the last 12 months there has been an Aboriginal facilitation group meeting regularly in the Shepparton region bringing together representatives of Aboriginal community organisations and Aboriginal communities in the Shepparton region to form the basis of a compact

between those Aboriginal communities, the state of Victoria and the commonwealth. Indeed, more recently we had the arrival of the City of Greater Shepparton into that worthy compact. We signed off on that on 4 September.

It is one of 10 COAG trials currently being developed right around Australia to find ways in which Aboriginal communities can be supported to develop holistic approaches to improving their lives. The trials will lay out the principles on which they can organise programs within their own communities, covering such areas as health services, education outcomes, and the delivery of jobs in real and lasting ways. The trials will lay out the way they want to relate to government in future.

That is a challenge in itself, because as we all know there is a proliferation of programs at the state and commonwealth level that make access very difficult for community organisations. One Aboriginal organisation in Shepparton is currently the receiver of funds through 47 different programs. That in itself is a demonstration of the fact that governments need to get their act together in a more coordinated and streamlined way to say, 'Do not get on the administrative treadmill'. We want to ensure a seamless, neat integration involving the aspirations of Aboriginal communities.

There is a degree of optimism expressed at this wonderful community event, and I quote from Dr Mary Atkinson, a prominent member of the Aboriginal community facilitation group in Shepparton, who commented that that signing:

... signifies the long-term commitment by all levels of government to share our vision and work in equal partnership with our community to achieve our aspirations.

This is the sense of optimism that we rarely have in commonwealth-state relations — that we can work cooperatively and amicably with a shared agenda, being driven by Aboriginal community outcomes. It is a challenge that I hope these jurisdictions will meet.

Aboriginal communities have every right to expect better results from governments, and it is the Bracks government's intention to deliver on its part of the equation.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to more than 300 questions on notice: 79, 80, 83, 84, 96, 113, 123, 126–9, 134, 139, 142, 144,

146–51, 153–8, 160, 191, 194–6, 198, 206–12, 222, 223, 225, 226, 229, 231, 234, 236–43, 246–8, 250, 251, 253, 255–8, 261, 263–7, 270, 275, 278–81, 283, 285–8, 290, 291, 293–6, 298, 299, 301–07, 353–60, 363, 364, 366, 371–3, 376–9, 391–7, 399–411, 429, 431, 432, 440, 462–85, 487–98, 501, 502, 505–08, 511–19, 521–7, 529–32, 534, 542–9, 552, 553, 565, 566, 570–2, 574, 575, 577–9, 581, 583, 584, 604, 605, 607, 609–12, 616–32, 634–8, 640–2, 644–52, 655, 657–721, 724–9, 731–6, 738–69.

Hon. ANDREA COOTE (Monash) — That is very impressive. However, I have just started to look at the list of questions that I am owed, and there are two already that I have gone through on a significant list that have not been answered.

I wonder what the ministers have been doing over the break. The ones I am waiting on are 348 and 499, and that is just the beginning. I asked question 348 for Minister Thomson to Minister Pandazopoulos in the other place. I asked question 499 through Minister Lenders to Minister Brumby. Can those two come through very shortly? I will go through the rest of my list.

The PRESIDENT — Order! I ask the honourable member whether she is seeking an explanation. There is a procedure which requires corresponding with the relevant ministers about answers to questions on notice and then asking for explanations following that correspondence. Can you clarify that for the house?

Hon. ANDREA COOTE — I would like an explanation as to why my questions have not been answered. I would like to have that explanation from the ministers concerned.

The PRESIDENT — Order! I remind the honourable member that under standing order 6.08 if an answer is not furnished within a set time, a set number of steps have to be taken. Can the member advise the house as to whether she has followed that process?

Hon. ANDREA COOTE — I have indeed, and I have written to ask for a result.

Hon. B. N. ATKINSON (Koonung) — With respect to the procedures, President, the opposition sought at the end of the last sitting to help the government by not enforcing these procedures and therefore not causing some embarrassment to the government for not answering questions. We accepted an assurance at the end of the last sitting from the Leader of the Government that answers to questions would be forwarded to us after the sitting, and that simply did not happen.

Therefore I ask now whether he can give us an explanation as to why that did not happen and whether he insists we now play by the rules, or whether his assurances in the future are something that we can rely upon.

Mr LENDERS (Minister for Finance) — Firstly I will certainly follow through any instances where letters were written and not followed through. I indicate that we will follow that through. I am not aware of receiving any myself, but I will follow through any that have been done.

On the secondary issue, Mr Atkinson is right — we did undertake to speed up the process and a significant number of questions were answered in the last two days of the last sitting as well as a significant number now; but we will continue to get these responded to. I will follow up any letters that have not been responded to.

MEMBERS STATEMENTS

Foxes: control

Hon. PHILIP DAVIS (Gippsland) — I am concerned about the Bracks Labor government's lack of commitment to the control of foxes, which are significant predators for Victoria's wildlife and cause problems for primary producers. The government must reassure concerned farmers that it is committed to an effective fox control program, the program it has just axed because it wants to plug a black hole in the budget. I cannot understand such a decision.

The fox bounty program, which the government itself praised for its effectiveness, has far exceeded its targets. I am disappointed that the government has axed this program in the middle of the lambing season, when it has only run for 12 months. That is a short time for an evaluation of the program. Under this program 170 000 foxes were destroyed, and that sure is a lot of foxes. But when lambs are worth \$140 in the saleyard — indeed a record price of \$170 was paid at Bendigo recently — this is a significant cost to the economy of country Victoria.

Farmers struggling with the effects of drought and bushfires cannot afford to lose such valuable livestock. The government has provided no alternative, and it should ensure that there is adequate support for controlling foxes in Victoria.

Sorrento: settlement commemoration

Hon. J. G. HILTON (Western Port) — Next month it will be 200 years since the first Europeans landed and

settled in Victoria. The first European settlement in Victoria was established in the area now known as Sullivan's Bay, Sorrento, on the Mornington Peninsula.

Around 9 October 1803, Lieutenant Governor David Collins established a camp consisting of 299 convicts, some free settlers, 50 royal marines, a chaplain, and civil officers, totalling about 460 people. For the last few years an organising committee, which includes the member for Nepean in the other place, has been working to commemorate this significant event.

The Bracks government has made a \$10 000 contribution towards marking the occasion. To mark the event, for a week in early October there will be a range of activities including a tall ships display, a vintage air race, a settlers dinner and a main day event which will incorporate a landing re-enactment. Lieutenant-Governor Lady Southey and the Deputy Premier will be in attendance.

I would like to congratulate the organising committee on its endeavours thus far and wish the event every success.

Member for Western Province: *Age* article

Hon. J. A. VOGELS (Western) — In an article that appeared in the *Age* on 16 August 2003 I was quoted as saying:

When I was on the Corangamite council (from 1996 to 1999)
I got paid nothing ...

That is not accurate. I had a conversation with Liz Minchin, a fine journalist, on this issue where I pointed out that before I was elected to the Corangamite shire councillors did it for nothing because it was in the interests of the community.

Following the appearance of this article I contacted the journalist, Liz Minchin, who agreed that there had been a misinterpretation and she was quite happy for me to correct this story at the first opportunity.

Mistakes are made. I looked in the parliamentary handbook in the library, which says, 'John Vogels, member for the West Australian Labor Party'. I know members opposite would love to have me on that side of the house, but it will not happen. This was drawn to my attention when travelling around Victoria meeting with councils. A mayor thought he was meeting with the Minister for Local Government because he saw in this article that I was a member of the Labor Party. He knew they were in government so probably the only reason he came to meet me was because he thought I

was the Minister for Local Government! There is some benefit sometimes with misinterpretations.

Member for Silvan Province: activities

Hon. C. D. HIRSH (Silvan) — I wish to discuss the fact that I picked up this enormous extra workload in Silvan Province because my colleague the other member for Silvan Province has been offering to service the whole of Victoria with advertisements in the newspapers throughout the state saying, ‘Fighting for the north, fighting for you’.

Mr Olexander is paid to look after the four state electorates of Bayswater, Kilsyth, Monbulk and Warrandyte which make up Silvan Province. Mr Olexander spending his parliamentary electorate office allowance advertising throughout the state to offer his services — there are so many advertisements that you would be broke if you had to pay for them yourself — is creating an enormous amount of work for me because he is so busy in Whittlesea, Preston and Shepparton. Is he hedging his bets for about three other upper house seats after the next state election, because that is when you start representing a group, not before the election but after you are elected to it? I hope Mr Olexander will take note.

The PRESIDENT — Order! The member’s time has expired.

Planning: Bayside height controls

Hon. C. A. STRONG (Higinbotham) — The issue I wish to raise is the question of height controls in the Bayside municipality in my electorate of Higinbotham Province. The suburbs that make up this municipality have since their very inception in the 1850s overwhelmingly consisted of one or two-storey residential buildings. In fact even today there are only a handful of buildings over two storeys, and that is the way local residents want it to stay.

I put on record my condemnation of the government’s metropolitan strategy, sometimes called Melbourne 2030, which will force high-rise, high-density development into these traditionally low-rise residential suburbs. I call upon the government to scrap its high-rise, high-density plan for our traditional low-rise suburbs, like those in the municipality of Bayside.

Youth Week

Mr PULLEN (Higinbotham) — on Friday, 29 August, I attended in Queen’s Hall to participate in the Here for Life youth ambassadors and members of

Parliament reception, the culmination of Youth Week, along with other members of Parliament.

The presentations by the students from forums held across the state were genuine and thought provoking, covering such subjects as youth, entertainment, bullying, substance abuse, gang violence, road safety, water usage, transport, mental health, immigration, refugees and university fees.

The government speaker was the member for Monbulk in another place, James Merlino, and the National Party was represented by the Honourable Damian Drum. Both their contributions were excellent, and I was particularly impressed by Mr Drum. However, the same could not be said for the first speaker, the Liberals’ Andrew Olexander.

At what I thought was an apolitical reception he launched into a tirade of abuse at the government and in particular of the Minister for Employment and Youth Affairs. It was disgraceful.

Not only was he selective in his remarks but he conveniently forgot about the students’ comments regarding federal issues such as immigration, refugees and university fees, and he made the claim that the Victorian government was not supportive, although the principal sponsor is the Transport Accident Commission.

I also refer Mr Olexander to the *Here for Life* annual report of 2002, which asks for federal funding that the organisation does not get. As a matter of fact, the Victorian government has its own youth programs. I suggest Mr Olexander check his facts and keep his abuse — —

The PRESIDENT — Order! The member’s time has expired.

Brrr Theatre Group

Hon. ANDREA COOTE (Monash) — During a visit to Ballarat during the winter break I met with Dave Knowles, administrator of the Brrr Theatre Group. The Brrr Theatre Group is an established performing arts group in Ballarat with a membership of 20. Dave is an inspirational person whose energy, attitude and enthusiasm is a driving force behind the group’s success. He operates as fundraiser, logistics coordinator, administrator, publicist and actor.

The aim of Brrr is to provide an opportunity for appropriately skilled disabled people in Ballarat to use their skills in a professional theatre group, to develop and present quality drama performances and to educate

able-bodied actors and technicians in the skills of working with people with disabilities. The group performs in schools, workplaces and nursing homes and to the wider community at a variety of events such as the Royal Melbourne Show, arts festivals in Horsham and the Ballarat show.

What impressed me most about Dave was his attitude. He was not asking for handouts from government, he was raising money for the group's transport to an upcoming performance in Horsham through a wine and cheese night with donations from local traders. His sense of humour was inspiring. I look forward to seeing a performance on my next trip to Ballarat.

The PRESIDENT — Order! Before I call the next member — —

Hon. A. P. Olexander interjected.

The PRESIDENT — Order! Mr Olexander!

I know it is the first day back, but before I call the next member I point out that we have had points of order raised during members statements before, on the issue that the noise levels increase substantially and members do not have the opportunity to hear other members' contributions. I ask you to show them the appropriate courtesy.

Gerald Brown

Hon. J. H. EREN (Geelong) — It is with great sadness that I stand here today following the loss of Gerald Thomas Brown, who passed away recently aged 72. Gerald Brown was the much-loved husband of Alison Brown and the much-loved father of Terrienne, Geraldine, Alison, Patrick, Kathleen and Bettina. He had 17 grandchildren and 3 great-grandchildren.

He was also my father-in-law and a truly great bloke. With over 200 people at his funeral in Newcomb, it could be said that many felt the same way as I do about him, because I believe Gerry epitomised everything you would want to be. He was a loving husband, he cared very much for his kids and he cherished his grandchildren. He worked hard and went to great lengths to ensure that his family was happy and healthy.

He always had something happy to say. He was a staunch supporter of the Geelong Football Club, and on occasions he had some unhappy words to say about the three men in white on the field. As he would say, 'They bloody spoiled the game, the white maggots'. He was also a popular man about town, having worked throughout the city from the Grovedale Hotel to Myers

department store in Geelong to owning a milk bar in Leopold — all this to provide for his family.

When Gerald finally passed away a few weeks ago it was the end of many years of his own and his family's struggle against Alzheimer's disease, because this man loved life as much as he loved his family. I am blessed and very grateful to have known such a wonderful man. Goodbye Poppy, rest in peace.

Goulburn-Murray Water: drainage scheme

Hon. W. R. BAXTER (North Eastern) — In 1973 when I was elected to this Parliament the second file I opened was labelled 'The Muckatah Depression'. Therefore I was pleased to attend last Thursday the opening of stage 2 of the Muckatah Depression drainage scheme; it has been a long time in the making. It is a project now slowly coming to fruition all these years later, and it is according great benefits to the farming country between Yarrawonga and Numurkah. The productivity emerging because the area is better drained is immense.

This year is somewhat historic. It is the first year that Brownings Outfall, from Dowdles Swamp to the Murray River, has run and operated due to the good season we had during winter. It was good also to see the Kinnairds Swamp stage 1 of the Muckatah now coming into operation, as it is supposed to have done, as a filter before drainage water eventually finds its way into the Broken Creek.

I pay particular tribute to John Dowling, who has been the driver of this scheme for many years. Without him I do not think it would ever have got off the ground. I also want to pay tribute to the officers of Goulburn-Murray Water, who have also driven this, and to note that one sceptical landowner who was very reluctant to join the scheme has sent a letter to Goulburn-Murray Water since we have had this heavy rain this winter. He said, 'It works! Well done!'. I say well done as well.

Tony Miller

Ms HADDEN (Ballarat) — I wish to pay tribute to Senior Sergeant Tony 'Snake' Miller, who died suddenly on the basketball court at Ballarat on 10 July while playing his favourite sport. Tony was just 47 years old and had been the officer in charge of Maryborough police station since 2001.

Tony was one of those larger-than-life characters, and I was proud to call him my friend and neighbour. He was well liked across all sections of the community and a highly respected and valued police officer of 31 years,

half of which was spent in country Victoria. Tony had an infectious smile, a melodic voice and a great sense of humour. He was totally dedicated to his three loves: the police force and policing; his partner, Nikky, and their four children; and his basketball.

A requiem mass was held on 15 July at St Patrick's Cathedral in Ballarat with full police honours. The cathedral was filled with more than 1000 mourners who were present to pay their last respects to a champion member of our communities of Maryborough, Creswick and Ballarat.

Tony will be so sadly missed. Rest in peace, Tony Miller. My sincerest sympathy goes to his partner, Nikky, to their four young children and to his family, his friends and his police colleagues.

O'Connell Family Centre

Hon. R. DALLA-RIVA (East Yarra) — Unlike government members, who were off on junkets, opposition members were out working. One of the places I had the pleasure of visiting was the O'Connell Family Centre, which is run by the Grey Sisters at a fantastic location on Mont Albert Road in Canterbury. It is an early parenting centre, and it funds and provides support for families.

I raise this tonight because of the recent unfortunate events that occurred in Brisbane where children were murdered. More major family incidents were reported yesterday, so it is important to acknowledge the role of places like the O'Connell Family Centre which provide residential and day-stay programs, and parent education programs — including dad skills programs — and counselling services and assist with transitions for women with post-natal depression as well as providing pastoral care.

It is important that we have these types of organisations. It really sticks in my craw when I see that this government is putting a tax on these not-for-profit organisations by slashing something like \$36.4 million from the Department of Human Services budget, which can be seen in figures hidden away in budget paper no. 2. It really goes to show what this government is about.

Students Parliament

Ms MIKAKOS (Jika Jika) — I wish to congratulate the years 7 to 9 students from my local secondary schools who took part in the 2003 Students Parliament in the Legislative Council on 3 September. From East Preston Islamic College came Zainela Taleb, Sarah Shihata, Fartun Hassan, Asha Abubakar. From Lakeside Secondary College came Lisa Marks, Eve

Younan, Daniel Gore and Melissa Covalea. From Mill Park Secondary College came Maria Pejovski, Gulrez Kaur, Elliot Patsoura and Justin Gillivour. From St John's College in Preston were Dimitra Masouras, Freida Pandazis, Leon Tsolakis and Panagiotis Papakonstantinou. Adam Matthews, Shaun West, Irene Angelopoulos and Anita Samardzija came from my local school, Thornbury Darebin College.

All the participants demonstrated a high standard of debate and showed considerable enthusiasm in discussing topics ranging from 'The MCG is the only place to hold the AFL Grand Final' — too true! — to the confronting 'Anyone who takes on a public role surrenders all rights to privacy'. I am sure that their participation will begin a lifelong interest in the political life of this state and of our nation. Congratulations to all the students and staff for their efforts. I look forward to their schools' further participation next year.

St Kilda Pier kiosk

Mr SCHEFFER (Monash) — The devastation through fire of our 100-year-old St Kilda Pier kiosk is a great loss to the people of St Kilda. There are few who do not have fond personal memories of this fine building. It has been said before and it is worth saying again that the St Kilda Pier is the people's pier and the kiosk the people's kiosk. It was our destination as we braved the buffeting Port Phillip winds or strolled there on balmy summer afternoons. How many of us dangled our legs over the pier, fish and chips to one side, on hot summer nights, looking back at the lights winking on the water's edge?

On behalf of the people of Monash Province I congratulate the Premier and the Minister for Environment on their commitment to the reconstruction of the kiosk as it was before the fire and since 1904. I also welcome the commitment of Port Phillip mayor, Liz Johnstone, to work hand in hand with the state government to make sure this happens. Their words are reassuring. It would be disappointing to see an international-style glass and steel construction rising from the ashes. The old kiosk, built in the seaside style of the time, had become an icon of St Kilda, and not to replicate it would remove an essential part of our community's identity.

I know some will say that slavishly rebuilding the kiosk as a facsimile shows a poverty of imagination and that a new architectural statement is called for. I think this is wrong, and I am delighted the heritage kiosk will be rebuilt.

Gas: Bellarine Peninsula supply

Mrs CARBINES (Geelong) — As a member for Geelong Province I was delighted recently to attend a function at St Leonards Hotel where the Honourable Theo Theophanous, the Minister for Energy Industries, ceremonially turned on the gas to St Leonards and Indented Head to signify the completion of construction of the main gas pipeline to these Bellarine townships.

This milestone builds on the reticulation of the majority of Portarlington, due for completion by this year, courtesy of the fulfilment of a Bracks government election commitment. Prior to the 1999 election we had promised the people of North Bellarine that we would provide \$1.75 million to facilitate the extension of the gas supply to Portarlington, Indented Head and St Leonards.

It is especially pleasing to see the substantial benefits for local residents of being able to access gas with the potential to save up to 60 per cent of their total energy bill. Having represented the local community for the last four years, I pay tribute to the tireless work of members of the North Bellarine natural gas committee — —

Honourable members interjecting.

The PRESIDENT — Order! If members want to have conversations, they can leave the house. I ask that the volume of conversation in the house be reduced substantially.

Mrs CARBINES — I pay tribute to Alec Finney, Sue Wilson and Bob Gibb; and to the Minister for State and Regional Development in the other place, John Brumby, and the Minister for Energy Industries, Theo Theophanous, who had the foresight and vision to recognise the importance of this valuable project to the residents of North Bellarine. The success of this project has laid the foundations for the Bracks government's further commitment at last year's election to provide \$70 million to extend the natural gas network across country Victoria, including to the township of Barwon Heads in my electorate.

Tour of Sunraysia

Hon. B. W. BISHOP (North Western) — I congratulate the people involved in all the hard work that went towards staging not only another world-class Tour of Sunraysia over 4, 5, 6 and 7 September but also in coordinating the Ouyen–Patchewollock bike race stage with the Vanilla Slice Triumph held in Ouyen. The hardworking committee, Ouyen Inc, which was responsible for

putting on the Vanilla Slice Triumph held on Friday, 5 September outdid itself this year by putting on the best Vanilla Slice Triumph yet. The colour and excitement the day brings to Ouyen is a credit to all those involved in its staging, including the Ouyen office of the Mildura Rural City Council and in particular, Ms Rhonda Monahan.

The Tour of Sunraysia was again staged with the assistance of Caribou Publications, headed by John Craven, with his capable staff and a local organisation led by a steering committee chaired by district convener Cr Eddie Warkhurst.

The dedication, commitment and tireless work that goes into staging such an event should be an inspiration to any community wishing to host such a world-class event.

The tour, which was again a qualifier for the *Herald Sun* Tour — a very prestigious bike race — attracted a fantastic field of 102 competitors from all over Australia as well as from New Zealand and Poland. Those four fantastic days of bike racing in the beautiful Mildura spring weather attracted a national focus on our district, and I congratulate all involved with this event.

PETITION

Vagrancy Act: witchcraft

Hon. P. R. HALL (Gippsland) presented petition from certain citizens of Victoria praying that the Victorian government preserve and retain the provision of the Vagrancy Act that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence (131 signatures).

Laid on table.

Sitting suspended 6.29 p.m. until 8.03 p.m.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates

Hon. BILL FORWOOD (Templestowe) presented report on 2003–04 budget estimates, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

In the brief time available to me tonight I recommend that honourable members grasp this 600-page tome from the Public Accounts and Estimates Committee and selectively peruse it. There is a long history now of the public accounts committee producing reports of real use to members of Parliament and to the wider public, and this is another report that fits that bill. It makes for long and involved reading, so I recommend that honourable members choose the bits they want to read and get in and look at them.

I need to make two points. The first is that the committee is working well. Mr Baxter and Ms Romanes are also on it, as is my colleague Mr Rich-Phillips, and under Christine Campbell's chairship we have got on with the job. As a number of honourable members know, a few of us are on our way to Europe later this week to look at public-private partnerships, so we finish one job and go on to the next.

Following on the recommendations of the audit office, we have made a real effort this time to get this document to Parliament as quickly as possible. It will never be possible for Parliament to have the benefit of scrutiny by the Public Accounts and Estimates Committee before the budget is passed. However, on this occasion we have taken evidence at a hell of a rate. We were doing public hearings with two ministers, two a day, three days a week in an effort to get the evidence taken; and then there has been extraordinary effort by the staff and by members of the committee to ensure that this document was tabled as early in the spring session as is possible.

On page 18 in her introduction the Chair expresses thanks for the outstanding contribution of Michelle Cornwell, Steve Vlahos and Trevor Wood. I would like to add my words to those of the Chair. They have put in an extraordinary effort, and not just them but the support staff as well. Some members know that late over the weekend there was a problem with the technical side of the printing of this report, and members of the Public Accounts and Estimates Committee staff were in over the weekend until midnight reformatting the document because it was in Word and not Desktop Publishing. I hope we are able to solve some of these minor issues. The fact that this report has been tabled today is testimony to an extraordinary effort by a number of people.

Particular parts of this report are worth noting. The government did us all a disservice in the way it treated

the transfer of responsibilities after the election. It is impossible on the information given to track programs, to track funds, to track outputs.

Hon. Philip Davis — Maybe it was an accident.

Hon. BILL FORWOOD — No, I do not think it was an accident at all. I think it was deliberate, Mr Davis. One of the things that is really important — and I am sure the Minister for Finance, who has ultimate responsibility for the way these things are done, particularly through the Financial Management Act, is aware — is that members and the public be given the capacity to compare like with like on a time-series basis. We discover that what is happening time and time again is that we get this far and there is a reshuffle or there are artificial mechanisms which make it difficult to follow.

I am sure that when we get to a rewrite of the Financial Management Act the Minister for Finance will ensure that as we move into the future there will always be the capacity, on behalf of the people of Victoria, to understand the finances of the state. We operate in a vacuum and at our peril when we do not have the capacity to compare like with like, when we do not know where the funds have gone or where the funds have come from. Some of the questions we were asking in this output group were how much of the funds came from the state government, how much came from the federal government, how much came from retained earnings or other sources and how much came from special appropriations. It is not possible to understand some of those issues in the current format.

More work is to be done, but I recommend this report to the chamber.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review

Ms ARGONDISSO (Templestowe) presented annual review 2002, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 5

Ms ARGONDISSO (Templestowe) presented *Alert Digest No. 5 of 2003*, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 6

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 6 of 2003, together with appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General —

Annual Plan, 2003-04.

Annual Report, 2002-03.

Report on Parliament's information technology upgrade, September 2003.

Commonwealth Games Arrangements Act 2001 —

Commonwealth Games Project Order, pursuant to section 18 of the Act.

Commonwealth Games Venue Order — Amendment, pursuant to section 18 of the Act.

Notice of approval of amendment to the Melbourne Planning Scheme — C82.

Crown Land (Reserves) Act 1978 — Minister's Orders of 4 July 2003 and 7 July 2003 giving approval to granting of leases at Albert Park Reserve and Watery Creek Gully Reserve and granting of a licence at Watery Creek Gully Reserve (four papers).

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 18, 2 May 2003, together with Amendment No. 1, 1 September 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Alcohol Interlock Guidelines.

Notice pursuant to section 32(4) in relation to Amendment No. 13, Building Code of Australia 1996.

Notice pursuant to section 32(4)(a)(iii) in relation to the Electricity Safety (Installations) Regulation 1999.

Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rule Nos. 72 and 98.

Judicial Remuneration Tribunal — Report No. 1 on Remuneration of Acting Magistrates, 23 July 2003.

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

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

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

National Crime Authority — Report, 2001-02.

Parliamentary Officers Act 1975 — Statement of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2002-03 (nine papers).

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

Alpine Planning Scheme — Amendments C9 and C12.

Ararat Planning Scheme — Amendment C4.

Banyule Planning Scheme — Amendments C23 (Part 1 and Part 2), C37 and C39.

Baw Baw Planning Scheme — Amendment C23.

Bayside Planning Scheme — Amendments C2 (Part 1) and C33.

Bendigo — Greater Bendigo Planning Scheme — Amendments C48 and C50.

Brimbank Planning Scheme — Amendments C43, C45, C48 and C50.

Campaspe Planning Scheme — Amendment C24.

Casey Planning Scheme — Amendment C54.

Corangamite Planning Scheme — Amendment C6.

Dandenong — Greater Dandenong Planning Scheme — Amendments C15, C41 and C42.

Darebin Planning Scheme — Amendments C31 and C36.

Frankston Planning Scheme — Amendments C9, C19 and C26.

Gannawarra Planning Scheme — Amendment C6.

Geelong — Greater Geelong Planning Scheme — Amendments C11, C29, C32, C42, C48, C55, C63, C68 and C75.

Glen Eira Planning Scheme — Amendment C36.

Golden Plains Planning Scheme — Amendment C15.

Hindmarsh Planning Scheme — Amendment C1.

Hobsons Bay Planning Scheme — Amendment C17 (Part 2).

Hume Planning Scheme — Amendments C39 and C44.

Indigo Planning Scheme — Amendment C17.

Kingston Planning Scheme — Amendments C26 and C27.

Manningham Planning Scheme — Amendments C13, C14 and C31.

Maribymong Planning Scheme — Amendment C42.

Maroondah Planning Scheme — Amendments C31 and C32.

Melbourne Planning Scheme — Amendments C56, C74 and C83.

Melton Planning Scheme — Amendment C24.

Mildura Planning Scheme — Amendment C11.

Mitchell Planning Scheme — Amendment C29.

Moira Planning Scheme — Amendments C11 and C12.

Monash Planning Scheme — Amendments C40, C42 and C46.

Moonee Valley Planning Scheme — Amendments C37, C39, C44 and C46.

Moorabool Planning Scheme — Amendment C17.

Moreland Planning Scheme — Amendments C24 and C25.

Mornington Peninsula Planning Scheme — Amendments C44 and C56.

Moyne Planning Scheme — Amendment C4.

Port Phillip Planning Scheme — Amendment C39.

Shepparton — Greater Shepparton Planning Scheme — Amendment C17 (Part 1).

Swan Hill Planning Scheme — Amendment C13.

Victoria Planning Provisions — Amendments VC18 and VC19.

Wangaratta Planning Scheme — Amendment C15.

Wellington Planning Scheme — Amendments C8, C9, C10 and C16.

Whitehorse Planning Scheme — Amendments C30, C43 (Part 1) and C47.

Whittlesea Planning Scheme — Amendments C47 and C54.

Wodonga Planning Scheme — Amendments C18 to C21.

Wyndham Planning Scheme — Amendments C6, C38 and C47.

Yarra Planning Scheme — Amendments C28, C49 and C58.

Yarra Ranges Planning Scheme — Amendment C30.

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Poultry.

Project Development and Construction Management Act 1994 — Orders in Council of 26 August 2003 of nomination and application orders (three papers).

Rural Finance Act 1988 — Treasurer's directive of 14 July 2003 to Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Administration and Probate Act 1958 — No. 58.

Archaeological and Aboriginal Relics Preservation Act 1972 — No. 49.

Associations Incorporation Act 1981 — No. 93.

Bail Act 1977 — No. 55.

Building Act 1993 — No. 79.

Building and Construction Industry Security of Payment Act 2002 — No. 50.

Business Names Act 1962 — No. 92.

Cancer Act 1958 — No. 83.

Casino Control Act 1991 — No. 105.

Co-operatives Act 1996 — No. 90.

County Court Act 1958 — Nos. 53 and 70.

Drugs, Poisons and Controlled Substances Act 1981 — No. 67.

Electricity Industry Act 2000 — No. 73.

Electricity Safety Act 1998 — Nos. 72 and 98.

Emergency Management Act 1986 — No. 85.

Environment Protection Act 1970 — No. 75.

Fair Trading Act 1999 — No. 89.

Firearms Act 1996 — No. 84.

Fisheries Act 1995 — No. 101.

Gaming Machine Control Act 1991 — Nos. 76 and 104.

Gaming No. 2 Act 1997 — Nos. 100 and 103.

Health Act 1958 — Nos. 64 to 66 and 82.

Health Services Act 1988 — Nos. 68 and 94.

Juries Act 2000 — No. 57.

Land Tax Act 1958 — No. 80.

Liquor Control Reform Act 1998 — Nos. 60 and 63.

Magistrates' Court Act 1989 — Nos. 54, 61 and 71.

Major Events (Crowd Management) Act 2003 — No. 86.

National Parks Act 1975 — No. 74.

Partnership Act 1958 — No. 91.

Pathology Services Accreditation Act 1984 — Nos. 77 and 78.

Pharmacists Act 1974 — No. 97.

Residential Tenancies Act 1997 — No. 59.

Road Safety Act 1986 — Nos. 51 and 87.

Subordinate Legislation Act 1994 — No. 62.

Supreme Court Act 1986 — Nos. 52, 69, 95, 96 and 102.

Surveyors Act 1978 — No. 99.

Tobacco Act 1987 — No. 88.

Victorian Civil and Administrative Tribunal Act 1998 — Nos. 56 and 81.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 60 to 62, 64 to 71, 81, 86, 95, 96 and 102.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 49 to 51, 55, 59, 79, 82 to 84, 87 to 89, 94, 97, 101 and 103 to 105.

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

Business Licensing Legislation (Amendment) Act 2003 — Part 1 and sections 14 and 20 — 11 August 2003 (*Gazette No. 30, 24 July 2003*).

Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Section 45 — 30 June 2003 (*Gazette No. G26, 26 June 2003*).

Firearms (Trafficking and Handgun Control) Act 2003 — Whole Act (other than sections 3(1)(f) and (g) and (2), 10, 14, 18, 23 to 28, 30 to 37, 46(2), 50, 53, 55, 64, 65, 66, 74 and 75 — 1 July 2003 (*Gazette No. S130, 1 July 2003*).

Health Practitioner Acts (Further Amendment) Act 2002 — Remaining provisions (except sections 37, 40, 42 and 44) — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Melbourne Cricket Ground (Amendment) Act 2003 — 12 June 2003 (*Gazette No. G24, 12 June 2003*).

Murray-Darling Basin (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Outworkers (Improved Protection) Act 2003 — 1 November 2003 (*Gazette No. 29, 17 July 2003*).

Seafood Safety Act 2003 — Remaining provisions (except Part 3 and sections 23, 27 to 58, 60, 64(5) and 92 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Transport (Further Amendment) Act 2001 — Sections 15 and 17 — 20 June 2003 (*Gazette No. G25, 19 June 2003*).

Transport (Miscellaneous Amendments) Act 2003 — Division 1 of Part 3 — 15 July 2003 (*Gazette No. S138, 15 July 2003*).

University Acts (Amendment) Act 2003 — 1 July 2003 (*Gazette No. G26, 26 June 2003*).

Victorian Urban Development Authority Act 2003 — 1 August 2003 (*Gazette No. G31, 31 July 2003*).

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Study tours

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

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Commonwealth Games), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

It is with pleasure that I introduce this bill, which will further assist the state in preparing for the 2006 Commonwealth Games.

During the passage of the Commonwealth Games Arrangements Act 2001, the government indicated its intention to make a number of future amendments to the act specifically covering marketing and commercial arrangements, operational arrangements, administrative processes and general powers to enable the staging of the games.

This bill specifically addresses administrative and commercial aspects critical to the successful delivery of the games.

Preparation for the games has been under way for some time, with the Victorian government establishing Melbourne 2006 Pty Ltd under Corporations Law in 1998. The government has determined that a change to these arrangements is necessary in order to ensure that the public's investment is managed within a sound governance framework that ensures high standards of accountability while delivering the best event possible.

This bill provides for legislative amendments that will constitute the Melbourne 2006 Commonwealth Games Organising Committee as a statutory corporation and provide protection for the Commonwealth Games intellectual property.

There are two discrete components to the bill. The first, which is contained in part 2 of the bill (headed 'Governance'), deals with the establishment of the corporation and the transfer of assets and liabilities to it. The second, which is in part 3 of the bill (headed 'Commonwealth games commercial arrangements'), deals with the protection and use of intellectual property including indicia, images and Commonwealth Games references.

I will deal with these issues separately, commencing with the reestablishment of M2006 as a statutory authority within part 2 of the bill.

The Victorian government's vision for the games is to host a community-oriented event which aims to secure long-lasting social, environmental and economic benefits for Victorians, Australians and the commonwealth.

This vision has the in-principle support of the commonwealth government, which will be a major partner in the event's delivery. This vision and proposal also has the support of the key stakeholders, being M2006, the Australian Commonwealth Games Association and the Commonwealth Games Federation.

The statutory authority provisions are essential to ensure the organising committee has the appropriate levels of accountability and control.

Clause 7 inserts a new part 1A in the principal act. [Proposed section] 4B in this clause defines the objective of that part as follows:

... to establish the Melbourne 2006 Commonwealth Games Corporation to plan, organise and deliver the Commonwealth Games, together with CGF and ACGA, in a manner which —

- (a) delivers a high-quality sporting program for high performance athletes of the Commonwealth of Nations;
- (b) enhances the reputation of the Commonwealth Games as a major international sporting event;
- (c) promotes Melbourne, Victoria and Australia;
- (d) delivers social, economic and environmental benefits to Victorians and Australians;
- (e) raises the profile of the Commonwealth of Nations by celebrating its values and its diversity of cultures;
- (f) demonstrates a high standard of safety; and
- (g) demonstrates a high standard of financial responsibility, probity and transparency.

[Proposed section] 4C determines that the Melbourne 2006 Commonwealth Games Corporation is established. This corporation will acquire the rights and obligations of Melbourne Commonwealth Games Pty Ltd, which will be dissolved. Melbourne 2006 Commonwealth Games Corporation will be the proprietary limited's successor in law.

A principal purpose of the bill is to establish the new corporation and to provide for this transfer of responsibility. In substance the bill will set up the new statutory corporation and, insofar as it is capable of doing so, effect a transfer of all assets, liabilities and staff of M2006 to the new corporation. Some assets and liabilities which are not subject to Victorian law will need to be transferred by agreement.

[Proposed section] 4E sets out the functions of the corporation which are to enter into agreements which govern the planning and delivery of the games, to undertake the organising, conduct, management and promotion of the games and to do all things necessary for or in connection with the conduct and financial and commercial management of the event and its programs.

To ensure that the games continues to be delivered in accordance with the games contracts, 4F provides that the corporation carry out its functions in accordance with contracts under which the corporation is authorised to organise, conduct and market the games.

The powers of the corporation are set out in 4G.

The corporation has the necessary borrowing and investment powers, which are set out in 4I.

To continue the existing arrangements relating to the conduct of the board, division 3 of the bill sets out the responsibilities of the board of directors of the corporation providing for membership to be determined by the Governor in Council on the recommendation of the minister and ensuring that the board consists of nominees from respectively the CGF, ACGA and the state in accordance with the current constitution of the organising committee.

[Proposed section] 4L provides that the board must provide information to the minister as the minister reasonably requires.

[Proposed section] 4M provides that the minister may from time to time and with the approval of the Treasurer, issue directions to the board.

[Proposed section] 4M(3) provides that the board must comply with directions, and 4(M)(4) provides that if the board makes a decision which is inconsistent with a ministerial direction, that decision is still valid. This means that third parties such as sponsors can be certain about the board's decision making while retaining the obligations on the board to act in good faith and abide by ministerial directions.

Given that the conduct of the games is determined under the key games contracts, it is necessary to ensure that the board is empowered to ensure that compliance with the contracts is paramount in its decision making.

[Proposed section] 4N establishes the duties of directors of the board.

[Proposed section] 4O provides that if a person contravenes his or her duties as established under 4N, the corporation or the minister may recover from that person any profit or damage caused.

[Proposed section] 4Q provides the power of the corporation to indemnify an officer consistent with the principles of the Corporations Law.

[Proposed section] 4S provides an immunity for the board members where those board members have acted in good faith.

[Proposed section] 4V establishes that the current directors of M2006 are transferred to the board of the newly established corporation at its commencement.

The revision of the governance arrangements will provide the state with a sound footing on which to work with the corporation, CGF and ACGA in planning and delivering a successful games. This will be achieved by the application of the ministerial power of direction and power to request information and the application of key pieces of legislation.

Clause 8 inserts a new part 1B in the principal act, which deals with the transfer arrangements from the current M2006 over to the new corporation.

Clause 9 inserts a new schedule 2 in the principal act. This schedule sets out the membership and procedure of the board.

And turning now to the second main area covered in this bill — the commercial arrangements for the games.

To offset the government's expenditure on the 2006 games, one of the key functions of the organising committee is to generate the highest possible commercial revenues from the games through sponsorship and licensing arrangements.

To protect the state's financial interest, it is necessary to provide an appropriate legislative framework protecting the commercial interests of the organising committee, ACGA and CGF.

The commercial protection proposed by these amendments is similar to that provided for the Sydney Olympics.

Even though existing commonwealth and state legislation provides some intellectual property protection, these laws do not protect against the unauthorised use of 'Commonwealth Games references' and immediate enforcement remedies.

This bill prohibits the use of such games logos and insignia and ACGA and CGF indicia and images without authorisation. The bill also prohibits the use of Commonwealth Games references without authorisation where the use implies an association with the Melbourne 2006 Commonwealth Games that does not exist.

The legislation does not intend to regulate the use of 'Commonwealth Games references' that can be regarded as ordinary uses of the language, such as for educational purposes. It is only an offence under 56L and 56M to use Commonwealth Games references where the use suggests a sponsorship, association or affiliation with the Commonwealth Games that does not exist. This should ensure public interest is maintained.

To further protect the public interest, 56K provides that certain people can use Commonwealth Games references without seeking authorisation for non-commercial purposes. This allows people with a legitimate association with the Commonwealth Games (such as institutes of sport and sports associations affiliated with the ACGA) to use Commonwealth Games references without seeking authorisation.

A publicly available and searchable register of 'authorised persons' will be managed by the organising committee to

ensure the public interest is maintained. The public register will be similar to the authorisation register for the Sydney Olympics.

Part 3 of the bill also provides for a stringent dual enforcement regime:

First, making it an offence (with penalties attached) to sell unauthorised goods or advertising and allowing the court to grant injunctions restraining persons from engaging in the unauthorised conduct; and

Second, providing Victoria Police with additional power to seize unauthorised goods and advertising within declared 'Commonwealth Games venues' and 'designated access areas'.

While the Victoria Police will be given the power to seize unauthorised goods and advertising within declared 'Commonwealth Games venues' and 'designated access areas', it is the responsibility of the corporation to identify potential breaches and notify the Victoria Police of the infringement.

Again, while the Victoria Police will be given the enforcement powers under this bill it is not the intent of this legislation that the Victoria Police will bring proceedings for offences. As Part 3 of the bill assists in protecting the intellectual property of the corporation, ACGA and CGF, it is the intention of the bill that the corporation, ACGA and CGF will bring proceedings for offences.

For this reason, after any goods or advertising materials have been seized in accordance with the bill, police members will be required to ensure that the goods or advertising materials are given to the Office of the Commonwealth Games Coordination as soon as practicable.

Importantly, 54A states that this bill does not derogate from other rights under commonwealth and state legislation.

The protection of the organising committee, ACGA and CGF's commercial rights through specific legislation is vital to ensure the organising committee maximises the commercial revenues it derives through sponsorship, licensing and merchandising.

The government is committed to creating a framework whereby the significant investment of state funds is committed within an organisational regime that provides an appropriate level of accountability and control while at the same time delivering the best possible event for Victorians.

The government is pleased to present this bill which will ensure the appropriate legislative framework is in place to enable preparation for and staging of the games. This will include providing an appropriate level of accountability and control of the organising committee which maintains a commitment to the public's interest.

I commend the bill to the house.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Hon. Philip Davis.

Debate adjourned until next day.

**NATIONAL ENVIRONMENT
PROTECTION COUNCIL (VICTORIA)
(AMENDMENT) BILL**

Second reading

For Ms BROAD (Minister for Local Government),
Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

**Second-reading speech as follows incorporated on motion
of Mr LENDERS (Minister for Finance):**

Victoria has a long history of being a leading state in environment protection. This statement holds true when considering our achievements both as an individual state as well as our contribution to environment protection in the national fora.

In our vision statement, Growing Victoria Together, the Bracks government makes strong commitments to protecting our environment for future generations to enjoy. Over our time in office, this government has delivered major environment protection reforms that provide clear evidence of our commitment to this vision.

The passage of the National Parks (Marine National Parks and Marine Sanctuaries) Act in 2002, for example, established marine national parks that are not only an Australian first but a world first for Victoria.

Significant legislative reforms passed last year to Victoria's environment protection legislation, the Environment Protection Act 1970, have positioned Victoria as a world leader in environment protection. The introduction of sustainability covenants, for example, is an innovative tool that assists Victorian business, government and the broader community to harness sustainability opportunities while reducing ecological impacts. The Victorian sustainability covenant concept is unparalleled in any other Australian jurisdiction, or indeed, any other place in the world. It truly is evidence of Victorian environmental leadership.

The recent establishment of a Commissioner for Environmental Sustainability and a Department of Sustainability and Environment is further evidence of this government's commitment to the Victorian sustainability agenda.

Victoria's contribution to environment protection in national fora is no less impressive. Victoria has a reputation of being a leading state in the operation of the National Environment Protection Council. The council marks the commitment of the commonwealth and the states and territories to work cooperatively together to address environment protection issues of national importance. The council has two objectives. The first is to ensure that Australians enjoy equivalent protection from air, water and soil pollution and from noise, wherever they live in Australia. The second is to ensure that business decisions are not distorted and markets are not fragmented by differing environmental standards operating across Australian jurisdictions.

The objectives of the council are enshrined in the National Environment Protection Council Act 1994. The commonwealth and each state and territory have enacted

mirror legislation to ensure seamless legal jurisdiction for making national environment protection measures, the legislative tool used to give effect to the objects of the council.

National environment protection measures are vehicles through which national environment protection issues can be addressed in a cooperative manner by all Australian jurisdictions. They are framework-setting statutory instruments that outline agreed national objectives for protecting particular aspects of the environment. Once made by the council, national environment protection measures become laws that bind each participating state and territory and the commonwealth.

Victoria, a strong supporter of this national process, has played a leading role in the development of a number of national environment protection measures, including the ambient air quality national environment protection measure. By setting national air quality standards for the first time, this national environment protection measure was a significant step forward for Australia in the management of our air quality, which I am sure you will agree is an important environmental and health issue for all Australians. Displaying great leadership in the protection of our air environment, Victoria also led the recent variation to the ambient air quality national environment protection measure which introduces advisory reporting standards for fine particles. The air toxics national environment protection measure, which is currently in draft form, is also being developed with Victoria at the helm.

Other significant environmental achievements of the council include the introduction of:

- the national pollutant inventory;
- controls on the movement of hazardous waste across Australian jurisdictions;
- requirements on brand owners who are not signatories to the used packaging covenant to take back and reuse their packaging;
- agreed assessment methods for contaminated sites; and
- framework for the management of emissions from in-service diesel fleet vehicles.

In 2000–01, a statutory review was conducted of the commonwealth, state and territory National Environment Protection Council acts. The review looked into the operation of the legislation to examine the extent to which the objects of the act were being achieved. The council concluded that significant progress had been made on matters of national environment protection, and only minor amendments to the legislation, identified in the review, were deemed necessary.

These amendments are the introduction of a streamlined process for making minor variations to NEPMs, and the introduction of five-yearly reviews of the act.

Currently, every variation to a NEPM, no matter how administrative or procedural, must undergo an extensive, resource-intensive consultation and impact assessment process. While this is of course imperative for significant variations, a simplified process for minor variations will ensure that the council continues to be an efficient and

effective vehicle through which environmental outcomes for Australia can be achieved.

The introduction of five-yearly reviews of the legislation will provide a mechanism through which the Australian community can become further engaged in shaping the roles and functions of this important forum for national environment protection. This will thereby ensure that the council's objectives continue to meet the needs and expectations of the community that it serves.

The third amendment introduced by this bill flows from a review of ministerial councils by the Council of Australian Governments that was conducted in 2001. Following this review, the National Environment Protection Council now meets jointly with the Environment Protection and Heritage Council, thus requiring the NEPC Service Corporation to extend its secretariat and project management services to the new Environment Protection and Heritage Council. This bill ensures there is no legal ambiguity with respect to the ambit of the service corporation's functions.

These amendments have already been made to the commonwealth act. Other states and territories have commenced processes to make the required amendments to their respective legislation. It is time for Victoria to fulfil its commitment to the council by implementing amendments that will ensure that Victoria's legislation continues to be in step with its commonwealth, state and territory counterparts, and that the legal jurisdiction to protect the Australian environment remains seamless.

I commend this bill to the house.

Debate adjourned for Hon. ANDREA COOTE (Monash) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Second reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

Background

In 1973 the Victorian government, along with the commonwealth and New South Wales governments, signed the Albury-Wodonga development agreement to plan and develop a growth complex in Albury-Wodonga.

With the commonwealth's decision in 1995 to wind up its corporation — the Albury-Wodonga Development Corporation — it makes sense for both Victoria and New South Wales to withdraw and leave the final winding-up process to the commonwealth. The decision for the states to withdraw was endorsed in principle at the 1997 meeting of the Albury-Wodonga Ministerial Council.

To enable the states to withdraw the development of complementary legislation by the three governments is required. Both the commonwealth and NSW governments have passed their legislation to give effect to this decision. They are respectively the Albury-Wodonga Development Amendment Act 2000 and the Albury-Wodonga Development Repeal Act 2000. The bill that I am introducing today complements this legislation.

Protecting Victoria's and the Wodonga region's interests

During the preparation of this bill and the negotiations with the commonwealth and New South Wales governments, the Bracks government has sought to protect the interests of Victoria and the Wodonga region.

There will now almost certainly be a substantial land bank remaining after the proposed winding-up date of the Albury-Wodonga Development Corporation in 2007. It is estimated to represent a 15–20 year supply of land.

There is also the need to ensure that the Victoria Corporation land, on its disposal by the Albury-Wodonga Development Corporation, meets all planning requirements.

Consequently the Bracks government in its handling and negotiations on this matter has ensured that:

there will be effective administration and application of state and council planning laws and powers for the Victoria Corporation land being transferred to the commonwealth;

the regional property market will not be distorted by the sale of the Albury-Wodonga Development Corporation land bank;

Victoria, including the Wodonga region, will be consulted regularly and formally by the commonwealth prior to the final winding-up of the Albury-Wodonga Development Corporation; and

the payment of rates by the Albury-Wodonga Development Corporation to the Rural City of Wodonga will be considered by the commonwealth.

Purposes of the bill

I would now like to turn to several key aspects of the bill.

The purposes of the bill are to:

repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973;

dissolve the Albury-Wodonga (Victoria) Corporation;

provide for the transfer of assets, contractual rights and obligations, and liabilities of the Victoria Corporation to the Albury-Wodonga Development Corporation; and

provide for the winding-up agreement between Victoria and New South Wales and the commonwealth for those purposes.

The effect of the bill and the winding-up agreement is therefore to wind up the Victoria Corporation and transfer its assets, contractual rights and obligations, and liabilities to the Albury-Wodonga Development Corporation, with Victoria

having no further involvement in the administration of the corporation.

The withdrawal of the states will also allow a more flexible, simplified management structure and streamlined functions to be implemented for the remaining commonwealth corporation.

The bill's commencement provisions

The bill comes into operation on a day or days to be proclaimed. There is no fixed day for commencement, as the precise date of commencement will depend on the time of the signing of the winding-up agreement and the commencement of the commonwealth and New South Wales acts.

The Albury-Wodonga area development winding-up agreement

The bill provides for the three governments to enter into the Albury-Wodonga area development winding-up agreement (winding-up agreement), which, on commencement, will terminate the Albury-Wodonga area development agreement.

The winding-up agreement is currently being negotiated between Victoria, New South Wales and the commonwealth. It deals with a range of transitional arrangements.

When negotiations are completed, the government will table in each house of Parliament a determination that a specified form of agreement is the approved form of winding-up agreement. Either house may disallow the determination within 15 sitting days. The New South Wales and commonwealth governments will also undertake this exercise.

If this determination is not disallowed, the bill authorises the Minister for State and Regional Development (or another minister) to execute on behalf of Victoria an agreement substantially in accordance with the approved form of the winding-up agreement. If the agreement is signed by Victoria, New South Wales and the commonwealth, then the agreement is approved by Parliament.

Functions, powers and duties of the Albury-Wodonga Development Corporation

The bill, under clause 16, provides that the Albury-Wodonga Development Corporation will have the same duties that the Victoria Corporation had to comply with Victorian laws. Once this provision is enacted, the relevant commonwealth minister will be able to make a declaration under section 8 of the Albury-Wodonga Development Act 1973 of the commonwealth that Clause 16 is complementary to the commonwealth act.

The effect of that declaration would be to impose the duties on the Albury-Wodonga Development Corporation.

The bill also provides in a similar way for the Albury-Wodonga Development Corporation to have the powers and functions conferred on it by the winding-up agreement.

Development covenants

The bill also provides the Wodonga Rural City Council with the power to enforce, vary and release a development

covenant that the corporation had immediately before the commencement of this section.

This is to ensure that there will be ongoing enforcement of the covenants when the Albury-Wodonga Development Corporation is eventually wound up.

The Wodonga Rural City Council's agreement to undertake this role reflects the high level of cooperation that the council has provided in this and other matters regarding the winding up of the Victoria Corporation.

Repayment of moneys to Victoria

While the commonwealth provided the bulk of moneys for the development of the Albury-Wodonga growth complex, Victoria also has a financial interest as it made several funding contributions, totalling about \$1.5 million, towards the project. New South Wales does not have a financial interest of this nature.

Based on a previously agreed formula that was part of a financial agreement made by the three governments in October 1984, an amount of around \$3.69 million will be returned to Victoria. The government expects that this payment will occur on the day on which Victoria Corporation assets are transferred to the commonwealth corporation. This will follow the signing of the winding-up agreement.

While the \$3.69 million will be repaid to consolidated revenue in line with longstanding financial management practices, the Bracks government's substantial investment in the Wodonga region should not be underestimated. Major investments include:

\$30 million over three years for the Wodonga rail bypass;

\$2.75 million for the new joint library/learning resource centre at the Wodonga TAFE;

\$3.3 million and \$1.46 million respectively for capital works at the Mitchell Secondary College and the Baranduda Primary School;

\$12 million for the new Wodonga Court Complex;

\$1.5 million for the relocation of the Murray-Darling Freshwater Research Centre to La Trobe University's Wodonga campus; and

\$1.2 million to help establish the Wodonga Enterprise Business and Technology Park. This investment, through the Regional Infrastructure Development Fund, was vital in securing a \$60 million investment by Visy Industries which is generating 140 new jobs in Wodonga in its initial phase. The Bracks government will continue to invest and support Wodonga's economic growth.

Conclusion

In closing, I emphasise that in the handling of this matter, the Bracks government has ensured that the interests of the Wodonga region and of Victoria are being protected now and into the future.

I also take the opportunity to note that the first decision to withdraw Victoria from the Albury-Wodonga development

agreement was taken by the Kennett government and so this bill should receive bipartisan support.

The introduction of this bill will implement the decision of the Albury-Wodonga Ministerial Council.

I commend the bill to the house.

Debate adjourned on motion of Hon. W. A. LOVELL (North Eastern).

Debate adjourned until next day.

CHILD EMPLOYMENT BILL

Second reading

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I move:

That the bill be now read a second time.

Governments and communities throughout Australia accept that children under the age of 15 should be engaged in compulsory education. The Bracks government believes that education should remain the priority for children under the age of 15. This government also believes that children should have the opportunity to be children and to participate in social and leisure activities with their families and their peers.

Having said that, we acknowledge that children under the age of 15 do work. And this work is not limited to babysitting and paper rounds. The growth in part-time and casual work in the retail and service sectors has meant that children are being employed in a wider range of jobs than ever. There is also an increasing trend for children who are still at school to treat work as a source of personal income and so the desire for paid employment is growing.

Child employment in Victoria is already regulated by the Community Services Act 1970. The child employment provisions have not, however, been substantively amended in 30 years. Not surprisingly then, these provisions do not recognise the changed nature of work for children under 15 and the challenges this presents.

Employment presents risks to children that differ from those that may be faced by adults in the workplace. In contrast to adults, children are physically, emotionally and mentally immature. They have less life experience to draw upon and may find it hard to voice their concerns in an appropriate or effective way. This can mean that children are exposed to greater occupational health and safety dangers when they work. It is alarming to note that, according to Workcover statistics,

approximately one child under 15 is seriously injured in the workplace every two weeks.

At the last election, the Australian Labor Party committed to protect children under 15 who work by re-introducing the Child Employment Bill.

The Child Employment Bill, introduced into Parliament in October 2002, was the end result of a review of child employment in Victoria, conducted in order to identify the best ways to protect children from risks associated with employment. Extensive community consultation formed part of this review. Members of the public attended six round tables held in regional and metropolitan Victoria, and 37 written submissions were made. Consultation indicated that, whilst the employment of children under 15 is acceptable, it is acceptable only to the extent that work does not interfere with a child's education and development opportunities and does not expose children to physical or moral dangers.

Purpose of the bill

The purpose of the Child Employment Bill is to establish a system of child employment regulation that accommodates some capacity for work for children under 15 whilst ensuring that work does not adversely affect a child's education and protects the health, safety and moral welfare of children at work.

In the first instance, the Child Employment Bill seeks to repeal the child employment provisions from the Community Services Act and enact a new statute — the Child Employment Act 2002. The government believes that establishing a new act will play an important role in improving community understanding of the child employment laws.

Definition of employment

The bill retains the current definition of employment — that is, employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. This participation can be paid or unpaid and the child may be engaged as an employee or as a contractor.

The government would expect that determining whether an activity constitutes employment under this legislation may involve the consideration of a number of factors. This could include factors such as:

the nature of the activity performed or the assistance provided by the child;

the regularity of the assistance provided by the child;

the duration of the assistance provided by the child;

the intention of the parties; and

whether the assistance provided is integral to the business being carried out.

To illustrate with an example — if a child cleans the yards of the neighbour's dairy farm 15 hours per week over the school holidays, consideration of this activity in light of the above factors may determine that the assistance provided by the child constitutes employment. On the other hand, if a child visits a relative's farm for a day and participates in farm activities for pleasure — for example, brushing down the horses — consideration of this activity in light of the above factors may determine that the assistance provided by the child is not employment.

What these examples highlight and what should be emphasised is that determining whether a particular activity constitutes employment will turn on the facts of the situation. Activities such as these were not referred to in the legislation for the very reason that whether the activity constitutes employment will depend on the facts.

It should be noted that it is intended that child employment officers will develop guidance materials to assist employers, parents, schools and children understand their rights and obligations. This will include clarification of what activities may constitute employment.

These materials will be developed in consultation with employer associations and unions to ensure they provide the appropriate level of guidance. Child employment officers will then play an active role in the dissemination of such guidance material and providing ongoing advice and assistance to employers and parents.

There have been claims that the definition of employment could be interpreted as regulating children who are carrying on their own business. For example, a child washing a neighbour's car could be interpreted as a child taking part in a business (their own) carried on for profit. The neighbour who 'employs' the child to wash their car would then be required to obtain a permit. This concern reflects similar concerns raised in relation to babysitting.

On this point I would like to note that the intention of the bill is to regulate the employment of children by other people who are carrying on a business, trade or occupation for profit. Washing a neighbour's car or babysitting their children would only be considered

employment if the neighbour ran a car washing business or a babysitting agency and the child was assisting the neighbour in carrying out that business.

That said, I must emphasise that where a person carrying on a business for a profit engages a child to assist in that business but calls the child an 'independent contractor' rather than an 'employee', the bill will consider this to be employment.

Lastly, the bill highlights a number of activities that do not constitute employment. These are participating in a church service or religious program, participating in an occasional entertainment or project for a school or church, performing any work for a non-profit organisation and participating in a sporting activity.

The bill has four key elements. These relate to the permit system; general limitations on child employment; offences and penalties; and information and compliance.

The permit system

The Community Services Act currently provides for a system of child employment permits. Under this system, with some exceptions, children are required to have a permit in order to work.

The Child Employment Bill retains the permit system, but with some modification. The primary change has been to extend the current exemption for children who work with their parents in a shop that is attached to the family home. This exemption has now been extended to all children who work with their parents in a family business, including on a family farm.

Members may recall that public concerns were previously raised that the government would be introducing a requirement for children working with their parents on the family farm to obtain a permit. These people were operating under the misconception that farming parents are currently exempt. This is not the case — the Community Services Act, under provisions enacted by the Bolte government, does not exempt farming parents.

Under the Child Employment Bill, however, children working with their parents on the family farm will not require a child employment permit. I will return to the broader issue of children working in a family business shortly.

As currently applies, permits are free of charge and parents are responsible for applying for the permit on their child's behalf. The bill requires, however, that the child's prospective employer and school (if the

employment is to occur during school term) sign the permit application. Furthermore, the employer will be required to provide details on the application form regarding the child's intended duties and hours of work, and the nature of the work environment.

Police checks

Another modification to the current system, designed to ensure that a child's moral welfare is protected, is the introduction of a requirement for a police check of the criminal record of those people employing and directly supervising children in the workplace. This check must be conducted prior to the issuing of a permit.

In relation to this matter, the government will be moving an amendment to the bill concerning police checks. Specifically, where a child is employed in the business of an extended family member, the extended family members are to be exempted from the requirement for a police check. Extended family members are defined to include grandparents and adult aunts, uncles and siblings.

To ensure that a check is also conducted where the child's supervisor changes during the child's employment, the bill makes it an offence for an employer to allow a person to directly supervise a child where the employer has not received a declaration of suitability from the child employment officer. In simple terms, this is a document which states that the child employment officer considers that, on the basis of the results of a police check, it is suitable for the person to have direct supervision or control of the child.

Under the bill, the results of a person's police check may remain valid for 12 months subject to the person signing a statutory declaration that they have not been charged with an offence within that 12 month period. This provision will also ensure that a person is not required to undergo more than one police check where a number of permit applications are submitted concurrently.

General limitations on child employment

The Child Employment Bill also provides for a number of general limitations on child employment. Broadly speaking, these relate to a minimum age of employment, and the types and hours of work a child can perform.

Minimum age of employment

The Child Employment bill regulates the employment of children under the age of 15. In recognition of the fact that some children under 15 may obtain some

benefits from working, the bill permits the employment of children aged between 13 and 15, subject to certain conditions of employment.

This government also recognises that there may be some circumstances in which children under the age of 13 should be permitted to work. The first concerns the delivery of newspapers and pamphlets and deliveries for pharmacies. As a long-accepted form of employment for children, the Child Employment Bill allows children aged between 11 and 15 to undertake these forms of employment. This employment will, however, remain subject to the general conditions of child employment and the requirement for a permit.

The second concerns children who work in the entertainment industry, an industry that employs children of all ages. Due to the nature of this industry, age restrictions will not apply. This is not to say, however, that children employed in the entertainment industry are unregulated. Rather, the Child Employment Bill makes separate provision for the regulation of children in this industry. I will return to this point shortly.

The final exemption to the minimum age of employment concerns children who work in family businesses carried on by their parent or guardian.

Type of work

An important provision of the Child Employment Bill is that children can only be engaged in employment that falls within the definition of light work.

Light work covers any work that firstly, is not likely to be harmful to a child's health, safety or moral or material welfare and secondly, will not prejudice a child's attendance at school or their capacity to benefit from instruction. This is the definition of light work provided by the ILO convention on the minimum age of employment.

Work that is inherently dangerous or that is performed in dangerous circumstances is not light work.

To aid in the interpretation of the definition of light work, the bill provides some examples of activities that may constitute light work. Amongst other things, working in the entertainment industry, newspaper deliveries, working as a sales assistant and farming-related chores will be considered light work, where they accord with the broader definition.

The bill also takes the step of making it an offence to engage in particular forms of employment: children are prohibited from working in door-to-door sales, in

deep-sea fishing and in the building and construction industry. The government considers that these forms of employment present such a risk to children that employment should be prohibited in all circumstances. These prohibitions complement existing statutory prohibitions on children working in the mining industry, in prostitution or on licensed premises. So as to ensure that the prohibited forms of employment reflect contemporary circumstances, the bill also provides the Governor in Council with the power to declare other kinds of employment prohibited.

It should be noted that the government will be moving a further amendment to the bill to ensure that employment of a child on a fishing boat on the Gippsland Lakes or any other inland lake does not fall within the definition of prohibited employment.

Lastly, I should note that the Child Employment Bill, for the most part, does not regulate work experience. At present, however, permission from the Secretary of Innovation, Industry and Regional Development is required where a child wishes to undertake a work experience arrangement in a declared high-risk industry according to the provisions of the Education Act. The Child Employment Bill therefore amends the Education Act to clarify that a child employment permit is required in these situations. In all other respects, however, the Child Employment Bill has no application to work experience arrangements.

Hours of work

In order to ensure an appropriate balance between school and work, the bill restricts the number of hours a child can work. These provisions reflect the government's philosophy that a child should not be required to work for long hours following a school day or for longer than they would be required to attend school. The current provision restricting children from working during hours of school attendance has also been retained.

The Community Services Act currently prevents children from working after 11.00 p.m., reflecting community concerns with this provision, however, the Child Employment Bill amends the provision to limit children to working up to 9.00 p.m. The government further considers that children should be prevented from engaging in street trading at night for health and safety reasons, and so the bill introduces a new provision restricting street trading to daylight hours.

Finally, to recognise that children cannot work safely for the same unbroken period of time as adults, the bill provides for a 30-minute rest break after 3 hours of

work. Furthermore, children must have at least 12 hours break between finishing one shift and commencing the next.

Children working in family businesses and on family farms

I mentioned previously that the existing, although limited, exemption for children working with their parents in a shop attached to a dwelling has been extended to all family businesses, including family farms.

The government recognises that children of all ages may work with their parents and that this should not be prohibited. The provisions concerning the minimum age of employment that I outlined earlier will not, therefore, apply to children assisting their parents in family businesses. The bill also exempts parents from the general conditions relating to hours of work, although a parent cannot employ their child during school hours.

Children working in family businesses and on family farms have been exempted in this way because the government believes that, when it comes to employing their own children, all parents have both a responsibility for and an ability to protect children from health and safety risks, and to ensure their child's education is not adversely affected. The government also believes that these exemptions are warranted because family businesses and particularly family farms rely upon family labour and, in many ways, the participation of the child in the business is simply participation in family life.

That said, the government considers that children performing work for their parents should be protected by some minimum standards. A key provision of this bill restricts employment to light work — a provision we believe should apply to all people who employ children. Consequently, parents employing their children may only employ their children in light work. Moreover, this work must be directly supervised. To employ a child in contravention of these conditions will be an offence.

Children working in the entertainment industry

The entertainment industry is a significant employer of children of all ages. It is also an industry where children may need to be employed during a school term and late at night. Consequently, a number of the provisions I have outlined may require adjustment for this industry.

In order to more appropriately regulate the employment of children in the entertainment industry, the Child

Employment Bill provides for the development of a mandatory code of practice. This code will be developed in consultation with industry, union and government stakeholders and will come into effect within 12 months of the bill being enacted. It is worth noting that the employment of children in the entertainment industry in NSW is also regulated by a mandatory code of practice.

Although most of the general conditions of employment will not apply to the entertainment industry, the permit system and the light work restrictions will regulate the employment of children in the entertainment industry. Whilst the code is being developed, the child employment officer will continue to regulate child employment.

Offences and penalties

At the outset I noted that the Bracks government promised to increase penalties for breaching child employment laws. The Community Services Act currently makes it an offence to employ or allow a child to be employed without a permit. The penalty for this offence is a paltry \$100 — a penalty that highlights the outdated nature of these child employment provisions.

The Child Employment Bill provides a range of offences with appropriate penalties. Offences include failing to have a permit and breaching the general conditions of employment, whilst the maximum penalties for offences under the act range from \$1000 for more minor offences to \$10 000 for serious offences. The maximum penalty for an offence committed by a person is \$6000; for a corporation it is \$10 000.

Information and compliance

Community consultation revealed that there is a considerable lack of community awareness of the nature of child employment laws in Victoria. Concerns were also raised about the lack of compliance.

The bill provides for the appointment by the secretary of suitably qualified child employment officers. Under the bill, their primary function is to provide information about the operation of the legislation. As I mentioned previously, the child employment officers will have a particular focus on the development of educational materials regarding the child employment system and in relation to the employment of children in family businesses, including on family farms.

The child employment officers will, however, also be responsible for ensuring compliance with the legislation. To this end, the bill provides child

employment officers with a number of powers to determine compliance with the act. These powers include a right of entry to inspect a workplace and the right to require production of documents. These powers reflect the powers provided to information service officers in the Outworkers (Improved Protection) Act 2003, passed by the house in May this year.

In terms of prosecutions, prosecutions for breaching the child employment legislation will be heard by the industrial division of the Magistrates Court.

Summary

The Child Employment Bill recognises that whilst some employment of children under 15 years is acceptable, by community standards it is acceptable only to the extent that work does not interfere with a child's schooling or expose children to physical or moral dangers.

The Child Employment Bill also balances allowing children to obtain benefits from working with the fact that education remains the priority for children under the age of 15 years.

Lastly, the bill recognises that the employment of children should not be treated in a uniform fashion. That is, there needs to be capacity to regulate the employment of children in family businesses and in the entertainment industry differently to the employment of other children.

The antiquated provisions of the Community Services Act cannot continue to regulate child employment in Victoria. This bill represents an important opportunity to ensure that the employment of our children is regulated in a way that reflects the realities of modern day life.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. E. G. Stoney

Debate adjourned until next day.

CONFISCATION (AMENDMENT) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

Victoria's asset confiscation regime should operate to ensure that those who engage in criminal activity do not profit from that activity. The Confiscation Act 1997 replaced the Crimes (Confiscation of Profits) Act 1986 and introduced a new and expanded asset confiscation regime. It is more than four years since the Confiscation Act commenced operation in July 1998. Despite the breadth and nature of the changes introduced by that act, it has already become apparent that:

some offenders are conducting their criminal activities in such a way as to deliberately avoid confiscation proceedings, and are thereby retaining their criminal profits;

some offenders deliberately hide their criminal profits and police have difficulty in tracking down these profits; and

improvements can be made to the manner in which restrained and confiscated property is managed.

The Confiscation (Amendment) Bill addresses these issues and reflects the government's commitment to strengthen and toughen the Confiscation Act in order to provide a more effective asset confiscation regime for Victoria.

Key features of the bill

I now turn to some of the key aspects of the bill.

The proposed bill will make significant amendments in the following key areas of asset confiscation:

automatic forfeiture;

tainted property substitution declarations;

investigation and information gathering for confiscation proceedings; and

management of seized, restrained and forfeited property.

Changes to automatic forfeiture

If a person is convicted of an offence, they may be subject to forfeiture or automatic forfeiture proceedings under the Confiscation Act.

Forfeiture is available where a person is convicted of any indictable offence or certain summary offences. If the prosecution proves on the balance of probabilities that property is 'tainted' (either used in or derived from the offence), the court can order that the property be forfeited to the state. This forfeiture process ensures

that the offender is stripped of any profit made from committing the offence.

However, sometimes the offence of which the person is convicted is just the tip of the iceberg in terms of their criminal activities. For this type of offender, losing the profits from one criminal offence may have little impact because the offender has considerable assets from other criminal activities. The process of automatic forfeiture is effective in dealing with this type of offender.

Where automatic forfeiture applies, all property belonging to the defendant may be subject to automatic forfeiture. This includes any property in which the defendant has an interest, or over which the defendant has effective control, and gifts made by the defendant at any time to any person.

The Director of Public Prosecutions can initiate automatic forfeiture by applying to the court for an order to restrain property within 48 hours of the expected laying of criminal charges. If the defendant is convicted, the restrained property is automatically forfeited to the state 60 days after conviction. Property can be excluded from the restraining order if the defendant can prove on the balance of probabilities that it was lawfully acquired and not derived from unlawful activity, for example, a house inherited by the defendant.

This procedure can be very effective in removing the criminal profits from an offender who is involved in many criminal activities. Currently, automatic forfeiture is available in relation to:

drug trafficking and other offences involving a commercial quantity of drugs, for example, 500 grams of dilute heroin; and

a limited number of dishonesty offences, for example, obtaining property by deception, where the value of the property involved was \$100 000 or more.

These thresholds are relatively high compared to other jurisdictions. It is therefore proposed that they be reduced as follows:

drug trafficking involving an 'automatic forfeiture quantity' of drugs (e.g., 30 grams of dilute heroin); and

a wide range of dishonesty offences where the value of the property involved was \$50 000 or more where one offence is charged, and \$75 000 or more where more than one offence is charged.

At the joint parliamentary sitting held on 21 March 2001, Parliament was informed about, and debated, the effects of drugs in our society and additional strategies which could be developed to effectively address the wide-ranging pervasive effects of drugs. The importance of a comprehensive drug strategy was discussed. Whilst there is a clear need for effective prevention, education and treatment strategies and services, it is also essential to stem the supply of drugs.

In 2001, this government introduced new offences for drug trafficking in a large commercial quantity of drugs. That offence carries a maximum penalty of life imprisonment. Whilst maximum penalties are an important component in deterring people from committing crimes, ensuring that offenders will not profit from their crimes is also essential.

Some high-level drug traffickers never personally traffick in a 'commercial quantity'. Instead, they arrange for others to do this for them, making it difficult to convict them of an offence which accurately reflects their criminal activities. However, sometimes they will traffick in smaller amounts personally. In addition, there are drug traffickers who make significant profits by trafficking in amounts that are less than a commercial quantity.

Such offenders are already subject to forfeiture proceedings. However, by lowering the threshold for the application of automatic forfeiture from 500 grams of heroin to 30 grams of heroin, these offenders will now be subject to automatic forfeiture. Victoria Police indicate that trafficking in 30 grams of heroin equates to approximately 300 street level deals of heroin. Anyone convicted of trafficking in such quantities may now be required to prove that their property was lawfully acquired and was not used for any unlawful purposes. Stripping such offenders of the profits from all of their criminal activity, and not just from the offence of which they have been convicted, will act as a powerful deterrent.

The automatic forfeiture threshold has been set at 30 grams in the case of heroin, rather than 3 grams for instance, because the new provisions are intended to apply only to those people who are involved in the drug trade for profit reasons. There are unfortunately many people who are addicted to drugs, and who traffick in drugs simply to support their own addiction. Such people should not be subject to automatic forfeiture. Rather, for them the focus must be upon rehabilitation. Such offenders may be eligible for a drug treatment order from the drug court, which was recently established by this government.

It is essential that the government's comprehensive drug strategy have punitive, deterrent and rehabilitative components which are targeted at the appropriate types of drug traffickers. Only through a strategy of this nature will effective inroads be made into addressing the scourge of drugs in our community.

The automatic forfeiture processes have also been significantly expanded in the areas of white-collar crime. Under the system introduced by the previous government, automatic forfeiture only applied to a few white-collar offences and did not even cover common dishonesty offences like theft.

This government believes that it is important to tackle the whole range of criminals who cause harm in our society in a consistently tough but fair manner. We all know of instances of offenders who prey on people by telling them about a 'great new investment opportunity' only to steal all of their life savings. This causes great distress and economic loss for the victims of these crimes. The bill demonstrates that this government does not treat white-collar criminals any differently from other criminals, and demonstrates this government's respect for the victims of all crimes.

Tainted property substitution declarations

Some offenders are now aware of the provisions of the Confiscation Act as it relates to tainted property. Property that is used in the commission of a crime is tainted property. Tainted property is usually forfeited to the state. For instance, if a bank robber's own car is used in the commission of the bank robbery it will be forfeited to the state. However, where the tainted property is owned by an innocent third person, the property will not be forfeited. Accordingly, if a bank robber steals another person's car and uses that car in the bank robbery, that car will not be forfeited to the state, even though it was used in the commission of the robbery. Instead, the car will be returned to its rightful owner.

It is now increasingly common for offenders to use rental premises to cultivate large hydroponic cannabis crops, rather than using their own premises, which may become subject to forfeiture. In addition, Victoria Police indicate that drug traffickers are more frequently using rental cars to conduct unlawful activities while using their own cars for personal use.

The bill addresses this by creating a new process known as tainted property substitution. Where a court is satisfied that tainted property is not available for forfeiture, the court may order that any property of the same nature or description, in which the offender has an

interest, may be substituted for the actual tainted property. The property that is declared to be substituted for the tainted property is then treated as if it were the tainted property.

The prosecution may then apply for the forfeiture of that property. To ensure that the defendant does not dissipate assets prior to such a declaration being made, a restraining order may be obtained in respect of the property. A restraining order may be made because the property sought to be restrained is property in which the defendant has an interest, for which application will be made for forfeiture (following a substitution declaration by a court). These new provisions will prevent the exploitation of current provisions, which are designed to protect the legitimate interests of third parties.

Investigation and information gathering

Expanding the definition of 'financial institution'

The Confiscation Act currently provides that monitoring orders may be obtained in relation to a financial institution. This enables information to be gathered by police about the transactions that a person is conducting through a particular account. A financial institution is currently defined so that it primarily applies to banks, building societies and credit unions. It is also possible that a person may, for instance, seek to deposit their criminal profits in an account held with the TAB or a casino. By broadening the definition of financial institution to cover these situations, police will be able to apply for monitoring orders in relation to these accounts.

Information notices

Many offenders disperse their criminal profits in different accounts in different financial institutions. The bill will allow police to issue 'information notices' to financial institutions. An information notice will require a financial institution to provide information about whether an individual who is the subject of a confiscation investigation holds an account with that institution, and if so, the balance of that account.

Once this information is obtained, police can determine whether further action should be taken in relation to the individual concerned. This will provide a powerful investigative tool that will enable confiscation investigations and forfeiture proceedings to be conducted more quickly. A similar power will also be provided to the Asset Confiscation Office in the Department of Justice (as a prescribed person) to enable it to perform its role of enforcing pecuniary penalty orders made under the Confiscation Act.

Section 85 statement

I wish to make a statement under section 85(5) of the Constitution Act 1975 as to the reasons why section 118L, as inserted by clause 29 of the bill, alters or varies section 85 of that act by limiting the jurisdiction of the Supreme Court.

Clause 35 inserts a new subsection (2) in section 145 of the Confiscation Act, which states that it is the intention of section 118L to alter or vary section 85 of the Constitution Act 1975.

Section 118L provides that no civil proceeding lies against a financial institution or an officer, employee or agent of the institution acting in the course of that person's duties, in relation to any action taken or information given by the institution or person in compliance with an information notice. It is the intention of section 118L to limit the jurisdiction of the Supreme Court, so that civil actions cannot be brought against financial institutions that comply with information notices issued by Victoria Police or the Asset Confiscation Office in the Department of Justice (as a prescribed person).

The reason for the limitation of the Supreme Court's jurisdiction is that, without such an immunity, by assisting the state in investigating and enforcing matters under the Confiscation Act, financial institutions and their officers could be exposed to significant civil liability for breach of obligations to account holders, such as the obligation to maintain confidentiality.

Freezing orders

It is now possible to quickly transfer large sums of money overseas and out of reach of law enforcement agencies, without even going into a bank. Under the Confiscation Act, a restraining order is usually used to prevent the suspected proceeds of crime from being dissipated. However, to enable police to act as quickly as possible prior to a suspect learning about a police investigation, the bill gives police the power to apply for a court order to freeze the funds in an account before a restraining order is obtained. The court may attach any conditions it considers appropriate when making the freezing order.

Because of the serious consequences of freezing the funds in a person's account, it is essential that a court make this decision. However, because of the need to act quickly, considerable flexibility has been introduced to enable the court to be informed and its order to take effect as quickly as possible.

An application for a freezing order may be made over the telephone, by fax or by any other method acceptable to the court. A freezing order takes effect immediately upon it being given to a financial institution. Because of the potential impact of a freezing order, it will only last for a period of 72 hours. While a further freezing order on the same account cannot be made, the period of 72 hours may be extended in limited circumstances. Where an application is being made for a restraining order in respect of the money in the account, the freezing order may be extended until the application for the restraining order is determined.

It will be an offence punishable by a fine of up to \$120 000 for a financial institution to allow any funds to be withdrawn from a frozen account contrary to the conditions of the freezing order. However, this will not prevent the financial institution from making withdrawals from the account for the purposes of meeting the institution's statutory liabilities.

Declarations

Confiscation proceedings concern property in which a defendant has an interest. However, often other people (such as the defendant's spouse or a bank) will also have an interest in that same property. Currently, police are not always aware of interests in property other than those of the defendant. As a result, if the defendant does not tell the third party that confiscation proceedings which affect that person's property are on foot, and the police do not know about the third party's interests, the proceedings may be conducted without key information.

This can result in third parties only becoming aware of court orders affecting their property when the state takes action to seize or sell the property. Sometimes, a third party will not become aware of confiscation proceedings until the property is forfeited to the state and sold. Whilst the act enables the third party to be compensated in such circumstances, a preferable approach is for the court and the state to be fully informed about these interests prior to any court orders being made.

The bill will require a person served with a restraining order to provide police with the details of every other person that he or she knows has an interest in the restrained property. Police will then be required to give each identified person notice of the restraining order. This will ensure that innocent third parties with an interest in restrained property are made aware of confiscation processes at an early stage. It will better protect third party interests and allow proceedings to be conducted simultaneously, where appropriate.

Information sharing

There are three agencies in Victoria with primary responsibility for administering the asset confiscation regime — Victoria Police, the Asset Confiscation Office in the Department of Justice (the ACO) and the Director of Public Prosecutions (the DPP). In broad terms, responsibilities are divided between the three agencies along the following lines:

Victoria Police conducts investigations, gathers information and seizes property;

the ACO manages assets and enforces confiscation orders; and

the prosecution (either Victoria Police or the DPP) conducts confiscation proceedings in court (for example, for restraining orders and forfeiture of property).

These three agencies have played these key roles since the new confiscation regime was introduced in July 1998. To ensure that the confiscation regime works as effectively as possible, the bill will allow law enforcement agencies such as Victoria Police and the DPP, to provide information to another law enforcement agency such as the ACO and its staff, for the purposes of confiscation proceedings.

This will assist the ACO with its function of managing assets and enforcing confiscation orders. For example, information gathered by Victoria Police during an investigation for the purposes of an application for a restraining order, may be necessary for the ACO's management of restrained property and the enforcement of forfeiture orders.

Property management

Before it is forfeited to the state, property is often held under the Confiscation Act by virtue of it having been seized under warrant, or restrained under a restraining order. Forfeiture proceedings commence after conviction and automatic forfeiture does not occur until after conviction. It is not uncommon for large drug-trafficking cases to take two years to be determined.

Until a determination is made, seized and restrained property needs to be managed so that it does not lose its value — either for the owner of the property if the property is ultimately not forfeited, or for the state if the property is forfeited. This can be particularly important in cases where forfeited property is sought to be used to help compensate victims of crime.

The ACO was established to manage seized and restrained assets under the Confiscation Act, and to enforce confiscation orders. However, the ACO does not have adequate powers to fulfil these functions. The bill will address this by:

creating a mechanism for the transfer to the ACO of responsibilities in relation to property from law enforcement agencies who are responsible for seized and restrained property;

giving the ACO powers to manage seized and restrained property, for example, to enter premises under warrant to inspect property and arrange for its valuation;

enabling the court to order that work be carried out on restrained property to assist in maintaining the property; and

enabling the Secretary to the Department of Justice to ask a person to produce documents in relation to seized or restrained property, to allow appropriate steps to be taken to manage the property (for example, by obtaining adequate insurance for the property).

The bill will also enable the Secretary to the Department of Justice to delegate to the ACO (in connection with its responsibility for property management), the power to request the production of documents in relation to seized or restrained property.

A number of provisions in the bill give powers to ‘a prescribed person’. For these purposes, it is intended to prescribe the director of the ACO (and in some cases also the staff of the ACO), on the basis of the ACO’s responsibility for property management under the Confiscation Act. The director and staff of the ACO are already prescribed for the purposes of a number of provisions in the act.

These amendments will allow the ACO to manage seized and restrained property on behalf of the state in an accountable, professional and commercial manner, and prevent the diminution in value of the property.

The power to seize property

The Confiscation Act currently enables a police officer to seize tainted or forfeited property from any premises under a search warrant. This does not provide police with the power to seize property that is not in or on premises. For instance, a car parked in a street is not on any ‘premises’. The bill will enable police to obtain a court order for the seizure of tainted or forfeited

property from a public place. This will be another valuable tool for police.

Police often seize property pursuant to a warrant under section 465 of the Crimes Act 1958 or section 81 of the Drugs, Poisons and Controlled Substances Act 1981. These warrants are issued by the courts to enable police to seize property that may provide evidence of the commission of a crime. If police seize this property, and it is held for the purposes of providing evidence, that property cannot be held once it is no longer required for such purposes.

However, sometimes the seized property is also required for confiscation proceedings. Police are then confronted with the situation of either having to apply for a warrant under the Confiscation Act to seize property which is already in police possession so that it can be held under the authority of that act, or returning the property to the defendant.

The bill addresses this situation by providing police with the power to apply to the court for a direction or a declaration, that property seized under section 465 of the Crimes Act or section 81 of the Drugs, Poisons and Controlled Substances Act may be held as if it had been seized under section 79 of the Confiscation Act. To provide maximum flexibility, a court may make this direction or declaration either:

at the time a warrant is issued under the Crimes Act or the Drugs, Poisons and Controlled Substances Act; or

at the time police return to court for directions concerning property seized under the Crimes Act or the Drugs, Poisons and Controlled Substances Act; or

within seven days of the property no longer being required for evidentiary purposes.

Conclusion

This bill introduces significant reforms to the confiscation regime in this state. It provides significant new powers and simplifies procedures to assist police in ensuring that confiscation is a powerful deterrent to those considering engaging in criminal activities, and to strip the criminal profits obtained by those who are not deterred from the outset. It will ensure that those responsible for crime, and particularly drug traffickers, are dealt with severely.

It is another important and substantial step in this government’s commitment to provide a safer Victoria through tough new confiscation powers.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

TRAVEL AGENTS (AMENDMENT) BILL

Second reading

Debate resumed from 1 May; motion of Mr LENDERS (Minister for Finance).

Hon. A. P. OLEXANDER (Silvan) — I will make a brief contribution to the debate on this bill on behalf of the state opposition. At the outset let me assure the Minister for Finance, who is quickly absenting himself from the chamber, that the opposition actually supports this bill. We are not shy of supporting a bill which we believe acts in the interests of Victorian consumers when that is the case. But I am sure, as the minister will be aware, that when I oppose a measure or his administration of his portfolio I make that clear very loudly and very strongly. On this occasion it is not the case, and that is because this bill's primary purpose is basically to provide better consumer protection by bringing Victoria into line with national uniform legislation in this area.

We on the opposition side consulted very widely within the travel agents' sector. We have consulted with peak bodies, notably amongst them the Australian Federation of Travel Agents. We have also consulted widely on this bill with consumer groups. It has become very clear to us in the process of those consultations and in our analysis of this bill that it is strongly supported by both the consumer and industry sectors. So the opposition has decided to support this bill outright. The nuts of this are that Victoria is a member at the moment of an existing fund.

Hon. D. K. Drum — You mean the nuts and bolts.

Hon. A. P. OLEXANDER — Or the nuts and bolts of it, as my colleague Mr Drum very aptly points out. The nuts and bolts of this are that we in Victoria are members of an existing national fund known as the Travel Compensation Fund (TCF). This fund disburses moneys to consumers who are able to demonstrate that they have had their own money misappropriated by a registered travel agency. The particular amendment that this bill brings in allows the TCF to sue the misappropriating agency or agent for recovery of those moneys. It will also allow consumers to appeal against a decision of the TCF where they disagree with its

decisions on compensation. So if a consumer applies to the fund and has their application rejected, they will have an appeal avenue to the Victorian Civil and Administrative Tribunal. VCAT will be able to hear their appeal in the normal way that appeals are heard — that is, by courts and other tribunals around the nation. Similar provisions are being or have been enacted in the other states, and this one is a particularly sensible one.

Basically the purposes of the Travel Agents (Amendment) Bill are to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund rather than in their individual names and to enable the VCAT to review its own decisions or decisions of the trustees of the fund concerning the payment of compensation. Opposition members think that is a sensible move and quite long overdue. Colleagues in other states are also supporting this legislation.

The purpose of this legislation is quite a logical extension of Victoria's existing act. I have already said it brings it into line with other states and territories, but as it does so it does not drastically reform the current governing codes or regulation pertaining to the industry. Victoria is already a signatory to the cooperative scheme for the regulation of travel agents, and it was one of the first signatories to that cooperative scheme. It was a very proactive move that was taken back in the 1990s under the Kennett government.

The purpose of this consumer protection measure already established by a trust deed is to have a recognised registry body for travel agents in participating states. The trust facilitates the fund so that payment by the trustees of compensation to consumers in particular circumstances can then be made. An example of this also mentioned in the second-reading speech on the bill is when a licensed travel agent has misappropriated money paid for travel services or otherwise fails to account for the money paid by a consumer — simply put: when a consumer pays for a service to be provided by a registered travel agent but does not receive that service and can demonstrate to the compensation fund that that service has not been received.

The reason the fund exists in the first place, obviously, is to require consumers who have been treated in this manner by the very small number of dishonest travel agents to pursue them through the courts. The existence of the Travel Compensation Fund means that consumers' compensation can be expedited, can be done more simply and can be done at little cost to them. It is then the responsibility of the TCF to pursue the

offending travel agency or agent for recovery of those moneys through the courts.

The scheme was developed and established in 1986 when it was foreseen that there would be the implementation of a number of uniform codes nationwide. Out of this came the introduction of provisions allowing the trustees of the fund to sue and be sued in the interests of recovering some or all of the moneys they have paid to aggrieved consumers. This is obviously a very positive move for consumers generally. It allows for legal action to be launched in the name of the fund instead of in the individual names of the trustees. This may seem to members in the chamber to be a small change, but it is one that has very large practical implications. This was not implemented fully in Victoria, and the bill before the house acts to correct this.

While the current predicament does not adversely affect the fund operationally, it may put duress on its administrative wing should legal action in Victoria be launched. Currently the signatures of individual trustees, of which I believe there are eight, are required. The trustees come from all over Australia, and in the past when their signatures have been required they have been unavailable, travelling abroad or interstate and have been unable to expedite legal action in a timely manner on behalf of the fund. This bill corrects that situation.

Because of this current anomaly the timely resolution of disputes has been jeopardised in the past and complications have arisen which have led to procedural delays in legal action. These delays may be used, and have been used, by legal representatives defending agents or agencies to frustrate the resolution of compensation cases. An action brought before the Supreme Court of Victoria recently highlighted this problem very clearly. This bill would correct that anomalous situation.

Finally, when a consumer is dissatisfied with a decision reached by the trustees of the fund in regard to compensation, amendments in this bill would allow for a review of such a decision. Under the current legislation, which this bill amends, there is an avenue for review or appeal whereby a case can be put before an appeal committee which is personally appointed by the minister. For each individual case a newly formed committee has to be put together, which is cumbersome, time consuming and open to transparency issues, and the opposition fully supports the appeal process being brought into the jurisdiction of the Victorian Civil and Administrative Tribunal.

Mr Lenders interjected.

Hon. A. P. OLEXANDER — When we agree with you, Minister, we will say so, and when we do not we will also say so. I am sure you are aware of that.

The bill provides for an approach that is obviously in the interests of expediting consumer claims and making sure that consumers suffer as little inconvenience as possible as a result of the wrongdoing of certain players in the marketplace. When an appeal is made against a decision of the TCF the Victorian Civil and Administrative Tribunal will determine the matter, and as a subordinate body it will also have the power to subpoena people and documents, allowing for a more timely and probably a more just resolution of these cases than has been the case, given that the panels appointed by the minister in the past have not had this power. We see this as an open and transparent move and one that is definitely in the interests of consumers.

In the light of the above points, as I have said, we will support this bill outright. That does not mean it is a 'not oppose' and it does not mean it is an 'oppose'. We believe this is a good move. We would have done this in government ourselves. We congratulate the government on having taken this initiative. We also congratulate our colleagues in all the states who are also supporting this initiative. Consumers will benefit from this, and the travel industry is very supportive of it. The vast majority of people in the travel industry are honest players who want to see the rogues in their industry weeded out as keenly as we do. I commend this bill to the house.

Hon. D. K. DRUM (North Western) — I have looked at this bill. It is a very short bill. We see it as a very sound piece of legislation, and we too will not oppose it. We notice that the bill is now on its second time around, having previously been brought before the Legislative Assembly. It was debated there until the Parliament was prorogued due to the last election, interfering with the bill's passage.

This short piece of legislation amends the Travel Agents Act of 1986. As with the Honourable Andrew Olexander, my contribution will be very short. The bill has two purposes. The first is to enable the trustees of the compensation scheme to sue and be sued in the name of the Travel Compensation Fund as opposed to being sued as individuals. This obviously offers those serving on the fund some sort of protection in the same way that the bill is designed to protect consumers.

The second purpose of the bill is to enable the Victorian Civil and Administrative Tribunal (VCAT) the ability

to review the decisions of the trustees of the fund concerning any payments of compensation. The current system involves an appeals committee which needs to be set up by the minister and which would have to therefore change every time a separate revision or appeal came up. The minister would have to set himself up with a new appeals committee and would have to hear each and every appeal as a separate entity. This piece of legislation streamlines the process.

Having read what the bill has to offer, we then took it out to the community and consulted with the Australian Federation of Travel Agents, the Australasian Business Travel Association, the Travel Compensation Fund, the Australian Travel Agents Cooperative and also the Australian Travel Agents Cooperative Ltd. Their advice was that in general the bill is reasonable and that we should not oppose it. Agents who wish to be accredited by or registered with the Travel Compensation Fund will need to make contributions to the fund, and the fund will therefore have a reserve from which it will pay compensation.

As Mr Olexander pointed out, should there be any misappropriation of funds via agencies or airlines going broke, as happened with Ansett recently, or with their being unable to deliver on holidays or packages that they have already taken deposits on, the bill provides numerous practical ways to protect consumers. An individual who has been affected or wronged by an agent will be able to sue the fund of which the agent is a registered member, and then that agency or fund will be able to recover its losses by suing the particular provider of the service. As I say, it is based on a recovery basis only, and it seems to be solid throughout.

The part of the bill which deals with an ability to appeal decisions to VCAT also streamlines the process. At the moment lengthy delays can be experienced through having to set up the ministerially appointed committee. We expect that the process whereby just VCAT deals with an appeal will make it all much closer and more tightly knit because VCAT has the ability to subpoena witnesses.

The whole process will be improved with this legislation, hopefully creating fairer and more satisfactory results from consumer complaints. We think that the bill will simplify the process and eradicate delays and that the fund will therefore be able to operate on a streamlined basis. For those reasons the National Party will not oppose this legislation.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Travel

Agents (Amendment) Bill. I note at the outset the government's appreciation of the support for the bill from both the Liberal opposition and the National Party. I am particularly pleased that the Honourable Andrew Olexander, as opposition spokesperson, has indicated his strong recognition of the need for this legislation.

As has been indicated during the course of debate earlier today and as is evident from advertisements in both the *Preston Leader* and the *Whittlesea Leader*, perhaps the Honourable Andrew Olexander could use the services of a travel agent to find his electorate! But I am happy to act as a travel adviser to the honourable member as he seeks to navigate his way north of the Yarra River. I can assure the honourable member that there are many travel agents in the northern suburbs — —

Hon. A. P. Olexander — On a point of order, Acting President, on relevance I would like to inform the honourable member that I have already found her electorate, I know exactly where she is, and I would really appreciate it if she would come back to the topic of the bill which she is now debating.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! There is no point of order.

Ms MIKAKOS — As I was saying, I was seeking to assure the honourable member that there are many travel agents in the northern suburbs and perhaps he may wish to utilise their services in the future. I have had many happy holiday experiences in Australia and overseas, and travel agents whose services I have had the good fortune to be able to personally utilise have been of great assistance to me in organising my travel arrangements. However, regrettably that is not always the case, and from time consumers have unfavourable experiences in their dealings with travel agents. I hope those instances are few and there are only a few bad apples in the whole industry. I am sure that is in fact the case.

This bill seeks to strengthen consumer protection for members of the public when utilising the services of travel agents. It seeks to do that in two ways. The bill is relatively straightforward and brief. It seeks to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund and also to enable the Victorian Civil and Administrative Tribunal (VCAT) to review a decision of the trustees of the Travel Compensation Fund concerning the payment of compensation.

By way of background, it is important to note that Victoria participates in a uniform cooperative scheme for the regulation of travel agents. The Travel Compensation Fund was established by a trust deed signed on 12 December 1986 as part of that scheme. The Travel Compensation Fund provides compensation to people who deal with travel agents and ensures that only persons with sufficient financial resources to enable them to carry on business as travel agents are participants of the Travel Compensation Fund. In fact participation in the Travel Compensation Fund is a prerequisite in this state for registration as a travel agent. It is also important to note that as part of this arrangement all states and territories, with the exception of the Northern Territory, are participants in this cooperative scheme. The Travel Compensation Fund is administered by a board of trustees who are appointed by the ministerial council that was established by the participation agreement in 1986. In Victoria the responsible minister is of course the Minister for Consumer Affairs.

The participation agreement that established the scheme made provision for the adoption of certain uniform legislative provisions in each participating state, including a provision to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund. However, for some peculiar reason this did not come into effect in the Victorian legislation, the Travel Agents Act 1986. So we are now in the curious position in Victoria that when a person is litigating they have to bring proceedings in the names of and with the consent of all of the trustees of the fund. For example, action can be taken by the fund itself where it pays compensation from its fund to a consumer for a loss incurred as a result of services offered by a travel agent. However, the fund must then take action against the travel agent in the name of all the trustees in order to recoup the amount it paid out from the fund. Obviously this is a cumbersome process. It is administratively complicated to obtain the consent and signatures of all the trustees who happen to be situated around the country and, from time to time, even overseas.

So we are in a difficult position in Victoria by virtue of this anomaly, which is not the case in other jurisdictions. There have in fact been legal proceedings — and there was one that commenced relatively recently, in 1999, in the Supreme Court of Victoria where the master of the Supreme Court actually ordered the parties to a proceeding to lodge an amended writ and statement of claim naming all of the trustees individually instead of the Travel Compensation Fund. In that case the parties to the proceeding were inconvenienced and had to take

additional steps and incur, obviously, additional costs in order to recoup compensation because they had not complied with the technical, complicated requirements currently in place in the state of Victoria. The proposed amendment in clause 4 seeks to enable the Travel Compensation Fund to sue or be sued in its own name. This will bring Victoria into line with other participating jurisdictions and will provide greater convenience to members of the public.

The other key proposed alteration relates to appeals. Currently in Victoria if a consumer is unhappy with the decision of the trustees of the Travel Compensation Fund they can seek to have the decision reviewed by an appeals committee that is appointed by the Minister for Consumer Affairs. This process requires a separate appeal committee to be appointed each time a review is sought. Obviously that may result in different personnel being involved in the appeal process, there is no continuity in terms of the persons hearing such appeals and it is difficult to develop sufficient legal expertise where you have different people considering the matter on different occasions.

Clause 5 of the bill proposes the provision of a new appeal mechanism against decisions made by the trustees of the fund through an appeal being heard by the Victorian Civil and Administrative Tribunal. This will mean that the powers of VCAT, such as the power to subpoena individuals or documents, will be available to a consumer seeking appeal through VCAT. This will be of considerable benefit to consumers.

The bill also contains a number of transitional provisions to ensure that parties will not be disadvantaged. Very briefly, the transitional provision in clause 6 provides that, if any proceedings have been commenced by or against the trustees of the Travel Compensation Fund in their own names before clause 4 comes into operation, then they can continue the proceedings in their names.

Clause 7 of the bill contains a transitional provision that relates to the continuation of appeals that have been lodged with the appeal committee but have not yet been heard. Those appeals can then be transferred to VCAT, but where an appeal committee has commenced hearing an appeal it can continue to hear it. That is to ensure that consumers are not inconvenienced where an appeals committee has begun to hear evidence.

In conclusion, this is an important bill. The government thinks that this will strengthen protection for all Victorians using travel agent services in this state. I wish it a speedy passage.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Travel Agents (Amendment) Bill. The purpose of the bill is to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund (TCF) to sue and be sued in the name of the fund and to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the fund concerning the payment of compensation.

I speak to this bill with some knowledge of the history of the TCF. My family have been involved in the travel industry for many years. My brother-in-law is the proprietor of the Harvey World Travel agency in Shepparton, and my father was on the board of Harvey World Travel Investments for several years.

In speaking with my brother-in-law about this legislation the other day I was reminded of a travel agency that operated several offices within my province during the early 1980s. The owner of that agency decided to close the doors, and in doing so he emptied the bank accounts that were associated with the business. Of course not all the funds were his to take with him. Most of the funds were deposits and instalment payments made by clients, and they had not yet been passed on to the airlines and wholesalers. That left many clients who had saved their hard-earned money for a dream holiday empty handed. This would not have happened had the Travel Compensation Fund been in operation at that time. Those clients would have been compensated for their losses by that fund.

The TCF monitors the financial security of all licensed travel agents in Australia, except those in the Northern Territory. Any person or company wishing to carry out business as a licensed travel agent in any of the six states or the Australian Capital Territory is required to be a member of the TCF. To join the fund applicants must demonstrate that they have sufficient financial resources to operate the business of a travel agent. All participants are required to renew their membership annually and provide audited financial statements and a certified financial statement to confirm that they continue to have sufficient resources.

The fund not only protects consumers from financial loss but also protects the reputation of the travel industry and reputable travel agents by preventing dubious operators from entering the industry. This legislation will not drastically alter the operation of the TCF. Victoria is already a signatory to the cooperative scheme for the regulation of travel agents. The TCF is established as a trust deed and acts as a registry body for travel agents in participating states. The trust also facilitates a fund that allows trustees to pay compensation to consumers.

What will change is the way the TCF acts to recover funds and the procedure of hearing appeals from consumers. At present if the trustees wish to recover some or all of the costs incurred in reimbursing a consumer, the legal action needs to be launched in the names of the individual trustees and requires all of their signatures. With trustees sometimes residing in several states within Australia and also bearing in mind that trustees may be overseas at the time their signatures are required, delays in getting signatures could lead to delays in the resolution of disputes and complications may arise leading to procedural delays. This legislation will simplify this process by enabling the trustees to sue and be sued in the name of the fund.

Finally, in the case where a consumer is dissatisfied with a decision reached by the trustees in regard to compensation and wishes to appeal, under the present system an appeal committee needs to be appointed by the minister and a newly appointed committee needs to be formed for each and every appeal. This process leads to additional time delays. This amendment would put an end to this additional administrative burden and allow the Victorian Civil and Administrative Tribunal to determine these matters. VCAT also has the power to subpoena people and documents, allowing for a more timely and just resolution of disputes based on fuller information than is currently the case.

This bill will simplify and expedite procedures. It is in the best interests of consumers, and I support it.

Hon. ANDREA COOTE (Monash) — My colleague the Honourable Andrew Olexander outlined very eloquently why the Liberal Party is supporting this bill. He went through in some detail the reasons that it will give consumers confidence and why we are supporting it. He outlined how much consultation we have had with peak organisations and within this industry as a whole. One of the things is that if you have a look at the web site of the consumer and business affairs office you see that — —

Mr Lenders — The ‘business’ is out of it now, Andrea; it is just ‘consumer’.

Hon. ANDREA COOTE — Yes, okay. The web site says that you cannot be granted a travel agents licence unless you have been accepted as a member of the Travel Compensation Fund. It stipulates that:

The TCF provides compensation for consumers who suffer loss from dealing with a travel agent. Each licensed travel agent contributes to the fund and no travel agent will be admitted to membership unless they have sufficient financial resources to carry on business.

My colleague the Honourable Wendy Lovell explained some of the intricacies of just that sort of example.

We have seen that this bill gives consumers some confidence. Anything that gives the travel industry in this country confidence is certainly welcome as an additional support for the industry. The travel industry in Victoria, and indeed Australia, has been severely hit by a number of significant international and local forces. It has been hit by the severe acute respiratory syndrome (SARS) virus, and we must all continue to be vigilant because the virus is rising again. It is important that we understand the implications and ramifications of that. Indeed the tourism and travel industry within this country has also been badly affected by the war in Iraq and the collapse of Ansett, which has been spoken about before. Terrorism has also placed a huge burden on the whole of this area.

Continued consumer confidence is a really important message to be sent to travel agents and consumers. They need to feel that when they book holidays they have certainty that they will happen or they will be compensated should there be a problem. As we have heard from several speakers tonight, most travel agents behave in an exemplary manner. It is for the rogue agents that these conditions and regulations need to be implemented. Like many industries it is the rogue operators that cause problems for others.

The purpose of this Travel Agents (Amendment) Bill is to amend the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund and to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the fund concerning the payment of compensation.

It is interesting to reflect on where these trustees come from and understand the implications and ramifications of the logistical exercise in getting something changed from the way it currently exists. For example, the chairperson is from New South Wales and, of the members of the Travel Compensation Fund board of trustees with a knowledge of the interests of travel consumers, one is from New South Wales and one is from Victoria. Of the members who comprise the knowledge and experience in the travel industry, one is from Western Australian and three are from New South Wales. Of the members representing the ministerial council of consumers affairs, one is from New South Wales, one is from Queensland, one is from Victoria and one is from the Australian Capital Territory. Given they are from right across the country, just imagine the logistics of getting this group together to sign important documents. The fact that this bill tidies that up and

gives some surety to people who have concerns and problems is very welcome.

Anything that gives the tourism and travel industry some sense of security and consumers some sense of security is certainly welcome. I am pleased to say that the Liberal Party supports this bill.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill, because it is designed to further assist a very large and important industry. The travel industry is diverse, large and has many dimensions. It is also a major employer, and consistency and growth are two requisites for an economy such as ours. The contribution made to Victoria and the Australian economy by many facets of the travel industry is well known and extremely valuable.

Sadly, several years ago there were some rogue operators and some unfortunate experiences where consumers were not treated well and major losses were incurred. In 1986 legislative action was taken to make sure that remedies were put in place to assist consumers. It is fair to say that the word 'confidence' is extremely important in the successful operation of the travel industry. It is a fragile flower, and confidence is an absolutely essential ingredient in the welfare and wellbeing of the travel industry. This is particularly so at the retail end with someone who may not be experienced in purchasing what is a significant investment in most cases, be it a domestic journey or holiday or increasingly international travel for a large percentage of people. Sometimes people quite inexperienced in travel need to invest significant amounts of money.

The legislative action taken in 1986 and agreed upon as a template on a national basis was successful in the main and has worked reasonably well. It is fair to say that apart from a few unfortunate episodes the level of confidence of the average consumer when dealing with a legitimate licensed travel agent or industry participant is quite high. That is a good test of the achievement of the legislation over a considerable period since 1986. The purpose of the bill is to align Victoria and make sure it continues to play its part on the agreed national basis, because several adjustments have become necessary since the original legislation was put in place. In themselves they are not major, but they are significant in making the bill work efficiently and in a more pragmatic way.

Fundamentally this bill has two provisions. The Travel Compensation Fund operates through a trust deed so it is a trust arrangement, but through the legislation we are debating tonight the fund will be able to take action

and be sued should that be the case. In Victoria up until now it has been necessary to have certain detailed documentation signed by each and every trustee before a legal matter can proceed. We have heard that individual trustees are physically in different parts of Australia and often travelling. That is neither efficient nor acceptable to consumers, and as a Parliament we are remedying that this evening through this debate.

From time to time when compensation is granted or arranged, the actions of the Travel Compensation Fund do not necessarily give the most pleasing outcome to the claimant. The effect of this bill will be to further improve the ability of the fund to meet the demands and expectations of honest consumers. I support the concept of the Victorian Civil and Administrative Tribunal having the power, through this legislation, to review a decision so that natural justice and sensibilities can prevail. It is extremely important for the operation of the industry, the operation of the agents themselves and participants in the industry and also for government agencies that the legislation works in a sensible, practical and obvious way.

The bill is part of a nationally agreed arrangement, and the amendment will work smoothly with other jurisdictions. Victoria has a large percentage of the population of our nation and we have the ability to make contributions to national arrangements such as this one. The bill deserves strong support, because it is very much in the interests of both the consumer and the industry.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Minister for Finance) — By leave, I move:

That the bill be now read a third time.

In so doing I thank all speakers who contributed to the debate — Mr Olexander, Mr Drum, Ms Mikakos, Ms Lovell, Mrs Coote and Mr Bowden — and I particularly thank them for their enthusiastic support of the bill rather than just acquiescence. That support is notable and much appreciated, and I wish the bill a speedy passage.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**HEALTH LEGISLATION (AMENDMENT)
BILL**

Second reading

**Debate resumed from 1 May; motion of
Mr GAVIN JENNINGS (Minister for Aged Care).**

Hon. D. McL. DAVIS (East Yarra) — I rise with pleasure to make a contribution to the Health Legislation (Amendment) Bill. I say at the outset that the Liberal Party will not oppose the bill. It is an omnibus bill, as the Minister for Finance, Mr Lenders, well knows. The bill has a number of different provisions. It amends or may impact on the Drugs, Poisons and Controlled Substances Act 1981; the Nurses Act 1993; the Health Services Act 1988; the Health Records Act 2001; the Human Tissue Act 1982; the Mental Health Act 1986; and the Lord Mayor's Charitable Fund Act 1996.

There are a number of points I want to comment on, because the bill in effect sweeps across many of the key acts that regulate our health system in Victoria. There are very few health acts that are not touched by the bill in some form or other.

The amendments to the Drugs, Poisons and Controlled Substances Act will enable the Nurses Board of Victoria to limit or impose conditions on a nurse to obtain or possess certain schedule 2, 3, 4 and 8 poisons. That will allow for greater flexibility in the discipline of nurses, and in that sense it is significant.

With respect to nurses, the amendment to the Nurses Act 1993 will allow a nurse to be registered as a division 2 nurse by the Nurses Board of Victoria. That is a worthy measure in the difficulties that we face as a community with medical and nursing work force issues. Ms Darveniza knows very well the issues faced with respect to the nursing work force, both in the country and the city. If this measure goes some way towards improving that situation, then it is a welcome step. I note that there is some dispute between some nurses as to the role of division 2 nurses. I am happy to place on record that this step is one that the Liberal Party welcomes.

I also note that the nursing profession goes from strength to strength in its professionalism and in the great contribution it continues to make to the health of our community. I may be predated the minister by just

a few days in saying this, but a number of nurses will take on the full nurse practitioner role in the next few weeks. I think four or five is the number, and I stand to be corrected there, but that is a welcome development and one the Liberal Party supports. It is one that when in government the Liberal Party worked to assist and achieve.

In that context I also welcome the contribution of the federal government in its Medicare package to nurse practitioners in medical practices. It is a welcome development, and whatever the views of this state government on other aspects of federal-state relations, I would hope it would agree and support that development. I welcome its support on that matter because the greater the role nurses play in the system, the greater the strengths of our health system. In particular there is a role for nurses to provide a whole series of health promotion and primary care steps in practices that will relieve pressures from the medical work force in a very constructive way, and that will be beneficial for patients and the community as well.

The bill amends so many acts that in that sense it is central to our health system. I note that it tweaks the name of the Numurkah District Health Service, and that certainly makes me very cognisant of some issues that are faced in country Victoria at the moment. I will return to those in due course.

I place on record some concerns with respect to the bill about the possible impact on the Health Records Act 2001. The bill makes an amendment to allow the disclosure of patient information for a secondary purpose where consent is implied. Of course medical and hospital practice has been to allow some of these disclosures to occur where consent is implied. Therefore a patient who consents to a course of treatment and gives certain information to a provider is often deemed to have consented to allowing that provider to take consequent steps which may involve the exchange of some information with other aspects of the medical system.

However, it is true to say that the implied consent is not as clear as it should be in some cases and that there could be legal aspects and questions about that implied consent. So to the extent that the bill puts that consent more clearly — in effect it deems that that consent is explicit — it is welcome. However, I place on record concerns about the use of the provision with respect to private health insurance information. I would be very concerned if the government and the Department of Human Services were to use these provisions to strengthen their ability to ascertain the health insurance status of individuals who move to hospitals.

I flag with the minister tonight that I will be asking some questions on that issue. I seek some assurances, if possible, as to the intent of the government with this amendment and that it will not be used in any untoward way to ascertain the insurance status of individuals and then either preferentially or non-preferentially treat people on the basis of their insurance status. I would be concerned if the government were to use this as a cost-shifting measure designed to force privately insured patients out of public hospitals, because that would be in my view against the Medicare principles.

I would also be concerned if the government were to use this amendment of the Health Records Act to stream people within public hospitals into certain facilities where the government could maximise the return rather than focus on clinical outcomes. These are fair concerns, and I flag them for the minister at this point. I will return to some of them a little later in my contribution.

We are at a difficult juncture with the Victorian health system. It is in some considerable crisis. Wherever I have moved through the state as shadow health minister I have been confronted by the difficulties faced by the Victorian system. I place on the record tonight my concerns in relation to the amendments the bill makes to a number of significant areas of acts that govern our health system.

I want to relate some of the experiences I have had as I have moved around a number of the parts of our system. For example, yesterday I was concerned with what I saw at the Monash Medical Centre and with what I heard in evidence presented to a joint parliamentary committee, the Family and Community Development Committee — an important committee that is holding an inquiry into aspects of the medical system in Victoria, in particular as they relate to emergency departments.

I was shocked to learn that of category 4 and 5 patients who had come into the emergency department, more than 8500 people had walked out of it in the last 12 months because they were unable to be seen in a satisfactory or timely way.

Mr Pullen interjected.

Hon. D. McL. DAVIS — I tell you what, Mr Pullen, I would not want to talk about Moorabbin where your government is at this point closing the birth unit. You will rip the guts out of the birth unit. Your government, your minister and Southern Health is destroying the birth unit at Moorabbin hospital. That is what you are doing — —

The PRESIDENT — Order! Mr Davis, through the Chair!

Hon. D. McL. DAVIS — Through you, President, I urge Labor members, including Mr Pullen, to pick up the telephone to speak with Southern Health and the Minister for Health, to urge them not to cut the choices available to women within the public hospital system. They will close a unique birth unit at that hospital — and in a way that is disgraceful!

I suggest Mr Pullen should meet Rebel Lorenz and the group down there because I believe that group is concerned about what will occur at the birth unit at the Moorabbin hospital. I believe it will dent a unique choice. I know that in 1998 the then shadow Minister for Health made it very clear he believed that every health region should have a birth unit. He said in a news release I re-read the other day — I am doing this from memory; but Mr Viney alluded to it — that there is cost shifting going on with the birth unit by moving it to Clayton and into that gigantic hospital at Monash Medical Centre. The unique aspects of that birth centre will be lost forever.

This government will wear this like a crown of thorns in the end. It will have to answer for what it is doing to that birth unit. The government will have to explain what it has done. Mr Viney made the interjection and I responded to it.

Mr Viney interjected.

Hon. D. McL. DAVIS — I am concerned about what I heard at Monash Medical Centre the other day and what I heard in Warracknabeal the other day. I notice the mention of country hospitals in an article in the *Wimmera Mail-Times* of 12 September, which leads with the headline ‘Red alert for hospital future’. I shall read a number of contributions about what the Bracks government is doing to country health. The article states:

Warracknabeal and district people harbour growing fears for the future of quality care at their hospital.

They are outraged by a Rural Northwest Health proposal to close kitchens at Warracknabeal and Hopetoun hospitals and fear relentless service downgradings will undermine health care and jobs.

Concern in the town simmered ...

The article says that the Minister for Health in the other place and senior bureaucrats should spend more time in the town. The article continues:

Surgery ceased at the Warracknabeal hospital in May ...

This follows the ill-fated statewide Hume hospital services review that recommended the closure of nine obstetric and surgical units in country hospitals in the Hume region.

Hon. W. R. Baxter — We know all about that!

Hon. D. McL. DAVIS — You are right, Mr Baxter. You and Ms Lovell are very aware of the plans for the Hume region which would have seen the closure of nine country hospitals. That same group of consultants are at work now in the Barwon region as we speak. They are planning to close more hospitals there, like they are doing in Warracknabeal. That is the plan. It is time for you, Mr Viney — you know something about health, having been parliamentary secretary — to step forward and stop your health minister closing the surgical unit at the Warracknabeal hospital.

The PRESIDENT — Order! Through the Chair!

Hon. D. McL. DAVIS — Madam President, I accept that. My concern with the Warracknabeal hospital plans are that the surgical and obstetric unit will never open again unless the Minister for Health is brought into line with her plans. I shall quote some comments made by the minister’s spokesperson, Ben Hart, on 15 September. The opposition was challenged to offer an alternative solution to Warracknabeal hospital’s crisis. He said he would like to issue a challenge. The newspaper article states:

It’s very easy for an opposition spokesman to criticise ...

The editorial got it right by stating:

Victorian health minister, Bronwyn Pike, has predictably uttered little of substance in reply to challenges relating to the ailing state of Rural Northwest Health’s Warracknabeal hospital.

...

Ms Pike asked Mr Davis, through a spokesman, to offer an alternative solution to the hospital’s woes. It sounded like we can’t fix it, can you? She told Mr Walsh that administrator Ken Taylor was working with the community doing what had to be done to reduce the budget red ink.

There’s no hint of community about the process under way. The truth is that Warracknabeal and district people, even those closely associated with the hospital, remain uneasy, fearful and in the dark.

We have serious difficulties with what will occur. There needs to be a public meeting, and I challenge the Minister for Health to attend the meeting. She should get off her tail, get out of Melbourne and go to Warracknabeal to give an assurance to the people at the hospital and in the town, and at Hopetoun where she is

closing the kitchens and bringing in TV dinners for the people of those hospitals — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Under sessional orders the time for the adjournment of the house has arrived.

Midland Highway: Peter Ross-Edwards Causeway

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Transport in the other place. The Peter Ross-Edwards Causeway is a four-lane undivided section of the Midland Highway that links Shepparton and Mooroopna. It is the only major arterial between the two centres and the only road that emergency vehicles can use.

It is mostly unlit and has an intersection in the middle that leads to a children's playground called Kids Town. We pray there will not be an accident at this intersection as any accident is highly likely to involve children.

Traffic counts on the causeway are reported as being between 23 000 and 30 000 vehicles per day. The traffic laneways on the causeway are of variable width ranging from 2.7 to 3.4 metres with the narrowest being on the bridges, and the bridges do not have any shoulders on them.

Current road standards would require all lanes to be 3.5 metres in width and would require shoulders on the bridges. It is a road that pitches and turns, and contains six bridges. I am told that two of the bridges, Daintons and McGuires, were built around the mid-1950s. Another two, Daishs and the Boolbahdah floodway, were built around the 1930s and it is possible that the remaining two bridges, Ah Wongs and Geraghty's, may well be original bridges from the construction of the old Shepparton–Mooroopna high road in 1908. The causeway was built in the mid-1960s when the old two-lane Shepparton–Mooroopna high road was upgraded to the four-lane undivided road that we know today.

The then Country Roads Board's annual report for the year ended 30 June 1970 speaks of the final stage of this project that diverted the route of the Goulburn River to allow for dual roads to lead from the causeway into Shepparton at High Street and Fryers Street. The Country Roads Board report states that the reason for

the upgrade of the road at that time was because 'traffic between Shepparton and Mooroopna has increased considerably over the last few years'.

The population of Shepparton grew from 13 900 in 1961 to 19 400 in 1971, an increase of around 5 500. The government of the time considered that enough to substantially upgrade the road. The road was built in the days of tray trucks and milk cans, when most families would have had only one car. The population of Shepparton has tripled since 1971 to a city of nearly 60 000 people. Most families are multi-car families, and the road now carries milk tankers and B-doubles the size of which was not even thought of in the mid-1960s. Both the Premier and the minister have admitted that this road is in need of an upgrade. In the interest of road safety and to enable Shepparton and Mooroopna to develop further I ask the minister to expedite the upgrades so desperately needed for the Peter Ross-Edwards Causeway.

Point Nepean: future

Hon. J. G. HILTON (Western Port) — My adjournment matter is for the attention of the Minister for Environment in the other place. I ask him to do all he can do to ensure that the disintegration of Point Nepean does not take place. During the winter recess honourable members may have seen representatives of Environment Victoria and the commonwealth government toasting what they saw as the saving of Point Nepean. It was obviously nothing of the sort. Whilst Point Nepean has not been sold off it has certainly been sold out.

The key overriding objective of the community master plan was that Point Nepean be retained in its entirety, that all of Point Nepean should be integrated into the national park, and that the total region be retained for all Victorians to enjoy, this and all future generations. The proposed lease arrangement flies in the face of what the community wanted. The proposed lease is worse than the original intention to sell. The Bracks Labor government made it abundantly clear that it would impose stringent planning controls over the use of the land which would severely restrict its potential use. However, with the lease proposal all the state and local planning regulations can be avoided.

One can only wonder at the motivation of the federal Liberal government, which appears so committed to overriding the clearly expressed wishes of all the local residents of the Mornington Peninsula. I again urge the minister to keep fighting for Point Nepean to be handed back to the people of Victoria so that it can be retained in its entirety for the enjoyment of all Victorians.

Land tax: caravan parks

Hon. ANDREA COOTE (Monash) — I raise a matter with the Minister for Small Business for the attention of the Minister for Tourism in another place. Access to affordable holiday accommodation in the form of caravan parks is becoming a thing of the past in Victoria. A joint study by the University of Melbourne and Queensland University of Technology shows that one in three caravan park owners plan to sell in the next 10 years.

The increase in land values in coastal areas has threatened the viability of caravan parks. The increasing level of land tax for caravan park owners is crippling in this state. This is a blow to affordable tourism in Victoria. I have not seen one press release from the minister on this issue; nor have I heard one comment he has made looking out for the people who enjoy holidaying in this state. Not one!

How is the minister working with the tourism industry to ensure the long-term viability of the caravan park industry in Victoria, and what incentives has the minister offered the caravan park owners to ensure that they remain operating in this state?

Argus Street–Warrigal Road, Cheltenham: safety

Mr PULLEN (Higinbotham) — My adjournment matter this evening is for the attention of the Minister for Transport in the other place. The Mirvac group is in the process of constructing 600 dwellings and a convenience store on the Kingston Centre site in Warrigal Road, Cheltenham, which is in my electorate. Naturally with this housing boom there will be a further increase in the traffic on Warrigal Road. Mirvac commissioned Grogan Richards Pty Ltd, a firm of consulting engineers, to undertake intersection safety investigation at the corner of Argus Street and Warrigal Road following complaints from nearby residents about the safety of this corner.

Argus Street is a local access road, and the Grogan Richards report said that discussion with Kingston council indicates that the redevelopment of the Kingston site may require the provision of a signalled intersection. This may result in the installation of signals at the Bernard Street intersection, which is further north.

Currently there is a stop sign at Argus Street; however, according to Vicroads crash statistics, a total of 25 accidents has been recorded at the intersection between January 1987 and December 2002, and I am

aware of a lot more since. More than half of the accidents have occurred involving traffic turning right from Argus Street into Warrigal Road.

Discussions with residents adjacent to the intersection also confirm that additional property-damage accidents have occurred. The suggestion was made to me by a resident that a no-right-turn sign facing Argus Street would reduce accidents and property damage. I wrote to the Kingston council and enclosed a copy of the Grogan Richards report; however, the council is of the opinion that a no-right-turn sign at Argus Street would cause undesirable redistribution of traffic to the lower order street intersections along Warrigal Road. The council also said it would further liaise with Vicroads to review the black spot eligibility at this intersection.

I believe major developers should pay for or at least contribute to major traffic sign upgrades. I ask the minister to arrange an investigation of the area between Kingston Road, Centre Dandenong Road and Warrigal Road with a view to improving the traffic controls.

Bayside: administration

Hon. C. A. STRONG (Higinbotham) — The issue I raise tonight is for the Minister for Local Government. It relates to the accounting scandal within Bayside City Council. This scandal has come to light with the council's 2003–04 financial results, which have revealed a \$3 million surplus for last year. Only a few weeks ago Bayside council brought down a rate rise of 13 per cent, one of the highest in the state. This 13 per cent increase extracts an extra \$4.5 million from the long-suffering Bayside ratepayers. I understand the council was not aware of the \$3 million surplus when this rate was struck. If it had been, then only an extra \$1.5 million would have been required, which equates to a rate rise of some 4.5 per cent. I ask the minister to investigate this scandal, and particularly the accounting procedures, systems and reporting responsibilities within Bayside City Council.

Emergency services: taxation status

Hon. J. H. EREN (Geelong) — I raise a matter with the Minister for Police and Emergency Services and also the Minister for Corrections in the other place. Last month the federal government released the draft Charities Bill 2003 to define 'charity' for taxation purposes, and asked the Board of Taxation to consult over its wording. I believe the draft Charities Bill contains unreasonable and unnecessary restrictions on the advocacy role of charities.

I am disturbed that the proposed Charities Bill 2003 may remove charitable status from the Country Fire Authority and the State Emergency Service (SES). Currently the CFA is classed as a 'public benevolent institution/charitable institution', which gives it significant tax breaks on running costs and donations. The Victorian SES is classified as a deductible gift recipient, which also gives it tax breaks on donations. This will put strain on the CFA and the SES as it will mean they will get less money. As we approach the summer season we all become too aware of bushfire risks, and we can only imagine what it would be like without the CFA or the SES there to assist us. It would be horrendous.

The CFA and the SES need all the help they can get to ensure that they can protect us from the elements when they turn nasty. It is important to note that not only do they save lives; both organisations save insurance companies many millions of dollars through the vital work they do. We need an ironclad guarantee from the commonwealth that the status of these agencies would not be affected by this bill. Therefore I request the minister to communicate with the commonwealth government to ensure that vital tax breaks for the CFA and the Victorian SES are not cut as a result of the Charities Bill 2003.

Devilbend Reservoir: parkland

Hon. R. H. BOWDEN (South Eastern) — My adjournment matter seeks the assistance of the Minister for Environment in the other place. On 3 and 11 June I raised a point of great concern in my electorate on the Mornington Peninsula about an area known as Devilbend.

Devilbend is a large area of Victorian Crown land; there is no doubt whatsoever about the title. It has a longstanding history of having a great capacity to store water and up until recent years has been a major water reticulation pond that was fed by the Cardinia Dam. The Devilbend area is roughly 1057 hectares, which is 2500 acres, and the state government has made it very clear through its work with Melbourne Water that this land will essentially be subdivided and sold off. There are only three large parcels of Victorian public Crown land on the Mornington Peninsula — two of which are in the northern part, and Devilbend is just to the east of Mornington in an area known as Tuerong.

We hear a great deal of publicity about the need to conserve water, and that is true, and we hear a great deal of concern about the scarcity of water, and that is true, and the problem with the Devilbend situation is that it is large in size and scope and the volume of

usable water that it makes available to the greater Melbourne area for future years will be compromised if this short-sighted sell-off by the Victorian state government is allowed to continue, because the water will be contaminated by the immediate proximity of a substantial number of private dwellings. This is vandalism on an enormous scale, and this issue will not go away. I raised this matter on 3 June, I raised it on 11 June, and I will continue to raise it — this is the first opportunity since June to do so.

There is absolutely no question that the community is not supporting the sale of the Devilbend land. I do not care what Melbourne Water says, and I do not care what the government says; the community does not support the selling of this land. If the government were genuine in its profession of concern about conservation and the availability of clean water supplies for the Melbourne area, there is no way it would countenance having this large area of water contained in the Devilbend reserve polluted.

The water issue is important enough on its own, but recreation access and having suitable land for recreation is also important. So the question is: will the minister give an assurance to the Parliament that the Devilbend land will not be sold?

Police: Preston station

Ms MIKAKOS (Jika Jika) — I raise a matter with the Minister for Police and Emergency Services in the other place. I seek urgent action by the police minister to arrange for the formal opening of the Preston police station in my electorate.

Hon. A. P. Olexander interjected.

Ms MIKAKOS — Because I am fighting for the northern suburbs, Mr Olexander, and I live there as well.

I can assure the house that this police station is eagerly awaited by the residents of Jika Jika Province. It is important to remind members, particularly Mr Olexander, of the track record of the former coalition in respect to the Preston police station.

The previous Labor government committed in 1992 to building a new police station in Preston. In fact the Liberal candidate for Jika Jika Province back in 1992, Mr Greg Eade, was quoted in the local papers as saying that the coalition would honour that commitment and build the new police station, but when the Kennett coalition government came to power it reneged on it. That was only one of the many, many broken promises of services and funding for the northern suburbs. We

know in the northern suburbs that the Liberal and National parties do not care about the people of the northern suburbs. They ripped out money left and right from a range of projects in the northern suburbs.

I want to emphasise for the police minister that this police station is sorely needed, because the police are in a building in Roseberry Avenue, Preston, that is more than 60 years old. There have been additions, extensions and relocatables added over time, so the building is dysfunctional at the present. This \$8 million project will allow our local police to continue to do the good job of reducing crime in the northern suburbs of Melbourne.

Lake Mulwala: management plan

Hon. W. R. BAXTER (North Eastern) — I want to raise a matter for referral to the Minister for Water in another place. I want to alert the house to the fact that up to 4000 people rallied in Yarrowonga yesterday because they were concerned about a number of water issues, in particular the Lake Mulwala management plan.

It is high time the minister gave some consideration to setting aside work on the Lake Mulwala management plan for the time being. It seems to me that, with the *Living Murray* document in circulation and with the green paper on water having been released by this government in the last month or so, there are now far too many balls in the air at once in terms of water. The people of Yarrowonga and Mulwala are saddled with having to consider the Lake Mulwala management plan in a time of confusion with the Living Murray negotiations and the green paper on water, and it is leading to a lot of fear, a lot of ill will and a great deal of concern that if the management plan were implemented it would lead to a reduction or a variation in the water levels of Lake Mulwala, which would impinge very seriously on the tourism industry.

Yarrowonga has benefited immensely from having a lake with a static level throughout the year — it is very attractive not only for recreational activity such as boating, fishing and the like, but also for residential development. If anyone goes to Yarrowonga they will be pleasantly surprised to see a building boom currently under way. New homes are being constructed largely because of the attractive environment that has been generated by having a lake with a stable level.

Some arguments can be made in terms of how Lake Mulwala is to be managed in the future, particularly in terms of water quality, subdivision and the like. To be endeavouring to do this in the context of the Living

Murray debate and now the green paper on water is asking too much of the communities. I make a plea to the minister. I am sure he will be aware that the large meeting yesterday passed a motion — there were more than 1000 people at the meeting — that the management plan discussions be put on hold for the time being, and I commend that motion to the minister.

Bayside Veterans Hockey Club

Mr VINEY (Chelsea) — I raise a matter for the attention of the Minister for Sport and Recreation. I seek the minister's support of the Bayside Veterans Hockey Club premiership push next Monday night. The Bayside Veterans Hockey Club is the brand name of the Frankston Hockey Club's veterans team, and both the C and D grade veterans teams will be competing in the grand final next Monday night. Last night the C grade team defeated Moorabbin 3–2 in the preliminary final, and the very exciting D grade team drew 1–all against Springvale, which resulted in their progression to the grand final, given their higher position on the ladder having finished the home and away season second on the ladder. It was a very exciting game. Bayside scored a goal early and — —

Hon. E. G. Stoney — On a point of order, President, I fail to see how Mr Viney's very colourful description of hockey in Frankston has anything to do with state administration. I was hoping he might come to the point.

The PRESIDENT — Order! The member has 3 minutes to pose his request to the minister. He has outlined what it is about — obviously hockey in the Frankston area and the number of teams coming up in the forthcoming premiership. The member has nearly 2 minutes left to pose his question. I therefore ask the member to continue and get to the matter he wishes to raise with the minister.

Mr VINEY — President, I asked for the minister's support of the club, and I will get to that in a minute. It was a very exciting game last night. Bayside scored a goal early, and about 5 minutes before half time a very strategic decision was made to bring a dashing player on to the left wing. This player raced into the D and positioned himself brilliantly for a goal in a short corner. The ball came screaming in, and I have to say that unfortunately I missed the ball and it hit my foot. So the opportunity for glory was lost. But Springvale scored a late goal and after extra time it was a 1–all draw, which resulted in Bayside D grade going into the grand final.

I undertook with the club that I would raise the matter tonight in recognition of the great effort. On a slightly more serious note, since the Bracks government funded a new astroturf arena the club has gone on to significant growth with the doubling of the youth teams in attendance. I seek the minister's support and invite all members to come along to the State Hockey Centre next Monday night to watch a great game of hockey. I am sure the minister will want to offer his support.

Our Forests, Our Future program

Hon. E. G. STONEY (Central Highlands) — I raise an issue for the Minister for Environment in the other place. It concerns the timber industry restructure, especially contractor exit packages under the seemingly failed Our Forests, Our Future program. Many contractors and mill owners have approached me demonstrating that they are eligible for these packages. They have applied for exit packages but tell me they have heard absolutely nothing from the government about their money.

Contractors in Central Gippsland are going broke while waiting for a response from the government. Less than 50 contractors have been paid out, and I understand that more than 100 have heard nothing at all since the program started. Timber carter, Mr Alan Twyford, lost 60 per cent of his business. He was carting for a mill that was closed and he was forced to go interstate to find work. More than 60 per cent of his business was carting sawn timber, and he is definitely eligible for a package but he has heard nothing at all. I understand that Sumstrait Timber, a processing mill using lower grade timber and based at Bairnsdale, has closed without any compensation whatsoever.

Mr Jack Gittens, a contractor to DSM Mills at Mansfield, has heard absolutely nothing even though he has applied for some months. Mr Gittens rang the Rural Finance Corporation, which said, 'Ring the forestry worker contractor assistance unit'. That unit said, 'Ring DSE'. So it is a typical *Yes, Minister* round robin response. It appears that the timber exit program is in deep trouble. There are strong rumours of mismanagement of this program and that the budget has run out. Contractors and mill owners waiting for these exit packages are going to the wall, and it appears that this program is in total disarray. I ask the minister to step in and show some compassion for the timber people who have been devastated by poor government decisions.

South Gippsland Highway—Pound Road, Narre Warren South: roundabout

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in another place concerning the traffic congestion at the roundabout on the corner of the South Gippsland Highway and Pound Road during afternoon peak periods. Although this intersection is located just outside our electorate, as Mr Gordon Rich-Phillips will testify, the people who use this roundabout are generally from the growth areas of Narre Warren South, Berwick South, Hampton Park and beyond.

Many people have raised this issue with me since I was elected to Parliament. One of those constituents is a Mr Cengiz Coskun from Narre Warren South. He has been lobbying me since I was elected. Mr Coskun travels from Oakleigh every day to Narre Warren South where he lives. Unfortunately, according to Mr Coskun it takes him just as long to get from Oakleigh to Dandenong as it does to get down a stretch of road, about a kilometre, in Dandenong South on the South Gippsland Highway. I have experienced difficulties there myself, and I am sure Mr Gordon Rich-Phillips has as well. It is something that we must look at.

I take this opportunity to congratulate the state government and the minister on the tremendous job done in providing road infrastructure in the south-eastern region, and I am sure it will continue. This can be compared to the neglect of infrastructure in the south-east by the previous government. I request that the minister consider alternatives to the roundabout on the corner of South Gippsland Highway and Pound Road.

Rail: Hampton station infringement

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue tonight for the Minister for Small Business to take to the Minister for Transport in another place. It concerns a young student who was 17 years old at the time he jumped over a fence at the Hampton railway station in an effort to catch a train home. It was a cold, dark night, and Daniel wanted to catch the next train without having to wait.

The infringement notice number is 1290267 and the penalty amount is \$100. Daniel is a student studying for his Victorian certificate of education (VCE) at Melbourne High School. He would like the minister to either intervene and perhaps waive the penalty or consider some other alternatives which he has offered. He states that as a 17-year-old boy he had no idea that there was anything wrong with jumping the fence.

He said that it was a simple jump over a relatively low fence — quite similar to jumping a gymnastics horse in school sports. He is somewhat remorseful about his deed now, and is rather concerned that as he is studying for his VCE he does not have a job or assets, and he has no means of paying his fine.

He has had communication with the transport infringement section of the Department of Infrastructure, which has given him an additional 13 days to pay. So he has to come up with the money prior to 30 September. Because he does not have it, he is now afraid he is going to be sent to jail.

He tells me that he has contributed to the community as a Meals on Wheels volunteer, that he has no previous offences, that he had a validated ticket on the night and that he cooperated fully with the five inspectors who saw him jump the fence. Daniel tells me that he was not aware of the regulation at the time — he did not see the signs that were somewhere around the station — and no-one was placed at risk of a serious injury.

He has come up with a means of trying to get around his situation. He wants to know whether the minister would be so kind as to grant him an extension to the start of February 2004 for payment of the fine. He says once he has completed his VCE he hopes to get a job and after that he should be able to pay the fine. Alternatively, Daniel is willing to work for the transport office from December onwards and would like the fine to be deducted from his salary. I ask the minister to view this seriously — —

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

Weeds: control

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Environment in the other place. The effect of drought and bushfires that have ravaged Victoria and the harsh conditions over the last year or so have created particular environmental conditions. Our state forests and farmlands are subject to degradation as a result of the possibility of increased weed infestation.

Whilst much-needed rain across the state and the advent of warmer spring weather has provided good growing conditions, it is clear that these are optimal conditions for weed growth. The Department of Primary Industries' newsletter *Moving on — Newsletter for Victorian Communities Recovering from Drought* raises this issue, warning farmers of the risks of increased weed infestation and saying:

Drought creates a host of difficulties for farmers and a host of opportunities for weeds!

This issue is of great concern because there are many areas of the north-east and in Gippsland, for example, which were affected by both drought and bushfire; they are in a very poor state, with an increased susceptibility to weed infestation.

However, the problem arises that the Bracks government has cut funding to volunteer Landcare groups and catchment management authorities. This is a ludicrous reduction in the flow of funds, particularly to volunteer Landcare groups, which have had their funding cut by up to 30 per cent when large sections of the countryside remain compromised and susceptible to weed infestation as a result of the drought. The government is urging farmers to increase their efforts and expenditure on weed control, yet on the same hand it is removing funding both from its own department and from volunteer community groups. Will the minister advise what actions he will take to maintain weed control activities for Landcare groups?

Victorian and Murray Valley Vine Improvement Association: Crown land

Hon. B. W. BISHOP (North Western) — I direct my adjournment issue this evening to the Minister for State and Regional Development in the other place. This adjournment matter should properly go to the Minister for Agriculture in the other house, but, to put it mildly, he has been absolutely hopeless in this situation, so I find I must appeal to the Minister for State and Regional Development for assistance.

The Minister for Agriculture's department has told the Victorian and Murray Valley Vine Improvement Association — better known as VAMVVIA — that it must vacate a 50-acre block owned by the department where for many years VAMVVIA has been able to cooperatively work with past governments and departments to supply disease-free grape rootstock to the Sunraysia industry and indeed to a wider market across Australia.

This property has been specifically chosen and developed because of its unique disease-free characteristics, so finding another disease-free block with the same security would be almost impossible. Further, the removal and replanting of mother plants is a huge and difficult task. This block and its operation is crucial to the disease-free status of Sunraysia and other areas within the grape industry. So VAMVVIA put forward an options paper suggesting that it gather financial industry support and buy the 50 acres and the land its glasshouse and vine factory resides on.

The second option was a long-term lease of this property, which would enable ongoing rootstock and Vinifera production, nursery development and the virus eradication program to continue. The response from government on these perfectly reasonable suggestions was a firm, 'No, just get out', with no thought to the huge disease risk this places the grape industry with its disease-free rootstock and research.

The Sunraysia community cannot believe this is happening. It is disappointing that the Minister for Agriculture did not attend the recent community cabinet meeting in Mildura to hear first hand of this ridiculous position. However, the Premier was there and unveiled a plaque at VAMVVIA's office complex in honour of Graeme Fletcher, a man who has done a great deal for VAMVVIA over 25 years.

The government will not say why it wants the block, so now people are wondering whether it is forcing VAMVVIA out so that it can run the commercial operations itself or hand it on to another commercial operator. The government must come clean and tell the Sunraysia community why it wants this particular block.

With this being an issue as much of regional development as agriculture, will the Minister for State and Regional Development please step in and settle this ridiculous situation by putting in place the opportunity for VAMVVIA to purchase the 50-acre block and continue this crucial service to our grape industry?

Hon. Philip Davis — I raise a point of order, President, in the context of tonight's adjournment debate, in particular in relation to Mr Viney's most erudite and amusing contribution. The issue that I am concerned about is that Mr Viney did not, in fact, raise a matter for the minister's attention in relation to a matter of government administration. He did not seek to elicit information or ask the minister to take particular action.

The advice I am seeking from you, President, in this point of order relates to the commitment you made to this house at the end of the last sitting to provide guidelines in relation to the adjournment debate so that we would not have the concern which is expressed from time to time regarding trivial matters or matters of mere concern that are not in accord with the longstanding practices of this house as a place where members can bring up matters for resolution by government ministers.

The PRESIDENT — Order! The Leader of the Opposition raised the fact that the Honourable Bob

Smith raised the matter with me in the last sitting. I have been preparing a response to that, but I did not have the opportunity to talk to the party leaders and I was hoping to do that before today. I expect that before the end of this week I will have had time to consult with them before I make a statement with respect to that adjournment matter that was raised by the honourable member last sitting.

Responses

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Wendy Lovell raised a matter for the Minister for Transport in the other place concerning the Peter Ross-Edwards Causeway and the need for an upgrade.

The Honourable Jeff Hilton raised a matter for the Minister for Environment in the other place concerning Point Nepean and encouraged the minister to keep up the fight to retain Point Nepean in its entirety as a national park for all Victorians.

The Honourable Andrea Coote raised a matter for the Minister for Tourism in the other place concerning the long-term viability of caravan park accommodation.

Mr Pullen raised a matter for the Minister for Transport in the other place concerning the Mirvac Kingston Centre on Warrigal Road and transport issues around Argus Street and Warrigal Road, seeking investigation around the area of Kingston Road, Centre Road and Warrigal Road. I will pass all these matters on to the various ministers for their responses.

The Honourable Chris Strong raised a matter for the Minister for Local Government concerning the Bayside City Council rate rise and that will be passed on to the minister.

The Honourable John Eren raised a matter for the Minister for Police and Emergency Services in the other place concerning charitable institution status for tax purposes. He referred particularly to the State Emergency Service and Country Fire Authority and pointed out that they may be under threat under the current Charities Bill 2003 and asked that the minister communicate with the commonwealth to maintain the status of the SES and CFA.

The Honourable Ron Bowden raised a matter for the Minister for Environment in the other place concerning Devilbend Reservoir.

Ms Mikakos raised a matter for the Minister for Police and Emergency Services in the other place concerning

the formal opening of the Preston police station, asking that that should occur as soon as possible.

The Honourable Bill Baxter raised a matter for the Minister for Water in the other house concerning the Lake Mulwala management plan. He asked that discussions be put on hold at this point in time. I will pass that on to the minister for his response.

Mr Viney raised a matter seeking support of the Minister for Sport and Recreation for the Bayside Veterans Hockey Club.

The Honourable Graeme Stoney raised a matter for the Minister for Environment in the other place concerning the timber industry restructure.

Mr Somyurek raised a matter for the Minister for Transport in the other place concerning traffic congestion issues at the Pound Road roundabout on the South Gippsland Highway, seeking his investigation of alternatives at that location.

The Honourable Andrew Brideson raised a matter for the Minister for Transport in the other place concerning a student who jumped the fence at Hampton railway station to catch a train and who is seeking an extension from the minister until February to pay the fine.

The Honourable Philip Davis raised a matter for the Minister for Environment in the other place concerning weed control.

The Honourable Barry Bishop raised a matter for the Minister for State and Regional Development in the other place concerning the Victorian and Murray Valley Vine Improvement Association's purchase of 50 acres of land. All of those matters will be passed on to the relevant ministers.

House adjourned 10.41 p.m.

