

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

20 March 2001

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Tuesday, 20 March 2001

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

NATIONAL PARTY FRONTBENCH

Hon. P. R. HALL (Gippsland) — I advise the house that, upon the desire of my colleague the Honourable Roger Hallam to step down as Leader of the National Party in the Legislative Council, I have taken on the role as leader of the party. I am delighted to announce that the Honourable Jeanette Powell has assumed the role of Deputy Leader of the National Party in this house.

On behalf of my colleagues in the National Party, I extend gratitude to the Honourable Roger Hallam for the many years he has provided leadership of the party as deputy leader and, more recently, as its leader.

Honourable Members — Hear, hear!

Hon. M. M. GOULD (Minister for Industrial Relations) — I take this opportunity of congratulating Peter Hall, now the Leader of the National Party in this house, and the Honourable Jeanette Powell as, I believe, the first woman to hold the office of Deputy Leader of the National Party. That is a great milestone. I endorse the comments of Mr Hall about Mr Hallam on the most dignified manner in which he has led the National Party. I wish him all the best as he occupies the back bench.

Hon. M. A. BIRRELL (East Yarra) — I also congratulate Mr Hall and Mrs Powell upon their appointments and wish them the best. I particularly place on record the Liberal Party's recognition of the extraordinary service of the Honourable Roger Hallam to this place in his role as not only Leader of the National Party but also as a minister.

It is a sad moment certainly for my party to see him take this step, but its members fully understand and recognise it. Roger is one of the most decent people we have ever had the honour of dealing with. He has conducted himself in a most professional and determined manner, but always with an earthy approach to practical issues. We have enjoyed his company in a parliamentary sense, as have I through having served with him in cabinet for seven years. Everybody in this chamber will acknowledge Roger is a person who can be regarded as a good parliamentarian as well as a politician. Not all people fit both categories! He has brought to this place a great deal of warmth and enjoyment. I remember the old

days when he was literally one of the greatest entertainers in Parliament. Newer members would not realise that Roger is one of the finest banjo players Parliament has ever seen or heard.

Hon. W. R. Baxter — And the electric bow tie to go with it!

Hon. M. A. BIRRELL — Yes, and the electric bow tie that goes with it. Perhaps not all honourable members would appreciate that side of his character. Those who do have thoroughly enjoyed it. Roger is a great member of Parliament, and on behalf of the Liberal Party I thank him for his work. It is nice to use this occasion to say thank you to a friend.

CONDOLENCES

Hon. William Vasey Houghton

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

That this house expresses its sincere sorrow at the death, on 11 January 2001, of the Honourable William Vasey Houghton, 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 Templestowe Province from 1967 to 1985.

Vasey Houghton was born in Melbourne in 1921 and educated at Melbourne Grammar School. He began studying law at Melbourne University, but his studies were cut short during the outbreak of the Second World War when he joined the Australian Imperial Force. He served as a lieutenant in the 7th division of the field artillery throughout the war from 1940 to 1945 in such far-flung places as Egypt, Syria, Papua New Guinea and Borneo.

Upon his return to civilian life Vasey took up his lifelong ambition of farming and settled on a large property at Yarra Glen. The district was always considered a close-knit community and Vasey wasted no time in involving himself in different community organisations, whether it be the local tennis or cricket clubs, the local fire brigade or the agricultural society. Vasey soon became a community participant and leader.

Within a few short years, in 1951, Vasey Houghton was elected to the Eltham council and was its president in 1955. After assisting with the separation of Healesville from Eltham council he was elected to Healesville council in 1958 and became its shire president six years later. After serving in local government for an era spanning more than 13 years Vasey made his next

major political move when he entered this house in 1967 after the province of Templestowe was created. Upon entering this house Vasey talked about providing a progressive government that committed itself to improving education, transport and planning, as well as better services for all Victorians.

Over the next 18 years Vasey Houghton was to hold a number of distinguished positions, including becoming cabinet secretary in 1972 and holding the ministerial portfolios of social welfare between 1973 and 1976, health between 1976 and 1979, and conservation, lands and soldier settlement between 1979 and 1982. I acknowledge the many achievements Vasey oversaw during his time in this place, particularly as a minister, including making improvements to prison conditions, the upgrading of child-care facilities and the establishment of a national parkland in Victoria's alpine country. Vasey was also committed to the improvements of amenities and attractions south of the Yarra River. He championed much of what was to become the Southbank precinct, which has gone from strength to strength ever since.

Upon his retirement from Parliament in 1985, after a career in local and state government spanning more than 34 years, Vasey returned to his family's cattle and sheep farm to spend his remaining years with his family and friends.

He will be remembered for a number of things: his commitment to his electorate and to the general community, as well as his ability to work with people across, as well as along, party lines.

Vasey Houghton passed away on 11 January this year, and a state funeral, which was attended by his family, friends, political luminaries and colleagues, was held on 16 January. That final farewell befitted a man whose work and commitment changed for the better the social and physical landscape of Victoria immensely.

On behalf of the government, in the house he once occupied, I extend condolences to the family of William Vasey Houghton: to his wife Audrey, his sons Gary and Andrew, and his daughter Robyn and their families.

Hon. M. A. BIRRELL (East Yarra) — On behalf of the opposition I join this motion of condolence on the death of William Vasey Houghton, who was born in 1921 and passed away in January this year. He was a person I knew well and whose company I greatly enjoyed. It is hard to believe he was 80 years of age when he died.

A number of members would have known Vasey as a member of Parliament and would have felt, as I did, that he had the unusual attributes of being someone who was perhaps regarded more as a farmer but who understood urban issues and urban politics as well as anybody I know.

I was privileged to work alongside Vasey in this place for the last two years of his political career, and as a 25-year-old I welcomed the wisdom he imparted to me and the ideas he was more than happy to offer.

At the time of his retirement he had served 18 years in the Legislative Council, nine of them as a cabinet minister following 18 months as cabinet secretary. It is a remarkable record, and even more so when one realises that prior to entering Parliament at the age of 47 years he had already served in local government for 17 years with the shires of Eltham and Healesville, including terms as the president of each shire.

As the Leader of the Government said, in World War II he served as a gunner. He served in the Middle East, New Guinea and Borneo and ended the war as a lieutenant. Through the soldier settlement program of the time he took up land in Yarra Glen. Although he had never farmed before he pulled the better straw from the pack, perhaps because one of the alternatives was land in north-western Victoria. I make no comment on land in north-western Victoria, but it does not quite match land in Yarra Glen.

The Yarra Glen area houses some of the richest properties Victorians now know, and his property and the land surrounding it now grow some of the finest grapes in Australia. He built a successful grazing property, although he did not have any experience to start with, running both cattle and sheep. After his retirement, like many in the Yarra Valley, he planted a vineyard. He remained a working farmer throughout his life, including his time as a shire president, a member of Parliament and a minister of the Crown.

His life at Brooklands, his property, brought something unique to this Parliament because he understood the bush and farming remarkably well, but he also had an urban identity and, through Yarra Glen, an almost urban geographic base.

Vasey Houghton was a sports-loving person. He played cricket, tennis, football and polo, and loved to fish. His great passion was sailing. He was a successful yachtsman at the Royal Brighton Yacht Club. His early ambition was to become a midshipman, but that was thwarted when he was found to be colour blind. Under the rules at the time he was not able to take up that

career. We are lucky that he could not take up that alternative career because we would have been a lot the poorer without him.

At various times he was involved with the Rural Fire Brigade, the Angus Society and the Victorian Farmers and Graziers Association, and not only was he called upon to be an office-bearer, he was frequently called upon to be the president of those associations.

He saw his community service at each level as a natural progression from one to the other that led him to Parliament. He said that his family background of service to the community was what made him make the final decision to be a member of Parliament. He joined the Liberal Party not long after the Second World War because he believed it offered the best opportunity for a stable social and political environment. Vasey Houghton went on to seek preselection, which he gained.

A former colleague, the Honourable Haddon Storey, summarised something I would like to talk about, which was Vasey's values. Haddon Storey, who recently served in this chamber and also in cabinet alongside Vasey Houghton, recently said:

Vasey's appearance was that of a farmer, he was interested in and practised farming and was comfortable in the company of farmers, but in political practice he was among the greatest of the progressive reformist Liberals.

In the terminology of the 1970s, he was a small-l Liberal and an activist within the Hamer government. He was a social reformer, but he did not look like one! Those journalists whose understanding of politics is unfortunately restricted to 24-hour stereotypes would not have understood today the Vasey Houghton of the 1970s and 1980s. Had they delved a little deeper they would have found a man of enormous compassion and propensity who understood both sides of a debate.

Vasey served as Minister of Social Welfare from May 1973 to March 1976, Minister of Health from March 1976 to May 1979, and Minister of Conservation, of Lands and of Soldier Settlement from May 1979 to April 1982. There was confusion at the time about why a farmer had been appointed to the social welfare portfolio, which included the administration of jails. There was also confusion as to why, given their outlook, a farmer would be appointed health minister. Even more confusion arose as to why a farmer would be appointed as a conservation minister. In fact, Vasey's background worked very suitably with each of those portfolios and he brought a practical approach to them all and gained enormous respect.

Although Vasey Houghton's time as health minister, like all health ministers, had a high degree of controversy, he came out of that period relatively unscathed. It was an outcome any health minister would hope for. He did the job particularly well. I especially admired him as conservation minister. He was a strong supporter of national parks but his farming background meant he also spent a helluva lot of time on practical issues of land management and salinity control.

Vasey Houghton was active in the Liberal Party and brought it many strengths. I would like, therefore, to make a public apology to him, because I tried at one stage to set back his career. One thing I regret from my time in the Heidelberg Young Liberals — there are many — is that I moved that Vasey Houghton not be re-endorsed for preselection. At the time it was done for complex reasons; however, in retrospect it was not one of the best things I have done. The good thing is that it was laughed off as being absolutely absurd, and while it might be a tad too late to say I regret it — although I did mention it to him when he was alive — I would like to put on the public record that he was a great man who did not deserve that motion.

The maiden speech of Vasey Houghton tells us something about what he went on to do with his life. It is a strength of any individual if they can outline in their maiden speech their values and at the time of their passing people can reflect back and say, 'Yes, they delivered and were true to their values'. Vasey was true to his values, because in his maiden speech he included references to the importance of the maintenance of law and order but also to bringing up families, helping individuals, proper and good land development, the provision of space for recreation and for a better standard of living.

In later life he was able to reflect on his achievements. He did an enormous amount for prison reform, once again breaking the immediate stereotype when he was appointed. In his capacity as Minister of Social Welfare responsible for prisons, he worked actively within cabinet and then publicly for the abolition of the death penalty. He moved to demolish C division at Pentridge, and he ended the practice of solitary confinement. He stopped the concept of 'short rations', a form of unacceptable penalty meted out to prisoners by simply not feeding them.

He helped create work release centres as an alternative to imprisonment. He viewed most men who went into prison not as rough hooligans but as people who deserved pity and assistance. As a small-l liberal, he

certainly delivered and he acted as a role model for many, including myself.

The welfare portfolio is perhaps most important in its assistance for children. He worked towards an upgrade of child-care facilities — which in the 1960s and 1970s were nowhere near what they are now — and for a much better foster system, the laws for which were radically improved during his time. He overcame quite strenuous objections from an old-fashioned bureaucracy in the area. He also offered training to voluntary support workers in the health and welfare sector.

All in all it was a remarkable career of someone who had 80 good years — a person who, as I said, helped break the stereotypes. He was a successful public figure, and we certainly respect the effort he made on behalf of all citizens.

Hon. P. R. HALL (Gippsland) — I join with the Leader of the Government and the Leader of the Opposition in expressing on behalf of my National Party colleagues sincere sorrow at the death of the Honourable William Vasey Houghton.

I did not have the pleasure of knowing Vasey Houghton personally but I certainly knew of him. As is the wont of others, it is not unusual for members of the National Party to sit around a dinner table and talk about events related to parliaments of the past. During some of those times the name Vasey Houghton was certainly mentioned. Whereas some names that are recalled in our discussions are mentioned with some mirth or laughter or with reference to an unusual characteristic, the name Vasey Houghton was always mentioned in a very positive sense and with great respect.

I did take the time to read a bit about Vasey Houghton and a list of all his accomplishments and achievements — indeed they form a very impressive record. I will mention just a couple of the things that impressed me most when I read about Vasey Houghton and talked to people who knew him. He achieved much in his life — far too much for me to recount during my contribution this afternoon. Something that impressed me was his service to Australia during the Second World War. As has been mentioned by other speakers, he saw active combat in the Middle East, Papua New Guinea and Borneo. His leadership talents were recognised with his promotion to the status of lieutenant during his time of service. Our great admiration and respect goes to all those who served this country during time of war.

Another thing that impressed me was his tireless contribution to his local community, which has already been referred to by previous speakers. Honourable members have referred to his involvement in many local sporting clubs, his love of and support for the agricultural society movement and his service to the local fire brigade. His service at local government level spanned 17 years. For the next 18 years he served the people of Victoria as a member for Templestowe Province in this chamber, more than half of that time serving as a cabinet minister.

We would all like to think that when we leave Parliament we will be remembered for our achievements. Vasey Houghton certainly has an impressive list of achievements that anybody who served in this chamber would be proud to have associated with their name.

Honourable members have mentioned Vasey Houghton's tireless efforts and achievements in the areas of child care and prison reform. It has also been mentioned that Vasey Houghton was one of the initiators of Victoria's Alpine National Park, one of our icon national parks. As the minister responsible for that area during his time in government it is certainly a proud achievement to be listed as the person who initiated that park.

The same can be said about his vision for the development of the south bank of the Yarra. Everyone knows what a magnificent development that is now in Melbourne. I am sure that his descendants and family are proud that it was Vasey Houghton who actually put in process the steps towards the initial establishment of Southbank.

Despite all that, when one reads about and talks with colleagues who knew Vasey Houghton the things that come through stronger than anything else are the sincerity and integrity of the man. Those are two of perhaps the most valuable qualities anybody can possess. Everyone I spoke to certainly said they were true of Vasey Houghton.

His wife, Audrey, his children, Gary, Robyn and Andrew and their families and friends have every right to feel privileged to have loved and shared so much with Vasey Houghton. To all those people, the National Party expresses its sincere condolences.

Hon. BILL FORWOOD (Templestowe) — I am also pleased to speak today on this condolence motion for the life of Vasey Houghton and to pay tribute for his life and his contribution to Victoria. In many ways his career has been outlined by previous speakers. I just

want to touch on a few of the aspects of my time knowing him. He was the first member for Templestowe Province. In my first contribution in this place eight or nine years ago, I said:

It is 25 years since the first member for Templestowe Province was elected to this place. The Honourable Vasey Houghton gave his maiden speech in October 1967 at the commencement of a long and distinguished career as a parliamentarian, a local member and especially as a minister, before his retirement in 1985. I was fortunate that he called into my office in Eltham last week. I greatly enjoyed our conversation. He is a man of humanity, openness and vigour — all qualities which I believe go towards becoming a rounded human being and a contributor in our society. I look forward to many further conversations with him.

As honourable members know, Vasey lived in Yarra Glen, and my electorate officer Vi Hurley had, of course, worked for him. I was the fourth member of Parliament for whom Vi worked. Vasey used to call into my office in Eltham in the four years I was there. Over that time we had a number of conversations, and while I cannot say that I got to know him as well as people who served with him did, I came to know and appreciate his extraordinary qualities as a human being. The obituary in the newspaper described him as an enigma, but he is also described as a radical, a crusty conservative and an aristocrat. He was a man who was an extraordinary amalgam of different qualities with the ability to touch all people and to contribute to his society in so many different ways. We talked about ocean racing; both of us had done a bit of it. Vasey had done more than I had and was a very good yachtsman. He also rode horses and hunted, played cricket and football and other sports. Vasey was also a very strong family man, and our sympathies go to Audrey, Gary, Robyn and Andrew.

Vasey was a person who took the chance that life gave him and did something with it in a way that reflects greatly on him. His mother had instilled in him a sense of service to the community and it was uppermost in what he did all the time. He was in no way a crusty old conservative, although he may have appeared that way. He was a very humane human being with a terrific capacity to see the things that needed to be done and then to do them. In his first contribution in October 1967, he said:

I am proud to be the first representative of this province, and I hope it may be said in the far distant future that I represented it well.

Vasey, you certainly did.

Hon. W. R. BAXTER (North Eastern) — I, too, want to express my appreciation for the services Vasey Houghton rendered to the people of Victoria and the

Parliament, but more particularly to me personally. When I was elected to this Parliament in 1973, Vasey Houghton was just commencing his term as a minister in the Hamer government. I was brand new, on the backbench and a very young member of Parliament in another place.

As I said, Vasey Houghton was a new minister in this place. His portfolio of social welfare was in those days a very difficult portfolio for reasons the Leader of the Opposition has already mentioned. His willingness to assist and counsel a brand new young member of Parliament, particularly one from another party — in those days there had been some ill feeling between the then Country Party and the Liberal Party — made a lasting impression on me.

As I think back over those times I realise the wisdom of Vasey Houghton and his statesmanlike attitude in taking someone under his wing. I thought I got to know him well, but it was not until I read the obituary Mr Forwood referred to that I knew he was keen on sailing. That was not something that had been discussed between us or that I heard about. You think you know someone well, yet you do not know of one of their most cherished activities.

After I came to this house I was able to serve with him for another seven years. As already recorded, he was a very competent minister. In his first term as Minister for Social Welfare, Parliament moved to abolish capital punishment. Clearly that was an issue close to his heart, and as the Minister for Social Welfare it was an issue that came across his ministerial desk.

I was privileged to represent the National Party with two former colleagues, Peter Ross-Edwards and Stuart McDonald, at the funeral at Melbourne Grammar and listen to the eulogy so well delivered by Peter Colclough from Wodonga and the masterful eulogy we have come to expect from the Honourable Lindsay Thompson. It was a great privilege to hear those two men express so well and so warmly the great attributes to and contribution of Vasey Houghton.

I had some connection with Vasey Houghton after he left Parliament, particularly during the time when I was Minister for Roads. There were a number of issues involving roads around Yarra Glen, as my successor, the Honourable Geoff Craige, well knows. As Vasey was a community leader he often put forward his view of what should happen. As I passed through Yarra Glen last Thursday week and crossed the Houghton bridge I was again reminded of his great contribution to his district, to Parliament and to the state. We all share the loss at his passing.

Hon. G. R. CRAIGE (Central Highlands) — It is an honour to join with my colleagues in contributing to the condolence motion to acknowledge the life of Vasey Houghton. A lot has been said here and in the other chamber in recognition of Vasey Houghton's distinguished career in local government and in politics generally. He served Australia well as a member of the Australian Imperial Force.

I am sure my colleague Graeme Stoney will support the comments I am about to make about my relationship with Vasey. I first met him at a function in Yarra Glen after I was elected in 1988. For those honourable members who do not know Yarra Glen well, it can be quite cold in the middle of winter. Vasey buttonholed me outside the hall to let me know some of his views about the way we were behaving in opposition, what the government was doing and about various issues of concern to him. He was always interested and interesting. He was always someone I wanted to listen to, and he wanted to listen to my comments on the issues he raised. I will miss that dialogue.

Vasey Houghton was involved in so many community activities in Yarra Glen that I do not think we will have the time to go into them all in detail. He was involved in many areas of the community and it was amazing to see how often his name appeared on invitations — perhaps to go to the agricultural show or some other function. Before I became involved in the chook competition at the agricultural show, and I did not realise so many people were interested in chooks! It was because of Vasey's drive that many of those things actually happened.

Vasey Houghton was dedicated to his community, making sure that the lot of his community was improved, whether by amenities for Yarra Glen or for some other area. One of the first things Vasey spoke to me about was how bad it was that, although the main line for natural gas was so close to Yarra Glen, gas had not been connected to Yarra Glen — but it is going to happen! Because of the efforts of people such as Vasey driving issues all the time, those sorts of things happened.

Vasey was absolutely dedicated to and passionate about the Yarra River. He loved the environment and was an absolute conservationist. I know my colleague the Honourable Graeme Stoney would have heard that when the rail trail was debated Vasey voiced his concern to me about the Yarra Glen–Healesville railway line which, as most people would know, runs only as a tourist railway. He was deeply concerned that people would be able to walk along the rail track and then enter the many properties alongside it. As we

know, Vasey took a great deal of pride in farming and stood up for farmers. However, at the same time he understood the benefits of using the rail trail as a trial. He certainly placed that subject on the agenda, as he did with the Melba Highway. And the list goes on.

Once on a very cold night Vasey was chairing a meeting in the Yarra Glen hall. I have never walked into a hall that was as packed as that hall was that night — it was wall-to-wall people. I could not even make my way to the front. Vasey made sure I got to the front so that as the then Minister for Roads and Ports I heard exactly what the community wanted under the stewardship and leadership of Vasey in the chair. I and others appreciated his leadership in taking us through a very important public process. That night not only did we talk about the Melba Highway but also about the new bridge and, importantly, the protection and development of the wetlands that was necessary because of the new road.

The highway had to be upgraded and it was; and a new bridge had to be built and it was. The local community had a significant input, and how could you not have somebody like Vasey Houghton on the committee? He became a member of the committee with other locals, John Lithgow and Frank Hoogenraad, and they did a great job. In some respects I am sorry that it is all over. The bridge has been built and named and we have lost him; but one of the things I gained as a minister during that process was an understanding of Vasey's wisdom and advice. He led me in a direction for which I will be forever grateful.

As the road was built and the bridge was constructed the wetlands needed to be protected and developed. Vasey then followed that path. That has now happened, and I thank the Labor government for ensuring that it happened. However, a decision needed to be made about the bridge. I do not know whether honourable members know about the bureaucratic system but I am sure those who have been ministers and those who are now ministers will understand what I am about to say.

It was put to me that we should find an appropriate name for the bridge, and I thought that was a good idea. I do not know if honourable members know, but Vicroads informed me that I could not name it the Vasey Houghton Bridge. When I asked why they said, 'We have referred it to the Place Names Committee and the committee says you cannot name a bridge or a structure like that after somebody who is still living'. I said, 'I cannot see the point of this. I want to be able to recognise the great community projects that Vasey has been involved in and I could not think of anything better than naming the bridge after him'.

Vicroads said, 'Minister, this is not a recommendation; the committee says you cannot do it'. I said, 'Let's take that on board. What can they do?'. Vicroads said, 'There is not very much they can do'. I said one thing, 'Let's proceed'. I have written down in my notes that I am so glad that we did so and acknowledged Vasey's contribution to the community. I am so glad we went ahead against those who said we could not do it.

I will never forget 23 June 1999. It was a cold and foggy Yarra Glen morning, and I am telling you, it was foggy! We stood on one side of the bridge and the fog engulfed the rest of it. A single piper came across the bridge followed by a whole group of children and students. The bridge was officially opened by Audrey, their children and grandchildren. It was a great occasion. Unfortunately Vasey could not be present because he was in hospital at that time, but I know he was there in spirit.

Vasey Houghton certainly made a difference to individuals and communities and in so many things he touched. He made things happen. It is important for all of us to take that on board. I extend my condolences to Audrey, their children and grandchildren.

Hon. C. A. FURLETTI (Templestowe) — I appreciate the opportunity to join with the leaders in this house and my colleagues in reflecting briefly on the contribution made by the Honourable Vasey Houghton to this state not only as the first member for Templestowe Province but also as a Victorian.

Firstly, I extend my condolences and those of all the constituents of Templestowe Province to Audrey, their children and grandchildren acknowledging that Vasey served Templestowe Province well.

As we have heard from previous speakers, of all his attributes Vasey Houghton's outstanding characteristic was his commitment to family and community. It was not sufficient for Vasey to participate in community affairs, he had to lead them. So it was because of his interest in horses — an interest which I understand he developed as a young boy — he founded the local hunt and polo clubs and promoted those sports in the region. He became captain of his local fire brigade. He was the president of the local agricultural and horticultural societies. He spent some 17 years in local government as a councillor of not one council but two. Not only that, he became shire president of each of them.

His military service saw him attain the commission of lieutenant and his parliamentary service saw him appointed to the cabinet first as cabinet secretary and

then as a minister of the Queen and he served in cabinet for almost 11 of his 18 years in Parliament.

A raft of adjectives has been used to describe Vasey Houghton since his demise but the comment made by the Honourable Alan Hunt in his farewell to Vasey Houghton on the occasion of Vasey's retirement impressed me. He summarised Vasey's contribution to the Parliament as quiet strength. That was an apt description for a gentle, caring and compassionate gentleman.

Vasey loved his family and lived his very strong belief that the family constitutes the cornerstone of a stable and strong society. He was dedicated to his party and was a loyal colleague and yet he was able to mix freely across party lines and respected his opponents as they respected him.

He knew his electorate well and in the course of his parliamentary career he implemented many of the environmental initiatives he foreshadowed in his maiden speech. In that speech he stressed the need for vision and forward planning. He foreshadowed the development of the Yarra Valley and the pressures of urbanisation. It was primarily his influence that saw very large tracts of the Yarra Valley, which runs through the heart of Templestowe Province, set aside for parklands, including the Warringal and Banksia parklands where the Heide Museum of Modern Art is now situated.

The Leader of the Opposition in this place referred to Vasey's maiden speech. A passage of it that captures my imagination is Vasey's belief that it was necessary to set aside spaces:

... where people can have recreation by doing nothing more than enjoying the birds and bees ...

I thought that was an apt quotation to put on record.

Vasey was instrumental in the movement to clean up the Yarra River and was able to convince the then Premier, Lindsay Thompson, to regenerate the south bank of the river in the city; he would have been very proud of that transformation.

As the house has heard, Vasey remained conscious of the differences between town and country, yet acknowledged the need for interdependence between rural and urban areas. The nature of his constituency obviously drew him into that dichotomy of community interests.

Vasey loved his family, his farm and his working dogs. He loved his horses, sailing and polo. As he said, he

used to play polo on his stock horses. During an interview a journalist said that it must have been difficult for him to take up farming without having had any experience at it. He said, ‘When you have fought a war, farming is easy’. That is an indication of the qualities of the man.

Vasey served Victoria with great distinction. He was a quiet but forceful persuader, a gracious opponent, a quiet achiever who believed nothing was impossible and when things became more difficult, he worked harder to achieve the desired outcome.

Vasey Houghton was a strong advocate of the role of this house and was justifiably proud of his record when he made his valediction shortly before he left this place. He regarded child care as his most significant duty as social welfare minister. His policy was that adoption should be about finding parents for children, not about finding children for parents. The house should remember that policy.

Vasey is reported as having said to a journalist that he was more realistic than idealistic. Nevertheless, he maintained his ideals and principles. He will be remembered for the courage, commitment and compassion he exhibited in his work, his loyalty and for the dedication he displayed to his family, friends and colleagues throughout his life.

The PRESIDENT — I desire to be associated with the motion. As has been said by honourable members, early in his life the Honourable Vasey Houghton was called to test his life for his country; he served in three theatres of war. In his tremendous eulogy at the Melbourne Grammar School chapel on the occasion of Vasey’s funeral the former Premier, Lindsay Thompson, who had himself served in New Guinea, said he believed one theatre of war was enough; yet Vasey had served in three. Recently I visited the national war museum in Canberra and paid particular attention to those theatres of war. It is worth reflecting on the fact that Vasey had to put up with serving in those horrific theatres of war for six constant years in our collective interests.

As the Honourable Mark Birrell said, in his maiden speech in 1967 the Honourable Vasey Houghton set out his credo. I thought it appropriate that the bill introduced into this place just before he rose was the Rain-making Control Bill because as a farmer, Vasey would have enjoyed several aspects of the legislation — namely, the curious title of how one controls rain or controls rain-making. I thought it appropriate that the bill was introduced at that point.

I refer to page 521 of *Hansard* of 4 October 1967 where Vasey states:

Above all, I reaffirm that I am an Australian, which implies that I have freedom under the law and the Parliament to exercise the rights of freedom of speech and of action, only in so far as I do not infringe the rights of others to enjoy those same freedoms and in so far as I do not endanger the security and freedom of my own country.

He sets out his views on the need for forward planning. I ask honourable members to bear in mind that in 1967, when Melbourne was starting to develop on its fringes, Vasey said:

Proper planning should be regarded not as a restriction of the freedom of the individual but as a means of ensuring a proper development of the environment in which we live, having regard to the interests and activities of all. Between the laissez-faire of conservatism and the control of socialism there is a field of planning which must be developed quickly and thoughtfully to avoid the future chaos — which will multiply rapidly — which an increasingly affluent society will bring if this field is neglected.

He also stressed the interdependence of city and country in our great state. He spoke about Victoria being a leader in the production of dairy products and wool and said:

There are more cattle in this state than in the Northern Territory, and Victoria’s productivity is an important basis of its prosperity. The people of the city should realise this, and country people should realise that the great city of Melbourne is the hub on which all of this revolves, and that the prosperity of the city is just as important to them as the prosperity of the country is to city people.

In his final speech Vasey reflected on his approximate 18 years in politics. He spent nine years in cabinet. The Deputy Leader of the Government may be interested to know that Vasey said he had been at the cabinet table for 10½ years but he was not allowed to speak for those 18 months. He asked whether secretaries of cabinets get to speak during cabinet proceedings.

Vasey Houghton referred to his having delivered the longest second-reading speech on record — I am unsure if it is still the record — when he took 3½ hours to introduce the bill to establish the then Health Commission. Having spent that length of time reading his second-reading speech he then spent another 30 minutes paying tribute to the authors of the study which led to that massive reform in the health portfolio.

Having served with Vasey from 1973 until his retirement in 1985 I wish to testify to the career of Vasey Houghton, which other honourable members have canvassed well. He was totally honest and honourable, an excellent minister and a giver of

forthright advice, regardless of whether one asked for it. Vasey was a thorough gentleman.

He was a regular visitor to Parliament House during his retirement. I often met him and talked about his problems with his knees, hips or other matters that were slowing him down. Certainly his mind was not slowing. It was always a delight to see him.

I say farewell to a fine man and a fine parliamentarian. I pay tribute to his wife, Audrey, who was such a strength to him; she gave him great support in everything he did. I pass on best wishes to his children Gary, Robyn and Andrew, and his grandchildren.

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

ADJOURNMENT

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

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

Motion agreed to.

House adjourned 2.52 p.m.

The PRESIDENT took the chair at 8.03 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

5 December 2000

Building (Legionella) Act
 Crimes (Questioning of Suspects) Act
 Domestic (Feral and Nuisance) Animals (Amendment) Act
 Gambling Legislation (Miscellaneous Amendments) Act
 Gaming Acts (Gaming Machine Levy) Act
 Gaming No. 2 (Community Benefit) Act
 Gas Industry Acts (Amendment) Act
 Magistrates' Court (Committal Proceedings) Act
 Marine (Amendment) Act
 Nurses (Amendment) Act
 Superannuation Acts (Beneficiary Choice) Act
 Victorian Curriculum and Assessment Authority Act
 Victorian Qualifications Authority Act

12 December 2000

Information Privacy Act

Magistrates' Court (Infringements) Act
 Planning and Environment (Restrictive Covenants) Act
 University of Melbourne Land Act

HEALTH SERVICES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD
 (Minister for Industrial Relations).

STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

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

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL

Introduction and first reading

Received from Assembly.

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

POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

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

RACING AND BETTING ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

JOINT SITTING OF PARLIAMENT

Drugs: education and prevention strategies

The PRESIDENT — Order! I have received a message from the Assembly acquainting the Council that it has agreed to the following resolutions:

That this house invites members of the Legislative Council to join members of the Legislative Assembly in session following question time on the next day of sitting to hear an address by Mr Neil Comrie and other experts in the drug field outlining their proposals for a drug education and prevention program to protect Victoria's future generations from the drug scourge and to discuss proposals for a bipartisan program to deliver a better, safer drug education, prevention and diversion strategy.

That so much of standing orders and sessional orders be suspended on Wednesday, 21 March 2001, so as to allow —

1. This house to invite Mr Neil Comrie, Dr David Penington, Dr Rob Moodie, Major David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne, to attend on the floor of the House on Wednesday, 21 March 2001, at 3.00 p.m. and address the house on drug education and prevention and to remain on the floor, save in the event of a division, until the conclusion of the period allowed for questions.
2. Mr Neil Comrie and Dr David Penington to attend on the floor of the House and address the house on drug education and prevention for a maximum of 20 minutes each.
3. Dr Rob Moodie, Major David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne to attend on the floor of the house and address the House on drug education and prevention for a maximum of 5 minutes each.
4. At the conclusion of all such addresses, members of the Legislative Assembly and members of the Legislative Council be permitted to address questions to Mr Comrie, Dr Penington and the other expert advisers for a maximum period of 30 minutes.
5. Following the conclusion of any such questions:
 - (a) the members of the Legislative Council shall retire to their chamber; and
 - (b) there shall be debate on the motion 'That this house takes note of the addresses of Mr Neil Comrie, Dr David Penington and the other expert advisers'.
6. The Speaker to put the question at 10.00 p.m. (or sooner if there be no further debate) and the time limits for each member's speech, with the exception of the lead speakers from the government, opposition and third party, shall be 10 minutes. No amendment to the motion to be accepted by the Speaker.
7. After such question has been resolved:

(a) if the question was put at 10.00 p.m. the Speaker shall forthwith propose the question 'That the house do now adjourn' in accordance with sessional order 5(2)(b);

(b) if the question was put prior to 10.00 p.m., the house shall proceed, in accordance with sessional orders, with government business as set down on the notice paper.

8. The lower public gallery on the opposition side of the house be deemed to be part of the Legislative Assembly chamber for the duration of the addresses and questions to provide additional accommodation for members of the Legislative Council.
9. The Speaker of the Legislative Assembly shall chair the addresses, questions and debate, and the conduct of the proceedings shall be in accordance with the standing orders of the Legislative Assembly.

CENTENARY OF FEDERATION

The PRESIDENT — Order! I have received a letter from Margaret Reid, President of the Senate, which states:

I transmit to you the text of the following resolution agreed to by the Senate on 27 February 2001:

That, pursuant to the acceptance by the Senate on 26 June 2000 of the invitation of 10 May 2000 of the Houses of the Parliament of Victoria to meet in Melbourne on 9 and 10 May 2001 to mark the centenary of the first meetings of the houses of the Commonwealth Parliament in 1901:

- (1) (a) The Senate meet with the House of Representatives at 2.00 p.m. on 9 May 2001 in the Royal Exhibition Buildings, Melbourne.
 - (b) The only business transacted at that meeting be:
 - (i) introductory address by the President;
 - (ii) address by the Governor-General;
 - (iii) addresses by the Prime Minister and the Leader of the Opposition; and
 - (iv) concluding address by the Speaker of the House of Representatives.
 - (c) At the conclusion of that business, the Senate stand adjourned until 10.00 a.m. on 10 May 2001.
- (2) (a) The Senate meet at 10.00 a.m. on 10 May 2001 in the Legislative Council Chamber, Parliament House, Melbourne.
 - (b) The only business transacted at that meeting be:

- (i) introductory address by the President;
 - (ii) addresses by the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and the Leader of the Australian Democrats; and
 - (iii) concluding address by the President.
- (c) At the conclusion of that business, the Senate stand adjourned till the next day of sitting.

QUESTIONS WITHOUT NOTICE

HSUA: hospital bans

Hon. M. A. BIRRELL (East Yarra) — I direct a question to the Minister for Industrial Relations. Given that the Health Services Union of Australia yesterday boasted that its hospital bans are now affecting patient care, and given that there is an Australian Industrial Relations Commission's decision that there is no authority for such bans against public hospitals, will the government support anybody, including the Victorian Hospitals Industrial Association, in an application to the AIRC to solve this damaging dispute?

Hon. M. M. GOULD (Minister for Industrial Relations) — I assume the Leader of the Opposition is referring to the Health Services Union of Australia (HSUA) — Victoria No. 1 Branch, because there are four branches. With respect to the campaign on which the HSUA no. 1 branch is embarking, as I have stated publicly, the government does not support its claim because the union entered into an agreement with the previous government which, in its usual sloppy manner, was never certified in the commission. On that basis the union is claiming that it is taking protected action because it is not in breach of any agreement.

However, the government and the Victorian Hospitals Industrial Association have been before the commission and Industrial Relations Victoria has been monitoring this campaign by the HSUA no. 1 branch. The government has called on the HSUA no. 1 branch to honour the heads of agreement entered into with the previous government and has said to the union that it ought to honour that agreement. If there are concerns that the agreement has not been fully implemented, the government will address those issues. However, the union should stick to the agreement that the HSUA had with the previous government, even though it was not registered in the commission.

When it was before the commission the government encouraged the union to withdraw all bans and to adhere to the agreement it entered into with the

previous government in 1999. My advice is that what the union claims is taking place and what in reality is taking place are two different matters. However, leaving that issue aside, the union should honour the agreement it entered into with the former government, even though in its usual sloppy manner, not being a government for detail, the agreement was not registered. The union can therefore take the protected action, but the government believes the union should honour the agreement and lift all bans. The union should work with the hospitals. The current agreement is not due to expire until the end of June 2002, and the union should adhere to it.

Electricity: supply

Hon. JENNY MIKAKOS (Jika Jika) — In light of media reports over the recent summer that Victoria was at risk of power blackouts, will the Minister for Energy and Resources explain to the house what steps the Bracks government has taken to ensure the security of electricity supply?

Honourable members interjecting.

The PRESIDENT — Order! I am keen to hear the question and the minister's response.

Hon. C. C. BROAD (Minister for Energy and Resources) — The availability of Victorian generation and transmission plant over summer, from the start of December through to the end of February, has been excellent, and with no industrial relations activity affecting supply over that period, there were no system-wide threats to supply to Victorian electricity consumers. As a result, consumers' supplies were not affected. Unlike the previous government, this government recognises that, notwithstanding that, there is always some degree of risk associated with electricity supply and a range of measures has been put in place by this government to reduce that risk.

Firstly, the government has engaged in a demand-side aggregation project, which has resulted in some 200 megawatts of demand-side response being available through summer. Vencorp has reported evidence of demand-side activity throughout the summer period coinciding, as one would expect, with high demand and high priced periods. The government will continue to do what it can to encourage the market to develop demand-side responses as a purely commercial response to dealing with the risk.

Secondly, under the powers conferred on it by the government, Vencorp has been able to advise Victorians about supply shortfalls, to make voluntary appeals to people to reduce their electricity

consumption, and to enter into load shedding arrangements with electricity industry participants.

Thirdly, the government has completed a major review of the electricity restriction process. That has involved considerable consultation with all stakeholders, and the revised restriction arrangements as a result are much better designed to target reductions in demand.

Fourthly, the government is very pleased with the announcement by AGL that it intends to build a 150-megawatt power plant in the Somerton area, planned to be operational by next summer. The government welcomes AGL's initiative and, while acknowledging that the company is still subject to planning approval processes, the government looks forward to the company successfully negotiating those processes.

The Victorian government has also been actively assisting a number of other potential investors in developing proposals and obtaining approvals. The government has also sponsored a major study by Vencorp into the feasibility of augmenting the transmission interconnector between New South Wales and Victoria, and I expect to receive that report very soon.

In conclusion, these actions by the Bracks government further underline our commitment to ensuring that Victorians have access to a reliable electricity supply system.

Industrial relations: commonwealth act amendments

Hon. K. M. SMITH (South Eastern) — I ask the Minister for Industrial Relations: have you ever spoken to the federal industrial relations minister, Tony Abbott?

Hon. M. M. GOULD (Minister for Industrial Relations) — Mr Smith asks me if I have spoken to the newly appointed federal minister for industrial relations. The answer is: no, I have not.

Commonwealth Games: staging

Hon. G. D. ROMANES (Melbourne) — I refer my question to the Minister for Sport and Recreation.

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to settle down. I am anxious to hear the minister's question, so is Hansard, and then we will hear the answer.

Hon. G. D. ROMANES — Will the minister advise the house what action he has taken to ensure that the Melbourne 2006 Commonwealth Games are a great experience for all Victorians?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am pleased to advise the house that responsibility for the organisational aspects of the Commonwealth Games has been passed on to me from the Premier.

Honourable members interjecting.

Hon. J. M. MADDEN — And in framing my response to this question I would like to thank the opposition for its bipartisan approach to the staging of this event. I look forward to that cooperative approach continuing in future.

I am also pleased to advise the house — honourable members may not be aware of this, so they might care to listen — that basketball has been nominated as the fourth team sport in the 2006 sports program. Basketball will replace cricket.

Honourable members interjecting.

Hon. J. M. MADDEN — This decision will be recommended to the Commonwealth Games Association for ratification. Basketball will join hockey, netball and rugby sevens to make up the four team sports nominated by the Commonwealth Games organisers. I remind members of the opposition that the games are set to include 16 sports with 25 disciplines. The decision is the result of a combination of factors, the foremost being that the government is committed to ensuring that the entire sporting program will be of the highest quality.

Honourable members may not be aware that the International Cricket Council has committed to a 10-year forward games schedule for its international tournaments and in that context was unable to commit to full national teams for the 2006 event. Clearly the alternative — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Theophanous!

Hon. J. M. MADDEN — Clearly, the alternative, which could have been an under-23s competition, would not have been of sufficient worth to warrant its inclusion in the games.

The decision to include basketball is obviously a variation from the original bid document and should be

seen as an improvement for a number of reasons. It is possible that some of the preliminary rounds of the basketball tournament may be staged in various venues around the state. Clearly this will enhance the games and help to ensure that all Victorians have the opportunity to share in this great event.

The Commonwealth Games will be a fantastic event for Melbourne, and indeed all — and I reinforce all — of Victoria. I look forward to providing regular information to the house and to opposition members on the progress of the games in the future.

Petrol: prices

Hon. P. R. HALL (Gippsland) — I ask the Minister for Consumer Affairs whether she accepts the Premier's claim that the states have no ability to reduce the tax collected on petrol and, if so, how does she explain the fact that petrol prices in Queensland are consistently 10 cents per litre lower than they are in Victoria?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — This is a question for the Premier and the Treasurer and is not a question that is within my domain — —

Honourable members interjecting.

Hon. P. R. Hall — On a point of order, Mr President, in the past the minister has shown a distinct interest in the price of petrol in Victoria, including the consumer monitor, and the question is relevant to the minister in her capacity as Minister for Consumer Affairs — a person who should be looking after Victorian consumers, particularly those who purchase petrol.

Hon. M. R. THOMSON — On the point of order, Mr President, the taxation arrangements between the commonwealth and the state are matters for the Premier and the Treasurer. Honourable members will be aware that Victoria will not be in the black until 2007–08 — —

The PRESIDENT — Order! The minister has shown a keen interest in petrol prices in the past; the question is clearly related to the price of petrol. I do not think she can accept questions on this issue at one time and not accept them at others.

Hon. M. R. THOMSON — The taxation arrangements arising out of the supposed new taxation scheme between the commonwealth and Victorian governments mean that Victoria will not be in the black

until 2007–08. Honourable members opposite are aware of that.

Honourable members are also aware of the arrangements where Victorian taxpayers subsidise other states, and Queensland is one of those states. The government has always been concerned about the price of petrol in Victoria.

Honourable members interjecting.

Hon. M. R. THOMSON — Victoria is consistent in its response that any windfall gain — —

Hon. P. A. Katsambanis interjected.

Honourable members interjecting.

The PRESIDENT — Order! Mr Katsambanis is not helping. One or two interjections I may let go, but I will not tolerate four interjections. I ask honourable members to keep quiet.

Hon. M. R. THOMSON — The government is concerned about the causes of price increases on fuel. It has stated that there are international reasons why the price of fuel increases, and we are about to see another price increase soon. The government has also said that, where there is a windfall gain from the GST arising from the federal government's double taxation of petrol, it should be paid to motorists. The government welcomes the fact that 1.5 cents in fuel excise has been given back to motorists. There is no state tax on fuel.

Honourable members interjecting.

The PRESIDENT — Order! The house is not being fair to the minister; members want to hear what she has to say. I ask members of the opposition to desist. I ask the minister to conclude her answer.

Hon. M. R. THOMSON — The government is extremely concerned about the prices country motorists pay for fuel, and that is why it undertook the feasibility study into fuel cooperatives and why it hopes Victorian country people will have the opportunity of taking the price of petrol into their own hands and negotiating a better deal.

GST: small business

Hon. KAYE DARVENIZA (Melbourne West) — I ask the Minister for Small Business to explain the outcome of the study commissioned by the Victorian government on the effects of the implementation of the GST and business activity statements on small business.

Hon. M. R. THOMSON (Minister for Small Business) — It is disturbing to hear the groans from the opposition benches when the GST has caused the loss of coalition seats in Western Australia and Queensland and a dubious result in the federal electorate of Ryan.

Honourable members interjecting.

The PRESIDENT — Order! I cannot hear; Hansard cannot hear. We cannot continue unless the proceedings can be recorded. I ask honourable members on both sides to settle down.

Hon. M. R. THOMSON — The GST is an issue that I have been pursuing not just in this Parliament but with my federal counterpart and other state ministers in line with the concerns small businesses have expressed about the problems they are facing with the GST. The federal government would not be in the dire straits it is now in if it had heeded those concerns.

We undertook a case study conducted by the Victoria University of Technology to look at the post-implementation impact of the GST and business activity statements (BASs) on small business. The implementation of the GST was not the end of the problem. We know that a great deal of money was spent on complying with the GST, but let us have a look at what the case studies showed.

Up to \$5000, and in one case more than \$5000, was spent on complying with the first BAS. We have businesses out there who do not understand what BAS means. They therefore outsource the requirements to comply and give the BAS to professionals to complete at huge cost to their businesses, and they are saying they cannot pass that cost on to consumers, they have to absorb it. A total of 170 hours was reported as being lost per quarter — that is a day a week — by businesses in complying with the BAS requirements. That is a day away from their families, a day away from their business activities.

Honourable members interjecting.

Hon. M. R. THOMSON — Last year the federal minister then responsible for industrial relations refused to allow GST and GST compliance issues to be put on the ministerial council agenda for small business ministers. I am at least pleased that Tony Abbott, the new minister, does not have the same attitude — certainly in correspondence — and is happy to have that listed as an agenda item. We just hope it is not too late for some small businesses.

Police: pay claim

Hon. B. C. BOARDMAN (Chelsea) — As the Minister for Industrial Relations has previously indicated that she is an honest broker when it comes to negotiating enterprise bargaining agreements, does she support the pay claim of the Victoria Police Association and what role will she play throughout this process?

Hon. M. M. GOULD (Minister for Industrial Relations) — That is a good question. I wonder if the honourable member would support it if he were still in the police force.

Honourable members interjecting.

The PRESIDENT — Order! This is hopeless. I can hardly hear the minister from here. Other members of the house cannot hear and certainly Hansard cannot hear. I ask members to control themselves and to allow the minister to respond.

Hon. M. M. GOULD — Yes, I am sure the Honourable Cameron Boardman would have been at Dallas Brooks Hall if he were still a member of the force, and he would have supported it. I am sure he would!

As the Premier and I have indicated on a number of occasions, the settlement of public sector pay claims will be undertaken within the 3 per cent salary component of the budget that we have set down. That is the position of the government; that is the position we will take with respect to this claim. That will be — —

An Honourable Member — That will shake the backbench up a bit!

Honourable members interjecting.

Hon. M. A. Birrell — No, I have not spoken with Tony Abbott, and yes, it has gone up by 3 per cent!

Hon. M. M. GOULD — At the moment Tony has not spoken to me. No, he has not rung me up. He has not picked up the phone, not like his predecessor, who was on the phone all the time.

The government is committed to the pay structure set out in the budget. The government has indicated that that position will continue.

Industrial relations: disputes

Hon. E. C. CARBINES (Geelong) — In light of the recent Australian Bureau of Statistics figures for industrial disputation in Victoria, can the Minister for Industrial Relations explain what factors have brought

about the low disputation levels currently being experienced in Victoria and compare them to the disputation levels experienced under the previous government?

Hon. M. M. GOULD (Minister for Industrial Relations) — I am pleased to confirm to the house that Victoria has recorded the lowest number of working days lost to industrial action since 1995. The *Age* described the figures as the second lowest industrial disputation experienced by Victoria for 40 years. This is an outstanding result for the state in terms of promoting it as a place that has a stable industrial relations environment and one that is good for investment for Victorians.

The Australian Bureau of Statistics (ABS) figures show that in 2000, 136 000 working days were lost — the lowest figure since 1995. The figures also show that in the 12 months ending December 2000 Victoria lost 69 working days per 1000 employees, a decrease of 41 per cent from the previous 12 months.

While there are some contributing factors to those figures they provide further evidence that the Bracks government's industrial relations policies are working for both employers and employees. The government has emphasised the importance of employers and employees engaging in a dialogue on workplace issues. As shown by these figures the government is about helping parties to resolve issues before they become protracted disputes. The government is also helping business and unions to develop a cooperative and progressive workplace culture.

Honourable members interjecting.

Hon. M. M. GOULD — I know the opposition does not understand the benefits of this and it does not like it, but the government has been acting as the honest broker instead of being a cheerleader on the sides as the opposition is. This is the best result for Victoria in terms of working days lost through industrial action for six years. It demonstrates that the suggestions by the opposition that industrial disputation has risen are wrong.

Opposition members interjecting.

Hon. M. M. GOULD — That is backed up by the ABS statistics — in the 12 months to December 2000 there was a 41 per cent reduction. That is despite all the moaning and groaning and scaremongering of the opposition. Rather than harping and carping and carrying on — —

Opposition members interjecting.

Hon. M. M. GOULD — We will continue to work with employers and employees to resolve disputes and further bring down these figures.

Industrial relations: government policy

Hon. M. T. LUCKINS (Waverley) — Does the government have a written industrial relations strategy? If so, where is it?

Hon. M. M. GOULD (Minister for Industrial Relations) — I have just explained what the figures were under the previous minister, the current Leader of the Opposition in this house. We have reduced the industrial disputes by 41 per cent from what they were when the Honourable Mark Birrell was the responsible minister.

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down.

Hon. M. T. Luckins — On a point of order, Mr President, I have asked the minister a direct question, a very simple question about whether the government has an industrial relations strategy and where it is. The minister is finishing off her answer to the previous question. I ask her to direct her answer to my question.

The PRESIDENT — Order! The minister will no doubt address the question. She is only halfway through the answer.

Hon. M. M. GOULD — I have enunciated in this house the government's position on industrial relations. The Labor Party went to the 1999 state election with a clear indication of its position on industrial relations. The government has and will continue to work with employers and employees. It will continue to encourage and support parties involved in industrial disputes to go to the Australian Industrial Relations Commission for conciliation and arbitration. I have spoken to the previous minister — —

Hon. Bill Forwood — But not Tony Abbott.

Hon. M. M. GOULD — Tony Abbott has not rung me up!

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down and allow the minister to wind up her answer. No doubt she will address the question in a minute.

Hon. M. M. GOULD — The federal government's policy has not changed. This government does not take sides in industrial disputes. It has enunciated that before. It will not be a cheerleader like the opposition is. Have any members opposite spoken to the Leader of the Opposition recently? I do not think so because he is not that popular. Our government is also committed to looking after low-paid workers, not like the opposition.

Hon. M. T. Luckins — On a point of order, Mr President, the minister clearly did not address my question at all. I asked whether the government has a written industrial relations policy and, if so, where it is.

The PRESIDENT — Order! Frankly, I did not detect in the original question a reference to a written document. I think the question concerned an industrial relations strategy — I stand corrected, the question was about a written strategy. Perhaps the minister can make a document available to the honourable member. The minister has said that it is on the Internet and the opposition can look at it.

Youth: community initiatives

Hon. R. F. SMITH (Chelsea) — I hope my question can bring a bit of stability if not order to the house.

Honourable members interjecting.

Hon. R. F. SMITH — Obviously not.

Hon. G. R. Craige — Give it to me.

Hon. R. F. SMITH — I'll give it to you all right!

The PRESIDENT — Order! It is obvious that question time after dinner is a very bad idea. This is the last question, and I ask the house to listen to Mr Smith in silence.

Hon. R. F. SMITH — Will the Minister for Youth Affairs inform the house what innovative approaches local communities are taking in an effort to tackle youth issues at a grassroots level in Victoria?

Hon. J. M. MADDEN (Minister for Youth Affairs) — It is a great pleasure as Minister for Youth Affairs to visit and meet many communities and local government agencies to understand the tremendous work taking place in the community, in particular the opportunities that some organisations give to young people and the activities that lead to helping local community needs.

Last Friday afternoon I was invited to attend the City of Knox to launch the youth plan for 2001–03.

Honourable members interjecting.

Hon. J. M. MADDEN — It is funny how vocal the opposition becomes, yet when I was at Knox about 10 apologies had been received from opposition members. Not one member from the opposition attended!

Honourable members interjecting.

The PRESIDENT — Order! I suggest the minister does not stir up the house, and the house should keep quiet.

Hon. J. M. MADDEN — I am sorry if I provoked the opposition, but I can understand why its members get upset. No opposition member attended what was a significant launch of a plan resulting from consultation that the Knox council and local working party set in place over some time.

In May 2000 a Department of Human Services report identified Knox as a community with significant high-risk factors and low-protective factors. Knox was identified in the report as standing out in relation to those key indicators, leading to an increased incidence of problem behaviour in young people. That is why the launch of the youth plan was such a significant event. It is also the beginning of the future for young people in the community.

The youth plan makes a strong use of partnership concepts and addresses a number of priority areas identified by research, including issues such as school retention, employment and training, transport, community safety, accommodation, and drugs and alcohol abuse. The plan contains many positive proposals for young people. An example is the creation of a Knox youth advisory group as a means of listening to Knox's young people. Partnerships between employers, educational institutions and employment services are welcome and consistent with recent developments in government policy, particularly in the post-compulsory education area.

I congratulate the City of Knox. All councillors have done a significant amount of work. The staff and many members of the community in Knox, particularly the young people, have been instrumental in the development of the plan. Many have contributed to its formation.

Honourable members interjecting.

Hon. J. M. MADDEN — It is strange that I should be heckled by the opposition because its members do not appreciate youth issues. Young Victorians missed

out when members of the Liberal Party were in government. They rolled youth affairs back into the Department of Human Services and treated the issue accordingly. The message has yet to sink in, even in corridor suburbs with a significant amount of growth and an increasing number of young people. Opposition members refuse to listen to people in their own neck of the woods. They even refused to attend the launch of an important event.

The government recognises the crucial role local government plays — I commend it for its contribution — in building strong communities. It is pleasing to see the City of Knox taking a decisive step towards strengthening its community through the youth plan.

QUESTIONS ON NOTICE

Answers

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

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

Motion agreed to.

Hon. M. M. GOULD — The question numbers are: 1001, 1005, 1062, 1064, 1126, 1129, 1179–80, 1193, 1196–7, 1203, 1217, 1235, 1248–50, 1269, 1273, 1277, 1280, 1356, 1370–3, 1376–9, 1381–1424, 1428–38.

BUSINESS OF THE HOUSE

Consequential renumbering of bills

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

That

- (a) Where a bill has been amended, the Clerk of the House and the Clerk of the Parliaments be empowered to carry out any consequential renumbering required in the bill save in relation to text being inserted or substituted in principal acts.
- (b) This resolution shall continue in force unless and until amended or rescinded by the house in this or a subsequent Parliament.

The power to carry out consequential renumbering has been a longstanding practice of the house. It has been regarded as essential to ensure the correct preparation

of the ultimate acts. Until the amendments the house has adopted are known, it is not possible to work out the knock-on effect on the numbering system.

The Interpretation of Legislation (Amendment) Act clarified the status of all elements of an act. Accordingly, it is now clear that the numbering is regarded as being part of the act. This may be seen to impact on the longstanding practice and the motion allows the present practice to continue formally. A similar motion has been agreed to by the Legislative Assembly.

Motion agreed to.

ROAD SAFETY COMMITTEE

Rural infrastructure

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

That the resolution of the Council of 1 March 2000, requiring the Road Safety Committee to inquire into the needs for road and bridge construction and maintenance initiatives in rural Victoria and to report to Parliament by 30 June 2001, be amended so far as to now require the committee to report by 31 October 2001.

Motion agreed to.

CONDOLENCES

Sir Donald George Bradman, AC, KC

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

That this house expresses its sincere sorrow at the death of Sir Donald Bradman, and places on record its acknowledgment of the inspiring contribution made by him to Australian and international cricket as an Australian sporting legend and extends its condolences to the Bradman family.

It is not only a great but also a sad duty for me to make this speech. Australia is mourning the recent passing of one of our greatest stars, the greatest player ever to pick up a cricket bat and one of the greatest sportspeople the world has ever seen.

But even though the man is gone, the legend that is Sir Donald Bradman lives on as part of our culture and our collective national identity. He is certainly the most popular hero in Australian history. Sir Donald's outstanding achievements brought hope and inspiration to Australians searching for a hero amid the struggle of the Depression years. In the words of Jack O'Hagan's popular song, he was 'Our Don Bradman' at a time

when we really needed someone to call our own. He embodied the qualities we like to think of as distinctively Australian: quiet but unyielding determination, courage under pressure, sportsmanship and a wit as dry as the MCG pitch during a long hot summer.

His determination was reflected in the dedication he showed over countless hours mastering cricket in backyard practice with stumps and golf balls. That magnificent black and white footage shows Sir Donald Bradman as a relatively young person in the cricketing sense being able to hit the ball a number of times in succession with a stump. For a man like me with no eye-hand coordination, his eye-hand coordination is a compliment to the great sportsman Sir Donald Bradman was.

It has been said that because of his determination and his natural talent Sir Donald would have achieved success at an international level in any number of pursuits, including golf, squash and the piano, had he so chosen. Fortunately for Australia, he chose cricket. His determination also saw him build match-winning stand after stand over a first-class career that lasted more than 20 years. More significantly, his courage under pressure was never better displayed than during the controversial Bodyline series when an entire team set out to beat just one man.

Beyond that, Sir Donald's courage was also tested so many other times when, with the hopes and expectations of an entire nation resting on his shoulders, he took the field against the best the cricketing world could offer. Throughout his career he carried himself with classic sportsmanship, showing grace in victory and humility in defeat in a way that further enriched cricket's fundamental traditions that are rarely seen today.

I mentioned his dry wit. When he chose to, Sir Donald could deal with questions in much the same way as he dealt with a loose leg break. Once, when asked how he kept fit, Sir Donald replied, 'Running between wickets'. On another occasion he was asked how he thought he would go against a 90s team. Sir Donald said he would probably make about 50. In response to his questioner's disbelief, Sir Donald pointed out that he was now about 88 years old.

Sir Donald also had another message for today's players. He made clear his belief in the greater good of cricket and the importance of the game's place in society as a whole. He believed current players should see themselves as custodians of the game. For players then and now, this was more than just the greatest

batsmen of them all speaking to them; it was the voice of a legend such as few other sports have seen.

It has been interesting to hear recent stars of the game speak with reverence of the man they once knew. While I hesitate to turn a man into a number, no-one can go past the simple fact that Sir Donald achieved a batting average of 99.94 from 80 tests in an international career spanning two decades. Over time many people — not all of them followers of cricket — have come to realise how utterly extraordinary that average is and how that level of play will almost certainly never be equalled in any sport. In fact, this is the only way anyone can use the words average, cricket, and Sir Donald Bradman in the same sentence.

The stories of what he achieved will be told and retold in generations to come, not only here in Australia but in many other nations. When you look at all the countries that play cricket at an international level — India, Pakistan, Sri Lanka, New Zealand, Bangladesh, South Africa, Zimbabwe, the West Indies, England and Australia — you realise that Sir Donald was respected and admired not just by millions but by billions of people.

Even when Sir Donald had hung up his bat he continued to give more to cricket and to Australians everywhere. He made an immense contribution to Australian and international cricket as a selector and administrator over many decades. He touched the hearts of an enormous number of Australians through his generous responses to letters and autograph requests and through his genuine commitment to the community. The dignity and grace he brought to the wicket continued long after his retirement.

He never sought to capitalise on his name and reputation, except when it could support young players and when it could promote the game's great heritage and traditions. Although we shall not see his like again, we shall never forget the man who is known throughout Australia and beyond simply as the Don.

Hon. I. J. COVER (Geelong) — It gives me pleasure to support the motion moved by the Minister for Sport and Recreation in paying tribute to Sir Donald Bradman and to sport. We know the minister has an enormous background in and affiliation with football. Football is my favourite sport, and I have had an opportunity over the past 25 years to write and talk about football because of my predominant interest in and love for that game, yet both the minister and I acknowledge that in this case cricket, through Sir Donald Bradman's life and achievements, is the pre-eminent sport in Australia.

As fellow football fans, this is an opportunity to acknowledge and pay tribute to Sir Donald Bradman and at the same time extend our condolences to his family.

What an amazing life Sir Donald led from the time he was born in 1908 in Cootamundra in New South Wales. He attended Bowral High School in the town of Bowral, a name that has become synonymous with Sir Donald Bradman. The town houses the Bradman museum.

It was at Bowral High School at the age of 12 that Sir Donald first showed some of his cricket prowess by making 115 against the team from Mittagong. After showing obvious talent for cricket by making a century at the age of 12, surprisingly some two years later Sir Donald dropped cricket for two years to take up tennis, at which he also excelled, and in later life he also excelled at golf. Away from the sporting field he played the piano with great dexterity.

Sir Donald went on to play for Australia in 1928, having returned to cricket, and had he stayed with tennis he probably would have made a remarkable contribution in that area. Tennis's loss became cricket's gain, and ultimately became Australian society's gain, because not only did he play cricket but later as an administrator and as a person who was revered throughout the length and breadth of the nation and internationally he made a great contribution through his involvement with cricket.

Sir Donald played his first test for Australia in 1928 and two years later made his historic 334 in a test match against England, becoming the hero of that Ashes series. Two years later he married Jessie Menzies at St Paul's Church in Burwood, Sydney. It was a union that lasted longer than any of his cricket batting partnerships. Sir Donald and Jessie enjoyed 65 years of wedded bliss, and their long union has been remarked on in many of the tributes paid following Sir Donald's death on 25 February.

We know of his cricket career through the 1930s with the Bodyline series, his captaining of Australia and the intervention of the war. His remarkable career is often commented on, and statistics bear out just how far he was above anyone else who has ever played the game or is ever likely to play the game. How much more remarkable those statistics might have been had the war not intervened is a subject that is often pondered.

Sir Donald came back to cricket after the war at a time, as pointed out by the minister, when people were looking for something to lift their spirits, to unite the

country and give them a great interest in their lives. Sir Donald did that for Australians after the war and led the Australian team again. He played in his last test match in August 1948, and as we all know he went out for a duck in his last innings. With four more runs he would have had a test run average of 100, but his making a duck meant his average was reduced to 99.94. And in the long run that average ended up being more memorable than the round figure of 100.

I have referred to Sir Donald throughout my contribution, but it was not until 1949 that he was knighted in the New Year's honours list. He became the only playing cricketer to be knighted. As history has shown, people were usually knighted at the conclusion of their careers, but Sir Donald was still playing, and he went on to an illustrious career as an administrator and as chairman of the Australian Cricket Board of Control.

He continued to make a contribution to Australian life in his own humble way from his home in South Australia with regular visits to the South Australian Cricket Association offices at the Adelaide Oval, which he attended weekly to sign paraphernalia that was sent from all over Australia, indeed the world. Sir Donald also worked from home corresponding with thousands of people who had written to him.

More latterly he was named Australian athlete of the century, and there is no argument about that. He was chosen as Wisden's cricketer of the 20th century and was accorded the status of Australia's no. 1 citizen. From a young age I was interested in cricket, and from reading books about Sir Donald I was aware of his position in Australian cricket and Australian life. Ultimately, through my work later on as a journalist and broadcaster and working closely with the Victorian Cricket Association for some 10 years, I always harboured a desire to meet Sir Donald Bradman. Sadly that opportunity was never afforded me.

At a function late last year I had the opportunity to sit next to one of the Invincibles who played under Sir Donald Bradman, the great Keith Miller, and it was awe-inspiring to be seated with Keith Miller and to talk with him during the course of an evening. Given Keith Miller's status and the effect it had on me, I can only contemplate what it would have been like to have met Sir Donald Bradman. However, as I understand it, he did not brook any of that hero worship from people because he was very much a down-to-earth and humble Australian. It would have been a delight to have met him.

As was pointed out by the minister, Sir Donald Bradman had a great deal of wit. One of the hallmarks

of cricket is that it brings a huge amount of goodwill to the sporting world and to the nation and is a great source of humour. The minister stole my thunder with his story about what Sir Donald might have scored against the England attack about eight or nine years ago. However, I am reminded of a story about a friend of mine who, when playing for a Victorian eleven against a South Australian eleven at the Adelaide Oval, did get to meet Sir Donald Bradman. My friend relates the story of how he made 102 not out on that day, but he admits that throughout most of the first half of his innings he scratched around and had some difficulty scoring.

Hon. Bill Forwood — Are you going to name him?

Hon. I. J. COVER — I want to protect him. He tells the story good-naturedly.

Hon. K. M. Smith — You are covered by parliamentary privilege.

Hon. I. J. COVER — I do not want to ruin his story on the sportsnight circuit. He tells the story of how he scratched around to make 102 not out on the day, having been preceded in the Victorian innings by Jamie Siddons, who later played for South Australia. On this day Siddons made 17 — four 4s and a single — and the four 4s were slashed through the off side just backwards of point. Later on in the rooms after the stumps were drawn an official came in and said, ‘Everyone out of the showers and line up in front of the lockers. Sir Donald Bradman has been in the stand today and he wants to meet the players’.

The players lined up, and my friend found himself standing next to Jamie Siddons. Sir Donald made his way along the line, got to Siddons and said in his noted high-pitched voice, ‘That was one of the best cameo innings I have seen on this ground’. My friend, who had made 102 not out, puffed his chest up feeling very important because Siddons had got a rap for making 17. When my friend was introduced Sir Donald simply said to him, ‘Not timing them too well today, son?’.

He had to admit that he had not, but he had made 100. I am sure Sir Donald meant it in the nicest possible way. It is a story that is still related as part of the humorous folklore of cricket. I daresay Sir Donald was aware that the story was repeated and that he would have seen the humour in it himself.

It is interesting that the Australian cricket team is currently in India and that Sir Donald Bradman’s passing in February coincided with the first test match being played there. It led to the Australian captain, Steve Waugh, being among the many people who paid

tribute to him. As we saw in the media coverage, an enormous interest and feeling was generated by Sir Donald’s life and times and ultimately his passing. Steve Waugh said from India:

He was a great player and an inspiration to millions of people including myself. His statistics are mind-blowing, and it’s difficult to put in context. He was a once-in-a-lifetime player and his contribution off the field is significant as well.

Interestingly enough, in the second test in the current series in India the Indian batsman V.V.S. Laxman — for the benefit of Hansard I will stick to the initials V.V.S. — made 281. People marvel at what an innings that was, making more than 200. It is worth noting that in Sir Donald Bradman’s career he scored 200-plus in a single day 27 times in his first-class career. We marvelled at V.V.S. Laxman making 281 over the course of a couple of days last week, but consider that Sir Donald scored 200-plus on one day in first-class games on 27 occasions.

By way of conclusion I will quote a couple of other people from the cricket world who paid tribute to Sir Donald Bradman at the time of his passing. One is Mark Taylor, who preceded Stephen Waugh as captain of the Australian team. It was Mark Taylor who in a test match in Pakistan in 1998 declared the Australian innings with his own score on 334, so as not to break Sir Donald’s record. Mark Taylor said:

Here we are, 53 years after his last test match, still remembered and revered around the world, and he leaves the game a lot better for his memory.

I will quote one more cricket identity, Fred Trueman, the former England bowler who is renowned as a fiery fast bowler and also as a man of tremendous wit and a man with an amazing array of stories from his time on the cricket field. But he could also be succinct and serious when required. By way of conclusion of my tribute and support of the motion I would like to echo Fred Trueman, who said:

He was simply the best.

Hon. P. R. HALL (Gippsland) — I wish to associate the National Party with this motion, which pays tribute to the life of Sir Donald George Bradman. Sir Don Bradman played his last test innings in August of 1948, which was four years before I was born. So, like the majority of Australians, I never saw Don Bradman play cricket. I am not sure if anyone in this chamber actually did either. But we have all heard of Don Bradman, and I daresay most people like me have revered Don Bradman.

In the many writings about Don Bradman, one that struck me as being spot-on was the one which

described the legend of the Don as 'a legend that has intensified not diminished as summers have passed'. I certainly believe that to be true. As evidence of that, the fan mail Sir Don received, particularly in his latter years, was more than he had ever received in his early years. It is interesting that much of that fan mail came from the subcontinent where he never played even one game of cricket, such is the fanaticism of the Indians and Pakistanis in their love of the game and the people who played it.

There are probably several reasons why that legendary status has intensified over the years. First of all, I would say that the record achieved by Sir Don Bradman some 70 years ago during a career covering 22 years, 52 test matches and 669 first-class innings is simply beyond the imagination of contemporary cricketers.

It has been mentioned frequently that Sir Don Bradman finished his test career with a test average of 99.94 runs. I believe one can only appreciate the significance of a test average of that magnitude by making comparisons with other great players who have played the game. Sir Don Bradman stands at the top of the list with a test average of 99.94. The next best is Graeme Pollock, a great South African, with a test average of 60.83. The best Australians behind Don Bradman are Greg Chappell, with an average of 53.86, and Alan Border, with an average of 50.56. So, statistically Sir Don Bradman was almost twice as good as any other person who has played the game of cricket.

I believe it has been mentioned before that as a 21-year-old Sir Don Bradman scored 451 not out for New South Wales against Queensland, a then record first-class score. Also mentioned were his efforts in the 1930 tour of England where he made a test score of 334 runs, 309 of them being scored in a single day. I take up the point Mr Cover made in comparing that innings with the innings of the Indian player, V.V.S. Laxman, who scored 281 in a recent test against Australia. V.V.S. Laxman also batted for a whole day and made 166 runs in a single day. Put that against Sir Don Bradman, who made 309 runs in a single day. Comparing Don Bradman's 334 with Mark Taylor's 334 not out made in 1998, Mark Taylor took 720 minutes to score 334 runs, whereas Sir Don Bradman took 378 minutes to score his 334 runs, almost half the time. I repeat: statistically there is ample evidence to suggest that Sir Donald Bradman was almost twice as good as any other person to play the game of cricket.

I would suggest that the second reason why Sir Don attained legendary status was the timing of his career. It coincided with the Great Depression of the 30s, and

that career was resurrected after World War II. Greg Baum wrote in the *Age*:

He made Australia's spirits soar at the depth of the Great Depression. A decade later, he leavened hearts still heavy from the toll of war.

During times of great adversity we all look to someone or something to give us hope, and Don Bradman and his fellow cricketers gave all Australians hope during those tough times of depression and war.

I would say the final reason why the Bradman legend is stronger today than it ever has been is the personal characteristics of the man himself. As has been said, Don Bradman possessed great humility. It is rather ironic that he is the sort of person who would probably prefer us not to be speaking about him today, such was his humility. At the time of his 80th birthday an article in the *Sydney Morning Herald* read:

The man who spent the first 40 years of his life making certain of his immortality has spent much of the next 40 years trying to live with the uniqueness of his mortality.

Someone else recently wrote that Sir Donald was famous for not seeking fame and in a way became a victim of it.

Some have described Sir Donald as an intensely private person whose reclusive lifestyle added to his mystique. But we who hold a very moderate position in public life, appreciate as much as anyone else the necessity of having some degree of private sanctity.

Sir Donald was not just a great cricketer, but a great sportsman. He gave up cricket for several years to play tennis. He won the South Australian amateur squash title in 1935. He was a passionate golfer whose golf score regularly beat his age. For those who understand golf, that is very good! He was an accomplished pianist. He devoted much energy to assisting charities. He established himself as a strong businessman and sports administrator.

Above all else he was a committed family man. He shared 65 years of his life with his childhood sweetheart, Jessica Menzies, and raised a family. Despite the many great players he batted with, Sir Donald said that his wife was the greatest partner he ever had.

In a recent interview Sir Donald said he would like to be remembered above all things for his integrity. When one reflects on Sir Donald, although the statistical records are impressive, equally so is the quality of the man. That is why Australians have embraced Sir Donald Bradman as 'Our Don'.

On behalf of my colleagues, I record the National Party's condolence on the passing of a legendary Australian — Sir Donald Bradman.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

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

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

Motion agreed to.

BLF CUSTODIAN

50th report

Hon. M. M. GOULD (Minister for Industrial Relations) presented report dated 28 February 2001 given to Mr President pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7 (1) of that act.

Laid on table.

Ordered to be considered next day on motion of **Hon. M. A. BIRRELL** (East Yarra).

LAW REFORM COMMITTEE

Legal services in rural and regional Victoria

Hon. D. G. HADDEN (Ballarat) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Theatres Act

Hon. D. G. HADDEN (Ballarat) presented report, together with appendices.

Laid on table.

Ordered to be printed.

ROAD SAFETY COMMITTEE

Vehicle roadworthiness system

Hon. ANDREW BRIDESON (Waverley) presented report, together with appendices and minutes of evidence.

Hon. ANDREW BRIDESON (Waverley) (*By leave*) — The Road Safety Committee has conducted a thorough investigation into Victoria's vehicle roadworthiness system and as a result has decided not to go down the path of annual roadworthiness checks, but instead to recommend to the government that it reviews the current system and makes the necessary improvements recommended by the committee.

I place on the record the work of the previous committee of the 53rd Parliament so capably led for eight years by the honourable member for Forest Hill in the other place, Mr John Richardson. I also thank all members of the previous committee who commenced the inquiry. It is difficult for new members to take on the work of a previous committee, but we have done that adequately. I thank the Honourable Elaine Carbines for her input as I thank other members from the committee.

I also place on the record the committee's appreciation for the work of Alex Douglas, the research officer, Barry Aitken, the executive officer, who unfortunately is not experiencing the best of health, but who did a superb job in guiding the committee, and Lois Grogan who also assisted us greatly.

Laid on table.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Annual review

Hon. M. T. LUCKINS (Waverley) presented report, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 1

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest No. 1* of 2001, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 2

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest No. 2 of 2001, together with appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Beaufort and Skipton Health Service — Minister for Health's report of 6 December 2000 of receipt of the 1999–2000 report.

Bendigo Health Care Group — Report, 1999–2000.

Boort District Hospital — Report, 1999–2000.

Budget Sector —

Mid-year Financial Report, 2000–01, Incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2000.

Budget Update 2000–01.

Calder Regional Waste Management Group —

Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.

Report, 1999–2000.

Casey's Weir and Major Creek Rural Water Authority — Minister for Environment and Conservation's report of 22 February 2000 of receipt of the 1998–1999 and 1999–2000 reports.

Chiropractors Registration Board — Minister for Health's report of 5 March 2001 of receipt of the 1999–2000 report.

Cohuna District Hospital — Report, 1999–2000.

Crown Land (Reserves) Act 1978 — Minister's order of 8 March 2001 giving approval to granting of a lease at Yarra Bend Park.

Dental Board — Minister for Health's report of 5 March 2001 of receipt of the 1999–2000 report.

Desert Fringe Regional Waste Management Group —

Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.

Report, 1999–2000.

Djerriwarth Health Service — Report, 1999–2000.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 15 — Amendment No. 3.

East Grampians Health Service — Report, 1999–2000.

Echuca Regional Health — Report, 1999–2000.

Edenhope and District Memorial Hospital — Minister for Health's report of receipt of the 1999–2000 report.

Environment Protection Act 1970 — Order in Council of 5 December 2000 declaring industrial waste management policy (Prescribed Industrial Waste).

Far East Gippsland Health and Support Service — Minister for Health's report of 6 March 2001 of receipt of the 1999–2000 report.

Food Safety Council — Report, 1999–2000.

Grampians Regional Waste Management Group —

Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.

Report, 1999–2000.

Hepburn Health Services — Report, 1999–2000.

Inglewood and District Health Service — Report, 1999–2000.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment 8, Building Code of Australia 1996.

Kerang and District Hospital — Report, 1999–2000 (two papers).

Koo Wee Rup Regional Health Service — Report, 1999–2000 (two papers).

Kyabram and District Memorial Community Hospital — Report, 1999–2000.

Kyneton District Health Service — Report, 1999–2000.

Latrobe Regional Hospital — Report, 1999–2000.

Legal Practice Act 1996 — Practitioner Remuneration Order, 1 January 2001.

Maldon Hospital — Report, 1999–2000.

Mallee Track Health and Community Service — Report, 1999–2000.

Manangatang and District Hospital — Report, 1999–2000.

Maryborough District Health Service — Report, 1999–2000.

McIvor Health and Community Services — Report, 1999–2000.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Sixth Amending Deed, 1 December 2000, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Third Amending Deed, 1 December 2000, pursuant to section 15D(6) of the Act.

- Melbourne City Link Thirteenth Amending Deed, 1 December 2000, pursuant to section 15(2) of the Act.
- Melbourne City Link Fourteenth Amending Deed, 20 December 2000, pursuant to section 15(2) of the Act.
- Statement of Variation No. 7, Detailed Tolling Strategy, 21 December 2000, pursuant to section 15B(5) of the Act.
- Statement of Variation No. 8, Agreement under Clause 8.12 of the Concession Deed, 21 December 2000, pursuant to section 15(2) of the Act.
- Melbourne Parks and Waterways — Minister for Environment and Conservation's report of 26 February 2001 of receipt of the 1999–2000 report.
- Mildura Regional Waste Management Group —
- Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.
 - Report, 1999–2000.
- Mt Alexander Hospital — Report, 1999–2000.
- Murray–Darling Basin Act 1994 — Approved Schedule F to the Murray–Darling Basin Agreement 16 January 2001, pursuant to section 28(b) of the Act.
- Murray–Darling Basin Commission — Report, 1999–2000.
- National Environment Protection Council — Report, 1999–2000.
- O'Connell Family Centre (Grey Sisters) Incorporated — Minister for Health's report of 6 February 2001 of receipt of the 1999–2000 report.
- Omeo District Hospital — Report, 1999–2000 (two papers).
- Osteopaths Registration Board — Minister for Health's report of receipt of the 1999–2000 report.
- Parliamentary Committees Act 1968 — Minister's response to recommendations made by the Environment and Natural Resources Committee's Report upon the *Utilisation of Victorian Native Flora and Fauna*.
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme — Amendments C1, C2, C4 and C7.
 - Ararat Planning Scheme — Amendment C1.
 - Ballarat Planning Scheme — Amendments C7, C20, C36 and C38.
 - Banyule Planning Scheme — Amendments C3, C7 and C17.
 - Bayside Planning Scheme — Amendments C10, C12 to C15.
 - Boroondara Planning Scheme — Amendments C8 and C12.
 - Brimbank Planning Scheme — Amendments C12 and C16.
 - Cardinia Planning Scheme — Amendments C12 and C18.
 - Casey Planning Scheme — Amendments C27 and C31.
 - Dandenong — Greater Dandenong Planning Scheme — Amendment C16 Part 1.
 - Darebin Planning Scheme — Amendments C9, C23, C25 and C26.
 - Frankston Planning Scheme — Amendments C6 and C10.
 - Geelong — Greater Geelong Planning Scheme — Amendments C2 to C4, C6, C10 and C24.
 - Glen Eira Planning Scheme — Amendments C6 and C9.
 - Golden Plains Planning Scheme — Amendments C3 and C6.
 - Hobsons Bay Planning Scheme — Amendment C2.
 - Hume Planning Scheme — Amendments C5, C9 and C10.
 - Indigo Planning Scheme — Amendments C5 Part 2 and C9.
 - Kingston Planning Scheme — Amendments C7, C9 and C11.
 - Knox Planning Scheme — Amendments C13 and C14.
 - Loddon Planning Scheme — Amendments C1 and C3.
 - Manningham Planning Scheme — Amendments C2, C5, C8 and C9.
 - Maribymong Planning Scheme — Amendment C12.
 - Maroondah Planning Scheme — Amendments C10, C12 and C17.
 - Melbourne Planning Scheme — Amendments C16, C30, C32 to C34, C36 and C37.
 - Melton Planning Scheme — Amendments C4 and C14.
 - Mildura Planning Scheme — Amendment C3 Part 2.
 - Mitchell Planning Scheme — Amendment C11.
 - Monash Planning Scheme — Amendment C8.
 - Moonee Valley Planning Scheme — Amendments C9 and C16 Part 1.
 - Moreland Planning Scheme — Amendments C1 Part 3 and C9.
 - Mornington Peninsula Planning Scheme — Amendments C11, C17, C27, C31, C33 and C50.
 - Nillumbik Planning Scheme — Amendment C2.

- Northern Grampians Planning Scheme — Amendment C1.
- Port Phillip Planning Scheme — Amendment C5.
- Pyrenees Planning Scheme — Amendment C4.
- Shepparton — Greater Shepparton Planning Scheme — Amendment C8.
- Stonnington Planning Scheme — Amendments C4, C6 Part 1, C8 to C10 and C11 Part 1.
- Strathbogie Planning Scheme — Amendment C7.
- Surf Coast Planning Scheme — Amendments C1 and C2.
- Victoria Planning Provisions — Amendment VC10.
- Whitehorse Planning Scheme — Amendments C11, C15 and C25.
- Whittlesea Planning Scheme — Amendments C10 and C13.
- Wodonga Planning Scheme — Amendments C3 and C4.
- Wyndham Planning Scheme — Amendments C18, C26 and C27.
- Yarra Planning Scheme — Amendments C6, C19 and C21.
- Yarra Ranges Planning Scheme — Amendments C2, C4 and C5.
- Yarriambiack Planning Scheme — Amendment C1.
- Public Lotteries Act 2000 — Licence to operate the AFL Footy Tipping Competition pursuant to section 32(b) of the Act.
- Queen Elizabeth Centre — Minister for Health's report of 6 February 2001 of receipt of the 1999–2000 report.
- Robinvale District Health Services — Report, 1999–2000.
- Rochester and Elmore District Health Service — Report, 1999–2000.
- Rural Finance Act 1988 — Treasurer's directive of 29 December 2000 to Rural Finance Corporation.
- South Gippsland Hospital — Minister for Health's report of 8 December 2000 of receipt of the 1999–2000 report.
- South Western Regional Waste Management Group —
 Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.
 Report, 1999–2000.
- State Superannuation Fund — Actuarial Investigation as at 30 June 2000 (two papers).
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — Nos. 14 to 16/2001.
- Business Names Act 1962 — No. 122/2000.
- Cemeteries Act 1958 — No. 10/2001.
- Club Keno Act 1993 — No. 118/2000.
- Control of Weapons Act 1990 — No. 130/2000.
- Corporations (Victoria) Act 1990 — No. 121/2000.
- Country Fire Authority Act 1958 — No. 2/2001.
- County Court Act 1958 — Nos. 119/2000 and 17/2001.
- Dangerous Goods Act 1985 — No. 127/2000.
- Electricity Industry Act 2000 — No. 137/2000.
- Electricity Safety Act 1998 — Nos. 136/2000 and 3 and 8/2001
- Fisheries Act 1995 — Nos. 138/2000 and 9/2001.
- Forests Act 1958 — No. 117/2000.
- Health Act 1958 — No. 13/2001.
- Land Tax Act 1958 — No. 140/2000.
- Libraries Act 1988 — No. 129/2000.
- Magistrates' Court Act 1989 — Nos. 133 and 134/2000 and 7/2001.
- Melbourne City Link Act 1995 — Nos. 131 and 132/2000.
- National Taxation Reform (Consequential Provisions) Act 2000 — No. 141/2000.
- Pathology Services Accreditation Act 1984 — Nos. 11 and 12/2001.
- Road Safety Act 1986 — Nos. 125/2000 and 5/2001.
- Subordinate Legislation Act 1994 — Nos. 123 to 125, 128 and 139/2000 and 6 and 18/2001.
- Supreme Court Act 1986 — Nos. 120 and 121/2000.
- Tattersall Consultations Act 1958 — No. 118/2000.
- Tobacco Act 1987 — No. 19/2001.
- Victims of Crime Assistance Act 1996 — No. 135/2000.
- Wildlife Act 1975 — Nos. 1 and 4/2001.
- Subordinate Legislation Act 1994 —
 Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 119 to 121, 123 to 125, 128, 133, 135 and 139/2000 and 6, 17 and 18/2001.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 117, 118, 122, 129, 131, 132 and 136 to 138/2000 and 1, 5, 7, 8, 10, 14 and 19/2001.

Stawell District Hospital — Report, 1999–2000.

Swan Hill District Hospital — Report, 1999–2000.

Tattersall's — Financial Statements, 1999–2000.

Tweedle Child and Family Health Service — Minister for Health's report of 6 December 2000 of receipt of the 1999–2000 report.

Western Regional Waste Management Group —

Minister's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.

Report, 1999–2000.

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No. 1/2001, 27 January 2001.

Yarram and District Health Service — Minister for Health's report of 6 December 2000 receipt of the 1999–2000 report.

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

Accident Compensation (Amendment) Act 1988 — Section 29(2) — 30 December 2000 (*Gazette G51, 21 December 2000*).

Adoption (Amendment) Act 2000 — Section 19 — 15 December 2000 (*Gazette G50, 14 December 2000*).

Building (Legionella) Act 2000 — Section 2(1) — 1 March 2001 (*Gazette G9, 1 March 2001*)

Business Registration Acts (Amendment) Act 2000 — Sections 18, 20(1), 21, 23 and 27 — 11 December 2000 (*Gazette G49, 7 December 2000*).

Children and Young Persons Act 1989 — Section 21(1) — 2 March 2001 (*Gazette G9, 1 March 2001*).

Children and Young Persons (Reciprocal Arrangements) Act 2000 — Remaining provisions (except for section 7(4)) — 2 March 2001 — (*Gazette G9, 1 March 2001*).

Commonwealth Places (Mirror Taxes Administration) Act 1999 — Remaining provisions — 30 January 2001 (*Gazette S8, 30 January 2001*).

Control of Weapons (Amendment) Act 2000 — Whole Act — 17 December 2000 (*Gazette G50, 14 December 2000*).

Country Fire Authority (Amendment) Act 2000 — Whole Act — 29 January 2001 (*Gazette G4, 25 January 2001*).

Electricity Industry Act 2000 — Section 83 — 1 January 2001 (*Gazette G51, 21 December 2000*).

Fisheries (Amendment) Act 2000 — Section 9 — 1 March 2001 (*Gazette G6, 8 February 2001*).

Gambling Legislation (Miscellaneous Amendments) Act 2000 — Sections 3, 13, 14, 23, 24, 26, 28, 31, 32, 34, 39, 40, 43, 46, 47, 48, 51, 52, 54, 57, 61, 62 and 63 — 1 February

2001 (*Gazette G5, 1 February 2001*) — Sections 4, 6, 7, 8, 44 and 45 — 1 March 2001 (*Gazette G9, 1 March 2001*).

Gaming No. 2 (Community Benefit) Act 2000 — Part 1, Part 3, Part 4 (except section 21) and sections 24, 25, 27(1) and 30 — 1 February 2001 (*Gazette G5, 1 February 2001*) — Sections 21, 26, 28 and 29 — 1 March 2001 (*Gazette G9, 1 March 2001*).

Gas Industry Acts (Amendment) Act 2000 — Section 5 — 20 December 2000 (*Gazette S198, 20 December 2000*).

National Parks (Amendment) Act 2000 — Remaining provisions — 25 January 2001 (*Gazette G4, 25 January 2001*).

Training and Further Education Acts (Amendment) Act 2000 — Remaining provisions — 1 March 2001 (*Gazette G7, 15 February 2001*).

Transport Accident (Amendment) Act 2000 — Sections 3(1), 3(2), 3(5), 4 and 41 — 7 December 2000. Sections 3(3) (with the exception of section 3(3)(c)), 3(4), 5, 7, 8, 15(1), 15(2), 15(5), 19, 20, 23(2), 28 and 38 — 1 January 2001 (*Gazette G49, 7 December 2000*) — Sections 12, 14(1), (2) and (4) and Sections 16 and 30 — 1 March 2001 (*Gazette G9, 1 March 2001*).

University of Melbourne Land Act 2000 — Section 2 (1) — 14 March 2001 (*Gazette G10, 8 March 2001*).

Victorian Curriculum and Assessment Authority Act 2000 — Section 2(1) — 1 March 2001 — (*Gazette G9, 1 March 2001*).

Victorian Qualifications Authority Act 2000 — Section 2(1) — 1 March 2001 — (*Gazette G9, 1 March 2001*).

Ordered that Wildlife Act 1975 — Wildlife (Control of Hunting) Notice no. 1/2000, 27 January 2001 be considered next day on motion of Hon. P. R. HALL (Gippsland).

HEALTH SERVICES (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

This bill concerns changes to the governance arrangements of community health centres.

The bill restores community elected representation and participation in the governance of community health centres.

The bill replaces the full appointment of board members by the Governor in Council on the recommendation of the Minister for Health with part-appointed and part-elected boards. Thus the bill fulfils the government's election commitment to restore

community-elected representation and participation in the governance of community health centres.

Pursuant to the bill, community health centre boards will consist of not less than seven and not more than nine members, the elected members of which are to constitute not less than four and not more than five members of the board and the appointed members are to constitute not less than two and not more than four members of the board. This allows that the number of elected board members will always be equal to or greater than the number of appointed board members.

The current board appointment process was introduced in August 1997 and involves public advertisement, and a short listing, interview and recommendation process undertaken by a local selection panel drawn from the membership of the current board and including an independent person.

Based on the current board appointment process, board members are required to possess a range of skills and expertise that collectively include director/board of governance experience, financial/government business expertise, health industry knowledge/experience or planning and analytical skills.

A major criticism and downfall of the current board appointment process particularly pertinent to consumer and community involvement has been the reported disenfranchisement of communities from their community health centres. A common example used to highlight this concern is the reported decline in community health centre memberships as a result of the removal of their right to vote in board elections. The demise of the membership base for some community health centres appears to have reduced their capacity to involve consumers and the community in their organisation.

From their inception, community health centres have had a long history of consumer and community involvement. This ranges from empowering consumers to be active participants in their care, participation in the governing of centres as board members, fund raising and volunteer work.

Consumer and community involvement has been identified as a process that constitutes best practice in primary care. Models of service delivery, treatment or control that encourage the active participation of consumers and communities is more likely to have successful outcomes in the long term.

To assist in the implementation of this government commitment, a public consultation process was undertaken to determine a new model for restoring

elected community representation on community health centre boards.

A total of 113 written submissions were received and 29 regional consultation forums were held throughout metropolitan and rural Victoria during a two-stage process undertaken in February and May–June 2000.

A review committee chaired by Matt Viney, MP, and deputy chaired by the Honourable Glenyys Romanes, MLC, was established to oversee the second phase of the consultation and assist in the deliberation of the consultation findings. The review committee recommended boards be part elected and part appointed. The review committee included representatives of community health centre boards, community health peak bodies, local government and consumers.

The consultation demonstrated strong support for the democratisation process — with 87 submissions supporting either full or part elected boards as a critical component of democratic participation.

The consultations also demonstrated support for the preservation of a proportion of appointed positions on boards in recognition that this will allow community health centres to actively recruit individuals with particular skills and experience that complement the mix of skills and experience obtained through the election process. Of the 87 submissions supporting the restoration of elections, 54 submissions supported part-elected part-appointed boards.

It is intended that the process of appointment of board positions by the Governor in Council on the recommendation of the minister will remain the same as the process that is currently in place.

The main components of the model contained in the bill are as follows:

- (i) Community health centre boards will consist of not less than seven and not more than nine members, of whom between four and five members will be elected members and not less than two and not more than four members of the board will be appointed by Governor in Council.
- (ii) A board member will hold office until the third annual general meeting after his or her election or appointment and the terms of all members will expire at the same time;
- (iii) The Governor in Council will appoint members on the nomination of the minister

and the minister will consult with the board before nominating a person.

- (iv) A person will be eligible to vote, and nominate as a candidate for election to the board, if the person is of or over 18 years of age and lives, works or is enrolled as a student in the catchment area served by the centre, or if the person is a client of the centre. Elections will be conducted in accordance with the proposed regulations.
- (v) Elected and appointed board members will have equal status and one vote each.

In addition, the bill outlines the options to fill casual vacancies. In the event of a casual vacancy in the position of an elected member, the vacancy will be filled through a countback or alternative procedure in accordance with the proposed regulations. If there is no person who is eligible and available for election through this procedure, the board will be able to coopt a person until the next annual general meeting, at which time the position can be filled by an election.

If there is a casual vacancy in the position of an appointed member, the board will be able to coopt a person until the next annual general meeting, at which time the position can be filled by appointment by the Governor in Council.

The government recognises that there may be casual vacancies over the three-year term of a board. The objective of these provisions is to give a board the flexibility to operate in the event of a casual vacancy without requiring an election or an appointment process to be undertaken more than once per year. The ability to coopt a member until the next annual general meeting achieves a balance between the need to ensure a board maintains adequate numbers of elected and appointed members and the desire to reduce the administrative burden of filling casual vacancies.

Provision has also been made for the unlikely circumstance where a community health centre is unable to obtain sufficient nominations to fill the required number of elected board positions after making all reasonable efforts (such as may be the case in some rural areas). In this event, the Governor in Council will have the power to appoint a person to fill the position until the next annual general meeting, at which time it is expected that the board will conduct an election to fill the position.

The 41 community health centres in Victoria that are gazetted under the Health Services Act 1988 will be affected by the bill. Community health centres that are

under the auspice of another organisation, such as a public or metropolitan hospital, are not registered community health centres and so will not be covered by these provisions.

A house amendment has been made to the Health Services (Amendment) Bill to provide that the Victorian Electoral Commissioner is responsible for the conduct of elections for community health centre boards of management.

The main benefit of amending the bill to provide that the Victorian Electoral Commissioner is responsible for the conduct of community health centre elections is that it will thus become one of the Electoral Commissioner's duties to conduct the elections pursuant to section 144D of The Constitution Act (Amendment) Act 1958. This will ensure that the Electoral Commissioner has clear authority and power to conduct the elections and to take a comprehensive, consistent and statewide approach to the process.

The bill will come into operation on 1 April 2001. Pursuant to the transitional provisions, the newly constituted boards will assume office at the first annual general meeting after the commencement of the bill, which will be required to be scheduled in the last two weeks of October 2001.

I commend this bill to the house.

Debate adjourned for Hon. M. T. LUCKINS (Waverley) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

That this bill be now read a second time.

The purpose of this bill is to make amendments to the eligibility criteria under the First Home Owner Grant Act 2000 and to clarify the operation of the exemption from land tax afforded to charities. Minor technical amendments are also made to the Pay-roll Tax Act 1971 to clarify the operation of the exemption provided to wages paid to apprentices and to the Stamps Act 1958 to clarify the operation of penalty provisions in relation to the payment of motor car duty. A definition of 'private unit trust scheme' is also inserted into the Stamps Act.

The bill also amends the objections, appeals and refund provisions of the Taxation Administration Act 1997, as well as making other minor technical amendments to that act related to the service of documents.

The amendments to the objections, appeals and refund provisions of the Taxation Administration Act 1997 are an important element in this bill. They plug a potentially significant hole in the state's revenue base. The proposed amendments are necessary to protect the revenue and on the grounds of equity. They demonstrate the government's commitment to responsible fiscal management and that it is prepared to take a strategic approach to the maintenance of the revenue laws.

The amendments contained in the bill arise as a consequence of litigation between the Commissioner of State Revenue and the Drake group of companies. The litigation concerned the payment of payroll tax. It turned on the question of whether temporary staff on-hired to its clients by Drake were:

either 'employees' of Drake and therefore liable for payroll tax; or

'independent contractors' under the relevant contract provisions of the Pay-roll Tax Act 1971.

The commissioner was successful before the Court of Appeal, but the proceedings have brought to light an anomaly in the operation of the general refund provisions and the separate and distinct objections and appeals regime under the Taxation Administration Act.

Contrary to the prevailing understanding of the operation of the law by both the commissioner and taxpayer representatives, the structure of the legislation would appear to result in a limited refund of three years where the commissioner agrees to an application that tax wrongly paid should be refunded, but results in an unlimited refund if the commissioner disagrees and the taxpayer is successful on objection or appeal.

This is because under the objections and appeals provisions, where a taxpayer has successfully objected or appealed, the commissioner must refund any amount paid in excess of the legal liability. Where the taxpayer has objected or appealed against an assessment the refund is limited to the excess paid under the assessment. However, where the taxpayer has appealed against a decision, no such limitation exists.

I make the following statement under section 85(5) of the Constitution Act 1985 of the reasons why clause 15 of the bill amends the Taxation Administration Act

1997 to alter or vary section 85 of the Constitution Act 1985.

Clause 15 of the bill indicates that it is the intention of proposed new clauses 13(8), (9) and (10) in schedule 1 of the Taxation Administration Act, to be inserted by clause 16 of the Bill, to alter or vary section 85 of the Constitution Act. These provisions preclude a taxpayer from commencing proceedings in relation to refusals or failures by the commissioner to make refunds of tax paid or purportedly paid in relation to applications made by taxpayers before 15 October 1993 — 15 October 1993 was the date on which a three-year limitation was inserted into the Limitation of Actions Act 1958.

The reason for this limitation of the jurisdiction of the Supreme Court is that it is necessary to prevent large windfall refunds of payroll tax in respect of longstanding matters, the extent of which is estimated to be approximately \$30 million. Quite apart from the quantum of potential refunds, the amendments are necessary to prevent taxpayers opportunistically taking advantage of a technical loophole only recently exposed.

It would be inequitable if certain taxpayers had the benefit of windfall gains when refunds made in the past had been limited in accordance with what was understood to be the settled law. Without these amendments, the State Revenue Office may be forced to reopen many matters potentially going back to the commencement of payroll tax in 1971. This would impose a significant administrative burden that would ultimately fall on the community at large. Only by enacting these amendments will the anomalies be addressed. Further, they would restore the policy intention of amendments made in 1992, that taxpayers are limited to a refund of three years of tax overpaid.

It would be inequitable if in the past taxpayers had been limited to a three-year refund where the commissioner agreed with their claim, but, in the light of the anomaly, those with whom he had disagreed and who had successfully objected or appealed that decision, could now apply for a further (beyond the three-year limit) unlimited refund of all the tax overpaid.

Although these amendments have wider application than the agency context, a further point should be understood specific to the agency context. Taxation liability under agency arrangements is generally passed on to clients and incorporated into fees and charges met by them. It is extremely doubtful that windfall gains obtained through refunds of tax paid far back in time

would ever reach the pockets of those clients of an agency who ultimately met that taxation liability.

The bill provides that these amendments will have effect from 14 November 2000¹. This will prevent taxpayers from opportunistically exploiting the loophole potentially opened. A small number of taxpayers have served legal proceedings on the commissioner in which the issues outlined here may arise. In the bill, these litigants have been specifically exempted from the application of these proposed amendments.

Turning to the other amendments in the bill, two minor technical amendments are proposed to the Taxation Administration Act. Both relate to the service of legal process, and are driven by the need to keep abreast of modern developments. The current provisions enabling the service of documents by facsimile message will be amended to include other electronic means, such as email and the like. A new provision, commonly found throughout the Victorian statute book, will also deem when the service of documents is effective.

The First Home Owner Grant Act 2000 (FHOG Act) was passed by the Parliament earlier this year. All states and territories developed this legislation on a uniform basis and the eligibility criteria are consistent across jurisdictions. In line with the principles for the first home owner grant scheme contained in the Intergovernmental Agreement on the Reform of Commonwealth State Financial Relations, the FHOG Act provides that only Australian citizens or permanent residents as defined under section 30(1) of the commonwealth Migration Act 1958 are eligible to apply for a grant under the act.

New Zealand residents who enter Australia are issued with a 'special category visa' under section 32 of the commonwealth Migration Act 1958, which does not meet the test of permanent residence under FHOG. As a result, New Zealand citizens are ineligible to receive the grant unless they obtain Australian citizenship or apply with another applicant who is either an Australian citizen or permanent resident.

The federal government has written to all state and territory governments seeking clarification of the FHOG Act as it was intended that New Zealand citizens residing permanently in Australia should enjoy the same eligibility rights under the FHOG Act as Australian citizens and other permanent residents. As a

consequence, an amendment is proposed to give effect to the original intention of the FHOG Act.

This will be effective from 1 July 2000 (the date of commencement of the FHOG Act). Those jurisdictions that do not already have this provision have agreed to make this amendment.

The second FHOG amendment is to the eligibility criterion that specifies that an applicant for the grant or the spouse of an applicant must not have had a relevant interest in residential property prior to the commencement of the scheme on 1 July 2000.

There is an anomaly in the Victorian legislation that most other jurisdictions were able to correct prior to the passage of their legislation. Victoria, it will be remembered, was the first cab off the rank and passed its legislation in early April 2000. In other jurisdictions the scheme was not enacted until May or June 2000.

If not rectified, the loophole in the current provisions would enable a person to receive a grant for a second principal place of residence when they had been ineligible for a grant in respect of a first principal place of residence. Clearly, it was not intended that FHOG would be available in these circumstances. The persons to whom this anomaly would apply are:

Persons who entered into contracts to purchase or build a first home before 1 July 2000, but did not settle on the contract or take-up occupancy until after 1 July 2000.

Persons who purchased an investment property but did not occupy that property within 12 months of 1 July 2000, but subsequently move into that property.

Persons who were ineligible on a first home purchase made after 1 July 2000 because at that time they did not meet the citizenship or permanent residency eligibility requirements set out in section 9 of the act.

The proposed amendment will ensure that this loophole is closed and that the Victorian provisions are in line with those applying elsewhere.

Turning to the proposed amendment to the Land Tax Act 1958, the policy underlying the exemption relating to charities is that land, which is used by a charity exclusively for a charitable purpose, should be exempt from land tax. It is the policy intention that this should apply regardless of whether the charity owns or leases the land. It is also intended that this should apply to the whole of the land if used entirely for charitable

¹ Amended; see minister's statement page 97.

purposes or to a relevant portion of it if only part is so used.

Legal advice provided to the State Revenue Office has called into question whether the legislation provides sufficient underpinning of this longstanding practice. The proposed amendment thus represents no shift in current policy but is required to support it.

The proposed amendments will ensure that a charity is provided with an exemption from land tax in proportion to that portion of the land that is used for a charitable purpose. The amendments will also ensure that land owned by a charity that is not used for a charitable purpose is assessed on a single holding basis, so that the value of that property is not aggregated for tax purposes. Both amendments would ensure that longstanding policy is supported and reflect the original intention of the legislation.

A technical amendment is proposed to the Pay-roll Tax Act 1971 which, like that for the Land Tax Act, clarifies existing policy rather than changes it. In section 10(1)(k) of the Pay-roll Tax Act the Minister may declare that wages paid to an apprentice under specified types of training schemes are not liable to payroll tax. On one possible reading, the provision may have a far wider effect than was intended. Clearly, the intention behind the provision is to provide employers who employ apprentices and other trainees with payroll tax relief. The way the provision is expressed, however, means that it may be construed so as to exclude those apprentices and training schemes from the operation of other provisions of the act and not solely to those dealing with taxable wages.

So, for example, on one reading of the exemption, apprentices and trainees might be exempted from the operation of the grouping provisions of the act, which allow an employer and associate to be grouped for payroll tax purposes where an employee performs duties for both the employer and associate. The intention of the legislation is that where the common employee is an apprentice, the grouping provisions still apply. All that was intended is that the wages be exempt. Were the exemption to operate in wider terms, significant avoidance opportunities would be available. The proposed amendment eliminates this possibility.

An amendment is also required to the provisions in the Stamps Act 1958 which relate to the monthly lodgment and payment of duty by registered used car dealers. It is proposed that the Stamps Act be amended to impose a penalty on a registered dealer who lodges a monthly return after the date required by the act. It is proposed that the applicable penalty would be an amount equal to

the amount due as stamp duty, together with interest at 20 per centum per annum on that amount from the date on which the payment was due until payment is made. As registered dealers are required to lodge monthly returns regardless of whether or not they have transacted relevant business, the provision applies a penalty of \$25 on dealers who fail to lodge or lodge a 'nil' return late. A similar provision is found in those provisions in the act relating to rental business.

A robust penalty provision is required to ensure that registered used car dealers meet their obligations in a timely manner. This amendment is proposed in the interests of revenue protection, as the current provisions do not provide a satisfactory deterrent. The commissioner is granted power, under the proposed provisions, to remit the penalty in appropriate circumstances.

As the Duties Bill is not scheduled to come into operation until 1 July 2001, the proposed amendment is required to cover the interim period. An identical provision is contained in the Duties Bill.

This bill makes another minor technical amendment to the Stamps Act and technical amendments to a variety of other state taxation legislation in the interests of clarity and certainty.

I commend this bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL

Second reading

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

That this bill be now read a second time.

This bill to establish the Victorian Environmental Assessment Council, which I will refer to as VEAC, fulfils a major policy commitment by this government. VEAC replaces the Environment Conservation Council and provides a new focus and strengthened capability to investigate and make recommendations on the major environmental management issues which we face as a community.

The Environment Conservation Council was established by the former government to complete two

important investigations undertaken by the Land Conservation Council. The Environment Conservation Council has completed the first of those investigations into Victoria's marine, coastal and estuarine areas and its report is now being considered by government. Its second investigation into box-ironbark forest and woodlands is scheduled to be completed by 31 December 2000.

The government thanks the members of the Environment Conservation Council and its staff for the important work they have undertaken and acknowledges the major contribution of the Land Conservation Council over the preceding decades.

These investigations and reports both by the Land Conservation Council and the Environment Conservation Council are highly important for the protection and enjoyment of the state's natural heritage by all Victorians.

The government strongly believes that the quality of life of all Victorians depends on properly managing our environment and protecting our precious natural and cultural heritage. Decisions made by government should ensure that Victoria is not running down its natural assets and thereby building an environmental debt. The government has committed to building in the principles of ecologically sustainable development to all government decision making.

The government is committed to the protection of our biodiversity on the principle that Victoria's rich diversity of species, habitats and ecosystems is a legacy held in trust for future generations. Given the plight of grassy ecosystems across Victoria, the further protection of these ecosystems is a key priority that the government will have VEAC investigate. VEAC will also be requested to undertake investigations into the protection of other ecosystems, including the native forests in the Strzelecki Ranges.

VEAC, which will replace the Environment Conservation Council, will be considerably strengthened in a number of ways. Its focus will be on the ecologically sustainable management of the environment and natural resources of the state of Victoria. It will be able to examine such issues across the state of Victoria. Its investigations will not be confined to Crown land.

It will have an expanded core membership and the minister will be able to appoint additional members with skills and experience essential to particular investigations.

It will operate in a highly transparent way with additional consultation requirements including the establishment of a community reference group for each investigation.

I will now turn to the particulars of the bill.

Given that VEAC will be able to investigate issues across Victoria, there has not been a need to define public land as was the case for the Environment Conservation Council and its predecessor, the Land Conservation Council, which were restricted to undertaking investigations on public land.

Clause 5 highlights the key objective of VEAC, which will be to provide independent and strategic advice to the government of Victoria on matters relating to the protection and ecologically sustainable management of the environment and natural resources of Victoria.

The functions of VEAC as stated in clause 6 make it clear that VEAC only has a role in undertaking investigations that are requested by the minister.

VEAC has general powers to do anything reasonably necessary or convenient to carry out its functions as set out in clause 7. While VEAC will be able to carry out investigations across a range of land tenures, it will not have the specific powers to compel private individuals or companies to provide information or access to property.

The membership of VEAC is set out in clause 8. It will consist of a core of five members, which are collectively to have skills, knowledge and experience in environment protection and conservation, natural resource management, local government, economics and business management, rural and regional affairs, issues relating to indigenous peoples, social and community affairs, and community consultation and participation.

Advice received from a broad range of environment, industry, local government and union stakeholders indicated that the best outcomes would be achieved if VEAC were skills based. The government has accepted this advice.

It is therefore important that VEAC has a broad range of skills in environment management and also strong social and economic business skills. This approach delivers a triple-bottom-line-focused council, which has the ability to equally address environmental, social and economic aspects of its investigations.

For particular investigations, an additional member or members may be appointed to VEAC under

subclause (4). This ensures that where there is an identified need for VEAC to have additional skills for a particular investigation, these can be provided.

To ensure transparency of the process for selecting members for appointment to VEAC the intention is to advertise widely for nominations to the positions, including those of the additional members. The Governor in Council, on the recommendation of the minister, will appoint members and additional members to VEAC.

VEAC will be able to establish committees that it considers necessary for any investigation, as set out in clause 12. For example, VEAC may establish scientific or technical committees from which to seek specialised advice.

Importantly the government has recognised the need for greater participation in VEAC's investigations, with more direct input to council deliberations being desirable. Clause 13 requires VEAC to establish a community reference group for each investigation. The community reference group will provide a formal mechanism through which key stakeholder groups may provide advice to VEAC with respect to specific recommendations. This will be in addition to the comprehensive public consultation processes that VEAC will be required to undertake for each investigation. While the process for appointment of members to the community reference group will be up to VEAC to determine, I would expect that VEAC would advertise for nominations to the community reference group to ensure members are selected in an open and transparent manner.

Part 3 of the act deals with the conduct of investigations. Clauses 15 and 16 set out the process by which the minister may request VEAC to carry out an investigation and by which the minister may amend or withdraw a request. It is a requirement that the minister inform Parliament of the request or subsequent amendment or withdrawal by laying it in both houses of Parliament, thereby informing members of investigations that may be undertaken in their area. The request, amendment or withdrawal must also be published in the *Government Gazette* and on the Internet. This will help to ensure that the public is informed about investigations that may be of interest.

Not all investigations, particularly shorter investigations, will necessarily require three submission periods of 60 days. The minister will therefore have the ability to direct VEAC to vary the number of submission periods and also the length of time required for submissions for any investigation.

Recognising that the funding available to the Environment Conservation Council was reduced by the previous government compared to the resources made available to the previous Land Conservation Council, this government made an election commitment to make additional resources available to VEAC over the next four years. This commitment has been reflected in the 2000–01 budget statement. VEAC will be accountable to the minister as to how those resources are to be spent in relation to each investigation. VEAC will be required to submit a business plan to the minister detailing the proposed approach for the investigation and the resources to be committed.

The principles of ecologically sustainable development are enshrined in the purpose, objective and functions of VEAC. These principles were adopted by all Australian governments in 1992 through the national strategy for ecologically sustainable development. This further demonstrates the government's commitment to build the principles of ecologically sustainable development into all government decision making and ensure that a balanced view is taken.

It is important that consideration is given to the need to protect environmental, cultural and recreation values and the need to further the establishment of a truly comprehensive, adequate and representative system of parks and reserves across Victoria.

VEAC must also take into consideration the implications of any international treaty that Australia has ratified that is relevant to the investigation to ensure any advice given is not contrary to Australia's obligations under that treaty.

Clause 19 requires VEAC to liaise with departments and other public authorities where they may be affected by an investigation and that those authorities must give practicable assistance to VEAC in its investigations.

Clauses 20 to 23 set out the formal process by which the public will have input to any investigation and VEAC is to report on the results of the investigation. The government considers that full and open public consultation is a key factor in decision making, a process which the former Land Conservation Council undertook very well and which had considerable public and government support. The VEAC will, however, be required to undertake a multistage consultation process providing three formal periods for public comment, each of at least 60 days. VEAC is required to provide public notice of an investigation, including the requirement to publish in newspapers and on the Internet. Again, this demonstrates the government's

commitment to making information transparent and accessible to the public.

The final report of VEAC is to detail the main proposals identified in public submissions on that investigation and provide a rationale for council's consideration of those proposals. In keeping with the general requirements throughout the legislation, the report will be tabled in Parliament and be made available on the Internet.

Clauses 25 and 26 commit government to publicly respond to VEAC's recommendations in Parliament and to then ensure that appropriate actions are taken to implement recommendations to the extent that they have been accepted.

Part 4 of the bill covers the transition to the new legislation. The effect of any recommendations made by the Land Conservation Council and the Environment Conservation Council will be preserved. Also, given that the Environment Conservation Council Act 1997 does not require the government to formally respond to the recommendations of that council, the new legislation will require that the recommendations be treated as if they were recommendations made by VEAC.

In conclusion, this bill is evidence of the government's commitment to an integrated approach to the consideration of environment and natural resource management issues and the enduring importance of ecologically sustainable development. This is the triple bottom line.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

That this bill be now read a second time.

This bill makes a series of miscellaneous amendments to the Police Regulation Act 1958.

One of the government's key election commitments was to establish a Police Appeals Board with the power

to make binding determinations on promotion appeals and reviews of police discipline decisions. The board comes² into operation on 2 April this year.

The bill makes a series of refinements to the board's composition, procedures and powers.

Currently, three members are required to sit in cases involving reviews of dismissal or termination decisions. Difficulties may arise where one of the existing three members is unavailable through illness or holidays or needs to stand down due to some perceived bias, e.g., the member is related to the applicant. To address this potential problem, the bill allows for the appointment of more than two deputy chairpersons and empowers the chairperson to determine which three members (including at least one member who is a legal practitioner of five years standing) shall sit on a review of a termination or dismissal decision.

The bill also imposes a time limit of 10 days for the lodging of a promotion appeal and 14 days for lodging an application to review a discipline or personnel-related decision, but gives the board the discretion to accept late lodging in appropriate circumstances to avoid any injustice. Time limits are necessary to enable the appeal and review systems to function efficiently and avoid situations where appeals or applications are made a considerable time after the decision has been made and possibly implemented. The time limits in the bill are consistent with those contained in the current Police Regulations 1992. However, they may be beyond the regulation-making power in the act as they represent a restriction on substantive rights and are made without explicit statutory authority. The question over the validity of the time limits in the regulations will be addressed by elevating them to the act.

The bill also permits the appeals board to close hearings to the public and order the suppression of evidence where it is in the public interest to do so. Such powers are necessary in limited circumstances, for example, to encourage witnesses to testify without fear of public disclosure, but should be used sparingly. The prospect of judicial review of a decision to close a hearing or suppress evidence will act as a disincentive to any overzealous use of these powers.

Another government election commitment was to require the Chief Commissioner of Police to consult the Director of Public Prosecutions before laying any disciplinary charges where the disciplinary

² Amended; see minister's statement page 47.

investigation has revealed the possible commission of a criminal offence. The bill will narrow the range of offences on which such consultation is mandatory. This refinement is designed to ensure that there is a meaningful surveillance on the more serious possible offences without swamping the Office of Public Prosecutions with less serious summary, traffic or regulatory offences and causing inordinate delays in the police discipline system.

The bill also makes clear that nothing will preclude the Chief Commissioner of Police from seeking the Director of Public Prosecutions advice on offences not included in the schedule. In addition, the bill enables the deputy ombudsman to seek the Director of Public Prosecutions advice on whether or not criminal proceedings should be taken against a police member. This reform is significant in that it empowers the deputy ombudsman to act directly in cases where, following the review of an internal police investigation, the deputy ombudsman considers that a police decision not to consult the Director of Public Prosecutions was inappropriate.

The government is committed to ensuring that as many trained police members as possible are available for operational duties. One measure Victoria Police is implementing to deliver on this outcome is to use its public service staff in the management of non-core policing roles such as management of lost, abandoned or seized property at police stations. To facilitate this reform, the bill will enable the chief commissioner to authorise public servants to manage the disposal of unclaimed goods and chattels three months after coming into police possession.

The bill also clarifies that the power to make regulations prescribing fees for police services extends to services provided by public service staff within Victoria Police as well as police members. An example of such a service is the provision of criminal history checks.

Section 125 of the Police Regulation Act 1958 sets out a process for police members to apply to the Magistrates Court to resolve the ownership of goods in police possession. The provision applies to goods in police possession 'other than goods seized under a warrant to seize property'. Such warrants are issued under section 73 of the Magistrates' Court Act 1989; however, there has been some confusion in the community and among police members that the exclusion extends to goods seized under other types of warrants, such as search warrants. To remove this confusion and clarify the application of the provision, the bill amends section 125 to make it clear that the

exclusion only relates to goods seized under section 73 warrants.

I commend this bill to the house.

Debate adjourned for Hon. B. C. BOARDMAN (Chelsea) on motion of Hon. Andrew Brideson.

Debate adjourned until next day.

RACING AND BETTING ACTS (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

This bill amends the Racing Act 1958, Lotteries Gaming and Betting Act 1966 and Gaming and Betting Act 1994.

The purpose of the bill is to effect a wide range of improvements to the governance and regulatory framework of the racing industry.

The value of the racing industry to this state is immense in terms of economic impact, employment and community benefits — particularly in rural and regional Victoria. Over 30 000 people are employed by racing in this state. The economic impact of the Spring Racing Carnival alone is \$317.5 million. The industry generates around \$140 million per annum in wagering tax revenue.

Good governance and regulation underpin public confidence in the probity and fairness of the industry and it is essential that the best possible structure is in place. This bill will enhance that structure in several different areas.

Firstly, the bill proposes to expand the size of the Harness Racing Board from five to seven members. Harness racing is facing a critical period as it strives to move forward within the highly competitive gambling, sports and entertainment markets. The board is currently formulating a five-year strategic plan which will set clear targets for the industry to work towards. The additional skills and knowledge of two new members will boost the board's capacity to meet these challenges and create a higher level of communication and presence within the industry — particularly in rural Victoria. The expanded board will have good balance with the chairperson being joined by three members with experience in business or marketing and three

members with experience in the harness racing industry.

The next main purpose of the bill is to ensure that participants in the racing industry such as jockeys, trainers and bookmakers have a fair right of appeal against licensing decisions of the three controlling bodies — the Victoria Racing Club (VRC), the Harness Racing Board and the Greyhound Racing Control Board.

At present, the Racing Appeals Tribunal can hear appeals in relation to certain types of decisions to suspend, disqualify or fine a person. However, the legislation provides no right of appeal in relation to decisions to revoke a licence, refuse an application to issue or renew a licence or to impose a condition on a licence. There is also no right of appeal against licensing or penalty decisions of the Bookmakers and Bookmakers Clerks Registration Committee.

The bill will address this deficiency by providing racing industry participants with a right of appeal to the Victorian Civil and Administrative Tribunal in relation to these types of licensing decisions. VCAT deals with many different occupational licensing appeals and will be well placed to provide an effective review process for the racing industry.

There will also be changes in respect to the jurisdiction of the Racing Appeals Tribunal:

stewards are to be granted a right of appeal to the tribunal if they are dissatisfied when a controlling body upholds appeals against penalties originally imposed by the stewards;

there will be a right of direct appeal to the Racing Appeals Tribunal in the case of any penalty involving a drug offence under the VRC's rules of racing;

the jurisdiction of the Racing Appeals Tribunal is to be clarified so that it can only hear penalty decisions in relation to racing rules and has no capacity to hear appeals against business or other types of decisions made by the controlling bodies.

Another major purpose of the bill is to restructure the regulatory arrangements in the greyhound racing industry. The National Coursing Association of Victoria is presently recognised as the body that registers greyhounds. The NCAV has diligently performed this task since 1873 along with administering the traditional greyhound sport of plumpton coursing.

The bill will transfer the greyhound registration function to the Greyhound Racing Control Board and thereby consolidate all regulatory roles within the one body. This will bring Victoria into line with the structural arrangements in every other Australian jurisdiction. The board is making arrangements with the NCAV to ensure that this change has no impact on the ongoing conduct of plumpton coursing.

Further, the bill is to clarify that the current range of offences in relation to unlawful betting and related activities will apply to betting that is being facilitated in Victoria but is technically occurring outside Australia. Victoria is being used as an administrative base by some offshore operators who primarily target the Australian betting market yet provide no financial return to Australian governments or to the Australian racing industry. The leakage of betting to tax advantaged offshore locations such as Vanuatu also drains the pool of betting money available to the local bookmaking community. The proposed change aims to prevent betting operators situated in these offshore tax havens from using Victoria as a base for activities such as mailing out promotional material and receiving and paying money in relation to betting accounts.

Another objective of the bill is to provide new codes of racing such as Arabian and quarter horse racing with greater opportunities to conduct their meetings. These amateur racing groups are allowed to hold meetings subject to being issued with a mixed sports gathering consent. However, consents cannot be issued for any event being held within 25 kilometres of the Melbourne General Post Office. The removal of this geographic restriction will provide these racing enthusiasts with the potential to race in the metropolitan area.

The remainder of the bill contains various housekeeping changes aimed to generally streamline and improve the regulation and management of the racing industry. These changes include:

removing unnecessary legislative restrictions in respect to mixed sports gatherings, picnic race meetings and restricted harness racing meetings that are more appropriately administered through the respective rules of racing;

increasing the maximum penalty that can be imposed by the Bookmakers and Bookmakers Clerks Registration Committee from 20 to 60 penalty units;

providing the committee's members with statutory immunity so that they cannot be personally liable for anything done or omitted to be done in good faith;

deregulating the operation of betting information services to bring Victoria into line with the rest of Australia;

recognising the Harness Racing Board's and Greyhound Racing Control Board's adopted trading names of Harness Racing Victoria and Greyhound Racing Victoria;

introducing a more practical approval process in relation to racing clubs that change their rules of constitution;

clarifying the capacity of the Victorian Casino and Gaming Authority to provide information to the minister in respect to licensed racing clubs and their office-holders;

ensuring that Victorian bookmakers can bet on the same range of non-sporting events that Tabcorp is allowed to conduct betting on — such as the Academy Awards.

The government is fully committed to supporting the Victorian racing industry for the benefit of its many participants and patrons and for the positive impacts the industry has across the wider community. The bill reflects this commitment and makes a most useful contribution to the ongoing good governance and regulation of the industry.

I commend the bill to the house.

Debate adjourned for Hon. I. J. COVER (Geelong) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Introduction and first reading

Received from Assembly.

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

HEALTH RECORDS BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

ADJOURNMENT

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

That the house do now adjourn.

Howqua Track: upgrade

Hon. G. R. CRAIGE (Central Highlands) — I raise with the Minister for Energy and Resources as the representative in this place of the Minister for Environment and Conservation the important issue of the maintenance and upgrade of the Howqua Track. For the information of honourable members, the Howqua Track is a dirt track that stretches some 17 kilometres from Mount Buller at Merrijig to Sheeppark Flat. Some years ago, prior to the last state election — —

Hon. M. M. Gould interjected.

Hon. G. R. CRAIGE — Horses! Not that you would know! People who know where Merrijig and Mount Buller are will know where Sheeppark Flat and the Howqua Track are. For those who do not, I might have to provide a geography lesson about Victoria.

Vicroads used to allocate funding directly to local government for the upgrade of park access roads. That system was changed when the total allocation for park access roads was distributed to Parks Victoria for all roads in the state. Previously Vicroads allocated an annual amount of \$25 000 to the Delatite Shire Council for the upgrade and maintenance of the Howqua Track. However, since Parks Victoria has taken over the management no money has been allocated for the upgrade or even the maintenance of the track.

The Howqua Track, which is in a disgraceful condition, is an important tourist access road, and it is also important for the residents who live in the area. The shire has been left to try to do what it can with little money for the upgrading of the road. Parks Victoria was meant to continue to allocate funds for park access roads, but the Howqua Track has not received any of that money. It is eligible for an allocation, and I ask the minister to urgently reassess the situation so that this important access road can be maintained and upgraded.

Public transport: seniors concessions

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Small Business, as the representative in this place of the Minister for Community Services. A Mr Tony Wingrave from Mooropna came to my office and left a copy of a letter he sent to the Minister for Aged Care.

Hon. M. R. Thomson — Is this a matter for the Minister for Community Services?

Hon. E. J. POWELL — Yes. I will explain why the constituent wrote to the Minister for Aged Care. He has written a number of letters to the Minister for Community Services about concessions for seniors. The interesting part of this letter states:

On recent visit to Minister Campbell's office I was informed that the Honourable B. Pike had taken charge of this operation.

The information that the Honourable Bronwyn Pike had taken over the issue of Seniors Card concessions was provided by Minister Campbell's own department. Mr Wingrave's letter continues:

On a visit to Shepparton several weeks ago the Premier said in an interview that the government would receive a deputation from Shepparton to discuss this matter. To date we have received no acknowledgment from the minister.

As honourable members know, I wrote to the Premier in August last year in frustration after 15 months of my raising the issue of Seniors Card concessions. I received a response from Minister Campbell that contradicts the information provided by her department to the effect that Minister Pike is now the minister responsible, not Minister Campbell. The letter says:

Thank you for your letter of 23 August 2000 to the Premier...

As concessions are in my area of responsibility the Premier has asked me to reply on his behalf. I apologise for the delay in responding.

I have noted your concern on behalf of the Goulburn Valley Association of Independent Retirees and their wish for a deputation ...

As you are aware, the Bracks Labor government gave a commitment to examine the possibility of extending the discounted travel to include Monday and Friday.

That commitment was given in March last year — 12 months ago. I have raised the issue a number of times. The minister goes on to say:

A thorough assessment of these additional costs is expected to be completed shortly and extension of travel discounts will be further considered at that time.

That letter was sent to me on 20 December last year. As this is Seniors Week, I call on whichever minister is responsible to respond to the numerous requests for a deputation to release the figures for the two extra days, to let everybody know what the figures are and what the government's response is, and whether it will allow the two extra days travel. I ask the minister to meet with the deputation of seniors to allow them to put their case

and resolve this issue once and for all for the benefit of seniors in country Victoria.

Offshore Music Festival

Hon. E. C. CARBINES (Geelong) — I raise with the Minister for Consumer Affairs a matter concerning the Offshore Music Festival, which has been held over the Easter weekend in Torquay for the past four years. It is an enormously popular music festival, particularly with young people and attracts up to 20 000 people. The benefits for the local economy have been huge, with some \$3.35 million being brought into the region. Being held at Easter it complements the renowned Rip Curl Pro that is held at Bells Beach, making Torquay not just a national focus but an international focus.

The Offshore Music Festival is particularly important to Victoria's youth, many of whom see it as a highlight of each year. Therefore the announcement in January that Ashlorien Enterprises, organisers of the festival, were relocating the event to Melbourne this year has been received with great disappointment in our region.

In February I met with Simon Daly of Ashlorien Enterprises and the then mayor of the Surf Coast Shire Council, Cr Mike Barrow, to discuss the issues that have forced the cancellation of this year's event and to attempt to have the festival returned to our region for next year. Mr Daly explained the difficulty Ashlorien Enterprises experienced in obtaining the necessary annual planning permits and liquor licences in sufficient time to secure performers for the festival as the major reason for relocating the event.

The Offshore Music Festival is important in the Geelong region, economically and to our young people. Will the minister therefore advise me of any progress in securing the return of the Offshore Music Festival to the Geelong region for 2001?

Teachers: overseas qualifications

Hon. B. C. BOARDMAN (Chelsea) — I raise with the Minister for Sport and Recreation, as the representative in this place of the Minister for Education, a matter concerning a constituent of mine, Mrs Iris Garo of Mount Eliza, who was previously a citizen of the United States of America. She spent 21 years teaching at primary level in the United States and has appropriate lifetime credentials from the Californian authorities to allow her to teach in that country. Since moving to Australia and gaining citizenship she has been working in the state system as a casual relief teacher. Late last year she applied to the Department of Education, Employment and Training

for appropriate recognition to enable her to obtain full-time placement as a teacher in the state system.

As honourable members would be aware, the much-advocated position of the government is that there are simply not enough teachers in the system, so any attempts to boost the number of teachers with suitably qualified individuals should be welcomed. I wrote to the Minister for Education on 9 January to inform her that there had been some confusion about the department recognising Mrs Garo's qualifications. The department did not recognise that she was qualified to teach at a primary level in a full-time capacity, irrespective of the fact that she had been teaching in a casual relief capacity and was approved to teach English at a secondary level up to year 12. That confused Mrs Garo because that is not her area of expertise or qualification.

She thought she would do the right thing and see her local member of Parliament to try to sort out the problem. So, as I said, I wrote to the minister on 9 January. I received an acknowledgment from the minister dated 19 January saying she was making inquiries and would respond in detail as soon as possible. Unfortunately, two months have elapsed since then and I have not received any further response from the minister. Given that the minister has been complaining about a shortage of teachers in this state, it is completely unsatisfactory to have someone who is already teaching in the system and who has the necessary qualifications being refused the appropriate credentials to allow her to teach full time simply because of an administrative error, as I feel it is.

I ask the Minister for Sport and Recreation to remind his colleague in the other place, the Minister for Education, to act with a degree of expediency and professionalism in this matter to ensure that Mrs Garo is not kept waiting any longer than is necessary.

Albury-Wodonga bypass

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Leader of the Government for reference to the Premier. Next Monday in Albury-Wodonga there will be an historic joint meeting between the New South Wales and Victorian cabinets. This is a welcome initiative. It is to commemorate Federation, and I think it is an appropriate move. It also provides a tremendous opportunity for both cabinets to engage in some statesmenlike action in solving one of Albury-Wodonga's most vexed issues — the provision of a Hume Highway bypass and a second river crossing, both of which are sorely needed.

Some honourable members will be aware of the controversy that has raged in Albury-Wodonga for probably 15 to 20 years about whether the Hume Highway should bypass Albury-Wodonga, starting at Barnawartha North and rejoining the highway at Mullengandra north of Albury, or whether it should follow the so-called internal route parallel to the railway line on a reservation that has been there for 30 years, which would have the added advantage of providing a second river crossing for local traffic in Albury-Wodonga. About a fortnight ago the federal Minister for Transport, Mr Anderson, visited Albury-Wodonga and announced that, as it is responsible for the Hume Highway, the federal government would fund the external bypass under the national roads program.

Clearly Mr Anderson had been listening to the people, because although it has been a very divisive issue it is clear that most people, particularly in Albury, would prefer the external route. But Mr Anderson also generously acknowledged the urgent need for a second river crossing for Albury-Wodonga, bearing in mind that the Lincoln Causeway and the Union Bridge are now reaching saturation point, and he put \$70 million on the table to build that second river crossing, despite the fact that it is not on a road for which the federal government bears responsibility under the road funding regime we have in this country. That would certainly build a second river crossing for Albury-Wodonga. However, it would not build the appropriate road from the Lincoln Causeway to Thugoon Drive in Albury; and it certainly would not build the Bandiana link, which is so important for Victoria, to link in the Wodonga stock selling complex, the largest cattle saleyard in Australia, directly to that new road.

Therefore, a contribution from Victoria and New South Wales would be very desirable to build the road to the standard the community expects. I see this as a win-win-win situation. It would be a win for the national highway, it would be a win for Albury-Wodonga in getting a second river crossing, and it would certainly be a win for the Victorian government, because the federal government is already putting \$70 million into a road which otherwise would have to be totally funded by the states.

Electricity: inspection service

Hon. D. G. HADDEN (Ballarat) — I raise an important matter with the Minister for Energy and Resources. I have received representations from a number of constituents about the availability and cost of the licensed electrical inspector service in regional areas.

Since the break-up and privatisation of the electrical industry by the former government considerable concern has been expressed about the maintenance, reliability and safety standards of electrical supplies. Will the minister explain to the house what the Office of Electrical Inspector is doing to address these concerns?

Cormorant deaths

Hon. J. W. G. ROSS (Higinbotham) — I raise with the Minister for Energy and Resources, as the representative in this place of the Minister for Environment and Conservation, a matter raised with me by a constituent who late last year reported finding 30 dead cormorants washed up on the sand between Green Point and the rock groyne just north of the Middle Brighton baths in my electorate.

My informant is a keen birdwatcher and has said that he has not seen any cormorants since. In the past these handsome black and white birds used the flat rocks of the area as a crowded refuge. Now those rocks are bare. I ask the minister whether she is aware of the loss of these birds from my electorate and whether she has any explanation for their deaths.

Prisons: health services

Hon. R. A. BEST (North Western) — I raise for the attention of the Minister for Sport and Recreation as the representative in this place of the Minister for Corrections appropriate health care in the present system.

It is with a deal of sadness that I raise the issue because I was recently contacted by a compassionate, loving father, Mr Neil McCorrison, who told me that his son had what he described as the triple whammy: he is on drugs, has a mental health disability and is incarcerated. I wrote to Minister Haermeyer but have not yet received a response.

Mr McCorrison requested I raise this issue in Parliament in an effort to seek assistance for his son, Aaron, who is currently serving a prison sentence in Ararat prison. Mr McCorrison is anxious that his son receive immediate and ongoing psychiatric care, counselling and relapse prevention from drugs and alcohol.

Aaron was arrested in March 1999 and placed in custody. He was transferred to the Melbourne Assessment Prison prior to his incarceration at Port Phillip Prison. He was bailed in July 1999 to his parents. However, he was sentenced to two and a half years before parole for aggravated burglary and

intentionally causing serious injury in March 1999. He was then transferred to Barwon Prison and subsequently transferred to Port Phillip Prison and finally to Ararat in April 2000.

During all the time Aaron has spent in prison he has suffered from varying forms of psychosis but has received only spasmodic and incomplete care because of current prison policy that inmates can see a psychiatrist only after referral from a psychiatric nurse. Aaron's father advises me that his son urgently needs access to a psychiatrist at the acute assessment unit at the Melbourne Assessment Prison.

If Aaron is to take his place in the community in 18 months time as a normal citizen who can contribute to the community he needs assistance and counselling now. It is a sad case and I feel enormous compassion for a loving father who has gone to extreme efforts in seeking assistance for Aaron. I urge the minister to review the case so that Aaron can live a full and fruitful life in the company of his parents and the community in the future.

Western Port Highway: resurfacing

Hon. R. H. BOWDEN (South Eastern) — I raise with the Minister for Energy and Resources, as the representative in this house of the Minister for Transport, the concerns of constituents about the condition of the Western Port Highway from the junction of the Frankston–Flinders Road, Hastings, north to the Cranbourne–Frankston Road intersection.

Honourable members will remember that on Australia Day this year there was a regrettable multiple fatality at Koo Wee Rup. Various further investigations occurred into the cause of that multiple fatality, but it appears to have been heavily influenced by the surface condition of the highway at that time. I seek the minister's support for the early investigation and resurfacing of the northern part of the Western Port Highway. That section of highway 3 to 4 kilometres north of Hastings, which is only one-way in each direction, carries heavy gas tankers and steel trucks. However, the road surface appears to be similar to the stretch of road on which the multiple fatality took place at Koo Wee Rup. The stretch of road in the Hastings area appears to be equally as smooth as the road at Koo Wee Rup. I am concerned about it and I ask the minister to make early representations to the technical experts to see if resurfacing can be carried out at the earliest possible time.

School buses: overloading

Hon. B. W. BISHOP (North Western) — I raise a matter with the Minister for Energy and Resources, who is the representative of the Minister for Transport in another place. I suspect it may be practical for the issue to be raised also with the Minister for Education in the other place. The matter I refer to is urgent and concerns the Department of Infrastructure direction relating to the overloading of school buses in the Mildura area. I will read from a letter I received from the Sunraysia Bus lines supporting the concerns of schools in the area. It states:

Due to the significant increase in numbers of students enrolled in secondary and senior colleges in 2001, our company is unable to transport students within the legal capacity of the buses ...

We at Sunraysia Bus lines are deeply concerned that students will be left behind, possibly unsupervised and in potentially unsafe circumstances. Please note that unlike Melbourne operators, we do not have the frequency of scheduled services to carry the overloads within a reasonable and acceptable time frame.

Obviously this issue has been raised with me by school councils and a large number of parents. The issue has thrown the school bus transport of students into chaos. This is particularly so for Irymple Secondary College, where last Friday afternoon at least 35 students were left to find their own way home. I am advised that some students suffer from disabilities such as hearing problems. The school council and parents are distressed by this unnecessary issue as the relevant bus company has suggested remedies to overcome the situation and even the seeking of authorisation for an articulated bus with a capacity of 120 passengers, which it has ready to go. To date there has been no response from the Department of Infrastructure. Will the minister urgently inform the relevant ministers of this distressing issue, which can be quickly rectified by some crisp action as suggested by school councils and the bus company?

Public transport: Anzac Day services

Hon. I. J. COVER (Geelong) — I raise for the attention of the Minister for Energy and Resources, who is the representative in this place of the Minister for Transport, the fact that Anzac day is five weeks away tomorrow. A constituent, Doug Bowe, a 78-year-old veteran, has raised with me the issue of public transport on Anzac Day. Mr Bowe likes to attend the dawn service at Torquay and then joins other mates from his wartime unit to take part in the Anzac Day march to the Shrine. Surely the government could arrange with the train companies to provide free public

transport on Anzac Day given the service these men gave the country many years ago.

Mr Bowe says that in the event that free transport may not be provided on the metropolitan system he will have to drive from Torquay to Werribee, park his car and get the train into Melbourne. That would mean he would be struggling to get to the march with his mates.

He asked me to ask the minister to work with the train companies to provide free train services for our veterans travelling on Anzac Day from Geelong and other parts of regional Victoria. I know that last year some free public bus services were provided for residents in Melbourne, but given that the government has a stated commitment to regional Victoria and a stated commitment to govern for all Victorians, we ask that the minister take this on board with a view to working with the train companies to provide that free train service for our veterans on Anzac Day so that they may get to join the march in Melbourne.

Reclaim the Tracks rally

Hon. P. R. HALL (Gippsland) — I refer the Minister for Energy and Resources, representing the Minister for Environment and Conservation, to the fact that on Saturday, 24 March, there will be a major rally in Victoria's high country north of Licola entitled the Reclaim the Tracks rally. The rally is being organised by members of the local community and is also being supported by the Four Wheel Drive Association of Victoria.

Its intent is to draw to the public's attention what can only be described as vandalism by Parks Victoria in its efforts to unnecessarily deny access to Victoria's alpine national parks along several tracks. While the issue of maintenance of track access in parks is very broad and somewhat vexed, I want to mention three particular tracks — the New Caledonia track, the Dingo Hill track and the Link to the Butcher Country track. Each of those three tracks has been closed since fire swept through the area in December 1997, some three years ago, despite the relatively good condition of the tracks. The situation is best described by my constituent Mr Ralph Barraclough of Licola, who said in his letter to me of 14 March:

In the previous week from 5 to 9 March 2001, horrendous environmental damage has been done with a bulldozer in the park at two locations to block access. This had the approval and was supervised by park rangers. Huge bumps and trenches were cut across the track and down the sides of the spurs, in country that I do not believe is possible to rehabilitate. The damage done last week is at least four times as bad as previous barricades and worse than anything ever done by 4WD usage.

The action I seek from the minister is an immediate inquiry into why such draconian action was taken by Parks Victoria and for what purposes. Further, I seek a commitment from the minister that the tracks will be reopened by Easter — a popular time for use by four-wheel drives in the high country on public land that should rightfully be accessible to members of the public.

Royal Botanic Gardens: flying foxes

Hon. ANDREA COOTE (Monash) — I refer the Minister for Energy and Resources, representing the Minister for Environment and Conservation in another place, to the much-loved Royal Botanic Gardens in Monash Province, the electorate I share with Peter Katsambanis.

Honourable members may recall that I raised the issue of the bats in the gardens in October last year. Since that time the minister has prevaricated over the issue. She would not allow the initial culling of the bats before they bred, although she was warned, and the bat numbers have now risen from 8000 to somewhere in the vicinity of 20 000. She then called a bat forum. The bat forum had a number of eminent science experts, who conferred for a long time and finally decided it was a very good idea to take the bats to Mallacoota, much to the distress of the local member, Craig Ingram, and indeed the residents of Mallacoota. However, when it came down to tintacks it emerged that each bat would cost \$400 to relocate, which was far too expensive.

Given that the minister ignored the scientific experts, I would like to know how much the bat forum cost.

Cardinia: economic development unit

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise with the Minister for Energy and Resources, as the representative of the Minister for State and Regional Development, a matter relating to the activities of the economic development unit of the Shire of Cardinia, which is one of the three major councils in Eumemmerring Province. The economic development unit (EDU) has been doing a great deal of good work in trade missions to promote Gippsland agricultural produce throughout the world. The council's EDU officer has only just returned from Dubai.

I recently received a letter from the EDU at Cardinia Shire Council which reads, in part:

... we recently facilitated a very successful entry at the Fine Food Expo, held in Melbourne in November 2000. As a result of this exercise we were invited by the Australian High Commission to participate in promoting Australian produce at the Canadian Winterlude Festival in Ottawa.

... Our proposal received the support of Mr Greg Wood, the High Commissioner for Canada ... and a great deal of cooperation from Austrade representatives in Canada and Australia, as well as widespread support from producers in Gippsland ...

The Canadian event was a tremendous opportunity to promote the whole of Gippsland. Sadly, it did not eventuate because we were unable to secure funding support from the Department of State and Regional Development. A subsequent offer of \$10 000 from the Northern Territory government, whilst encouraging, was insufficient to allow the project to proceed.

Although Cardinia shire is 97 per cent a rural shire, the Bracks government is yet to recognise its status as a rural shire, so it consistently misses out under government programs such as the Regional Infrastructure Development Fund.

I ask the Minister for State and Regional Development to investigate why the department allowed that trade mission to fail due to lack of government support, particularly given the shire's proactive stand on such matters. I ask that in future the minister give the appropriate support to the activities of the economic development unit of Cardinia Shire Council.

Premier and Cabinet: consultancies

Hon. C. A. FURLETTI (Templestowe) — I ask the Premier, through the Leader of the Government in this house, whether the government has commissioned any reports or consultancies in respect of its racial and religious tolerance policy other than the report prepared by Sweeney Research in October last year with the Department of Premier and Cabinet at a cost of \$35 200. If so, how many such reports or consultancies have been commissioned and at what cost, and what were the recommendations contained in such reports?

Local government: waste management group reports

Hon. C. A. STRONG (Higinbotham) — I raise with the Minister for Energy and Resources, as the representative of the Minister for Local Government in the other place, the matter of regional waste management groups, which I understand are administered under the Local Government Act. A perusal of the list of papers the house was presented with today shows that some six waste management groups failed to meet their reporting deadline — in fact, the six waste management groups were the only ones reported as missing their reporting deadline. All honourable members would realise that this is a serious matter.

I ask the minister to take up with the Minister for Local Government what action he intends to take to ensure that there is no repeat of these missed reporting deadlines.

Buses: Wonthaggi–Traralgon service

Hon. K. M. SMITH (South Eastern) — I raise a matter with the Minister for Energy and Resources who is the representative in this place of the Minister for Transport. In 1999 after my lobbying on behalf of my constituents in the Wonthaggi area the then Minister for Transport, Robin Cooper, announced a pilot bus service to run between Wonthaggi and Traralgon. This allowed residents better access to many government departments that operate in the area. Although the bus service was limited, it was a good service.

The pilot scheme has been successful and the current minister has made it permanent. That is good, although I object to the local Independent Labor member, Susan Davies — —

Hon. M. M. Gould interjected.

Hon. K. M. SMITH — She has claimed total victory, saying that this scheme was her idea when it never was and it never will be. I ask the minister to refer the matter to the Minister for Transport. Given the success of the scheme on the initiative of Kennett government minister Robin Cooper, I ask that some consideration be given to extending this bus service to Korumburra. People who know the area would realise that there is easy access from Wonthaggi to Korumburra and then back to Leongatha. Hansard will note my hand motions indicating going through the hills and so forth. The service could then go across to Traralgon, which would open up the opportunity for a large number of residents to use the service. I ask the minister to consider extending the bus service to Korumburra.

Melbourne Football Club

Hon. B. N. ATKINSON (Koonung) — I raise with the Minister for Sport and Recreation the fact that the Melbourne Football Club has invested more than \$1 million and several years in developing a proposal for a social club venue in the northern suburbs of Melbourne. Like a number of other organisations pursuing gaming licences for social club venues the Melbourne Football Club has acted in good faith. The football club is under some pressures, as are most Victorian sporting clubs, and it had the misfortune of being caught in the government's announcement of a

freeze on poker machines in a set number of municipalities designated by the government.

I understand that a number of gaming venue applications have been in the pipeline for some time and there have been inordinate delays in the processing of those applications, perhaps because the government was preparing to make its announcement. The applications have also been caught by a retrospective decision of the government. That is somewhat unfair, given the length of time and the amount of money that has been invested by a number of organisations, including the Melbourne Football Club, in trying to establish those venues.

Can the minister indicate whether he has had discussions with the Melbourne Football Club or any representations from that club or any local municipality about the freeze on poker machine numbers seeking a review of that decision or any compensation?

Ivanhoe Park Croquet Club

Hon. BILL FORWOOD (Templestowe) — The issue I raise is also with the Minister for Sport and Recreation. I am sure the minister would recall that during the spring sittings Mr Cover, Mr Davis, Mr Birrell and I attended the launch of Croquet Week which took place in the upstairs dining room of Parliament House one wet afternoon. I recall also that the minister subsequently came into this chamber wearing a croquet badge.

The issue I raise concerns a letter I have received from the Ivanhoe Park Croquet Club addressed to the minister. The letter indicates that the club was established in 1913 when the original clubhouse was built by the then members on council land. The letter states:

The club is now faced with the complete renovation of the lawns as the thatch which has built up over the years prevents the water reaching the grass roots. In addition the constant top dressing and building up of the lawns has caused slopes to develop on the courts, thus making them unsuitable for high level competition play.

The club has been to the local council which is obtaining a quotation for the work, but it has advised that the club must make a sizeable contribution to the cost of renovating the lawns. The letter also states:

Therefore we wish to apply for any grants which may be available for clubs in such circumstances. In the 88 years of our existence, this is the first time we have called for assistance.

The club makes the point that it recruited 10 new players as a result of the successful Croquet Week. The

club is seeking some assistance from the minister about this matter. The letter was addressed to the minister and dated the beginning of March. I am happy to make this copy available to the minister. The club has yet to hear from the minister, but I would encourage him to find his way clear to assist the Ivanhoe Park Croquet Club with the renovation of its lawns.

Marine parks: ECC report

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Energy and Resources in her capacity as the minister responsible for fisheries and representing the Minister for Environment and Conservation in the other place. I refer specifically to the government's consideration of the final report and recommendations of the Environment Conservation Council (ECC) on marine parks. The minister will no doubt be aware of the significant concerns raised by rural coastal communities from the far west to the far east of the state. I am sure the minister would be aware of detailed submissions prepared by local communities, angling clubs, professional fishing organisations and groups associated with communities which have a tourism industry interest about the impact certain recommendations will have on those small communities.

It is clear from my consultation with people from Portland to Apollo Bay and Corner Inlet to Mallacoota that in many instances they feel they have been disfranchised in their ability to make representations to government. They have undertaken some high quality work in looking at the detailed implications of certain outcomes of the ECC recommendations, but there seems to be a void in terms of where they can make those representations heard.

Will the minister advise whether the government will consider establishing a stakeholder process so as to allow those small coastal communities and the citizens whose futures depend on their livelihoods in professional and recreational angling to make submissions to the government before it finalises its response to the ECC marine parks investigation?

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I refer the Minister for Sport and Recreation to the issue of Waverley Park. Prior to the last election the Labor Party promised that it would retain Waverley Park for Australian Football League football. The honourable member for Dandenong in the other place, the Minister for Gaming, announced that compulsory acquisition of

the stadium would be considered. It is now 19 months since the last AFL premiership match was played at Waverley Park. In May last year the Minister for Sport and Recreation announced that he would look at potential creative solutions for the park, but there have been no more announcements.

The Minister for Gaming suggested the Greater Dandenong City Council should pursue an application for heritage listing. That process cost the ratepayers of Greater Dandenong more than \$200 000. The listing has come into effect and we now have a vandalised stadium which the *Herald Sun* described on 14 March this year as a suburban eyesore. The minister in the other place has cost the ratepayers of Greater Dandenong \$200 000 and AFL clubs an estimated \$5.8 million this year. Given it is apparent that the government's strategy has failed, will the minister inform the house what action he intends to take to resolve the impasse?

Harness racing: whips

Hon. ANDREW BRIDESON (Waverley) — The matter I raise for the attention of the Minister for Sport and Recreation as the representative in this place of the Minister for Racing in the other place is on behalf of a constituent, Noel Turner from Clayton. It concerns the use of whips in harness racing. My constituent claims that the use of whips is extreme, and in an email to me he states:

... the spectacle of a defenceless animal being whipped mercilessly because it cannot run fast enough to satisfy a driver is something that no-one should have to witness.

... such hideous treatment should never be meted out to a poor defenceless animal. The fear and pain experienced by the defenceless horse is something that should never be permitted in a civilised society.

My constituent wants to know what the Minister for Racing intends to do about the situation.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Bill Baxter raised a matter for the Premier. He acknowledged the great initiative of the government in having a joint cabinet meeting with the New South Wales cabinet next week. I will refer the matter to the Premier.

The Honourable Carlo Furletti raised a matter for the attention of the Premier. I will ask the Premier to reply to the honourable member in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Geoff Craige requested the Minister for Environment and Conservation in the other place to examine the maintenance and upgrade of the Howqua Track. I will refer that matter to the minister.

The Honourable Dianne Hadden raised a matter about electrical safety. In response, I have received a number of representations from the north-west part of Victoria on the issue. The main concern has been about the availability and cost of lighting and electrical inspectors to service the north-west of the state and their perceived independence. A number of issues have been raised in relation to compliance with established safety requirements.

Similar concerns have been raised with the Office of the Chief Electrical Inspector, who, I understand, has made arrangements to hold a forum in Swan Hill on 18 April for registered electrical contractors. I am advised that the forum has the full support of the national Electrical Contractors Association and the Electrical Trades Union. Similar concerns were expressed at the time the regulations were established under the previous government.

Given the nature of the meeting to be held on 18 April, the course of action proposed by the Chief Electrical Inspector to work through the issues is the appropriate course of action. I await advice from that meeting.

The Honourable John Ross requested advice from the Minister for Environment and Conservation in the other house about the loss of cormorants from his electorate. I will refer that matter to the minister.

The Honourable Ron Bowden raised a matter for the Minister for Transport regarding the surface of the Western Port Highway in the Hastings area. I will refer that matter to the minister.

The Honourable Barry Bishop raised a matter about school bus overcrowding for the attention of the Minister for Transport and, I think, the Minister for Education in the other place. I will refer that matter to the ministers.

The Honourable Ian Cover raised the matter of transport to the Anzac Day service at the Shrine of Remembrance. I will refer that matter to the minister.

The Honourable Peter Hall requested the Minister for Environment and Conservation in the other place to respond to a concern about a number of tracks in alpine areas and referred to the forthcoming Reclaim the Tracks rally. I will convey his request to the minister.

The Honourable Andrea Coote requested advice from the Minister for Environment and Conservation on the cost of the bat forum to deal with the bats in the botanic gardens. I will refer the matter to the minister.

The Honourable Gordon Rich-Phillips raised a matter for the Minister for State and Regional Development regarding the economic development unit of the Cardinia shire. I will refer that matter to the minister.

The Honourable Chris Strong requested that the Minister for Local Government provide advice on action taken regarding late reports from waste management groups. I will refer his request to the minister.

The Honourable Ken Smith asked the Minister for Transport to consider extending a bus service to Korumburra. I will refer that request to the minister.

The Honourable Philip Davis raised for the attention of both the Minister for Environment and Conservation and me concerns about impacts in relation to the Environment Conservation Council's recommendations for marine reserves. I note that tomorrow several hours will be set aside to debate these matters, so I will be brief in my response to his request. I point to the fact that the ECC's recommendations come after some nine years of consultations and that the Minister for Environment and Conservation and I are in the process of meeting with a whole range of peak bodies and key stakeholders prior to the government making a decision in response to those recommendations.

Hon. Philip Davis — On a point of order, Mr President, I think the minister misunderstood the question I raised with her. It was specifically in relation to local stakeholders. I acknowledge the minister's comment that she and the Minister for Environment and Conservation are meeting with peak bodies, but the point of the issue I raised tonight was specifically in relation to representatives of local rural communities who feel disfranchised as their concerns are not being addressed by any process the government presently has in place in its consideration of the ECC recommendations.

Hon. C. C. BROAD — I have made my response and we will have several hours to debate this tomorrow.

Hon. Philip Davis — So the minister will not answer the question. Is that the point, Mr President?

The PRESIDENT — Order! The minister has responded.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Jeanette Powell raised for the attention of the Minister for Community Services in another place the concerns of her constituent Tony Wingrove from Mooroopna about Seniors Card concessions and asked whether two extra days of concessions would be declared for Senior Citizens Week. She asked that a meeting be arranged with a delegation of seniors for the matter to be dealt with. I will raise the matter with the minister for her to respond to the honourable member directly.

The Honourable Elaine Carbines raised the issue of the Offshore Music Festival at Torquay, a very important music festival to the locals. Unfortunately the event will not be held in Torquay this year due to repeated objections to the event taking place, to the council planning permit and the liquor licence. There has been a meeting with local council representatives, and I understand that, following agreement from the liquor licensing unit, they are looking at ways to deal with the permit and licence issues together. There will still obviously be the capacity for objections to be lodged with the Victorian Civil and Administrative Appeals Tribunal, but that is being sought on the basis that the matter be dealt with by the tribunal as one issue rather than two.

Hon. Bill Forwood — The planning permit and the liquor licence as a joint hearing?

Hon. M. R. THOMSON — A joint hearing will be requested of VCAT to deal with that issue. It is hoped that they can then obtain a three-year agreement, a permit and a liquor licence to hold the event at Torquay from 2002 to 2004.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Cameron Boardman asked about the recognition of a female teacher from the United States of America who has previously taught at the Mount Eliza Primary School. I shall be happy to prefer that matter to the Minister for Education in the other place.

The Honourable Ron Best asked about a constituent currently at Ararat prison suffering from drug, mental health and other problems. I am happy to raise with the Minister for Corrections in the other place the matter of access to psychiatric assistance.

The Honourable Bruce Atkinson asked about the Melbourne Football Club and its investment in gaming. I have received no approach from either the Melbourne Football Club or other sporting organisations about ventures into gaming and gambling and have had no

matters raised with me by municipalities. I should expect they would be matters raised with the Minister for Gaming in the other place.

The Honourable Bill Forwood asked a question, on which I compliment him, about the success of Croquet Week, and in particular about the Ivanhoe Park croquet lawns being unsuitable. Although I have yet to receive that letter through the department, I thank Mr Forwood for handing it to me. I shall have officers from my department communicate with members of the club to explain various opportunities for potential funding for any development to the club.

The Honourable Neil Lucas raised the matter of Waverley Park. I thank him for his persistence in this matter. The Australian Football League has made it clear that it will not play games at AFL park. While the government has continued to say that it is prepared to fight for games to be played at Waverley Park, the AFL has said that it will not. It is not prepared to enter into a process beyond that, so we cannot identify what it is prepared to do.

The Honourable Andrew Brideson asked about whips in the harness racing industry. I shall be happy to refer the matter to the Minister for Racing in the other place.

Motion agreed to.

House adjourned 11.32 p.m.