

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

29 August 2000

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Tuesday, 29 August 2000

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

CONDOLENCES

Hon. Joseph Anstice Rafferty

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

That this house expresses its sincere sorrow at the death, on 14 June 2000, of the Honourable Joseph Anstice Rafferty, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral districts of Caulfield from 1955 to 1958, Ormond from 1958 to 1967 and Glenhuntly from 1967 to 1979, and as Minister of Labor and Industry from 1970 to 1976, Assistant Minister of Education from 1970 to 1972, Minister of Consumer Affairs from 1973 to 1976, Minister for Federal Affairs from 1975 to 1976, Minister of Transport from 1976 to 1978 and Chief Secretary from 1978 to 1979.

On behalf of the government I honour the life of a man who overcame significant odds to rise to the senior echelons of political life in this state. From this position Joe Rafferty left his mark on Victoria in a distinguished parliamentary career spanning some 24 years. His legacy to the state remains his ushering in of major social reforms and improvements to the state's transport network that endure to this day.

Born in Launceston, Tasmania in 1911 Joe was the fourth of seven children. He was born partially blind, a handicap that saw him miss his early school years. He began his formal education at 8 years of age and continued until the age of 14. Joe then moved into employment and worked as a helper at the King Island Cooperative Store, then as a telegram messenger before returning to school. After two years of part-time study Joe matriculated.

Joe's commitment to furthering his study was a product of his disciplined upbringing as the son of a Boer War veteran. Joe then came to Victoria and undertook three years of studying law at Melbourne University. He then joined the commonwealth public service and sought a noble career that is close to my heart — a career in industrial relations and personnel management. His expertise in that area came to the attention of fledgling Australian National Airlines, or ANA, and he worked with that company from 1945 to 1953, becoming its personnel manager.

Joe then moved to set up his own business as an industrial management consultant. He gained an entree

to Melbourne's business interests through his association with the Junior Chamber of Commerce, or Jaycees, in 1950 and went on to represent the organisation at several conferences abroad. That significantly enhanced his business credentials both here and overseas.

After being successful in gaining a seat on the Melbourne City Council and two unsuccessful bids at winning preselection for state seats, Joe was finally elected as the state member for Caulfield in May 1955, a position he held for three years.

As a new recruit to the Parliament Joe was already demonstrating his interest in some of the issues that were to take up much of his energy while in Parliament. His maiden speech, or as I prefer to call it, his inaugural speech, highlighted Joe's desire to crack down on the scourge of drink-driving.

Joe went on to become the member for Ormond from 1958 to 1967 and the member for Glenhuntly from 1967 to 1979. While a member of Parliament Joe served as a member of the Subordinate Legislation Committee from 1955 to 1961; was Chairman of Committees from 1960 to 1965; Parliamentary Secretary to the Cabinet from 1965 to 1970; and he was appointed to cabinet as the Assistant Minister of Education in 1970 until 1972. As I said earlier, he was appointed Minister of Labour and Industry from June 1970 to March 1976; Minister of Consumer Affairs from May 1973 to March 1976; Minister for Federal Affairs from 1975 to 1976; and Minister of Transport from March 1976 until August 1978. Joe was appointed Chief Secretary in August 1978 and held that position until his retirement from Parliament.

Joe Rafferty made several major lasting contributions to the betterment of the lives of Victorians. Social reforms such as the introduction of late-night shopping and smoke-free public transport are innovations that have been embraced as normal features of our everyday lives, initiatives in which Joe was clearly involved and interested.

Joe's key role in establishing the Small Claims Tribunal saw Victoria lead Australia in initiatives to protect the affairs of consumers by giving them greater access to justice. After retiring from Parliament Joe accepted a London posting as Victoria's Agent-General where for four years both he and his wife, Lyn, made a positive impact in diplomatic circles.

In later life Joe continued his education by studying journalism in order to write travel stories, tapping into both his and his wife's enjoyment of travel. On behalf

of the government, I extend condolences to the family of Joe Rafferty, including his wife, Lyn, and his sons Andrew and David.

Hon. M. A. BIRRELL (East Yarra) — On behalf of the opposition I am pleased to support the condolence motion upon the death of Joe Rafferty.

Joe Rafferty was born in January 1911 and passed away in June this year at the age of 89. Although I did not have the pleasure of serving with him in Parliament, I take this opportunity on behalf of all honourable members to congratulate him on his long service to Parliament, in particular on his contribution as a minister.

When Joe Rafferty joined the Liberal Party in 1945, which was about as early as you could join it, he became a member of one of the branches in my area, the Auburn branch. It was a move he later said was openly calculated, with the aim of securing preselection. It led to a number of efforts by him to gain preselection, with a great deal of determination — indeed, similar to the determination he exhibited throughout his public life.

Joe was born in Launceston and was one of seven children, having been raised in a very strict disciplinarian atmosphere. At the age of four it was discovered that he was visually impaired. Consequently, his entry to school was delayed. He was 8 years old when he commenced his education and he remained at school until the age of 14. By any standards, Joe had a number of setbacks before he even finished his teens. Nevertheless, he went on to matriculate after two years part-time study and showed his absolute commitment to increase his educational standards through sheer personal effort. He then financed himself while undertaking an arts degree at the University of Tasmania. He later studied law at Melbourne University after he had moved to Victoria.

By all accounts he was an affable man with an inquiring mind, a sense of humour, and quite strong political judgment. The skills he learnt at Melbourne University and later as president of the Jaycees, and from his involvement in the Melbourne Chamber of Commerce, stood him in good stead. In his professional life, in personnel management and then in industrial relations management, he met with a wide range of people, which was significant to the broadening of his understanding before he began his political career.

He commenced his parliamentary career in the Legislative Assembly, when he stood for the seat of Caulfield at the 1955 state election. He doorknocked

the electorate and as a result of that effort — as it was a marginal seat — he upset the sitting member by defeating that person and winning by 1500 votes. The name of his electorate was constantly changed, as was its boundaries. First he was the member for Caulfield, through to 1958; then the member for Ormond, through to 1967; and then the member for Glenhuntly, from 1967 until his retirement at the 1979 state election.

Joe became one of the Liberal Party's longest standing ministers, under both Henry Bolte and Dick Hamer. He commenced as Assistant Minister of Education in 1970, and was Minister of Labour and Industry from 1970 until 1976, Minister of Consumer Affairs from 1973 until 1976, Minister for Federal Affairs from 1975 until 1976, Minister of Transport from 1976 until 1978, and finally, Chief Secretary, through to his retirement in 1979.

Joe Rafferty left many lasting legacies, including a number of institutions that we now take for granted — although they might have different titles. He established the Small Claims Tribunal; he introduced legislation to abolish pyramid sales schemes; he banned smoking on public transport; and, as he raised in his maiden speech, he constantly worked to eliminate drink-driving through many initiatives in his political career.

Joe spent 24 years as a member of the Victorian Parliament, 9 of them as minister. As the Leader of the Government has indicated, in 1979 Joe was appointed Victoria's Agent-General in London and served in that post for four years. During that period there was a change of government, but at the request of the incoming Labor Premier, John Cain, Joe Rafferty stayed on to oversee a major reorganisation of the Agent-General's office, much of which had resulted from his earlier recommendations. Joe remained very busy in retirement. He travelled widely, and in 1990, when he would have been close to 80 years, he took a journalism course, with a view to writing articles, particularly on travel.

Joe Rafferty was recognised as one of the last links with the Bolte era. He died after a short illness, after leading a very full life. On behalf of all my colleagues I extend condolences to his wife, Lyn, to his two sons from his first marriage to Miriam, and to his grandchildren and great grandchildren.

Hon. R. M. HALLAM (Western) — Joseph Anstice Rafferty — 'Joe', as he was affectionately known by many, and 'Raff', as he was known even more affectionately by a few — was a remarkable man. He died on 14 June at the grand age of 89 years. It is appropriate that the chamber take time out to

acknowledge his passing, to pay tribute to his extraordinary contribution to this Parliament and to this community, and to express condolences to his wife, Lyn, and to his sons Andrew and David, and their families.

I am pleased to contribute to this motion on behalf of National Party members and to say to every member of the Rafferty family that they have every reason to be proud of Joe Rafferty. Those who served with him remember him extremely fondly and with great affection. He was an all-round good man.

For my own part, sadly I met Joe Rafferty but a couple of times, and then only fleetingly, but immediately his warmth and his engaging character came through. I should say today, as I did at the time I first met Joe Rafferty, that I felt I had him at a disadvantage, because he was very well known to me; I had more than a passing interest in politics, and Joe Rafferty was a household name. While the relationship was one sided, I was pleased to make that point.

I took time out to read Joe Rafferty's extraordinary record, and I became totally engrossed in the details of his character. His record speaks for itself. He was a member of this Parliament for 24 years, which in my view is equivalent to about two lifetimes. In all that time he was a member of the government, which is quite extraordinary — almost incredible. It may be a commentary on the times and on the Bolte team on which he so proudly served. Joe was the member for Caulfield from 1955 to 1958; the member for Ormond from 1958 to 1967; and, ultimately, the member for Glenhantly from 1967 to 1979.

In my research I did not discover the detail to the background of the seat's name changes, but I am prepared to bet there were some pretty interesting stories to those changes, notwithstanding that the territory could hardly be described other than as very safe Liberal — or perhaps the story lies in the fact that it could be described as very safe Liberal. I suspect there is a testament to Joe Rafferty's standing and respect among his colleagues implicit in the story behind the seat's various names.

Then there is the fact that he served as a minister for 9 of the 24 years in which he was a member of this Parliament — again, a remarkable record. Joe was the Assistant Minister of Education, the Minister of Labour and Industry, and the first minister — in Australia, I suspect — of Consumer Affairs. He was also the Minister for Federal Affairs and the Minister of Transport, and he finally served as the Chief Secretary, which was a very senior position indeed.

When one adds to that record the fact that he served for four years as Chairman of Committees in the Legislative Assembly and five years as cabinet secretary, one gets an even clearer picture of a remarkable career. In addition, as has been noted by previous speakers, Joe was a performer. As Minister of Consumer Affairs he established the Small Claims Tribunal. He took the first tentative, but critical, steps towards late-night trading — and I bet that was not popular at the time. He also took a number of other initiatives which could be described as deregulation before that title was even coined. As Minister of Transport he oversaw the construction of the Melbourne underground loop, a \$500 million project — massive in any terms.

Joe Rafferty is also acknowledged to have played a primary role in the construction of the West Gate Bridge, perhaps an even more far-sighted project than the underground rail loop. He is also attributed with responsibility for much of the early work for the Eastern Freeway.

Joe Rafferty is commonly cited as being responsible for the banning of smoking on public transport, which I suspect was a very brave initiative at the time it was taken. He is also recognised as being responsible for the introduction of the compulsory wearing of seatbelts, the restriction on blood alcohol content, speed restrictions and many other initiatives directed at reducing the road toll, which was a particular and enduring interest of his.

There were many others. As I said, I became engrossed in the record of Joe's career. He was a real goer. To cap off his political career he served for four years as Agent-General in London, a position which he fulfilled with skill and energy, and a great deal of charm. He and his wife, Lyn, were outstanding ambassadors for the state. They won the admiration of all who had the good fortune to come into contact with them in their roles.

That all stands as a remarkable record, but it becomes even more remarkable when Joe's very tough start in life is taken into account. As has already been recorded, he was born in Tasmania, the fourth of seven children. At the age of four it was discovered that Joe was virtually blind. As a result, as the Leader of the Opposition has reported, his initial schooling was very restricted, comprising about six years of formal schooling. He left school at the age of 14, took a job as a gofer at the King Island Cooperative Store, a pretty menial position, and from there, through his own efforts and his part-time study — I bet that was not fashionable at the time — he ultimately matriculated and then achieved a Bachelor of Arts degree from the University of Tasmania.

He came to Melbourne at the age of 29 and — again, I suspect, a quite unfashionable process — studied law at Melbourne University and embarked upon a career in the Commonwealth Public Service. As has been reported, he left that position to take up a career with the fledgling Australian National Airlines and ultimately rose to become personnel manager.

The thing that struck me was that after all that, in 1953 he set out on his own and established a private consultancy into industrial relations and industrial management. This was real pioneering stuff, and he was very brave to do it, particularly when we read that he had a young family at the time.

Joe showed a great deal of interest in community affairs and became heavily involved in the junior chamber of commerce. Indeed, as has already been remarked, he became the president of Melbourne Jaycees in 1950 and attended a number of international conferences representing that movement. We are told he had a couple of unsuccessful attempts at joining the Melbourne City Council and that he put a great deal of effort into that candidacy. We are also told that he joined the Liberal Party in 1945 and contested a couple of preselections, culminating in a remarkable and unexpected preselection for candidacy in Caulfield against the sitting member, and I suspect there lies another untold story in the life of Joe Rafferty.

Joe Rafferty took up the seat in this place at the time Sir Henry Bolte began his long reign as Premier. Thus he had the quality so critical to success in politics, and one we might think about more than we perhaps do — the quality of timing.

I read an article about Joe Rafferty that was published in the *Herald* in 1970. It was written by John Sorell in a column called 'On the spot', and it really tickled my fancy. It is headed:

With strikes all around him ... what can I do? poor Joe asks.

The article refers to the test facing the new ministers in the Bolte government. Several of them are given a test. I quote directly from the article, which states:

And last but not least our new minister for labour and industry, Joe Rafferty, has finally found himself before the cameras.

It goes on to refer to the role Joe Rafferty played in the very early days of the Bolte government and the enormous responsibility that he assumed as Minister of Labour and Industry. The part of the article that really struck me was that Joe Rafferty is reported as saying to John Sorell, about the disputation which was taking place, and it was running rampant at the time:

I would much prefer that reasonable men get together to resolve problems.

That was his way. He talked about Rafferty's rules and coined the phrase. The interviewer said that, while it sounded a bit corny:

He would be disappointed if I didn't mention it.

The journalist made the point that Joe Rafferty had several years leading the Jaycee movement, which may account for his verbosity. This was the bit that struck me:

Joe strings sentences and cliches together like a sausage machine.

That became obvious in my research. He was an extraordinary man. His career in this Parliament was something else again, and it is appropriate that we take time out to recognise that contribution.

Joe Rafferty was a remarkable Victorian. On behalf of the National Party I pay tribute to his contribution and to his memory, and I extend sincere condolences to his family.

Hon. ANDREA COOTE (Monash) — It is a honour to contribute to the condolence motion for the Honourable Joseph Anstice Rafferty. I cannot remember when I first met Joe Rafferty, but I remember that I made the fatal mistake of calling him Joseph. In no uncertain terms he said, 'It is not to be Joseph, or indeed Mr Rafferty. It is to be Raff and Raff only', and from thereon he was Raff to me.

Raff was a Tasmanian. He had some early schooling problems which set him back. Today people with such problems would be given considerable counselling and help. In Tasmania he did not get the sort of help available today. Despite this drawback, he eventually matriculated and went on to Melbourne University to study law.

As has already been stated, Raff had an early career with Australian National Airlines and experience as a candidate for Melbourne City Council. He served as a member of Parliament for 24 years. Indeed, as the Leader of the National Party has said, some interesting comments were made about Raff having been a member for Caulfield, Ormond and Glenhuntly between 1955 and 1979 and the changes that occurred during that time. As has already been said today, Raff was no ordinary member. He held the following positions: he was the Minister of Labour and Industry and the first Minister of Consumer Affairs in Australia, a position of which he was justifiably proud. He was also Minister for Federal Affairs and Minister of

Transport. He was involved with the establishment of the Small Claims Tribunal and also with the development of the West Gate Bridge and the city rail loop.

Raff took to calling into my office and having long chats with me. It was quite enlightening. He spoke to me about his time in the Bolte government and about what happened — the personalities of the people concerned and some of the issues. I sincerely miss those chats.

On a personal level, Raff was especially proud of two aspects of his public life. One of those was being a member of the Jaycees and later representing the Melbourne Chamber of Commerce overseas. He was especially proud of the contributions he made as a young man in both those areas. The other was as the Victorian Agent-General. As has been discussed already today, he made a large contribution to that position. It is interesting to note that all the Victorian Agents-General before Joe Rafferty had been given knighthoods. Knighthoods had gone out by the time former Premier John Cain was elected, but Raff was never given a public honour of any sort. Ian Maurice Haig, who came after Raff, was made a Member of the Order of Australia — an AM. Raff was pretty philosophical about not having received that type of recognition. However, I believe most Victorians would be unhappy to know about that.

I cannot tell you about the first time I met Raff but I can tell you about the last time. It was shortly after he had a mishap on a tram and the incident had been written up in the *Herald Sun*. He was really amused by the article. I will read the article because it sums up what many honourable members have said about him and shows his wonderful sense of fun and wit.

An article by John Hamilton in the *Herald Sun* of 10 November 1999 entitled ‘Liberal loses a seat’ reads:

There was the Hon. Joseph Rafferty, a former transport minister, gliding through the leafy streets of Caulfield on a No. 64 tram. And then there was the Hon. Joseph Rafferty, 88 — one of the last surviving members of the Bolte government — flat on his back when his seat suddenly collapsed on Monday.

‘It’s a bit early to call this a crook government, but I wonder just what’s going on here’, said the former senior Liberal, he was transport minister for 1976–78 before going to London as Victoria’s Agent-General.

‘We were rattling along near Wattleree Road when it happened’, he said. ‘The tram took off — and the next thing, the seat’s gone’. The tram stopped as other passengers came to Mr Rafferty’s assistance.

‘I’ve got a few bruises out of it, and I’m going off to see the doctor’, he said. But not before doing his duty.

Mr Rafferty rang transport minister Peter Batchelor to report the incident.

‘I do hope they haven’t run out of screws already’, said the former minister.

Raff’s keen and cryptic sense of humour was with him until the end, and I will miss his visits and his advice.

My thoughts are with his wife, Lyn, and his sons Andrew and David.

The PRESIDENT — I wish to associate myself with the motion. When Mr Baxter and I first entered Parliament as members in the Legislative Assembly in 1973 Joe Rafferty had been a member for 18 years and a minister since 1970. I recall that as the Minister for Consumer Affairs he was an enthusiastic discloser of any scams. I have always thought since then that the job of a minister for consumer affairs is dead easy because there is at least one scam a day that you can reveal and warn the public about. Certainly at that time there was a lot of publicity when the then government legislated to outlaw pyramid selling, although it is still among us in a number of other clever forms.

As Minister for Transport Joe was active and enthusiastic in his reforms, which have been outlined to the chamber. When Mr Baxter and I were first elected to Parliament one of the controversial issues — it still is a controversial issue — was the salaries paid to members of Parliament. In those days the government used to think up a figure that was appropriate and members would vote for it. One can imagine how that went down with members of the community, who normally just took what was given to them. All honourable members owe Mr Rafferty a debt of gratitude because he thought up the idea of linking state members’ salaries with those of federal members of Parliament. That system now operates in every state of Australia, and obviously any work value case would clearly establish the relationship of the work we do with that done by our federal colleagues.

Joe Rafferty had a distinguished career as Agent-General in London. I remember visiting Joe and Lyn at the time. He was very enthusiastic about attracting investment to Victoria. Interestingly, Victoria has been continuously accredited in London for almost 150 years. I believe we were one of the earliest states in the world to be so accredited.

There was a large congregation at Joe’s funeral, where Mr Speaker and I were honoured to be pallbearers. I

pass on my condolences to Lyn and to Joe's children, grandchildren and great 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 Joseph Anstice Rafferty, the house do now adjourn until later this day at 3.30 p.m.

Motion agreed to.

House adjourned 2.36 p.m.

The PRESIDENT took the chair at 3.32 p.m.

ROYAL ASSENT

Message read advising royal assent to:

6 June

Adoption (Amendment) Act
 Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Act
 Arts Legislation (Amendment) Act
 Business Registration Acts (Amendment) Act
 Children and Young Persons (Appointment of President) Act
 Dairy Act
 Electricity Industry Acts (Amendment) Act
 Health Services (Governance) Act
 Land (Revocation of Reservations) Act
 Psychologists Registration Act
 State Taxation Acts (Miscellaneous Amendments) Act
 Tobacco (Amendment) Act
 Victorian Law Reform Commission Act

14 June

Appropriation (2000/2001) Act
 Appropriation (Parliament 2000/2001) Act
 Control of Weapons (Amendment) Act
 Emergency Management (Amendment) Act
 Environment Protection (Enforcement and Penalties) Act
 National Parks (Amendment) Act

VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

QUESTIONS WITHOUT NOTICE

Industrial relations: manufacturing industry

Hon. M. A. BIRRELL (East Yarra) — I ask the Minister for Industrial Relations why she refused to publicly oppose today's costly strike by manufacturing unions.

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for his question. It is interesting that the opposition shows once again its lack of understanding about industrial relations and how industrial relations applies in this state. The irony of the question is that it shows the opposition does not know how industrial relations and enterprise bargaining work in this state. I am happy to go through once again what enterprise bargaining is all about and how it operates in Victoria.

Enterprise bargaining works along those lines under the Workplace Relations Act. Because a number of enterprise agreements expired on 30 June this year, negotiations have been promoted and have been called Campaign 2000. An ambit claim is put by the unions to the employers, and the employers then sit down and negotiate that claim.

Hon. M. A. Birrell — On a point of order, Mr President, under the standing orders there is a requirement for the minister to answer the question and not just address any topic under that heading. Most importantly, the minister, through the government and the Premier, has indicated in a response to the Independents that the responses will be responsive and deal with the question, which was, will the minister

explain why she refused to publicly oppose the strike? It was not whether they were allowed to take action, but will the minister say why she publicly refused to oppose the strike? She is not addressing that question.

Hon. M. M. GOULD — On the point of order, Mr President, I have been addressing the question. I was referring to the background of the industrial dispute that is taking place today.

The PRESIDENT — Order! On the point of order, a number of things the Leader of the Opposition said are self-evident and are in accord with the rules that operate in this place. The minister has just started to answer the question and she is entitled to give some background. The house has an expectation that after giving that background she will address the question that has just been posed for a second time by the Leader of the Opposition.

Hon. M. M. GOULD — Victoria has a strong and vibrant manufacturing base. I am sure the parties to the enterprise agreement will work their way through the issues. Stoppages such as that which is occurring today disrupt business, which is unfortunate. However, it is also unfortunate that the federal Minister for Employment, Workplace Relations and Small Business takes sides. We all know why the federal minister takes sides.

Honourable members interjecting.

The PRESIDENT — Order! There is too much noise from both sides of the house. I ask honourable members to settle down and allow the minister to answer the question.

Hon. M. M. GOULD — We all know why Mr Reith takes sides in industrial disputes and why he takes this sort of action.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! Mr Theophanous is not helping his Leader with his interjections. I ask him to desist and allow the minister to answer the question.

Hon. M. M. GOULD — The federal workplace relations minister takes sides because he is about conflict and attack dogs. The Victorian public is not going to fall for that.

Honourable members interjecting.

The PRESIDENT — Order! We will have a very short question time today because it will finish 20 minutes after it started if honourable members keep

disrupting the house. I ask honourable members to settle down and allow the minister to answer the question.

Hon. M. M. GOULD — We know that industrial disputes are not resolved by governments or ministers taking sides with one party or another. A number of companies took the dispute to the Australian Industrial Relations Commission so it could decide whether the employees could take industrial action. The commission decided the employees were entitled to take industrial action on the basis that the companies have been negotiating enterprise agreements with the unions.

I am advised that the employers and the unions have reached agreement on 160 enterprise agreements. A number of other agreements will also be reached. The problem is that the Workplace Relations Act does not allow the commission to arbitrate on these disputes. The act allows the employers and unions to negotiate an outcome that is beneficial for all, and a number of agreements have been reached between individual companies and their employees.

As I said earlier, the employers took the dispute to the commission in an attempt to prevent the dispute today, and the commission found that it was legal for the action to take place under the provisions of the act. This is legal industrial action.

The commission exempted a number of employees from taking action. I urge all parties to sit down and negotiate an agreement.

Honourable members interjecting.

Hon. M. M. GOULD — I urge the parties to negotiate an agreement as they are entitled to do under the Workplace Relations Act with as little disruption to the Victorian manufacturing industry as is possible.

Public sector: enterprise agreement

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Industrial Relations advise the house whether the Bracks government has reached agreement with the Community and Public Sector Union over a new enterprise agreement for the Victorian public service? If so, will the minister outline details of the agreement and contrast this government's approach to negotiating the outcome with that of the previous government?

Hon. M. M. GOULD (Minister for Industrial Relations) — I am pleased to inform the house that the Bracks government has an in-principle agreement with

the Community and Public Service Union about the terms of a new enterprise agreement to cover Victorian public servants. I am extremely proud to say that this landmark agreement signals the end of secret, forced individual contracts for thousands of public service employees. The agreement also introduces transparency and equity to the public service.

The Bracks government's industrial relations policy commits it to progressive, cooperative relations based on collective negotiations and a quality public sector. That is in contrast to the previous government. This government's approach has two fundamental elements. The first is the development of partnership agreements based on cooperation, mutual respect and trust reached through collective negotiations. The second is the maintenance of the integrity of the budget.

The approach has been given practical effect in the enterprise partnership agreement reached with the CPSU. It will apply to approximately 20 000 public servants in departments and agencies throughout the Victorian public service.

The agreement results from long, difficult and protracted negotiations, and the government had to bear the burden of overcoming the years of mistrust that had been built up as a result of the actions of the Kennett government.

Despite that, the Bracks government was able to secure an agreement without any industrial action or threat of industrial action. The government and the CPSU have successfully negotiated a collective agreement that will form the basis for high-performance workplace partnerships and productive public service departments and agencies. The budget integrity is maintained, with a 3 per cent per annum pay increase.

Hon. M. A. Birrell — Is this good?

Hon. M. M. GOULD — Yes.

Hon. M. A. Birrell — Why didn't you do it for other unions?

Hon. M. M. GOULD — Because they wouldn't agree to it.

Honourable members interjecting.

The PRESIDENT — Order! There is no way Hansard can hear. I ask the house to settle down and allow the minister to respond.

Hon. M. M. GOULD — The agreement provides substantial benefits for both departments and agencies

and the public servants who work in them. It puts in place agreed principles to apply to the negotiation of future agreements which will ensure high-performance, productive and mutually beneficial outcomes. It provides for a full review of the current pay and classification system within agreed terms of reference that are committed to a budget-neutral outcome, and it provides for a different and fairer distribution of performance pay during the period of the review.

All the public servants who will be covered by the agreement will have the opportunity to vote on it in a forthcoming ballot. The government is confident that the public servants will support the benchmark agreement, which will be submitted for certification in line with the Workplace Relations Act in the Australian Industrial Relations Commission.

Youth: drug forums

Hon. I. J. COVER (Geelong) — I refer the Minister for Youth Affairs to the recent National Youth Week and the six youth forums held across the state in which more than 220 000 young Victorians participated and discussed a range of issues affecting them. What action will the minister and the government take in response to the rejection by the youth forums of the proposed introduction of supervised heroin injecting rooms?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the Honourable Ian Cover for his question and congratulate him on assuming the mantle of shadow Minister for Sport and Recreation as well as having responsibility for youth affairs. I also note from discussions surrounding his portfolio obligations that he has chosen to continue his broadcasting of *Coodabeen Champions*. I encourage him to continue with that because on the odd occasion I listen to his program I find his colleagues to be very funny — and he provides an appropriate contrast to that humour. I hope if I were to send a press release about sporting issues to his program he would give it a fair airing.

I appreciate what a significant event the recent National Youth Week was in Victoria. It represents in many ways the vigour and enthusiasm of our youth for sending messages to people in authority, and in particular governments. I also appreciate that at one of our Victorian youth round tables held recently young people were discussing the issues of drug use in the community and a number of significant issues were raised. It is of interest that what came out of the Victorian round table with which I was involved was that there is a diversity of views across the community on the issue raised by Mr Cover. The government appreciates and acknowledges that fact.

One of the prime objectives of the government's drug policy for all people in the community, not only youth, is harm minimisation. One of the key issues to come out of all the youth forums was a recognition of the importance of harm minimisation and an acknowledgment that regardless of people's moral stance or their position on party policies, they recognise that harm minimisation within any drug policy is crucial to maintaining lives and ensuring adequate treatment in future years. I reinforce that point.

Hon. K. M. Smith — On a point of order, Mr President, the minister was specifically asked what he will do as a result of the motion moved by the 220 000 young Victorians who said that the government should not — —

Hon. T. C. Theophanous — He gave a comprehensive answer.

Hon. K. M. Smith — He did not address the question in any way, shape or form. Those young people rejected the government's move, yet we read in the newspapers that the government is pushing on with introducing the legislation. I want to know when the minister will answer the question.

The PRESIDENT — Order! The minister's answer was clearly responsive to the question. The honourable member has made the point he wanted to make.

Small business: advisory council

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Small Business inform the house of any recent developments in the establishment of a small business advisory council, which was a key policy commitment of the Bracks government?

Hon. M. R. THOMSON (Minister for Small Business) — The government is concerned about ensuring that it talks to small business regularly and involves it in the future ongoing policy development of the government as it affects small business.

I have spoken before about the establishment of a small business advisory council. The government has now established that advisory council under the chairmanship of Mr Alan Wein, who may be known to honourable members as the managing director of House. The government is very pleased that 50 per cent of the 20 small business operators who comprise that council are women; that a third of them are from regional Victoria; and that they represent a vast industry sector ranging from manufacturing to exporting, information technology industries, and retail.

The first meeting of that body was held on 10 August. The meeting was addressed by the Premier, who stressed the importance of the role that small business plays in driving the economy and creating jobs, and how vitally important it is for the continual growth of the economy. The Premier also stressed the importance the government places on small business operators and its intention to include them in developing ongoing policy for the benefit of small business. To my knowledge, this is the first time a ministerial council has been established with small business operators as part of ongoing policy development. The government welcomes their input into the big issues confronting small business now and into the future.

AFL: grand final tickets

Hon. R. A. BEST (North Western) — The Minister for Sport and Recreation is on record as describing the Australian Football League finals ticketing arrangements as a fiasco. Many people throughout country Victoria are particularly disappointed. What does the minister intend to do to overcome the fact that, again, football fans in country Victoria have effectively been denied the chance to secure grand final tickets?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I congratulate the Honourable Ron Best for assuming the mantle of spokesperson for sport and recreation on his side of the house.

I recognise the question asked by Mr Best about the shemozzle, which is the best way to describe how the tickets for the grand final are distributed.

At page 21 of today's *Herald Sun* Wayne Jackson recognises the problem. He is reported as saying:

... any reduction would require some financial restructuring on the league's behalf.

The leaders in the football industry need to get together and sort it out, Mr Jackson said.

This issue comes up every year, we all get upset about it but nothing is done about it.

If we just keep saying that (it is too hard) we would never solve the problem. People will become disillusioned and leave.

I recognise the issues raised by Mr Best because they are significant in the way the league has to consider its operation. As I have said on a number of occasions, disproportionate and poor ticket distribution practices will disenfranchise the average sporting spectator. That is felt nowhere more greatly than in regional Victoria.

The government is now entering into discussions with the league about ticket distribution, and significantly about anti-scalping measures to help people who are unable to gain access to tickets, be they metropolitan or regional supporters. The league recognises the problem. The government has written to and is consulting with the league about the investigation of ticket distribution.

Opposition members were in government for eight years — it was seven years, but it felt like eight — and at no stage did they ever examine this problem — perhaps because they were accepting corporate box seat allocations, although I am uncertain about that.

The government is working closely with the league and its leadership to improve the distribution of tickets so that people do not have to camp on the streets for days on end — and even then they are not guaranteed a ticket — and so that the average punter, no matter whether he or she is in rural, regional or metropolitan Victoria, is not disenfranchised.

Environment: greenhouse strategy

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Energy and Resources outline what steps the government is taking to facilitate effective community consultation on the development of the Victorian greenhouse strategy? In doing so, will the minister contrast this process with the approach to consultation of the previous government?

Hon. C. C. BROAD (Minister for Energy and Resources) — The government is serious about consultation with stakeholders and the wider community on major policy issues in line with its commitment at the last election to increase democracy in Victoria.

I am pleased to advise the house that on 18 August I released a discussion paper relating to the development of a Victorian greenhouse strategy. The discussion paper presents a wealth of information on issues and related information to assist stakeholders and the wider community in making submissions. The government has allowed a period of three months to engage in the process. I urge all honourable members to encourage their constituents to participate in the process, because so much is at stake for all Victorians.

The release of the discussion paper was accompanied by the establishment of a government greenhouse web site. Honourable members who have a commitment to the information age will understand that making that information available on a web site is an enhancement to the large number of information copies that are available to Victorians on request.

Hon. M. A. Birrell — What is the address?

Hon. C. C. BROAD — I will have to check it, but from memory it is www.greenhouse.vic.gov.au. I will be happy to check it out for the honourable member.

In addition to the information available through the discussion paper and the web site, the government is in the process of establishing four stakeholder reference groups as a source of government advice. As one might expect, those reference groups relate to the major sources of greenhouse emissions in Victoria, such as energy supply, energy use, agriculture and transport.

The government will be inviting key stakeholders from the environment movement, industry, local government and specific sectoral areas to participate in those various groups.

In conclusion, the Bracks government's commitment to consultation on the Victorian greenhouse strategy is in stark contrast to the situation with the so-called greenhouse action statement released by the Kennett government in 1998, which was announced without any consultation with stakeholders or anybody else. That is totally different from the way the Bracks government will be developing its strategy.

Youth: Melbourne forum

Hon. M. T. LUCKINS (Waverley) — I direct my question to the Minister for Youth Affairs. I was honoured to officially open the Melbourne Youth Forum held at the Exhibition Building on 16 August, which was attended by about 1300 young people. I also attended the closing ceremony, which was held in Queens Hall, when the recommendations from six forums held around Victoria were presented to my colleague, the Honourable Andrew Olexander.

Given his glowing comments about endorsing those forums and sending messages to people in authority, I ask why the Minister for Youth Affairs failed to take the opportunity to attend those Youth Week activities to listen to the views and concerns of young people.

Hon. J. M. MADDEN (Minister for Youth Affairs) — I am not sure whether the honourable member is aware that there is also a National Youth Week, which I publicised in this place on a number of occasions. It was held during April and was endorsed by all state and federal ministers. It was an opportunity for — —

Honourable members interjecting.

The PRESIDENT — Order! The minister has not finished yet.

Hon. J. M. MADDEN — It was an opportunity for all states to invest a significant amount of resources in that week. In terms of last week's Youth Week, we had a number of government representatives at — —

Hon. M. T. Luckins — On a point of order, my question was quite clear: I asked the minister why he did not attend those activities during Youth Week in Victoria. I did not ask about a National Youth Week but specifically about two functions.

The PRESIDENT — Order! I am sure the minister was just about to get onto that issue.

Hon. J. M. MADDEN — Thank you, Mr President; I was getting to that answer. I recognise that the honourable member does not get to ask many questions and so may not be used to the protocol.

There were a number of government representatives in attendance on various occasions during last week. I was unavailable during that time.

Opposition Members — Where were you?

Hon. J. M. MADDEN — However, I have already mentioned the significance of that week. If members of the opposition are interested in young people, they might want to listen to the answer. Apparently during their time in government members opposite did not care too much for young people so they did not listen to the views of young people. Something that interests me is the fact that suddenly the opposition is interested in consulting with young people when during its whole time in government it was not particularly interested in any of their views. If members would allow me get back to answering the question — —

Honourable members interjecting.

The PRESIDENT — Order! The house is doing itself a disservice. I am getting crotchety, and this is only day one. The question to the minister was very specific in asking why he did not attend the particular functions during that week. I understand that the minister will now very succinctly answer that question.

Hon. J. M. MADDEN — As I mentioned, there were a number of government representatives present because I was unavailable. We have a number of vehicles and youth forums in place so we hear the views of young people. We hear from a cross-section of young people. We have a significant number of forums,

and with a significant number of portfolios I do not get to go to every event that I would like to attend.

Youth: round table program

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Youth Affairs explain to the house what steps he has taken to ensure that Victoria's youth has a voice in government and how this approach compares with that of the previous government?

Hon. J. M. MADDEN (Minister for Youth Affairs) — The Victorian youth round tables are a very significant way for young people from a broad cross-section of the community to express their views directly to me and the government, as opposed to the former Premier's youth council. Eighteen of the 30 young people on the former Premier's youth council were selected by marginal seat Liberal members. One cannot help but see that as a cynical political exercise. Eighteen of the 30 people were handpicked by those local members for the former Premier's youth council and they met only twice, with very little of the information they discussed being conveyed to or acted upon by the former government. Our Victorian youth round tables are held at least quarterly and involve 60 people each time.

Hon. M. A. Birrell — Do you go?

Hon. J. M. MADDEN — We have had two and I have been to both of them for the entire time. They enable representatives of public and independent schools, regional youth committees and youth agencies across Victoria to nominate participants from diverse backgrounds. I would like to reinforce the notion of diverse backgrounds with the fact that around 250 people are given the opportunity to participate in these events each year.

The inaugural Victorian youth round table was held on 9 June 2000 and focused on the review of post-compulsory education and training pathways which was taking place at the time. The second round table was held on 24 August to provide young people with the opportunity to contribute to Dr David Penington's Drug Policy Expert Committee stage 2. A further Victorian youth round table will be held in Gippsland on 6 October 2000. The round table meetings are a fantastic way for young people to let the government know what works well and what does not in terms of programs and services available for young people in Victoria and what they believe is needed to improve their wellbeing.

The young people participating in the round tables represent a wide cross-section of the community. The

way they express their views is very impressive. The forums I have attended have been a great chance for me to hear those views person to person and I will continue to attend. They represent the views of the young people between the ages of 12 and 25 who are in attendance.

Electricity: supply

Hon. PHILIP DAVIS (Gippsland) — Given the continuing industrial relations dispute in the Latrobe Valley, will the Minister for Energy and Resources advise what action the government will take to guarantee supply of electricity during the coming peak summer load period?

Hon. C. C. BROAD (Minister for Energy and Resources) — In the same vein as speakers during the earlier part of question time, I congratulate the honourable member on the addition to his responsibilities. In relation to the matter he raises today, on the advice available to me I understand there is no shortage at present or any anticipated shortage in Victoria's electricity supply, nor has there been through the period of this industrial action. Supply is affected by industrial action and by generator breakdowns which are in the process of being repaired.

The government has had a task force in place for some time in anticipation of the coming summer period and increased demands on the electricity supply system. The task force is a cabinet subcommittee which I chair and I expect that after its report has gone through the cabinet processes it will be in a position to report on the action the government will be taking in terms of its responsibilities and which it will be advocating should be taken in preparation for the summer in general and in particular to deal with peak summer demand. That might be only for a number of days but, as we saw at the end of last summer, in February the few days caused all the trouble. In answer to the honourable member's question, I expect very soon to be in a position to give specifics as to the actions that the government will be taking to be well prepared for the summer period of peak demand for electricity supplies.

Consumer affairs: *Victorian Homebuyers Magazine*

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Consumer Affairs advise the house what action she has taken to ensure that home buyers have accurate and relevant information to assist them when purchasing homes?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Last financial year Consumer and Business

Affairs Victoria received 16 000 inquiries about home ownership, building and renovations. That is an incredibly large number of inquiries. There are more than 200 000 new and changeover home buyers in any given year, and some \$6 billion has been spent on housing and construction by Victorian households.

A significant issue has arisen about whether people are aware of their rights and obligations prior to entering into contracts to either purchase, renovate or build homes. Information has previously not been available to consumers about where they need to go for sound advice prior to entering into those arrangements. There is a need to avoid disputation in the building and real estate industries.

I am proud that Consumer and Business Affairs Victoria has produced the *Victorian Homebuyers Magazine*, which outlines the pitfalls and provides information that people need to know prior to entering into loans or other contractual arrangements concerning the renovation and building process. This worthwhile magazine is available from hardware stores, local councils and Consumer and Business Affairs Victoria. The magazine has the backing of the Master Builders Association and the Real Estate Institute of Victoria. This comprehensive guide fills a gap in the information provided to consumers. It will enable people to work through their finances and gain advice on what they need to take into account when organising their affairs. It provides checkpoints on properties, including what people need to understand when renovating. All consumers should read the magazine prior to entering into contractual arrangements on home purchases, building or renovations.

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*.

The question numbers are: 452, 482, 512, 542, 561, 563–612, 614–616, 618–635, 637–731.

Motion agreed to.

BLF CUSTODIAN**48th report**

Hon. M. M. GOULD (Minister for Industrial Relations) presented report dated 31 August 2000 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.

**ECONOMIC DEVELOPMENT
COMMITTEE**

**Economic impact of GST
on small and medium-sized businesses**

Hon. N. B. LUCAS (Eumemmerring) presented interim report, together with appendices.

Laid on table.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 7

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest No. 7 of 2000*, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 —

Northern Victorian Fresh Tomato Industry Development Order 2000.

Victorian Strawberry Industry Development Order 2000.

Anderson's Creek Cemetery Trust — Report, 1999.

Ballaarat General Cemeteries Trust — Report, 1999.

Bendigo Cemeteries Trust — Report, 1999.

Cheltenham and Regional Cemeteries Trust — Report, 1999.

Chiropractors Registration Board — Minister for Health's report of receipt of the 1998 and 1999 report.

Crown Land (Reserves) Act 1978 — Minister's orders of 24 July 2000 giving approval to granting of leases (Brighton and Sandringham).

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 14, September 1999, together with Amendments Nos. 1, 2 and 3 and Minister's Notice regarding the amendments, commencement and availability of the Poisons Code (four papers).

Electoral Commissioner —

Report on the Benalla District By-Election, 13 May 2000.

Report on the Burwood District By-Election, 11 December 1999.

Statement of functions conferred, 6 June 2000.

Fawkner Crematorium and Memorial Park — Report, 1999.

Financial Management Act 1994 — Order in Council of 22 June 2000, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Geelong Cemeteries Trust — Report, 1999.

Interpretation of Legislation Act 1984 —

Notice pursuant to 32(3)(a)(i) in relation to Statutory Rule No. 62/2000.

Notices pursuant to 32(3)(a)(iii) in relation to Statutory Rule Nos. 61 and 62/2000.

Notice pursuant to 32(4) in relation to the Building Code of Australia.

Keilor Cemetery Trust — Report, 1999.

Lake Mountain Resort Management Board — Report, 1998–99.

Land Acquisition and Compensation Act 1986 — Notice pursuant to section 7(4).

Lilydale Memorial Park and Cemetery Trust — Report, 1999.

Melbourne City Link Act 1995 — Statement of Variation No. 5/2000 to the Integration and Facilitation Agreement, 30 June 2000, pursuant to section 15B(5).

Memorial Park Cemetery Trust — Report, 1999.

Mildura Cemetery Trust — Report, 1999.

Mt Baw Baw Alpine Resort Management Board — Report, 1999.

Murray-Darling Basin Act 1993 — Revised Schedule E of the Murray Darling Basin Agreement, 4 July 2000, pursuant to section 28(b) of the Act.

Necropolis Trust — Report, 1999.

O'Connell Family Centre (Grey Sisters) Incorporated — Minister for Health's report of 16 June 2000 of receipt of the 1999 report.

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

All Planning Schemes — Amendments SL11 and SL12.
 Banyule Planning Scheme — Amendment C4.
 Bass Coast Planning Scheme — Amendment C5.
 Bendigo — Greater Bendigo Planning Scheme.
 Boroondara Planning Scheme — Amendment C9.
 Campaspe Planning Scheme — Amendments C3 and C9.
 Cardinia Planning Scheme — Amendments C7 and C8.
 Casey Planning Scheme — Amendments C7 and C14.
 Central Goldfields Planning Scheme.
 Colac Otway Planning Scheme.
 Dandenong — Greater Dandenong Planning Scheme — Amendment C9.
 Darebin Planning Scheme — Amendment C2.
 Geelong — Greater Geelong Planning Scheme.
 Hepburn Planning Scheme.
 Hobsons Bay Planning Scheme — Amendments C6 and C8.
 Kingston Planning Scheme — Amendment C6.
 Macedon Ranges Planning Scheme.
 Manningham Planning Scheme.
 Maroondah Planning Scheme — Amendment C6.
 Melbourne Planning Scheme — Amendments C13, C27, C29 and C31.
 Mitchell Planning Scheme — Amendment C3.
 Moira Planning Scheme — Amendment C3.
 Monash Planning Scheme — Amendment L48.
 Moonee Valley Planning Scheme — Amendments C4, C8 and C14.
 Moorabool Planning Scheme.
 Moreland Planning Scheme — Amendment C4.
 Mornington Peninsula Planning Scheme — Amendments C6 (Part 2) and C20.
 Mount Alexander Planning Scheme — Amendment C1.
 Nillumbik Planning Scheme.
 Northern Grampians Planning Scheme.

Shepparton — Greater Shepparton Planning Scheme — Amendment C5.

Stonnington Planning Scheme.

Warrnambool Planning Scheme — Amendments C4 and C8.

Wellington Planning Scheme.

Whitehorse Planning Scheme — Amendment C6.

Whittlesea Planning Scheme — Amendments C4, C6, C7 and C11.

Yarra Planning Scheme — Amendments C11 and C12.

Yarra Ranges Planning Scheme.

Preston Cemetery Trust — Report, 1999.

Prince Henry's Institute of Medical Research — Report, 1999.

Project Development and Construction Management Act 1994 — Orders in Council of 20 July 2000 of nomination and application orders (two paper).

Psychologists Registration Board of Victoria — Report, 1999.

Statutory Rules under the following Acts of Parliament:

Alpine Resorts (Management) Act 1997 — No. 71.

Cemeteries Acts 1958 — No. 70.

Children and Young Persons Act 1989 — No. 74.

Co-operative Housing Societies Act 1958 — No. 49.

County Court Act 1958 — Nos. 40 and 42.

Country Fire Authority Act 1958 — No. 48.

Court Security Act 1980 — No. 47.

Dangerous Goods Act 1985 — Nos. 61 and 82.

Dental Practice Act 1999 — No. 34.

Education Act 1958 — No. 52.

Extractive Industries Development Act 1995 — No. 53.

Financial Institutions Duty Act 1982 — Nos. 60 and 80.

Forests Act 1958 — Nos. 66 and 81.

Gaming Machine Control Act 1991 — No. 44.

Health Act 1958 — No. 57.

Magistrates' Court Act 1989. — Nos. 43, 46, 51, 69 and 73.

Melbourne City Link Act 1995 — No. 35.

Mineral Resources Development Act 1990 — Nos. 54 to 56.

National Parks Act 1975 — No. 67.

National Taxation Reform (Consequential Provisions) Act 2000 — Nos. 39 and 59.

Occupational Health and Safety Act 1985 — No. 62.

Occupational Health and Safety Act 1985 — Dangerous Goods Act 1985 — No. 50.

Petroleum Act 1998 — No. 65.

Planning and Environment Act 1987 — No. 72.

Road Safety Act 1986 — No. 58.

Subordinate Legislation Act 1994 — Nos. 64, 76 and 79.

Supreme Court Act 1986 — Nos. 36, 37, 41, 63 and 75.

Tobacco Act 1987 — No. 45.

Treasury Corporation of Victoria Act 1992 — No. 32.

Victorian Civil and Administrative Tribunal Act 1998 — No. 33.

Water Act 1989 — Nos. 38, 77 and 78.

Zoological Parks and Gardens Act 1995 — No. 68.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 33, 36, 37, 40, 46, 47, 51, 64, 68, 69 and 73 to 76.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 32, 34, 35, 38, 44, 45, 48, 49, 52, 57, 58, 60, 68, 71, 77, 78 and 112.

Templestowe Cemetery Trust — Report, 1999.

Western Underground Gas Storage Pty Ltd — Report, for the period 26 June 1997 to 27 November 1998.

Wyndham Cemeteries Trust — Report, 1999.

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

Accident Compensation (Common Law and Benefits) Act 2000 — Section 33 — 31 May 2000 (Gazette No. S75, 30 May 2000).

Business Registration Acts (Amendment) Act 2000 — except for sections 3, 8, 9, 10, 18, 20(1), 21, 22, 23, 24, 27, 29, 30, 31 and 37 — 19 June 2000 (Gazette No. G24, 15 June 2000).

Children and Young Persons (Appointment of President) Act 2000 — 26 June 2000 (Gazette No. S87, 22 June 2000).

Dairy Act 2000 — Sections 4, 5(b), 6(h), 6(i), 7 to 21, 62, 63 and 68 — 1 July 2000 (Gazette No. G26, 29 June 2000).

Electricity Industry Acts (Amendment) Act 2000 — Part 1, sections 5, 6, 7, 13, 14, Part 3 (except section 19), section 29 and Part 6 — 29 June 2000. Sections, 3, 4, 9, 10, 19 and remaining provisions of Part 4 — 1 September 2000 (Gazette No. G26, 29 June 2000).

Federal Courts (Consequential Amendments) Act 2000 — Remaining provisions (except sections 22 and 23) — 1 July 2000 (Gazette No. G26, 29 June 2000).

Flora and Fauna Guarantee (Amendment) Act 2000 — Remaining provisions — 29 June 2000 (Gazette No. G26, 29 June 2000).

Health Practitioner Acts (Amendment) Act 2000 — Remaining provisions (except sections 7, 16, 17, 18, 19, 21(2), 21(3), 23, 25, 26 and 29) — 20 July 2000 (Gazette No. G29, 20 July 2000).

**VICTIMS OF CRIME ASSISTANCE
(AMENDMENT) BILL**

Second reading

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

That this bill be now read a second time.

This bill implements the government's election commitment to reinstate compensation for pain and suffering for victims of violent crime. When the Kennett government abolished the state-funded system for compensating victims for pain and suffering in 1997, the state no longer publicly acknowledged the harm suffered by victims of violent crime. This has diminished us as a society.

This bill is part of a wider package of services and forms of assistance put into place for victims of crime. The government is committed to providing a comprehensive scheme that assists victims in recovering from the impact of crimes of violence. This scheme offers:

a sympathetic and compassionate forum (the Victims of Crime Assistance Tribunal) for applicants to relate their experience as victims of violent crime, recognising that a hearing often provides an avenue for victims to receive open acknowledgment and validation that they have been victimised;

an opportunity for the state to make a payment to victims on behalf of the community in recognition of the victim having suffered significant harm as a result of a crime of violence;

a range and choice of services and support mechanisms (of which the Victims Counselling Scheme is one part) that is responsive to the needs of victims and accessible to all Victorians, taking into account the special needs of those residing in regional Victoria, those from Aboriginal, culturally and linguistically diverse communities, and those with physical or mental impairments; and

avenues to make offenders financially accountable, whenever practicable, for the harm they cause by allowing the state to seek reimbursement for any moneys awarded to victims, and by enabling victims to elect to pursue compensation directly from offenders found guilty of the crime that caused them harm.

Under this bill, victims will see an expansion of their entitlements under the Victims of Crime Assistance Act 1996. This act will be amended to allow awards of special financial assistance to be paid to primary victims who suffer significant adverse effects as a direct result of an act of violence. A wider class of victims will now be eligible to seek payment in exceptional circumstances for expenses reasonably incurred or likely to be incurred to assist them in their recovery.

The proposals contained in this bill promote the following objectives:

equity of access to fair compensation;

predictability and consistency in decision making, to assist victims and their advisers to determine the amount they might reasonably expect to obtain from the tribunal;

simplicity and accessibility to those administering the scheme and to those seeking benefits under it; and

fiscal responsibility to enable the scheme to be sustainable and capable of being administered within its budget.

This bill will also amend the Sentencing Act 1991 to make recovery and reimbursement mechanisms more effective so that offenders are held financially accountable for the impact of their crimes.

As honourable members are aware, the government promised to fund the reinstatement of compensation for pain and suffering through a staggered allocation of \$45 million over the next three financial years. In December 1999, a review committee was established to consider how best to implement this policy commitment, having regard to the need to devise a scheme that was fair and equitable and financially sustainable. The committee consisted of representatives from government and community agencies, including organisations that provide advocacy and support for victims of crime. Consistent with the government's commitment to consult broadly, the committee included representatives from the statewide network of victim assistance programs, CASA House (centres against sexual assault), the Community Council Against

Violence, and the Victims Referral and Assistance Service.

The committee reported to the Attorney-General in early March 2000. Their recommendations have formed the basis of the bill you have before you today, and I thank them for their contribution, their expertise, and the time they gave up to meet and consider very difficult questions in devising a scheme that promoted equity of access to compensation, in the knowledge that full retrospectivity was not a feasible option within the given budgetary constraints. I also thank the Parliamentary Secretary for Justice for his contribution in chairing this committee, as well as the departmental officers who provided secretariat support during its tenure.

Retrospectivity

This government has accepted responsibility for repairing the damage wrought by the previous government across many areas affecting the community — health, education, and justice. In implementing our social justice policies, we are mindful of the need to be fiscally responsible. Programs and policies must be both equitable and sustainable. Given the work ahead of us in rebuilding Victoria, the constraints on funding are tighter than they have ever been. Although we would like to go back in time and fix all of the injustices of the previous government, we are simply unable to do so. The burden that would impose upon the community would be too great. We must therefore look forward and ensure that we put in place appropriate policies that treat our most vulnerable citizens with the respect and dignity they deserve.

The proposals contained in this bill can therefore only go some of the way to restoring the rights of victims of crime. Over the last three years, thanks to the Kennett government, thousands of victims have missed out on an opportunity to receive compensation for their pain and suffering. The legislation introduced in 1996 and which came into effect on 1 July 1997 abolished this entitlement. Regrettably, we cannot afford to turn back the clock for these victims. Unlike other state schemes, we cannot look to an industry or a distinct sector of society to pay a higher premium to cover retrospective claims. As honourable members are aware, the crimes compensation scheme is funded out of consolidated revenue. The liability for funding retrospective claims rests with the community. Before the changes in 1997, awards for compensation and costs amounted to between \$40 million and \$50 million each year. It would be too heavy a burden to impose such a three-year liability upon the community today.

Accordingly, this government has allocated funding to support the payment of awards of special financial assistance to victims who suffer injuries or other significant adverse effects directly as a result of crimes committed on or after 1 July 2000. The amount of special financial assistance that will be made available to victims is not intended to reflect what can be obtained at common law. No amount of money can make up for the harm they suffered from an act of violence. This new type of award is intended to constitute a tangible expression of the community's sympathy and concern for victims who suffered from violent crime. The scheme is structured in a way that promotes simplicity, accessibility and consistency of decision making.

I will go into further details about the new scheme shortly. But first, I would like to remind honourable members of the background of this important legislation.

Background

The history of crimes compensation in Victoria begins with the Criminal Injuries Compensation Act 1972, which was subsequently replaced by the Criminal Injuries Compensation Act 1983. Crimes compensation legislation has had a long history of bipartisan support — at least until the notorious events of recent years.

This shared view of treating victims with dignity and respect was to come to an end. In 1996, the Kennett government introduced the Victims of Crime Assistance Act (the VOCA act), effective from 1 July 1997, which abolished victims' entitlement to compensation for pain and suffering. At that time, one of the justifications given by the former Premier for extinguishing this right was that people were allegedly rorting the system. Because someone had the audacity to purchase a red coat with their award money, the Kennett government saw fit to take away compensation for pain and suffering for all victims of crime.

This government clearly has a very different view about both victims and the responsibilities of government. The purpose of special financial assistance is simply to acknowledge a victims' suffering — not to dictate to victims how they should spend their award. The victim is in the best position to decide for themselves how best to use their money. If they see fit to spend it on paying off their mortgage or gas and electricity bills, going on a family holiday, buying a red coat, or even setting up a fund to assist in the search for an alleged offender, then that is a matter for them and not for government.

Since 1 July 1997, victims of violent crime have lost the opportunity to have their suffering validated by the state. While no amount of money can compensate victims for their harm, a sum of money — however small — provides them with recognition and acknowledgment that they have suffered as victims of crime. It provides an opportunity for the community, through the tribunal, to say to victims, 'We acknowledge your suffering and we're sorry for your pain'. Yes, unlike other governments, we are more than willing to say we're sorry — we are willing to offer victims a tangible expression of our sympathy for the harm they have suffered. This opportunity to acknowledge victims was lost by the actions of the previous government and, by so doing, thousands of victims have lost the opportunity of having their pain recognised — of having their dignity restored.

Compensation from offenders under the Sentencing Act 1991

At the same time as state-funded compensation for pain and suffering was abolished, the Kennett government told victims that if they wanted any compensation for pain and suffering, they would have to seek it from offenders under an amended section 86 of the Sentencing Act. As we all know, section 86 has been a dismal failure. While the previous government did not bother to keep statistics about the number of orders that were made or enforced, anecdotal evidence suggests that only a handful of victims have been able to obtain the benefit of section 86. When the Kennett government abandoned its responsibility for paying victims compensation for their pain and suffering, making offenders primarily liable, it failed to recognise one important distinction between these two sources of financial relief: a publicly funded scheme does not require the apprehension and conviction of the offender to provide financial assistance to victims.

Over the past three years, victims have had to overcome significant hurdles in order to get any recompense for their pain and suffering. If the offender was not identified or apprehended, the victim missed out. If the offender was incapable of forming criminal intent, despite having obviously committed a crime, the victim missed out. If the offender was not charged or prosecuted, the victim missed out. If the offender was not convicted or did not plead guilty, the victim missed out. If the victim was unaware of their right to apply for a section 86 order, the victim missed out.

Even where a victim has overcome all of these substantial hurdles and obtains a section 86 compensation order, the offender may be unwilling or unable to pay — leaving victims to take action through

the civil courts to enforce their order against the offender.

This government believes that section 86 should be retained to make offenders accountable to their victims whenever practicable and at the victims' election. However, this must be offered as complementary to, and not in substitution for, a state-funded compensation scheme.

Where an offender has been found guilty of a crime, important facts about the offender's actions and liability are already before the court. This provides the court with an opportunity to assess the victim's compensation claim soon after the offender has been sentenced. This procedural economy provides victims with a speedy and low-cost option for seeking recompense from offenders without having to resort to civil proceedings.

This bill proposes to facilitate such actions by improving the process for victims to obtain compensation directly from the offender. The new mechanism (contained in a new subdivision in part 4 of the Sentencing Act) will enable the courts to:

where it is in the interests of justice to do so, extend the time period for making a compensation application (which will now be 12 months instead of 6 months from when the offender was convicted or found guilty);

consider applications from a wider range of victims (including those suffering grief, distress, trauma or other significant adverse effect);

permit victims to be represented by any person, such as a victim support worker or advocate or a family member;

have regard to a wider range of documents and evidentiary materials, including evidence from the victim in relation to the application; and

award compensation for a wider range of matters (including medical costs and other expenses).

There will continue to be no ceiling on the amount that can be awarded under part 4 of the Sentencing Act. Victims will continue to be able to take civil action against the offender for damages, irrespective of any award made under the Sentencing Act. Naturally, it will be up to the discretion of the civil court to reduce any final award by the amount of compensation already paid by the offender to the victim in relation to the same cause of action.

Entitlements under the Victims Of Crime Assistance Act 1996

Awards of special financial assistance

As has already been mentioned, the proposals contained in this bill promote equity of access to fair compensation, predictability and consistency in decision making, simplicity and accessibility of the scheme to those seeking benefits under it, and fiscal responsibility to ensure that the scheme is sustainable.

The introduction of awards for special financial assistance differs from previous payments of compensation for pain and suffering in many respects:

1. Awards of special financial assistance will be over and above existing entitlements.

Under the current legislation, primary victims are eligible for assistance up to \$60 000 and secondary and related victims can obtain up to \$50 000. These ceilings (for the payment of medical expenses, loss of income, and other expenses) will be retained and any payment of special financial assistance will be over and above these other entitlements.

2. There will be no threshold for the payment of special financial assistance.

While a threshold of \$200 was used under the pre-1997 crimes compensation scheme, the government has decided not to reintroduce a threshold in order to promote wide access to these new payments. It is considered that victims ought not be excluded from obtaining recognition from the state simply because their entitlement to compensation is small.

3. Victims will be able to obtain a minimum award without having to prove an injury, provided that they suffer a significant adverse effect as a direct result of an act of violence.

Awards of special financial assistance will be available to primary victims. The definition of 'primary victim' has been extended to enable victims who suffer grief, distress, trauma or other significant adverse effects to have access to an award of special financial assistance. This extended definition is not intended to bring in secondary or related victims, who will continue to have access to their existing entitlements under the legislation and any enhanced rights provided by other provisions of this bill.

4. The amount that victims can expect to receive for special financial assistance will be more predictable and consistent than in the past.

Previously, the amount of compensation a victim received for their pain and suffering was left entirely to the tribunal's discretion. Such a system carried the risk of victims and their advisers not being able to predict the amounts awarded by tribunal members, with the potential for inconsistent (and therefore unfair) decisions being made.

Accordingly, the proposed model provides more guidance on the amount to be awarded in respect of a particular offence, while leaving the tribunal with discretion to determine whether the minimum award level should be varied having regard to the nature of the injury and other surrounding circumstances. Offences will be organised into four categories. Each category will have a prescribed minimum award level and a prescribed maximum award level. Higher awards will be reserved for more serious offences (such as rape, incest and sexual penetration of a child). Less serious offences (such as common assaults) will attract lower awards.

Where a victim has suffered an injury or other significant adverse effect, they will be entitled to the minimum award. Where an injury has been sustained, the victim can seek an additional amount to the prescribed maximum.

So, for example, a rape victim will be entitled to a minimum amount of \$3500 without having to prove an injury, provided the tribunal is satisfied that they suffered some significant adverse effect. Where a rape victim suffers an injury (such as post-traumatic stress disorder) they will be able to seek up to a maximum amount of \$7500.

While applications for the maximum award levels would be expected to be of a comparable level of complexity as under the previous scheme, it is anticipated that applications for minimum award levels could in many instances be processed on the papers without the need for a hearing. Yet it is recognised that some victims may nevertheless wish to attend a hearing, as appearing before a sympathetic public forum can assist victims in their recovery by providing them with recognition and acknowledgment of their having been victimised.

Child victims of pre-July 2000 sexual assaults

Children who suffer sexual abuse are possibly the most vulnerable group of victims in society. Because of the nature of this heinous crime, the offence often goes unreported for many years. These children are silent victims, many of whom suffer sustained abuse by offenders who are known to them and who are in

positions of trust and power. Not only are children physically weaker than their assailant, but they are often dependent upon them for their general wellbeing and are easily coerced into silence — a silence that can endure for many years.

Where these children are able to break this silence by reporting the crime to police, providing compensation that recognises their suffering would be just and humane. Accordingly, victims of childhood sexual abuse will be able to apply for special financial assistance in the following situations:

where the abuse occurred on or after 1 July 1997 (when compensation for pain and suffering was abolished), victims will in future be entitled to make an application to the tribunal within two years of the commencement date of the revised crimes compensation scheme (that is, two years from 1 July 2000);

where the abuse occurred during the period when victims were eligible to apply for compensation for pain and suffering (that is, before 1 July 1997) but they did not make an application under the pre-1997 legislation (for reasons such as those outlined above), they will now be eligible for an award of special financial assistance — provided that the alleged offender has been committed or presented for trial after 1 July 1997, in which case the victim will be entitled to make an application to the tribunal within two years of the date of committal or presentment.

Any entitlement to other assistance under the current legislation will be maintained, including payment for medical, counselling and other expenses, as well as loss of earnings that the victim suffers or is likely to suffer in the future.

Expansion of other entitlements

The bill also proposes to extend certain entitlements to additional categories of victims and to remedy a number of injustices that currently affect related victims.

Primary victims (that is, those who are injured as a direct result of an act of violence) are able to seek financial assistance for their medical and counselling expenses, as well as for loss of income. Section 8(3) of the legislation allows primary victims, in exceptional circumstances, to also apply for payment of other expenses that will assist in their recovery. To date, awards have been made under this section to assist victims' recovery through the payment of expenses

such as computers, gym memberships, holidays, and educational and remedial courses.

The bill proposes to extend this exceptional circumstances entitlement to other categories of victims. This will allow close family members of a deceased victim to seek payment, for example, for reasonable interstate travel costs to attend a funeral. Children injured as a result of witnessing family violence will also be able to access this exceptional circumstances entitlement.

Monitoring and review

The revised compensation scheme will be reviewed after three years of operation to ensure that equitable compensation is paid to genuine victims of crime. To assist in the review process, the government will monitor the value and nature of compensation awards being paid. This will assist in determining the extent, if any, to which access or award levels can be increased in future.

The government believes that crimes compensation is one of the pillars of victim assistance. For many victims, it serves as the primary means of financial assistance in the aftermath of victimisation. This bill expands victims' entitlements to obtain financial relief so as to assist them in recovering from the impact of crime and to provide them with the recognition they deserve.

Section 85 statement

I make the following statement under section 85 of the Constitution Act 1975 of the reason why section 252E of the Accident Compensation Act 1985, as inserted by clause 26 of this bill, alters or varies section 85 of the Constitution Act 1975.

Clause 25 amends the new section 138B of the Accident Compensation Act 1985, as inserted by the Accident Compensation (Common Law and Benefits) Bill 2000. This new section (as amended by this bill) operates to prevent a court (including the Supreme Court) from making an order for the payment of compensation under subdivision 1 of division 2 of part 4 of the Sentencing Act 1991 if the compensation relates to an injury or death in respect of which the person concerned has or may have an entitlement to compensation under the Accident Compensation Act 1985 and the relevant offence is against the Dangerous Goods Act 1985, the Occupational Health and Safety Act 1985, the Equipment (Public Safety) Act 1994 or any regulations made under any of those acts.

The reason for this limitation of the jurisdiction of the Supreme Court is to give effect to government policy that, in the cases referred to, compensation under subdivision 1 of division 2 of part 4 of the Sentencing Act should not be available.

I make the following statement under section 85 of the Constitution Act 1975 of the reason why section 132C of the Transport Accident Act 1986, as inserted by clause 27 of this bill, alters or varies section 85 of the Constitution Act 1975.

Clause 25 amends the new section 107A of the Transport Accident Act 1986, as inserted by the Accident Compensation (Common Law and Benefits) Bill 2000. This new section (as amended by this bill) operates to prevent a court, including the Supreme Court, from making an order for the payment of compensation under subdivision 1 of division 2 of part 4 of the Sentencing Act 1991 if the compensation relates to an injury or death in respect of which the person concerned has or may have an entitlement to compensation under the Transport Accident Act 1986 and the relevant offence is against the Road Safety Act 1986 or any regulations made under that act.

The reason for this limitation of the jurisdiction of the Supreme Court is to give effect to government policy that, in the cases referred to, compensation under subdivision 1 of division 2 of part 4 of the Sentencing Act should not be available.

I commend this bill to the house.

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

Debate adjourned until next day.

COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

Oath of allegiance

In March last year a young law clerk was prevented from being admitted as a barrister and solicitor because he refused to swear an oath of allegiance to the Queen. The fact that he is committed to the republican cause is irrelevant. He refused to swear that oath because if he had, it would have been a false oath.

Mr Möller was told by his contemporaries to just cross his fingers when he gave the oath. He rejected that advice as any person about to swear an oath before the Supreme Court should.

Today, a year later, Mr Möller is still a law clerk and his contemporaries are still crossing their fingers.

Many people would find it strange to think that an oath of allegiance to the Queen is a precondition to the right to practise law in this state. The former president of the Law Institute, Michael Gawler, said recently that allegiance to the Queen ‘is not regarded by many people as having anything to do with a willingness to uphold and respect the law’.

When people are admitted as lawyers by the Supreme Court they are required to swear (or affirm) two oaths. In addition to the oath of allegiance to the Queen, there is also an oath of office. This is the wording of that oath:

I swear by Almighty God —

or, if people object to being sworn —

I do solemnly, sincerely and truly declare and affirm —

that I will well and honestly conduct myself in the practice of my profession as a barrister and solicitor to the best of my knowledge and ability.

That is an entirely appropriate oath. It symbolises the important role that a lawyer has in the legal system. A person admitted as a barrister and solicitor is conferred with the status of a person in whom the courts and the community can have confidence. And yet the media continues to report that applicants for admission cross their fingers when they swear the oath of allegiance to the Queen. If future lawyers publicly dismiss the worth of the oath of allegiance to the Queen, the public is entitled to discount the value to be placed on this more important oath of office.

This government was elected on a policy that it would restore confidence in the legal system. That’s what this amendment is all about.

It is better to have no oath than an empty one. It is important that law clerks do not privately and — worse still — publicly dismiss the symbolic importance of the admission process. We do not see this amendment as being about the Queen or the republic, but about the integrity of the legal system in Victoria. Honourable members may be interested to know that even in England they have done away with the oath of allegiance to the Queen for admission to practice! This short, simple amendment to the Legal Practice Act

1996 will remove an historical irrelevance and at the same time improve the public’s view of our legal system.

Mr Möller refused to swear an oath he did not believe in. His integrity should be recognised. I hope that he feels that this amendment vindicates the personal sacrifice he has made.

This bill also contains a number of miscellaneous amendments to courts and tribunals legislation. All of these amendments have been sought by either the Chief Magistrate, the President of the Court of Appeal or the President of the Victorian Civil and Administrative Tribunal. The aim of these amendments is simply to improve the operation of courts and tribunals. I will set out the more significant amendments.

Amendments to the Magistrates’ Court Act 1989

The bill amends the Magistrates’ Court Act 1989 to provide that:

all proceedings must be recorded by means of audio recording in accordance with the rules;

a magistrate or registrar may refer a civil proceeding for a prehearing conference in accordance with the rules.

Amendments to the Supreme Court Act 1986

‘Double tier’ appeal to the Court of Appeal only with leave

The Court of Appeal has for some time been concerned to remedy an anomaly in the appeal system under which, by reason of the operation of various statutes, some litigants have been able to appeal to a single judge of the Supreme Court and then, by reason of the operation of the Supreme Court Act 1986, appeal as of right to the Court of Appeal. The appeals affected by these provisions are both civil and criminal matters originating in the Magistrates Court and the Victorian Civil and Administrative Tribunal. This bill amends section 17A of the Supreme Court Act 1986 to include a provision which requires leave of the Court of Appeal in these types of appeals.

Amendments to the Victorian Civil and Administrative Tribunal 1998

Appointment of reserve judge of the County Court to VCAT

The bill allows the Attorney-General to appoint a reserve judge of the County Court as a vice-president of VCAT at the request of the president of VCAT and

following consultation with the Chief Judge of the County Court. The appointment of a reserve judge will be on a temporary basis to allow for the more convenient, economic and efficient disposal of business of the tribunal and for the avoidance of delay in the hearing of proceedings.

Prohibition on appearance

This bill inserts a new section in the act providing that a sessional member of VCAT or former sessional member cannot appear before any of the lists in which the member sits or has sat. A member is disqualified from appearing before the relevant list or lists during the term of their appointment and afterwards for a period of two years.

This restriction is based on the Victorian Bar Council rules. The purpose of inserting the provision is mainly educative. If a sessional member does appear during the period of disqualification it does not affect the validity of the proceedings. Further, no penalty is imposed under the Victorian Civil and Administrative Tribunal Act 1998 if a sessional member appears before a list during the period in which he or she is disqualified. Disciplinary proceedings can be brought under the Legal Practice Act 1996 if appropriate.

Suspension of non-judicial member

Currently the Attorney-General may suspend a non-judicial member of VCAT with the approval of the president. Section 22 has been amended to provide that the power to suspend a non-judicial member is vested in the president who may exercise this power, with the approval of the Attorney-General, if the president believes that there may be grounds for removal from office.

The bill also amends the Victorian Civil and Administrative Tribunal Act to:

give the principal registrar of the tribunal the power to order costs for failure to attend an assessment of costs;

provide that where the application fee is not paid at the time of lodgment it is deemed to be stayed rather than deemed not to have been lodged;

allow senior members who are legal practitioners as well as presidential members to dismiss summarily unjustified proceedings;

clarify that the tribunal may strike out an application where a party fails to attend a mediation or the hearing of a proceeding;

allow a mediator to require a party to attend the mediation either personally or by a representative who has authority to settle the proceeding on behalf of the party;

provide that if the parties agree to settle a proceeding as a result of mediation the mediator must notify the registrar rather than the tribunal;

restrict the exercise of the power to direct that a hearing be held in private to the presiding member;

expand the group of members who can make a declaration to include deputy presidents; and

allow a vice-president to make an order for contempt.

I commend the bill to the house.

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

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

The PRESIDENT — Order! In view of problems experienced with the length of the adjournment debate earlier this year I have been considering ways in which it could proceed more efficiently and have held discussions with the party leaders with a view to achieving that.

Currently the guidelines governing the adjournment debate require a member raising a matter to be brief with a desirable maximum being 5 minutes. However, I have now come to the view that given the nature of the adjournment debate, which is simply that a member may make a complaint, make a request or pose a query, raise only matters which are within the administrative competence of the Victorian government and confine the remarks to a single subject, it should be possible for a member to succinctly raise a matter in compliance with those guidelines within 3 minutes.

The party leaders have agreed with this change in practice. Members are therefore advised that as from the adjournment debate today they should complete their remarks within 3 minutes.

Jamieson Road, Mansfield: black spots

Hon. E. G. STONEY (Central Highlands) — I ask the Minister for Energy and Resources to raise with the Minister for Transport in the other place two dangerous accident black spots on Jamieson Road south of Mansfield. In the past two weeks a fatal accident, involving a local couple who were badly injured and some young people who were killed, occurred at the Black Creek corner where the camber of the road is deceptive and the corner comes up quickly. The area needs upgrading.

The second black spot is at the intersection of Mount Buller Road and Jamieson Road. High volumes of traffic come down the Mount Buller Road and have to stop at the intersection before turning into Jamieson Road. For many years this has caused considerable confusion.

Traffic volumes have increased, and a factor that makes the situation even more complicated is that a high percentage of drivers in those streams of traffic through Jamieson and Mount Buller are tourists who are unfamiliar with those two dangerous areas. I ask the Minister for Transport to consider those two areas for the recently announced black spot funding.

Winslow: land title

Hon. R. M. HALLAM (Western) — I raise with the Minister for Industrial Relations, as the representative in this place of the Minister for Finance, my ongoing representations on behalf of a constituent, Alan Simpson, and in particular the question of his legal ownership of allotments 9 and 10 of section 2 in the township of Winslow, which, as you know, Mr President, is a small community about 20 kilometres north of Warrnambool.

Some years ago Mr Simpson purchased allotments 9 and 10, together with allotment 8, all three being fenced as one property. He did so by way of conveyance of assignment of possessory rights, with evidence being supplied of possession throughout the ownership change. Mr Simpson did the right thing and set about upgrading the title from the old law into a Transfer of Land Act title only to learn that, unfortunately, the Crown grant in respect of allotments 9 and 10 had reportedly been revoked more than 100 years previously.

Eventually, after due consideration and extended representations, the Minister for Finance at the time, the Honourable John Brumby, determined that as adverse possession did not operate against the Crown,

Mr Simpson's only alternative to forfeiture was to purchase the property at the Valuer-General's valuation of \$25 000 plus costs of \$619.50, noting that he could initiate action against the party from whom he allegedly purchased the property some years earlier. Not surprisingly, Mr Simpson was not too impressed with the offer that he should pay again to purchase the property.

My argument is that the Crown's position cannot be sustained in equity. All we have been told is that the records show that the property reverted to the Crown in 1862. However, no documentation of the revocation can be sighted, much less evidence of whether any consideration was involved at that time.

It seems incredibly unfair that the Crown should claim a benefit resulting from a shortcoming in its own records. I have argued strenuously that given the circumstances the purchase price as distinct from the associated fees should be waived as an *ex gratia* gesture.

I wrote to Mr Brumby seeking a review of his decision on 27 April and wrote to him again on 6 July, but have not had a response. I am prepared to assume that the correspondence has been lost in the transfer of the ministry. I ask the Leader of the Government to raise the issue with Minister Kosky and ask that she review sympathetically the plight of my constituent.

Members: disabled parking

Hon. T. C. THEOPHANOUS (Jika Jika) — I ask the Minister for Small Business, as the representative in this house of the Minister for Community Services, to ensure that disabled members of our community are properly catered for and have access to appropriate facilities. The matter I raise specifically relates to government action to ensure that access to car parking spaces for the disabled is not denied to those people by able-bodied motorists who selfishly park in those car parking spaces. It is especially appalling when members of Parliament, who are privileged members of society, park in car parking spaces for the disabled.

Hon. M. A. Birrell — On a point of order, Mr President — —

Hon. T. C. Theophanous interjected.

Hon. M. A. Birrell — You are meant to shut up as soon as I stand up.

Mr President, if it is the intention of Mr Theophanous to go down his normal tawdry path of defaming a member of Parliament without moving a motion to that

effect, I point out that that type of behaviour is intolerable and has always been unacceptable under the standing orders and procedures of the house. If the honourable member wants to defame someone in his normal manner, he should do so according to the rules of the house, which is by substantive motion and nothing else. If the honourable member is seeking to do that, Mr President, I ask you to warn him that he has no opportunity to defame a member of Parliament unless he does so using the proper procedures.

The PRESIDENT — Order! Mr Theophanous and other honourable members know the rules of the house. The honourable member has not identified any person and he will not be allowed to do so. I ask him to continue.

Hon. T. C. THEOPHANOUS — As I said, it is especially appalling that members of Parliament, who are privileged members of the community, should park in car parking spaces for the disabled. It is also not appropriate to accept the offer of parking in a car parking space for the disabled when visiting a venue in one's electorate. It is not appropriate to do either of those things. I therefore ask the Minister for Community Services to make it clear to the community, and in particular to members of Parliament visiting their electorates, that parking in car parking spaces designated for the disabled is not appropriate. In so doing, the minister may want to refer to today's *Herald Sun*.

Business: tax cuts

Hon. C. A. STRONG (Higinbotham) — I ask the Minister for Energy and Resources to refer to the Treasurer the issue of business tax cuts that were foreshadowed in the recent budget. Honourable members will remember that \$200 million of business tax cuts was foreshadowed. However, at that time the government did not have enough knowledge of business to know the best way to apply those tax cuts and was therefore going to undertake a process to work that out.

I do not know whether a web site has yet been set up or reference groups have been established. However, I ask the Treasurer for an update on those business taxes and the process being undertaken to assess them.

AFL: grand final tickets

Hon. R. A. BEST (North Western) — I direct a matter to the attention of the Minister for Consumer Affairs. Mr President, I was tremendously interested in comments today on the condolence motion that Joe

Rafferty was the first Minister of Consumer Affairs in Australia and that he took up the plight of consumers.

Given the comments of Premier Bracks as reported in the newspapers and of the Minister for Sport and Recreation in answer to a question today regarding the sale and distribution of Australian Football League grand final tickets, has the minister or her department undertaken any investigation into instances that have adversely affected consumers, and is she considering undertaking an investigation into the activities of the Australian Football League or AFL clubs relating to the sale of grand final tickets?

Building industry: security of payment

Hon. D. G. HADDEN (Ballarat) — I ask the Minister for Sport and Recreation to refer to the Minister for Planning in the other place an important matter that affects some of the constituents of Ballarat Province. The matter relates to the security of payment in the building and construction industry, and I seek action by the Minister for Planning to ensure that specific matters like the one I am about to raise are addressed in the inquiry that has recently been announced by the government.

Security of payment means that a builder deducts cash from a contract sum at a specified rate until the contract sum is reached. That amount is then held until practical completion is reached under the contract. The builder then holds a specified amount until the defects liability period is finished. That period can be anything from 30 days to 104 months, depending on the contract.

Builders do not have to inform my constituents of what they are doing with their moneys or where they are safely held. Often builders will keep the funds in their cash flow. Some major builders invest the moneys in investment schemes of some type; however, builders retain all accrued interest. If builders go into receivership or liquidation, the security of payment moneys are normally kept by appointed administrators and my constituents are then deemed to be unsecured creditors. My constituents believe that is wrong, as the moneys held by builders are theirs but have been withheld by the builders.

As Victoria is one of the few states with legislation protecting subcontractors working in the building and construction industry against defaulting companies, I seek action by the Minister for Planning to ensure that the full range of building and construction circumstances is canvassed in the current inquiry, and ask him to take into account my constituents' specific problems.

Heinz Wattie's Australasia

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I direct a matter to the attention of the Minister for Industrial Relations, as the representative in this place of the Premier. As honourable members would be aware, on 18 July the Heinz Wattie's company announced that it would be closing its Dandenong manufacturing plant, with a loss of 192 jobs, most of which are processor worker jobs. The Heinz Wattie's plant has been in Dandenong for 45 years. Last November the government lost more than 100 manufacturing jobs at the Dandenong plant while patting itself on the back about securing some 50 jobs for rural and regional Victoria. This year a further 200 jobs will be cut from the Dandenong plant to move another handful into rural and regional Victoria, with the rest going to New Zealand.

It is not good enough for the government to trade 300 Dandenong jobs for marginal gains in rural Victoria. The people of Dandenong, the people whom Mr Lucas and I represent, deserve better.

On 18 July following the announcement I wrote four letters — because of the urgency of the matter the letters were faxed about 7.00 p.m. — to the managing director of Heinz Wattie's, the Premier, the Minister for State and Regional Development and the Minister for Post Compulsory Education, Training and Employment. The letters sought meetings with their recipients to discuss the options for redundancies that were available to the 200 workers affected by the decision, and I also sought from the ministers advice about what assistance the government was able to offer.

Within 72 hours of the announcement Mr Lucas and I met with the management of Heinz Wattie's to be briefed on the decision by the company and to make clear our concerns about the benefits and entitlements employees would receive. I regret to inform the house that the response from the Premier, Minister Kosky and Minister Brumby has not been nearly so prompt. Some six weeks after I faxed the Premier and the two ministers I have still not received a response. I have not even had the courtesy of an acknowledgment from the Premier that I had sent him the letter.

It comes as no surprise to read in the *Dandenong Examiner* an article entitled 'Union blasts government over Heinz closure', which quotes Craig Johnston, the secretary of the Australian Manufacturing Workers Union, as saying:

... Premier Steve Bracks and manufacturing industry minister Rob Hulls had offered to arrange a meeting between the

government, the unions involved and the company, but nothing happened.

The article goes on to state:

All the workers got from the government was silence.

Will the minister ask the Premier to give me the courtesy of an acknowledgment to my letter and advise whether he will agree, as requested, to a meeting to discuss what the government can do to assist the workers?

Transport: north-west freight study

Hon. B. W. BISHOP (North Western) — I direct my question to the Minister for Energy and Resources, who represents the Minister for Transport in another place. I suspect the matter is one of dual responsibility.

On a recent visit to Mildura the Minister for Small Business spoke of the north-west freight study that was initiated by the previous government and continued by this government. That is a vital research project, but I note that another important study has now been completed — the Murray Basin Mineral Sands Infrastructure Planning Study, which was carried out for a long list of organisations, one being the commonwealth Department of Industry, Science and Resources and another the Victorian Department of Natural Resources and Environment.

I have often made a point in this place about the importance of the mineral sands industry to Victoria. This report indicates that the industry will create 450 direct jobs over 30 years, with 1100 indirect jobs, providing \$13 billion worth of value to the industry and 60 million tonnes of mineral sands.

The report also recommends road and bridgeworks as well as infrastructure such as converting the Mildura–Hopetoun rail line to standard gauge, constructing a new standard gauge line from Lascelles to Hopetoun and upgrading the Mildura–Donald broad-gauge rail line to standard gauge. Those recommendations are confusing because there is no Mildura–Hopetoun rail line, and the document does not talk about dual gauging or other issues.

A passenger train review along the Mildura line is being carried out at the same time. That will be fine if it gets up, but I suspect it is taking some of the focus from what many of us see as the main game — that is, to make freight services sufficiently efficient and flexible to get products to port.

A number of issues stand out. All the options must be assessed, with the focus being on freight access. The

rail lines must be upgraded, which would gather up a future passenger service as well. We must move quickly as Victorians to improve access to our ports because we do not want our state competitors to beat us to the punch, which would lead to our losing the freight and port usage involved in the development of the mineral sands.

Will the minister advise when the north-west freight study will be completed? I urge her to move the process along in a focused manner that will lead to practical recommendations and to get on with the job before we are caught and beaten by the other states.

Urquharts Bluff

Hon. E. C. CARBINES (Geelong) — I raise for the attention of the Minister for Energy and Resources, in her capacity as the representative of the Minister for Environment and Conservation in the other place, a matter concerning the nature of a piece of land at Urquharts Bluff, which abuts the Great Ocean Road, an area of much importance to Victorians, particularly people who reside in the Geelong region.

The land at Urquharts Bluff is of national conservation significance as coastal heathland. More than 100 indigenous plants have been identified, and it is home to many rare Australian orchids, two of which are unique to the Urquharts Bluff land. The land is currently in private ownership but is up for sale. There has been a concerted campaign by environment and conservation groups seeking state government funds to purchase the Urquharts Bluff land and add it to the Angahook-Lorne State Park.

In July I accompanied the Minister for Environment and Conservation, the Honourable Sherryl Garbutt, to the Urquharts Bluff site to inspect the land. We were met by an enthusiastic group of local people, including the mayor of the Surf Coast Shire, Cr Barrow, and representatives of Angair, the Geelong Environment Council and the Great Ocean Road committee. We were taken on a detailed site inspection that revealed the impressive conservation values of the Urquharts Bluff land.

Will the minister give the purchase of that land due consideration and act in the public interest to protect this important stretch of our coastline for future generations?

Workcover: premiums

Hon. M. T. LUCKINS (Waverley) — I direct to the attention of the Minister for Industrial Relations, as the Minister assisting the Minister for Workcover in

another place, a matter relating to the Workcover premium increase for the Oakleigh Centre for Intellectually Disabled Citizens located in my province.

The centre assists about 200 clients and has an effective full-time staff of approximately 70. The 1999–2000 premium was \$93 000 and the 2000–01 Workcover premium has risen to \$131 000, an increase of \$38 000. The premium hike has blown the budget for this financial year. According to the chief executive officer of the centre the increase will result in a reduction in services and capital works projects.

I have also received information from the Council of Intellectual Disability Agencies, which represents similar non-government agencies around Victoria. The council has reported that there has been an average increase in this sector of 57.95 per cent. I ask the minister what action the government will take to ensure that the Workcover increases will not affect intellectually disabled people whom the government has an obligation to assist.

Tourism Victoria: Albury meeting

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Minister for Sport and Recreation, who represents the Minister for Major Projects and Tourism in another place. Yesterday I attended a function at a hotel in Albury in New South Wales. While there my attention was drawn to the boards that hotels traditionally have in their foyers advising what is on at those premises that day, and I was interested to note that the board of Tourism Victoria was conducting a meeting at the hotel in Albury yesterday. I thought it was a bit peculiar that Tourism Victoria would be having a meeting across the border, and I am a little concerned about that.

I am further concerned that upon making inquiries I was informed that it was the view of the organisers of the meeting that there was no suitable venue in Wodonga to hold a meeting for 20 people. Worse still, the board members accommodated themselves overnight in a hotel in Albury notwithstanding the fact that Wodonga has numerous venues which are virtually of five-star quality. Members of the National Party and the opposition can certainly vouch for that because they patronise them regularly.

I will not accept any explanation from the minister along the lines that Albury-Wodonga is considered to be one unit and therefore this is acceptable. I would be more prepared to accept that sort of explanation if our New South Wales counterparts took the same view. However, on the occasion of the recent Olympic flame

ceremony in Albury I attended a function at which the New South Wales Minister for Tourism was present. We were expecting the Honourable Justin Madden to attend but he did not quite make it to the function. In her speech the New South Wales minister spoke effusively about Albury and tourism in New South Wales and did not once mention Wodonga. I invite the minister to instruct Tourism Victoria that it should conduct its activities in Victoria and not interstate.

Scooters: regulation

Hon. ANDREA COOTE (Monash) — I raise a matter with the Minister for Energy and Resources, who represents the Minister for Transport in another place. I have grave concerns that as we approach summer the new international craze of scooters, both motorised and non-motorised, is about to engulf Victoria and there are still no clear safety regulations to deal with this emerging trend. Parents, children, retailers, motorists and pedestrians are all unclear as to what these rules involve. Currently, children ride these small, fold-up scooters without wearing helmets, and I see many scooters on the footpaths and on the roads without lights. Some of the medium-sized motorised scooters are capable of doing up to 35 kilometres an hour. Riders of these motorised scooters also do not wear helmets or have lights and I have seen them on the footpaths and the roads.

The *Sunday Herald Sun* of 27 August contains an article, which states:

Police said a boy, 9, was killed in a scooter accident at Greenvale last month, and a youth was badly injured earlier this year.

Hon. G. R. CRAIGIE — Have you been on one of these?

Hon. ANDREA COOTE — I have. The *Stonnington Leader* of 16 August quoted a Malvern citizen who said she had seen a child riding a scooter to school nearly struck by a car at a pedestrian crossing.

Hon. R. A. BEST — What suburb was that in?

Hon. ANDREA COOTE — It was in Malvern. The Vicroads legal status of scooters document does not deal clearly enough with the issues of helmets and lights and it does not deal at all with the emerging motorised scooters. Before this summer craze engulfs us I call on the Minister for Transport to detail and distribute to all parents, schools, children and motorists clear and concise regulations for the following groups: children under 12 years of age on scooters; children

over 12 on scooters; and riders of the new motorised scooters.

Women: rural bursaries

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Small Business, who represents the Minister for Women's Affairs in another place. Last month I attended the certificate presentation of the rural women's leadership bursaries 2000 in Melbourne. Twenty women from right across country Victoria received awards of \$2000 each. I am proud to announce that five of those winners come from the North Eastern Province represented by the Honourable Bill Baxter and me. The certificates were presented by the Minister for Agriculture and the Minister for Women's Affairs.

Hon. I. J. COVER — In Victoria?

Hon. E. J. POWELL — In Victoria. The program is very successful. It was introduced by the former government. It has been going for three years, and this government has continued it. It has allowed 60 rural women to learn leadership skills they can use in their own communities and, more importantly, further afield.

A number of the former winners who were at the presentation spoke to me of their concerns about not having an opportunity to pass on to the new bursary winners the leadership skills they gained and the experiences of the courses they did. Given that there are limited opportunities for people in rural Victoria to participate in relevant courses and that the government is now asking bursary winners to justify the expenditure of the \$2000 they have won in an effort to review the program and determine whether it will continue in the future, there is some concern that they get the right courses.

I ask the minister to consider organising an annual dinner for the presentations, which would provide an opportunity for the former bursary winners to discuss the courses they participated in and whether they got value for money and, more importantly, whether they thought the courses were worth while.

Yarra Ranges: mobile immunisation program

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Industrial Relations, who represents the Minister for Health in the other place. The minister will recall that during the last sittings I raised the issue of the mobile immunisation service which is concurrently run by the Southern Health Care Network and the Shire of Yarra Ranges. The service receives federal government funds but the funding

commitment of the state government was withdrawn. My issue at that time was whether the funding could be reinstated. I subsequently received from the Minister for Health a letter in which he agreed to extend the funding but only for a further six months. In his letter the minister indicated that there will be a further evaluation of an evaluation which has already taken place and of which he is in possession. He says those issues will be reviewed, and at some point in the future a decision will be made about the ultimate future of immunisation programs, not only in the Shire of Yarra Ranges but throughout Victoria.

I am disappointed that the minister was able to extend the funding only for a further six months and only after a public outcry in the local area. My question to the minister and the point on which I seek her assistance is: when will the government complete the review and examination of its previous evaluation? I need to know that so I can advise the people in the Shire of Yarra Ranges of the ultimate fate of their much-needed mobile immunisation program.

Ambulance services: helicopters

Hon. P. R. HALL (Gippsland) — I raise an urgent matter with the Minister for Industrial Relations, who represents the Minister for Health in another place. This matter concerns the contract for the provision of air ambulance helicopters in Victoria. I understand the government is about to sign a new five-year minimum contract for the provision of new air ambulance helicopters. While I welcome the signing of that contract, I also understand that the quality of the service capable of being delivered may be compromised by consideration of the cost of the new contract. It is my understanding that the government is considering tenders from two preferred tenderers, each of which is tendering on the basis of different sized helicopters.

The difference in size brings with it differences in the loading and unloading time of patients and in the carrying of patients in regard to their comfort and the medical services that can be administered while patients are in the helicopter. The size difference also brings with it differences in the amount of equipment that can be carried in the helicopters at any one time, thus affecting the flexibility of service the helicopters can provide. Finally, it also brings with it differences in the number of people that can be transported in the helicopter at any one time, and that may impact on the rescue functions and capabilities of these machines.

I seek from the Minister for Health an assurance that in the awarding of the new air ambulance helicopter

contracts there will be no reduction in service capability.

Scoresby freeway: tolls

Hon. W. I. SMITH (Silvan) — I raise a matter with the Minister for Energy and Resources as the representative in this place of the Minister for Transport. There has been much confusion in my electorate and in the outer east about the building of the Scoresby freeway. Originally the Bracks government said it was not committed to building it, and at a business dinner at the Maroondah council ministers said the Bracks government would not build it. However, the government has changed its mind and now says it is committed to building the freeway.

However, further confusion is reported in the *Maroondah Mail* of 22 August. There is now talk of a tollway scheme to fund the building of the freeway. In the article Ringwood Chamber of Commerce president, Joe Cossari, is reported as saying:

The issue of tolls would be a 'hot potato' in the community.

He is further reported as saying that it would be the last thing he would want to see. Certainly the community would not want to have tolls introduced to pay for the building of the Scoresby freeway. Will the Minister for Transport give an absolute commitment that the Bracks government will not introduce tolls to pay for the proposed Scoresby freeway?

School buses: supervisors

Hon. ANDREW BRIDESON (Waverley) — I raise a matter with the Minister for Sport and Recreation in his capacity as the representative of the Minister for Police and Emergency Services in the other house. Earlier this year an incident occurred on a school bus in my electorate which has led to allegations of assault against a school bus supervisor. A police investigation is being undertaken. The school principal raised the issue with me, and I have since discussed the matter with the bus company involved. I have been led to believe that although school bus drivers are subject to police checks, supervisors on school buses are not. Most other voluntary workers and parents involved with schoolchildren are also subject to police checks. Therefore it is anomalous that those supervising students on school buses are not subject to police checks.

I ask the Minister for Police and Emergency Services to clarify whether school bus supervisors are subject to police checks. If not, could he implement procedures so that supervisors undergo police checks?

Public transport: tickets

Hon. G. B. ASHMAN (Koonung) — I direct a matter to the attention of the Minister for Energy and Resources as the representative in this place of the Minister for Transport. It concerns the purchase of tickets on the public transport system. A group wished to purchase zone 1 tickets within zone 3.

Honourable members interjecting.

Hon. G. B. ASHMAN — There was a legitimate reason for doing so. The group wanted to go to the city where it would then break into three different groups: one group was to remain within the central business district; one group was going to Darebin; and the other group was moving on to St Kilda. The groups were then going to return to the central business district where they would catch a bus back to the eastern suburbs.

The reason for wanting to purchase tickets out of the relevant zone was quite legitimate. They were attempting to do what the government has been telling them to do since the introduction of the new ticketing system — that is, to pre-purchase tickets. The group attended the local railway station and asked if they could pre-purchase zone 1 tickets. The answer was no. Some 12 months down the track the government has identified a problem and could have rectified it in that 12-month period. A minor change of policy is all that is required to allow a zone 1 ticket to be purchased outside the zone. Many thousands of people commute by car to the CBD then need to move around the CBD, and it is quite legitimate for them to pre-purchase tickets, and indeed they should pre-purchase their zone 1 tickets.

As minor adjustments are made to the ticketing system I ask the minister to look at permitting zone 1 tickets to be purchased out of that zone. The zone 1 ticket will not work if it is put into a validating machine outside zone 1, so there is no issue about tickets being used fraudulently. The adjustment will assist large groups trying to plan their journeys to the CBD.

Powelltown: fire truck

Hon. G. R. CRAIGE (Central Highlands) — I direct a matter to the attention of the Minister for Energy and Resources as the representative in this place of the Minister for Transport. The issue concerns the registration of the Powelltown Water Association fire truck. In a letter dated 17 August 1999 the honourable member for Evelyn in the other place was advised:

I have been advised by Vicroads that given the Powelltown Water Association fire truck is dedicated to firefighting, the vehicle can be registered as a special purpose vehicle. This means that a 'no fee' registration can be applied to the vehicle together with a significantly reduced transport accident charge of \$59.40.

I have asked Vicroads to make the necessary amendments to the vehicle record.

It is common for a voluntary community organisation to run fire trucks in its region, and it is typical of rural and regional Victoria. The letter was signed by the former Minister for Roads and Ports!

To their dismay that great bunch of people have just received a \$658.60 renewal for the registration due on 10 September. They spoke to Vicroads personnel about the former exemption from registration and were told that previous arrangements with the former government no longer apply. I call on the Minister for Transport to make a similar exemption for registration of fire trucks for this and many other organisations in country Victoria.

National Gallery: industrial dispute

Hon. C. A. FURLETTI (Templestowe) — I refer the Minister for Industrial Relations to the invasion and occupation of the National Gallery of Victoria site earlier this month by a mob of Construction, Forestry, Mining and Energy Union members which required an application for an injunction from the Supreme Court. During those proceedings the presiding judge referred to the conduct of those people as union thuggery.

Given the minister's capacity for inactivity — that capacity is becoming legendary — what action will she take to ensure that such conduct is outlawed in future and that the contractor on the National Gallery site is compensated for the loss and damage suffered as a result of union thuggery?

Knox hospital

Hon. B. N. ATKINSON (Koonung) — I raise a matter with the Minister for Industrial Relations in her capacity as the representative of the Minister for Health in the other house. It concerns the proposed Knox hospital planned by the former government on a former drive-in site at the corner of Mountain Highway and Boronia Road, Wantima South.

The previous government had an option to buy the land to establish a tertiary training hospital on the site. However, it was not an initiative that was taken up in the Labor Party's platform going into the last election. Subsequent to that election Labor talked about a

number of other initiatives it might take for the eastern suburbs rather than pursuing the establishment of a hospital on that site or a new hospital at Knox. However, in answer to questions from various people about the Knox hospital the Minister for Health indicated that the government has not entirely ruled out establishing a new hospital in Knox, and he may well be prepared to revisit the need for a new tertiary hospital in the eastern suburbs.

Given that the government is proceeding with the Scoresby freeway — at least in terms of its policy planning — and that there has been an indication that the option on the Wantirna drive-in site has now run out, I seek comment and assurances from the minister that the government is making arrangements to try to secure the site for the future, because it is obviously the best site available for a tertiary hospital in the eastern suburbs. I want to ensure that the site is retained for that purpose. I seek an indication of the government's intentions in that regard.

LPG: Ford initiative

Hon. R. H. BOWDEN (South Eastern) — The issue I raise is for the attention of the Minister for Small Business. A few days ago the Ford Motor Company of Australia Ltd announced the availability of a new range of Ford products that have been specifically engineered to run on liquefied petroleum gas. Among the respectable and well-established motor manufacturers in our vehicle fleet are a whole variety of products, but to my knowledge they are usually for dual fuel, if they are ordered that way. The announcement by Ford should be commended and praised because the product line is well regarded and uses an engine that is technically suitable and specifically engineered for LPG.

For the record I indicate that I have no connection with the Ford company and at present I do not drive a Ford vehicle. But I have the highest respect for Ford products and have had excellent service from Ford in the past. Given the current difficulties that small businesses are having with the high cost of fuel and that members of the Victorian community are having with the high cost of petroleum products, with the arrival of this new product — which I think is a welcome addition to the vehicle fleet — would the government give consideration to again promoting the benefits of LPG to the community, not only because of its positive environmental impacts but also to reinforce the economical and cost benefits of using LPG as an alternative fuel?

I suggest the government might want to explore the possibility of recognising the initiative of Ford and other companies, which are looking specifically at engineering high-quality products that are suitable for our vehicle fleet.

Minister for Youth Affairs: comments

Hon. P. A. KATSAMBANIS (Monash) — I refer the Minister for Youth Affairs to his comments during question time today when he was discussing the former government's Premier's Youth Council, which was a very successful and well-recognised youth advisory council. In his contribution the minister alluded to the fact that that council had met only twice; in fact, the minister not only alluded to it but tried to make a significant point about its having met only twice. Would the minister now care to reflect on the answer that he gave the house this afternoon, and if his answer was incorrect or misleading, will he ensure that the record is corrected tomorrow so that he apologises for misleading the house?

Frankston and Mount Eliza Rotary clubs

Hon. B. C. BOARDMAN (Chelsea) — I raise with the Minister for Industrial Relations, as the representative in this house of the Premier, a joint application by the Rotary Club of Frankston and the Rotary Club of Mount Eliza for a Community Support Fund (CSF) grant that was submitted on 6 April last year. I would also appreciate the Minister for Youth Affairs taking notice of the matter, as the important grant was to provide youth services in the Frankston and Mornington Peninsula regions.

As I said, the application was lodged on 6 April. The response from the Community Support Fund on 23 April last year was that there would be a four-month waiting period before any further notification would be received. Unfortunately, no further notification was received because during that time there was a change of government, and the new government decided that it would, along with everything else, change the guidelines and review the funding eligibility — and that process took a little time.

The application was for \$20 000 to fund the Reach Youth program, which is auspiced through Jim Stynes. As many honourable members would be aware, the program strengthens the partnerships and links between schools, families, community groups and police, and encourages young people, through their involvement and leadership in community activities, including hero days, where the concept of role models and so on become relevant. The application that was lodged met

the previous criteria of the CSF, which was a reasonable thing to do at the time. But in a letter of 28 July of this year to the president of the Frankston Rotary club, the assistant secretary of the Community Support Fund, Janice Stanford, states:

The government's review of the CSF is now complete and your application has been assessed against the criteria established as a result of the review.

As a consequence, the application was unsuccessful.

I request that the Premier review the application, because the program is of significant benefit to the people of Frankston and the Mornington Peninsula. The government should not be so fastidious about the updated guidelines and criteria. As a result of the review the government should provide some indication to the Rotary clubs of Frankston and Mount Eliza how they might best amend their application so that it can be successful.

Football: ground invasion

Hon. J. W. G. ROSS (Higinbotham) — I refer the Minister for Sport and Recreation to a safety issue concerning senior Australian Rules football. While I have the opportunity, I express my delight about the Victorian Football League premiership won by the Sandringham Football Club at Waverley Park on Sunday. I also acknowledge some disappointment, as that probably represented the last game of senior Australian Rules football at Waverley Park. Victorians have almost certainly seen the last game at that venue.

The issue I raise with the minister is another election promise that is included in Labor's policy, 'Building Victoria's sporting life', which states:

Labor will increase fines for ground invasions and severe misbehaviour at sporting events.

In view of the significant risk posed by the ground invasion after Mathew Lloyd recently kicked his 100th goal for the Essendon Football Club, I ask the minister: what action has the government taken, after a year in office, on its promise to prevent possible injury to players, children, and over-enthusiastic spectators?

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — My question is directed to the Minister for Industrial Relations. Given that the minister has spent \$127 000 of public money on unnecessary renovations to two offices in her 10 months as a minister, will she provide the house today with an assurance that neither she nor any of her officers will incur any further renovation costs or

removal expenses over the next period of the Parliament?

Commonwealth Games: lawn bowls

Hon. N. B. LUCAS (Eumemmerring) — I refer the Minister for Sport and Recreation to the Commonwealth Games which are to be held in Melbourne in 2006 and which were an initiative of the former government. As I understand it, no decision has yet been taken about the venue for the lawn bowls for the Commonwealth Games. It is my understanding that to hold the lawn bowls a club would need four greens, a reasonable clubhouse, an indoor facility, car parking, good accessibility, and support from the club.

I draw the minister's attention to the fact that the brand-new Berwick Bowling Club has three greens, plenty of room for a fourth green and plenty of room to construct an indoor facility on site. There is a huge amount of car parking available, both on site and adjacent to the site, and the clubhouse is extraordinarily large. The club supports the concept. The completion in the next two to three years of the Monash Freeway extension will mean the club will be 2 to 3 kilometres away from the Monash Freeway and will provide excellent accessibility to the city.

Is the Minister for Sport and Recreation willing to arrange for appropriate representatives of the organising committee to undertake an inspection of the Berwick Bowling Club to gain an appreciation of the club's suitability as a site for the lawn bowls at the 2006 Commonwealth Games? Can the minister advise the house whether any decisions have been taken that would make this not possible?

AFL: grand final tickets

Hon. I. J. COVER (Geelong) — I refer to the response of the Minister for Sport and Recreation during question time earlier today about grand final ticket allocation and distribution. As part of the minister's plan to look into the current system in an endeavour to see a better or fairer system developed, he said he would write to the Australian Football League. I ask the minister to advise the house what performance benchmarks will be used to evaluate a new system, and more importantly, given the failure to deliver on his save Waverley promise of 12 months ago, what is his time frame for fixing the grand final ticket fiasco — to use his description?

Hindmarsh: swimming pools

Hon. BILL FORWOOD (Templestowe) — My issue also is with the Minister for Sport and Recreation.

Last week I was fortunate enough to visit the electorate of Wimmera and the Hindmarsh shire where I met with the mayor, Paul Remmos, other members of the council, and the chief executive, Neil Jacobs. They raised with me the issue of swimming pools in that electorate. I understand that there are four: at Jeparit, Dimboola, Rainbow and Nhill. I understand two of the pools are more than 40 years old.

On 22 August the Hindmarsh shire wrote to the minister about better pools funding. They made the point that they were concerned that no allocation had been made for urgent works at the four pools. The minister offered them \$15 000 to do a technical audit of the facilities. Their view is that the areas needing urgent works are obvious — in fact very obvious — and were identified in the application. They cannot see the point of spending \$15 000 on a technical audit. They say quite bluntly:

These works are urgently required and do not require a technical audit.

In their budget they have allocated a substantial amount of funds to meet the needs of their communities. The Hindmarsh shire covers 7500 kilometres. The council representatives seek a meeting with the minister so they can resolve this issue. In particular they want a better allocation of the \$15 000 than spending it on another inquiry. Could the minister please take this matter on board?

Aquaculture: funding

Hon. PHILIP DAVIS (Gippsland) — I refer the Minister for Energy and Resources to the budget for 2000–01 for aquaculture which has been reduced to an unsustainable level by the Bracks Labor government's decision to discontinue the \$1.5 million a year Victorian aquaculture initiative. The decision not to continue the initiative, which was established by the previous coalition government, has severely and adversely impacted on the industry. In Victoria this emerging and important regional industry comprises only 3 per cent of the share of national aquaculture production, so there is obviously a great deal of scope for the government to emulate the other states in their proactive support for industry development. Will the minister advise how the government proposes to make up the shortfall in funding effort and commitment?

Parliament: government business program

Hon. M. A. BIRRELL (East Yarra) — I refer the Leader of the Government, the Minister for Industrial Relations, to the unprecedented mismanagement of the parliamentary process by the government and its

inability to provide work for the Legislative Council. I am concerned to hear why the government has not introduced any legislation into this house for ministers in this house this session, why no bills were left on the notice paper last sessional period so that they could be debated this sessional period — as is the normal practice — and why so few bills were introduced into the Legislative Assembly during the last sitting week as a way of ensuring that there is a flow of bills to this chamber.

In the time I have been here, I have not seen such an incompetent mismanagement of the Parliament as we have witnessed this week. At approximately 4.30 p.m. today the Legislative Council went on the adjournment debate as a result of only one fact — the government had nothing to do and had not introduced any bills to debate.

Hon. C. C. Broad interjected.

Hon. M. A. BIRRELL — I will take up that idiotic interjection that we will not give leave. It is an inappropriate and idiotic interjection in that we have not refused leave at all, and the minister would know that if she paid any attention. The minister should know we have not refused leave. Indeed, we have assisted the government by allowing a bill to be debated this week on which debate should have been adjourned for two weeks. We are helping the government out. If the government understood that it would appreciate that we have actually assisted it to have something to do because we believe this place should be able to debate bills. If it was not for the incompetence of the government, there would be bills in this house to debate. It is a disgrace.

Hon. C. C. Broad interjected.

Hon. M. A. BIRRELL — It is a disgrace that no bills were introduced by any single minister in this house today. Not one bill was introduced by any minister in this house, and that is why we do not have any bills to debate. Secondly, if that were not to occur, the manager of government business in this house should have ensured there were bills from the previous sessional period to lie over until this sessional period. That was the practice in the past, and it ensured there was a professional flow of bills between chambers.

There is an alternative, and that is that there is a flow of bills from the Assembly. However, an equal degree of incompetence meant there were no second readings of bills in the first sitting week of the Legislative Assembly.

I call the government to account for these failings, and I make it clear the opposition has actively facilitated the debate of a bill this week. Rather than adopting the standard practice of adjourning debate on every bill for two weeks, it has allowed the government to debate a bill tomorrow, so there is work to do.

Hon. T. C. Theophanous — How often was that done in the past?

Hon. M. A. BIRRELL — It was done by agreement on any occasion, and the only times it was breached occurred under the thuggish tactics of Mr Landeryou, your predecessor. We have kept the standards high and we facilitated some debate, but the government has to explain why no bills were introduced into the house.

Hon. J. M. Madden — On a point of order, Mr President, I am concerned about the time Mr Birrell is taking to raise the issue about which he is concerned. I refer you to your earlier ruling regarding the duration of matters raised during the adjournment debate.

The PRESIDENT — Order! I am informed that Mr Birrell has exceeded the time set out in my ruling. Mr Birrell has now made his complaint. I uphold the point of order.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Roger Hallam raised for the attention of the Minister for Finance in the other place an issue concerning a Mr Alan Simpson. I will ask the Minister for Finance to respond in the usual manner.

The Honourable Gordon Rich-Phillips raised for the attention of the Premier the Heinz Wattie's restructure at Dandenong and asked for a response to his letter. I will ask the Premier to respond in the usual manner.

The Honourable Maree Luckins raised for the attention of the Minister for Workcover in the other place increased workers compensation premiums for workplaces employing intellectually disabled people.

Hon. M. T. Luckins — On a point of order, Mr President, the matter I raised was for the minister in her capacity assisting the Minister for Workcover. I did not ask that the issue be referred to the Minister for Workcover in another place.

Hon. M. M. GOULD — The matter is the responsibility of the Minister for Workcover, and I will refer it to him so that he can respond in the usual way.

The Honourable Andrew Olexander raised for the attention of the Minister for Health in the other place funding arrangements for the mobile immunisation program. I will ask the minister to respond in the usual manner.

The Honourable Peter Hall raised for the attention of the Minister for Health the contract for the air ambulance helicopters. I will ask the minister to respond in the usual way.

The Honourable Carlo Furletti raised with me an incident that occurred the other week at the site of the National Gallery of Victoria involving members of the Construction, Forestry, Mining and Energy Union and the company, regarding non-union members. The company has taken the matter to the Supreme and Federal courts and those matters are continuing, so it would be inappropriate to comment on them.

The Honourable Bruce Atkinson raised for the attention of the Minister for Health in the other place the government's intention regarding the building of a private hospital in Knox. I will ask the minister to respond to the honourable member in the usual manner.

The Honourable Cameron Boardman raised for the attention of the Premier a Rotary club application for moneys from the Community Support Fund. Mr Boardman asked the Premier to review the application, which was rejected, and to give some indication of how the club could satisfy the requirements for approval. I will refer the issue to the Premier and ask him to respond in the usual manner.

The Honourable David Davis raised an issue regarding my ministerial office. I believe I answered that question extensively when I appeared before the Public Accounts and Estimates Committee, and I ask Mr Davis to refer to the transcript of that committee hearing.

Hon. D. McL. Davis — On a point of order, Mr President, I do not believe that answer is satisfactory. I ask you to direct the minister to indicate whether she will move the office and whether there will be any further departmental movements in the future.

The PRESIDENT — Order! As I understood the question it was not quite as the honourable member has just put it. The question was whether the minister would give an assurance that there would be no further expenditure on departmental offices. The minister said she gave a full explanation to the Public Accounts and Estimates Committee. I do not have the transcript of the committee hearing. I am not sure if Mr Davis is a member of the committee.

Hon. D. McL. Davis — I am not.

The PRESIDENT — Order! I suggest the honourable member obtain a transcript of the committee hearing.

Hon. M. M. GOULD — The Honourable Mark Birrell referred to the program for this sessional period. He would be well aware that on numerous occasions at the commencement of a session the Legislative Council has not had legislation before it because of prolonged debates or hold-ups in the other place. As a result of negotiations that have taken place in the other place regarding the opposition wanting longer periods to discuss and debate legislation coming before that place legislation has been slow in coming to this place.

Hon. Bill Forwood — Which bills?

Hon. M. M. GOULD — I refer to the legislation regarding the reform of this place. The government has introduced two pieces of legislation that will be debated this week. Mr President, you will recall that on numerous occasions under the administration of the former government it was not out of the ordinary for debate in the other place to slow the passage of bills to this place.

Hon. B. N. Atkinson — On a point of order, Mr President, I seek an assurance from the Minister for Industrial Relations that she will obtain the government's response to the issue I raised rather than talking about the previous government's intentions. I am well aware of the previous government's intentions on this matter, but I want to know what her government will do about the proposed hospital site.

Hon. M. M. Gould — On the point of order, Mr President, the honourable member raised for the attention of the Minister for Health in the other place an issue about the proposed hospital site for the Knox area and wanted to know the intentions of this government regarding that site. I will pass on that matter to the Minister for Health and obtain an answer in due course.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Graeme Stoney raised for the attention of the Minister for Transport funding for two accident black spot areas. I will refer that matter to the minister, who will reply in the usual way.

The Honourable Chris Strong requested that the Treasurer provide an update of the progress of the business tax cuts. I will refer that matter to the Treasurer.

The Honourable Barry Bishop raised for the attention of the Minister for Transport an issue that he correctly observed was a shared responsibility. He referred to the north-west freight study and the Murray Basin Mineral Sands Infrastructure Planning Study. The latter study is one I released jointly with the federal Minister for Industry, Science and Resources, Senator Nick Minchin, in Mildura recently. It is, as Mr Bishop described it, a consultative report commissioned by the previous government that contained a range of recommendations. It is now the responsibility of the governments of New South Wales, Victoria and South Australia to examine those recommendations and consider which are appropriate for their respective states. That process is under way. The issue relates to my responsibilities as Minister for Energy and Resources, and therefore mining, because it relates to mineral sands.

I obviously have an interest in the north-west freight study because of its relationship to the mineral sands development. I will take up the matter with the Minister for Transport, and I am sure he will advise the honourable member of the timetable for that study.

The Honourable Elaine Carbines referred a matter to the Minister for Environment and Conservation and called on her to act to protect the conservation values of land at Urquharts Bluff. I will refer that matter to the minister.

The Honourable Andrea Coote referred the Minister for Transport to the classification and dissemination of rules governing the use of motorised and non-motorised scooters. I will refer that matter to the minister.

The Honourable Wendy Smith also referred to the Minister for Transport a matter relating to the Scoresby freeway and tolls. I will refer that matter to the minister.

The Honourable Gerald Ashman referred a matter to the Minister for Transport concerning the purchase of tickets in different zones and requested the minister to examine those purchases. I will refer that request to the minister.

The Honourable Geoff Craige referred to the Minister for Transport the cost of registration of fire trucks and requests for exemption from those costs. I will refer that matter to the Minister for Transport.

The Honourable Philip Davis referred to me the issue of aquaculture and the \$1.5 million initiative under the previous government that was completed on 30 June this year.

Hon. Philip Davis — Which you defunded this year!

Hon. C. C. BROAD — If I can correct that, Mr President, it is clear from the press releases, correspondence and forward estimates of the previous government that its \$1.5 million aquaculture initiative was a two-year initiative only. It was announced as such and was never built into the budget of the Department of Natural Resources and Environment. I was concerned to discover that, among other things, the initiative was used to fund the peak body for aquaculture, the Victorian Aquaculture Council, which was in my view an inappropriate method of funding for a peak body. As a result of that two-year initiative funding coming to an end and not being provided for by the previous government in the department's budget, as the incoming minister I have had to find funds for the continuation of the aquaculture council, which has now been done.

I have previously made it clear in the house that the government supports the aquaculture industry. I am pleased to advise honourable members that in the past 12 months more than \$16 million of private investment has occurred across aquaculture industry sectors, which is a very good indication of the health of the aquaculture industry and of its continued growth.

The current budget has ensured that service delivery outputs through Fisheries Victoria are being maintained, including licensing administration, policy extension and research and development services.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Theo Theophanous referred the Minister for Community Services to appropriate facilities being made available for the disabled and car parking access and asked that the minister make it clear to the public and members of Parliament that they should not be parking in car parking spaces for the disabled. I will pass that matter on to the minister.

The Honourable Ron Best referred me to the issue of football finals tickets and investigations into the sale by Australian Football League clubs of grand final tickets and asked what is being done about that issue. The Honourable Justin Madden will continue to raise that issue with the AFL, and my office will be assisting his department.

Hon. R. A. Best — Which department? Consumer Affairs?

Hon. M. R. THOMSON — Consumer and Business Affairs Victoria will be assisting him with discussions with the AFL.

The Honourable Jeanette Powell referred the Minister for Women's Affairs to the rural women's leadership bursaries 2000 program and advised that 60 women who have participated and won bursaries in the past have not been able to pass on that experience. She referred to the need for a dinner at which those women could discuss the outcomes and benefits of the leadership courses that they have undertaken. I will pass that information on to the minister.

The Honourable Ron Bowden referred me to the fact that the Ford Motor Company of Australia Ltd is preparing product to run on liquefied petroleum gas exclusively and promoting the environmental and financial benefits of LPG, and suggested recognition of Ford's initiative. That is a very good point, and I thank the honourable member for raising it with me. I will look into that matter.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Dianne Hadden referred to the issue of security of payments for subcontractors. I appreciate that is a matter of significant concern, in particular for subcontractors involved in the building industry, and I will refer the issue to the Minister for Planning.

I will bring to the attention of the Minister for Major Projects and Tourism the matter of a board meeting of Tourism Victoria raised by the Honourable Bill Baxter.

I will refer to the Minister for Police and Emergency Services the matter raised by the Honourable Andrew Brideson relating to school bus drivers and supervisors and police checks.

The Honourable Peter Katsambanis referred to the former government's Premier's Youth Council and my comments earlier today when I said that it had met twice. I will check with my department, and if I find that that is not right, I will be happy to correct that on the record. However, I will wait to receive information from my department.

The Honourable John Ross referred to complex issues of policing, resourcing and fencing relating to ground invasion at the football. No doubt Dr Ross will appreciate that a considerable number of issues relating to that matter have to be canvassed with various groups. Those issues are being worked through within the respective departments.

The Honourable Neil Lucas referred to the Berwick Bowling Club and links to the Commonwealth Games. A process that has been entered into in relation to possible sites for the Commonwealth Games bowling facility is nearing completion. However, in the meantime I will direct officers from my department to visit the Berwick Bowling Club to gain a full appreciation of the club's progress and how that may stand it in good stead for future issues.

In response to the matter raised by the Honourable Ian Cover about Australian Football League ticketing, I point out that I have already written to the AFL. Mr Cover suggested that I write to the AFL, but I have already written and consulted with the AFL about ticketing. I am not sure whether Mr Cover is aware that efforts to introduce anti-scalping legislation into this place on other occasions have historically not been supported by the former coalition. Our consultation — which is probably a word with which the opposition is not too familiar — with the relevant stakeholders is continuing, and the issue is undergoing a review process. That may not point us in the direction of anti-scalping legislation. New South Wales has a code of practice.

Hon. I. J. Cover — On a point of order, Mr President, the minister was clearly asked a question that did not refer to anti-scalping legislation. I sought from the minister advice on how long it would take to remedy the problem he raised in an answer earlier today. The minister is not being relevant to the question raised.

The PRESIDENT — Order! The minister is in the middle of his answer and may pick up on those issues when he is winding up.

Hon. J. M. MADDEN — If the spokesperson for sport and recreation cares to listen he will find that I eventually get to the point. Consultation with the relevant stakeholders may not point us in the direction of legislation about ticketing. Opposition members may not be aware that New South Wales has a voluntary code of conduct for the entertainment industry in relation to major events. It sets out a range of consumer rights in the promotion of and ticketing for major events. That is under consideration as part of the review process. The opposition may not appreciate that consultation takes some time. If one wishes to make a unilateral decision without consultation with the relevant stakeholders one can do so virtually immediately.

Hon. Bill Forwood — On a point of order, Mr President, I raised an issue with the Minister for

Sport and Recreation. I know he gets enthusiastic, but perhaps he could finish the job.

Hon. J. M. MADDEN — The Honourable Bill Forwood asked about shire council funding for the Better Pools program. The program has been established in recent years by the Department of State and Regional Development to address the needs of local government authorities in connection with ageing pool stock and community expectation. Changes within communities mean that pools may not necessarily be inadequate if used for a short time over the summer period but there is an expectation that people should have greater access to such facilities for a 12-month period.

The local government authorities need to consider a long-term view as well as a short-term view concerning aquatic facilities. The key behind the program and funding for local government authorities is for them to assess carefully not only the short-term, technical and maintenance requirements of the aquatic facilities but also their long-term sustainability and viability, as well as, most importantly, the risk exposure and risk management connected with the facilities. That is a significant issue that needs consideration, as well as the short-term requirements.

I am happy to meet with representatives of any local government authority that wishes to organise a suitable time at my office. I should be happy to speak with representatives of the Hindmarsh Shire Council about its aquatic strategy across the local government area it covers.

Motion agreed to.

House adjourned 6.25 p.m.