

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**27 February 2003
(extract from Book 1)**

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
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Standing Orders Committee — The President, Ms Argondizzo, the Honourables B. W. Bishop and Andrea Coote, Mr Lenders, Ms Romanes and the Hon. E. G. Stoney.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables C. D. Hirsh and S. M. Nguyen. (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

Economic Development Committee — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

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Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith. (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

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Law Reform Committee — (*Council*): The Honourables Andrew Brideson and R. Dalla-Riva, and Ms Hadden. (*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables C. A. Strong, R. Dalla-Riva and Kaye Darveniza. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Scheffer and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, and Ms Romanes. (*Assembly*): Ms Campbell, Mr Clark, Mr Donnellan, Ms Green and Mr Merlino.

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Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

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Heads of Parliamentary Departments

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird

Director, Infrastructure Services: Mr G. C. Spurr

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
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Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

Leader of the National Party:
The Hon. P. R. HALL

Deputy Leader of the National Party:
The Hon. D. K. DRUM

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Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Mrs Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
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Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	NP	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
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Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Thursday, 27 February 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.

PETITIONS**Disability services: Grampians region**

Ms HADDEN (Ballarat) — I desire to present a petition from certain citizens of Victoria praying that a house or other appropriate and suitable accommodation, together with the appropriate support services to meet emotional, social, educational and physical needs, be provided for young people with a disability presently living in aged care facilities in the Grampians region. The petition is respectfully worded and in order and bears 1 signature. I desire that the petition be read.

Petition read pursuant to standing orders:

To the Honourable the President and members of the Legislative Council assembled in Parliament:

Petition of a certain citizen of the state of Victoria draws to the attention of the Legislative Council to the plight of Vicky Smith (aged 32) who has been resident in an aged care facility in Ballarat since suffering a brain injury after a car accident 16 years ago.

Your petitioner therefore prays that a house or other appropriate and suitable accommodation, together with appropriate support services to meet emotional, social, educational and physical needs be provided for young people with a disability presently living in aged care facilities in the Grampians region.

Laid on table.

Disability services: Langwarrin

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria praying that proceedings are not undertaken to build a facility on property purchased by the state government and Department of Human Services at 40 Yarralumla Drive, Langwarrin, on the basis that it is financially irresponsible and that the facility is not supported or wanted by the majority of residents in the area (279 signatures).

Laid on table.

Disability services: Cranbourne South

Hon R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria praying that proceedings are not undertaken to build a facility on property purchased by the state government and Department of Human Services at 12 Chevron Avenue, Cranbourne South, on the basis that it is financially irresponsible and

the facility is not supported or wanted by the majority of residents in the area (54 signatures).

Laid on table.

GARDINER FOUNDATION**Annual report**

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — By leave, I move:

That there be laid before this house a copy of the Gardiner Foundation annual report 2001–02.

Motion agreed to.

Laid on table.

PAPERS**Laid on table by Clerk:**

Adult Parole Board of Victoria — Report, 2001-2002.

Alexandra and District Ambulance Service — Minister for Health's report of 21 February 2003 of receipt of the 2001-2002 report.

Alexandra District Hospital — Minister for Health's report of receipt of the 2001-2002 report.

Alpine Health — Report, 2001-2002 (3 papers).

Architects Registration Board of Victoria — Report, 2001-2002.

Auditor-General — Report on Public Sector Agencies, February 2003.

Austin and Repatriation Medical Centre — Report, 2001-2002 (two papers).

Australian Centre for the Moving Image — Report, for the period 1 January 2002 to 30 June 2002.

Bairnsdale Regional Health Service — Report, 2001-2002.

Barwon Health — Report, 2001-2002.

Barwon Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

Bayside Health — Report, 2001-2002.

Beaufort and Skipton Health Service — Report, 2001-2002.

Beechworth Health Service — Report, 2001-2002.

Bendigo Health Care Group — Report, 2001-2002.

Boort District Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Budget Sector —

- Budget Update 2002-2003
- Quarterly Financial Report for the period ended 30 September 2002.
- Building Commission — Report, 2001-2002.
- Calder Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Casterton Memorial Hospital — Minister for Health's report of receipt of the 2001-2002 report.
- Central Gippsland Health Service — Report, 2001-2002.
- Central Highlands Region Water Authority — Minister for Water's report of 21 February 2003 of failure to submit 2001-2002 report to him within the prescribed period and the reasons therefor.
- Central Murray Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Chiropractors Registration Board — Minister for Health's report of 21 February 2003 of receipt of the 2001-2002 report.
- Cobram and District Hospital — Report, 2001-2002.
- Cohuna District Hospital — Minister for Health's report of receipt of the 2001-2002 report.
- Colac Area Health — Report, 2001-2002.
- Coleraine District Health Services — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.
- Coliban Region Water Authority — Report, 2001-2002.
- Consumer and Business Affairs Victoria — Report, 2001-2002.
- Dental Health Services Victoria — Report, 2001-2002.
- Desert Fringe Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 17, Amendment No. 2, 1 January 2003 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code.
- Dunmunkle Health Services — Minister for Health's report of receipt of the 2001-2002 report.
- Eastern Health — Report, 2001-2002 (two papers).
- Eastern Regional Waste Management Group — Report, 2001-2002.
- East Grampians Health Service — Report, 2001-2002.
- East Wimmera Health Service — Report, 2001-2002.
- Echuca Regional Health — Report, 2001-2002.
- EcoRecycle Victoria — Report, 2001-2002.
- Edenhope and District Memorial Hospital — Report, 2001-2002.
- First Mildura Irrigation Trust — Minister for Water's report of 21 February 2003 of failure to submit 2001-2002 report to him within the prescribed period and the reasons therefor.
- Food Safety Council — Minister for Health's report of receipt of the 2001-2002 report.
- Footy Consortium Pty Ltd — Report, 2001-2002.
- Geelong Performing Arts Centre Trust — Report, 2001-2002.
- Gippsland Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Gippsland Southern Health Service — Report, 2001-2002.
- Goulburn Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Goulburn Valley Health — Report, 2001-2002 (two papers).
- Goulburn Valley Region Water Authority — Minister for Water's report of 21 February 2003 of failure to submit 2001-2002 report to him within the prescribed period and the reasons therefor.
- Grampians Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Greater Victoria Wine Grape Industry Development Committee — Minister for Agriculture's report of 17 January 2003 of receipt of the 2001-2002 report.
- Health Purchasing Victoria — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.
- Health Services Act 1988 — Report of Community Visitors, 2001-2002.
- Hepburn Health Service — Report, 2001-2002.
- Heritage Council — Report, 2001-2002.
- Hesse Rural Health Service — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.
- Heywood Rural Health — Minister for Health's report of receipt of the 2001-2002 report.
- Highlands Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- Housing Guarantee Fund Ltd and Domestic Building (HIH) Indemnity Fund — Report, 2001-2002.
- Infertility Treatment Authority — Report, 2001-2002.
- Inglewood and Districts Health Service — Minister for Health's report of receipt of the 2001-2002 report.
- Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 2001-2002.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(4)(a)(ii) in relation to the Electricity Safety (Equipment Efficiency) Regulations 1999.

Notice pursuant to section 32(3) in relation to the Fair Trading (Prescribed Safety Standard for Baby Walkers) Regulations 2002.

Notice pursuant to section 32(3) in relation to the Fair Trading (Safety Standard) (Bunk Beds) Regulations 2002.

Judicial Remuneration Tribunal —

Report on Judicial Salary and Allowances, 26 November 2002.

Report on Victorian Civil and Administrative Tribunal's Salary and Allowances, 15 January 2003.

Kerang and District Hospital — Report, 2001-2002.

Kilmore and District Hospital — Report, 2001-2002.

Kooweerup Regional Health Service — Report, 2001-2002.

Kyabram and District Health Services — Report, 2001-2002.

Kyneton District Health Service — Report, 2001-2002.

Latrobe Regional Hospital — Report, 2001-2002 (two papers).

Legal Practice Act 1996 — Practitioner Remuneration Order, 1 January 2003.

Library Board of Victoria — Report, 2001-2002.

Lorne Community Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Maldon Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Mallee Track Health and Community Service — Report, 2001-2002.

Manangatang and District Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Mansfield District Hospital — Report, 2001-2002.

Maryborough District Health Service — Report 2001-2002 (two papers).

McIvor Health and Community Services — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Melbourne City Link Act 1995 —

Deeds of Leases for Tullamarine Freeway, Western Link and Southern Link sections, 13 November 2002, pursuant to section 60(9) (eight papers).

Statement of Variation No. 1/2002 Detailed Tolling Strategy, 1 January 2003, pursuant to section 15(B).

Melbourne Health — Report, 2001-2002.

Melbourne Market Authority — Report, 2001-2002.

Mental Health Act 1986 — Report of Community Visitors, 2001-2002.

Mercy Public Hospitals Incorporated — Report, 2001-2002.

Mildura Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

Mornington Peninsula Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

Moyne Health Services — Report, 2001-2002.

Mt Alexander Hospital — Report, 2001-2002.

Murray Valley Citrus Marketing Board — Report, 2001-2002.

Museums Board of Victoria — Report, 2001-2002.

Nathalia District Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

National Gallery of Victoria — Report, 2001-2002.

Natural Resources and Environment Department — Report, 2001-2002.

North East Victorian Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

Northern Health — Report, 2001-2002 (two papers).

Northern Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

Northern Victoria Fresh Tomato Industry Development Committee — Minister for Agriculture's report of 15 January 2003 of receipt of the 2001-2002 report.

Numurkah District Health Service — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Nurses Board of Victoria — Report, 2001-2002.

O'Connell Family Centre — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

Office of Public Employment — Report, 2001-2002.

Office of Public Prosecutions — Report, 2001-2002.

Omeo District Hospital — Minister for Health's report of receipt of the 2001-2002 report.

Orbost Regional Health — Report, 2001-2002 (two papers).

Osteopaths Registration Board of Victoria — Minister for Health's report of 7 February 2003 of receipt of the 2001-2002 report.

Otway Health and Community Services — Report, 2001-2002 (two papers).

Parliamentary Committees Act 1968 — Whole of Government response to the final report of the Scrutiny of Acts and Regulations Committee on a Privacy Code of Conduct for Members of the Victorian Parliament.

Parliamentary Contributory Superannuation Fund — Report, 2001-2002.

Peninsula Health — Report, 2001-2002 (four papers).

Peter MacCallum Cancer Institute — Report, 2001-2002.

Pharmacy Board of Victoria — Report, 2001-2002.

Phillip Island Nature Park Board of Management — Report, 2001-2002.

Physiotherapists Registration Board of Victoria — Minister for Health's report of 7 February 2003 of receipt of the 2001-2002 report.

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

Alpine Resorts Planning Scheme — Amendment C8.

Ballarat Planning Scheme — Amendments C50, C53 (Part 1), C56, C59, C61 and C63.

Bass Coast Planning Scheme — Amendment C24.

Baw Baw Planning Scheme — Amendment C21.

Bayside Planning Scheme — Amendment C30.

Bendigo — Greater Bendigo Planning Scheme — Amendments C45 and C47.

Brimbank Planning Scheme — Amendments C40, C46 and C47.

Campaspe Planning Scheme — Amendments C25 and C26.

Cardinia Planning Scheme — Amendments C34 (Part 1), C36, C38 and C45.

Central Goldfields Planning Scheme — Amendments C3 and C4.

Dandenong — Greater Dandenong Planning Scheme — Amendment C29 (Part 1).

Darebin Planning Scheme — Amendment C16.

East Gippsland Planning Scheme — Amendments C12, C13, C17 and C20.

Frankston Planning Scheme — Amendments C12 (Part 1 and Part 2).

Geelong — Greater Geelong Planning Scheme — Amendments C25, C37 and C57.

Glen Eira Planning Scheme — Amendments C27 (Part 1 and Part 2).

Glenelg Planning Scheme — Amendment C5 (Part 1).

Horsham Planning Scheme — Amendments C10, C12 and C15.

Hume Planning Scheme — Amendments C4, C13, C28, C29 and C36.

Kingston Planning Scheme — Amendment C29.

Knox Planning Scheme — Amendments C3, C4, C26 and C34.

Macedon Ranges Planning Scheme — Amendment C17.

Manningham Planning Scheme — Amendment C20.

Maribyrnong Planning Scheme — Amendments C6, C29, C33 and C34.

Maroondah Planning Scheme — Amendment C14.

Melbourne Planning Scheme — Amendments C20, C25, C68, C73.

Mildura Planning Scheme — Amendments C7, C13 and C15.

Mitchell Planning Scheme — Amendment C25.

Monash Planning Scheme — Amendments C12, C22 and C23.

Moonee Valley Planning Scheme — Amendment C28.

Moreland Planning Scheme — Amendment C6.

Mornington Peninsula Planning Scheme — Amendments C23, C32, C35, C53 and C54.

Nillumbik Planning Scheme — Amendments C17, C18 and C23.

Port of Melbourne Planning Scheme — Amendment L35.

Port Phillip Planning Scheme — Amendments C25 and C38.

Shepparton — Greater Shepparton Planning Scheme — Amendments C20 and C24.

Stonnington Planning Scheme — Amendment C29.

Swan Hill Planning Scheme — Amendments C8 and C9.

Victoria Planning Provisions — Amendments VC15 and VC17.

Wangaratta Planning Scheme — Amendments C9 (Part 2) and C14.

Warrnambool Planning Scheme — Amendments C12 and C23.

West Wimmera Planning Scheme — Amendment C4.

Whitehorse Planning Scheme — Amendments C4 (Part 1), C14, C24, C35 and C36.

Whittlesea Planning Scheme — Amendments C29, C30 (Part 1), C43 (Part 1) and C46.

- Wyndham Planning Scheme — Amendments C4, C11 (Part 1), C36, C37, C43 and C46.
- Yarra Planning Scheme — Amendments C34, C39 (Part 1) and C42.
- Yarra Ranges Planning Scheme — Amendments C19 and C29.
- Plumbing Industry Commission — Report, 2001-2002.
- Podiatrists Registration Board of Victoria — Minister for Health's report of 30 January 2003 of receipt of the 2001-2002 report.
- Police — Office of the Chief Commissioner — Report, 2001-2002 (two papers).
- Portland and District Hospital — Report, 2001-2002.
- Portland Coast Region Water Authority — Report, 2001-2002.
- Premier and Cabinet Department — Report, 2001-2002.
- Queen Elizabeth Centre — Report, 2001-2002.
- Robinvale District Health Services — Report, 2001-2002.
- Rochester and Elmore District Health Service — Report, 2001-2002.
- Royal Victorian Eye and Ear Hospital — Report, 2001-2002.
- Seymour District Memorial Hospital — Report, 2001-2002.
- South Eastern Regional Waste Management Group — Report, 2001-2002.
- Southern Health — Report, 2001-2002.
- South Gippsland Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.
- South Western Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.
- South West Healthcare — Report, 2001-2002.
- Statutory Rules under the following Acts of Parliament —
- Adoption Act 1984 — No. 129/2002.
 - Bail Act 1977 — No. 1/2003.
 - Building Act 1993 — No. 132/2002.
 - Conservation, Forests and Lands Act 1987 — No. 17/2003.
 - County Court Act 1958 — Nos. 125 to 127/2002.
 - Crimes Act 1958 — No. 128/2002 and No. 2/2003.
 - Environment Protection Act 1970 — No. 131/2002 and No. 10/2003.
 - Fundraising Appeals Act 1998 — No. 106/2002.
 - Gaming Machine Control Act 1991 — No. 109/2002.
 - Health Act 1958 — No. 4/2003.
 - Land Conservation (Vehicle Control) Act 1972 — No. 11/2003.
 - Land Tax Act 1958 — No. 136/2002.
 - Magistrates' Court Act 1989 — Nos. 105 and 123/2002 and Nos. 8 and 9/2003.
 - Members of Parliament (Register of Interests) Act 1978 — No. 14/2003.
 - Metropolitan Fire Brigades Act 1958 — Country Fire Authority Act 1958 — No. 111/2002.
 - Motor Car Traders Act 1986 — No. 130/2002.
 - National Parks Act 1975 — No. 108/2002.
 - Occupational Health and Safety Act 1985 — Dangerous Goods Act 1985 — No. 16/2003.
 - Parliamentary Committees Act 1968 — No. 13/2003.
 - Parliamentary Salaries and Superannuation Act 1968 — No. 12/2003.
 - Pay-roll Tax Act 1971 — No. 117/2002.
 - Petroleum (Submerged Lands) Act 1982 — No. 134/2002.
 - Police Regulation Act 1958 — No. 6/2003.
 - Private Agents Act 1966 — No. 133/2002.
 - Road Safety Act 1986 — Nos. 113 to 116/2002 and No. 7/2003.
 - Subordinate Legislation Act 1994 — Nos. 110, 119 and 120/2002 and Nos. 3, 5 and 15/2003.
 - Supreme Court Act 1986 — Nos. 118 and 121/2002.
 - Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 122/2002.
 - Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 112/2002.
 - Treasury Corporation of Victoria 1992 — No. 135/2002.
 - Victorian Civil and Administrative Tribunal Act 1998 — No. 124/2002.
 - Wildlife Act 1975 — No. 107/2002.
- St. Vincent's Health — Report, 2001-2002 (four papers).
- Stawell Regional Health — Report, 2001-2002.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 118 to 127 and 130/2002 and Nos. 5, 7 and 15/2003.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 96, 98, 105 to 108, 112 to 116 and 133/2002 and Nos. 4, 12 to 14 and 17/2003.

Swan Hill District Hospital — Report, 2001-2002.

Tallangatta Health Service — Report, 2001-2002.

Tattersall's Gaming Pty Ltd — Report, 2001-2002.

Terang and Mortlake Health Service — Report, 2001-2002.

Tourism Victoria — Report, 2001-2002.

Urban and Regional Land Corporation — Report, 2001-2002.

Victoria Grants Commission — Report, 2001-2002.

Victoria Law Foundation — Report, 2001-2002.

Victorian Arts Centre Trust — Report, 2001-2002

Victorian Civil and Administrative Tribunal — Report, 2001-2002.

Victorian Funds Management Corporation — Report, 2001-2002.

Victorian Government Purchasing Board — Report, 2001-2002.

Victorian Health Promotion Foundation — Report, 2001-2002.

Victorian Institute of Forensic Mental Health — Report, 2001-2002.

Victorian Multicultural Commission — Report, 2001-2002.

VITS LanguageLink — Premier's report of 4 November 2002 of receipt of the 2001-2002 report.

Wangaratta District Base Hospital — Report, 2001-2002.

Water Act 1989 — Minister's Orders declaring water supply protection areas for Barwon River Catchment, Olinda Creek Catchment, Stringybark Creek Catchment, Paul, Steels and Dixons Creek Catchment, Upper Loddon and Yarram (3 papers).

Western District Health Service — Report, 2001-2002.

Western Health — Report, 2001-2002.

Western Regional Waste Management Group — Minister for Environment's report of 25 February 2003 of receipt of the 2001-2002 report.

West Gippsland Healthcare Group — Report, 2001-2002.

West Wimmera Health Service — Report, 2001-2002.

Wimmera Health Care Group — Report, 2001-2002.

Women's and Children's Health Service — Report, 2001-2002.

Wonthaggi and District Hospital — Report, 2001-2002 (two papers).

Yarram and District Health Service — Report, 2001-2002.

Yarrawonga District Health Service — Report, 2001-2002.

Yea and District Memorial Hospital — Minister for Health's report of 24 February 2003 of receipt of the 2001-2002 report.

The following proclamations fixing operative dates were laid upon the Table by the Clerk:

Road Safety (Responsible Driving) Act 2002 — Remaining provisions (except for sections 3, 4, 5 and 6 and paragraphs (b), (c), (d), (e) and (f) of section 10 — 15 December 2002 (*Gazette No. G44, 31 October 2002*).

Sentencing (Amendment) Act 2002 — Section 11 — 17 February 2003 (*Gazette No. G6, 6 February 2003*).

Victorian Institute of Teaching Act 2001 — Remaining provisions — 31 December 2002 (*Gazette No. G51, 19 December 2002*).

Wildlife (Amendment) Act 2002 — Whole act — 1 November 2002 (*Gazette No. G44, 31 October 2002*).

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 8 — 14 February 2003 (*Gazette No. G7, 13 February 2003*).

NOTICES OF MOTION

Notices of motion given.

Hon. S. M. NGUYEN having given notice of motion:

Hon. Bill Forwood — On a point of order, President, the rules of the house are such that a member has the right to give a notice of motion, and when that one is dealt with we move on seriatim to the next person.

The PRESIDENT — Order! The call will go back and forth, Mr Forwood. I will get to that. If Mr Nguyen wishes to give another notice of motion, as Ms Mikakos does, when I have gone through I will go back to those who have a second one.

Further notices of motion given.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Study tours

The PRESIDENT — Order! As required by the Commonwealth Parliamentary Association study tour guidelines of September 2001, I advise that the following members have submitted study tour reports since the announcement of the former President to the house on 8 October 2002: the Honourable B. C. Boardman, MLC, part 2; Mr C. Carli, MP, part 2; the Honourable I. J. Cover, MLC; Mrs L. Elliott, MP; Ms D. G. Hadden, MLC; Mr K. Jasper, MP; Mr C. Langdon, MP;

Mr T. Languiller, MP, part 1; and Mr A. F. Plowman, MP. Study tour reports submitted by Ms M. Gillett, MP, and the Honourable S. M. Nguyen, MLC, were received after the reporting deadline.

MEMBERS STATEMENTS

Hospitals: funding

Hon. D. McL. DAVIS (East Yarra) — My 90-second statement today relates to the crisis that is in our hospitals in Victoria — the growing debt crisis in our hospitals. As we have seen with the annual reports tabled in the house today — —

Ms Mikakos interjected.

Hon. D. McL. DAVIS — This is nothing to do with Kay Patterson.

The reality is that there is growth of \$40 million, or maybe more, in the debt figure for our metropolitan hospitals: Western Health with its \$7.7 million deficit; Bayside Health with its \$2.38 million deficit; Women's and Children's Health Network with its \$4.59 million deficit; Melbourne Health with its \$6.02 million deficit; the Royal Victorian Eye and Ear Hospital with its \$1.033 million deficit; the Austin and Repatriation Medical Centre with its \$8.47 million deficit; and the deficit at Southern Health of \$9.1 million. That is a growth of nearly \$40 million in one year due to the mismanagement of the Deputy Premier and former Minister for Health, John Thwaites, and the new health minister will have to clean up some of the mess that he has left.

The reality is that ambulance bypasses have grown massively since September 1999. The number of people waiting on trolleys for longer than clinically ideal has increased from 4712 to 8285 in the three years of the Bracks government. It is total failure. Our hospitals are in crisis and the health minister will need to address this.

Barwon Water: conservation initiative

Mrs CARBINES (Geelong) — As a member for Geelong Province and parliamentary secretary for the environment, I wish to congratulate Barwon Water and the wider Geelong community for the introduction of Victoria's first permanent water conservation by-law on 1 February. Barwon Water has introduced this groundbreaking by-law after extensive consultation with our community, which showed high-level support for the introduction of permanent water saving measures.

The new by-law bans sprinklers between 10.00 a.m. and 5.00 p.m., bans the hosing down of driveways and footpaths and introduces the compulsory use of trigger hoses for car washing.

These simple commonsense measures have been well received by our community and they will make a significant difference to the conservation of one of Victoria's most precious resources — water.

Volunteers: South Eastern Province

Hon. R. H. BOWDEN (South Eastern) — As summer starts to draw to a close I record my sincere appreciation to all the magnificent community service and emergency volunteer organisations that have, as usual, given a great deal of help and assistance to so many citizens, and I particularly thank those volunteers who have given much fine service in the South Eastern Province this summer.

Recognition is given to the Country Fire Authority, the State Emergency Service, surf lifesaving clubs, the Australian Volunteer Coast Guard Association, the Southern Peninsula Rescue Squad, the Mornington marine rescue squad, the St Johns Ambulance Brigade and many other organisations that sacrifice so much to help so many in the South Eastern Province.

We should be especially proud of the magnificent service the firefighters gave to our communities during the recent bushfire emergencies in the electorate I represent. Apart from fires on the Mornington Peninsula that were efficiently contained, my constituency was in the main spared the bushfire difficulties that were so obvious and caused so much damage to many other areas.

The volunteer and professional emergency service personnel serve us throughout the state, and although their help may be required on land or sea we are all fortunate to have such fine people in place. Our volunteers especially are very much appreciated.

Local government: councillors

Hon. S. M. NGUYEN (Melbourne West) — I take this opportunity to thank the councillors and mayors of the cities of Maribyrnong, Hobsons Bay, Wyndham and Brimbank for their work throughout their time in office. I thank especially all the councillors who have run many good programs and community committees to attract the participation of many community members.

I also congratulate those who get involved to assist the community through the councils. On Australia Day this

year councils recognised many citizens in their cities by naming citizens of the year and also many young citizens of the year. Many people have received awards.

I also wish the many councillors and mayors who will face elections this year good luck. I would especially like to name Cr Cuc Lam in my ward, who has done a lot of hard work helping many Asian communities through the Maribyrnong City Council. I also thank the mayor of the Maribyrnong City Council, Cr Bill Horrocks, the mayor of the Brimbank City Council, Cr Andres Puig, and other mayors in my electorate.

Springvale–Whitehorse roads, Nunawading: pedestrian safety

Hon. B. N. ATKINSON (Koonung) — The matter I wish to bring to the attention of the house today is my concern about pedestrian safety at major intersections, and by way of example I use the Whitehorse Road–Springvale Road intersection. It is one of most heavily trafficked intersections in the metropolitan area and it carries a great deal of heavy vehicle traffic because it is on an OD1 route and connects with the Eastern Freeway extension to Nunawading. Certainly the amount of traffic suggests the need for the government to make good on its promise to build the Mitcham to Frankston freeway at the earliest possible opportunity.

But what concerns me in terms of the pedestrian safety at that intersection is the fact that many cars and heavy-duty vehicles are making right-hand turns at that intersection and are in fact coming very, very close to pedestrians in the centre median strips. In fact the median strips at that particular intersection have been pruned down to the extent that it is very difficult to have a pram or a wheelchair in those areas.

I believe the government needs to have a look at some pedestrian hides or at some sort of barriers that can afford greater protection to people at these intersections, or else I fear it is inevitable that at some stage a very serious pedestrian accident will occur at one of them. I certainly hope it will not be at the Whitehorse Road–Springvale Road intersection.

Disability services: Grampians region

Ms HADDEN (Ballarat) — In my electorate there is a 32-year-old constituent who has spent nearly half of her life — that is, 16 years — in an aged care facility in Ballarat. Vicky Smith has an acquired brain injury which she sustained in a motor vehicle accident at Burrumbeet as a front-seat passenger, and she is now confined to a wheelchair.

Vicky does not like living in an aged care facility with co-residents in their 80s and 90s. She has told me that she hates being the youngest resident and hates being around people who are dying. Vicky has collected more than 250 signatures on a petition that she has handwritten in support of her cause for a house to be built for young disabled adults in Ballarat. Vicky wants the Parliament to know of her plight and despair, and that of other young people currently living in aged care accommodation in Ballarat and the Grampians region.

Des Clarke

Hon. B. W. BISHOP (North Western) — I congratulate local Mildura resident, Mr Des Clarke, who is the director of Mallee Food Distributors, for organising a drought appeal for people in several drought-ravaged areas of Australia. Des Clarke organised truck loads of food, clothing, water and other essentials to communities in Bourke, Brewarrina and Walgett in New South Wales, and Warwick in Southern Queensland, with the first truck departing Mildura on 21 December 2002.

The trucks are known as the Mildura-Sunraysia Friendship Trucks, and Des Clarke was instrumental in arranging with other businesses for donated goods to be dropped at various supermarkets around Sunraysia for collection to be sorted into boxes for families in these drought-stricken areas. Mr Clarke personally filled up to 80 boxes per day. The boxes were donated by Burger King Mildura, and were all similar in size. Cordoma Brothers Transport supplied the trucks to transport the goods to their destination.

It was a mammoth effort, which I am sure was greatly appreciated by all the recipients, and Mr Clarke deserves to be acknowledged by all in this place.

Rail: passenger seating

Ms ROMANES (Melbourne) — The Bracks government made a recent policy decision to equip the 29 new fast trains currently on order with four-across seating. This decision has been welcomed by many public transport activists because it represents a major improvement to Victoria's public transport system. Congratulations must go to John McPherson and Wendy Everingham from Environment Victoria's transport unit, who for some time have campaigned actively for the move from the current practice of five-across seating to four-across seating. They have long argued that the five-across seating is narrower than on V/Line buses or an economy class seat on a Boeing 737, and yet some journeys by fast train will be longer than a Sydney–Melbourne flight. Four-across seating

will assist the government to attract new passengers from out of their increasingly comfortable cars on to the rail system.

Australians are getting physically bigger, taller and heavier. As a result, five-across seating is so cramped that passengers often prefer to stand rather than squeeze into the last seat. With four-across seating all seats will be usable and comfortable and will assist the Bracks government to meet its objective of 20 per cent of journeys by public transport by 2020.

Australia Day: honours

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to congratulate three citizens of Eumemmerring Province who were recently recognised in the Australia Day honours list and were awarded the Order of Australia medal. I know all three recipients quite well and I am personally delighted that they have been recognised in this way. The first recipient was Cr Graeme Legge of the Shire of Cardinia. Cr Legge has served on councils since 1997, including two terms as mayor. He has had a long involvement in the Cardinia shire, including being a member of the Emerald and District Water Improvement Committee, the Emerald Community Consultative Committee and the Country Fire Authority since 1951; he is a life member of that organisation.

The second person I wish to acknowledge is Cr Norma McCausland of the City of Casey. Cr McCausland has announced that she will retire at the next council election. She also has made a substantial contribution to the Greater Berwick community, and she will be sadly missed from the council.

The third person I would like to acknowledge is Mr Bert Rae, who is an icon of the Narre Warren North area. Bert has been involved in numerous community organisations over many years, including the Berwick and District Agricultural and Horticultural Society, the Narre Warren North Primary School and the Berwick Benevolent Society.

As a community the people of the greater Casey area are very fortunate to have people such as these three recipients working on their behalf.

Western Regional Economic Development Organisation: tourism strategy

Hon. KAYE DARVENIZA (Melbourne West) — I bring to the attention of the house another example of forward thinking and enterprise to boost economic development in Melbourne's west.

The Western Melbourne Tourism Board has met for the first time and has begun to implement a tourism strategy for the west. The board draws its members from community leaders in local government, tourist-based enterprise, the Victoria University of Technology and the Western Regional Economic Development Organisation. This occasion marks a significant step in WREDO's ongoing efforts to boost economic development in the region.

I know that WREDO has long identified tourism as a growth industry of vast potential to the west, and I am sure this new body will harness the efforts of all participants in a unified effort to capture the tourist dollar.

The new tourism strategy aims to build on existing products and events in the west with a view to gaining national and international exposure and significantly increasing the local tourism industry in the west.

There already exists a steady base on which to build, and there are already almost 2000 tourism-based businesses operating in the west. This is a scheme of great economic potential and one which I am proud to say is typical of businesses, as well as the local community, in the west.

Parliament House: computers

Hon. ANDREA COOTE (Monash) — I raise an issue for your consideration, President. Most people are able to go to their workplaces and have effective and efficient tools with which to work. Many honourable members have had significant problems with the computer services in Parliament House. I, for one, have been trying for five weeks to get proper computer coverage. Many of us have had problems with envelopes, as Mr Bruce Atkinson says by interjection, and indeed with email coverage and a whole range of issues in this building.

As I say, many people go to work and expect proper coverage and to have tools with which they can work. I hope this chamber will investigate what is going on with the computer system within this building. I acknowledge there have been some significant problems and I know the technicians are working very hard on these issues, but at the end of the day we are not able to work effectively and properly without proper and adequate computer coverage. I urge some action before the next sitting day.

Aboriginal and Torres Strait Islander Commission: chairman

Mr SMITH (Chelsea) — I raise a concern I have, which I am sure most if not all members of this house would have as well, about the ongoing shenanigans of the current chairman of the Aboriginal and Torres Strait Islander Commission (ATSIC), Mr Geoff Clark. I have been most concerned about reports that he is trying to procure funds for what is essentially a private matter. My real concern is that those funds will be taken away from the most needy people in our society — that is, the Aboriginal community. Those funds are clearly best used to protect the Aboriginal members of our community. I call upon the federal Minister for Immigration and Multicultural Affairs, Mr Ruddock, to intervene if necessary and ensure the new board of ATSIC does not allow taxpayers money to be wasted in this fashion.

Bushfires: timber salvage

Hon. W. R. BAXTER (North Eastern) — I make a plea for a relaxation of the rules governing the collection of firewood on public land, particularly in the bushfire-affected areas of the state. My electorate has hundreds of kilometres of roads which have been fire affected and which have a lot of fallen timber. A number of state forests and national parks also have a lot of fallen timber as a result of the fire. Many small rural communities do not have access to natural gas and the lower socioeconomic communities living therein rely on firewood for their winter heating.

It seems an absurdity, with all this resource now on the ground that will go to waste, that they are still required to get permits and to pay money to go through bureaucratic red tape. It would be of considerable assistance to local farmers and perhaps to others as well if much of this timber was cleaned up and used for firewood. I think it is quite unrealistic to believe, in these circumstances of the worst fires we have seen in this state in certain living memory, that we are requiring people to go through a lot of bureaucratic red tape to go out and collect a bit of firewood. It is an absurd situation, and I ask the government to have a look at it more realistically.

Iraq: peace march

Ms MIKAKOS (Jika Jika) — I express my pride in joining over 200 000 fellow Victorians on 14 February 2003 to march through the streets of Melbourne's central business district to call for a peaceful resolution of the Iraqi situation.

On this matter of conscience and great significance for our nation I believe that elected representatives across all levels of government have a role to play in advocating for a position on this issue on behalf of their constituents.

I am not a pacifist. I believe that military involvement can be justified in some situations, in accordance with international law. However, I do not believe that a case for Australia's participation in military action in Iraq has been made, nor do I believe that such involvement is in Australia's national interests.

Later today a Victorian Parliamentarians for Peace group will be established in the Victorian Parliament. I encourage all honourable members across party lines to become involved in responding to their constituents' call for peace.

On behalf of my constituents I call on Prime Minister John Howard to respect the wishes of the Australian people and bring our troops home.

Monterey Rise Primary School: community

Mr VINEY (Chelsea) — I rise this morning to pay tribute to a new school in my electorate and to wish it well. The school is Monterey Rise Primary School in Frankston North.

The school was formed out of the coming together of two schools in the area, the former Pines Forest and Monterey primary schools. Frankston North has been a community undergoing some change. It has an ageing population and the number of children attending those two schools has declined. Something to be proud of in this process is that the merging of these schools into the one new school, Monterey Rise Primary School, was driven entirely by the local community. What a contrast that is to the jackboot approach of the Kennett government some years ago.

This school has been formed out of the recognition that by coming together the two schools can grow and be stronger. I wish it all the best for the future. I am sure it will be able to deliver great service to the children of Frankston North.

GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! I have to report that the Governor attended the house on Tuesday, 25 February 2003, and was pleased to make a speech, of which, for greater accuracy, I have obtained a copy.

As the speech is printed, I take it that honourable members do not desire that I should read it to them.

Mr SOMYUREK (Eumemmerring) — I move:

That the Council agree to the following address to the Governor in reply to the Governor's opening speech:

May it please the Governor:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank the Governor for the speech you have been pleased to address to Parliament.

I thank the house for the opportunity to deliver my first speech. Firstly, Honourable President, I congratulate you on your election to the high office of President and for being the first female President of the Legislative Council. I also congratulate all ministers appointed in this house, and the Leader of the House.

It is indeed an honour to be in this chamber representing the people of Eumemmerring Province. The people of Eumemmerring Province have entrusted me with a great responsibility to represent them in this house. I thank them for the trust they have placed in me and give my commitment to represent them to the best of my abilities.

Eumemmerring Province is made up of the four Legislative Assembly seats of Dandenong, Narre Warren North, Narre Warren South and Gembrook. I take this opportunity to express my appreciation for the hard work and dedication displayed by the Assembly candidates — or members now — John Pandazopoulos, Luke Donnellan, Dale Wilson and Tammy Lobato. An ALP victory in Eumemmerring Province would not have been possible without their diligent work.

I would also like to take this opportunity to thank Neil Lucas, a former member for Eumemmerring Province, and Mick Moreland for a good clean campaign. They conducted themselves with honour and dignity and did not succumb to the temptation to play the anti-Muslim card, which I am sure would have had resonance in the electorate. On behalf of the people of Eumemmerring Province I thank Neil Lucas for the service he provided during his tenure, and I wish he and Mick Moreland all the best for the future.

Eumemmerring Province is a large and diverse outer metropolitan and rural electorate. It covers some 2199 square kilometres and comprises disparate cultures, industries and features. The main centres of the province include Berwick, Cockatoo, Dandenong, Emerald, Gembrook, Narre Warren, Warburton and

Yarra Junction. The main industries are agriculture, grazing, dairying, fruit growing, quarrying and sawmilling.

Like other new members, I enter this place firmly believing that I have a significant contribution to make. I firmly believe that with a lot of hard work I can make a difference. Also, like other new members my life experiences and background have shaped my political philosophies and vision, and my background and life experiences are as working class as you can get.

My parents and I migrated to Australia in 1969 when I was 18 months old. Throughout their working lives in Australia my parents worked tirelessly in unskilled labour-intensive industries for little financial reward. But they still carry the scars of that strenuous and backbreaking work they performed. They were by no means unique in this respect. They very much typified the low-skilled multicultural work force. They were what some economists would classify as comprising the secondary labour market — that is, they had to accept low wages, poor working conditions, insecurity of employment and little or no prospects of career advancement.

I vividly remember spending many hours waiting for my parents to finish work from within the confines of factories. I remember the smell of hot plastic, the thundering noise of machines and the depressing state of perspiring workers who were obviously experiencing alienation due to the monotonous and exhausting tasks they were forced to endure. As we drove home to our housing commission flat every night I remember my parents would always tell me to take note of the conditions and to never end up like them — that is, entrapped and without choice. They were not complaining, mind you, for they knew they were much better off in Australia than had they stayed in Turkey. They were simply making the point that education would lead to more choice and a less arduous life.

However, their experience still remains indelibly etched in my psych. Consequently I am committed to protecting the rights of our disadvantaged workers, of which there are many in Eumemmerring Province. The Bracks government is repairing the damage with respect to this issue. In its first term of office the Bracks government has restored the right for seriously injured workers to make common-law claims and during this term of office the Bracks government will reintroduce legislation which will provide standard minimum award conditions of employment to the 350 000 working poor.

Another important issue for the disadvantaged workers of Eumemmerring Province is that they have borne the brunt of the negative impacts of globalisation. The City of Greater Dandenong has one of the highest levels of tradespeople and labourers — that is, over 30 per cent of the work force — and one of the lowest levels of white-collar workers in Australia at around 14 per cent of the work force. The retraining and employment of these workers will be a challenge but is one the Bracks Labor government is willing to tackle through schemes such as the community jobs program, which is projected to create 3500 new positions and the continuation of the community business employment program.

The Australian Labor Party, unlike the Liberal Party, does not believe that unemployment or surplus labour is functional for an economy just because it puts downwards pressure on wages. We believe unemployment creates social problems and therefore is dysfunctional for every and any society.

Another core issue is health. Since gaining office in 1999 the Bracks government has set about rebuilding the state's health system after years of neglect by the previous government. The Bracks government has employed an additional 3300 nurses to treat more patients with more care, and the results have been clearly successful with waiting lists and ambulance bypasses being reduced. The Bracks government will continue to rebuild the health system by employing a further 900 nurses and health workers each year, and by opening a further 900 hospital beds to treat the extra patients.

Even though the Liberal and National parties are in opposition at the state level their federal colleagues continue to have an adverse impact on the Victorian health system. The Howard government's ideological agenda has as its objective the destruction by stealth of the Medicare system. This has disastrous consequences for disadvantaged communities throughout Victoria and Australia. Bulk-billing rates in and around the district of Dandenong, for example, have gone down from 91 per cent to 74 per cent. This means that low-income earners cannot afford to access general practitioners. As a consequence they gravitate towards public hospitals. The result of this is that demand on major hospital emergency departments over the last three years has gone up by 8 per cent per annum. Whilst the federal government has cost shifting as its objective the Bracks government is attempting to ameliorate the problem by allocating \$5 million over four years for grants to build partnerships between hospitals and general practitioners so that lower category triage patients can receive quicker care.

Eumemmerring Province is one of the fastest growing provinces in Australia. The south-eastern growth corridor is almost entirely located within the province. The City of Casey is the fastest growing municipality in Victoria and the third fastest growing municipality in Australia. As a consequence one of the most important issues in the province is the provision of infrastructure, such as roads, transport, schools and health services.

In its first term of office the Bracks government delivered on infrastructure in the province on such projects as the commencement of the Berwick Hospital, the commencement of the Hallam Bypass, budgeting for a \$22.5 million upgrade to the Narre Warren–Cranbourne Road, and increased numbers of teachers, nurses and police in the region.

After decades of underspending on infrastructure in Victoria the Bracks government has doubled the capital works and infrastructure budget without resorting to debt finance. Through Partnerships Victoria the Bracks government will continue to reinvest budget surpluses in infrastructure in Eumemmerring Province and throughout the state.

A critical issue which does not receive sufficient recognition and which is overrepresented in disadvantaged communities is the problem of gambling. Under the previous Liberal government the number of poker machines rose dramatically from 5300 to 30 000. The Kennett government did not bother imposing restrictions on advertising, machine spin rates, bet limits, gaming machine venues or 24-hour licences. The Bracks government has introduced tighter controls on the gaming machine industry by establishing capped areas for the City of Greater Dandenong and is on the way to introducing such measures in Casey. The result has been a reduction in the overall number of machines in the municipality.

Currently there is great cynicism in the electorate about the political process and politicians in general. The perception is that both major political parties are identical. I disagree with these sentiments. While the Australian Labor Party and the Liberal Party have as their core objective the increasing welfare of the community, the two parties disagree with the means of achieving that objective. Therefore there is still a wide gulf between the Liberal Party and the ALP.

In contrast to the Smithonian philosophies of the Liberal Party, which rejects even the concept of society, the ALP was founded on the issues of social justice and the egalitarian ethos. The ALP rejects the survival-of-the-fittest philosophy that is implicit in economic rationalism. The ALP believes it is the

responsibility of the state to protect the wellbeing of its citizens. Thus governments must intervene in order to cushion against the excesses of unbridled capitalism by ensuring that the losers of economic competition are protected by a safety net to preclude them from falling into destitution.

An examination of Liberal governments in Australia over the last 10 years clearly demonstrates the difference between the ALP and the Liberal Party. Federally, since gaining office in 1996 the Liberal government has slowly but surely incrementally begun destroying the welfare state, usurping the rights of workers and attacking multiculturalism through such measures as the destruction of the family migration scheme. The Howard government has also shown adroit political skills in wedging social groups against one another.

Working for Anthony Byrne, the federal member for Holt, I saw at first hand the disastrous consequences of the Howard government's brutally regressive policies. On the other hand the magnificent achievements of the Bracks Labor government in turning things around in key service areas, such as health, education and community safety, illustrate what a gratifying profession politics can be.

I am excited at the prospect of being part of the second Bracks government, which will continue its mission to make Victoria a more benevolent and progressive state, a state of which we can all be enormously proud.

In conclusion I thank a number of people. Firstly, my wife, Songul, my parents, Zahit and Gungor, and my sister, Nadide for their support throughout this long journey. I also thank my six-year-old son, Berk, and my two-year-old daughter, Sera-Pelin for their love. No doubt the Bracks Labor government will ensure that they along with all Victorian children face the prospect of a bright future.

Secondly, I thank the federal member for Holt, Anthony Byrne, who is one of the true friends I have made from politics. Anthony's support and guidance have been critical throughout the process and without him I would not have realised this dream. I also thank Michael Donovan, state secretary of the Shop, Distributive and Allied Employees Association (SDA) for his critical support during the preselection process. My preselection was only a few months after the tragedy of 11 September 2000. Consequently a body of opinion within the party was reluctant to preselect a candidate of Muslim origin. However, Michael, the SDA and Anthony did not attenuate their support for

me. I hope to repay the faith and loyalty that Anthony, Michael and the SDA have shown me.

Thirdly, I thank the honourable member for Clayton in another place, Mr Hong Lim, for his generous support and friendship. Hong's assistance both in the preselection process and the campaign was instrumental in my election into this place. I also thank his staff and my friends Robin Scott and Steve Gacen for their stoic efforts during the campaign. I thank another friend Luke Donnellan, the honourable member for Narre Warren North in another place, whose sanguine outlook on life has been and will continue to be a constant source of morale. I thank the national secretary of the Australian Workers Union, Bill Shorten, and the former state secretary, David Feeney. I thank the honourable member for Waverley Province and Minister for Finance, John Lenders, for his support and guidance.

I give special thanks to the honourable member for Gembrook in the other place, Tammy Lobato, for her hard work, dedication and friendship. Tammy is a genuine community-oriented person who is all about delivering outcomes for her community. Tammy put her hand up for the seat when others would not, and she has been appropriately rewarded.

Finally, I would like to thank the following members of the Turkish community for their support and belief in me: Serdar Caglayanca; Allaeddin Demirdes; Tunjay Yanik; Cengiz Kaya, President of the Australian Turkish Association; Mr Nazmi Kaya; Tahsin Inan; Sucettin Unal; Cr Burhan Yigit; Hakki Suleyman; and Fatih Yargi. I thank honourable members for listening to my inaugural speech.

Ms ARGONDIZZO (Templestowe) — I rise today to second the motion for the adoption of the address-in-reply to the Governor's speech moved by an honourable member for Eumemmerring, Mr Somyurek.

I am proud to stand as the new representative of the people of the Templestowe Province in this the Legislative Council of the Victorian Parliament following its first election of the new millennium. I am proud to sit among so many friends and colleagues on this side of the chamber.

The people of Victoria certainly spoke loud and clear at the November election. They voted to elect a government committed to the entire state; to preserving and enhancing the health of Victorians; our education; our environment; jobs and a fairer world of work; working towards an open, fair, efficient and transparent government; striving for social justice and equity;

pursuing a strong economy; community safety; and for a myriad of other reasons.

Labor people are committed to the principles I have just mentioned, and Labor people in government are committed to delivering upon them. I am proud to be a member of the Bracks Labor government, and I look forward to us implementing the policies the Victorian people so overwhelmingly voted in support of last November.

May I congratulate the Premier, his ministers and all the elected members of the 55th Parliament. Particularly, I would like to congratulate those members who, like myself, were elected for the first time to the Victorian Parliament last November. I look forward to working with you all, and I wish you all very well in your parliamentary careers.

On Tuesday I joined with my colleagues to take part in a ceremony that we will all remember forever. May I congratulate His Excellency the Governor, John Landy, for his inspiring speech. I am proud to be speaking in reply to it here today.

May I congratulate Monica Gould on her election to the high office of President of the Legislative Council, and at the same time may I take this opportunity to congratulate Judy Maddigan on her election to the high office of Speaker of the Legislative Assembly. It is a remarkable feat of this government to have installed two women to the presiding positions of the Victorian Parliament. However, given that the Victorian Parliament is almost 150 years old, it is fair to say that this situation has been an awfully long time coming.

It is important that women continue to be recognised for the contribution they make to the operation of government. It is pleasing to see the Labor Party's affirmative action policy being realised through the high number of women elected in this government.

On 30 November 2002 the voters of Templestowe Province elected me as their representative in this place — the first woman to represent the province in this house. I will be forever grateful and humbled by the honour they have bestowed upon me, and I wish to assure them that in my time here I will forever act in their best interests and in the best interests of the community of which we are all a part.

Templestowe Province is located north-east of Melbourne's central business district and includes a range of stand-alone suburbs and towns. The province embraces the Legislative Assembly districts of Bulleen, Doncaster, Eltham and Ivanhoe. Templestowe Province

includes both metropolitan and rural communities in an area greater than 120 square kilometres.

The province boasts a wide range of development, both urban and rural, and a number of valuable environmental assets that benefit our entire community. These environmental assets include numerous active and passive gardens, parklands, reserves, sports and recreation areas and waterways, including the Yarra River.

Templestowe Province is populated by a rich mix of people from a multitude of nations and is a socially and economically diverse community. The province has benefited from the great influx of overseas migrants. Almost one in three residents were born abroad, and English is a second language in almost as many homes. Templestowe Province is home to numerous ethnic groups, including — but certainly not limited to — Italian, Greek, British, Asian and Somalian communities.

Like so many of my constituents, I was raised in a migrant family. Mine was a working class Italian family whose parents worked tirelessly and unselfishly to provide the opportunities for their children that they did not have themselves so that we could enjoy a better life than they had.

My parents both proudly attended on Tuesday at the opening of Parliament. My father, Caloandro, now 86, inspired and encouraged me to pursue a role in life which would contribute to and influence the quality of life of our community. I continue to have many animated discussions with my father on philosophical and day-to-day issues that affect government policies. My mother, Maria, has been a pillar of support throughout my life. Many of my personal traits have been gained through their influence. I wish to take this opportunity to acknowledge them and thank them for all they have done for me throughout my life so far.

I also acknowledge my three brothers, who have been supportive and encouraging to me throughout my life. I wish to thank my wider family for their support and encouragement, particularly over the last few months.

Special thanks go to my dear husband, Nicholas, who is always there for me. I want to acknowledge his support, his confidence in me, and his assistance and encouragement throughout our relationship.

I also want to thank all my friends and colleagues in the Labor Party, particularly those who actively assisted me throughout my campaign.

I was educated in the state school system in Melbourne's northern suburbs. I attended Hutton Street Primary School and Preston Girls High School, and from those humble beginnings I went on to tertiary education. I completed a degree in business management at the Royal Melbourne Institute of Technology and then undertook further studies to complete a masters in business administration, also at RMIT. I have no doubt these qualifications will assist me with my work in this house and in representing my constituents.

I first joined the Labor Party in 1978. I was inspired by my eldest brother who, for as long as I can remember, has been involved in the union/Labor movement fighting for workers rights. The driving force in my joining the Labor Party was the ability to influence policy for the betterment of workers rights and conditions. Throughout my membership of the Labor Party I have taken an active interest in the organisation and have participated in its management and operation at various levels and in various roles. The skills and experience I have developed over my 20-odd years in the Labor Party will be invaluable in assisting me in my role as an elected representative. In addition, my experience with Australia's two other tiers of government has given me a good foundation for my role as a state member of Parliament. In 1987 I was elected to local government at the Northcote council, and I became the first female mayor of that municipality in 1989.

I have had extensive experience in the federal arena, having worked for Senator Barney Cooney for approximately 14 years. For those of you who know Barney, you will recognise that as being both a challenge and an honour. There can be no doubt that the mentoring gained through working with Senator Barney Cooney has been invaluable. Senator Cooney is a unique politician; one who maintained and fought for the principles of social justice and equity for all Victorians. His tireless pursuit of these principles throughout his political career is a goal I seek to aspire to. His compassion, understanding and acceptance of fellow human beings is inspirational to all who know him. I would like to publicly acknowledge my thanks to Senator Barney Cooney for the experience of working with him for over 14 years.

My husband and I ran a small business for more than eight years. Ours was a small home-based development consultancy offering personalised service to a range of private and public clients. Like most small businesses, the challenge of maintaining cash flow, managing the statutory requirements of small businesses and the financial requirements associated with the preparation

of quarterly business activity statements provided a never-ending challenge. I have personal experience of many of the issues confronting small business in Victoria.

My government recognises that small business creates the wealth that sustains Victoria's economy and our way of life. We acknowledge that the small business sector is the engine room of jobs growth in this state, especially in rural and regional Victoria. The Bracks Labor government is committed to ensuring that every small business, no matter where in Victoria it is based, has the opportunity to develop and prosper in a fair, competitive and integrated economy.

The government will continue to relieve the taxation burden placed on Victorian small businesses by the Howard government's goods and services tax. It will further cut payroll tax for small and medium-sized businesses to 5.25 per cent from 1 July next — the second-lowest payroll tax rate in Australia.

Small business is a vital ingredient in the society we have created for ourselves here in Victoria. Small businesses are the backbone of an efficient, diverse and enjoyable community and they are a huge generator of employment and wealth around our whole state. While the pressures on small business continue to grow, particularly since the introduction of the GST by the Howard government, it must be the business of government to nurture, protect and support small business everywhere.

With any business comes responsibility. There are responsibilities on employers to provide safe and rewarding workplaces for their employees, and there are responsibilities on employees to ensure that they are productive and efficient at work. Business is not about lining the pockets of a meagre few; it is about enriching the whole community while enabling employers and employees to share in the wealth of a work force's labour.

Companies, businesses and employers have a social responsibility to their work force and the wider community and government has a responsibility to legislate to ensure that these responsibilities are adhered to. The Kennett government not only shirked this responsibility but ushered in a period of industrial chaos in the state. Victoria became a place where not only would a blind eye be turned to the exploitation of labour but the practice was actually supported with legislation. The Kennett government repealed the rights of Victorian workers and transferred the power to provide such rights to the most anti-union, anti-worker federal government our land has seen.

As a result, the 10 reasonable rights afforded to workers in Victoria beforehand were, and remain, replaced by schedule 1A of the federal Workplace Relations Act which offers only five of the most basic rights to our workers. This has led to extensive exploitation of workers across Victoria and a competitive culture where for many businesses the upper hand is gained by a race to the bottom with respect to the rights and remuneration afforded to workers.

The actions of the Kennett and Howard governments with respect to industrial relations have made the existence and representation of workers' unions at the industrial negotiating table never more important. It is essential that unions and employers be empowered to find an equal balance in their negotiating relationship to ensure that proper remuneration for workers is assured while ensuring the most productive, efficient and profitable business.

While I believe in a labour market that fairly distributes its wealth, I have a similar philosophy for wider society. The basis to a fair society is a fair and equitable taxation system that facilitates the distribution of essential services throughout our community. Through taxes come better services, such as an education system that has regained much of the ground lost under the repressive Kennett government and now stands proud among the national benchmarks. The task of rebuilding our education system has progressed but there is still much to be done and the government is committed to rebuilding the education system into the best in Australia.

Other services to come from taxes include a health system which seeks to provide all Victorians with reasonable access to high quality, safe, convenient and timely medical provision. The increases in nursing positions, increased beds and other initiatives are the government's commitment to enhance the provision of health services in Victoria.

The government is committed to an increased sense of safety through a better equipped and more responsive police force with an increased number of staff and new police stations around Victoria.

It has introduced a new department focusing on our environment through enhanced water quality and sustainability.

One of the many challenges I face is to ensure that the many amenities utilised by the citizens of my electorate are maintained and enhanced by the work undertaken by our government. I believe I can make a positive contribution to the effective management of the state

and that the skills I bring to the Legislative Council will be valuable. My commitment to this Council is to work tirelessly for the principles of fairness, justice and equality for all people.

Finally, I wish to acknowledge the firefighters for their heroic efforts during these very difficult months and extend my sympathies to the communities which have been affected by the fires. Our government is committed to assisting and supporting the redevelopment of these fire-damaged communities.

I believe it is not the power you hold which is important but how you use that power to make important changes for the benefit of our community. I am proud to be part of a government which has committed to reform the Legislative Council to ensure it democratically represents the community through proportional representation and acts as a legitimate house of review. The reforms propose setting a foundation for the operation of the Legislative Council consistent with contemporary practices for today and into the 21st century. The opportunity to undertake these reforms is unique and testament to the commitment of this government to democracy.

In the words of Benjamin Disraeli, I will sit down now but the time will come when you will hear from me again.

Hon. R. DALLA-RIVA (East Yarra) — I speak today as possibly one of the last members for East Yarra Province. In doing so I first wish to congratulate you, President, on your appointment and wish you well in your historic elevation.

For many in this chamber East Yarra Province has had a long association with the Liberal Party. On 28 October 1928 the then newly elected member for East Yarra, a young Honourable Robert G. Menzies, spoke in the chamber for the first time. He said:

I had not intended to speak in this chamber quite so soon because I have learned to appreciate the virtue of discreet silence at times.

The capacity to understand the electorate one resides in and represents requires the ability to be silent at times. All too often politicians are seen as being committed to revealing their story and their intention, so undermining the concept of listening and learning, and are intent on speaking too soon without learning the value of discreet silence. I feel suitably proud that I represent a seat that Sir Robert Menzies — the founder of the Liberal Party and the longest-serving Prime Minister of this great country, whose vision was and still is the champion for

the expression of freedom of the individual — once stood and spoke for.

Whilst we on this side of the house revere Sir Robert as our great leader, he too was confronted with enormous challenges, when it was thought after his 1941 resignation from the United Australia Party that he would return to his lawyer duties. It is likely that Robert Menzies must have recalled the 1927 discussion with Owen Dixon, who said, 'Well, Menzies, it is probably easy to convert a good lawyer into a good politician; but reconversion is impossible'.

But confront those adversities he did, thereby establishing the Liberal Party in 1944 as a party that is truly representative of the broader community. With that, it will be my representation, diversity, history and experience that I now wish to convert into this chamber as a newly elected member of Parliament.

Born in 1963 in Orbost and later settling in the historic town of Beechworth with my parents I shared in the joyous opportunity of country living. My parents, Tony and Merlyn, are from humble beginnings but are representative of a continuum typical of the diversity of Australia. Dad arrived from Treviso, Italy, in 1960 at Station Pier with a suitcase full of hope and embarked on typical migrant work, initially in the sawmills of Gippsland and then in north-east Victoria. He married and embarked on a course of study as a psychiatric nurse. My mother, born in Victoria, established a primary school teaching career.

My grandfather, the late Gordon Jackson, was a farmer for the then Mayday Hills psychiatric hospital at Beechworth, and my grandmother, the late Helen Jackson, religiously presented the produce off the land for our consumption. My grandparents represent the past and the connection with and the contribution to the establishment of Australia.

In fact, perhaps in the minds of my fellow honourable members the name Dalla-Riva may conjure up images of a postwar migrant family seeking resettlement from the raging war that ravaged Europe in those days. It may surprise some to learn that my maternal ancestry goes as far back as the Second Fleet — and not necessarily travelling on the top deck.

Indeed, I have to admit to having several convicts in my ancestry. The first to arrive in Australia was a woman, Elizabeth Goldsmith, who came aboard the *Lady Juliana*. She was sent to Norfolk Island, where she married convict William Rayner, who was instrumental in establishing the Society of Friends — or the Quakers — in Tasmania in the 1830s.

William Jackson was a forger and arrived in 1860. His descendants were prominent businessmen in Hamilton in Tasmania, and built Glen Clyde House and Jackson's Emporium, which are both still trading today. My last ancestor to be transported was from Ireland — Susan McArdle — who arrived in 1847 as a young teenager convicted for stealing clothes. She died in 1900 in what was known then as the Kew Lunatic Asylum, which is within my electorate.

But intermingled with the felons were gentry who brought their families to our nation as free settlers. James Ross, a doctor of law from Scotland, arrived in Van Diemen's Land in 1822 and established the *Hobart Town Courier* in 1827. The Burgess family arrived in 1843, and Francis Burgess, former chief police magistrate in Van Diemen's Land, won the seat of Richmond in the first fully elected Legislative Council in Tasmania. In 1850 George Peacock arrived in Hobart and was the first person to can jam in the Australian colonies. William Peacock, one of George's 11 children, and my great-great-grandfather, also embarked on jam manufacturing, originally launching the OK Jam Company in 1902 in South Yarra. Thereafter a partnership was turned into the Australasian Jam Company, or AJC, where the site of the Jam Factory in South Yarra, as we call it today, was built in 1904.

What I have said about my maternal forebears are but snippets of their substantial contribution to our country's development. Whether they were convicts arriving with the Second Fleet, having been chosen by the finest judges in Britain, or came free as early settlers or, more recently, as immigrants, whether they came from Great Britain, Europe, or other nations, whether they were country or town people, skilled or illiterate, widowed, married, or single, they have woven a meaningful contribution into the tapestry of Australia's history and I have every reason to be very proud of my Australian ancestry.

Whilst we had a trickle of immigrants into Australia in those colonial days and the early days of Federation, it was not until the foresight of Sir Robert Menzies under the slogan 'populate or perish' that Australia opened the door to many thousands more European migrants after the war, and in doing so established the name Dalla-Riva to be part of this chamber's history.

It is also important to recognise not only my European blood lines but another special relationship that has occurred in my life — a unique relationship I shared with four very special people, four Koori children: Buster, Hoody, Douglas and Shireen, who were fostered in my grandparents' home.

Irrespective of what my ancestors and relatives contributed to the development of Australia or to my upbringing, the ball is fairly in my court to build on my family's proud history of achievement. As one of three new members on this political side of the chamber, it is important that we add value to the lives of Victorians by bringing our own personal experiences and skills into play, not only in debate but also in understanding the milieu beyond this preserved environment.

In years to come I hope my descendants can similarly look back on the contribution I, through my political career, have made to this unique and magnificent country of ours and in particular our beloved state of Victoria. To this end it is important that I continue to listen and learn and when opportunities arise pass on the personal richness I have gained over a mere four decades of life.

Although I have outlined my earlier life experiences and influences, essentially my public duty began in 1983. At the young and tender age of 19 I became a constable with the Victorian police force. I started my career training at Heidelberg, West Heidelberg and Thomastown.

After spending a year as a 'country copper' in Portland I spent three fantastic years working on the divvy van, as a crime collator, and on undercover duties with the district support group at Broadmeadows police station. However, the sadder times include working with a young constable. I want to put on record the name of Constable Neil Francis Clinch, who was tragically shot; he was gunned down in the course of his duties on 5 April 1987. This is at times the horrendous reality about representing one's community — that as a protector of our society sometimes the ultimate sacrifice is experienced.

These years exposed me to some of the harsh social, economic and family hardships endured by many. Being in the police force taught me that a society is not wholly dependent on government, but rather on the goodwill and hard work of individuals working together with government to build a strong and robust economy.

As a former senior police detective I also had the opportunity to be involved in some major state and national criminal investigations during my time at the fraud squad, the asset recovery squad, the major fraud group and the National Crime Authority. I take this opportunity to specifically acknowledge Detective Superintendent Bob Mitchell who, during the course of those years, counselled and coached not only my

development as a good detective — I think — but also as a community-minded person.

In my years working in the disabilities sector I was ever inspired by the resilience and strength of people to overcome enormous physical and mental difficulties. I would like to place on record my thanks to the former chief executive officer of WIN Support Services, Razija Nu'man, for her support over those years.

In my last role before entering Parliament, as Victorian and Tasmanian manager for Scholastic, I was afforded the opportunity to develop children's learning experiences through providing educational materials. To my former staff members, who lived through the election and through the preselection, I thank them for their understanding, and in particular I thank Mr Ken Jolly, the managing director, whose support was essential.

I spoke earlier of the need as a politician to be circumspect, allowing times for quiet reflection.

I also spoke of Sir Robert Menzies. Whilst I did not have the opportunity to speak to this great man, nevertheless I have sought and been blessed to have received pearls of wisdom from other former members of East Yarra Province. Each has made a substantial and positive contribution in their parliamentary career and each has figured prominently in the governance of this state: Sir Rupert Hamer, member for East Yarra from 1958 to 1971, before becoming member for Kew and ascending to Premier of Victoria; the Honourable Haddon Storey, QC, the principal architect of substantial reforms as Attorney-General; and the Honourable Mark Birrell, who demonstrated vision, dedication and substantial achievement.

It is easy for those of us elected to serve to develop lofty ideals under the glitter of this honourable house, but it is harder to achieve results that benefit society as a whole. In essence for those of us here committed to improving our communities we will be confronted — like Sir Robert Menzies was — with momentous challenges to bring out the best in people in a climate of popular cynicism and to foster the enduring principles of Liberal philosophy.

In his inaugural speech Mark Birrell said:

... I enter this chamber as a Liberal, committed to a philosophy that emphasises the freedom of the individual, acclaims the value of the free enterprise system and champions the rights of the citizen over the state.

Given my concern for human liberty, equality of opportunity and social responsibility, I could be nothing but a Liberal.

Mark taught me that to remain focused even in opposition was to remain true to the Liberal values. I will endeavour — as he did over his 20-year parliamentary career — to maintain enthusiasm, optimism and creative effort to empower the individual to improve society and encourage a unified team spirit focused on positive outcomes for all. I thank Mark for his enormous personal and political contributions to this state and wish him well in his retirement from this place.

To the other East Yarra member, the Honourable David Davis, I thank him for his friendship and guidance. David's drive, vitality and political knowledge are inspiring to me, and I look forward to working with him representing our East Yarra Province community.

I would like to place on record my thanks to the former member for Mooroolbark, Mrs Lorraine Elliott, for her support in particular with the many public forums and policy assembly committees that we in the Liberal Party worked on over a number of years and which I believe has helped develop a sound policy framework for me on issues affecting children, the aged, the disabled and early intervention programs. My work with various community organisations was certainly enhanced by Lorraine's guidance, and I thank her enormously for her contribution.

It is an honour to follow in the footsteps of these great people of Australian Liberalism, not only because of their contributions to this and other houses of Parliament but because they were responsible for establishing and advancing the Liberal cause in this state.

I would like to thank the preselection committee and the party executive for placing their trust in me to continue the work of these sages. I look forward to working with and building strong relationships with those in this house also.

The guidance of Lorraine Elliott and the Liberal Party has assisted me in my various community roles, including that as vice president of Kindergarten Parents Victoria (KPV) and president of the Kindergarten and Child Care Association of Boroondara. I recognise that the foundation for developing our young people begins with parents and in kindergartens. In particular I would like to thank the present chief executive officer of KPV, Mr Gerard Mansour, and the former chief executive officer, Ms Carol Allen, for their support.

As a member of the Rotary Club of North Balwyn I wish to thank the club members, and in particular David Cheney, for their support.

I would also like to place on record my sincere thanks to a small group of supporters who stuck with me from well before the election. Jane Hargreaves, Aggie Misky, John Pesutto, Brian Bergin and Neil Burgess — thank you so much. To my colleagues in the North Balwyn branch of the Liberal Party, and in particular from that branch Mr Andrew McIntosh, MP, the honourable member for Kew in another place, as well as my many other friends and supporters throughout the party who believed in the true message of Liberalism, I sincerely thank you.

President, my inaugural speech has been a story of adventure, hardship, friendships, endurance and knowledge, but it is a story that each of us in our communities, our families and our hearts brings to this world. It is a story that could be told by any of the 205 000 people residing in East Yarra. I thank them for the faith and trust that they have placed in my election.

East Yarra is often considered the jewel in the crown of the Liberal Party. However, I would suggest that it is an area representative of ordinary people, of individuals who subscribe to the ethos of Liberalism and who identify with individual opportunism balanced with social responsibility. I suggest we each share in the common goal of success whereby family is the core value to our being.

I have touched on a great number of people who have supported, guided and directed my election to this honourable house, but none has been more supportive than my wife, Sadie, and our three children, Dmitri, Giordan and Alexander. Sadie, the daughter of Greek migrants Jim and Effie Gekas, has established a sanctuary for recourse from the daily activity of public duty — however, even this is sometimes broken through the rampaging antics of a 5-year-old, a 7-year-old and a 9-year-old playing together.

As a parliamentarian I believe I have a duty to enter into a solemn promise to act honestly and with integrity; to permit no social or financial mischief or injustice through sound and thoughtful policy and legislation; to serve not public opinion but the public interest; and to listen and to act in good faith. Our constituency has grown impatient with the denigration and bitterness it sees daily in political affairs. The antidote to this growing apathy and dissatisfaction is to strive to cultivate those conditions essential to a strong and resilient economy, remembering always that the true measure of our prosperity lies not just in our immediate material wellbeing but also in our access to effective services in areas like health, education, law and order and the community sectors; to an education system that promotes not solely the professional

disciplines that will secure a livelihood throughout one's life but also the virtues that are the foundation of leadership: responsibility and character; and to a community whose creative inspiration rests ultimately with its people and their families rather than always in government.

To cultivate these conditions, more impactful and innovative strategic plans and policies with milestone-measured accountabilities should exist to ensure the success of our economy. Prudent fiscal and economic policies at state level that embrace the disaffected and capture or recapture their vitality and spirit, especially in these uncertain and worrying times, must be highly prioritised and delivered.

President, while my speech today allows the chamber to understand me a little better, I am fully aware that it is my future achievements, accountabilities and responsibilities that I will be judged on. My goal is to listen, analyse, prudently act and deliver through the vehicle that the Liberal Party and the constituents of East Yarra have given me; to follow in the footsteps of the visionary previous members of East Yarra by upholding the Liberal Party's objectives to enhance the freedom, prosperity and security of every individual; and to contribute to the building of a society of opportunity, optimism and community spirit. Thank you.

Hon. J. G. HILTON (Western Port) — Firstly, I would like to congratulate you, President, on your election to your prestigious position and offer you my best wishes for a successful period of office. I would also like to congratulate my fellow ALP council members on their successful campaigns. I look forward to working cooperatively with you.

This is a day that I never anticipated. However, I am excited, motivated and privileged to be here. I am looking forward to the challenges that lie ahead.

In this my inaugural speech I would like to talk about my background, the electorate of Western Port and my ambitions for the next four years. As you have probably already gathered, I was born in the United Kingdom. Whatever one loses of one's heritage, the accent never disappears. My early years were spent in St Helens in the north of England. St Helens is famous for being the original home of Pilkington's, one of the world's leading glass manufacturers, and for being the original home of Beecham's, the pharmaceutical company. It is also the home of the St Helens Rugby League Football Club, hence my passion for Melbourne Storm.

My family circumstances were very much working class. My parents were married in late 1938 and almost before they had established themselves my father was called up to fight in the Second World War. He spent most of his time in India and Burma. Before my father went overseas my parents had bought a house in one of the better areas of St Helens. Unfortunately a young woman in a home on her own for an uncertain period was not appropriate, and my mother moved back to live with her parents.

When my father was demobilised in 1945 he and my mother continued to live with her parents for 18 months. However, that was never going to be satisfactory, and when I was born my parents needed their own accommodation. Rented accommodation was all that was available so they rented a house from the St Helens Cooperative Society. That was the first home I can remember. It was on a cobbled street, had no running water, and the toilet was at the end of the yard. Baths consisted of water heated on a gas stove with a tin bath placed in front of a coal fire in what we used to call the front room. The television program *Coronation Street* gives a good indication, although even *Coronation Street* was upmarket compared to our house. Eventually we moved to another home, this time owned by the local authority — a council house, as it was called. This house had a garden but still no upstairs toilet or bathroom.

I was able to move away from this environment solely due to the British education system. Through the 11-plus scholarship I was able to go to the local grammar school and complete A levels to a standard which gave me a place at Aberdeen University. There I completed my first degree, a Bachelor of Science in psychology. The completion of a postgraduate degree, a Master of Science in industrial psychology at Hull University, enabled me to secure a position as a graduate with Touche Ross. In those days Touche Ross was one of the big eight firms of chartered accountants.

On the successful completion of more exams I qualified as a chartered accountant, the possession of which qualification assisted in my wife and me being accepted as permanent residents of Australia. My wife and I emigrated to Australia in 1976. We initially lived in Frankston as my wife, a classroom music teacher, had been offered a position at Frankston High School. However, for the past 21 years we have lived in Moorooduc on the Mornington Peninsula.

Initially our property was an apple orchard, and the apples were looked after by an orchardist on a sharefarmer arrangement. However, within a year he decided to discontinue, and my wife and I attempted for

two years to maintain the orchard and sell the apples on a pick-your-own basis. It soon became clear to us that the time commitment bore no relation to the financial return. There were certainly better ways to spend weekends.

My early commercial career in Australia was as an accountant, but for the past 20 years I have worked in the executive recruitment industry, more commonly known as headhunting. I have been fortunate to work with some excellent organisations, including heading up the executive recruitment consulting function of one of the now big four firms of chartered accountants. My most recent role was working as a director in the Melbourne office of an international search firm. Without the academic qualifications and the professional memberships which I was subsequently able to obtain, I would not on my own have been able to emigrate to Australia. I would not have been able to secure the appointments that I have held, and I would certainly not be in the position I am in now.

This experience has convinced me of the critical importance of education in our community. Education enables all our people to realise their potential and improve their lives. Education is one of the most important services we can provide. Schools should receive the same reverence given to places of worship. Teachers should have the same social standing as doctors. To be accepted into a teacher training course at all levels — preschool, primary or secondary — should be cause for the same family rejoicing as acceptance into law or medicine. It is an old adage that those who can do and those who can't teach. This should be turned into: those who can do, those who can do it better teach.

In my first term one of my primary objectives will be to continue the improvements to our education system that have been initiated. All young people in our communities are entitled to a quality education process where the educational outcome is determined by their ability, not their postcode or the financial status of their parents.

I have the honour and privilege to represent the province of Western Port. Western Port is a new seat; unfortunately, therefore, I am not in a position to acknowledge previous members. Indeed, with the reform of the upper house the problems of Western Port will disappear. This means that I will be the first, last and only council member for Western Port, and this must surely qualify for at least a small footnote in history.

Western Port covers the communities of Wonthaggi, Pakenham, Langwarrin, Hastings, Somerville, Portsea,

Rosebud, Mornington, Mt Eliza and many others in between. The geographic centre of the electorate is probably the middle of French Island, which has been suggested as a good location for my electorate office.

Western Port is a very diverse electorate and encompasses the Legislative Assembly seats of Hastings, Nepean, Bass and Mornington. It contains heavy manufacturing at Hastings, light industry throughout the electorate, farming and, increasingly, tourist attractions. Examples of such attractions include the coalmine in Wonthaggi, the Cape Schanck boardwalk, the Arthurs Seat Maze, surf beaches on Phillip Island and the many wineries that have been established over recent years.

The wineries are a very good example of what I consider to be appropriate land management. The wineries attract many visitors to the Western Port region, especially during times such as the very successful wine weekend on the Queen's Birthday holiday. The wineries are increasingly exporting their produce and establishing the region as a significant, world-renowned winegrowing area. More people are being employed either directly in the winemaking process or in ancillary services — for example, in restaurants.

As has been said by other honourable members, Western Port contains some of the fastest growing areas in the state. For example, it has been projected that the number of older residents in the Bass Coast shire will increase significantly over the next 4 to 10 years. The City of Casey's population is also increasing rapidly. Within the past 12 months 80 new houses a week were being occupied. This growth has significant implications for developments, and these implications have been addressed in the Melbourne 2030 plan for sustainable growth.

The Mornington Peninsula and Western Port areas have been specifically recognised with the creation of green wedges and the use of new planning and legislative controls to regulate land use and development. All initiatives which have an effect on infrastructure — for example, new roads, medical centres, schools or new housing developments — obviously have an impact on the environment. It was evident in the last election that green issues are becoming increasingly important for a growing section of the community.

The environment is a major issue especially for, but not restricted to, the younger people in Western Port Province. It must be recognised that each generation is only a custodian of the environment for the next generation. It is incumbent on all of us, but particularly

legislators, to ensure that we hand on to the next generation an environment that is in better condition than when we received the responsibility for our custodianship. Each development proposal should be viewed through the filter of what is the environmental impact, both short and long term.

The environment is not owned by any one group of people. It is to be enjoyed and shared by everyone. Balancing the needs of a population that is being increasingly attracted to Western Port, either as residents or visitors, with demands placed on the environment, will be one of the critical issues as we advance into the 21st century. It will be especially important to regions with significant natural assets and beauty. Where the balance is struck depends on one's position on the conservation/development continuum.

My personal view is that once the environment is degraded it is degraded forever. Therefore, my second objective is to protect and enhance the environment of Western Port Province for all present and future generations. I will also support and encourage development that is environmentally appropriate and sustainable.

My third objective is the creation within Western Port Province of employment opportunities for all people, young and old. Working within the executive recruitment industry has provided me with a unique insight into the workings of Australian business. Companies are continuously grappling with the issues of globalisation, triple-bottom-line reporting, and the consequences of changing work practices.

My work also provided me with an opportunity each year to meet hundreds of people who were seeking new career opportunities to improve their lives. I also met people who were seeking not better remuneration but a better balance between career and family responsibilities. This, of course, is an issue which has been recognised by this Parliament.

An issue that I regularly encountered was the one-company person who in their mid-40s or early 50s found themselves retrenched as a result of a company merger, restructure or downsizing. Such people suffer significant loss of confidence and self-esteem, and one of my satisfactions was helping these people to realise that they still possessed talents and experiences that were valued.

Western Port is diverse in its range of socioeconomic conditions. The electorate contains some of the wealthiest areas in the state, but there are also pockets of social disadvantage. Hugh MacKay, the prominent

social commentator, has raised the issue of the lack of a national debate about unemployment. Specifically, the need has been cited to find imaginative ways of creating work and a more equitable way of distributing it.

A disturbing finding is that according to some statistics many children are growing up in jobless families. Such a situation is a recipe for great social unrest. Society is becoming fractured, but not necessarily between those who have jobs and those who do not. The fracture is between those who have permanent, skilled, well-paid jobs and those who have casual, unskilled, low-paid jobs — the Mac jobs, as they have been dubbed.

It is essential that we put in place strategies to ensure that all our people, not just the academically inclined, are able to secure meaningful, well-paid employment that enables them to take a rightful place in our community. To feel valued as a person is a right to which everyone in society is entitled. To achieve this objective will be difficult, but achieve it we must. The consequences of us not achieving it will be the creation of a disaffected underclass that is permanently mired in poverty. This is not the Australian way and we must ensure it never becomes so.

I have been encouraged by the meetings I have had with the local councils in Western Port. Local councils are increasingly taking on responsibilities for actively encouraging and supporting new businesses in their communities and providing valuable work experience and traineeships to young and sometimes not-so-young people. The outcome of such initiatives will be the development and growth of successful businesses that create new employment opportunities resulting in greater personal confidence and self-esteem. I intend to be particularly active in facilitating and assisting in these types of initiatives.

In summary, my primary objectives for Western Port Province are: a quality education process for everybody, a sustained environment for present and future generations, and development of employment opportunities for all people.

Finally, I would like to acknowledge and thank some people who have significantly contributed to my present situation. First of all I thank my family. I have always been able to rely on the support of my wife, Ruth, son, Phillip, and daughter, Claire, and I know that support will continue.

Secondly, I thank the electors of Western Port, who, living as they do in one of Victoria's most beautiful

regions, have given me the responsibility of both representing and protecting their interests.

Thirdly, I thank the members of the ALP branches in Western Port, who contributed generously to the state campaign with their time, support and energy. I have been a member of the Mount Martha ALP branch for three years and would like to particularly acknowledge the branch members' support and encouragement.

Finally, I would like to express my thanks to the four lower house Labor candidates without whom I would definitely not be here: John Anderson in Bass; Rosy Buchanan, the new member for Hastings District; Carole Ford in Nepean; and Judith Graley in Mornington. All four candidates and their support teams conducted terrific local campaigns and contributed significantly to Labor's success in Western Port. I feel a great sense of responsibility for the opportunity that has so unexpectedly been made available to me.

At the end of this four-year term I trust each person living in the electorate of Western Port will be able to say that the Bracks Labor government has made a contribution to the improvement of their social and economic wellbeing.

Edmund Burke, an 18th century Whig politician, said:

Your representative owes you not his industry only, but his judgment and he betrays instead of serving you if he sacrifices it to your opinion.

It is with commitment and honour that I pledge to apply both industry and judgment in the service of the residents of Western Port Province. In four years time I will accept their verdict as to how effective that industry and commitment have been.

Hon. D. K. DRUM (North Western) — Thank you, President. May I take this opportunity at the start to congratulate you on your election and elevation to the presidency of the Legislative Council. I would also like to congratulate your party on an outstanding victory at the recent election.

It is an extreme honour to stand here today as a representative of the people of the North Western Province. With that honour comes an enormous responsibility to do the best I can for the people of the north-west.

I would also like to thank my immediate predecessor, the Honourable Ron Best, who undeniably has done a magnificent job representing the people of the North Western Province and Bendigo for the past 14 years. I congratulate him on the manner in which he worked

tirelessly to help pass the baton over to me at the recent state election. It is fair to say that these days Ron finds a bit of attractiveness in certain parts of the Liberal Party, but it would also be accurate to say that he truly loves the National Party. I wish Ron and Louise all the best for their future together, and I hope all goes well for them.

I would like to take this opportunity to acknowledge my colleague from the North West Province, the Honourable Barry Bishop, and to vow to combine with him to enhance our representation of the province. I would also like to thank my valued colleagues in this house the Honourables Peter Hall and Bill Baxter. They have given me tremendous support and guidance, and whilst the National Party is small in numbers, we certainly do have a tremendous sense of belonging, and I have been looked after extremely well.

My path to this place has been somewhat winding, with an upbringing on what was initially a dairy farm at Congupna near Shepparton in the Goulburn Valley. I was educated at St Colman's College in Shepparton and also at Assumption College, Kilmore. These educational institutions provided a great partnership with the education that I received at home.

My late father, along with my mother, Pat, who was here on Tuesday to witness the opening of Parliament, gave me, my five brothers and my sister a tremendous start in life. We were given strong Christian values, and we had great role models in our parents. They gave us a tremendous sense of positivity in every day, irrespective of the situations that we faced back in those early days of a pretty tough life on a dairy farm.

Being the youngest of six boys you learn not to hesitate and to stand up for yourself and be counted, especially at mealtimes. But above everything else I was taught to be my own man, to look around and see those who go along with the crowd all the time and recognise that they really have nothing to offer to anyone. These were great ideals that I have tried to share with my own four beautiful children, Luke, Alyce, Gabrielle and Corey.

After finishing school at year 11 and completing a carpentry and joinery apprenticeship in the Goulburn Valley, I moved to Geelong to pursue a football career that was to last about 10 years. Whilst at Geelong I was fortunate enough to play with many great players and perhaps the greatest of all Geelong players, Gary Ablett. Without doubt I was single-handedly responsible for making Ablett the player he was! Many of the more skilled players would quite often win the ball and break free towards their own goal, and as Ablett led they put these pinpoint passes on his chest.

He would take the mark, go back, steady and kick the goal — no real brilliance there. I, on the other hand, had the ability to break free with the ball and surge into the forward line as Ablett would lead, and I could kick the ball 15 to 20 metres over his head, forcing the great man to stop and turn on a sixpence, go back across the pack to either take a spectacular mark or spoil the ball to the ground and recover it amidst a whole sea of opposition, break free and kick a remarkable goal! It was these continual flashes of brilliance, instigated by my skill, that elevated Gary Ablett to his current status.

Throughout the final three years of my playing career and the three years I spent coaching in the Victorian Football Association, my wife Anne-Maree and I ran a small business in Werribee, which we later moved to Hoppers Crossing. I can tell you that the six and a half years we spent in manufacturing, selling and erecting garden sheds, garages and carports gave us some fantastic lessons in the business world. The late 1980s and early 1990s was a very tough time to be running a small business.

In 1993 I had the opportunity to go to Sydney with the great Ron Barassi as one of the first full-time assistant coaches in the Australian Football League. Ron Barassi had, along with my father, that special knack of being able to teach you so much about people and life without you ever realising that you were in the classroom. I really have an enormous amount of respect for those two people.

After five years in Sydney I was given the opportunity to coach at the senior level in Western Australia with the Fremantle Football Club. Whilst this story has a somewhat disappointing ending, it was an extremely positive experience, and I, along with my family, left behind many cherished friends when we left Western Australia to come home to Victoria.

At the end of 2001 we relocated to Bendigo to again work in football. In this role I was able to travel extensively throughout the north-west of Victoria helping footballers from the under-10s through to the seniors at various clubs and leagues.

It is worth reflecting at this point on all the people throughout the football industry who have helped me. Football is now big business and with big business come dynamic people who are specialists in their fields. I have been especially lucky to come into contact with some of Australia's best man managers, strategic planners and lateral thinkers, and I make special mention of the staff and consultants of the Sydney and Fremantle football clubs.

The province that I now represent is the second-largest electorate in Victoria, at just under 60 000 square kilometres. With this size comes an enormous amount of diversity. The City of Greater Bendigo has a population of approximately 90 000 people, the majority of whom live a very urban lifestyle. They have little interest in the affairs of land or agriculture. The main issue facing Bendigo at the moment is the failure of all levels of government to attract funding to finish off the duplication of the Calder Highway. This single issue impacts badly on the region's tourism, economy and the links to Melbourne for its trade and ports.

Bendigo was built on gold, and the city produced three times more gold than was ever retrieved out of Ballarat. More than 22 million ounces of this precious metal was found in Bendigo during the gold rush days. At its peak the city was home to some 1500 gold companies and boasted three stock exchanges. It was second only to London in its value as a financial town.

That gold heritage is still alive today about 700 metres under the City of Bendigo, thanks to Bendigo's new mining project. The company will have spent \$120 million by the time it reaches its first stage of production and the massive venture is expected to retrieve at least 12 million ounces of gold worth in the vicinity of \$6 billion over the next 25 years.

Despite the success of Bendigo Mining the people of Bendigo are keen to see more economic development, commercially and industrially. They want to see new projects creating new jobs and the creation of services that will bring it into line with other cities around Australia that have populations of around the 100 000 mark.

The toughest part of my job so far has been trying to help people in North Western Province who are affected by mental health problems. The waiting lists for autism assessment have blown out to two years and beyond, and while people working in the field are to be commended, we have to look after those people in our community who need our help the most. We should not be turning them away.

Whilst we have congratulated the government on its achievements at the recent election, the National Party is also extremely proud of its performance on 30 November last. Under the leadership of the Leader of the National Party in the other place, Peter Ryan, we feel as though we are strongly positioned to continue our work of servicing all Victorians but especially those who choose to live outside Melbourne.

We believe that if we are serious about encouraging people to live and work in regional Victoria we have to be deadly serious about a real and genuine decentralisation plan which will attract sustainable employment in the private sector right throughout the state. We need to look at positive discrimination towards regional businesses. Areas such as payroll tax, transport and distribution costs, and electricity rebates need to be addressed to help bring the cost of doing business in country Victoria into line with our counterparts from the metropolitan areas. We need to encourage business growth in every possible way as the employment generated by this growth is the key or the answer to so many of the problems facing people in North Western Province. Increased employment creates a critical mass of people needed to attract to our regions professionals and specialists that our cousins in the city simply take for granted. Optometrists, doctors, solicitors and even accountants are hard to come by in many of our towns.

Whilst Bendigo waits for its slightly faster train service into Melbourne, Castlemaine people are simply fighting for a train that will get them to Bendigo in time for work each day. The 7600 people who live there at the moment cannot get into Bendigo by train before 10.30 a.m., which is no help to students, workers or shoppers. Then again, the 48 000 people who live in Mildura do not have a train service at all.

Each community has issues and while Mildura does not have a train service, it does have a great swimming pool which is more than can be said for Quambatook. Its pool is currently out of order due to leaking seams and the council responsibly chose to empty the pool rather than waste water in this extended dry period. Currently children have to catch a bus to Kerang each weekend for a swim.

I must stress that there is no blame to be apportioned in this address. I simply feel compelled to stand up for the people of Bendigo and North Western Province and remind our urban representatives of the promises made recently by the government to govern for all Victorians. We will always have towns and cities bordering on attaining a certain service. As each community continues to grow their needs will grow accordingly, and I expect the challenges of providing growing communities with improved services to be a constant and never-ending task.

The other end of the spectrum also exists, where communities are really struggling to maintain the status quo with their population and accordingly are in real danger of losing services they have always taken for granted. Towns and communities within the North

Western Province are in danger of losing their daily deliveries of milk, bread and newspapers. These communities realise that the very life of their towns is under real threat.

Thus many of the towns have taken it upon themselves to assemble their own progressive committees in order to ensure that they can attract the personnel into their regions who will enable it not only to survive but to prosper. Organisations such as Ouyen Inc., Donald 2000 committee, Hopetoun Cooperative and the St Arnaud Development and Tourism Association, just to name a few, are all voluntary groups of community leaders. These groups meet regularly throughout the north-west with the express aim of bringing businesses and business people into their regions. The sense of community that exists in regional or rural Victoria is amazing, and the degrees to which these people will commit time, effort and resources to directly help another business and therefore indirectly help their town is to be applauded.

Whilst there are real problems and challenges facing every town and community within the province there are also some examples of outstanding triumphs. Mildura has a rapidly expanding horticultural industry which is using cutting-edge technologies to increase productivity. The Mildura-Robinvale area has maintained its position as the state's leading producer of wine grapes, dried fruit and table grapes as well as combining with Swan Hill to produce the majority of the state's citrus fruit.

Perhaps Mildura's greatest recent achievement is how it has capitalised on the tourism market. Even allowing for its remote location, people from all over the world are continuing to flock to the Sunraysia region in record numbers. Swan Hill also has a rapidly expanding irrigated horticulture with some of Australia's best stone fruit growers building huge reputations both nationally and internationally. Swan Hill is also adjacent to an immense dry farm grain industry. It is therefore more susceptible to the fickleness of nature and has certainly been hurt by the current drought. The housing industry is performing well in Swan Hill at the moment, with increased values reflecting the fact that it is a desirable place to live, work and retire. However, it would be significantly better for its 12 000 residents if it were connected to natural gas — another one of those luxuries we take for granted throughout the majority of Victoria.

Kerang is another substantial town within North Western Province. It is the centre of a solid irrigation area with dairy and beef cattle and prime lambs as the major farming types. The innovative use of water is

leading to the development of one of Victoria's largest olive plantations at nearby Boort. This project has created enormous interest in regional Victoria and will be closely monitored by all.

Ouyen is another town within the province which is attracting its share of interest lately. The rapidly expanding mineral sands project has been estimated to be worth \$13 billion and will create up to 1000 jobs, both directly and indirectly. This project must be encouraged in every possible way and has further highlighted the need for us in Parliament to address the issue of rail standardisation.

A highly motivated group of women from the Ouyen district is putting the final touches to preparations for next weekend's naked rain dance. This is a final desperate measure to break the drought and send a message to our God that they will do whatever it takes to encourage rain. Recent heavy rainfall would indicate that God has taken the threat on board and has acted in an appropriate manner!

There are so many towns and communities within North Western Province that it makes it dangerous to start naming some but not to mention each and every one. Warracknabeal is the centre of one of Victoria's best grain growing areas where new crops such as lentils, peas, beans and canola are making ground on the traditional crops such as wheat, barley and oats. One of the most and if not the most important project ever undertaken in this region will be the Wimmera-Mallee pipeline. Whilst it will cost in the vicinity of \$60 million to build, it has the potential to save over 90 000 megalitres of water each and every year and to greatly increase the quality of the stock and domestic water service as well as replenish recreational waterways in the Mallee.

Castlemaine has a rich history as a goldmining town but its identity today is touched by the highly successful Castlemaine Bacon. Employing almost 1200 people, it is creating real wealth in the region by its very existence. The parks and gardens of Castlemaine, together with its heritage-listed buildings, combine with nearby Maldon to make it a very popular tourist destination. The diversity associated with North Western Province is immense and there is a real need to get to know and understand each and every community on a personal basis as so many issues affecting the people of the north-west are unique to their own regional town.

Meeting the people throughout the province has been the highlight of my short term so far and I, like all

honourable members here today, have some great people to represent as my constituents.

Before I finish I would like to share with the house an observation from someone who is new to politics and who enters Parliament with a relatively open mind.

As I have been researching inaugural speeches from previous new Parliaments I have found it interesting how quickly and how severely the political world turns. New members in 1982 revelled in a dramatic victory to the Labor Party, yet in 1996 speeches showed that the then new Liberal members were astounded at the numbers of seats that made up the Kennett government. Sure enough, research on inaugural speeches made in 1999 leads me to believe that again this year the new crop of Labor members will avow that their particular brand of politics has been endorsed by the Victorian public. Are we trying to create an environment where only those in government make any sense? Are we saying that members of the government of today did not know what they were doing when they were in opposition last time? Are we saying that today's opposition has no idea of how to run the state's affairs? Do we ask ourselves why governments with huge majorities very quickly find themselves in opposition so abruptly?

In my opinion, any decent argument or debate has two sides. When people argue to the absolute extreme boundaries of any debate rarely do they make commonsense. I also believe that neither side of Parliament has the opportunity to govern to the extremes of their ideals or philosophies. It is then that they run foul of common opinion or commonsense.

What we believe in as political party members are our opinions. Our job is to attend Parliament and to argue those opinions with all the passion and enthusiasm we have, but they are still just opinions. To think that either side has a mortgage on what is right or what is wrong is absolute folly. What both sides have a mortgage on is a responsibility to respect each other's opinion.

Mr SCHEFFER (Monash) — I acknowledge the traditional owners of the land on which we stand, the Kulin nation, and pay my respects to their elders.

President, on behalf of the constituents of Monash Province I endorse the remarks of others in this chamber in warmly congratulating you on your election as President of this Legislative Council. Equally warmly I congratulate Ms Glenyys Romanes on her election as Deputy President. I follow others in recognising the great significance of these positions

being occupied by women for the first time. I wish you both every success.

I also congratulate my colleagues, Mr John Lenders on his election as Leader of the Government in this chamber and, Mr Gavin Jennings on his re-election as Deputy Leader. I wish you both every success. Congratulations are also due to all the ministers in this chamber on their new commissions.

I take this opportunity to acknowledge my parliamentary colleague, the Honourable Andrea Coote, the other member for Monash Province, for her generous words of welcome and support on the recent occasions we have met. I acknowledge the work of my predecessor Peter Katsambanis and wish him well for his future.

Besides the obvious fact that this government has the greatest popular mandate to implement its policies than any previously elected government in this state, the election has also favourably shifted the gender balance in this Parliament. There have been 34 Labor women elected, a record number: 11 to this chamber and 23 to the Legislative Assembly. Victorian Labor now has more women than any other parliamentary party in Australia. This is a significant achievement, and I am confident that the addition of so many Labor women to the Parliament, taking an increased number of leadership positions, will bring many benefits.

I take this first opportunity to pay tribute to the members of the Victorian branch of the Australian Labor Party and the union movement and thank them for the support and friendship they have given me for many years.

For the past seven years I have had the privilege, along with many other party members, of being closely involved in the development of ALP policy. Party members from all walks of life contribute their ideas and skills to working up our party policy and platform. It is their work that informs the ALP platform and the election commitments the Bracks government announced and argued for during the campaign. To have their aspirations expressed in the speech delivered in this chamber by the Governor on Tuesday is their rich reward.

The strength and success of this Labor government lies in its capacity to build broad community coalitions that support progressive reform grounded in principles of social justice. I am confident that this community building and the garnering of ideas will continue and that the government will go from strength to strength.

Recognition is also due to my family and friends, and colleagues and fellow citizens who have supported and influenced me in important ways. While it is impossible to recognise everyone, I am bound to single out my parents, Aleida and Cornelis Scheffer, who suffered — as did countless others — the deprivations of war, the unspeakable horrors of occupation and concentration camp, displacement, and the challenges of location, relocation and resettlement. Haunted by deep trauma and fright they heroically made new beginning after new beginning.

From this family experience I learned that the inexorable march of history sweeps individuals into unpredictable circumstances not of their own making, and that those individuals who find themselves at the receiving end of misfortune are deserving of compassion, and that individual and collective action to help them is imperative. And I also learned to understand that positive government intervention is critical to those who are disadvantaged.

I remember my parents as immigrant workers, whose overseas qualifications went unrecognised, struggling to get a fair deal at work. My young heart was angered by the indignities and injustice they encountered and fired with admiration for their steadfast and principled resistance. From my parents' experience, I had my first lessons in industrial relations and learned never to give up, and above all to recognise and to work through the union.

President, recognition is due to the people of Monash Province who confounded the commentators, demonstrating once again that overwhelmingly voters are discerning and form opinions derived from their own circumstances. In voting for me, from the point of view of many, they may have taken a risk. In voting for the Bracks government I believe they knew they were on a winner.

To discover the reasons for the unprecedented magnitude of electoral support for the Bracks government in Monash Province, without which I would not be here, we need look no further than the fact that the government delivered what it promised in 1999. People trust the Bracks government, and when we made further commitments in last year's campaign, voters in what is now my electorate knew that those promises made sense and that they would be delivered.

President, Labor's program is premised on our core beliefs and values: fairness in our dealings with others, strengthening democracy and good governance, expanding opportunity for all, extending and strengthening people's rights while expecting that we

will take responsibility as active and empowered citizens, taking the community with us, and exercising compassion for those hard done by.

Monash Province boasts some of the most popular spots in Melbourne, as I am sure everybody here knows: along the beach from Elwood to Port Melbourne, Albert Park, the Royal Botanic Gardens, the Melbourne Concert Hall and Playhouse, the National Gallery of Victoria, pubs and venues, and the riches and variety of untold restaurants whose fare brings us the world on a plate. To the east lie our open tree-lined streets and generous gardens, the Caulfield racecourse, Monash University and busy retail centres. Parts of Monash Province are a magnet for people from all over Melbourne, Victoria I dare say, and this brings with it a number of issues for my constituents.

In most ways, the people of Monash Province are a microcosm of the wider Victorian community, and they face similar issues. I refer, for instance, to the complex and multilayered impacts that accompany the transition from our historically low-density suburbs to the emerging medium densities we see today. Amongst these impacts the most urgent is the need to balance the growth of new building developments against the need to protect the individual's amenity, the environment and heritage. As well, there is a pressing need to conserve water, protect our parks and open spaces, continue to arrest the polluting effects of stormwater run-offs into the bay, refit major infrastructure, find sustainable solutions for waste disposal and better manage the dramatically increasing through traffic in our streets that places a growing stress on our ability to move about locally.

But this focus on major infrastructure issues should not obscure the ongoing need to deliver and improve the quality and scope of services in health, education and training, child care, aged care, employment, housing and community safety, and transport, which are the foundation of the Bracks government's commitment to the people of Monash Province as well as to the people of Victoria.

Economists tell us that a strong economy and population growth have made home-owning Victorians much richer. The rising house prices we have seen in recent years in major urban centres are generally but often uncritically welcomed, and Monash Province is seen as an unqualified winner. But there is an underside to these rising house prices. There is growing evidence that home ownership is in decline, particularly among young people, and that this process is occurring without much concern or debate. Regrettably, housing in areas such as Monash Province is increasingly out of reach

for young people and new immigrants. The demographic profile in Monash Province is trending towards those who have the resources to buy into a top-end market, and this is tragically diminishing the diversity and cultural richness of the community in which I grew up.

In its current information booklet *Housing for All*, the housing justice round table calls for a rethink on housing. Inner city councils, including the City of Port Phillip within Monash Province; researchers; and non-government organisations such as Good Shepherd Youth and Family Services, Hanover Welfare and the Real Estate Institute of Victoria; as well as distinguished contributors to housing policy, such as Rob Knowles, Barry Pullen and Brian Howe, all former ministers for housing, have been active supporters of the work of the housing justice round table. *Housing for All* argues that there is a growing body of research to indicate that housing costs are increasingly disadvantaging low-income families, particularly in large cities.

For significant numbers of young people living in Monash Province the insecurity that arises from not buying or owning a house, having to share the rent in smaller houses or flats, having to move away from the supports of family, as well as employment insecurity, leads them to forgo establishing permanent relationships and consequently to defer having children. This intergenerational inequity is a serious public policy issue with huge ramifications. Housing is an important policy area; it is central to the wellbeing of people and communities. Investment in new housing, new urban development and urban and regional renewal is a key driver of economic growth and employment, and it leads to better social outcomes.

President, Labor recognises these interconnections and is committed to building more affordable housing, to improving existing public housing stock and to tackling youth homelessness. Labor is linking new investment in new programs, such as Neighbourhood Renewal, that is designed to create jobs and training opportunities to help break cycles of disadvantage.

The Bracks government in its first term instigated the development of key strategic frameworks, including Melbourne 2030 and Investing in Our Future, that are helping Victorians plan for their future social and economic infrastructure needs. The importance of these strategic frameworks is difficult to overestimate. The government's commitment to take a more comprehensive approach to infrastructure development in which the economic, environmental and social

dimensions of projects are considered has been widely welcomed and supported.

I am excited and challenged at the prospect of being a member of this Parliament at a time when the biggest infrastructure upgrade in Victoria's history is under way, and I believe this upgrade will have a hugely beneficial impact on the people of Monash Province.

President, we are all deeply conscious of the unique historical moment of this Parliament as it stands at the threshold of the introduction and passage of the Constitution (Parliamentary Reform) Bill. As you know, during its first term the Bracks government sought unsuccessfully to reform the Legislative Council on two occasions. Throughout its first term Labor was unwavering in its drive to see future members of this Legislative Council more democratically elected and to see it become an effective house of review. Introducing proportional representation, reducing the terms of members from eight to four years to be served concurrently with the Legislative Assembly, and introducing fixed four-year terms in both houses received widespread public support. The introduction of proportional representation means that organised opinion, drawn from a much wider spectrum, will have a more equal bearing on the formation of our laws.

Of all the issues that exercised the minds of voters in Monash Province during last year's election campaign, and which contributed to my election as a Labor candidate, reform of the Legislative Council attracted the most interest. Labor's strong and unshakable leadership on this issue was widely respected and supported, and I am privileged to be here to play my part in delivering it.

It will be clear to anyone who looks at the voting figures that I would not be here were it not for the support of many of the 18 per cent of voters in Monash Province who gave their first preference to the Greens and whose second preference got Labor over the line. The Greens candidate, Jo Lewis, and I were in clear agreement on a number of issues relating to the urban environment, sustainable development, and especially reform of the Legislative Council. I am proud to be able to signal my intention to support the government's commitment to Legislative Council reform in this chamber today.

In the just over two months I have been a member for Monash Province I have learnt an enormous amount. It is extraordinary and humbling to find that, despite living in the area since I was a child, there is still so much to discover. I have already visited a number of local organisations — the Migrant Resource Centre, the

Jewish Museum, the Local Learning and Employment Network, and the University of the Third Age to name but four — and I have been delighted by the welcome I have received. I am truly amazed by the energy, creativity and understanding of their respective fields of activity possessed by people within each organisation.

As a new member of Parliament I have attended citizenship ceremonies, where I think I was among the last to leave because I found the conversations and the individual stories of our new citizens so compelling and thought provoking. There are some 30-plus nationalities represented in Monash Province and I am beginning to hear the stories and issues afresh.

Social and cultural diversity does not simply refer to ethnic and racial groups. I believe that cultural diversity in its fullest sense refers to age, gender, disability, sexual preference, marital status, educational background, parental status, work experience, youth, and income; even that is probably not an exhaustive list.

One would hope that being old or young or gay or disabled would carry with it no cause for personal pain or suffering but we know that all too often individuals are disadvantaged by social circumstances and constructs. As a member of the Victorian Parliament I believe I must understand how this diversity plays out in my electorate and be particularly concerned about any unequal treatment towards any individuals who belong to these groups.

Labor understands its responsibilities in this regard. To illustrate, I remind members that in its first term the Bracks government enacted laws to end discrimination against same-sex couples, as recommended by the Equal Opportunity Commission in its report *Same Sex Relationships and the Law*. I understand that Labor amended some 57 acts of Parliament to give domestic partners equality with married spouses. This was a major achievement, and I know that many gay, lesbian, transgender and bisexual residents in Monash Province regard these reforms as being of major significance in their day-to-day lives.

I have also been very warmly welcomed by many local government councillors in Monash Province; from Port Phillip, Stonnington and Glen Eira. They have generously given me their time and introduced me to some of the very complex issues they — and now I — are required to address. It is a great beginning and I acknowledge their frankness and support so far.

In almost closing it gives me enormous pleasure to pay tribute to the great personal support that has been extended to me by former and present members of the

Victorian and commonwealth parliaments. I refer to the Honourables Clyde Holding, Barry Pullen, Joan Kirner, Caroline Hogg, Senator Barney Cooney and, of course, Mr Gavin Jennings. These fine Labor parliamentarians have, in their very different ways, taught me much that is valuable about leadership, about keeping true to first principles, and fairly representing the concerns and issues of the electorate. I sincerely hope the contribution I make in this house to the success of the Bracks Labor government will be sufficient to warrant the support I have received from so many people. Finally, I would like to acknowledge the love and support of my partner, Angela Palmer, who is here today.

Hon. W. A. LOVELL (North Eastern) — It is with pleasure that I take this opportunity to respond to the Governor's speech. In doing so, may I offer my congratulations to you, President, on your elevation to that position, and express my appreciation to the presiding officers and the staff of the parliamentary departments for the courtesy they have shown to us as new members of the 55th Parliament.

I am so proud and honoured to stand here in this house and speak for the first time representing the people of North Eastern Province. I am humbled by the trust and faith they have placed in me and pledge to repay that faith by being their strong and loyal voice in Spring Street. I would like to express my gratitude to the hundreds of Liberal members and supporters who manned all 118 booths across North Eastern Province. In particular I would like to thank my campaign team and the campaign teams in Rodney, Shepparton, Murray Valley and Benambra and acknowledge the hard work of the Liberal candidates in those seats — Simon Frost, Stephen Merrylees, Don Joyce, and the sitting member Tony Plowman — for the professional campaigns they ran in each electorate.

The result across the north-east was a strong endorsement for the Liberal Party, with Tony Plowman winning Benambra, the party winning the province for the first time, and Stephen, Simon and Don putting in very credible performances against three sitting members. Stephen actually gained the most primary votes of all candidates in the lower house seat of Shepparton.

I would also like to express my gratitude to the federal member for Murray, Dr Sharman Stone, the federal member for Indi, Sophie Panopoulos, and the honourable member for Benambra in the other place, Tony Plowman, for their help, advice and friendship over many years but particularly during the campaign. I

look forward to working with all of them to achieve the best outcomes for the people of the north-east.

David Koch, Richard Dalla-Riva and John Vogels join me as new Liberal members of the Legislative Council. I had the great pleasure of serving with David on the administration committee of the Victorian division of the Liberal Party, and also of working with both David and Richard on many standing and policy committees over the past few years. I congratulate all three on winning their seats and I am delighted that we will continue to serve our party together in this chamber. I also congratulate Ken Smith on his victory in the seat of Bass, a victory which has seen him move from this chamber to the other place.

My involvement with the Liberal Party began in 1975. At the age of 16, in the year of the dismissal, a difference of political philosophy with my year 10 business studies teacher inspired me to join the Young Liberal movement. Over the years I have followed with interest the political careers of many of my former fellow Young Liberals. I am now honoured to join the company of Louise Asher, Andrew Olexander, Bruce Atkinson, Phil Davis, Phil Honeywood, Victor Perton, David Koch, David Davis and Denis Napthine as members of the 55th Parliament.

The Liberal Party branch that I belong to is the Shepparton branch. It is one of the most active and vibrant branches in the Victorian division. As a tribute to its dedication, the Prime Minister awarded the branch the inaugural Liberal Party national branch award in 1998.

The members of the Shepparton branch have been a constant source of encouragement to me over many years and I thank them for their support. I will always be proud to say that I am a member of the Shepparton branch and of the Murray federal electorate, which we affectionately know as Team Murray.

My family shares a common link with our nation. Just as our nation is known as the lucky country, my family is known as the Lucky Lovells. But as we all know, what others may perceive to be good luck is more often the result of hard work and good management. Certainly the example our parents have always set for us was that the harder they worked, and in turn the harder we worked, the luckier we would get. I thank my parents, not only for the example and opportunities they have given us, but also for their unconditional love and support.

To my four cherished nephews, Kane, Jake, Rod and Sam, you are the joy of my life and the future of our

family. Not only are you the future of our family, you and your peers are the future of our state. In my time here in this chamber my decisions will always be based on creating a better society for you and your peers to inherit.

My background is in small business. From the age of eight I have worked side by side with my parents, brother and sister in our family newsagency. At first we would help after school or during school holidays. As we got older we graduated to paper rounds and part-time work, and for the past 25 years we have all worked together towards building a business that is recognised as an innovator and leader in the newsagency industry.

On the Showcasing Small Business web site the Minister for Small Business says:

Small businesses are a vital ingredient in our state's economy and in society generally. Not only do they support a vast proportion of our employment, they also contribute substantially to our social fabric and provide Victoria with many of its young entrepreneurial heroes.

I could not agree more. But the truth is: small business is hard work, and in recent years with increased costs due to Workcover premiums, public liability insurance, payroll tax, increasing rents, and the recent changes to the retail employment conditions, it is getting even harder. If we want small business to continue to drive the economy and provide employment opportunities, at the end of the day there has to be some incentive. I am not talking about government subsidies, but a reasonable return on investment and effort that makes it all worth while.

I am proud to stand here as the first Liberal to represent North Eastern Province since Sir Robert Menzies formed our great party in 1944. I am also proud to stand here as a Liberal woman, a woman preselected and elected on her own merit and not as the result of a quota system.

As Liberals we have always valued the contribution of women. It is a tribute to the vision of Sir Robert Menzies that when founding our great party he was to join with the Australia Women's National League, and as a result it is enshrined in our constitution that women are guaranteed equality of gender representation within the Liberal Party from branch level through to the senior executive. The women of the Liberal Party are fiercely proud of our equal representation and we sympathise with the women of other parties who are still fighting for the recognition that we have enjoyed for the past 59 years.

In recent years many have forgotten that it was Liberal governments which were the initiators of policy that enhanced the status of women. In this state alone it was the Hamer government which passed the first Victorian Equal Opportunity Act and which, under then Attorney-General Haddon Storey, was one of the first state governments to introduce rape reform law, and which removed the ban on women sitting the public service examination.

I am proud that I have been appointed the Liberal spokesperson for women's affairs. My goal will be to continue to build on our party's proud tradition of enhancing the status of women and return the Liberal Party to the community's thoughts as the party which will achieve this.

North Eastern Province covers 23 731 square kilometres. It includes the communities of Beechworth, Chiltern, Cobram, Corryong, Echuca, Heathcote, Nathalia, Kyabram, Mooroopna, Rochester, Shepparton, Wangaratta, Wodonga, Yackandandah and Yarrowonga, some of the most picturesque, historical and productive areas in our state.

Many of the events and legends that have shaped our culture have their origins in the North Eastern Province. The great explorers Hume and Hovell were the first to traverse the area in 1824. They were followed 12 years later by Major Sir Thomas Mitchell, who camped on the banks of the Gunbower Creek and proclaimed the area Australia Felix, the fortunate land. As a result of Mitchell's glowing reports, within months settlers from New South Wales were making their way to the promised land. Life on the land was hard and the early settlers faced many challenges.

The 1850s were to bring another wave of settlers to the region with gold being discovered in Rushworth, Whroo, Rutherglen, Chiltern, Yackandandah and Beechworth. The north-east was a prosperous area and the wealth brought by gold was to give birth to an infamous era in Victorian history — the era of the bushranger.

Throughout the many towns in the north-east you can follow the trail blazed by Ned Kelly and his gang. You can visit the prison cells in Beechworth that once housed both Ned and his mother, or you can listen to the stories told by locals of the day the Kelly gang came to their town. The state elections of 1855 were to give birth to another legend — the legend of the Golden Horseshoes. The miners in Beechworth were divided into two distinct groups: the Punchers, who were the dry miners who worked the stream banks and dry gullies; and the Monkeys, who were the wet miners

who worked the streams. Each of the groups sponsored different candidates for the state election, and legend has it that on the day of the election the Monkeys' candidate Daniel Cameron rode into town on a horse shod with solid gold horseshoes. Daniel Cameron was elected to represent the miners — he sat in this very chamber — and to this day the people of Beechworth still celebrate the Golden Horseshoe festival. I can assure honourable members that we no longer elect our representatives in such an extravagant manner.

Hon. J. M. Madden — Are you sure?

Hon. W. A. LOVELL — I have the blisters to prove it.

The gold rush would come and go, but it was the search for water that was to prove more elusive and more precious than gold. The land on the plains in the north-east was fertile, but without a reliable water source it was useless.

Great statesmen, men like Alfred Deakin, searched for the answers to unlock the potential of the wide flat land, and temporary irrigation by pumping from the Loddon and Goulburn rivers was begun in 1882. It was recognised that the water supply position in Victoria was far from satisfactory, and in 1886 some of the most important legislation in Victoria's history passed through Parliament. That legislation led to the construction of Australia's first national irrigation weir, the Goulburn Weir.

The water began to flow and the north-east prospered. The river towns along the Murray were alive with the sounds of steam whistles as the paddle steamers carried trade between the colonies of New South Wales and Victoria. The largest inland port in Australia was the port of Echuca. Today the port has been restored and is a living memory of a time before Federation.

Two great conferences have taken place in the twin border towns along the Murray River, where North Eastern Province joins New South Wales. The first took place on 31 July 1893 in the twin border towns of Corowa-Wahgunyah. The conference, attended by representatives from both Victoria and New South Wales, resolved a plan known as the Corowa Plan. That plan became the blueprint for Federation.

The second great conference was held in the twin border town of Albury-Wodonga on 14 December 1944, when a unity of non-Labor organisations was brought together by Sir Robert Menzies and the Liberal Party was formally constituted.

Many great Australians have begun their days in the North Eastern Province — men like Sir Isaac Isaacs, who was educated in Yackandandah and Beechworth, represented the seat of Bogong in the Victorian Legislative Assembly and was the first federal member for Indi before becoming our first Australian-born Governor-General. Sir Hubert Opperman, the great Australian cyclist, Liberal Federal minister and Australian High Commissioner to Malta, was born at Rochester. Others were two former Australian prime ministers: Sir John Gorton, who began his political career in local government on the western edge of the province; and Sir John 'Blackjack' McEwen, who was our federal member for 32 years. The great Australian war hero and surgeon Weary Dunlop was born in Wangaratta; Richard Pratt attended the Grahamvale Primary School on the outskirts of Shepparton; and Jack Riley, who was the inspiration for Banjo Paterson's *The Man from Snowy River*, spent most of his days in the high country around Corryong and his grave can be visited at the Corryong cemetery.

Our region has also produced its fair share of great sportsmen and sportswomen, far too numerous to mention, but I would like to acknowledge the former Geelong champion and Fremantle Dockers coach, Damien Drum, who sits with us in this chamber, and also his brother-in-law and my personal friend, the great Richmond champion Francis Bourke.

North Eastern Province is one of Australia's most diverse and progressive regions. It is an area that has thrived on the innovation of local agriculture, industry, manufacturing and commerce, as well as the healthy cultural influence of migrants, both past and present.

Early life on the land presented many challenges that needed practical solutions. One of these challenges was the need to cart water to livestock. At his foundry in Shepparton Joseph Furphy developed a water cart that became a standard feature not only on farms but also on the fields of war. In the First World War our brave diggers would gather around a Furphy water cart to quench their thirst and tell tales of their day's adventures. This led to the name Furphy becoming part of the Australian language — a colloquialism for a tall tale.

Inscribed on the cast-iron end plates of each of his water carts Joseph Furphy inscribed his motto:

Good Better Best, Never Let it Rest,
Till our Good is Better and our Better Best

Joseph's motto could well have been the catalyst that inspired the whole north-east to adopt its attitude of commitment to excellence.

After the Second World War migrants flocked to north-eastern Victoria. They arrived from the United Kingdom, Italy, Greece, the Netherlands, Albania and Turkey. Some settled in the valleys and planted orchards, tobacco and vines. Others came to work on the Snowy hydro scheme or in the Victorian high-country towns that serviced the Snowy project. Many of the Snowy workers were later to settle in the north-east. They worked hard, and together we prospered.

In more recent years we have been joined by migrants from India, Indonesia, Iraq, Iran, the Philippines and many other countries. In addition to our large multicultural population we also have the largest population of indigenous Australians in Victoria outside metropolitan Melbourne.

North-eastern Victoria has become known as the food bowl of Australia. With its dairying, horticulture, livestock production, viticulture, crops and more, you can be sure you will find the best in North Eastern Province. Approximately 24 per cent of our nation's dairy farms producing 26 per cent of the nation's milk can be found in the north-east. Dairy farmers supply their milk to the local milk factories, including Bonlac Foods, Murray Goulburn Cooperative, Tatura Milk Industries, Ducats Food Products and Dairy Farmers, as well as to the multinationals — Nestlé Australia, Kraft Foods and Parmalat Australia. Japanese companies Mitsubishi-Meiji and Snow Brand Milk Products have formed joint ventures with Murray Goulburn Cooperative and Tatura Milk Industries to process and package infant milk formula for Asian markets. The dairy industry represents 28 per cent of all Victorian food industry turnover and more than 40 per cent of Victorian exports.

The north-east is Australia's premier fruit growing area. The principal crops are pears, apples, peaches, nectarines, apricots, plums, nashi, kiwifruit and cherries, grown for both the fresh market and for canning. Our region grows 90 per cent of the national deciduous canned fruit production, 85 per cent of the national pear crop, 90 per cent of the national kiwifruit crop, 80 per cent of the national nashi crop, 45 per cent of the national stone-fruit crop and 16 per cent of the national apple crop. The total average production of fruit exceeds 250 000 tonnes. The region exports approximately 16 per cent of our fresh fruit production and 55 per cent of processed fruit.

Tomatoes are another major crop grown in the north-east. The total annual investment in establishing the 3500 hectares of tomato crops grown in the north-east is around \$20 million.

It is only natural that the nation's food bowl would become home to the nation's leading horticultural processors. Some of the major processors found in the north-east include: SPC Ardmona, Henry Jones (IXL) Ltd, Campbell Soups Company, Girgarre Country Foods, Heinz Watties Australasia Ltd, Unifoods-Rosella, Cedenco Foods Ltd, JR Simplot Company and Uncle Ben's Foods.

Some of Australia's finest wineries can be found in the north-east: Brown Brothers of Milawa; Morris's Winery, All Saints Winery and Stanton and Killeen of Rutherglen; and Monochino's Winery of Katunga, to name just a few. The wineries of the north-east have contributed greatly to another of our growing industries — tourism. When next considering a weekend away honourable members should all be aware that Sydney may have a nice harbour but Rutherglen has a great port!

In our quest for excellence the north-east was not about to be left behind in the race for space. Casein — a plastic milk product — produced at Cohuna was used as a food product for astronauts on the Apollo missions, and when the CSIRO shelved a product to develop a turbulent flow measurement probe that is now used for research in universities around Australia as well as at the National Aeronautics and Space Administration it was Bernie Smith, a watchmaker from Tallangatta, and a mathematician friend who completed the project.

My introduction as the member for North East Province has literally been a baptism of fire, with the eastern half of my electorate ablaze with the worst bushfires since 1939 and the western half suffering the worst drought for the past 100 years. During the worst of the fires the member for Benambra in another place, Tony Plowman, a member for Central Highlands Province, Graeme Stoney, the shadow Minister for Police and Emergency Services in the other place, Kim Wells, and I visited many of the towns in the north-east and spoke with the local Country Fire Authority firefighters, Parks Victoria rangers and Department of Sustainability and Environment foresters. In the debate that follows this disastrous fire season and in any debate that addresses future forest management issues, it is these locals with the knowledge of how to best manage their local environments to whom we must listen.

The north-east is an area that has thrived on personal enterprise and small business, but despite our ingenuity we now have new challenges to overcome: our dairy farmers are currently being paid as low as 22 cents per litre for milk that is costing them up to 40 cents per litre to produce; for the first time in history our irrigators on the Goulburn system will receive only 53 per cent of

their water right this year; and according to figures released by Goulburn-Murray Water last week those irrigators are faced with 9 chances in 10 of starting the 2003–04 irrigation season with an allocation as low as 35 per cent.

In addition to the immediate problems we face with the drought and the bushfires, our children are leaving school far too early or are leaving the area permanently in search of education and employment opportunities in the city. Our average income is amongst the lowest in the state, and the level of basic services, particularly in some of the smaller towns, is well below those provided in metropolitan Melbourne.

Country Victoria is our state's crowning glory, and there is no doubt that the North Eastern Province is the jewel in the crown of the state of Victoria. Unfortunately the Bracks government has chosen to remove the crown from the logo of our state, and in doing so they have forgotten the jewel in the crown.

The people of the north-east do not ask for special treatment; all they want is a fair go. It is time the government looked beyond the fringe of metropolitan Melbourne and the large rural cities of Ballarat, Bendigo and Geelong.

Honourable members, the message that I bring to you here today is that the North Eastern Province is far too good to ignore.

Hon. R. G. MITCHELL (Central Highlands) — Firstly, I would like to congratulate you, President, on your appointment. I am very happy to have the opportunity to work with you over the next four years, and I feel confident that you will ensure the house will be a very effective tool of governance.

I feel honoured and privileged to be given the opportunity to represent what I believe is the best part of Victoria — and I hope Mr Stoney will concur — the seat of Central Highlands. I am extremely proud to be the first Labor member for Central Highlands, and I feel that this is a reflection of the hard work and dedication of the Bracks government and its commitment to restore and rebuild rural and regional Victoria following the savage treatment it received under the previous Liberal-National regime. A special trust has been placed upon me by the voters, and it is one which will not be abused.

I was born in the northern suburbs of Dallas, a housing commission suburb, to working-class parents who did not enjoy the comforts of wealth but nevertheless worked very hard to give their children as much enrichment in life as they could afford. They gave us

the opportunity to experience the sights, sounds and the features of this wonderful state of Victoria.

Special thanks for non-stop support and help goes to my partner, Lisa, who realised that representing people was a goal I needed to achieve. Lisa understood that I needed to spend time away from the family to pursue it. This meant Lisa had to shoulder more of the family workload, and she has done so very well. Without her unqualified support, I would not be here today.

My father always told me that you must always look after no. 1; if you took care of yourself, things would be okay. With that in mind I started off on a search to find what I thought was important in life — that is, we are members of a community, and as a community we all need to work together. We need to help each other and together we will all grow. Good governance is a part of that community, and as part of that community it plays a vital role.

I would like to thank my parents, who allowed me to follow my thoughts, trust my instincts and back my judgments when I thought I was right. I want to also thank my sister, Glenda, who has been a pillar to me when I was not sure of the outcome of my decisions, and who has supported my decisions even when she herself questioned what I was doing.

I have one sadness today, and that is that my younger brother, Jason, cannot be here to witness this event. He passed away suddenly two years ago when he was just 29 from a little-known disease called Marfan syndrome. This disease affects on average 1 in 3000 people, yet most people, doctors included, have little knowledge of it. Marfan syndrome is a life-threatening disorder of the body's connective tissue caused by a faulty gene which affects many different organ systems, including the skeleton, heart, lungs, eyes and blood vessels. For most people with Marfan syndrome the most serious problem is the enlargement of the aorta, the main blood vessel that carries oxygenated blood from the heart to the rest of the body. When the aorta enlarges it becomes prone to dissection or tearing between its layers, which causes severe pain to the chest, back or abdomen, depending on where the dissection takes place. Should the aorta tear, you have an immediate life-threatening problem, which in a lot of cases goes unnoticed and, as in Jason's case, death occurs very quickly.

I am fortunate to have recently met Sally Ferguson and her family, who are residents of Broadford in my electorate. Sally is the president of the Marfan Association. She dedicates her time to assisting those in similar circumstances to our family, as well as endeavouring to increase the public's awareness of

Marfan syndrome. I hope during my time as a community representative to complement Sally's work and do what I can to support, and even increase, awareness of Marfan syndrome.

I left school before the completion of year 10 to enter the work force in the footwear industry, where I completed my apprenticeship in footwear making. This was a very special time, as I learnt that there are many varied and wonderful people out there who, when given the opportunity, are valuable contributors to society, and who can offer so much with their differing cultural backgrounds.

From there I went on to become a tow truck operator and spent three years listening to and learning from, and never ceasing to be amazed by, the diversity of viewpoints in our community. After that I headed into the transport industry, where I spent more than 10 years working with owner-drivers, mechanics and fleet owners, listening to their concerns while supplying their replacement parts to keep this vital industry moving. I am also very proud to have served on the committee and as an active member of the Community Emergency Response Team in Craigieburn, a volunteer organisation which attends medical emergencies in conjunction with the Metropolitan Ambulance Service (MAS) in the Craigieburn area. I am very grateful for the support I received from the Craigieburn and District Ambulance Committee and for the training from the MAS, who taught the team important first aid skills, enabling it to help the community of Craigieburn. I wish them well.

It was during this time I made up my mind that to make a difference I had to be prepared to put my hand up. Through good fortune I met the current honourable member for Melton in another place, Don Nardella. Don encouraged me to join the ALP, where I was able to learn the processes and be in touch with people who shared my thoughts and views, which helped to give me the direction to head where I wanted to go.

When Mr Kennett called the 1999 election the general expectation was that he and his colleagues would be comfortably returned to government. I decided I would put my name up to be endorsed by the ALP as the candidate for the Central Highlands Province. I had experienced enough of the style of government introduced by the then Kennett government and was determined to try to effect change. History records that while I did not get elected, Ben Hardman won the seat of Seymour and Andre Haermeyer retained the seat of Yan Yean. I felt that I had made a contribution towards the stunning victory of the Bracks-led Labor government.

In 2002 I again sought endorsement from the ALP as its candidate for Central Highlands Province. I take this opportunity to thank all those members and supporters of the ALP who reside within Central Highlands Province for their encouragement and for putting their confidence in me. There was a difference in the 2002 election — we were the government, albeit a minority one, and the task was now to have the government returned with an increased majority to enable it to govern in its own right and to reform this house.

I wanted to ensure that Ben Hardman and Denise Allen were re-elected, and that Danielle Green won the seat of Yan Yean and Heather McTaggart the seat of Evelyn. But most importantly I wanted to ensure the election of the second Bracks Labor government. The result is now history. It was absolutely stunning to find myself part of a team that not only won, but won well. It has now given us the ability to effect change to this undemocratic and outdated chamber. The chamber will no longer be a sinecure for some, but will be a modern representative chamber of review.

Sadly Denise Allen was not successful in her bid for re-election, despite gaining the highest primary vote and despite delivering to the people of Mansfield and Benalla a change in the boundary of the Delatite shire, which will give them greater autonomy at the local government level. Denise also helped to secure funding for many important projects in the Benalla electorate, including \$3.6 million for Bright P12 College, \$900 000 for the Benalla Secondary College, \$500 000 for the Myrtleford Secondary College and \$1.8 million for Alexandra Secondary College.

As well, Denise Allen supported community projects such as funding for the Alexandra Bowling Club and a skate park in Mansfield; and she helped the Bonnie Doon community save its old school and obtain funding to create an adult education and community centre. Road funding in the Benalla electorate was at an all time high. This is only a small portion of the facilities and programs which Denise delivered to her electorate. As the Premier has stated, the Bracks Labor government delivers and will continue to deliver for all Victoria. Denise, as part of the government, delivered to her constituents a level of attention they will miss. I know my colleagues and I will miss her, and I wish her well.

I said the results of the election were stunning, and so they were. The government, led by Steve Bracks, was returned with a substantially increased vote in the seats of Yan Yean and Seymour, and Heather McTaggart won the seat of Evelyn. I am here today as a result of those events. The seat of Central Highlands covers

some 24 500 square kilometres of some of the most picturesque parts of Victoria, as well as including highly productive land of great significance to the state's economy.

With the Legislative Assembly seats of Yan Yean, Evelyn, Seymour and Benalla, Central Highlands Province extends from the urban fringe of Melbourne, up the Hume corridor through to Glenrowan and to the mountains and towns of the north-east. The southern section of Central Highlands Province is Melbourne's urban-rural fringe and includes the interface councils of Yarra Ranges, Nillumbik, Mitchell, and Whittlesea, and the urban area of Manningham city. These areas are rapidly growing, with councils working closely in partnership with the Bracks government to provide the necessary infrastructure for their growing communities. I look forward to working closely with these municipalities over the next four years to assist them in building their communities, while at the same time preserving the significant natural environment which makes these municipalities attractive places to live.

The northern part of Central Highlands encompasses rural areas and regional centres and the shires of Strathbogie, Alpine, Murrindindi and Mansfield, and the cities of Greater Shepparton, Benalla and Wangaratta. This part of Victoria is vital to our state's economy in agricultural and horticultural production and for its strong role in tourism. Again I look forward to working with these councils to help them build their economic and infrastructure bases, to boosting tourism and to creating employment opportunities in their municipalities.

The Bracks government committed itself at the 1999 election to providing infrastructure projects which would improve the quality of life for people in rural and regional Victoria. In the lower house seats of Seymour, Yan Yean, Evelyn and Benalla alone much has been done already. But there is more to be done.

In the short time since I was elected to Parliament I have already attended the opening of three new police stations — at Broadford, Violet Town and Kinglake. Two of these stations replaced ageing facilities, and the Kinglake station is a brand-new facility. The provision of high-quality police services is of great importance in rural areas and these new facilities provide the people of these communities with not only quick access to the police in crisis situations but also further strengthen these communities because of the important role police play in promoting community safety.

As I have travelled to my office in Kilmore I have been watching the building of the new police station in the

town. This facility will give the people of Kilmore and surrounding areas 24-hour access to police. In the next four years the provision of a new police station at Hurstbridge, a 24-hour station at Wallan and an emergency services centre for police, Country Fire Authority and ambulance services in Diamond Creek will continue to provide quality policing and emergency services to my electorate.

Whilst the southern fringe of Central Highlands is an urban-rural mix, with many people commuting to work, much of my electorate is rural in character. Rural industries and tourism play a significant role in the economy of Central Highlands. Traditional farming pursuits have long been the mainstay of much of Central Highlands, with sheep and cattle grazing, fat lamb production, and wool being historically the most significant products of the area. Forestry, too, has played a huge role in the economy of Central Highlands, and these pursuits continue to provide an important base to the economy of my electorate and jobs to those who live there.

Other agricultural and horticultural pursuits have also been significant in the economy of Central Highlands, with berry fruits grown around Wandin, Seville, Toolangi and Kinglake; and also potatoes and vegetables in both the Yarra and Kinglake Ranges; and in the future, new products being grown, like the proposed green tea plantation for Murrindindi.

In more recent years grape growing and winemaking have become of increasing significance to the economy of Central Highlands. There are vineyards in all parts of Central Highlands, from the Strathbogie Ranges to Nagambie and to the King Valley and Yarra Valley, providing not only superb wines, but adding to the growth of cellar-door tourism.

The role of tourism is also of great significance in my electorate. Alpine shire alone has 13 of Victoria's highest mountains; and the ski fields of Mount Hotham, Falls Creek, Dinner Plain, Mount Buffalo, Mount Buller and Lake Mountain offer visitors state-of-the-art facilities for skiing and enjoying the mountains in the summer months.

Another significant contributor to the success of tourism in the north-east is in outdoor and adventure recreation pursuits and outdoor education. For example, the Outdoor Education Group based at Thornton, which runs an extensive outdoor education program, is the third largest employer in the Shire of Murrindindi.

Recently much of the north east of Central Highlands Province has been devastated by fire, with the Alpine

shire in my electorate being greatly affected. I was fortunate to visit incident management centres at Benalla, the Ovens control centre and surrounding districts during the month of January to see first hand the tremendous work being undertaken by the CFA volunteers, Department of Sustainability and Environment staff and the many other organisations which combined to combat this terrible event. There is much to be done to rebuild after such devastation, and as a member of the Bracks government I will assist the communities wherever I can. I applaud the government on the proactive measures it has undertaken to assist people affected by fires.

People often ask, 'What is it you wish to achieve during your term?'. I know that I have an aim that in four years time, when this whole Council should rise for election as one, when given the name of their upper house member of Parliament people will respond with 'Yes, that's right' rather than 'Who?'. I believe my role as a member of Parliament will be to assist the people of my electorate to build communities which provide stable employment and quality infrastructure. I will work closely with the many communities in Central Highlands to continue the work which the Bracks government commenced in 1999.

As I said earlier, thank you to all those who have supported me, encouraged me and worked hard with me to deliver the Bracks government a second term.

I am honoured and proud to be given this role and I look forward to contributing in a constructive way to a government that will govern for Victoria and all Victorians.

Thank you, President and honourable members, for your attention.

Hon. J. A. VOGELS (Western) — President, I take this opportunity to congratulate you on being elected President of the Legislative Council. We have something in common: we have both been elected to positions previously held by the Honourable Bruce Chamberlain — and looking at our seating arrangements, I think I drew the short straw!

I would like to place on record a tribute to Bruce, who served this Parliament from 1973 when he was elected MLA for Dundas. That electorate was abolished in 1976, and Bruce was elected a member for Western Province and was subsequently re-elected in 1982, 1988 and 1996.

In 1992 Bruce was elected President of the Legislative Council and over the ensuing 10 years held the respect of the members of Council, be they Liberal, Labor or

National Party. Throughout his parliamentary career Bruce held many party positions, commencing as shadow minister for conservation and planning and including shadow Attorney-General, Leader of the Opposition in this house, shadow minister for local government and major projects, shadow Minister for Industry, Technology and Resources and shadow minister for government planning and state growth. I could go on and name another 50 or so committees and organisations that Bruce has been affiliated with over the years and not do him justice. Suffice it to say that he will be sorely missed by his colleagues in this place and the constituency he served so well in the Western District for over 30 years.

Following my election to Parliament in 1999 as the honourable member for Warrnambool in the other place, it was sad to find that the Electoral Boundaries Commission in its wisdom decided to abolish that seat in the redistribution, effective as at the last state election. However, following the decision by the Honourable Bruce Chamberlain to retire, an opportunity arose for me to contest the new and much larger electorate of Western Province.

Western Province is made up of four Legislative Assembly districts — namely Ripon, Polwarth, Lowan and South-West Coast. It comprises an area of 63 413 square kilometres, which equates to 28 per cent of the state of Victoria. It is approximately twice the size of Holland, the country I was born in. It has 17 municipalities within its boundaries, including the Rural City of Ararat; the City of Ballarat, which is obviously based at Ballarat; the Central Goldfields Shire Council, Maryborough; the Colac-Otway Shire Council, Colac; the Corangamite Shire Council, Camperdown; the Glenelg Shire Council, Portland; the Golden Plains Shire Council, Bannockburn; the Hepburn Shire Council, Daylesford; the Hindmarsh Shire Council, Nhill; the Horsham Rural City Council, Horsham; the Moyne Shire Council, Port Fairy and Mortlake; the Northern Grampians Shire Council, Stawell; the Pyrenees Shire Council, Beaufort-Avoca; the Southern Grampians Shire Council, Hamilton; the Surf Coast Shire, Torquay; the Warrnambool City Council, Warrnambool; and the West Wimmera Shire Council, Edenhope.

As the opposition spokesperson for local government. I am looking forward to working with all these councils, as well as others throughout the state of Victoria. Just for interest's sake, Western Province incorporates some or all of the federal electorates of Wannon, Corangamite, Mallee, Ballarat and Bendigo.

It is also my understanding that the Bracks government does not believe this electorate is large enough and is proposing to bring in legislation which will mean Western Province will also include all of Geelong, the rest of Ballarat, all of the Bellarine Peninsula, the Barwon region, Lara, Melton and Werribee — but we are still going to call it a rural seat! However, that is a debate for another day. There is no doubt the wealth and stability of the province depends heavily on primary production and on the small businesses that supply the goods and services to this sector.

The tourism industry is also a major player and is becoming more important as the rest of Australia and the world discover the Great Ocean Road, the Grampians and the Otways. If we had a thumbnail sketch of Western Province that started in the north we would find the famous Wimmera grain growing regions. As we travelled south the rich grazing lands of the Western District would unfold before us, carrying cattle and sheep. To the east we would see the wineries of the Pyrenees, then on to the fertile Western Plains cropping country and into the state's most successful dairy region. All in all, it is the breadbasket of Victoria.

It needs to be said at this stage that due to probably the worst drought in the history of eastern Australia, agriculture and the businesses that service the industry are struggling. We have had some welcome rain in the past two or three weeks, but much more is needed.

Western Province also stretches some 300 kilometres along the famous Shipwreck Coast and the Great Ocean Road. It is a spectacular coastline that attracts 2.7 million visitors annually, which helps to support and bring many benefits to the townships along the way. The challenge for tourism bodies is to have a percentage of these visitors move into the hinterland to experience our lakes and craters, our wineries, farm produce and the myriad other attractions that are out there to be enjoyed.

Western Province is fast becoming a critical source of energy for Victoria, and Australia. Since the Longford disaster a gas pipeline has been laid from Iona Fields near Port Campbell to supply gas to Melbourne, and another is in the process of being laid to Adelaide, whilst BHP is developing the Minerva offshore fields. While this is good for the state it is a frustrating fact that until now local towns have been unable to convince companies or governments to provide the infrastructure so that they can be connected to natural gas. If 100 years ago a town was not located on a railway line it was doomed. As we progressed it was a major road, then electricity and water that were needed.

Governments played a major role in providing all these services, and natural gas is the next essential required.

We are seeing the construction of hundreds of wind farms generating wind power. This has and will continue to create hundreds of new highly skilled jobs. A word of caution though: it amazes and disappoints me that in a country the size of Australia we cannot find sites that are suitable without having to place these wind farms on some of our most pristine coastlines, causing anger and friction in our communities. The Minister for Planning needs to listen much more carefully to what local communities and councils that are directly affected are saying on the placement of these wind farms.

At present a company called Iluka Resources is developing a mineral sands deposit near Horsham, as well as a mineral separation plant at Hamilton. Once again, this project will inject millions of dollars into our local economies. Most of this product will be exported to Asia, adding over the years another 1 million tonnes of product handled at Portland. The port of Portland is already a major exporter of our agricultural produce and of aluminium from Alcoa, which is great news for this city. But again the state government must ensure that our road and rail networks are up to scratch. It is about time the \$96 million that was promised to standardise the rail line to Portland got under way. It is 2003, and \$96 million will not build in 2003 what it would have built in 2000.

While on the subject of infrastructure for rural Victoria, we have to start thinking outside the square. The present system of making submissions to governments for grants is just not working. They are usually based on population and require dollar-for-dollar funding, which most rural municipalities could not match, even if they were the successful applicant.

Also while I am on infrastructure development, in the past governments of all persuasions seem to have granted tenders for the construction of schools, hospitals, bridges or court houses to major city or interstate firms.

A tender may be low, but inevitably when the problems start the contract needs to be varied. In too many cases local subcontractors are not paid even though they have already been beaten down to rock-bottom prices after they have become subcontractors for the major tenderer. Hold-ups occur and the project is delayed, resulting in cost cutting to meet the tender price. The result is an inferior finished product and the government has to tip in more money

than if it had chosen a local firm in the first place, leaving a sour taste for all concerned.

What about reducing the amount of payroll tax employers pay if they run a business outside the city or major regional centres? That would be a major incentive for businesses to decentralise. It is up to this government to lead the push for decentralisation, not to sit on its hands and watch the rural population decline.

Having spent many years on a rural health care services board I am of the opinion that much could be achieved in the delivery of service and millions of dollars could be better utilised by expanding on the multipurpose service model and actually empowering the health services in rural Victoria by allowing them to deliver to meet the needs of their communities. Just because something works well in the city does not mean it will work in rural Victoria.

A good example would be the hospital in the home and early discharge schemes. They sound great; however, in rural Victoria you are likely to have a small hospital health service staffed to the minimum for budgetary reasons as well as it having difficulty in attracting staff. Occupancy rates are at about 75 to 80 per cent. It is ridiculous and costly to have nurses travel hundreds of kilometres or more to treat a patient once or twice a day when there is an empty bed in a hospital.

Why do we have three or sometimes four agencies delivering nearly if not all the same services which in many cases leads to confusion? On one day of the week the local council sends out a personal-care attendant and perhaps a maintenance person, both from the home and community care program while on another day the local health care service may send out the district nurse. Another agency delivers Meals on Wheels and yet another organisation will deliver the linkages and community aged care packages. If we had one agency delivering all those services in a community not only would taxpayers save hundreds of millions of dollars but the most important person of all — that is, the recipient — would have a carer of some description probably visiting every day instead of four on one day with perhaps none for the next three days and maybe three on the next day.

Over the past three years I have listened to many debates in the Legislative Assembly on state parks, national parks and marine parks. On each occasion local communities were pointing out the disasters that would befall them, but these concerns were basically ignored. Whilst these important issues were being debated in the house it was always frustrating to see the environmentalists from middle-class suburbia being

wined and dined by the bureaucrats while those who live and work in these areas and who are directly impacted by the legislation at hand were treated with disdain.

We have just witnessed probably the worst-ever bushfire season in this state and unfortunately we are on a path for many more to come; that is the nature of this country. Sadly, locking up vast tracts of forest means that every few years when we have a drier-than-normal year Mother Nature incinerates the tracts. That includes burning the timber that has provided so many jobs from harvesting a renewable resource and the death of countless numbers of native animals.

Before the last election the Premier signed the death knell for the Otways, promising to lock it up so it can become another deathtrap. The Otways consist of approximately 100 000 hectares of forest, 70 per cent of which is now locked away never to be touched and 30 per cent is allowed to be harvested at 0.3 per cent per year, which equals 300 hectares a year. In other words it is a 100-year cycle, yet it is all sustainable with an excellent regional forest agreement creating hundreds of jobs, which is excellent for forests because access tracks are maintained by timber harvesters who understand and know the area like the backs of their hands if a fire starts.

The state government's role is to provide sufficient resources to systematically control and burn parts of the forest during cooler months, to ensure access tracks are maintained and that there are watering points for tankers when a fire breaks out. I wonder if anybody has added up the contribution to greenhouse gases by the more than 1.2 million hectares of forests that have been burnt in Victoria alone, the fires in which are still burning out of control.

I pay tribute to the wonderful contributions made by our volunteers — the Country Fire Authority, the State Emergency Service, the Red Cross and the service clubs whose members always come to the fore in times of need. Let us hope they are listened to when inquiries are conducted into the reasons for these catastrophes.

I am looking forward to representing Western Province in the 55th Parliament. I will do my best to advocate the needs of my constituents while at the same time holding the Bracks government accountable. I thank the chamber for the courtesy extended to me in this my inaugural speech.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.06 p.m.

QUESTIONS WITHOUT NOTICE

Small business: ministerial priorities

Hon. B. N. ATKINSON (Koonung) — I address my question to the Minister for Small Business. I congratulate her on her reappointment to the position. I was wondering if the minister could advise the house of the five major issues that she sees confronting her in her small business portfolio in this term of the Parliament?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his congratulatory message, and I also wish to pass on mine to him in his new position as the spokesperson for small business. I think it is, though, an indictment on the opposition that it has not seen fit to include the small business portfolio in the shadow ministry, particularly as this is the first time since the position of Minister for Small Business was put in place in 1990 that there has not been a shadow Minister for Small Business.

That is no fault of the honourable member, but it is an indictment of the opposition in that it does not care for small business — it does not care for the needs of small business, and it should rectify that problem straightaway.

The honourable member asked a question about the five areas of concern for small business. We addressed a number of those concerns in our election commitment. The first is the question of small business being able to compete fairly. To that end we have determined to establish the office of the Small Business Commissioner, which I outlined in the house yesterday, along with the role of the Small Business Commissioner.

We are also very keen to see a change to the way in which government deals with small business. To that end in our policy we talked about the need for small business charters that government departments would enter into, as to how they would deal with small businesses and the issues that small businesses raise with them. We also talked about the way in which we, as a government, assist small business to help grow their businesses and that we would look at ways in which we can make sure that that assistance is getting to small businesses when they need it.

We will continue to look at the programs that we offer as a state government, to modify those, and at new programs to ensure that small businesses that are at a point where they can grow their businesses, but are not quite sure what they need to do, have access to the kind

of expertise they need to do that. That was also an election commitment. We are also conscious of regulation in relation to government and the need for flexibility in regulation.

Sometimes governments regulate having in mind only what big business can adhere to and comply with and give little regard to whether small business can meet that commitment. The government will be looking at ways of ensuring that our regulatory processes take into account the capacity for small business to meet the regulations that are put in place by government from time to time. It is true to say governments regulate — that is what they do. We need to ensure the regulations we put in place are able to be complied with by small businesses in a way which is not cost-prohibitive or takes too much time in paperwork to adhere to. Government members will be looking at the ways in which we develop those policies.

The government will also continue to look at industry policies and growing our innovative industries, ensuring that our businesses are taking full account of current IT capabilities to make them more efficient businesses, and look at export opportunities to grow their businesses not just here in Victoria and Australia but overseas. This government is committed to ensuring we create an environment where small businesses can grow and flourish.

Shop trading hours: Easter Sunday

Hon. R. G. MITCHELL (Central Highlands) — Can the Minister for Small Business explain to the house the benefits of the Easter Sunday trading ban and how it is being received in the community?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question and congratulate him on his inaugural speech which I had the pleasure to hear earlier today. It was a great speech, and I am sure the honourable member will be a wonderful representative for the people of Central Highlands.

The government is doing what it promised it would do during the election campaign. The issue received a great deal of coverage during the election and a lot of debate occurred during that time. The government has had discussions and is discussing with the Municipal Association of Victoria, the retail associations and individual councils how it will go about implementing that policy.

The policy will give back to Victorians the Easter Saturday public holiday, the public holiday that was

taken away from them by the Kennett government. It will reduce cross-border confusion and bring us in line with other states.

By way of contrast, let's have a little look at what the Kennett government did when it was running for election and the promises its members made to the electorate on shop trading hours. That government promised it would extend shop trading to the first Sunday in every month. That was its election promise. And what did it do when it got into government? The Kennett government introduced an open-slather regime in this state. Was there any consultation then? No! It could explain why they are still in opposition.

This is not a move to re-regulate our shop trading hours. The government accepts that that time has passed, but it is an opportunity to restore some balance. The Liberal Party has to recognise that even when this legislation is passed Victoria is still open for business to trade 24 hours a day, 7 days a week, 361.5 days of the year. I will repeat it for you: 24 hours a day, 7 days a week, 361.5 days of the year. Victoria still has the most liberal shop trading laws in Australia. The change will give back one day for those families in small business who otherwise feel obliged to open because their larger competitors are open.

Those councils in regions where festivals and events occur may seek an exemption. Confusion will only arise if the opposition attempts to delay the introduction of this legislation. This game playing by the opposition will only increase the uncertainty for many small businesses and for councils and shires across Victoria.

This proposed legislation honours the Premier's statement that the government will only promise what it can deliver, and it will deliver what it promises.

Sport and recreation: ministerial priorities

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Will the Minister for Sport and Recreation inform the house what his top five portfolio priorities are for 2003?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Congratulations, President, on assuming the mantle of presidency. It is a privilege to serve in this chamber alongside so many members, not only those who are newly elected but also those who continue to serve their electorates and provinces. No doubt they will work hard to see their communities represented well and truly regardless of what party or what side of the house they represent.

I also congratulate the Honourable Gordon Rich-Phillips for assuming the mantle of spokesperson

on sport and recreation and the Commonwealth Games. That signals that the hard work he has put in in many areas of his experience in the previous term of this Parliament has paid off. But I am disappointed in the Liberal Party for not making sport and recreation and the Commonwealth Games shadow ministry positions. That does not reflect on the opposition member, but it does reflect on where the priorities of the Liberal Party are in this next term of the Bracks Labor government.

The previous Bracks government worked very hard to ensure the facilitation and development of grassroots sport throughout the state was enhanced and developed. We will continue that hard work into this term of government. Not only will we do that, but we will also make sure we support organisations which will always find a degree of difficulty in delivering sport in terms of their capacity.

The complexity of society today means there is a requirement for greater complexity in the administration or volunteer aspect of delivering sport. We will ensure that sporting organisations are supported. We will assist in building on the capacity of sporting organisations and individuals who provide the grassroots support that at the end of the day sees sport delivered at its coalface.

It is fairly obvious that the key priority of the Commonwealth Games portfolio is to ensure that we deliver a very successful and outstanding Commonwealth Games in 2006, a games that we can all be proud of. We want to enjoy the games and make sure they are retained in our memories long into the future. They should also reinvigorate, enhance and ensure that young individuals and the broader community feel inspired not only to participate in the sport but also to participate as volunteers and thus appreciate the huge benefit that sport has in bringing the community together — whether at the grassroots or elite level — to celebrate sport and in turn strengthen those communities and enhance the broader Victorian community.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I welcome the minister's answer and thank him for his good wishes. I note that in his list he mentioned that enhancing grassroots sport and delivering the Commonwealth Games are both priorities, and I commend him. Will the minister name the other three in his top five?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I could give the Honourable

Gordon Rich-Phillips 10 or 20, but I think he gets the general impression of the aims and objectives of my role as minister and also the aims and objectives in the portfolio responsibilities that we will deliver.

I could give him a lot more. We could talk for hours on this, but I expect I will continue to reaffirm our commitment to sport well into the future. I will continue to give the Honourable Gordon Rich-Phillips as much information as he wants. We will be getting on with the job and he will still represent absolutely nothing.

Bushfires: Aboriginal sites

Ms ARGONDIZZO (Templestowe) — I refer my question to the Minister for Aboriginal Affairs. Will the minister advise what is being done to manage and protect Aboriginal cultural heritage places in north-eastern Victoria in view of the ongoing bushfires?

Mr JENNINGS (Minister for Aboriginal Affairs) — I thank the honourable member for the question and her interest in the important protection of cultural heritage and recognition of the role and the ongoing connection between Aboriginal communities and the Victorian landscape.

Yesterday in the Parliament we discussed at great length from various vantage points the consequences of the bushfires that have ravaged our state over the last couple of months and the ongoing nature of those bushfires and their impact upon about 1.3 million hectares of land across Victoria, from the Big Desert into Gippsland and on the way through to north-eastern Victoria.

It was very clear that all members of the house yesterday were concerned to ensure that we get on top of those fires and put them out if we can, but hopefully nature will assist us in that endeavour. Indeed, there is an ongoing need to support communities that are affected to protect important aspects of the daily livelihood of many members of the Victorian community.

I highlight to the house that a number of significant sites of cultural heritage value to the Aboriginal community have been impacted upon because of the bushfires. I am advised that in the order of some 360 known identified sites of significance to the Aboriginal community are known to have been affected by the fires. Overall at this point the news is encouraging. Whilst the damage that has occurred has been to visitor information services, boardwalks and the like, a particular site of significance — I think it would

most likely be a site near Beechworth in the North Eastern Province — that has been affected by the fires is Yeddonba, which is a site of significance to the Aboriginal community. I am pleased to report to the house that the significant art relics at that site have not been ravaged by the fires. Indeed, the absolute significance of that site is that there is a drawing of a thylacine, better known as the Tasmanian tiger, which has been extinct on the mainland of Australia for thousands of years. Its significance or its uniqueness to the Victorian community should not be underestimated.

I am pleased to say that officers of Aboriginal Affairs Victoria, working in cooperation with officers of Parks Victoria and with the healthy cooperation of Aboriginal communities throughout north-eastern Victoria, will be playing an active role in the restoration of those locations and the further investigation of other sites that may have been impacted by the fires.

It may not all be bad news. At this point we are optimistic that through the tragedy of the devastation of loss of forest cover new sites may be located in circumstances where they otherwise may not have been and will add to the register and the understanding of cultural heritage values throughout that region.

On behalf of the government, we believe the restoration and recognition of these sites is of equal importance to the restoration of other property values and other values across Victoria to ensure that there is not only a return to healthy domestic life to the citizens of Victoria but that appropriate cultural recognition plays a part in the restoration program.

Consumer affairs: water rights

Hon. W. R. BAXTER (North Eastern) — My question is to the Minister for Consumer Affairs. Does the minister subscribe to the view that consumers should not be required to pay for goods in circumstances where the person who contracted to supply those goods is unable to deliver them?

Mr LENDERS (Minister for Consumer Affairs) — I thank Mr Baxter for his question. I understand he is saying: do I subscribe to the theory that a person should not pay for goods if the goods have not been delivered? Obviously I do not have any specific details, and I am sure I will get them in a supplementary question, but as a general principle in consumer affairs, you should pay for what you get and only for what you get.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I have no doubt that the minister was suspecting there would be a

supplementary question, and he gave me the answer that I fully expected him to give. I also subscribe to that view. In view of the answer the minister has given, I therefore ask him to explain to the house why his government is requiring water users in the Goulburn and Wimmera-Mallee systems to pay for water this year that clearly will not be delivered to them by the government-owned statutory authorities concerned?

Mr LENDERS (Minister for Consumer Affairs) — I appreciated Mr Baxter's general question on these issues, but given that there is a specific issue under the responsibility of the Minister for Water then it is more appropriate to ask that minister the specific question.

Sport and recreation: government initiatives

Mr SOMYUREK (Eumemmerring) — I direct my question to the Minister for Sport and Recreation. I refer the minister to his demonstrated commitment to developing access to sporting opportunities in this state, and I ask: what action will the minister take to ensure that the second term of the Bracks Labor government continues to deliver on this commitment?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question. As members of the house would appreciate, and as I have previously answered, the Bracks government made a commitment to sport in its first term in office. The government has a role in enhancing the capacity of those organisations which deliver sport — the peak sporting organisations as well as the individual sporting groups that deliver sport at a grassroots level. However, over and above the extraordinary amount of time and effort the government committed to that in its first term, there must also be the incentive of sporting excellence.

The government will continue to encourage sporting excellence and the development of elite sport in this state through its support for the Victorian Institute of Sport (VIS). The government will do this through its intention in terms of delivery. At the end of the last term the government signalled that funding to the VIS would include assistance to the regional sports academies in Bendigo, Gippsland, Ballarat and Warrnambool. That is important because it provides an incentive not only to those in metropolitan Melbourne but also to those in country Victoria, in and around the regional heartland, so that those young people who are attracted to elite performance over and above their participation at grassroots level see that as achievable within their local communities, or not too far from their isolated local communities.

The \$1.5 million funding boost the government provided in May last year has already ensured the delivery of some of those outcomes in the lead-up to the Commonwealth Games, to be held here in Melbourne in 2006. The VIS has increased the number of Commonwealth Games sports programs it offers from 7 to 12. It now offers programs including table tennis, synchronised swimming, Rugby 7s, lawn bowls, boxing, basketball and badminton. On top of that, the value of the scholarships has increased by 13 per cent across all programs, adding value to those programs. The VIS achieved excellent results at the Manchester games. These results endorse and validate what the institute has done for many years, and what it will continue to do.

In addition, the VIS coaches are highly regarded, with 42 per cent of coaches employed by the VIS involved in national teams. No doubt increased pressure will be placed on the VIS to retain those excellent coaches. This will assist in providing benefits to the coaches to ensure they stay with the VIS.

As a government Labor is very proud of the institute's record of nurturing Victoria's elite sportsmen and sportswomen since it began in 1990. The VIS has produced 20 Olympic champions in 10 sports and 16 Paralympic champions in 6 sports. That is a record to be very proud of, not only at the VIS but across the entire state.

It is important that we continue to support our young, aspiring sportspeople so when it comes time for 2006 to be delivered we can take great pride in the fact that the young people we saw brought into the elite ranks have succeeded and hopefully will be standing there on the dais so that we can be proud not only as Victorians but also as Australians.

Local government: ministerial priorities

Hon. J. A. VOGELS (Western) — I address my question to the Minister for Local Government. Will the minister let us in on her top five priorities for local government for the next 12 months?

Ms BROAD (Minister for Local Government) — I thank the honourable member for his question. I encourage the opposition to continue in this vein, although I suspect there might be a bit of a backbench revolt given the strategy employed today.

Yesterday I addressed the house on the subject of the highest priority the government has accorded to local government, which will come when local government is recognised, for the first time ever, in the constitution.

That is an election commitment that this government is delivering on at the earliest opportunity, given the blockage of its endeavour to deliver on this commitment — which goes back to 1999 — in the last Parliament. That will be delivered through the first bill in the Legislative Assembly, which in anybody's terms is the earliest possible opportunity to deliver on an election commitment.

In addition, in the spring sitting the government will deliver on another commitment — that is, the Local Government (Update) Bill. That bill will reinforce Labor's commitment to restoring and strengthening democracy in local government. It will back up the constitutional change to recognise local government, and it will be — —

Hon. Philip Davis — If you do to local government what you have done to this house you won't be restoring democracy, Minister.

Ms BROAD — To respond to the interjection, it will be in stark contrast to the way members opposite treated local government when they were last in government, when they sacked councils and replaced elected councillors with commissioners and generally treated local government with absolute contempt.

In addition, the government will deliver on a further commitment to local government with its \$5 million program for improvements to the stocks of libraries. That was a very important election commitment to local government. The government will continue its efforts to boost essential community assets through its \$65 million local government improvement incentive program. That has come about because of this state's commitment to providing local government with a share of its national competition policy payments. Victoria is the only state to do that. That program is a very important way of supporting investment in essential services in local government.

Through the establishment of the new Department for Victorian Communities, of which the local government division is a part, the government will continue to build the strength of our communities. The local government division will play a very important lead role in this new department, which is delivering on our commitment to strengthening Victorian communities. We have already given an example of how that will work in relation to bushfires, where the local government division in the new department is coordinating the volunteers who will play such an important role in the bushfire recovery effort. That is a demonstration of the role the local government division will play. Of course there are many others, but I think that is a fair indication of

Labor's commitment to local government and what it will deliver.

Supplementary question

Hon. J. A. VOGELS (Western) — The most important project for this 12 months is making money available to councils for bushfire relief, which I do not think the Minister for Local Government mentioned. I was wondering if that is also a priority.

Ms BROAD (Minister for Local Government) — In response to the supplementary question, as we discussed in the house yesterday, resources have already been advanced to shires affected by the bushfires.

Hon. P. R. Hall — Not enough.

Ms BROAD — The interjection comes, 'Not enough'. I also noted in my response yesterday that further support will be made available to local government in recognition of the very role it is already playing and will continue to play in the bushfire recovery effort.

Hon. Philip Davis — When will that be announced?

Ms BROAD — I also indicated to the house yesterday that the government's interim report will be coming down shortly, outlining measures in addition to the ones already announced, followed by a full report next month.

Gas: major projects

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Energy Industries. Would the minister please advise the house what major gas developments are under consideration for Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question, although I was hoping he might have asked me about my five top priorities.

Under the Bracks government Victoria has seen a huge increase in oil and gas exploration and development expenditure. In fact, development projects amount to nearly \$3 billion of investment and provide access to an additional 1600 billion cubic feet of gas for the state.

These projects are at various stages of development and include the Tasmanian natural gas pipeline, which was completed late last year, marking the first time that Tasmania has been supplied with natural gas; the Patricia Baleen field, which is nearing completion, with gas production expected in March 2003; the Bassgas

project, which has commenced construction at its gas plant site with directional drilling offshore expected to commence in April; the Bream A pipeline and associated platform facilities, which enabled access to gas beneath the existing oilfield, producing its first gas in December last year; and the Minerva field, currently undergoing construction in the Otway Basin, which will produce gas through the SEA Gas pipeline, which is being constructed between Victoria and Adelaide. This will provide another link in the interstate network of transmission pipelines. The Geographe and Thylacine gas field discoveries by the Woodside-Origin consortium are being considered for development to provide gas in 2006.

They are just some of the projects and developments that are occurring in gas in this state; and of course there are a number of additional significant projects at hand. These achievements form an important part of this government's commitment to ensuring greater security of supply and energy alternatives to the state of Victoria.

Hon. B. W. Bishop — How much money?

Hon. T. C. THEOPHANOUS — As I said, \$3 billion of investment. New entrants are providing competition to the dominant supplier of gas in this state, which is Esso-BHP Billiton, and it is that competition which will keep a downward pressure on prices and ensure that consumers get a better deal.

The development of the new gasfields has also created the long-term supply stability which this state badly needed and which also facilitated investment in gas-fired electricity generators to the benefit of consumers and the environment. These investments over the last few years represent a huge vote of confidence in the Victorian economy and in the Bracks government compared to the climate we had before of no investment, no competition and no guaranteed energy supplies which we inherited from the Kennett government. This is a massive step forward and a massive vote of confidence by the industry in Victoria and in this government.

While this opposition is simply in denial mode, the Bracks government is getting on with the job of not only securing resource development and jobs for the state but also pursuing the triple-bottom-line approach to development. Our aim is to have an economically productive and environmentally sustainable energy industry which provides for the needs of our community. Those on the other side did nothing, and we got the investment!

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — We got the investment in this state — \$3 billion — and they did nothing. We will continue to get that investment for the benefit of Victoria and consumers.

Consumer affairs: ministerial priorities

Hon. A. P. OLEXANDER — I direct my question to the Minister for Consumer Affairs. I ask the minister if he could outline for the chamber his top five priorities in the area of consumer affairs for this coming term.

Mr LENDERS (Minister for Consumer Affairs) — I am pleased to take the question from Mr Olexander. It is predictable, but I think it is interesting in the sense of what he expects the government is doing. I would have assumed that as the shadow spokesperson he would have at least read the annual report of Consumer Affairs Victoria, which would have given him numerous headings of areas that he could assume a minister has among their priorities.

But what I would say to you, President, is that I do not choose to be constricted by five areas of what to me are the things to do with consumer affairs. What I would say to Mr Olexander is that there are two areas in particular that will sum up every other single area in the consumer affairs portfolio. One is to empower consumers through education and other areas so they can actually look after their own rights and own positions.

In my portfolio, whether it be across liquor licensing, estate agents or any other major area in the portfolio, the same issue of empowering consumers is an absolutely critical part of that portfolio. Without constraining, that has to be the major thing that a government in Victoria in the 21st century can meaningfully do — that is, empower consumers in all those areas.

The other way is to protect consumers. While it is a parallel area, it is also equally relevant. That is where our legislation that covers all the areas will come into place. That is where we can actually protect consumers. We can do that by the various pieces of legislation that are at our disposal as the state of Victoria.

As the honourable member will know, there were four pieces of legislation in this house when Parliament was dissolved which the government will return in order to protect consumers. That is a great heritage that I have inherited as a Labor minister for consumer affairs. The activism in this area goes right back to Senator Lionel Murphy's Trade Practices Act in the federal area. All

jurisdictions in the country have followed on from that absolutely visionary response, which says there is more to looking after consumers in contemporary Australia than just the old goods acts which used to apply and which dealt with the sale of goods and services. It is much broader than that.

Also, dealing with consumers is an area that overlaps my finance portfolio; it is how we deal with the balance in this day and age, and the lack of insurance. It is how we deal with the shortage of insurance and how we deal with consumer rights and protections in relation to that.

One area that I suggest the opposition here in Victoria should look at on this is how all jurisdictions can work together to find solutions for very difficult areas. That is a big challenge in consumer affairs. There are numerous challenges, but I think it comes down to, without being constrained, two areas: how do you empower consumers and how do you protect consumers?

While it may be outside the normal procedures of this house, it would be churlish not to acknowledge that in the gallery today is Clyde Holding, a former federal minister with a passion for these areas. He is a passionate supporter of reforms to the Trade Practices Act.

Honourable members interjecting.

Mr LENDERS — I will put it down to being a new member of this chamber. I was reminded yesterday that I did not understand the traditions of it, so I have slipped up, and I apologise. *Mea culpa!*

But in the end my priorities in this area, as I say, are to empower consumers and protect consumers. Once you cover that gamut, then everything else falls into place.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I am delighted to learn that the minister has actually read the Consumer Affairs Victoria annual report. I am also in very strong agreement with the minister on his priorities of protecting and empowering consumers. Can I ask the minister, in that context, why the Bracks government has declined consistently to empower and protect consumers of fuel by labelling for ethanol content?

Mr LENDERS (Minister for Consumer Affairs) — Obviously Mr Olexander was not listening to my response yesterday. The issue he raised yesterday of fuel content and ethanol I made absolutely clear yesterday. The commonwealth government has a clear and unequivocal power to ban ethanol above 10 per

cent in vehicles. The commonwealth has chosen not to exercise that power because it is playing politics in the New South Wales election, as Mr Olexander well knows. The architects of that are Dr Kemp and Dr Poggioli. Of course, Dr Poggioli, who is Dr Kemp's chief of staff and a former director of the Victorian Liberal Party, is in the thick of all this. But the Bracks government in Victoria — —

Hon. A. P. Olexander — On a point of order, President, my question was extremely specific, and related to the labelling of fuel products in Victoria and not to the banning of products or anything else. Before the minister begins a tirade against the federal government, President, I ask you to call him to order and ask him to answer the question that I asked: why will the Bracks government not legislate to label for ethanol content in fuel?

The PRESIDENT — Order! The minister is canvassing the issues of ethanol which do relate to the federal government, and he is being responsive to the question being asked, so I do not uphold the point of order.

Mr LENDERS — I remind Mr Olexander and the house that the Bracks Labor government will deal with these issues if the federal government will not. We will give the federal government a very short time line to get its act together, because it can do it more efficiently and cheaper for consumers than we can, but we will act if the federal government will not.

Housing: government initiatives

Mr SCHEFFER (Monash) — My question is addressed to the Minister for Housing. Can the minister inform the house of recent action the Bracks government has taken to get on with the job of delivering on its commitments to redevelop public housing?

Ms BROAD (Minister for Housing) — I thank the member for his question and for his commitment to social housing — a commitment which he spoke about in his first speech earlier today — and I take this opportunity to congratulate him on his first speech.

The Bracks government is indeed taking action on a number of key initiatives and on a number of fronts to redevelop and revitalise Victoria's public housing stock. As an example, the government has an extensive program of redevelopments. These were an election commitment going back to 1999, and the government has renewed that commitment at the recent election.

I can inform the house that I was pleased recently to visit the Raglan Ingles estate with my colleague John Thwaites, the Minister for Environment, to turn the first sod at this very important development.

This marks the commencement of the first stage of this development, which is a \$16.6 million project, and it demonstrates that the Bracks government is indeed getting on with the job of building for the future. The Raglan Ingles public housing estate in Port Melbourne was built in the 1960s and consisted of 64 public housing dwellings. The redevelopment of this estate replaces that ageing and unsuitable public housing set of units with 64 new housing units as well as up to 50 privately-owned units.

This project is just one of a number the Bracks government is undertaking as part of its commitment to both improving the quality of Victoria's public housing stock and growing that stock.

Aside from the funds provided by the Bracks government each year for these redevelopment projects, as part of its commitment the government is taking action to build and improve public housing. As an example of the government's actions apart from the redevelopments, the highly successful social housing innovations project, also known as the SHIP program, delivered an election commitment from our first term, and we have committed a further \$70 million to that program over the next four years. The government will also provide an additional \$10 million over four years to expand another key commitment — that is, the neighbourhood renewal program.

The results of the Raglan Ingles redevelopment are very pleasing. As part of the government's commitment it has ensured that right from the start it has worked closely with the local council, tenants and the local community to make sure that their needs and concerns are addressed. Those concerns include a range of issues for the local community. This project will deliver economic as well as social outcomes. As part of the construction of this project, at least 200 jobs will be created, either directly or indirectly.

In conclusion, the Bracks government is not just building houses such as the ones which will be built as part of this redevelopment; it is building communities and it is building for the future. This redevelopment is proof of the government's commitment, and I very much look forward to the completion of this project and making it available for people who need access to low-income housing.

QUESTIONS ON NOTICE

The PRESIDENT — Order! I advise the house that to ensure that questions on notice are appropriately processed through the papers office in time to appear on the notice paper the next day of meeting, they must be in the papers office by 2.00 p.m. on the previous day.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed.

Hon. D. F. KOCH (Western) — President, I appreciate the opportunity to make this speech to the house, and I congratulate you on your election as President.

I recognise the Governor as the Queen's representative, and I welcome this opportunity to support the motion for the adoption of the address-in-reply to the Governor's speech made earlier.

I note and pay tribute to the services of my predecessor, the Honourable Roger Hallam, particularly for the excellent work he accomplished as Minister for Finance, Minister for Workcover and Minister for Local Government in the Kennett governments. Roger Hallam, an articulate bloke, was born and raised in the Cavendish community and was always a strong advocate for small communities and regional Victoria. He will be missed by many, both in this house and in Western Province.

I congratulate the Honourable Richard Dalla-Riva and the Honourable John Vogels on their election to this house. I particularly congratulate the Honourable Wendy Lovell on her election as a Liberal to North Eastern Province following an extremely strong campaign.

Including the Honourable Phil Davis in Gippsland and the Honourable Graeme Stoney in Central Highlands, country representation by the Liberal Party now includes over two-thirds of Victoria's landmass.

I am proud to stand here today as a Liberal from country Victoria.

Victoria is the birthplace of Australian Liberalism, and the founder of my party, Sir Robert Menzies, came from the small Wimmera town of Jeparit. Jeparit, like many other small rural towns, represents a strong farming community in the north-west of Western Province.

I joined the Liberal Party 20 years ago as an extension of community activities I had been involved in from an early age. In these days of cynicism about politics and politicians, I note with respect the vital role so many voluntary members of political parties across the broad spectrum play in the civic life of our society.

I will never forget the importance of that role or the support of thousands of Liberals in Western Province, without whom I would not be here today.

Before my election, I openly said that to represent Western Province in the Legislative Council would be a great honour and a great opportunity — an opportunity to be out and about in the electorate, talking and listening to people, delivering strong representation and assistance, an opportunity to ensure that the interests of this region are well represented in Spring Street, and an opportunity to provide an effective brake on any excesses in the lower house. As the newly elected member for Western Province I stand by these words, and having been given this great honour and privilege I will do all I can to be a responsive local member who delivers for the people of Western Province.

Western Province is the heart of much of Victoria's agricultural production, from dairying in the south to grain and legumes in the north, with the powerhouses of wool, sheep and beef in between. Today Western Province encompasses all these traditional agricultural industries and has branched out further into extensive horticulture, viticulture, private forestry, small seed, and value-added food processing. Fishermen and their fishing fleets that work the Southern Ocean from Anglesea to the South Australian border also make a great contribution to the economy. Fishing this rugged and often dangerous coastline yields seafood of excellent quality. This catch is under increasing demand to grace the tables of Melbourne, interstate and international restaurants.

Western Province can rightly claim to be not only Victoria's food bowl but also a source of vital export income, particularly of wool, live sheep, live cattle, grain, legumes, dairy, timber and horticultural produce. The primary producers of Western Province are the most efficient and least protected of any in the world. Unfortunately they continue to be bruised by the additional costs they must bear from the protection of many of the inputs into their businesses.

Sadly, much of Western Province finds itself in severe drought. This is one of Victoria's worst droughts on record, which regrettably has been crippling for many primary producers, small business people and support agencies that operate in this tough environment.

Governments today should have recognised the importance of droughts and of moving quickly, getting strategies in place early and ensuring relief is in place prior to these communities succumbing to the agony of water, feed and market pressures that take such terrible tolls in these unfortunate circumstances.

Western Province farmers and the business community that supports them, especially those in the hardest hit, lower rainfall districts, do not ask for handouts. All they want is a hand up to get them through this difficult period. Last week's widespread rains will hopefully continue and give the relief so desperately needed.

Like many involved in primary production I have a strong interest in water and environment management issues. I am proud that under my leadership the Glenelg Hopkins Catchment Management Authority returned the greatest amount of budget, statewide, to on-ground works. At Southern Rural Water I was able to restore both water allocation and equity to the communities on the Merri River and the Condah Aquifer. More broadly, completion of the piping of the Wimmera-Mallee channel system will be a great achievement. Savings of more than 80 000 megalitres of precious water, removal of evaporation and seepage, with decreasing labour and maintenance charges, will offer great benefits to this region of Victoria. These rewards, to be shared by the farming community, business, urban dwellers, recreation users and the environment, will allow further opportunity to everyone in this resourceful region of Western Province.

Water resources across the balance of Western Province, especially in irrigation areas, remain under extreme pressure. This situation is unlikely to be resolved until such time as the overuse of existing allocations is reigned in and more efficient use practices are employed. The more recent farm dams legislation needs further clarification if conflict between adjoining land-holders is to be avoided. The water debate has been driven for far too long by the users of water, not by the gatherers. Recognition of those below the Great Dividing Range and their needs is well overdue.

Tourism is an important and growing part of the Western Province economy. Western Province is blessed with many areas of natural beauty that draw tourists from around Australia and internationally. The Great Ocean Road, with the icon destinations of Port Campbell and the Twelve Apostles, attracts more than 6 million day-trip visitors and 2.5 million overnight visitors per year. The Grampians also attract almost 2 million visitors a year, and combined with the Stawell Gift offers further unrealised potential. Continued investment in this sector will bring further economic

benefits to the region, in both employment and a broadening of the cultural and sporting facilities available.

In my own portfolio of racing, continued expansion of popular race meetings, such as the three-day Warrnambool May Racing Carnival, with its highlight event of the grand annual steeplechase, draws an attendance in excess of 30 000 and boosts the local economy by more than \$12 million. The picturesque picnic races at Dunkeld bring additional tourists to the region to enjoy country hospitality in settings not surpassed within Victoria. Racing, be it at Colac, Camperdown, Terang, Warrnambool, Hamilton, Horsham or Stawell, is attracting further patronage. Country racing is a large employer both directly and indirectly. Many breeders, owners, trainers and jockeys are an integral part of the industry. Western Province, and especially the south west, is the engine room of this important racing industry.

President, of much concern to me and my fellow Liberals is the dearth of representation between the areas represented by my colleagues the Honourable David Davis and the Honourable Richard Dalla-Riva in East Yarra Province and Western Province. I will take a special interest in the people of Ballarat and Geelong. I have a close affinity with Geelong, having completed my primary, secondary and tertiary education in this progressive city.

Ballarat is recognised as a centre for food processing, the building industry and the manufacturing industry; yet Ballarat's further growth and prosperity continues to be stymied by the slowness to start, let alone finish, the very fast train project. Geelong, as the premier regional manufacturing centre and transport hub, is in desperate need of a ring-road to overcome the ongoing traffic gridlock. That is not a big call in this day and age.

In recognising Geelong's status as Victoria's major regional city, it is disappointing and surprising that it is devoid of any representation around the cabinet table, despite the success of the government in claiming all Geelong seats at the last election. I will do whatever I can to represent the views of these cities effectively in this chamber.

However, Western Province, and in fact the entire western region from Geelong, Ballarat and west to the South Australian border, is suffering from labour shortages, both skilled and unskilled. Many towns and rural cities, such as Camperdown, Warrnambool, Portland, Hamilton, Horsham, Stawell and Ararat are experiencing housing shortages, limiting the capacity

for increased employment. Too many of the region's young people have been leaving for further and tertiary education and not returning. On the one hand I recognise that a sea change phenomenon exists, with a new group of city professionals opting for a rural life style.

The under-representation of working age people in Western Province affects all aspects of our society. The problem in attracting dentists and doctors, especially specialists, and those in the allied health field, are well known. However, recognised shortages also exist in most fields, including management, education, environmental science and tourism.

Despite labour shortages, Western Province continues to attract new investment as companies recognise the region's major advantages. Major private sector employers in the region include Colac's APT Softwoods, Murray Goulburn, Warrnambool Cheese and Butter, Grampians Wool, Clarke's Pies of Mortlake, Keppel Prince Engineering, Midfield Meats, Alcoa, Horsham's CMI foundry, Wimmera Grain handlers, Stawell Goldmines and Nhill's Luv-a-Duck, to name but a few.

A new greenfield industry that will be located in Hamilton and commencing operations within the next 15 months is Iluka Resources. Iluka, an acknowledged sand miner, will be recovering heavy metals including ilmenite, zircon and rutile from broadacre former inland coastal landscapes running north from Balmoral to Mildura. There are extensive deposits of high-grade ore with excellent recovery potential, allowing an initial investment of \$92 million, employing in excess of 150 people directly in the Hamilton district, with a flow-on effect of 3.1 additional jobs from various service industries within the Western Province community.

All mineral exports are proposed to go via the deep sea port of Portland, further expanding that port's potential. This industry alone will pump \$125 million annually into the economies of Western Province and the state of Victoria. Currently, indicative figures demonstrate that zircon return alone, per hectare, is estimated at A\$84 000. In comparison, district crops such as lentils and canola are returning approximately A\$1500 per hectare per annum on the international market. I look forward with enthusiasm to this industry coming on stream.

President, I became a member of the Country Fire Authority from the age of 15 — not an unusual event for a farmer's son from Nareen, where I was raised and where I farmed for more than 25 years. My neighbours,

as honourable members will appreciate, were also experienced CFA volunteers. In mentioning this, I would like to take this opportunity to pay tribute to all the CFA volunteers who protect life and property throughout country Victoria. I wish to place on record my particular thanks to all those who fought the recent massive bushfires in the Big Desert and also for making a further valuable contribution to fighting the fires that ravaged our national parks and private lands in the north-east.

Many of these volunteer firemen and firewomen came from small towns across the Western Province and gave of their services willingly. There is absolutely no doubt that management of these huge tracts of land must be revisited, as the wildfire patterns experienced in recent weeks were not conducive in any way to best fire management practice. These recent events openly demonstrate the blatant danger that far too many of our public and private assets, including the fragile ecosystems protecting our flora and fauna, are unnecessarily exposed to, and they are, in many cases, allowed to be totally destroyed.

Sadly, the CFA in many parts of Western Province is struggling with an ageing work force and obsolete equipment. Like many parts of Victoria, a large percentage of fire trucks in Western Province are privately owned. Many small towns and communities have one fire tanker and up to 20 ageing private trucks that are manned by volunteer men and women.

When reviewing the current needs of the service the government should find solutions that both assist with the upgrade of private equipment, be it by specific grants or support funding, and also recognise other mechanisms to fund the whole fire service away from the current insurance fire levies. This burden, carried solely by those who insure, has again been reflected after horrific fires in Canberra, where one in four houses were not insured. This continues to be unfair, undemocratic and un-Australian. Governments have again recognised the shortfall in asset cover by making direct one-off grants to those who are not insured. This continues to make a farce, regrettably, of those who do insure.

In conclusion, President, Western Province is a vibrant, versatile and extremely reliable part of Victoria. By majority, Western Province has rising socioeconomic living standards with strong commercial business centres; it has excellent health and education facilities; it boasts an extremely stable and skilled work force and has competitive industry that thrives in this geographic environment that is complemented by an above-average transport infrastructure. Western Province likewise

continues to be recognised as a jewel in Victoria's crown.

I am very aware that I would not be here today without the strong and ongoing support of many people over many years. To all those kind and generous people, I say thank you. I would like to acknowledge Coleraine-Casterton branch members: Mrs Mary Hope, Lorna Baulch and Cliff Tischler. Special thanks are also extended to Michael and Virginia Stewart, Geoff and Joy Howley, Howard and June Rodda, Harold Eather, and Mr Alan Scott of Mount Gambier.

I would especially like to thank Jan, my wife and confidante of 30 years, for her sound judgment and support during the past decade of my public life. I thank her for the countless hours she has spent helping my achievements in many roles, while at the same time finding the energy to succeed in her own chosen career.

I do look forward to the challenges that await me, both in this house and, more importantly, in the community. As many of you may be aware, the English author G. K. Chesterton once wrote:

In the end, it will not matter to us whether we fought with flails or with reeds. It will matter to us greatly on which side we fought.

I know on what side I am fighting, and there is a great deal for which to fight.

Debate adjourned on motion of Ms ROMANES (Melbourne).

Debate adjourned until next day.

PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL

Introduction and first reading

Hon. M. R. THOMSON (Minister for Small Business) introduced a bill to amend the Public Holidays Act 1993 to appoint Easter Saturday as a public holiday and to amend the Shop Trading Reform Act 1996 to generally require that shops be closed on Easter Sunday and for other purposes.

Read first time.

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

That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Leave refused.

Ordered to be printed and second reading to be made order of the day for next day.

TERRORISM (COMMONWEALTH POWERS) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Hon. M. R. Thomson (Minister for Small Business) — I move:

That this bill be now read a second time.

Recent terrorist attacks in the United States and Bali demonstrate that terrorists can strike anywhere without warning. No-one is immune. This government is committed to taking all necessary action to protect Victorians against terrorist acts. Defeating terrorism, however, requires cooperation at all levels of government, state, national and international.

Leaders of the commonwealth, states and territories recently agreed to cooperate on a range of issues aimed at combating the terrorist threat. A key priority was to ensure that all Australians had the protection of effective national anti-terrorism laws. This bill represents Victoria's contribution to securing such laws.

Using its existing constitutional powers, the commonwealth introduced terrorism offences into the commonwealth criminal code in mid-2002. However, as the commonwealth does not have specific law-making powers relating to terrorism or the criminal law generally, there exists a possibility that its terrorism laws may not fully cover all examples of relevant terrorist acts. Any gap in the coverage of these laws, however slight, is undesirable and could result in the prosecution of a terrorist suspect being frustrated on technical grounds.

Victoria and the other states have agreed to lend so much of their legislative authority to the commonwealth as is necessary to ensure that any constitutional gaps are filled and, as far as possible, any uncertainty about the national application of these laws is eliminated.

The bill does this by referring power to the commonwealth under section 51(xxxvii) of the commonwealth constitution. The bill also refers the power to amend those offences as required. Using the referred powers from the states, the commonwealth will re-enact its terrorism offences, which will apply comprehensively.

The referral of state legislative power to the commonwealth is a significant step which the government does not take lightly. The government believes that in the area of terrorist activity, the commonwealth has a legitimate interest in passing criminal laws that clearly protect all Australians. It is therefore appropriate to refer legislative power to ensure the seamless operation of those laws.

The bill provides for safeguards to protect Victoria's interests while fully supporting the commonwealth in securing effective national terrorism offences. The bill provides for a referral of power that is limited to only that necessary to enact terrorism offences in the same form, or substantially the same form, as the present commonwealth terrorism offences and to amend them as required.

Victoria's overlapping criminal law has been preserved by express provisions in the proposed commonwealth legislation guaranteeing the concurrent operation of state criminal laws and commonwealth terrorism offences.

The commonwealth and the states have agreed that the commonwealth terrorism offences will not be amended except upon the agreement of a majority of the states and territories, including four states.

Victoria's interests are further protected by the power to terminate the reference, for any reason, by proclamation on three months notice.

The bill is short and uncomplicated. Clause 4 refers the ability to the commonwealth to enact and amend, as required, the terrorism offences set out in schedule 1 of the bill. The offences in schedule 1 reproduce the existing commonwealth terrorism offences. Clause 5 preserves Victoria's capacity to terminate the referral of power by proclamation should the need arise.

Clause 100.6 of schedule 1 provides, so far as is possible, for the concurrent operation of state criminal laws and commonwealth terrorism laws. Clause 100.8 of schedule 1 reflects the commonwealth's commitment to obtain the agreement of a majority of states and territories (including four states) to any amendment of its terrorism offences.

There is a continuing debate between the commonwealth and some states regarding the inclusion of a clause to the same effect as clause 100.8 in this bill or whether the consultation requirement is adequately expressed in an intergovernmental agreement. As the government has no wish to delay implementation of the national scheme, this bill conforms with the bills passed by the other states and does not include such a clause.

Should agreement be reached between the states and the commonwealth in the future to incorporate such a provision, state legislation could be amended at that time.

The bill is part of a package of measures designed to ensure Victoria is equipped to meet the threat of terrorism. The bill demonstrates the Victorian government's continuing commitment to securing an effective national framework to combat terrorism.

I commend the bill to the house.

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

Debate adjourned until next day.

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Second reading

For **Hon. T. C. THEOPHANOUS** (Minister for Energy Industries), Mr Lenders (Minister for Finance) — I move:

That this bill be now read a second time.

This bill aims to improve safety, and the sense of safety, in the Victorian community by providing our police with a greater capacity to search people for dangerous weapons, some dangerous articles and firearms. Through this enhanced power, police will be better able to prevent crime by detecting weapons before such weapons are used in the commission of crimes. In addition, the increased likelihood of detection should act as a deterrent to the carriage of weapons and complement the government's weapons community education campaign, which seeks to discourage the carriage of weapons, particularly among young males.

Lowered search threshold

To achieve that end, the bill lowers the standard of conviction required by a police member to justify a search without warrant for prohibited or controlled weapons and certain dangerous articles under the Control of Weapons Act 1990 and firearms under the Firearms Act 1996 from reasonable grounds for belief to reasonable grounds for suspicion that an offence is being or is about to be committed. The courts have held that 'reasonable grounds to believe' is usually taken to mean something more than 'reasonable grounds to suspect' in that 'belief' connotes a higher standard of conviction than 'suspicion'.

The exercise of such search powers impinges upon the integrity of individual persons and the possession of their property. For this reason, under both legislation and the common law, such powers are generally limited to emergencies or dangerous situations. Therefore, an important consideration in considering the lowering of the search threshold is whether the increased powers are justified in terms of the risk and gravity of the behaviour sought to be prevented. This involves striking an appropriate balance between individual rights and the interests of the larger community.

Weapons-related offences in Victoria have risen alarmingly in the past six years. A weapon was used, threatened and/or displayed in an average of 14.2 per cent of reported personal offences (including homicide, rape, robbery, assault and abduction) in 1996–97. This figure had risen to 20.4 per cent of such cases in 2000–01. This trend of increased weapon use and the proliferation of knives and other dangerous weapons in the community is disturbing. The government is determined to tackle this problem and considers that this trend justifies the need to increase the police's capacity to detect and remove weapons before any offence (other than carriage of the weapon itself) can be committed.

The increased carriage and use of non-firearms weapons has been the primary policy concern leading to the introduction of these amendments. However, the government considers that any reduction in the threshold for searches without warrant under the Control of Weapons Act 1990 must be accompanied by a like amendment to the Firearms Act 1996. The rationale for this extension is not only for the sake of consistency, but more importantly due to the potential for a firearm to cause significantly more injury and death than a non-firearms weapon.

The proposed change to 'reasonable grounds for suspicion' will bring the threshold test in Victoria into line with that adopted in comparable legislation in the United Kingdom and most other Australian jurisdictions. It will also make the standard of conviction necessary to conduct a search for weapons, specified dangerous articles and firearms without warrant consistent with that applying to a search for drugs under Victoria's own Drugs, Poisons and Controlled Substances Act 1981.

Dangerous articles

The Control of Weapons Act establishes a hierarchy of non-firearms weapons with a descending degree of regulation commensurate with the offensive nature of the weapon and the risk its use poses. The three

categories of weapons in descending order are prohibited weapons, controlled weapons and dangerous articles.

A 'dangerous article' is defined to mean:

an article which has been adapted or modified so as to be capable of being used as a weapon;

or

any other article which is carried with the intention of being used as a weapon.

When the bill was before the Legislative Assembly in the spring 2002 sittings, a house amendment was made to include a 'dangerous article adapted for use as a weapon' as a legitimate object of a search.

This amendment has been retained in the bill before the house and is in keeping with the principal policy objective of the bill of crime prevention and community safety. It also ensures that the new safeguards for police searches apply to searches for dangerous articles adapted for use as a weapon.

Additional safeguards

Given the intrusive nature of a search, the increased search powers will also be accompanied by additional safeguards against the potential abuse of the increased powers at both an individual and organisational level.

A police member proposing to conduct a weapons search is currently required to:

inform the person of the grounds for his or her belief justifying the search; and

if requested, state, orally or in writing, his or her name, rank and place of duty.

In addition, the chief commissioner has issued detailed instructions under section 17 of the Police Regulation Act 1958 on the conduct of searches, including recording, authorisation and other procedural requirements, in Victoria Police's *Operating Procedures Manual*.

The bill supplements or revises these existing safeguards by:

making it mandatory for a police member to inform the person to be searched of his or her name, rank and place of duty in all cases regardless of whether or not the information is requested;

requiring the member, if not in uniform, to provide evidence that he or she is a police member;

requiring the member to make a record of the search as soon as practicable;

providing a right for a person searched to obtain without fee a copy of the police's record of the search; and

requiring the Chief Commissioner of Police to provide an annual report to the minister on the details of searches without warrant.

Besides providing an accountability measure on the exercise of the increased search powers, the annual reporting obligation will assist the government to evaluate the effectiveness of these reform measures.

In addition to the safeguards proposed for the legislation, the bill amends both the Control of Weapons and Firearms acts to enable regulations to be made prescribing:

the manner in which searches are to be conducted; and

record-keeping requirements upon the conduct of a search.

Examples of the procedural safeguards proposed under the expanded regulation-making power include limiting the power to direct the removal of items of clothing to coats, jackets, hats and gloves and requiring the presence of a nominated adult during the search of a student in a school.

Complementary measures

To complement the revised search threshold, the bill also amends the threshold for a police member to demand production of a firearms licence to 'reasonable ground for suspicion' that an offence against the Firearms Act has been or is about to be committed. It also introduces a new power under the Control of Weapons Act to enable police members to demand production of an approval to carry a prohibited weapon where the member has reasonable grounds to suspect the person is committing a prohibited weapons offence. Failure to comply with such a demand without reasonable excuse will be an offence with a maximum penalty of 30 penalty units, which is the same maximum penalty for the offence of failing to produce a firearms licence upon demand under the Firearms Act.

The bill introduces a new power for police members to demand production of an article suspected of being a firearm, a prohibited or controlled weapon, and in some cases a dangerous article, detected during a search without warrant under firearms and the weapons legislation respectively. The person being searched must be informed that it is an offence not to comply with the request. This new demand power is designed to assist in minimising the intrusiveness of a search and also protect the safety of the searching police member. Failure to comply with such a demand will be an offence attracting a maximum penalty of 30 penalty units.

The bill also amends both the Control of Weapons and Firearms acts to make explicit that the presence of a person in a location with a high incidence of violent crime may be taken into account by a police member in determining whether he or she has reasonable grounds to suspect the person is carrying a weapon. However, it should be emphasised that, while this factor may be a relevant consideration in forming the necessary conviction to justify a search, it will not in and of itself be sufficient to form 'reasonable grounds for suspicion'.

Authorised sustainability and environment officers

The Firearms Act 1996 gives authorised Sustainability and Environment officers the power to search without warrant for firearms and demand production of a firearms licences in circumstances connected with their duties provided the necessary criteria are met. The bill amends the search and demand production of licence powers for these officers in an identical manner to the amendments to the police search powers that I have previously outlined.

In addition, the bill creates a new offence of hindering or obstructing an authorised officer without reasonable excuse in the exercise of his or her search or demand production of a licence powers with a maximum penalty of 30 penalty units. This new offence is consistent with recommendation 45 in the Parliamentary Law Reform Committee's report on *The Powers of Entry, Search, Seizure and Questioning by Authorised Persons*. Such a specific offence is not necessary in relation to hindering or obstructing police members in exercising their search or demand licence production powers as the general offence of hindering or obstructing a police member in the performance of his or her duties under section 52 of the Summary Offences Act 1966 already applies.

Extension of the Control of Weapons Act search powers to non-government schools

Under the Control of Weapons Act 1990, searches without warrant can only be conducted in a public place as defined in the Summary Offences Act 1966. This does not include non-government schools. This creates the anomalous situation where searches can be conducted in government schools (where the principal authorised the police to enter), but not in non-government schools. To address this anomaly, a definition of 'non-government school' has been included in the bill. This allows for the police to exercise their increased search powers in a non-government school (once the principal has authorised their entry in line with current protocols), but does not undermine non-government schools' status as private places.

Metal detectors

This bill also complements Victoria Police's acquisition of 420 metal detectors for use in every police station and criminal investigation unit across the state.

One of the government's first term commitments was 'to ensure that Victoria's police officers are the best-equipped serving officers throughout Australia'. Part of that commitment included the supply of metal detectors to search for knives. The government delivered on that commitment in the 2000–01 budget where it committed \$12 million over five years for a package of personal issue and operational safety equipment, including the acquisition of these metal detectors.

Weapon searches conducted with metal detectors have two potentially significant advantages:

first, as they do not involve physical contact with a suspect, they are safer for the searching police officers; and

second, as no physical contact is made with the person being searched, this form of search is less invasive than an 'initial pat' search or full search.

The passage of this bill with its increased search powers will facilitate the use of this new equipment across the state.

Conclusion

This bill is an important element in the government's strategy to tackle the prevalence of dangerous weapons in the community. Together with the provision of metal detectors and the recent launch of the weapons

community education campaign, this legislation forms a comprehensive package of measures aimed at preventing weapons-related crime and improving community safety for all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Hon. J. A. VOGELS (Western).

Debate adjourned until next day.

LEGAL PRACTICE (VALIDATIONS) BILL

Second reading

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

That this bill be now read a second time.

The Legal Practice Act 1996 established the current regulatory system for lawyers in Victoria. The system is co-regulatory, involving both professional and independent bodies. All of the bodies operate independently from government. The two professional bodies are recognised professional associations under the act, each known as an RPA. The Victorian Lawyers RPA Ltd (also known as the 'law institute') is involved in the regulation of solicitors, and the Victorian Bar Inc. (known as 'the bar') is involved in the regulation of barristers. There are also a range of other independent regulatory bodies, including the Legal Practice Board, the Legal Ombudsman and the Legal Profession Tribunal.

The Legal Practice Act provides for each RPA to delegate certain functions and powers to officers, employees or members of committees. The delegation must be made in writing and notice of the delegation must be made to the Legal Practice Board as soon as practicable after making it.

Late last year the Court of Appeal handed down a decision in the case of *'B' a solicitor and 'G' a solicitor v. Victorian Lawyers RPA Limited and Legal Profession Tribunal*. The Court of Appeal held that the process used by the law institute to delegate powers under the Legal Practice Act did not satisfy the requirements of the act that the delegation must be made in writing, and therefore was not effective. The law institute had purported to delegate its powers by making a resolution and later recording a minute of the resolution.

The defective delegation process was used by the law institute from the date of the commencement of the

Legal Practice Act (on 1 January 1997) until 3 June 2002, when specific instruments of delegation were made. The same process was used in relation to all delegated functions, including functions in relation to practising certificates, disputes and discipline, clients' money and trust accounts, and receiverships. In addition, the law institute failed to make notifications to the Legal Practice Board about the delegations as required under the Legal Practice Act, or to make notifications as soon as practicable.

Similar defects existed in the process of delegation and the notification of a delegation made by the bar.

Finally, a number of additional delegations problems have come to light since the Court of Appeal handed down its decision:

firstly, both the law institute and the bar purported to make delegations under the Legal Practice Act in December 1996, before the act had commenced and at which time neither body had the power to do so;

secondly, there is no power under the Legal Practice Act enabling the RPAs to delegate powers in relation to functions performed under certain transitional provisions of the act;

thirdly, the law institute purported to delegate powers under the Legal Practice Act in relation to regulating the handling of clients' money and inspecting trust accounts, and in relation to ensuring unqualified people are not able to engage in legal practice, at times when the act did not permit delegation of those functions and powers;

fourthly, officers or employees of the law institute took actions under a range of provisions in the Legal Practice Act without the relevant power or function having been delegated to them; and

fifthly, officers or employees of both the law institute and the bar purported to exercise powers to issue practising certificates when no applicable delegation had been made.

The Legal Practice (Validations) Bill will rectify each of the problems identified, by:

ensuring that the process of delegation and notification is validated retrospectively as required;

deeming delegations purported to have been made before the commencement of the Legal Practice Act to have been made on 1 January 1997 (which is the date on which the act commenced), and to be effective;

ensuring that powers and functions under certain transitional provisions can be delegated, and that actions taken under those transitional provisions are validated;

ensuring that delegations purported to have been made, and actions taken by or on behalf of the law institute, in relation to clients' money and trust accounts and in relation to unqualified practice are not invalid only because there was no power to delegate those functions;

ensuring that certain other actions taken by officers and employees of the law institute are not invalid only because those functions and powers had not been delegated to the officers and employees; and

ensuring that practising certificates are not invalid only because they were issued by an officer or employee to whom that power had not been delegated.

The rights of the parties in the proceedings before the Court of Appeal known as '*B' a solicitor and 'G' a solicitor v. Victorian Lawyers RPA Limited and Legal Profession Tribunal* will not be affected by the bill.

The bill will ensure that defects in the process of delegation will not be sufficient to found challenges to past decisions and orders made by the Legal Profession Tribunal (for example, about a legal practitioner's misconduct). In addition, legal practitioners will not be able to avoid having to pay fines or costs orders on that basis.

If delegations made and actions taken by the RPAs were not validated in this way, lawyers who have been found to be guilty of misconduct and whose practising certificate has been suspended or cancelled could resume practising as a lawyer. Failing to validate the delegations retrospectively could also mean that actions taken by the Legal Ombudsman may be in doubt in relation to matters dealt with by an RPA, where an unlawful delegation places the RPA's own actions in doubt.

Therefore, the impact of the Court of Appeal decision, and the additional issues identified subsequently, is wide ranging. In the absence of amending legislation it is likely to have a profound effect on the operation of the regulatory system for lawyers. Importantly, the impact of the decision is contrary to one of the main purposes of the Legal Practice Act, which is to improve the regulation of legal practice in Victoria. The bill will rectify the position and will ensure that this purpose of the Legal Practice Act is supported. Most importantly,

it will ensure that critical consumer protections are maintained.

I commend the bill to the house.

Debate adjourned on motion of Hon. R. DALLA-RIVA (East Yarra).

Debate adjourned until next day.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Second reading

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

That this bill be now read a second time.

Victoria faces difficult challenges to ensure that the criminal law is adequately equipped to deal with new and emerging types of crime. The Crimes (Property Damage and Computer Offences) Bill will introduce a new range of criminal offences to help ensure that Victoria is prepared to meet these challenges.

The bill reflects the government's determination to provide a modern and effective Victorian criminal justice system. The government is committed to providing safe streets, homes and workplaces for the Victorian community.

The bill will introduce the following new offences into the Crimes Act 1958:

a bushfire offence directed at those individuals who intentionally or recklessly cause a fire and who are reckless as to the spread of the fire to vegetation on property belonging to another person;

computer offences directed at individuals who impair the security, integrity and reliability of computer data and electronic communications; and

sabotage offences directed at individuals who damage publicly or privately owned public facilities, with the intention of causing major disruption to government functions or public services or major economic loss.

The new offences are based on the model provisions contained in the Model Criminal Code report entitled *Damage and Computer Offences*, which was published in January 2001.

The model offences establish the framework for a coordinated and uniform national approach to these

serious crimes. There is national agreement to implement the model offences:

At the Standing Committee of Attorneys-General meeting in March 2002 all jurisdictions agreed to introduce the model bushfire offence.

At the leaders summit agreement on terrorism and multijurisdictional crime in April 2002, all jurisdictions agreed to introduce the model computer offences in 2002. Introducing the model sabotage offences is also consistent with this agreement.

This bill will implement Victoria's commitment to introduce the model offences and will ensure that there is a comprehensive and consistent response across Australia.

Bushfire offence

All Victorians are aware of the damage that bushfires can cause. This year we have seen devastation caused by fires in the north-east of the state, as well as terrible destruction, and loss of life, in other states and territories.

While Victoria already has a range of offences covering the destruction of property by fire and lighting fires, these offences do not deal with a person who recklessly creates the risk of a fire spreading uncontrollably to vegetation belonging to another. This bill recognises the danger that this behaviour can cause by introducing a new bushfire offence into the Crimes Act.

The new offence will focus on people who create the risk of the spread of fire, rather than the infliction of actual harm. The offence will target people who intentionally or recklessly cause a fire and who are reckless as to the spread of the fire to vegetation on property belonging to another person. The offence will provide a maximum penalty of 15 years imprisonment, which is equivalent to the existing offence of arson.

However, persons who create the risk of a fire, where there are legitimate reasons to do so, will not be liable. The bill specifies that a person will not be reckless as to the spread of fire where the person:

carries out fire prevention, fire suppression or other land management activity;

in accordance with a provision made by or under an act or by a code of practice approved under an act; and

they believe that their conduct in carrying out that activity was justified having regard to all of the circumstances.

While unfortunately it may not be possible to stop all bushfires from occurring, this offence is an important step towards preventing unnecessary fires that occur because of the intentional or reckless conduct of individuals. The bushfire offence will help to deter these avoidable fires by ensuring that the full force of the law will be brought to bear on these offenders.

The bill will also amend the Bail Act 1977 to include the offence of arson causing death in the list of show-cause offences in that act. This will require a court to refuse bail where an accused is charged with arson causing death, unless the person can show cause why bail should be granted.

Arson causing death is an extremely serious offence carrying a maximum penalty of 25 years imprisonment. A person should not be able to receive bail for such a serious offence unless they can show cause why it would be appropriate.

The offence of arson causing death will now be treated in the same way as other serious show-cause offences such as aggravated burglary, or stalking (where violence is used or threatened against the person stalked).

Computer offences

Victorians are among the first to utilise new technology and this government has taken an active approach towards growing information and communication technologies and sharing the benefits of such technologies across the entire Victorian community. World-class information and communication technology companies have been developed and nurtured in Victoria.

However, as a result of this huge growth in the Internet population and in electronic commerce, the integrity and security of computer data and electronic communications has become increasingly important. Cybercrime activities, including hacking, virus propagation, and web site vandalism pose a significant threat to computer systems.

This bill recognises our growing reliance upon computers and as a result introduces seven new offences to ensure that the Victorian criminal laws are adequate to deal with the latest advances in computer technology. These laws will ensure that we can continue to nurture and share the benefit of technology within our state.

The main Victorian offence currently dealing with this type of conduct is section 9A of the Summary Offences Act 1966. Section 9A prohibits gaining access to or entering a computer system or part of a computer system without lawful authority. This offence is badly outdated and does not adequately cover new opportunities and avenues for the commission of computer crime.

Section 9A will therefore be repealed and replaced with the new computer offences which will be inserted into the Crimes Act. While section 9A is directed solely at unlawful access to a computer system, the new offences will cover a much wider range of conduct, including unauthorised modification or impairment of data.

The first new offence in the bill will prohibit a person from causing an unauthorised computer function. The person must know that the function is unauthorised and have the intention of committing a serious offence or facilitating the commission of a serious offence. This offence is particularly targeted at situations where the person takes action to prepare to commit another offence, such as obtaining property by deception, but the intended offence is not committed. This offence is punishable by the maximum penalty equal to the maximum penalty for the offence intended.

The second offence is directed at persons causing any unauthorised modification of data in a computer. The person must know that the modification is unauthorised and intend to impair access to, or the reliability, security or operation of, any data held in a computer or be reckless as to any such impairment. The offence will not require that data impairment actually occur and will cover a range of situations where:

a hacker obtains unauthorised access and modifies data to cause impairment; and

a person circulates a disk containing a computer virus that infects a computer.

The offence is punishable by a maximum penalty of 10 years imprisonment.

The third offence will prohibit causing an unauthorised impairment of electronic communications to or from a computer. The person must know that the impairment is unauthorised and intend to impair electronic communications or be reckless as to any such impairment. This offence is particularly designed to prohibit tactics such as denial-of-service attacks, where a web site is inundated with a large volume of unwanted messages thus crashing the computer server.

The offence is punishable by a maximum penalty of 10 years imprisonment.

The fourth offence will prohibit possessing or controlling data with the intention of committing or facilitating the commission of a serious computer offence by that person or another person. This offence is akin to offences such as going equipped for stealing, although the offence will extend beyond cases where the data is in the physical possession of the offender to situations where the data is in the offender's control even though it is in the possession of another person. The offence is punishable by a maximum penalty of three years imprisonment.

The fifth offence will prohibit producing, supplying or obtaining data with the intention of committing or facilitating the commission of a serious computer offence. The offence is designed to prohibit devising, propagating or publishing computer programs which are intended for use in the commission of a serious computer offence. The offence is punishable by a maximum penalty of three years imprisonment.

The sixth offence will prohibit causing unauthorised access to, or modification of, restricted data held in a computer. The person must know that the access or modification is unauthorised and intend to cause the access or modification. Restricted data is data that is protected by a password or other security feature. Since the offence is limited to restricted data, the offence will not apply to innocuous conduct such as using another's computer game without permission. This offence is punishable by a maximum penalty of two years imprisonment.

The final offence will prohibit causing any unauthorised impairment of the reliability, security or operation of any data held on a computer disk, credit card or other device used to store data by electronic means. The person must know that the impairment is unauthorised and intend to cause the impairment. The offence is a less serious version of the offence of unauthorised modification of data to cause impairment. The offence will apply to data stored electronically on disks, credit cards, tokens or tickets, while the more serious offence is confined to data held in a computer. This offence is also punishable by a maximum penalty of two years imprisonment.

All of these offences will be supported by extended extraterritorial jurisdiction in recognition of the reality that computer crime may often operate across state and territory borders. This means that the offences will apply not only to crimes committed wholly within Victoria, but also in appropriate cases where either the

conduct which comprises the offence or the target computer that is harmed is located outside Victoria.

The model offences adopted in the bill reflect the combined wisdom of computer experts, experts in criminal law and academics from around Australia. The bill has utilised the world's best experience in the formulation of such legislation and will position Victoria to keep ahead of the perpetrators of computer crime. The bill will also allow e-commerce to continue to flourish in Victoria so that people can transact their business confident that Victorian criminal law is up to the challenge.

Sabotage offences

Tragically as a result of the world we live in today, the government has a responsibility to ensure that Victoria's criminal laws are properly equipped to respond to all forms of terrorist conduct. This is a responsibility that this government takes very seriously.

Victoria currently has a number of offences aimed at those who cause damage to property. However, these offences are ill equipped to deal with conduct which is directed at the government or the community at large and which has the potential to cause massive damage and disruption to public services and facilities.

This bill creates new offences of sabotage and threatening sabotage to fill this gap in Victorian law. The offences provide for more severe maximum penalties in recognition of the seriousness of the conduct involved.

The new sabotage offence is directed at individuals who damage a public facility by committing a property offence (such as destroying or damaging property) or by causing an unauthorised computer function, with the intention of causing:

- major disruption to government functions;
- major disruption to the use of services by the public;
- or
- major economic loss.

The offence is punishable by a maximum penalty of 25 years imprisonment, which reflects the gravity of the offence involved. It will not be necessary to prove that the actual damage caused involved major disruption or economic loss.

The offence of threatening sabotage is punishable by a maximum penalty of 15 years imprisonment.

The government is committed to providing a modern and effective criminal justice system that meets the needs of the 21st century. The new offences in this bill will help to ensure that the Victorian criminal law effectively responds to those who start bushfires, carry out sabotage of public facilities and commit computer crimes.

I commend this bill to the house.

Debate adjourned on motion of Hon. R. DALLA-RIVA (East Yarra).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Adjournment

Hon. J. M. MADDEN (Minister for Sport and Recreation) — On behalf of the Minister for Finance, I move:

That the Council, at its rising, adjourn until Tuesday next at 9.30 a.m.

Hon. Philip Davis — On a point of order, President, could I just inquire of the minister why he intends to bring the house back at 9.30 a.m. on Tuesday next?

Hon. Bill Forwood — Further on the point of order, President, it is the practice of this house for members to have explained to them what the house is doing. Normally we would have expected to get up tonight and come back in three weeks time. Now we understand the government wants to come back on Tuesday and, more to the point, not come back at 2.00 p.m. at the scheduled time contained in the sessional orders we debated yesterday, but at 9.30 a.m. What the opposition is doing, on behalf of the chamber, is inviting the Minister for Sport and Recreation to explain to the house — his colleagues and others — why the government has decided to take this course of action.

Hon. Philip Davis — I actually raised a point of order and sought clarification about the motion. I am looking for a ruling from the President.

The PRESIDENT — Order! The Honourable Philip Davis actually asked the Minister for Sport and Recreation a question rather than raised a point of order and if the minister declines to respond to that, we can proceed to the procedural motion — if that is what the minister wishes to do. The motion before the house is a matter for debate and under the sessional orders it will be a 30-minute debate with 5 minutes per speaker.

Hon. Philip Davis — I understand, but I am looking for a response.

Hon. B. N. Atkinson — On a further point of order, President, I wonder about the minister's ability to put this motion as a procedural motion given that it seems to contradict the sessional orders that we agreed to yesterday. Those sessional orders require that to come back we need to have a business program established by the government.

The PRESIDENT — Order! I clarify that the motion before the house is not to do with the business program.

Hon. PHILIP DAVIS (Gippsland) — I will speak to the motion as I am obviously not going to get from the minister who moved it a response in the form of a simple clarification, which might have saved us a lot of time this afternoon. It is quite clearly the case that we spent a day considering the sessional orders brought in by this government but at the very first instance the government has come in and sought to adjourn the house to a time not fixed in the sessional orders. The sessional orders provide that if the house comes back on Tuesdays, it comes back at 2 o'clock.

The Minister for Sport and Recreation has moved a motion to bring the house back at 9.30 a.m. and what the opposition would like to know from the government is what it is proposing to do in that time on Tuesday. What is the government business program going to be? Why is the house coming back at 9.30 a.m.? What is the urgent business that the government has not been able to deal with today?

In fact, the government is adjourning the house prematurely because the hour of completing business here is 4.00 p.m. The Minister for Sport and Recreation has chosen to adjourn the house early. If the minister is so concerned about bringing the house back to deal with urgent matters, the house should be informed about it.

Members have made arrangements to conform with the usual sitting time — as specified by the government's own sessional orders — as being from 2.00 p.m. on Tuesdays. Clearly the government is immediately breaching the spirit of the sessional orders adopted by this house this week, indeed only last night.

I think this highlights the absurdity of the approach the government has taken in introducing arrangements into this place that are inflexible and remove the spirit of cooperation which has existed here for 150 years. The minister has come into this place and said that notwithstanding the clear rules that the government

introduced yesterday, it is going to ignore them and change the rules in the very first sitting week. A continuous train of hypocrisy is being rolled out into this Parliament day after day by a new government and ministers who really do not know what they are doing.

I had it quite clearly in my mind that if the Minister for Sport and Recreation provided an explanation on a point of order this matter would have been simply dealt with. It has not been dealt with at all. The fact of the matter is the minister came in here with no explanation. I suggest that no matter which minister now gets up to defend the Minister for Sport and Recreation, who moved the motion, they will not provide an explanation worthy of any credibility because it was these ministers who came into this place and told us that 150 years of cooperation was not worth a candle. What have we got? Today this government is bringing the Parliament back on a day it was not scheduled to sit. Not only that, but the government is ignoring its own sessional orders which quite clearly specify that the Parliament will come back on Tuesdays at 2.00 p.m.

I cannot believe the cant and hypocrisy that I see in everything that comes from the other side of the house in relation to the operations of the Parliament. If it were only true that the government was in favour of a proper democratic institution! I had high hopes that we might see some evidence of that but all we have seen is the attempt by the government to use its numbers in this place to gag debate. This debate will be abridged on the basis that the sessional orders, as they stand, restrict it to 30 minutes with 5 minutes for each member.

On what is quite clearly an important issue for the Parliament we must deal with the reality that the government wants to embrace the use of numbers on every occasion. At the first possible opportunity it will be bringing the Parliament back on a day that it was not scheduled to sit and at an hour that is not specified in the sessional orders. This is a simple case of hypocrisy and the use by the government of a sledgehammer to break an opposition. The opposition is prepared to work cooperatively with the government but the government is dismissive of any level of cooperation. All I can say to the house is I am disappointed that the week started out badly and it is going to finish up worse.

Hon. Bill Forwood — The government does not want to speak on this?

The PRESIDENT — Order! With the moving of the motion by the government, the Leader of the Opposition has spoken and there is now an opportunity for the third party to have its say. Therefore, I call the Leader of the National Party, Peter Hall.

Hon. P. R. HALL (Gippsland) — I am more than happy because where we are at late this afternoon really riles me. It has not taken long to break these sessional orders we debated for 6 or 7 hours yesterday. We had a lengthy debate on the sessional orders and I do not know how many times it was said that this house could operate with goodwill and cooperation from both sides but once again that has been thrown out the door at the first opportunity. It really annoys me.

An honourable member interjected.

Hon. P. R. HALL — I beg your pardon; you do not even know what is going on. You just wait until it is your turn to contribute.

The papers office published the dates for the autumn sitting for 2003 — they are: Tuesday, 25 February, Wednesday, 26 February, Thursday, 27 February — where we are today. The next date is Tuesday, 18 March. Then it lists a number of weeks right through to Thursday, 5 June.

In all good faith members accept that this is a program set out by the government for the weeks in which this Parliament will sit. We know our first duty is to attend here when Parliament is sitting, but we also know we have a high responsibility to the people we represent to be in our electorates. Consequently, we work our electorate commitments around these dates.

Suddenly, at the last minute — at 4 o'clock on Thursday afternoon — it is thrown to us that we will now be coming back on Tuesday. I say that is simply not good enough. We talked about time management, family-friendly hours and efficiency during the debate yesterday, yet here is a motion which simply throws into chaos all the planning that members have undertaken in carrying out their responsibilities.

I am annoyed about this. As I said, we have sessional orders to follow and we have the dates that have been set out here, and they are the times that should be adhered to strictly. It is a very poor reflection on this house that we cannot even stick to our own program that we have set ourselves to achieve. I hang my head in shame as a member of a Parliament that cannot even look after its own business. The National Party is strongly opposed to coming back next Tuesday at such an unscheduled time.

Mr JENNINGS (Minister for Aged Care) — The reason we are debating for how long the house will currently adjourn has come about through the following circumstances. Before Parliament sat this week the Leader of the Government had discussions with the leaders of the other parties in this place. He discussed

that the government would be introducing a number of bills in the Legislative Council during the first sitting week. At that first level of discussion I understand the responses from both leaders was fairly negative towards the proposition in terms of providing leave to the government to introduce those bills and have them second read before the end of the sitting week. As conversations transpired during the course of the week between the Leader of the Government and the leaders of the other parties — —

Hon. Philip Davis — On a point of order, President, the member is speaking about conversations in which he did not participate. I was of the understanding that discussions between the Leader of the Government and the Leader of the Opposition were held on a confidential basis.

The PRESIDENT — Order! It is not possible to rule as a result of the point of order. I will ask the member, to continue.

Mr JENNINGS — I was providing a progression of the sequence of conversations that took place. The most pivotal conversation took place between me and the Leader of the Opposition yesterday, when on the proposition put by the Leader of the Opposition that as a symbolic gesture one of the five bills that were introduced by the government would not be given leave to be introduced into the Parliament and second read this week, I made it specifically clear to the Leader of the Opposition that the only bill — the only bill — that was time sensitive and was a priority for the government to introduce and have second read this week was the very bill that leave was denied for subsequently by the actions of the opposition.

I made very clear the consequences: that if this bill could not be second read, it would mean the government would have no option but to come back on Tuesday next week. That proposition, I believe, was communicated in good spirit, in good faith, to the Leader of the Opposition yesterday afternoon. He clearly understood the consequences of the actions of not giving leave for this specific bill. It was a qualitative difference between a symbolic act and refusing leave for the only bill that was required by the government to proceed to the second-reading stage. He was very clear about that matter, and after question time today I approached the Leader of the Opposition to discuss whether it remained the position of the opposition that leave would be denied, and he reiterated that that was the case.

I subsequently, at that stage, transmitted that information to the National Party with a degree of

sorrow and acceptance of its frustration at being demanded to come back to the Parliament next Tuesday — because that is not a circumstance that suits any member of Parliament, I would assume — and through a volley of conversations I tried to create the circumstances where leave would be given for that matter to be dealt with today so that we would not be required to sit on Tuesday.

When the Minister for Small Business tried to progress the bill to the second-reading stage by leave today she was denied leave by the opposition. The consequences of that action were very clearly communicated to opposition members earlier in the week. They were very clear that if they chose to deny leave the government had no option but to bring the Parliament back next Tuesday, as regretful as it may be for any inconvenience caused to any member of Parliament or anybody else who works in this place. That was clearly understood by both parties in opposition. It was understood by the government prior to the adjournment motion being moved by my colleague the Minister for Sport and Recreation.

This debate is being undertaken for symbolic reasons to extract a pound of flesh. In my contribution yesterday I tried — I tried — on all occasions to acknowledge the legitimate concerns the opposition may have about government business being railroaded over the top of them and their not participating in decision making. But on the process I have outlined today to deal with the bill on which the government was denied leave was a line of communication that was attempted by the government but rejected by the opposition. The opposition chose to take this course and chose to bring us back next week. The government, because it is mindful of bringing in this piece of legislation in a timely fashion, unfortunately was required to bring us back next Tuesday. That is what will happen once the adjournment motion is dealt with this afternoon.

Hon. C. A. STRONG (Higinbotham) — On speaking to the motion I think it is absolutely critical in this place that we have some understanding of the rules under which we operate. Mr Jennings has explained some of the situation and the lead-up to this, to which I am not privy and do not seek to involve myself.

But we have set in place a series of sessional and standing orders that regulate the meeting times and procedures of this house. Why do we not keep to them? If the government wants to get its legislation through and feels obliged to bring the house back on Tuesday, that is something it can do. But why not bring it back in accordance with the sessional orders, which say that we reconvene at 2 o'clock, and go through the appropriate

business as per the sessional orders? Why throw out the sessional orders two days after we have put them in? What is the difference? Let us go by our rules.

If the government wants to come back on Tuesday to get this piece of legislation through, okay, but when we come back let us do it under the rules that we have agreed on. For goodness sake, why does the government have to ride roughshod over those rules? That is my question. My plea to the members on the other side is to bring us in according to the sessional orders.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am disappointed in the opposition, and particularly in the opposition leader. He is a newly elected opposition Leader. He came to his position as opposition leader following a significant defeat by the opposition at the polls. He has no understanding or appreciation yet of the fact that the people out there have made a decision about who they want to run this house — and it is not him.

One thing I can say would have occurred, at least under the previous opposition leader, is that we would have had a dialogue about what we were going to do in this house. We would have had a proper dialogue — that is what would have happened.

Hon. Philip Davis — It is a breach of confidence.

Hon. T. C. THEOPHANOUS — You should not talk about breaching confidences!

The fact of the matter is that this was always in the hands of the opposition, and it was a very obvious choice. The government is not keen to come back next Tuesday. It was always in the opposition's hands. It could have not been obstructionist. The opposition came in here and argued not long ago that the government was being unreasonable by introducing a new set of rules because, after all, the opposition was going to be reasonable, and it was going to be prepared to assist the government in getting up its legislative agenda.

Have a look at it! The first opportunity the opposition gets, what does it do? It uses the rules to try to obstruct because it is not prepared to grant leave to have a debate on a bill which it knows in timing terms is critical to the government. And then it comes — —

Hon. B. N. Atkinson — We don't know what the bill is!

Hon. T. C. THEOPHANOUS — You know very well.

Hon. Philip Davis — You didn't brief the shadow minister.

Hon. T. C. THEOPHANOUS — There is another thing that we did not ever get from the previous opposition leader — he did not lie to us either. He did not lie to us!

Hon. Philip Davis — On a point of order, President, I take exception to the member's remarks and ask him to withdraw.

Hon. T. C. THEOPHANOUS — On the point of order, President, I make the point that I was making a comment about the previous opposition leader. My comment —

Hon. Philip Davis — The member is debating. He must withdraw. He has no right to debate the matter.

Hon. T. C. THEOPHANOUS — If you want to be leader, then learn the rules!

Hon. Philip Davis — I know the rules, Theo. Don't debate it. Withdraw! Withdraw!

The PRESIDENT — Order! If the minister has a point of order I ask him to raise the point of order and not debate the issue.

Hon. Philip Davis — It is my point of order!

Hon. T. C. THEOPHANOUS — The President is allowed to hear me on the point of order.

Hon. Philip Davis — I have sought a withdrawal!

Hon. T. C. THEOPHANOUS — And I am speaking to your point of order.

The PRESIDENT — Order! The minister is speaking on the honourable member's point of order.

Hon. T. C. THEOPHANOUS — President, my point is that I would be happy to withdraw if I had made a comment directed at the member, but I do not see how my comment that we did not get lies from the previous opposition leader can be objectionable to anyone. But if the current opposition leader is so sensitive that he is not prepared to even allow people to say that the previous opposition leader did not lie, and if that causes him so much pain, I am happy to withdraw the comment that the previous opposition leader did not lie.

The PRESIDENT — Order! The member takes offence, and I ask the minister to withdraw.

Hon. T. C. THEOPHANOUS — I withdraw the comment I made about the previous opposition leader.

The PRESIDENT — Order! I ask the minister to withdraw without adding to it.

Hon. T. C. THEOPHANOUS — I withdraw.

The PRESIDENT — Order! The minister, to continue.

Hon. T. C. THEOPHANOUS — What we have come to see in this house is that if the house is going to operate then it should operate on the basis that there is an understanding by the opposition that the government has to get its legislative program through. I agree that this is not a good start, but it was always in the hands of the opposition as to whether the government would be able to get this legislative program through.

The government has now been forced to come back next Tuesday, and to come back next Tuesday at 9.30 a.m., because we want to come back for the specific purpose of dealing with this particular issue. There is no question about changes to the rules or anything of that nature; the rules allow for that to occur. If the rules did not allow it to occur then we would not be coming back next Tuesday at 9.30 a.m.

There is no point to whatever point the opposition is trying to make, which is not understandable to me, because we are coming back next Tuesday for the specific purpose of dealing with this piece of legislation and dealing with the government business. We are coming back because the opposition has forced us to do that. We are not in the business of playing to the opposition's agenda, whatever that agenda might be. We are in the business of getting government business through this house for the people of Victoria.

Hon. B. N. ATKINSON (Koonung) — The last comment by the Minister for Energy Industries summed it up, because his last comment was, 'We are in the business of getting government business through this house'. Come what may the government will ignore everything else and just bulldoze it through. Frankly this motion goes totally against the sessional orders passed yesterday. Less than 24 hours ago we passed sessional orders, and already the government is coming back and changing them. I do not understand. There was no explanation of the 9.30 a.m. start in the minister's contribution to this debate. He did not explain why we are coming back then rather than at 2 o'clock, which is provided for in the government's sessional orders.

The point has been made on a number of occasions that it is the opposition that has driven this and caused the moving of this motion. That is absolute rubbish. In fact the government was in a position to inform this house as to what its legislative program was and why it wanted those bills to go through. And if as a matter of urgency this particular legislation that has been referred to by the Minister for Small Business was so important then maybe the government could have afforded me the courtesy of a briefing on it so that I could go to my colleagues in the party, establish our position on it and perhaps accommodate the government's urgency on any time lines that were associated with the legislation. The fact is that the discourtesy of the Minister for Small Business in not providing any sort of briefing on this legislation — or indeed on anything else to do with her department or legislation — has led to this situation. It is a situation of the government's own making.

The government set the timetable for this Parliament. The government chose when this Parliament would resume and the days it would sit. Indeed, it decided that for the next two weeks we would not sit, and we were not to come back until the middle of March. Those are strange dates indeed when you sit down and start to plan out your calendar. But having recognised and accepted those dates, honourable members have now made commitments in their electorates. We are happy to come back to debate this legislation, but woe betide this government.

Yesterday we were told 'Trust us', and already the government has baulked at that. In the very words of the Minister for Energy Industries, this is just about getting government business through at any price. No matter what happens, it is a matter of making this place a rubber stamp for the legislation of the Bracks government. It is a matter of riding roughshod over this house. There is absolutely no integrity in this government as to the rules of this house and as to a proper and effective debate and analysis of legislation. Next time perhaps the government will show more courtesy to the opposition, and we will not have this sort of impasse.

Hon. BILL FORWOOD (Templestowe) — The standing orders are quite clear about the way this house operates. The whole of chapter 12 on bills outlines the process which takes place. It has been the practice of this house over a very long time that we accommodate each other in the way that we behave, and the house has always operated on that basis. Yesterday we went through a very long debate on why it has operated on that basis — on the basis of cooperation — and in my time in this place it has always operated on that basis.

What we now have is a codified set of rules, and we were told the house would operate according to the rules, but the first time the government wants to do something it changes its own rules. When first, the Minister for Sport and Recreation, and second, the Minister for Aged Care were invited to explain to the house why they are moving away from the rules that we brought into this place yesterday, neither was prepared to respond.

Mr Jennings — That is not true.

Hon. BILL FORWOOD — I asked the minister by way of interjection across the chamber when he had 30 seconds left why we were coming back at 9.30 a.m. The opposition is quite happy to come back on Tuesday. The way the standing orders work, it was a natural consequence that we would come back on Tuesday.

The question I asked the Minister for Aged Care was: why are we coming back at 9.30 a.m.? The question he refused to answer was: why are we coming back at 9.30 a.m.? He would not answer the question and nor would the Minister for Sport and Recreation when he was asked the same question.

Hon. T. C. Theophanous — It is an unusual circumstance.

Hon. BILL FORWOOD — The Minister for Energy Industries says it is an unusual circumstance. What is unusual about following the standing orders of this place? They are quite specific.

Hon. T. C. Theophanous — What is unusual is your obstruction.

Hon. BILL FORWOOD — This is not obstruction. We are following the rules of the chamber, and you are the people who came here yesterday with a new set of rules and said we must abide by them, yet on the very first occasion that you want to abide by them you divert from them. Mr Atkinson is entirely right. This is about the government's desire to railroad legislation and use a ramrod to get it through this place in its own way.

There are a number of points about this issue: one is that already on the second sitting day we are beginning to lose the courtesy that has been a hallmark of this place for 150 years, or — let me truncate the point — for the 10 years that I have been in this place. The Minister for Energy Industries and I have vigorously argued across the chamber for a very long time, but the general tenor of this place has been one of cooperation and respect for each other, and in this place there has

always been a sense that cooperation would get things done.

Today, on the first procedural debate that this place has seen of this type since the sessional orders came in yesterday, we are operating under time limits of half an hour with 5 minutes each, dealing with the substantive issue of why we are coming back next week. All we are doing is following the rules set down under the standing orders of this place. It is a very sad and sorry day that we are at this point so quickly. We are here partly, as my colleague the Leader of the Opposition said, because the minister was not prepared, not willing and not equipped to stand up and say to us in response to a polite point of order which asked: why is this happening — —

Hon. J. M. Madden — Do not pretend.

Hon. BILL FORWOOD — You know it is true. You were not prepared to have the dialogue with us and to explain to us why this is the case.

The government is bringing us back on Tuesday, and we are willing to come. We are willing to attend Parliament when we are called to come, but I have a simple challenge to the government: let us have a full day's program. Every person in this place is entitled to speak on the address-in-reply. We have dealt with second readings and debate on them has been adjourned.

However, the crucial thing, and the thing the government will be judged on, is whether we have a full program or we just come back on Tuesday, walk in to hear a second-reading speech, and then all go home. The challenge for the government is whether it is going to bring the Parliament back for a proper day's sitting or is going to treat this place once again with utter contempt.

Hon. M. R. THOMSON (Minister for Small Business) — I rise because I think we are in a peculiar circumstance. It is very rare in this house, certainly in my experience over the past three and a bit years, that leave has not been granted for a first reading, which is the experience we had yesterday.

I pick up on the point raised by the Honourable Bruce Atkinson with regard to briefings on bills. It has always been the practice that briefings occur after the second-reading stage. The courtesy would be shown again to the spokesperson on small business or providing such a briefing and the information that the honourable member may need to be able to participate in a debate when the bill comes back to the house. It is a very unusual circumstance, and people are well aware

that it is a piece of legislation that should be proceeded with in a way that progresses the bill through the house in an orderly fashion. The performance yesterday of refusing leave to first read the bill indicated that the opposition was not prepared to treat the bill in an orderly way and with respect. It has been the practice in this house generally — —

The PRESIDENT — Order! The time for debate has expired.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms (<i>Teller</i>)	Smith, Mr
Hilton, Mr	Somyurek, Mr (<i>Teller</i>)
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr (<i>Teller</i>)
Dalla-Riva, Mr (<i>Teller</i>)	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr	

Motion agreed to.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Country Fire Authority: equipment

Hon. J. A. VOGELS (Western) — I would like the Minister for Energy Industries to ask the Minister for Police and Emergency Services in another place, Mr André Haermeyer, to take immediate action to withdraw an edict directed to rural fire brigades disallowing the use of Country Fire Authority (CFA) equipment — for example, fire tankers — for private purposes.

We have just witnessed Victoria's worst bushfire season. Many of the state's 60 000 volunteers have

given generously of their time, risking their lives to save others as well as to protect property, both private and public, and they have done so without reward and often at great personal expense.

As things settle down following each fire season our rural fire brigade volunteers get out there and raise thousands of dollars to enable their brigades to purchase their own tankers to back up the CFA trucks, yet so easily the bureaucrats make directives with little or no understanding of how rural communities work — that is, they work together. Our volunteer firefighters also give up many hours of their leisure time toward not only enhancing and improving their firefighting skills but also becoming competent users of all firefighting equipment. Their selfless goal — to save lives and minimise destruction of property on behalf of this state and the community while jeopardising their own lives — is unquestionable, and yet in the end we do seem to question this.

One of the best ways to learn these skills is when stubble or roadside burning-off takes place and CFA tankers are present as a safety precaution — in other words, private tanker operators are using the CFA truck as a backup in this state's best interests. Let me remind the house that to have volunteer brigades of men and women takes goodwill on all sides. While the private work raises many thousands of dollars for rural brigades, enabling the purchase of new equipment, it also creates opportunities to practise firefighting.

I ask: how do this government and its bureaucracy value the volunteer men and women of our rural fire brigades? I say that unless this order is withdrawn it appears they do not regard them very highly.

Aquatic facilities: Frankston

Mr SMITH (Chelsea) — The matter I wish to raise relates to the issue of a community pool in Frankston. I wish to raise this matter with the Minister for Sport and Recreation, who is also the Minister for Commonwealth Games. In doing so I remind not only the minister but the house that this issue has been high on my agenda, and indeed on the agenda of my colleague in Chelsea Mr Viney. We have lobbied the minister hard on the basis that there is a great need for a community pool of the normal, expected standard for the south-east. That being the case, I ask the minister to inform me as to what possibility there is of making available a pool of this type in the future.

Drought: government assistance

Hon. W. A. LOVELL (North Eastern) — My adjournment issue is for the attention of the Minister for Agriculture in the other place. It relates to the state drought assistance package being withdrawn for dairy farmers on the Goulburn irrigation system. The drought assistance package was announced by the Premier at the Elmore Field Days among much fanfare, and there was no mention of the word 'interim' in the lead-up to the state election. Clearly this was a cheap campaign stunt aimed at country Victoria, because at the first opportunity the minister has withdrawn the package for dairy farmers on the Goulburn irrigation system.

Currently we are suffering the most severe drought of the past 100 years. Fodder that in a normal year would cost \$80 to \$160 per tonne is at present costing \$250 to \$380 per tonne. Farmers are buying between 200 and 600-plus tonnes at present, at a cost ranging in total from \$50 000 to \$200 000-plus; and there has been a 25 per cent downturn in returns this year.

It is appalling that John Thwaites has been the minister for conservation and water for the past three months and still has not visited the Shepparton area irrigation district, despite our region suffering the worst drought for 100 years and the fact that for the first time in history irrigators are receiving only 53 per cent of their water rights. It was disappointing when the Minister for Agriculture, Bob Cameron, announced that the state government had withdrawn drought relief for dairy farmers on the Goulburn system, despite its election promise on page 16 of the ALP's north-east Victoria and Goulburn Valley policy document that:

Labor will continue to provide drought relief to farmers in north-east Victoria.

But the final insult was a statement from the government spokesperson in the *Country News* on Tuesday, 17 February, that stated:

If farmers hadn't made applications after it had been open for three months, then clearly there hasn't been a great need for assistance.

Statements like this show just how out of touch the Bracks government is with the farming and business community. As many farmers' applications were still with their accountants awaiting their 2001–02 income tax assessments as this information was needed to accurately complete the application form.

Will the minister please clarify why the decision has been made to no longer assess applications for the farm business support grants from dairy farmers on the Goulburn system and when the term 'interim

assistance' was first used by the government to describe the program?

Motor vehicles: fuel efficient

Ms ROMANES (Melbourne) — I raise an issue with the Minister for Finance. The Bracks Labor government has made a strong commitment to the environment and sustainability. We have seen that through various means such as legislation, the creation of the Sustainable Energy Authority of Victoria and the greenhouse strategy, which was released last year by the then Minister for Energy and Resources, now the Minister for Local Government. This commitment has also been reinforced by the election platform that the Labor team put forward at the time of the November 2002 election. Part of that platform included a commitment to lead by example by requiring government agencies to adopt purchasing and management strategies that minimise the environmental impact and — to provide more detail — to shift to less polluting, fuel-efficient government fleet vehicles.

Consistent with those objectives of the Bracks government, the Minister for Local Government and I requested over two years ago, at the time of the changeover of parliamentary vehicles, that we be given dedicated liquefied petroleum gas (LPG) vehicles. I been driving an LPG Ford Falcon, which has been a very satisfactory vehicle, for over two years. The government has also purchased Toyota Prius vehicles for trial in Vicfleet.

The House Committee has made decisions to encourage more fuel-efficient vehicles. I was disturbed to find out that some government members, however, have not been informed fully of the range of vehicles that are available, including the dedicated LPG vehicles. I ask the minister what action he will take to promote less polluting, fuel-efficient vehicles as part of the government fleet, and also what monitoring and assessment of the relative performance of fuel-efficient vehicles in the government fleet have been done or will be done in future in response to the policy objectives of the government in this area?

Bushfires: fences

Hon. P. R. HALL (Gippsland) — I raise a matter tonight for the attention of the Minister for Environment. It concerns boundary fencing destroyed in the recent bushfires.

During a visit to the Bonang-Tubbutt area last week, National Party leader Peter Ryan and I met with a number of people from Deddick and Dellicknora whose

fences bordering the Snowy River National Park were burnt. These fences were not burnt by the fire itself; they were burnt as part of an authorized back-burning operation authorized by Department of Sustainability and Environment (DSE) officers. In one case 1000 acres of private property and 18 kilometres of dog-proof electrical fencing were burnt as part of the back-burning operations. The properties were lit up with the knowledge that this would occur. The cost of replacing this fencing is \$8800 per kilometre. That is an insurance assessment of the cost of replacing dog-proof electrical fencing. That 18 kilometres is therefore going to cost that landholder \$158 400. When the government decides to undertake back-burning there is no commitment that it will contribute in any way at all towards the cost of replacing that fencing.

Another person we spoke to from the Deddick area also had 500 acres back-burnt and lost several kilometres of fencing. However, his next door neighbour dug his heels in and said, 'No, I am not going to give you permission to do back-burning on my property. You do it over the fence in the national park itself'. Eventually the DSE conducted the back-burning in the national park and not on his property, much to the annoyance, when he found out that he could have denied permission, of the previous guy who had given the department permission and lost some kilometres of fencing.

I seek from the Minister for Environment clarification of the government's policy and the legal position on this matter. I want to know, and the essential question is: can a private land-holder withhold permission for back-burning to take place on his or her land?

Housing: waiting lists

Hon. R. DALLA-RIVA (East Yarra) — I direct my question to the Minister for Sport and Recreation in his capacity as the representative of the Minister for Housing. As a member for East Yarra, which covers the eastern suburbs of Melbourne, I draw his attention to an annual general meeting I attended last year at the Inner East Housing Community where major concerns were raised about the Bracks government's failure to help people who need housing assistance.

In particular I refer to figures that were provided by the government showing the level of early or priority housing waiting lists during the period between June 2000 and September 2002. I draw attention to the fact that the number of families in the eastern metropolitan region in my area has increased by 404, or 132 per cent, over that period. The number of families waiting for

long-term housing in Box Hill, which I represent, has grown by 286 — a 183 per cent increase.

I refer the minister to a report in the *Oakleigh-Monash Leader* and the *Springvale-Dandenong Leader* dated 3 February 2003, where page 22 states:

But the government said the figures were misleading and that the number of people waiting for public housing in the eastern region had dropped by 260 between June and September 2002.

Government spokeswoman Sarah McKinnon said waiting lists in Box Hill fell by 120 families, or 5 per cent.

Could the minister please explain to this house which figures are not misleading? Could the minister explain to the house which figures are correct?

Preschools: Western Province

Hon. D. F. KOCH (Western) — In the absence of the Minister for Aged Care, I ask that my adjournment matter be directed to the Minister for Community Services in the other house. Funding shortfalls to rural kindergartens in small country business centres in Western Province such as Cavendish, Minyip and Rupanyup with student enrolments of less than 12 continue to place unrealistic and unachievable financial burdens on these students' parents.

To expect the parents to fund these significant shortfalls in operating budgets is unrealistic and needs addressing immediately. Currently we are finding parents re-enrolling their children in larger centres at great cost and often long distances from their family homes in order to accommodate this inconvenience to the initial educational needs of young families. Regrettably, the outcome under this current situation sounds the death knell for small rural communities and the few remaining services they have been able to retain.

I urge this government to correct the situation at the first opportunity so that these parents receive similar services and opportunities for their children to those their city cousins receive. These are the essential building block years of our education system, and to be underfunded to this degree is mean. It is unacceptable to the majority and needs to be addressed before it is too late for the current 2003 enrolments.

Dora and Jika streets, Heidelberg: traffic control

Hon. BILL FORWOOD (Templestowe) — The issue I wish to raise is for the Minister for Transport in the other place. It concerns a public meeting I attended on Monday night in the electorate of Templestowe,

which I have the honour of representing. The meeting was attended by residents of Dora Street and Jika Street. Honourable members may not know this, but the Western Ring Road ends at Greensborough Road, and traffic comes down to Rosanna Road and then hits the Bell-Banksia link. The capacity then exists for vehicles to travel down Manningham Road and Bulleen Road and onto the freeway. In other words, this is the link between the Western Ring Road and the Eastern Freeway.

Vicroads, in its wisdom, has decided that rather than make trucks drive down Rosanna Road until they hit the Bell-Banksia link and turn left, they should be allowed to come through a residential area at Dora and Jika streets.

Last year on 7 August a public meeting was held and this issue was dealt with. Two things were requested. One was that Vicroads was formally requested to install a sign advising trucks to turn left at Banksia Street, and that has been done. The second thing that was requested was a full traffic survey. That traffic survey has shown there are 17 750 vehicle movements in the residential streets each day and that 8.8 per cent of these movements are commercial vehicles. It has reached such bad proportions that between 8.00 a.m. and 9.00 a.m. and again between 4.00 p.m. and 5.00 p.m. the residents cannot get in or out of their houses, and there is absolute chaos. The residents do not like it, but they accept that it is part of a link that people will use.

What they want and what they are entitled to have — and the parliamentary secretary for infrastructure in the other place, the honourable member for Coburg, tells me it is possible — is for Vicroads to ban the trucks. The residents are not happy to have the 90 per cent of car traffic, but they are willing to wear it. But they would like trucks to be banned from Dora and Jika streets so that they do not drive down there.

You, President, know the area well. I make the point that Jika Street is where the government is currently building the new Heidelberg police station and where it has recently built the new law courts. This area is not designed to have articulated diesel trucks of massive proportions using a residential street as a link between two freeways. I ask for urgent action from the Minister for Transport.

Timber industry: restructure

Hon. E. G. STONEY (Central Highlands) — I seek the assistance of the Minister for Environment in the other place. The timber industry in Victoria is in absolute crisis. It is fair to say it may not survive in the

long term as a viable and sustainable industry. Honourable members will have seen the log trucks piled up outside Parliament House. The owner-drivers told me yesterday that they are losing so much money that they are actually saving money while their trucks sit idle in Spring Street rather than driving their trucks laden with logs up and down the roads.

The truckies are in the middle of a long-running dispute within the industry. Before the election the government offered to sort out the dispute, but since the election it has been ducking for cover and losing interest. As a separate issue the government is offering packages to contractors, but mill owners tell me that if contractors leave, they will not get enough logs to the mills. It is of crucial importance that they get the logs in before the winter. Bushfires have complicated the job. That has put pressure on the industry, and machinery is tied up fighting fires. When winter comes the mills will run out of logs. A lot of timber resources have been burnt in the bushfires. Their salvage may offer not a short-term solution but perhaps a 5 to 10-year solution for the industry.

Nobody knows how many hectares of timber have been burnt. I am told most of it can be salvaged, but I am also told that the government must make some very strong and firm decisions quickly in order to salvage the timber before it starts to deteriorate. The government must make these decisions, and it must make them now. It must sort out, for example, the regional forest agreements (RFAs), which are an absolute debacle.

The government must make decisions as to where Victoria will source its high-quality timber from. It has to decide whether Victoria will meet its moral obligations to use its own timber resources or continue to import timber from South-East Asia, where the timber industry is badly managed. The government should look at all these issues and make the hard decisions to save the timber industry from the collapse I think it is heading for in Victoria.

Hospitals: funding

Hon. D. McL. DAVIS (East Yarra) — My matter for the adjournment debate tonight is directed to the Minister for Health in the other place. I draw the minister's attention to the Auditor-General's *Report on Public Sector Agencies* tabled in this place today and to the section on page 111 on the financial viability of our hospitals. This shocking and damning report confirms the worst fears of the opposition that prior to the last election the government hid the financial reports on our public hospitals, both country and city, in an attempt to

hide the deteriorating financial position of those hospitals.

It is very clear from the Auditor-General's damning indictment of the management of these hospitals and the government's mismanagement of the public hospital system that serious work needs to be done here. The Austin and Repatriation Medical Centre, Bayside Health, Eastern Health, Melbourne Health, Western Health and the following rural and regional hospitals, Bairnsdale Regional Health Service, Ballarat Health Services, Dunmunkle Health Services and Omeo District Hospital, meet the four criteria for serious financial difficulty laid out by the Auditor-General in his report.

He certainly made the point that he saw indications of significant distress. Many other hospitals are facing financial stress as well. His report has a long list of hospitals that face two or more of the unfavourable indicators of financial stress that he laid out.

It should be understood that the impact of this report flows from a number of things including not only the mismanagement of the former minister, the Deputy Premier, who must take personal responsibility for the mismanagement of our system and his deliberate attempt to hide the results prior to the state election. The new Minister for Health must step forward and accept responsibility for the mismanagement of the system.

Part of that comes about through the nurses pay agreement and the necessary funds that flowed for that. The fact is that the government has implemented an agreement without taking the proper steps and providing the proper support to the hospitals to enable them to achieve the proper funding. The first figure is \$46.8 million for metropolitan hospitals. The Auditor-General identified cash payments by the hospital as having increased by 15.2 per cent but payments from the government increased by only 8.2 per cent in the last year.

In this context I ask: when will all Victorian public hospitals be returned to the black, and to achieve this will the minister make provision for our hospitals and stop underfunding them?

Knox: illegal fireworks

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Police and Emergency Services in the other house. There has been an increase in the use of illegal fireworks in the City of Knox, which is part of Silvan Province. A councillor at the

City of Knox has called on the community to help stamp out the possession and use of illegal fireworks. They are obviously extremely dangerous to people who do not have the appropriate permits and do not know how to handle them properly.

A number of injuries have been reported in our local region as a result of their illegal use and the Knox police have publicly said in the local newspapers that the use of illegal fireworks was indeed widespread over the community of Knox. The local Country Fire Authority officers have also expressed their concern about the use of the illegal fireworks and the danger involved in letting them off near bushland, particularly in this season of high fire danger. It is reported that pets and local wildlife are becoming distressed at the use of the fireworks, particularly firecrackers.

What action will the Minister for Police and Emergency Services take to ensure regulations under the provisions of the Dangerous Goods Act governing the use of fireworks are actually enforced in the City of Knox?

Gaming: smoking ban

Hon. B. W. BISHOP (North Western) — I wish to raise with the Premier a border anomaly issue relating to the inconsistent smoking rules between Victoria and New South Wales in gaming areas.

In response to a request from the Robinvale Golf Club I requested a deputation to discuss this urgent issue with the Minister for Tourism, who also has responsibility for gaming and racing, and the Minister for Health to try to find a resolution. This issue has arisen because of the government's creating smoke-free areas near gaming machines whereas in New South Wales no such rules are in place.

This is a matter of some urgency as some of the Victorian border clubs are likely to become unviable as Victorian gamblers head across the Murray River to the New South Wales clubs where they can smoke in gaming areas. Moves to have New South Wales fall into line with Victoria may be commendable in the long term, but it is likely to be years before the rules become uniform, and in the meantime organisations such as the Robinvale Golf Club — a true community club — will suffer ongoing financial hardship until the issue is settled.

I have written to the Premier requesting intervention to put into place a special tourist precinct for Victorian border clubs along the Murray River in an effort to introduce a fair go for our Victorian clubs. As this matter is urgent I would request from the Premier an

immediate resolution of this issue before a number of these community clubs become unviable due to this border anomaly.

Bushfires: government assistance

Hon. PHILIP DAVIS (Gippsland) — The issue I raise tonight is for the Premier. Consistently over the last couple of days we have referred in this place to the bushfires in north-eastern Victoria and Gippsland, and at the conclusion of the adjournment debate tonight it is appropriate for us to reflect on the fact that these fires are continuing and as yet there has been no comprehensive package of relief measures proposed or announced by the government.

This is now a matter of absolute urgency because today is day 51 of these fires and there are people who were affected in the first week who are desperate for advice from government as to what their futures will be in terms of any support from government. Clearly the impact of bushfires has been severe on towns right across north-eastern Victoria and through to far-eastern Gippsland. There are huge impacts for the local economies and therefore on social cohesion.

Individual families have been adversely affected, and as we heard last evening there have been some significant personal injuries and, we believe, a loss of life. Time is on the wing. It is important that the government respond. In the strongest of terms I urge the Premier to respond to the approaches that have been made from all political parties, and I am sure from members of his own government, to expedite any government announcements.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to the issue raised by the Honourable John Vogels regarding Country Fire Authority equipment and tankers, I will refer this to the Minister for Police and Emergency Services in the other place.

I thank Mr Smith for again bringing to my attention the issue regarding the Frankston pool. I appreciate the significance of community facilities in any community, and I also know the Frankston community is eager, as are many other communities, to continue to develop and grow its community cohesion through provision of appropriate sporting and community facilities. I continue to encourage the appropriate local government authority to work together with the community to bring together the appropriate partnerships that would allow them to access funds from significant community

facilities programs in order to bring about a positive outcome for the Frankston community through the provision of improved sporting and recreational facilities such as new aquatic facilities.

In relation to the question raised by the Honourable Wendy Lovell regarding drought assistance package applications, I will refer that to the Minister for Agriculture in the other place.

Ms Romanes raised an issue regarding government purchasing and servicing agreements, relating in particular to the Vicfleet and LPG aspects. I will refer this to the Minister for Finance.

The Honourable Peter Hall raised the issue of back-burning on properties, fencing damage and permission and access rights in relation to those. I will refer this to the Minister for Environment in the other place.

The Honourable Richard Dalla-Riva raised the issue of inner eastern housing waiting list figures, and I will refer this to the Minister for Housing in the other place.

The Honourable David Koch raised the issue of rural kindergartens and their funding. I will refer this to the Minister for Community Services in the other place.

The Honourable Bill Forwood raised the issue of truck usage and the difficulties of the residents in Dora and Jika streets in Heidelberg. I will refer this to the Minister for Transport in the other place.

The Honourable Graeme Stoney raised a number of issues regarding the forestry industry, and I will draw them to the attention of the Minister for Environment in the other place.

The Honourable David Davis raised the issue of management and viability of public hospitals, and I will refer that to the Minister for Health in the other place.

The Honourable Andrew Olexander referred to the use of illegal fireworks in the Knox area, and I will draw it to the attention of the Minister for Police and Emergency Services in the other place.

The Honourable Barry Bishop raised the issue of border inconsistencies in relation to smoking rules in gaming establishments. I will draw this to the attention of the Premier in the other place.

The Honourable Philip Davis raised the issue of bushfires in north-eastern Gippsland and support for communities affected. I will refer this to the Premier in the other place.

Motion agreed to.

House adjourned 5.06 p.m until Tuesday, 4 March at 9.30 a.m.

