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(HANSARD)**

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FIFTY-FOURTH PARLIAMENT  
FIRST SESSION**

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## QUESTIONS ON NOTICE

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**Tuesday, 23 April 2002**

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

### ROYAL ASSENT

Message read advising royal assent to:

Constitution (Governor's Salary) Act  
Corporations (Financial Services Reform  
Amendments) Act  
Electricity Industry (Amendment) Act  
Statute Law (Further Revision) Act

### QUESTIONS WITHOUT NOTICE

#### Better Pools program

**Hon. I. J. COVER** (Geelong) — I direct my question to the Minister for Sport and Recreation. Cabinet has decided to adopt the principle that physical infrastructure development will not lead to better community development. Will this decision affect the minister's area of responsibility?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I am astounded by Mr Cover's remarks. It is news to me, and I am sure it would be news to the government, that physical infrastructure will not support communities, because that is the basis under which the government would achieve that support. I would like to advise the honourable member that in that circumstance he must be absolutely wrong.

**Hon. I. J. COVER** (Geelong) — I have a supplementary question. On this issue of physical infrastructure development, of which the minister has just given a brief overview in his response to my question about whether this decision will affect his area of responsibility, perhaps we could talk about one area of physical infrastructure development — that is, the Better Pools program. In this context I ask the Minister for Sport and Recreation whether he will confirm that after this round of Better Pools program announcements there will be no more funding from the Community Support Fund due to the decision taken by cabinet?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for his question. The member is wrong in every circumstance in relation to his original question and his supplementary question. The sporting facilities development that continues to be substantially

supported by this government with whatever sporting facilities are involved, whether it be pools or other sporting facilities required by communities, is all about community building. It is astounding to hear remarks like that coming from the opposition. It shows a lack of appreciation of what this government has done, is doing and will continue to do in terms of community building, particularly in terms of sporting infrastructure, in this state.

#### Buying a Business program

**Hon. R. F. SMITH** (Chelsea) — Many people have the desire to get into small business but often find it difficult to take the first step. The Bracks government's business statement, *Building Tomorrow's Businesses Today*, which was released yesterday, included an initiative on buying a business. Will the Minister for Small Business inform the house of any further details regarding this initiative?

**Hon. M. R. THOMSON** (Minister for Small Business) — I thank the honourable member for his question. It is true that Victorians show an ever-increasing interest in starting their own businesses, but the decisions that need to be made before you form a business must be made on the basis of information you can be confident of and on which you can base good business decisions. As a government Labor is interested in raising the bar in relation to the standard of information and advice available to people. The government will do this through the Buying a Business program. This program was included in yesterday's business statement, *Building Tomorrow's Businesses Today*. It targets Victorians intending to buy or start a business.

The reaction in the media today to the *Building Tomorrow's Businesses Today* statement shows that it has been particularly well received by business organisations. Under the headline 'Jobs boost' today's *Herald Sun* says:

A jobs windfall on the back of the state's \$364 million business statement is forecast to inject fresh life into Victoria's economy.

The chief of the Victorian Employers Chamber of Commerce and Industry, Mr Neil Coulson, was quoted as having said:

I think it's a very constructive package. I think credit is given where credit is due.

The new director of the Australian Industry Group, Tim Piper, said the package would provide welcome stimulus for manufacturing.

It is no wonder the *Building Tomorrow's Businesses Today* statement has received this reaction given that it provides a \$364 million package of initiatives to grow Victoria's businesses and to grow new jobs. Small business in particular will benefit from this business statement, with almost \$1 million being allocated to the Buying a Business program. It will provide information, group training workshops, an online skills checker, and individual one-on-one counselling through a coordinated and high-quality range of infrastructure and training products.

The Bracks government will be working in conjunction with trade and industry groups, local councils and the small business counselling service to provide this program. Through the Buying a Business program the Bracks government will assist Victorians to make their business decisions based on the best possible information.

It is still the case that lack of accurate and timely information in starting a business leads to some very bad business decisions, from the signing of bad leases through to purchasing unprofitable businesses; all the issues that need to be thought out thoroughly and checked before one enters into those arrangements will be just the kinds of things that the Buying a Business program will help address. This program will provide invaluable guidance for anyone who wishes to buy a small business. It is the Bracks government's vision to grow tomorrow's businesses today, to ensure that the foundations for the start of those businesses are the foundations that see business success. The Bracks government is turning things around and is helping to grow small business across the whole of Victoria.

**Better Pools program**

**Hon. E. G. STONEY** (Central Highlands) — Has the Community Support Fund advised the Minister for Sport and Recreation that funding for the Better Pools program and minor facilities is to be withdrawn?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for his question. I am still struggling with the concept of the way in which the opposition is asking these questions. Could I suggest a few things? I want to highlight this as a preamble to the answer to the question.

To date the government has made a total contribution of \$15.7 million to stimulate swimming pool project development valued to the tune of \$46.9 million for all Victorians regardless of where they live. I reinforce that and I will get to the answer; this is the preamble. It is worth noting that of this funding contribution the total

project value for country Victoria is estimated at \$28.2 million. Why? Because when we came to government we changed the funding ratios to make sure country Victoria got a better deal because the opposition when in government ignored country Victoria. Once again the opposition pretends to care but the government knows it does not care.

**The PRESIDENT** — Order! I think the minister has had enough preamble. He may like to get on to the answer.

**Hon. J. M. MADDEN** — I look forward to the continued development of programs and projects like this. I well and truly expect that in the foreseeable future this type of facility development will continue to take place because the government is committed to rural Victoria. It is committed to growing the whole state. We know the government cares and that the opposition does not care.

**Hon. E. G. STONEY** (Central Highlands) — My question was specific and asked whether the Community Support Fund (CSF) has advised the minister it is withdrawing a budget for physical infrastructure. I believe the minister has avoided answering the question. Is it true that the minister is now thrashing around trying to find a budget, perhaps from the Department of Treasury and Finance, to replace the budget that has been withdrawn by the CSF for physical infrastructure of the Better Pools and minor projects program?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I do not think the honourable member heard what I said; I will say it again. I have not been notified of that position. I make that well and truly clear. I expect that the government will continue to support projects and programs of that nature well into the future.

I expect the government will continue to grow the whole of the state, wherever that money comes from. The government is committed to rural and regional Victoria. I have said that I have not been notified, and nor do I expect that to be the case. I expect the government will continue the funding in the foreseeable future. As I have reinforced — the honourable member's ears must be painted on — the government cares but the opposition does not, and the government knows the opposition does not care — and the rest of Victoria feels the same way.

**Port of Melbourne: channel deepening**

**Hon. KAYE DARVENIZA** (Melbourne West) — Will the Minister for Ports inform the house of how the

government's *Building Tomorrow's Businesses Today* statement will deliver benefits to Victorian exporters and importers, and how it builds on earlier decisions by the government?

**Hon. C. C. BROAD** (Minister for Ports) — I thank the honourable member for her question. The port of Melbourne is a key driver of Victoria's economy. Last year it handled more than \$60 billion worth of cargo and contributed more than \$6 billion to Victoria's economy, which it does on an annual basis.

In order for the port of Melbourne to continue to operate efficiently and to provide those economic benefits for all Victorians it must have the right infrastructure. This includes shipping channels at the right depths. I am pleased to advise the house that in *Building Tomorrow's Businesses Today* the Bracks government has committed \$5.2 million for detailed investigations into the proposal by the Victorian Channels Authority to increase the depth of shipping channels linked to the port of Melbourne. Those investigations will consider environmental, technical and financial issues associated with the proposal. The VCA will also undertake a comprehensive stakeholder consultation program as part of this process.

At the conclusion of the investigations the government will make a final decision on whether to proceed with the deepening proposal. This initiative builds on the earlier decision by the government to give its in-principle support for the channel deepening proposal subject to its meeting the requirements set down in the Environment Effects Act, the satisfactory resolution of all technical issues and the acceptance by the government of a sound financing strategy for the proposal.

It is important for honourable members to understand the reasoning behind the government's actions on channel deepening. Currently more than 10 per cent of vessels which visit the port of Melbourne operate at less than their full capacity due to depth constraints. Recent studies carried out by the VCA found that container vessel size will continue to increase and that by 2005 approximately 25 per cent of vessels will be constrained if action is not taken. Deepening the shipping channels to the port would allow vessels to operate at their full capacity and improve efficiencies as a result. This would translate to cheaper shipping costs to our exporters, including our farmers, making them more competitive in international markets.

The Bracks government will continue to act to ensure that the port of Melbourne retains its position as the premier container port in Australia. The \$5.3 million

commitment to the port in *Building Tomorrow's Businesses Today* is another government action to achieve that goal.

### Commonwealth Games: budget

**Hon. R. A. BEST** (North Western) — I direct my question to the Minister for Commonwealth Games. Last week the minister proudly boasted of the government's readiness for the Commonwealth Games in 2006, and spoke of 4, 5 and 6-year strategic thinking that the government had applied. If planning for the games is so advanced, why has the minister been unable to publicly release the costings and projected returns for hosting these games?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome and thank the honourable member for his question, because it is important for him to appreciate the fine work the government is doing regarding the Commonwealth Games. The opposition would appreciate that it is supporting the Commonwealth Games in a bipartisan manner and that the government is keen to ensure that continues well into the future and that the games are delivered with the support of all members of Parliament.

We are also conscious — I also mentioned this when appearing before the Public Accounts and Estimates Committee — that the figures for the games were only indicative when we came into government. At this time the respective departments are working through the quantum of the budget for those games. The figures are being finetuned and are expected to be released not long after the Manchester Commonwealth Games which will take place this year. That is important because the honourable member would appreciate that the international environment has changed in many areas since 11 September, not only in relation to security but also in the way one manages issues such as the games village, officials, athletes, international tourists and visitors. We will be well and truly further appreciative of many issues once we have attended the Manchester Commonwealth Games.

After we have attended, seen the quantum, scope of and issues associated with those games we will then be able to release the fine-tuned budget that will be required for the Commonwealth Games in Melbourne in 2006.

**Hon. R. A. BEST** (North Western) — I thank the minister for his answer, so far as it went, but I assure him not only am I concerned but many other honourable members are concerned at the dearth of information. The minister mentioned bipartisan support,

and on behalf of my National Party colleagues I assure the minister that there is tripartisan support.

My question relates to the tourism industry that must be placed on full alert to capture all the advantages and potential that the Commonwealth Games provide. Specifically, has the minister yet commissioned a tourism strategy; and if not, can he explain why the same 4, 5 or 6-year lead time he cited last week does not apply to this feature of the planning process?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I appreciate the honourable member's interest and consideration of tourism issues surrounding the Commonwealth Games, which are significant because we not only want to make the games accessible to all Victorians but also want to capitalise on the good work and the fine reputation we have as a state in the delivery of major events by attracting as many interstate and international visitors as possible.

The honourable member would appreciate from yesterday's announcement the substantial amount of funding that has gone into tourism, which will assist in developing the tourism market required for the Commonwealth Games. There will be specific initiatives related to the Commonwealth Games, and I look forward to making those future announcements in line with budget announcements.

**Information and communications technology:  
regional infrastructure**

**Hon. G. D. ROMANES** (Melbourne) — I refer my question to the Minister for Information and Communication Technology. The Bracks government's business statement, *Building Tomorrow's Businesses Today*, released yesterday included the regional customer access trials. This followed the launch last Friday by the minister of Regional Connections, the Bracks government's regional communications infrastructure strategy. Can the minister inform the house of any further details regarding these trials?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the honourable member for her question. Last week I announced the Regional Connections strategy, the government's strategy to achieve a better and more competitive telecommunications infrastructure for country people.

It is a plan to help provide better telecommunications services at a cheaper price for country Victorians.

Regional Connections outlined that the Bracks government would establish a range of customer access network trials. For honourable members who do not know what they are, they are the backbone — the fibre — of the connection to the customer, and it is that connection we are interested in — the last mile. It is proving difficult to get modern infrastructure into country Victoria and our small regional centres.

As was announced in the *Building Tomorrow's Businesses Today* statement yesterday, the government hopes to deliver \$5 million for around five customer access network trials across rural and regional Victoria. That will enable a whole lot of different models to be utilised to provide the last-mile access for country Victorians.

The sites of the trials will be competitively selected and be representative of Victorian regional and rural communities. With the projects all the technical and financial information gained through the exercise will be required to be released so that that information can be made available to other telecommunication potentials in other areas.

We will encourage local government, telecommunication carriers and equipment vendors to form partnerships to develop applications for the demonstration projects. On top of these trials, under Regional Connections the Bracks government has made a commitment to use its \$175 million telecommunication spend to promote better competition in rural and regional telecommunication markets.

Anyone involved in rural and regional telecommunications will tell you that the government's spend in those areas is crucial and will be of great benefit in helping to make competition more vibrant and viable in those regional areas. That is why this initiative was included in the Bracks government's *Building Tomorrow's Businesses Today* statement. We know that if we are to cut the costs for business we need to cut the costs of telecommunications for regional businesses.

*Building Tomorrow's Businesses Today* is a \$364 million boost to business which looks to grow Victorian businesses, not just in Melbourne but right across Victoria. As the Premier said yesterday, it will secure Victoria's future as an innovative, competitive, and connected economy.

**Better Pools program**

**Hon. PHILIP DAVIS** (Gippsland) — Will the Minister for Sport and Recreation advise the house if rural communities can confidently continue to seek

state government funding support for local swimming pool improvements and minor upgrades to sport and recreation facilities from the Community Support Fund?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I think opposition members have got this well and truly wrong — for a number of reasons.

**An Honourable Member** — Explain to us how!

**Hon. J. M. MADDEN** — I am happy to explain. First of all, the applications for community facilities, whether they be for the majors or for the Better Pools funding, are made to Sport and Recreation Victoria — and the honourable member should know that, because I have told him a thousand times in this house. Opposition members should know that, too, because if they are representing their local communities, they would have written to me endorsing the proposals coming from their local councils for those projects.

**An honourable member** interjected.

**Hon. J. M. MADDEN** — Opposition members should be, and if they were writing those letters, if they knew what those projects were, they would know how the process operated — and I will tell them how it operates. Sport and Recreation Victoria operates and administers the Better Pools program and the majors on behalf of the Community Support Fund. So those applications are not made to the Community Support Fund; they are made to Sport and Recreation Victoria, and I will tell honourable members why: because then we can administer them in a strategic way. I have mentioned this a number of times in this house. One of the things the opposition when in government did not have was a strategic vision of how to get things done. The only strategic vision it had was cut, cut, cut — that was all it did, that was its strategic vision. To come here and pretend that we might cut programs is absolute hypocrisy, and the one thing that I know and that the community knows is that there is no greater group of hypocrites than the opposition.

**Hon. Philip Davis** — On a point of order, Mr President, I have listened to the vitriol coming from the minister, and frankly I am unimpressed that he should come into the house and avoid answering a direct question, which was —

**Hon. J. M. Madden** interjected.

**The PRESIDENT** — Order! An honourable member is on his feet on a point of order. I suggest the minister hold his fire until the honourable member finishes the point of order.

**Hon. Philip Davis** — Thank you for your protection, Mr President. My point of order goes to the question I put to the minister, which was quite specific: it was in relation to rural communities accessing state government funding support from the Community Support Fund. The minister has not answered that question.

**The PRESIDENT** — Order! As I understood it, the minister was putting to the house the mechanism whereby his department, acting as an agent for the Community Support Fund, processed the application. He has not yet addressed the particular issue. As far as I understand it, the minister is still halfway through his answer. He has not actually given to the house the answer to that part of the question that relates to money coming from the Community Support Fund. I uphold the point of order.

**Hon. J. M. MADDEN** — As I was saying to the honourable member, if he understands the process he knows that whatever the relationship with the Community Support Fund the application must be made to Sport and Recreation Victoria. I expect that that will continue in the same manner as it has for a number of years.

**Hon. Philip Davis** — On a point of order, Mr President, I asked a question and the minister has not responded to it. You upheld my point of order.

**The PRESIDENT** — Order! I repeat what I said: the nub of the question was money ultimately coming from the Community Support Fund. I am not quite sure that the minister has answered that or whether he wants to add anything on that issue.

**Hon. J. M. MADDEN** — Mr President, I will respond very quickly, because we are running out of time. I will tell the honourable member this: if he does not understand the answer I will do it in simple terms. At the moment they do not make applications directly to the Community Support Fund. Does the honourable member hear that? They do not make it; they will not have to make it. In the future they will only have to make the application, as they have in the past and as they will in the future, to Sport and Recreation Victoria — end of story! They will still get the funding. They will still get the commitment that we have to growing the whole of the state, to the allocation of facilities right across rural and regional Victoria, because we care and we know opposition members do not. No matter how much they pretend to, everybody in this house knows that they do not care — they pretend to care. They are divided. The only thing they care

about is whether they sit on Fridays; the rest of the time they are divided and squabbling.

**Hon. PHILIP DAVIS** (Gippsland) — On a supplementary question, the minister's own document says — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The rules on supplementary questions give the honourable member 1 minute to ask his supplementary question, and he will do so without interruption from anyone in the house. The minister will then have a minute to respond.

**Hon. PHILIP DAVIS** — The minister's own document says Better Pools is a Victorian government initiative funded by the Community Support Fund. That is the minister's document, with his signature on it. The supplementary question is: is it a fact that the minor facilities grants program has been stopped as of the end of this financial year and the Community Support Fund funding for the Better Pools program closes with the current round?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I will give the same answer I have given to all members of the opposition: I expect the funding will continue, and I expect the funding to continue in the form that it currently exists; and if the opposition wants further detailed technical information, I am happy to provide that at any time if honourable members are prepared to write to me, but at the moment — —

**Hon. Philip Davis** — I just asked for it three times, you fool!

**Hon. J. M. MADDEN** — It is interesting, isn't it, that if I raise my voice the honourable member is offended, but if he spits the dummy, takes his bat and ball and goes home, we would all be happy. But can I reinforce that we will continue to grow facilities in this state because we appreciate what it means to local communities and to rural areas. We are committed to it. We do not cut like the opposition. That is not our go. That was its go! That was the opposition in government. That is not our government. We care and it does not!

### **Sport: Active Girls Breakfast**

**Hon. D. G. HADDEN** (Ballarat) — Given the Minister for Sport and Recreation's strong commitment to increasing the participation and retention of women in sport, will the minister advise the house of the steps he has taken to achieve this objective?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for her question. Last Friday many of us in this chamber were busy. I had the good fortune last Friday morning before coming to Parliament of being involved and attending the Active Girls Breakfast at the Melbourne Convention Centre. This is the third of those events which has taken place at the convention centre. It is an initiative of this government to assist in implementing its commitment to women in sport and recreation in this state, in particular, encouraging female participation in school sport.

The aims of the Active Girls Breakfast program are to acknowledge the achievement and participation of schoolgirls in sport and active lifestyles; to provide a forum for schoolgirls to meet and share the experiences of elite female athletes and role models; and to encourage girls to maintain their participation in sport and physical activity during the adolescent years.

This is very important because often sport for young women as they get into their adolescent years is not necessarily seen as glamorous. For some it might even be seen as a bit daggy. But on this occasion over 600 girls from secondary schools across metropolitan Melbourne attended the breakfast. There was a great range of schools represented, both public and private, including Muslim students and girls from the Parkville Youth Residential Centre supported by the Whitelion organisation. So that honourable members can picture what took place, during the event the girls were seated at tables with a female role model involved in sport, either as a competitor or an administrator. They were able to speak with and discuss with them issues around sport. As well as that, there was a panel of current or ex-sportswomen who provided information on their own involvement in sport and physical activity and, importantly, what it means in their lives.

This government looks forward to further active girls breakfasts taking place across the whole of the state, with other events to be held in Horsham, Bairnsdale, Warragul, Shepparton, Swan Hill and Bendigo between 29 April and 8 May, again reinforcing that the government is committed to growing the whole of the state — metropolitan as well rural and regional Victoria — because as a government we do care even if the opposition does not.

### **Stamp duty: unquoted marketable securities**

**Hon. B. C. BOARDMAN** (Chelsea) — My question is for the Minister for Small Business. As one of the architects of the government's *Building Tomorrow's Businesses Today* statement, the minister

would acknowledge that one of its key planks is the abolition of stamp duty on unquoted marketable securities. On radio 3AW this morning, the Premier was asked what an unquoted marketable security was. He replied:

Well marketable securities already have a stamp duty exemption — the stamp duty has been taken off those. Unquoted market securities are simply those that are on the exchange which, you know the biotech, the infotechs, some of the new economy areas which attract a stamp duty currently which will be taken off under these arrangements.

As the Premier was either caught off guard or has little understanding of his own policy, could the minister outline what an unquotable marketable security is and indicate how this duty abolition will generate economic development in Victoria, particularly for the small business sector?

**Hon. M. R. THOMSON** (Minister for Small Business) — An unquotable marketable security relates to secondary stock exchanges like the Bendigo stock exchange, where a number of smaller information and communications technology companies, biotech companies or others may list.

**Hon. B. C. BOARDMAN** (Chelsea) — We have a late run on the Premiership! The Premier was very confused in his response because Neil Mitchell had to ask the question again. The Premier then said:

It means when you are investing you, in those areas, you pay stamp duty — it means in the future you won't pay a stamp duty when you are investing in those areas ...

The minister might want to acknowledge that this duty abolition is part of the intergovernmental agreement on the reform of commonwealth–state financial relations which all states abided by. I ask the minister to now acknowledge, irrespective of her definition of an unquotable marketable security, that this part of the policy is a sham because of the intergovernmental agreement, and that it will have little benefit for the average Victorian taxpayer.

**Hon. M. R. THOMSON** (Minister for Small Business) — I do not believe it is a sham at all.

### **Youth: community consultation**

**Hon. E. C. CARBINES** (Geelong) — I refer my question to the Minister for Youth Affairs and I ask: what action has the minister taken since recently taking responsibility for this portfolio to ensure that she is aware of the views of the many stakeholders in youth affairs?

**Hon. M. M. GOULD** (Minister for Youth Affairs) — The Bracks government is proud of its strong record of involving Victorian communities as part of its decision-making process. That is completely unlike the opposition when it was in government. This consultation ensures that in delivering its commitment the government, in sharp contrast to the opposition, provides balanced outcomes. The opposition when in government did not care about the community, young people or their views. I am pleased to say that since coming to the portfolio of youth affairs earlier this year I have had the opportunity to meet with a number of groups in this area. The stakeholders I have met have revealed a bit of a theme, and that is that the opposition neglected and divided them through its processes while in government. The opposition did not listen to their concerns and dismissed them as troublemakers.

However, since the Bracks government has come into office things in this area in particular have been turned around. A good example is the regional youth committees. As I have previously mentioned, I met with all the committees shortly after becoming the minister. I met all the chairs of those committees, which represent a number of youth providers right across the state. While these committees were seriously neglected by the previous government they are now supported by the Office for Youth through its regional liaison officers. That is something the opposition never did. It did not want to hear from regional youth communities and committees. It just wanted to forget they existed.

There is the Youth Affairs Council of Victoria — Yacvic. What did the opposition do when in government? It cut the funding! Because again, it did not want to hear from young people. On the other hand, the Bracks government is happy to listen to these young people and their agencies and to hear about the issues that concern them. The government has restored the funding to Yacvic not like the opposition which cut it.

I recently visited the office of Yacvic in Flinders Street and met with its executive officers. I was impressed with their ideas and the depth of consideration they give to the issues raised by young people. The young people on the executive lead by example with their own youth reference group, which informs the direction of the council.

I have also met with the Centre for Multicultural Youth Issues, which, as the name suggests, focuses on issues of the cultural diversity of young people and is respected and supported. This government supports and funds this program.

The Bracks government is encouraging and supporting stakeholders in youth affairs, unlike the opposition which, when in government, cut funding and turned its back on young people.

The government is turning things around in the youth area and turning around the state. The government will not always agree with young people, but it will do something that the former government never did — it will listen to young people and will not cut funding like the former government did.

## ANSWERS TO QUESTIONS WITHOUT NOTICE

### Better Pools program

**Hon. I. J. COVER** (Geelong) — I move:

That the Council take note of the answers given by the Minister for Sport and Recreation to questions without notice asked by the Honourables I. J. Cover, E. G. Stoney and P. R. Davis relating to funding of the Better Pools program.

On this issue of the Better Pools program and the responses given by the minister, the minister is now leaving the chamber, obviously satisfied that he has given some sort of explanation to the three questions asked today. He obviously feels his answers regarding the future of the Better Pools program in Victoria — better fools in his case! — have been sufficient. The minister's responses in answering questions from me, the Honourable Graeme Stoney and the Honourable Phillip Davis were almost a mirror image of the way the minister has responded over the last 12 months to questions about the Freeza program when he was Minister for Youth Affairs.

Today, as we know, the Freeza program is receiving \$300 000 less than it received in the previous 12 months as a result of the former minister's handling of the budget process for Freeza funding. It appears that a similar budget bungle is confronting the Better Pools program.

As we know, the Better Pools program has received funding from the Community Support Fund. When questioned by the Honourable Graeme Stoney today about whether he had been advised by the fund that that Better Pools and minor facilities programs would have funding withdrawn for the financial year 2003–04, the minister did not answer the question. He talked about expenditure on the Better Pools program to date — and he went to great lengths to emphasise 'to date'. The opposition does not want to talk about the program to date but about the program in the future, and whether

funding by the Community Support Fund will continue in the future.

In response to my question and supplementary question on this issue the minister was at pains to avoid even using the words 'better pools' and 'Better Pools program'. He gave some new badging to physical infrastructure for sporting facilities by referring frequently to community buildings. Clearly the minister was trying to avoid addressing the specific issue of the Better Pools program and its funding from the Community Support Fund. He wants the house to believe that the building of new pools and the upgrading of existing pools and other minor facility development through his department will continue, but out of some new project known as community building.

As I said, that was nearly exactly the same as the repeated efforts by the minister when he was Minister for Youth Affairs in telling the house about Freeza funding. He said then, 'Yes, we will still be doing this and we are still committed to it'. He never once came into the house and said, 'Yes, I have cut the funding.' As we know, that was finally acknowledged in response to a question on notice late in the year.

On behalf of people throughout Victoria, who up to this point have applied for new pools, the upgrading of existing pools and minor facilities grants, the opposition seeks to know whether they can continue to plan and apply for funding for the programs with any confidence. I do not think that the fears people in rural and regional Victoria might have about the future of this program have been allayed. Indeed, I think they will be further concerned and alarmed by the manner in which the minister has avoided answering specific questions today.

Mr Davis referred to the Better Pools program and in four attempts tried to get a straight answer from the minister, even quoting from the minister's document about the Better Pools program where he talked about funding coming from the Community Support Fund. It is imperative that the minister come clean on whether funding will continue to come from the Community Support Fund for the Better Pools program, but he has not as yet.

**The PRESIDENT** — Order! Time!

**Hon. E. C. CARBINES** (Geelong) — I am pleased to speak on behalf of the government in relation to the value of sporting programs in this state, and particularly the Better Pools program. The opposition is absolutely hypocritical to raise this matter today. I note the Honourable Ian Cover referred to Freeza funding. I

wonder whether the opposition will run around the state trying to beat up a scare campaign as it did with the Freeza program. The government has actually grown the Freeza program and doubled its funding — grown the providers and the number of participants. As always with the opposition, it does not want to ruin a good story with the truth.

The opposition is floundering on this issue. It is in the deep end and cannot reach the side of the pool. When the opposition was in government it structured its minor facilities program in such a way that country and regional Victorians were penalised for living in country and regional Victoria. The funding ratios were such that they were not assisted to access funding to improve infrastructure under the program. The Bracks government has changed funding ratios to make minor facilities programs and the Better Pools program more accessible to people in regional and rural Victoria. That is important, and it is indicative of the fact that the Bracks government cares about the whole of the state, not just about metropolitan Melbourne, as the opposition did when it was in government. The government recognises that rural and regional Victorians are just as important as metropolitan Melburnians.

To date the government has committed \$15.7 million to stimulate pool development. Again that has assisted pool development in rural and regional Victoria as well as metropolitan Melbourne. Programs like this are very important. In my own electorate of Geelong Province I know of many community groups and sporting facilities that have benefited from the commitment the Bracks government has to rural and regional Victoria. I was pleased last night to be with my son at the Leisure Link swimming centre in Belmont when he was doing his squad swimming program. I understand from a number of people who go there every week — the parents and children — how important that facility is to Geelong.

Since the Labor Party has been in government it has committed many thousands of dollars to building up sporting infrastructure in Geelong and responding to the needs the community of Geelong has identified as important. Some of the programs the government has assisted are things like providing funding for skate parks in three areas in the City of Greater Geelong as well as a skate park in Surf Coast Shire.

One of my first acts as an honourable member for Geelong Province was to support an application from the Point Lonsdale Surf Life Saving Club for assistance to upgrade its very dilapidated facility on the back beach at Point Lonsdale. I wrote a letter of support and

was very pleased that the government was able to commit more than \$200 000 to the Point Lonsdale Surf Life Saving Club to assist it with its very important work in ensuring that the people who use the beaches at Point Lonsdale and Queenscliff are safe.

By that example the government is showing that facilities and infrastructure in regional Victoria are very important. The government recognises that physical infrastructure development is important in building stronger communities. The government understands that, but it is something the opposition does not understand because it made no effort to address this issue when it was in government. In fact, one could be forgiven for assuming that all members opposite understand is how to cut funding from rural and regional Victoria. People in rural and regional Victoria understand and appreciate how much this government has done in building their communities through funding from the minor facilities and Better Pools programs.

Another issue that I have worked on since I have been an honourable member for Geelong Province concerns the relocation of the Barwon Heads Football and Netball Club. I would like to thank the Minister for Sport and Recreation for the work he did in ensuring that that issue was addressed.

**Hon. E. G. STONEY** (Central Highlands) — It appears that we have had a major leak from cabinet on a very basic statement of principle from this government. It also appears that the Minister for Sport and Recreation is not on top of this issue, and he has left the chamber; it is a great pity he is not here to listen to the words of my colleagues. This shows the government's true colours. It exposes what the government really believes about things in rural Victoria. It shows that the government is not interested in building things but is more interested in developing social programs.

Every day the Minister for Sport and Recreation throws a mantra of 'You don't care, you don't know, you don't care about regional Victoria' at honourable members on this side. I would like to turn that back on the minister and say that on this issue it appears the government does not care and does not understand how important it is to build physical infrastructure in Victoria.

Let's consider the statement of principle from cabinet: physical infrastructure development will not lead to better communities. We have to ask what this means. I think it means the Bracks government does not believe swimming pools are good for rural communities. I think it means the Bracks government does not believe drama complexes are good for rural communities. I

think the government does not believe rail trail developments such as the Murray to the Mountains rail trail are good for rural communities. I think the Community Support Fund (CSF) has been influenced by this attitude of the government and has pulled money out of physical infrastructure and will probably put it into social policies. I do not know what that means but it probably means classes in face painting and perhaps in holding hands. It certainly does not mean that the government is continuing to support bricks and mortar and the things that really matter in rural Victoria.

I would like to tell the house a few stories about the success of CSF funding. Under the Kennett government the Community Support Fund funded many important physical infrastructure projects in rural Victoria and created enormous economic activity. An example is the Benalla swimming pool, a wonderful facility for the town of Benalla. Does the community like it? Yes, it does. The Mansfield drama complex was part funded by the CSF. I was involved in getting that funding and I am proud that we got it for a small town like Mansfield. The complex is next to the Mansfield Secondary College and will be used every day by the school and at night by MUDS, the local drama group. Does the community like it? Yes, it does.

The Murray to the Mountains rail trail was funded with \$1.6 million from the CSF and you almost have to book to use the Beechworth section of it on weekends. It has generated enormous economic activity in the Ovens Valley and up to Beechworth. Hundreds of people ride bikes there every weekend. An operator goes down and picks them up, they have coffee, they have lunch and they stay the night. For \$1.6 million it has generated an enormous amount of economic activity.

The performing arts, culture and civic centre at Seymour Technical High School received \$500 000 from the CSF and is 90 per cent finished. Seymour has a low socioeconomic base and this bit of physical infrastructure has been of enormous benefit to the town. The alpine discovery centre at Mount Beauty was an election promise and \$500 000 was provided from the CSF. It will start soon. The government is stringing it out so it can get the benefit of it at the next election but it will be built with CSF money and is a very important project in that area.

The government was elected in part by promising Community Support Fund money for physical infrastructure. It now appears that it is walking away from the principle of using CSF money to build physical infrastructure. It appears that the government is walking away from many communities which are yet

to enjoy any money from the CSF. It appears that the government has made a major shift in policy and that will have a major impact in country Victoria. It will reduce economic growth and jobs. It changes the very way the Community Support Fund operates. It is the community's money and it should continue to be used to build infrastructure which in turn becomes the focus of individual community activity.

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to speak about the Community Support Fund facility funding program. When it came to government the Labor Party saw that it was important to provide a range of services to all Victorians. It provides funding to the metropolitan area and at the same time it cares about the needs of regional and rural communities. This program is one way the Labor Party has tried to deliver services to rural areas after they were ignored for many years by the Kennett government.

The Labor Party has provided better swimming pools and funding for those who want to upgrade swimming pools in regional areas through the minor facilities and Better Pools programs. The government has received more than 300 project submissions for the minor facilities program, including 200 applications from rural and regional Victoria and 123 applications from metropolitan Melbourne. This shows how communities want to see their facilities upgraded and the government providing grassroots support.

The government recognises that so it set up the minor facilities scheme to look at which councils should receive funding to provide sporting and recreational facilities. Since the Bracks government came to office the funding has been increased from \$2.5 million to \$5 million a year. In the past funding for minor facilities grants was based on a dollar-for-dollar approach but the Bracks government is providing \$2 from government to every \$1 — —

**Hon. G. K. Rich-Phillips** — You have given us \$2?

**Hon. S. M. NGUYEN** — It is matched two for one — for every \$1 from the local council there is \$2 from the state government. It is more than the one-to-one funding under the previous government. The funding has been increased from \$2.5 million to \$5 million per annum for three years. Rural councils are now looking forward and preparing to work with the state government to meet their needs.

Rural areas are isolated from the city and many people would like to go to swimming pools to play sports and meet friends and neighbours in the community. Their

networks are there. As an example, there are many swimming pools in Footscray, some of which need upgrading, and the community is using the pools more than ever before. There are programs to help people from non-English-speaking backgrounds which are provided by pool staff. Many people from migrant communities in Footscray and Sunshine participate in them. The pool staff do a tremendous job promoting and welcoming new members of the community who come to use the service.

Some of the pools have been there a long time and need upgrading, and the funding is a good opportunity for the committee to upgrade the facilities. We are also talking about building new swimming pools in Footscray and Sunshine.

**Hon. PHILIP DAVIS** (Gippsland) — I am pleased to join the discussion. The Better Pools program has bipartisan support — —

**Hon. R. A. Best** — Tripartisan!

**Hon. PHILIP DAVIS** — Indeed, Mr Best reminds me that it is tripartisan support, because the previous coalition government introduced the program.

It is a complete farce for this clown of a minister to come in here today and try to claim some superiority on the issue of being interested in rural communities. The minister would not know what time breakfast was! In relation to the former coalition government's commitment to this program, it also set up the minor facilities grant program. That program has been stopped as of this financial year. Obviously the Minister for Sport and Recreation does not know it, but his regional officers are advising the community that there is no more money from the Community Support Fund (CSF) beyond this year for that program. Further, nearly every municipality that I have been in contact with is aware of the fact that the funds from the Community Support Fund for the Better Pools program are to be stopped with this round of funding. This is an issue of great concern to rural Victoria.

I am amazed that in the discussion we had today and on the question I put to the minister on four separate occasions — which was a direct question about funding from the CSF — the minister avoided responding directly to the question and clearly was either embarrassed or was ignorant about the facts of the matter. In my view, by not responding to my question he clearly acknowledged that the government has terminated funding from the CSF for the Better Pools program.

In that context it is interesting to note that in the documents relating to the guidelines and application for the Better Pools program the minister's own document states on page 2:

Better Pools is a Victorian government initiative funded by the Community Support Fund ...

It is all very well for the minister to come in here and say, 'Trust us, we are from the government and we are here to look after you'. My communities are not confident about what the minister is saying, because clearly he is not prepared to commit to long-term funding.

I have advice from municipalities in Gippsland, for example, about different pool projects for which they are seeking funds which are clearly at risk of being unfunded. They include the Orbost pool which is seeking \$250 000 through the Shire of East Gippsland. If the funding is not achieved that pool will have to close because it has significant leaks, and it is costing more than \$5000 a year in supplementary water to maintain the water level in the pool. Therefore that pool is at risk. The Shire of South Gippsland has made a funding application for the Toora pool. The first application was knocked back because of insufficient detail apparently, but the shire is trying to get some funding for a feasibility study.

There is a current application for a new heated indoor pool at Leongatha. The total cost of the project to the South Gippsland community is \$3.9 million. The Shire of Baw Baw has put a project at Warragul on notice with a cost range of \$1.5 million to \$3 million. That project is at risk because the finalisation of the project has not yet been sorted out and therefore a formal application cannot proceed. If funding from the Community Support Fund is withdrawn, as is clearly now indicated by the minister's response in the house today, projects throughout Gippsland will be at risk, including at Sale where the Wellington shire is proposing a redevelopment of the pool at Sale.

The minister stands condemned for his failure to respond to the questions — —

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

**Motion agreed to.**

### **Commonwealth Games: budget**

**Hon. R. A. BEST** (North Western) — I move:

That the Council take note of the answer given by the Minister for Commonwealth Games to a question without

notice asked by the Honourable R. A. Best relating to planning for the Commonwealth Games.

My question concerned the government's preparedness to plan to maximise Victoria's opportunities for hosting the 2006 Commonwealth Games. I am particularly concerned that the Minister for Commonwealth Games has not approached the board of Tourism Victoria to request the formulation of a tourism strategy. Considering the events that occurred on 11 September, I would have thought that would be a primary consideration of the government's planning and that it would be mindful of the downturn that has occurred in tourism travel. I would have thought the government would be well prepared and positioned to ensure that it could do everything possible to maximise the tourism potential that the Commonwealth Games provides.

It is of concern that last week in this place the minister bragged about how he was strategically thinking and positioning the government to look 4, 5 or 6 years out by providing funding for athletes through the Victorian Institute of Sport, and that this was part of his assurance that we would get Victorian athletes on the podium at the games.

It is unfortunate that as the minister responsible for the Commonwealth Games he has not applied the same rigour to the tourism industry. Everybody throughout country Victoria is aware of the difficult time tourist operators are facing regarding public liability insurance. It is galling that while the minister is prepared to berate the opposition at every opportunity for not caring or listening, he never takes notice of a question that is within his portfolio area. If he wants to apply the principles associated with a government that cares, he must apply the principle to himself and not be hypocritical because he does not want to face the scrutiny and the arguments associated with justification of the question that has been asked.

If he is strategically thinking in the next 4, 5 or 6 years — I am aware that he is attending the Manchester Commonwealth Games — he needs to have Tourism Victoria immediately accept the responsibility for coordinating a tourism strategy for Victoria to maximise the hosting of the games, and he needs to do it in a way that involves the whole of country Victoria. It should involve tourism operators in the metropolitan area and those in areas throughout country Victoria that will be hosting events while they are also facing the difficult circumstances of attracting tourism in the current environment.

We are all aware that tourism visitations are dropping and that the government has allocated money from the budget in an attempt to rectify that situation, but surely

if the government has acknowledged that money needs to be dedicated to the tourism industry, the minister should be out of bed early enough to wake up and understand that to maximise our opportunities we should be planning now for what is to take place when we host the Commonwealth Games.

It is not good enough that he has dropped the ball and is not prepared in any way to put the board of Tourism Victoria on alert about how wide the survey to be undertaken should be, who should be involved to maximise the tourism potential, and the cost to the Victorian taxpayer of hosting the games.

I acknowledge and respect what the minister says, that if you plan, and plan successfully, then you will get results. The minister's own words will come back to bite him because the opportunity is now there for him to plan through the board of Tourism Victoria to maximise the tourism potential. I am fearful that this may be another one of the government's reviews, and that the bonus and the opportunity provided with the hosting of the Commonwealth Games will not be maximised by the minister.

**Motion agreed to.**

## QUESTIONS ON NOTICE

### Answers

**Hon. M. M. GOULD** (Minister for Education Services) — I have answers to the following questions on notice: 2213, 2279, 2473, 2677–8, 2745.

### PAPERS

#### Laid on table by Clerk:

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

- Baw Baw Planning Scheme — Amendment C17.
- Bayside Planning Scheme — Amendment C20.
- Boroondara Planning Scheme — Amendment C26.
- Cardinia Planning Scheme — Amendment C27.
- Colac Otway Planning Scheme — Amendment C10.
- Glen Eira Planning Scheme — Amendment C13.
- Hume Planning Scheme — Amendment C27.
- Melbourne Planning Scheme — Amendment C62.
- Towong Planning Scheme — Amendments C4 and C7.

A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

Road Safety (Further Amendment) Act 2001 — Sections 4, 5(3), 7, 8, 10, 26, 29 and 30 — 16 April 2002 (*Gazette No. G16, 18 April 2002*).

## MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from 19 April; motion of Hon. C. C. BROAD (Minister for Energy and Resources).**

**Hon. ANDREW BRIDSON (Waverley)** — The opposition does not oppose the Melbourne City Link (Further Miscellaneous Amendments) Bill but may take it into the committee stage unless it receives reassurance or certain undertakings from the minister. I trust that in the fullness of the debate the minister will give those undertakings.

The bill has six purposes, and as I am now the lead speaker for the opposition I will take the house through those six purposes, which are detailed in clause 1 as:

- (a) to make further provision in relation to land for the purposes of the Project;
- (b) to make further provision in relation to unit trusts;
- (c) to make further provision for the back-dating of temporary registration;
- (d) to make provision for the leasing of land by the Link corporation for purposes other than the purpose of the Project —

that is the aspect of the bill on which I shall spend the majority of my contribution —

- (e) to make provision in relation to the application of laws to the development and use by the Link corporation of land at Burnley;
- (f) to make provision for a lower infringement penalty to apply for an offence for which a first infringement notice is issued under section 80 of the Act.

At first glance the bill appears to be relatively uncontroversial and essentially seeks to improve and extend the existing legislation which, from my recollection, under the previous Kennett government implemented the wonderful engineering project. There was extensive debate in this place over a couple of nights in which the Honourable Bill Baxter as the then minister was involved. The act has been amended on numerous occasions, most recently prior to last

Christmas, and this legislation makes further improvements and refinements to City Link.

It is important to put on the record that City Link, which is one of the most fantastic engineering feats ever proceeded with in Victoria, came to fruition as a result of the foresight of the Kennett government. It is a world-class engineering feat, and it will be a very long time before any Australian government at either the national or state level again comes up with such a massive project. All honourable members in this chamber and in the other place from all three parties, and I am sure the Independents, have benefited greatly from this engineering feat. It also needs to be remembered that the reason there are tolls on City Link is that that was the only way a project of such magnitude could be funded.

There is no need to remind the house of the massive debt that was incurred by the previous Cain and Kirner governments and that the Kennett government had the responsibility of trying to get the state back on an even economic keel. Now a lot of people may not like the fact that tolls are incurred on this road, but that was the only way the project could be funded.

A report on the City Link project was completed by Professor Bill Russell. He concluded that it was a fit and proper project, that it was managed efficiently to completion and that everything was clear and above board. All the documentation — the project requirements and the plans — generated as a result of legislation is always tabled in the library. As I have indicated, I will spend a bit of time talking about the third purpose of the bill, and the opposition seeks that the government tables in Parliament information about further leases so it can be viewed by all and sundry.

Tolls are in place right around the world. They ensure that massive infrastructure road projects are completed and are another way of taxing communities to fund them, if you like. Many honourable members have witnessed toll roads around the world, and it is interesting to note that in their contributions speakers on previous City Link bills have mentioned that even such countries as communist China have toll roads. I have personally witnessed them with you, Mr Deputy President, when we travelled on toll roads in China. I think we were rather astounded at their size — their 14-plus lanes on which the tolls are collected. We had many discussions in China about how effective the City Link tolling scheme is in comparison to what we witnessed there.

There are also toll roads in Sydney. From memory there are at least four, each of which has a different collection

regime. As a result of earlier legislation passed by the Victorian Parliament, hopefully it will transpire that some of the technology behind City Link will be used in Sydney so that it will have a much more efficient tolling scheme. I am sure most of us have also experienced the toll roads in Queensland — again, implemented by Labor governments.

I can recall several years ago being in Boston when a tunnel was opened which is not too dissimilar to our City Link tunnels. At the time there were massive protests and disruptions in the streets, particularly from the taxidriviers, who objected to paying tolls. However, at the end of the day the taxidriviers saw the wisdom and were extremely pleased to have an efficient link which improved their travel times.

I make a passing comment about the third purpose of the bill, which in principle is about making a better tolling system for the customers — the users of City Link — whereby occasional City Link users will be able to purchase a weekend pass which can be used at any time from midday Friday through to midnight Sunday. The opposition certainly welcomes this aspect of the bill, but I hope it will not just end there. I trust that in future the City Link operator will look after all City Link toll users, particularly those from the southern and south-eastern suburbs who are frequent users. I believe constituents in Waverley Province and beyond, even extending down to Gippsland, could gain some benefit from specific passes which allowed for a cheaper use for the consumer, something which has been given to those who live on the other side of City Link, if I can put it in those terms. The onus is now on the City Link operator to implement that, or perhaps do some sort of market research to see what consumers on the other side of City Link would like.

I also note in passing that an article in the *Age* of 18 April reports Transurban's managing director, Kim Edwards, as saying in a speech to the Securities Institute of Australia that City Link was giving some consideration to special rates to encourage the use by couriers, taxis and rental cars of the tollway. Obviously that type of thinking is at the forefront of the minds of the City Link administrators, and I would urge them to think a little more about assisting consumers in the geographical areas I have mentioned.

One of the other benefits of this bill is that it will reduce from \$100 to \$40 the fines for first-time offenders — that is, people who use City Link without an e-tag. However, I hope this is the only piece of legislation to enact that sort of principle; I would hate to see it used in other areas, particularly with speeding fines.

I move to the fourth purpose of the bill, which is to provide greater flexibility in leasing land to Transurban. The second-reading speech says:

Currently the act only enables Crown land to be leased to Transurban for the purposes of managing the roadway and ancillary works or related purposes.

It further states:

The bill enables the state to lease Crown land to Transurban for any purpose so long as it is not inconsistent with the road management and ancillary works purposes. Approval of a lease of land for a purpose that is not wholly or partly for the purpose of managing a roadway and ancillary works will require the approval of the minister administering part IX of the Land Act 1958.

Essentially that is the only piece of this legislation about which the opposition raises serious issues of concern. The main principle of this purpose is to allow for greater flexibility in the leasing of land to Transurban. One example cited to the opposition in its briefing from City Link is that the Kooyong Lawn Tennis Club is looking at an unused piece of land directly under and alongside the club.

They would like to use it for car parking and we do not have any objections to that because it is a good use of that piece of land, currently described as wasteland. However, the material that has been published in reference to this clause is somewhat confusing. It stated that the bill enables the state to lease Crown land to Transurban for any purpose, and as I said previously, as long as it is not inconsistent with the road management and ancillary works purposes. Approval of leased land for purposes not wholly or partly for the purpose of managing a roadway or ancillary works will require the approval of the minister. As I said before, that would be a minister under part 9 of the Land Act. What can be interpreted from that is that the minister, not the Parliament, gets the final say on all leasing and subleasing conducted by Transurban for land which is not specified, with the exception of the Kooyong Lawn Tennis Club, although this too is not specific, as the general location of the site is given as a Melway reference. The detail of the boundaries has not been finalised, as it is dependent on what the final City Link boundary will be.

The material provided by City Link states very plainly that the bill provides for leasing of land for any purpose. It is a very broad statement. The lease boundaries at this point are not known to the opposition. In fact, I do not know whether the government knows just what they are. Furthermore, we do not know when this information will become available, despite the statements of Premier Bracks on

the Neil Mitchell radio program last Tuesday morning, where Mr Mitchell questioned the Premier on the bill. Mr Mitchell said, 'I have been told there will be no decision on the land for eight months', and the Premier responded, 'That is unlikely on any bill we would pass' — and yet that is the situation we face. An email dated 8 April, which the opposition received from the Minister for Transport, states that leased boundaries for City Link:

...have not been finalised. The work will be progressively completed over the next eight months ...

The opposition is extremely concerned that the basic details of the clause — that is, the when and the where — have been omitted. We certainly want assurances from the minister at the table that these details will be made known to Parliament. The most appropriate way of doing this would be to provide the leasing details to the Parliament so they could be laid out for all to see in the library. My understanding is that this was the process followed with all the other documentation, projects, deeds, documents et cetera of the City Link project.

The opposition seeks that assurance and if it cannot be given will move amendments to ensure that that occurs. Let us hope it can be done by agreement in the chamber without going that far. We will take the Melbourne City Link (Further Miscellaneous Amendments) Bill into committee to seek clarification on other aspects which will become clearer in committee. The opposition does not oppose the bill. We think it has some good features, particularly in the field of improved customer service, but I know opposition speakers will be outlining in their contributions how those services can be further enhanced. We will wait and see how the bill plays out. I certainly wish it a speedy passage.

**Hon. G. D. ROMANES** (Melbourne) — I am pleased to make a contribution to the debate on the Melbourne City Link (Further Miscellaneous Amendments) Bill, which includes a range of improvements to the operation of City Link. We have dealt in this chamber before with amendments to the Melbourne City Link Act of 1995, and the content of past debates — and this one — includes improvements to provisions for City Link customers. On this occasion the bill before the house provides for more flexibility in weekend pass arrangements and accommodates a new weekend pass, which will operate from midday Friday to midnight on Sunday. Therefore the weekend pass is extended by 12 hours at no extra cost to customers and it can be bought at any time during the period of travel.

This adds to a range of other improvements that have been introduced by the Bracks Labor government to the

products and services of City Link, including the Tulla pass and the extended day pass, which was put in place after agreement between the government and Transurban when the day pass that was in the original contract with Transurban was found to be unworkable over a calendar period and, as we all now know, the extended day pass provides customers with 24 hours of use from the time of first use of City Link. These improvements have been made by the Bracks Labor government because no attention to the detail of customer products was undertaken by the previous Kennett government.

However, I am aware of the concern that is still in the community — and I understand has been expressed by members of the National Party — about the need for the availability of an extra business day attached to the weekend pass to enable those who may be infrequent users of City Link and who use weekend passes time to get to one of the cash outlets to pay for the use of City Link. The Minister for Transport is currently in discussion with Transurban about the possibility of adding this additional element to the weekend pass and thereby improving the service of City Link, in particular to those coming from interstate and from rural and regional Victoria who need extra assistance in this regard.

Customer improvements in the bill are added to by the provision for a new discount fine of \$40 to apply from 1 June 2002. That is in contrast to the current arrangement, which is in place by agreement between the government and Transurban that a first-time offender who strays inadvertently onto City Link or who fails to organise payment through a pass or an e-tag will receive a warning notice, followed by a \$100 fine in the case of a further offence.

The government has been bound by the legacy of the legislation inherited in September 1999 from the previous government which had in place in the City Link legislation a \$100 infringement penalty system. But the Bracks Labor government has been very keen over the last two years of operation of City Link to negotiate with Transurban to honour a commitment to find ways to provide leniency for first-time offenders. Therefore, the government has negotiated a reduction in the penalty for first-time offenders from the \$100 infringement, which is in the legislation, to a \$40 penalty for first-time offenders.

The bill before us includes a move from warning notices to a fine, but a discount fine of \$40. That was done after agreement between the government and Transurban to move in that direction after a period of two years when the practice of warning notices has had

time to have an impact. It was a temporary measure, made more complex by the fact that those fines follow a vehicle and not a driver, and so over a longer period of time it can become very difficult to have the desired outcome from the penalty system.

Included in the bill is flexibility for the penalty to be altered by regulation in the future. That was not in the legislation previously. There is also, therefore, the capacity to go back to warning notices at some time or to put in place a whole range of enforcement options. That addition to the legislation provides for future flexibility should the regime of penalty enforcement be seen not to be the most appropriate one in the future.

A further provision in the bill relates to land for recycling water. I believe we should put this provision in the context of the Melbourne water resources strategy, which is being developed by the Bracks Labor government and is due to be released in mid-2002. Last year in 2001 Melbourne Water increased its target for the use of recycled waste water from 1 per cent to 20 per cent within the next nine years. Those initiatives reflect the growing concern of the government and the community for the conservation of water. We have been through a very dry period in the last few years, and it is paramount in the consciousness of many people in this state that we need to conserve and use wisely our water resources.

Honourable members may recall that the previous Melbourne City Link bill this chamber dealt with in the spring sittings last year provided for reservations for recharge wells in regard to a \$1.12 million investment that Transurban had agreed to to establish a recycling plant. That recycling plant aims to deliver recycled water for recharge into the aquifers in the soils around both tunnels of the Melbourne City link, and thereby to obviate what was happening — the use of potable, fresh water for the purpose of recharging the aquifers at great cost not only to the water supply of Melbourne, but also I am sure to the dollars and budgets of Transurban itself.

The bill before us enables Transurban to fulfil the agreement made last year with the Bracks government to deliver recycled water for recharge, and reserves an extra two strips of land outside the Transurban lease for reticulation pipes from the recycling plant as part of the water recycling system into the aquifers. Those two strips of land will be underground on Crown land and available by licence, which means public access to that land in the Richmond area will continue.

There is also provision in the bill for planning and building matters. The previous government had an

agreement with Transurban to lease a site at Burnley for a building for office purposes associated with the City Link operation. The site is close to the Burnley off-ramp and within the project area. The agreement with the previous government was for an informal planning process in consultation with the City of Yarra, but there was to be no requirement for a planning permit. The Bracks government is bound by that agreement and will honour it, but this bill changes the situation so that the site will be subject to site specific planning controls — the same status of a planning scheme amendment, so the Minister for Planning will need to give approval.

This will take into account the current consultations and discussions between Yarra City Council and Transurban for development and planning of the entire site which surrounds this particular lease site for the Transurban building at Burnley because the planning for the site needs to be integrated into broader uses according to plans that Yarra City Council has for the area.

Clause 3 of the bill more clearly defines the site; clause 10 applies the Building Act; and clause 14 deems council rates payable for such sites attached to the City Link project.

The issue about flexibility in leasing has attracted the most attention in the bill. The bill before us provides for leasing of land for any purpose not inconsistent with the City Link project and its reason for being. It provides that, with state approval, Transurban may sublease or license land that would otherwise stay vacant and has no overall community use. What we are talking about here is the footprint of the City Link project, including land leased to Transurban for the road and for ancillary purposes where there are surrounds, buffers and noise walls; the footprint includes some remnants which City Link would be required to maintain as part of its overall responsibility for the project area and which could be shared and provide some other community benefit.

Specifically, I refer to the possibility raised by the Kooyong Lawn Tennis Club for joint car parking under the elevated section of the Monash Freeway in the Kooyong area. The Kooyong tennis club and the Association for the Blind — now known as Vision Australia Foundation — might access the area that is currently not used either day or night but which Transurban needs to retain access to for maintenance of the pillars. That is one example where a shared use can take place with approval from the state government and provide a benefit to the community — not with any commercial gain to Transurban — while at the same

time allowing Transurban access to undertake the necessary maintenance duties.

The lease of such land for these purposes is not to be confused with surplus land. As honourable members would know, whenever a government department identifies surplus land there is an established process for the return of that land to the administration of the Victorian property group and for consideration of appropriate use by other government agencies. That is a well-established and carefully controlled process which involves checks and balances with the minister responsible for the land and the minister responsible for Crown land under the Land Act engaging in discussion and approval of any leases with any third parties. What we are talking about in the bill is not surplus land. It is land which is part of the City Link project.

The Honourable Andrew Brideson has sought assurance from the government that any information relating to further leases attached to the City Link project be tabled in the parliamentary library for honourable members to peruse. The minister will give that assurance in the third-reading debate. As an open and accountable government we are only too pleased to accede to that request from the Honourable Andrew Brideson. We certainly will not bury the actions of this government in correspondence files as did the previous government in relation to the Kennett deal over surplus land along Lorimer Street.

One further element of the bill before us is the placing of a 20 per cent unit holder cap on Transurban Holding Trust following the Transurban restructure. That ensures that no legal entity can acquire 20 per cent or more of ownership of City Link without state approval. This is a consequential amendment arising from the restructure of Transurban and it preserves the status quo.

I have dealt with the six key provisions of the bill and, as I said earlier, they improve the operation of City Link for the benefit of members of the public, and in many ways the new customer service improvements will benefit travellers from rural and regional Victoria and should be warmly greeted by members of the National Party and those honourable members with constituents outside Melbourne because it makes City Link even easier to use than it was previously.

I commend the Minister for Transport for the agreements and changes which have been negotiated and which continue to build on the substantial improvements that have been dealt with in this house on previous occasions. I commend the bill to the house.

**Hon. B. W. BISHOP** (North Western) — It is with pleasure that I speak on the Melbourne City Link (Further Miscellaneous Amendments) Bill. Victorians should be proud of City Link. The Honourable Andrew Brideson made the point that it was a huge project that has been ongoing and in place for a number of years. Facilities have been upgraded over time. If I recollect correctly it is the second-largest project after the Snowy Mountains hydro-electric scheme. That is a credit to Victorians. We should hold our heads high not only because we have a new first-class roadway that the people of Victoria and the people of Australia can use to get better city access and to get through the city but because there were huge employment and flow-on benefits during the building of this wonderful roadway.

City Link is of huge benefit to the people I represent in North Western Province, whether they come from Bendigo, Swan Hill, Mildura or places in between. It gives excellent access into the city and allows through traffic to the other side of the city.

With City Link and various Calder Highway upgrades, some of which are still proceeding, we have an excellent roadway system to and through Melbourne from the northern areas of Victoria. I am sure that while there are some complaints from the political representatives of Bendigo about tolling, the people of Bendigo, as do the people of Swan Hill and Mildura, think it is great to come straight through to the centre of the city.

I remember the period before City Link when you would have a long drive, get to the outskirts of the city and then run into heavy traffic — inevitably you would run into peak hour traffic. When you have been in your car for 3 to 7 hours, depending on where you have come from, the last thing you want when you come to the outskirts of the city is a traffic jam. The same applies on the way out of the city. People may have spent all day in the city doing their business and want to get on their way and get home as quickly as possible, knowing they have a long drive in front of them. It is now an absolute pleasure. Motorists get onto City Link, onto the highway and are on their way home in a short period. It is a great asset.

Members of the National Party look forward to further improvements in services, such as extensions of the passes that have occurred over time.

I refer to the six key purposes of the bill. They are, firstly, to provide for the reservation of two strips of Crown land for the installation and operation of reticulation pipes; secondly, to restrict the acquisition of unit holdings in the Transurban Holding Trust to 20 per

cent; thirdly, the introduction of a \$40 fine for first-time offenders; fourthly, to extend the backdating of temporary registration day passes to three days; fifthly, to provide for the leasing of land for purposes of the City Link project; and finally, to provide for a special planning scheme for the construction of a Transurban office.

As I said, the first purpose relates to two strips of Crown land. It will enable Transurban to fulfil its agreement to deliver recycled water for recharge purposes, and it will minimise ground settlement across the project. It is a good scheme. Ground water will be collected in the tunnel, be treated at the water treatment plant in the Swan Street area and recycled through the recycling pipes to the recharge wells, which will be beneficial for the project. Honourable members were advised during the briefing that most of the reticulation pipes run through land previously leased by Transurban, which is easy to understand. However, a couple of narrow strips of land have been identified as being required for the treatment of the recharge water. I understand the leases will revert to the Crown in 2034 when the project will return to the state.

In debate on previous amendment bills I have spoken about this excellent concept. The treatment of and the reuse of water is something we probably have not done enough of in Victoria given that water is one of our most significant resources. This is a well-organised proposal. It is clear it will need monitoring, and I understand that the Environment Protection Authority will monitor the water at the water treatment plant. It is a win-win situation. It will use water out of the tunnel, treat the water and recharge those areas requiring recharging, while protecting a precious resource. It is a good use of the concept and philosophy of water reuse that is now being recognised across Victoria, and indeed Australia.

The second purpose refers to unit holdings in the Transurban Holding Trust. Members of the National Party had some difficulties with this at the briefing. We struggled to get across all the words in the process as we went through it. The departmental officers sent us a flow chart that satisfied our initial concerns. We have attempted to keep this simple. Transurban had a corporate restructure last year which was agreed to by the government. Prior to the restructure a 20 per cent cap was put onto unit holdings in the Transurban City Link Unit Trust. The changes driven by the corporate restructure impose that 20 per cent ownership cap on the unit holdings in the new Transurban Holding Trust, as that trust now holds all the units in the Transurban City Link Unit Trust. While it sounds complicated, simply put we believe it provides the same 20 per cent

cap in the new structure that cannot be extended unless the government agrees to it in the future.

I now refer to the introduction of the \$40 fine for first-time offenders. Obviously this issue interests members of the National Party considerably, because there is likely to be a number of people whom we represent in country areas turning up on the freeway and for whatever reason not having a pass. We are strongly interested in this issue.

This amendment addresses the vexed question of non-paying first-time offenders. I repeat: we are talking about first-time offenders. As it stands today, when a first-time offender goes through the gate the device does what it has to do to recognise that that person does not have the right pass and, as we understand it, two things can happen. The first is nothing might happen, and I suspect that occurs from time to time. The second thing that can happen is a warning letter is issued. This warning letter gives you a lecture about what you need to do to ensure that you obey the laws of City Link and of the land and is an opportunity for you to be forewarned about the next time you go there. This bill proposes a new system. It proposes that warning letters will become an option rather than being sent to a first offender as a matter of course. The bill introduces a new \$40 fine for first offenders to replace the warning letter and for second offenders the fine is \$100. The National Party welcomes this recognition that first-time offenders should not be hit with a \$100 fine. The National Party also notes that the \$40 penalty can be altered by regulation from time to time and therefore could be changed in the future not through the Parliament but by regulation.

The question the National Party must ask itself in representing country people particularly is whether a \$40 first offence fine is fair and reasonable. If we take the point that the western section of the tollway has been operating for more than two years and the southern section for more than a year we consider that people should now have a better understanding of the system. During the briefing we were advised that around 1 per cent of people offend. That does not sound like much but when you have a decent look at the number of cars that whiz under the barriers it is probably a fair number; I do not have the figure but I am sure it is a large number.

At the briefing the National Party made the point very strongly that it would still like to see a great deal of leniency displayed in relation to first offenders. With the amendment in this bill the question is how. Consider the case of someone from the country who makes a rushed trip to Melbourne. Let's say they come

from Mildura. Someone rings up late on a Friday afternoon and says a member of the family is ill. The person living in Mildura decides they had better hop in the car and drive down. There are no post offices open that I know of where they can get a pass. In North Western Province we have only one Shell touch-screen machine where people can get a City Link pass and that is in Bendigo. That presents a difficulty for people in northern Victoria. In addition, you can only use a credit card with the Shell touch-screen machines so if you miss getting a pass and want to pay later you have to find a Shell touch-screen machine and use a card and that does not suit everyone, particularly given the small amounts of money we are talking about. While it might seem difficult to argue against the \$40 first-offender fine it could be unfair for some people, particularly those from country areas.

The National Party understands the toing-and-froing of this legislation and will raise this issue in the committee stage of the bill. Further, it is important to note that there are other issues in this area such as the amount of grace motorists get in relation to backdating their registrations. I look forward to some information coming forth on that in the committee stage.

The fourth purpose of the bill is the backdating of the temporary registrations which also presents some problems for country motorists. Aside from the day passes, we now have as part of the facilities offered to us the extended weekend pass. I might say that that is most welcome, particularly for country motorists, and we look forward to more innovative products coming forward in the future. This pass operates from midday on Friday to midnight on Sunday and currently customers can purchase the pass until midnight of the day following the day the pass was first used. This bill allows people to get a pass over that three-day period if they happen to get on the freeway and have not been able to collect one previous to that.

All that sounds fine and reasonable but it presents some difficulties for country people. The National Party suggests extending that backdating time for a few days so that when people realise they do not have a pass and are in the city they can get home and go to the post office and fix it up easily with cash. I believe that would be a most sensible, practical and reasonable attitude to the backdating of the passes. No doubt we will discuss that further in committee and I will be interested to hear the minister's response on that matter. I might say that in fairness to the briefing we had, the view was the technology was not able to cope with that sort of request. If that is the case the National Party will be calling on the government to look at pressing for that

technology to be introduced and make the system much more convenient for country people.

I turn now to the fifth purpose of the bill which is at issue. The National Party was concerned about this matter during the briefing; indeed, it had some discussions with its colleagues in the Liberal Party in the lead-up to the briefing. The National Party's concerns are similar to those of the Liberal Party so both parties are keen to deal with this in committee and ensure that the protection of our community is well and truly covered. As the National Party sees it, clause 9 provides the flexibility needed to give the government the capacity to say it is okay for Transurban to sublease parcels of land contained in its leases. Clause 9 probably explains the situation reasonably well in addition to the briefing notes honourable members may have received. However, there are a few questions about that and during the committee stage we will be looking for some guidelines to ensure that that sort of protection is in place. I will wait until the committee stage to comment further on that.

Might I say again that it is just as well the upper house is here because if it were not we would not have had this time to discuss the bill while it was between the two houses. This is an indication of the upper house doing its job as a house of review and through cooperative measures between the National Party, the Liberal Party and the government hopefully coming to a resolution of this issue.

The National Party saw the sixth purpose of the bill as the present government carrying out the arrangements put in place by the previous government. We noticed during the briefing that the government was not that impressed with some of the processes being put in place, but it has agreed to proceed with the special planning regime.

I understand that the particular site will be rateable because, according to the explanatory memorandum in respect of clause 14:

... the Burnley office site is rateable land within the meaning of section 154 of the Local Government Act 1989.

When we went through the bill it looked as though it had been put together hastily. We certainly struggled with a few of the proposals in it, but at the end of the day again it was possible for the two opposition parties and the government to work through the legislation. I am sure we will be able to manage that further during the committee stage.

As I said earlier, it is just as well the upper house exists in its present form to ensure bills such as this get the

full scrutiny they deserve. I look forward to the committee stage, during which the parties can further talk through the issues in the bill.

The National Party does not oppose the bill but certainly looks forward to getting more information on it during the committee stage.

**Hon. D. G. HADDEN** (Ballarat) — I support the Melbourne City Link (Further Miscellaneous Amendments) Bill, the purposes of which are to amend the principal act — the Melbourne City Link Act 1995 — to make six amendments. They are: to make further provision in relation to unit trusts; to make further provision for the backdating of temporary registration; to make provision for the leasing of land by the link corporation; to make provision in relation to the application of laws to the development and use by the link corporation of land at Burnley; and to make provision for a lower infringement penalty to apply to an offence for which a first infringement notice is issued under section 80 of the principal act.

I do not propose to go through every clause, as the Honourable Glenyys Romanes eloquently outlined to the house during her contribution the substance and basis of each clause.

I shall refer to a few of the more important issues, particularly the water recycling issue that the bill deals with. The government has worked hard in the past two and a half years to raise the awareness of the Victorian community of the importance of water and of saving and conserving water. Everybody knows we are in the fifth year of a drought and water storage levels are down to between 55 and 59 per cent of capacity, which is of concern to everybody.

In October 2000 the Minister for Environment and Conservation in the other place established the Melbourne Water resource and strategy committee to look at the conservation and management of our very important water asset into the future. I understand that strategy will be presented to the minister in about the middle of this year. Last year Melbourne Water increased its target for the use of recycled waste water from 1 per cent to 20 per cent within nine years. The intention is to use recycled treated waste water for agriculture, public land and possibly for gardens.

In November last year the Premier announced the Growing Victoria Together strategy, which identifies the environment as one of the government's 11 priority areas. Within that strategy water recycling and effective water management is a main concern of the government. Last February the Minister for

Environment and Conservation announced a pilot project for the irrigation of part of the Kings Domain Gardens in Melbourne using sewage to be treated in a small plant adjacent to the gardens. The water used to irrigate the gardens will be treated in accordance with Environment Protection Authority guidelines and under supervision. The project is being undertaken by Melbourne Water in conjunction with the City of Melbourne and the Department of Infrastructure. If the project is successful it could be extended to other parks and gardens in Victoria.

The bill deals with the recycling of water, which is consistent with the government's commitment to conserving our vital resource of water. The government is concerned about the use of Melbourne's drinking water for ground water recharge purposes. In October last year the Bracks government, together with Transurban, jointly announced a plan to establish a recycling plant and reticulation system for the recharge of ground water aquifers around the City Link tunnels.

It is important for the house to note that Transurban will invest \$1.12 million to set up a recycling plant and reticulation system to pipe water to up to seven points, where it will be injected into the aquifers. This will dramatically reduce the reliance on drinking water for recharge. The new water recycling plant will be built within the existing Transurban operations depot in Swan Street, Richmond.

The government has worked in partnership with Transurban to deliver a solution to this important environmental issue. The new plant is expected to be in operation by July next. This bill will facilitate the operation of that treatment plant through the reservation of land for the installation and operation of reticulation pipes. Transurban will lay approximately 5 kilometres of pipe to carry recycled water from the Olympic Park plant to up to seven recharge points. The quality of the recycled water will be continuously monitored.

The amendments in the bill will enable Transurban to fulfil its commitment to the government to deliver on the use of recycled water for recharge purposes. That will significantly reduce the amount of fresh water required for recharge purposes. The bill will reserve certain Crown land under the Crown Land (Reserves) Act 1978 so that licences can be issued to Transurban over that land for the installation and operation of reticulation pipes. Nearly all reticulation pipes will run through land to be leased to Transurban.

The bill will reserve two additional narrow strips of land on Crown land. One is a strip of unreserved and permanently reserved Crown land on the south side of

the Yarra River between the Yarra River and Alexandra Avenue. The other strip consists of unreserved and temporarily reserved Crown land between the Yarra River and Batman Avenue. It is important to note that public access and use over the reserved land will continue to be available.

The agreement reached between the government and Transurban to use recycled water for recharge purposes indicates another achievement in delivering on our important water conservation policy. In partnership with Transurban the government will also form a permanent ongoing addition to a range of innovative measures expected to be implemented across Melbourne. The project represents a large capital investment by a private company which has demonstrated a genuine goodwill to reduce its fresh water use for its project. The use of recycled water for recharging the aquifer is a good result for the environment and the community.

I also want to talk about the \$40 fine for first-time offenders which is a step in the right direction and the result of the continued negotiations between the Bracks government and Transurban. It is a different scenario to that of the previous Kennett government, which insisted on the \$100 fine in the concession deed. While the Bracks government would prefer a smaller fine for first-time offenders, it is a far cry from the \$100 fine insisted on by the previous government.

The government has maintained a policy of leniency for motorists who use City Link in recognition of the newness of the project and its fully electronic tolling system for Melbourne. It can be somewhat daunting for those of us from rural and regional Victoria who do not use City Link. It is not always deliberate that people not pay to use City Link, and the first-time offenders proposal in the bill is fair. The government is trying to make the City Link contract and the concession deed more compassionate, fair and easy to understand by all motorists, including the infrequent users of City Link.

The government has worked tirelessly to make sure that enforcement takes place in a fair and sympathetic manner. It has reduced the fine from \$100 to \$40 for a first offence. The warning notices that are currently in place were only ever intended as an introductory measure, but tolling has been in place for more than two years on the western link and for over one year on the southern link so it is time people understood the system and their obligations by either purchasing e-tags, having e-tag accounts or purchasing City Link or day passes.

The government has obtained Transurban's agreement to introduce the discount fine of \$40 for first-time offenders, and that will commence on 1 June 2002. The bill enables the amount of the fine for a first offence to be varied by regulation. The capacity to issue warning letters will remain in the legislation and Transurban may, at its discretion, issue either warning letters or fines or take proceedings against offenders. In practice Transurban will issue fines to first offenders from 1 June 2002 and warning letters will cease being used once the \$40 fines come into effect. The Bracks government is delivering on its policy of leniency and fairness for first-time offenders on City Link.

In the absence of this government's actions a \$100 fine would have been in place for first offenders since 31 December 2000. In the absence of this bill, the only fine that could be issued would be for \$100. It is important that the discount fine of \$40, from \$100, has been secured by the government as a result of negotiation and agreement with Transurban.

The other important aspect of the bill is the improvement in customer access to City Link. The government has a proud history of negotiating customer improvements for the City Link tollway. One of the first improvements it negotiated was the introduction of the Tulla pass for use on the Tullamarine section of City Link which has proved to be of enormous value to travellers on that section of road.

Recently Transurban introduced extended weekend passes as a result of a negotiated agreement with the government. That pass allows motorists leaving or entering the city on Friday afternoons and returning home on Sundays to travel at the same price as a 24-hour pass. The government has continued to press Transurban to provide increased customer options for using City Link and to increase and improve the distribution channels from where passes can be purchased. Transurban has recently made Tulla passes available from 770 post offices across the state. The company is to be commended for its ongoing commitment to working with the government to improve customer usage of the tollway. The government will continue to urge Transurban to improve its products and purchase options for customers. The bill supports the new extended weekend pass. The bill will improve customer usage of the City Link tollway by consultation and negotiation between the Bracks government and Transurban.

Negotiations with Transurban will continue. There is a commitment to improving customer usage not only for frequent but infrequent City Link users, such as me when I have occasionally used City Link. I have family

living at Pakenham who swear by City Link, and it takes at least half an hour off their trip when they visit me at Creswick. City Link needs to be user friendly because those of us who do not have to use it might be encouraged at some stage to use it if public relations continue to improve. I commend the bill to the house.

**Hon. G. B. ASHMAN** (Koonung) — When the Melbourne City Link (Further Miscellaneous Amendments) Bill was first viewed by the Liberal Party it thought it was relatively straightforward and had six relatively simple key points, such as changes to day passes, the provision for recharge wells, changes in fines for not having a day pass or an e-tag, planning provisions to make development of the Burnley administration site of Transurban proceed, leasing of unused land, and changes to the company structure of Transurban's business.

They appear to be routine, but on closer examination it was discovered that a number of issues were not as simple as first thought. The first provision, which has Liberal Party support and is eminently sensible, is for the use of recycled water to recharge the aquifers in the Domain and Burnley tunnel areas. As everybody would be aware, there has been a problem in recharging the aquifers, and up to 1 million litres of high-quality drinking water a day is being used for that purpose at a time when Melbourne and Victoria is looking at conserving water. It makes no sense to be using high-quality water for such recharge purposes.

The bill makes provision for a pumping station to recycle water that meets all Environment Protection Authority requirements. Thus contaminated water will not be returned to the area but will be of a similar or higher quality than that which naturally flows through the area. To achieve that requirements must be made for land reservations, one on the Transurban site on Swan Street for a pumping station, land along Batman Avenue which will be used for a reticulation pipe through the area, and land along Alexandra Avenue which will be used for reticulation purposes and recharge wells.

During construction minimal disturbance in the area will take place, and once the recharge is put in place there should be no visible signs to the public. However, to the astute eye there may be some visible changes, such as access covers in paths, but they will be a minor intrusion.

Another main change is the provision of weekend passes. The 24-hour pass will now become a weekend pass and have a much longer period of use. Some provision is made for people who have purchased

passes and do not use them to get new times and dates for those unused passes. The opposition has for a period been critical of Transurban and City Link for its failure to provide easy access for the purchase of day passes.

It is now claimed that the passes will be available in around 700 post offices, through Shell outlets and obviously over the Internet. But this still presents difficulty because to access passes a credit card is required. Certainly at Shell outlets you will require a credit card but post offices, which will take cash, are not 24-hour-a-day operations, and certainly the Internet requires a credit card for purchase.

The opposition has complained about this before, and it is high time Transurban recognised that it is in the business of running a service company. Although it was initially a construction company its focus must now be as a customer service company and it should recognise the requirements of its clients rather than being difficult, as it appears to be, on this matter.

If one is travelling from the south-east there is no service centre until the Westgate Bridge, and if one's destination is the city it is not a practical place to have a service centre. The service centre that was at Tooronga should have been continued in some form. When travelling from Ferntree Gully there are no Shell outlets between Ferntree Gully and the city on the city side where one can purchase a day pass. There is one at Vermont, but it is accessed from the outbound lanes, and that is not practical for purchasing a day pass. The console at the service station at which one can buy a day pass is also not user friendly. I looked at one last Sunday when I was refuelling my car and thought I would try to work out the process of buying a day pass.

I must confess that it is not an easy console to use. I was not sure whether I was buying a day pass or whether I would end up with a packet of chips, a Mars bar, an e-tag or do some banking.

When I looked at the technology I thought, 'This is not easy to use for somebody who is not familiar with this type of technology'. Earlier this afternoon I thought, 'I'll log onto the City Link web site and see how easy it is to purchase a pass from the site'. I accessed the site and logged into [citylink.com.au](http://citylink.com.au), but that links you not to Transurban or anything else associated with City Link but to an e-commerce company, and there is no reference on that site, nor should there be such a requirement, to the Transurban site. I then typed in 'Melbourne City Link' and came up with a theatre booking service. I then typed in 'Transurban City Link' and found it. For the average punter trying to find

Transurban City Link to buy a pass, going through the Web is not a particularly easy way of doing it.

I reiterate that Transurban has not always been and really needs to focus on becoming customer friendly. The opposition welcomes the fact that there is a reduced fine for a first offender not carrying an e-tag or a day pass and that there will still be the discretion for no fines to be issued for first offences.

As an aside I comment about the speed limit signs currently in use within both the Domain and Burnley tunnels. A number of people have been detected exceeding the speed limits in the tunnels. I confess that I am not a regular user of either of those tunnels — I might use them about once every six to eight weeks — but I find it difficult to determine the speed limit within them because the signage is not clear. The speed limit signs are considerably smaller than those in general use on the roads and with other overhead signage, quite confusing.

I am aware that Transurban has the ability as a safety measure to override car radios in the tunnels, but when the speed limit is below 80 kilometres an hour, as it is from time to time in those tunnels, I wonder if it might not consider automatically programming the override radio system to advise motorists of the speed limit in particular parts of the tunnel rather than just allowing the cameras to go click, click, click and the fines to be dispatched automatically. It is something it could do to be more customer friendly.

The next issue I will briefly deal with, which has been dealt with by a couple of previous speakers, is the Burnley site for the Transurban office. I seek some comment from the minister either at the conclusion of this debate or during the committee stage on whether it will be used for the management of City Link and not sublet to other companies for purposes other than the management of City Link. The opposition would not be keen to see the building used by Transurban as a site office for projects not related to City Link.

On a number of occasions in the past 12 months we have dealt with City Link legislation, but there continue to be problems with the Wurundjeri Way claim by Transurban against the government. Given the concessions the government appears to be making to Transurban, I wonder why the outstanding \$35 million claim has not been resolved. Under legislation passed in the last sittings, which released Transurban from the single-purpose entity and enabled it to on-sell its technology, it agreed to pay \$10 million to the government over three years. That strikes me as being a quite minimal payment for the benefit it received. I note

that when that legislation was passed the stock market also thought it was a minimal payment, because at the time the share price went up some 4.5 per cent and three stockbrokers I am aware of — J. B. Were, Merrill Lynch and F. W. Holst — took the view that Transurban become a buy rather than a hold as a stock, so there must have been some greater value than the \$10 million paid for the removal of that single-purpose entity provision.

The bill proposes changes to the company's structure in quite some detail. I will not go through that other than to say it continues the restriction of a 20 per cent ownership by a single entity. Interestingly, I note that last Thursday, when the bill was passed in the Legislative Assembly, the Transurban share price increased and that today it has increased again. Maybe the market is looking at this amendment as having a much greater value than we appear to have been told about.

The next issue I will deal with in some detail is one that causes the opposition some concern — that is, the leasing of the unused land. During the briefing we received from the department we were told that these parcels of land were quite minor and small and would generally have no real commercial value. The example given to us was that a parcel of land under the freeway adjacent to Glenferrie Road, the Kooyong tennis stadium and the Royal Victorian Institute for the Blind would be leased out at no charge and used for car parking by organisations in that area.

If that were the case we would not have a major problem, but from looking at some of the available maps, along the length of the City Link are quite a large reservation and some large parcels of land.

I note that a schedule to this bill — I think it will be schedule 9 to the principal act — contains a rescission of the reservation of some land, but it is not clear, and it is very difficult from the maps to determine the extent of those rescissions and what land is still being retained that might have a significant commercial value. I suggest that the parcel of land under the freeway on Glenferrie Road might have quite a significant commercial value as a drive-through store of some type.

The opposition was going to move amendments here in the committee stage to clause 9 of the bill to require that each lease be tabled in the library. Obviously the paper has to be presented to the Parliament. We note now from the comments of the Honourable Glenyys Romanes that the government is proposing to move amendments, and having been given an advance copy

of those amendments I note that three of them are similar — almost word for word — to what the opposition was going to move. One seeks to put in a definition of ‘approved purposes’, and in the committee stage we might explore that a little more, but we thank the government for accepting and picking up the opposition’s amendments. It shows the level of cooperation that can operate around the chamber and across the Parliament. It demonstrates that between the two houses of Parliament it is possible to negotiate a satisfactory outcome for everybody and shows the value of having the two chambers.

As I look at these maps that I referred to earlier showing the parcels of land that could be available, I note that there is a large parcel of land under the Bolte Bridge — I cannot determine how large it is but I suspect it is 5 or 6 hectares. There is also land out near Bell Street, again involving some hectares, and further land towards the city near the Flemington turn-off. I also note that there is land at the corner of Punt Road and the freeway in Richmond. All of these parcels of land would have a very high commercial value for drive-in restaurants, service centres or other retail outlets, and in the committee stage we will seek from the minister some indication of what purpose this land could be put to as well as the definition of ‘approved purposes’. If these parcels of land are to have their full commercial value realised the state should be getting some return on the land. As a minimum requirement we ought to be demanding that Transurban withdraw its claim for compensation as a result of the Wurundjeri Way development — the road around Docklands.

As I indicated, when we first looked at the bill we thought it was a relatively straightforward piece of legislation. The land provisions make it a little more complex. What is going to occur through the committee stage will alleviate many of our concerns — and indeed those of the National Party. It will provide for a more open and accountable process. We were very concerned that this land could be approved for certain purposes at the discretion of the minister and that when that occurred there would be no process of scrutiny in place.

We will certainly not oppose this legislation, and with those few words we look forward to the committee stage, where the government will seek to adopt the party’s amendments.

**Hon. S. M. NGUYEN** (Melbourne West) — I am delighted to speak in support of the Melbourne City Link (Further Miscellaneous Amendments) Bill. This bill has had a lot of major changes. There are six points we want to change to improve the principal act, because a lot of things need to be upgraded and updated to meet

the needs of car users and care for the land. This bill is very straightforward — the Bracks government has a commitment to the long-term care of road users and land users.

I will go through some of the detail of the bill. It has six purposes. The first is to license Transurban over the installation and reticulation of pipes. The six points are based on customer improvements — the land; the recycling of water; the important matter of the discount fines for offenders; the planning of the Burnley site; flexibility in leasing; and consequential changes vis-a-vis the structure of the Transurban company

I will refer to things that have been said about the land to be used for water recycling. Today we have talked about many things — how to save water and maximise the use of the waste water. It is important to make the community aware of how to save water. At the same time we have to introduce legislation to protect water storages.

After five consecutive years of drought Victoria’s water storage is at about 59 per cent capacity. In 2000 the government launched a major water conservation strategy and spent about \$1 million on advertising and campaigning to make sure that the community was aware of what was happening. All members of the community need to know about the value of conserving our water resources. We need to go further and give information to consumers and manufacturers so they know how to use and conserve water. That strategy was designed by the government to meet the needs of consumers and conserve the water we have in Victoria.

In 2001 Melbourne Water had to campaign again about recycled water. We intend to increase the use of recycled waste water from 1 per cent to 20 per cent within the nine-year plan. Why do we want to do that? We want to use this treated, recycled waste water for agriculture on public land and also for the gardens. We want to manage water better, so it can be better used for the care of our land in public places.

In February 2002 the Minister for Environment and Conservation announced a pilot project to irrigate Kings Domain gardens using treated sewage from a small treatment plant adjacent to the gardens. So all the water used on the gardens is after it has been treated. Everything will comply with the guidelines of the Environment Protection Authority (EPA) to make it useable for our gardens, agriculture and public land.

We have allowed Transurban to use 5 kilometres of pipe to carry recycled water from Olympic Park to up to seven recharge points. We have allowed Transurban

to build operations in Swan Street, Richmond. There are a lot of gardens and public places that need to be looked after better, and we are using these opportunities to upgrade our facilities.

The bill allows Transurban to use two additional narrow strips of land. One of the strips is along the south side of the Yarra River between the Yarra River and Alexandra Avenue. They are on Crown land. Another piece of land is between the Yarra River and Batman Avenue. They are identified in the bill and allow Transurban to install its pipes. Not only that, the bill also ensures that public access to the land will continue so that people can use it. It is not locked up; people will not be prevented from using the land. Public access is one of the conditions of use. We have ensured that members of the public can still access the land.

We want to do better things with water so that in the future we can use it for parks, golf courses, racecourses and many other public places like gardens around Victoria. This is one example. We care about recycled water and the environment. This process has been done very well by the Minister for Environment and Conservation.

I would now like to mention the fines. As we know, there are many problems members of the community face in everyday life. Everyone can understand how to use City Link; it is very simple. You have to buy the e-tags or passes to use City Link. People who understand English can understand the map, and people who travel frequently know how to use City Link. But there are some people in our society who have little access to the news because they have a lack of understanding of English. They cannot read an English newspaper, cannot listen to the news or other information. So sometimes they misunderstand the information that is around. People have come to my office concerned about 10, 15 or 20 fines they have to pay.

Many of these people are unemployed, do not have a lot of money and drive old cars. They use City Link maybe once a month or less and someone has told them that they do not have to pay the toll on certain sections. I do not know why they think that, but they believe they have not broken the law. They did not mean to.

It is better to pay \$3 or \$8 a day than risk a \$100 fine, and if you do not pay the fine you have to pay extra costs. A lot of people come to my office in tears and say that they have to pay \$1000 and cannot afford it. I ask, 'Why didn't you use an e-tag?', and they say they had used the road before City Link was introduced and

thought that the City Link toll was only for the new part, not the old part, because they did not get the full information or have a clear understanding of what had happened.

Some people use City Link a few times and are fined but somehow do not receive the notice so they use it again and do not realise they have broken the law — they think nothing is wrong and they use it again. One day they go to the Transurban office to buy an e-tag and are told they have a problem because they have not paid the fines. They say, 'What fine? I never knew. I have never used an e-tag. This is the first time I have come to the office to buy an e-tag', and a staff member tells them that they have broken the law many times in the past. Some people are still behind today's news and a lot have to pay fines — not only one or two people, I know a lot of people in that situation.

I hope the office of the minister will have some idea of how to solve the problem, because people not only get \$100 fines but they have to pay further additional costs and some have to pay \$4000 or \$5000. It is a significant fine for having limited knowledge of what is happening not because they want to break the law or to cheat the City Link system — they have broken the law only because they were not aware of the changes.

The bill allows the government to protect the interests of members of the community. The government would like to introduce a change for first-time offenders so that instead of paying \$100 they pay \$40. When some drivers change their address they do not give notice of where they move to; sometimes they do that six months later. There is a problem of road users not notifying their current addresses. The \$40 fine will help many families to avoid the difficulty of paying the fine and many car users will learn the lesson after they receive the first fine of \$40. When they receive the fine they will know they have to buy an e-tag or pay to use an e-tag in the future.

The toll has been in use for over two years and today some people still find it difficult to know what is going on. When I have the opportunity I always encourage people to buy an e-tag, because it will save them a lot of money. It is so easy to make a mistake and you never know when you will need to use one.

I have tried to encourage my friends, neighbours and constituents to use an e-tag rather than a day pass, because you never know when you will need to use the system. The government has tried to encourage Transurban to sell a one-day pass or a weekly pass so motorists can more easily use City Link. It is okay in the daytime, but on the weekends not many shops are

open, and more so at night, so we need to look at better ways for motorists to purchase day passes or weekend passes. This is part of the government's program of improving services for motorists. Some service stations are open for long periods but others close before 9 or 10 o'clock at night. Some do not even open on weekends. Some improvement was necessary. Post offices open only between the hours of 9.00 a.m. to 5.00 p.m. and do not open on weekends. Some 24-hour stores such as 7-Eleven stores are open and are more accessible for road users.

I am sure the weekend pass will be of specific benefit to people living in rural and regional Victoria, because many people like to visit Melbourne on weekends. They may leave their home towns on Friday afternoons to visit Melbourne. Many country users do not have e-tags because they are not frequent users of the City Link system; they may use it about 10 times a year, so a weekend pass will benefit them. Many people in metropolitan Melbourne do not have an e-tag so the weekend pass will be very useful for those motorists who are not regular users of the City Link system. They will be able to use it on a family day out because families usually go out together on weekends.

It will also mean fewer traffic jams on other roads. I am sure people will use City Link on Friday afternoons and evenings, which will reduce traffic jams on a day when many people do their shopping, go to the football, go to a movie or just go out at night. More traffic jams would occur if the government did not encourage motorists to use City Link. This bill will improve the system by reducing traffic jams.

I now refer to the provision of further land for Transurban. This is an important issue for the City of Yarra, because the provision will allow for 21 000 square metres of land in the Burnley area. I know it is important because as a former Richmond councillor I remember discussing the issue over many years. The site included an abattoir and land attached to the former South Eastern Freeway. When the government decided to build City Link the council had many meetings and employed consultants to find the best use of the abattoir site. Many discussions were held, and I am sure City of Yarra councillors believe it is important because the people who live nearby want to know what is happening to that parcel of land. It is important for the council to know whether it can collect rates from the land.

The previous government granted Transurban an application for a building without consultation with the City of Yarra. The reason the government wants Transurban to use the land for its permanent office is

that at the moment it has a temporary office in St Kilda Road and the lease will expire in October next year. It is looking for a permanent office and that is the best site that it can find. It will help it manage and keep an eye on City Link. The government is keen to work with the City of Yarra so that everything to do with the site will be done in consultation with the city. It will have representatives on the committee that will be appointed. Transurban has a permit for a new office. The government cannot stop that because it was a commitment of the previous government. The government is not asking Transurban to obtain a further planning permit for this development but will require it to communicate with the City of Yarra about its intentions.

I refer now to the land. An important point of the bill is the flexibility it provides for leasing land. City Link is using a lot of land and much of the land under the link can be used in the community interest — for example, the land along the Monash Freeway, east of Kooyong Road and close to the Kooyong Lawn Tennis Club. The Kooyong tennis club has approached Transurban and the state government to use this land as a car park. It is important that this land be used in the community interest. From time to time we see railway land being used for shopping centre car parks and public car parks. This arrangement is similar to the land here. This land can be used by the community as a car park. That arrangement would be unlike what happened under the Kennett government which had a special secret deal with McDonald's. That was a commercial agreement of which the public was not aware. It was a private deal to hand over \$2.2 million of land to Transurban. The Bracks government puts everything it does on public notice and the public will have a say in the future use of this land.

**Hon. G. R. Craige** — Haven't you got an e-tag?

**Hon. S. M. NGUYEN** — I have an e-tag. I encourage my friends and family to use e-tags.

**Hon. G. R. Craige** — You use it?

**Hon. S. M. NGUYEN** — Yes, we use it.

**Hon. G. R. Craige** — It's good, isn't it?

**Hon. S. M. NGUYEN** — It is very good. The bill discusses the capping — —

**Hon. Andrew Brideson** — Just support the bill; that's all you need to do.

**Hon. S. M. NGUYEN** — I always support government bills.

**Hon. G. R. Craige** — Did you support City Link?

**Hon. S. M. NGUYEN** — Yes, I support City Link.

**The ACTING PRESIDENT**

**(Hon. R. H. Bowden)** — Order! I ask that all comments go through the Chair. The Honourable Sang Nguyen has the call.

**Hon. S. M. NGUYEN** — The last part of the bill talks about the changes to the structure of Transurban.

In conclusion, this bill contains a lot of detail and is very important for those who use City Link. The government wants to update the customer service arrangements and encourage road users to use City Link more, especially on the weekends. We know that many country Victorians will benefit from this. Many of them do not have e-tags because they are not regular users of the tollway, but they will soon be able to come to the city on a weekend and benefit from the extra hours provided. It will lead to less traffic jams on a Friday evening because people will be able to use City Link with a weekend pass from midday on Friday until Sunday night. As I said before, many people go out to a movie or go shopping on Friday evening and this will help reduce traffic jams on many roads.

The bill sets out the land leases and tries to maximise the community interest. It mentions the Burnley site and enables the City of Yarra to have a voice in the use of its land at Burnley. Victorians will be better off because if they have problems in using City Link and are fined they will pay less than before; it is only a \$40 fine instead of a \$100 fine. For those reasons I would like to strongly support the bill before the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 8 agreed to.**

**Clause 9**

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I might just take a moment to explain where the parties are in discussing clause 9. At the start of the second-reading debate the Honourable Andrew Brideson sought an undertaking from the government about it making available for inspection in the parliamentary library any leases that the state might enter into with Transurban pursuant to section 60 of the Melbourne City Link Act and any further leases over

land already leased to Transurban pursuant to that section. Subsequently in the second-reading debate the Honourable Glenyys Romanes indicated that the government was very willing to give such an assurance or undertaking in relation to the tabling of this information for inspection.

Subsequently there was further discussion between the parties and the Minister for Transport, and as a result the government wishes to move an amendment which would add proposed subsections (9) to (12) to section 60. That would ensure that the government's undertaking could and would be delivered into the future notwithstanding changes that might occur in ministers and governments over time. We are in the happy situation where the Minister for Transport had the amendment prepared for use in the Legislative Assembly debate, but for reasons that it is probably not productive for me to go into here, it was not proceeded with.

**Hon. G. B. Ashman** — It was guillotined!

**Hon. C. C. BROAD** — A very robust debate took place. Anyway, here we are in the upper house and the government is proposing that proposed subsections (9) to (12) be added to section 60 after subsection (8), which would give effect to the undertaking which was sought in the second-reading debate and which the government is willing to give. I move:

Clause 9, page 6, line 14, after this line insert —

‘(3) In section 60 of the **Melbourne City Link Act 1995**, after sub-section (8) insert —

“(9) The Minister must cause a copy of each lease under this section for an approved purpose to be laid before each House of Parliament within 6 sitting days of the House next following the making of the lease.

(10) If a sub-lease is entered into of land leased under this section for an approved purpose, the person giving the sub-lease must ensure that, immediately on the sub-lease being entered into, a copy is given to the Minister.

(11) The Minister must cause a copy of a sub-lease given to him or her under sub-section (10) to be laid before each House of the Parliament within 6 sitting days of the House next following the giving of the copy of the sub-lease to the Minister.

(12) In sub-sections (9) and (10), “**approved purpose**”, in relation to a lease of land under this section, means a purpose other than the purpose of managing any roadway and ancillary works constructed on the land.”’.

**Hon. G. B. ASHMAN** (Koonung) — The opposition welcomes the amendments, and in so doing notes that they are very similar to amendments that it had drafted.

The government proposes to add subsection (12) on the meaning of ‘approved purposes’.

The opposition also notes that the bill was guillotined in the Legislative Assembly during the committee stage. The government allowed no opportunity to move its amendments so it has had to come back to the Council, where there is no guillotine and where we debate legislation to the full. It is ironic that we are accepting the government’s amendments and that the legislation will have to be returned to the Assembly seeking its concurrence with the amendments that we will agree to. Had the government not been so anxious to guillotine the legislation, we would not have been here moving amendments.

**Hon. E. J. Powell** — Thank goodness for the upper house!

**Hon. G. B. ASHMAN** — Thank goodness for the upper house. Our worth is incalculable. The opposition notes that proposed subsections (9), (10) and (11) are almost identical to the wording it put forward. Proposed subsection (12) is new and goes to the issue of approved purposes, and I ask the minister to give a definition of ‘approved purpose’ in this context and a couple of examples of what approved purposes would be?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — Following on from the definition in proposed subsection (12), which indicates that an approved purpose is a purpose other than the purpose of managing any roadway and ancillary works constructed on the land, an example is the land underneath the roadway which is the case in point in the Kooyong matter.

**Hon. G. B. ASHMAN** (Koonung) — Is it the intention that any of the land can be used for commercial purposes?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — It is not envisaged that it would be used for commercial purposes.

**Hon. G. B. ASHMAN** (Koonung) — Just one final question. Opposition members were told in briefings that it would be up to eight months before the land that was subject to this clause would be identified. Is that still the case; and if so, what is causing the delay in

identifying the land, given that the legislation is before the house this afternoon?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The nature of the discussion in the briefings referred to by the honourable member related to the details.

It is anticipated detailed maps will take until the end of this year to prepare, which is less than nine months, but that is purely in relation to the detail of the mapping that is required. The areas are known, but it will take that period to complete the detailed mapping.

**Hon. G. B. ASHMAN** (Koonung) — When that detail is available will it be tabled in the parliamentary library?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — Information pursuant to the legislation will be available in the Land Titles Office, and the government is willing to give an undertaking, since it is public information, to make it available in the parliamentary library.

**Hon. G. B. ASHMAN** (Koonung) — When it is available will the opposition be given the opportunity of a briefing by departmental officers so that if there are questions it may pursue them at that time?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I am sure the department can provide a briefing to explain the detail of that information.

**Hon. B. W. BISHOP** (North Western) — The National Party also welcomes the amendment moved by the government and appreciates the opportunity to go into committee and have a question-and-answer process which we hold so dear to our hearts in this place. I am sure the amendment moved by the government and the responses now satisfy our concerns about clause 9. It is important that the Legislative Council has in place a committee structure that can be utilised to its fullest extent rather than what occurs in the Legislative Assembly where the guillotine is applied.

I put on the record the cooperation that has occurred between the government, the Liberal Party and the National Party so that we can work our way through the bill and come up with good legislation at the end of the day.

**Amendment agreed to; amended clause agreed to; clauses 10 and 11 agreed to.**

**Clause 12**

**Hon. B. W. BISHOP** (North Western) — The National Party wishes to make a number of comments on the vexed question of the catch-up process if a motorist uses the City Link tollway and does not have a pass for whatever reason. As I said in my second-reading contribution, if someone from Mildura or Swan Hill is suddenly called to Melbourne on a weekend for any number of reasons and needs to rush down, they certainly cannot get a day pass or a weekend pass from post offices which are not open on weekends.

During the second-reading debate I said that only one Shell City Link pass touch-screen in Bendigo is open to people in the North Western Province. One would question why motorists would travel through Bendigo if travelling from the Swan Hill or Mildura region, or any of the regions surrounding those particular areas, because they may wish to bypass Bendigo. One might say that they should get off at the first City Link office on the freeway, but by that time they are probably sick of travelling and want to get to their destination, particularly if it is a rush trip, or perhaps they did not know they had to have a pass. Although we have been through the reasons why one sector has been operating for more than two years and the other sector for one year, some people may not have had the opportunity of picking up that information or did not have time to get into the city office to catch up on that pass payment.

While many of us use credit card facilities, a number of people do not want to do so for whatever reason and want to use cash at a post office for procuring their pass or, in this instance, to catch up if they get on the City Link and suddenly realise they had to obtain a pass.

Clause 12 refers to within five days of the commencement of the registration period and the other rules that are put in place, such as the extended weekend pass, during that time, whichever is the earlier. After noting the five days process from the commencement of the registration period, will the minister consider five days after the pass expires, which would give country Victorians a greater opportunity to get home, settle down, gather themselves and sort out with the local post office the catch-up process where they can use cash, credit card or EFTPOS, which would certainly give better opportunities for country Victorians in that area? When I think it through further, it would be much better if it were five days after the end of the pass time, particularly when new products come onto the market in the future. I should be interested to hear the minister's views on that particular issue.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The Bracks government has a proud history of negotiating what is now a series of customer improvements on the City Link tollway. As part of this series of amendments that have been referred to, Transurban has recently introduced the extended weekend pass that as a result of negotiations entered into by the Bracks government allows motorists leaving or entering the City Link on a Friday afternoon and returning home on a Sunday to travel at the same price as a 24-hour pass. The bill supports the new extended weekend pass introduced by Transurban after those negotiations with the Bracks government. Legislation passed in the last sessional period provided the legislative basis for the product by extending the period for temporary registration, and the bill makes further amendments to address backdating requirements for the extended weekend pass.

The government agrees that the further improvement suggested by the National Party is a good idea, and is currently negotiating with Transurban. It is the case that under the contract negotiated by the previous government little protection was offered to occasional users of City Link, particularly country Victorians.

As a result the Bracks government has worked hard to bring about customer improvements and is continuing to do so. As I have indicated, it is currently negotiating with Transurban at this time. That is as far as I am able to go at this point, but I indicate that the government is of the view that this would be a further improvement, and it is seeking to negotiate this and other further improvements with Transurban currently.

**Hon. B. W. BISHOP** (North Western) — I thank the minister for her response. Can she give the committee any indication of any time lines for the issue we have just discussed coming to fruition?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response I am not able to give any definite time line at this point, but I can indicate that the government would certainly act at the earliest possible opportunity once these negotiations are concluded.

**Hon. E. J. POWELL** (North Eastern) — The minister talked about further improvements and her negotiations with Transurban. The National Party met with Transurban about three years ago and raised a number of issues that country users had raised with us. One was the 24-hour registration — some people said they would like to have the 24-hour registration start from the time they entered City Link and finish at the time of exit.

I will give an example. If somebody goes to a function at 7.00 p.m. and because of when the function finishes needs to stay overnight before they go back to the country, they would then have to get two passes. The view was that if they entered City Link at about a quarter to 7 they should perhaps have that registration for 24 hours. Transurban said that the technology was not available then but that it believed it would be available in the very near future. In her negotiations with Transurban can the minister see whether that technology will be available fairly soon, or is it available now?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response to the Honourable Jeanette Powell, the advice to me is that under the arrangements already negotiated by the Bracks government the circumstances she has described are covered and that customers of City Link have until 10.00 a.m. the next morning to deal with those circumstances. I am happy to seek further information to provide to the honourable member, if she wishes to have further detail of that, but I am advised that those circumstances have already been addressed.

**Clause agreed to.**

**Clause 13**

**Hon. B. W. BISHOP** (North Western) — On behalf of the National Party I welcome the new \$40 fine for first offenders. However, I must make the point that when the \$40 fine replaces a warning letter it may not be quite so welcome to a number of people.

As we have said, we accept that the two streams of the City Link have been operating for over two years in one case and for over one year in the other, but there will still be motorists who, for whatever reason in the world, will blunder onto the tollway, will not have a pass and will be picked up as they go through the gate.

We have been through the debate of having very little time to catch up, and we welcome the minister's comments on that. But we want an assurance from the minister, firstly, that the warning letter will not be totally terminated in the new arrangements.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response it is important to set out a number of points. Under the City Link contract inherited from the former government there was a regime of \$100 fines for people who travel on City Link without being registered through Transurban, either through obtaining a pass or an e-tag account. Had those arrangements continued a \$100 fine would have applied to first offenders from 31 December 2000.

The Bracks government has consistently maintained a policy of leniency for motorists in recognition of the newness of a fully electronic tolling system to Melbourne, and from the outset of tolling this government obtained Transurban's agreement to introduce warning notices for first-time offenders and reduced fines of \$25 for the subsequent four offences. Those warning notices were extended on three occasions, and reduced fines were extended on four occasions.

Warning notices were always intended only as an introductory measure. It is the case that tolling has now been in operation for more than two years on the western link and for more than one year on the southern link. It is important to note also that the system of enforcement that requires state support was agreed to in the contract under the previous Kennett government. As a result the state has costs in processing and distributing warning notices and there is no revenue to offset those costs.

The Bracks government has been successful in obtaining Transurban's agreement to introduce a discount fine of \$40 for first-time offenders to apply from 1 June 2002. It is the view of the government that the adoption of a discount fine of \$40 for first offenders achieves a balanced policy outcome of maintaining leniency as well as seeking reasonable cost recovery. This bill provides, following negotiation, for the \$40 fine for a first offence, and it also enables the amount of the fine to be varied by regulation.

It is the case that the capacity to issue warning letters will remain in the legislation and that Transurban may, at its discretion, issue either a warning letter or a fine, or it can issue proceedings against the offender.

In practice, however, it is also the case that Transurban will be issuing fines to first offenders from 1 June, and in the absence of this bill and the negotiations by this government, which have resulted in the provision of a \$40 fine, the only fine that would have been issued would have been a \$100 fine. It is the case that warning letters will cease being used in practice by Transurban once the \$40 fine comes into effect from 1 June this year. As I have said, in the government's view this maintains its commitment to leniency for first-time offenders.

**Hon. B. W. BISHOP** (North Western) — I thank the minister for that response. On behalf of the National Party I put before the minister a suggestion for consideration by the government. It is true that once you get on the freeway you cannot get off, so you are bound to pay. In an effort to manage the system in a

more cooperative way, can I suggest to the minister that the warning letter, including the cost of the travel of the particular sector that the motorist was on plus the administrative cost that would be required, which she spoke about previously, continue as the first tranche for a first offender?

Then it could follow on. It could be a \$40 fine and move on to the heavier fines. From our point of view this would be a very good process to educate Victorian motorists in a sensible and practical way. It would instil by this process a degree of cooperation between motorists and the authorities which are managing it. I ask the Minister for Transport his response on that and to indicate his government's view. The process could be put in place for what we truly see as a first offender.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I can undertake to pass on those proposals to the minister for his consideration in his negotiations with Transurban. It is the case that many things are possible by negotiation, even at this point, but I will certainly undertake to pass those suggestions to the minister for his consideration.

**Hon. E. J. POWELL** (North Eastern) — I ask the minister whether the warning notices will be continued, because the wording on the notices has been raised with me. My son, who lives in Darwin, drove on the City Link without an e-tag or a day pass and received a warning notice. The wording indicated that the vehicle was not registered to be on City Link. That was very confusing because it sounded as if the vehicle was not registered. It is just the wording. The notice came with the police insignia and looked very formal; however, the wording — and I do not have the notice with me — talked about the vehicle not being registered to be on City Link. I do not like the word 'registered' because it has a connotation that the car is not registered rather than that the vehicle is not registered with City Link. If there is to be a continuation of warning notices, perhaps we could have a look at the wording so that they are not confusing to the people who receive them.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — Warning notices will certainly be continuing until 1 June. I undertake to pass on that message to the Minister for Transport.

**Clause agreed to; clauses 14 and 15 agreed to.**

**Schedule agreed to.**

**Reported to house with amendment.**

**Report adopted.**

### *Third reading*

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

That this bill be now read a third time.

I thank honourable members for their contributions to the debate.

**Motion agreed to.**

**Read third time.**

### *Remaining stages*

**Passed remaining stages.**

## HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL

### *Second reading*

**Debate resumed from 19 April; motion of  
Hon. M. R. THOMSON** (Minister for Small Business).

**Hon. M. T. LUCKINS** (Waverley) — The opposition is pleased to support the bill before the house. The Health Practitioner Acts (Further Amendments) Bill is more like an omnibus bill in that it makes amendments to a number of acts — seven in total, including the Medical Practice Act 1994, the Nurses Act 1993, the Chinese Medicine Registration Act 2000, the Dental Practice Act 1999, Psychologists Registration Act 2000, the Medical Practitioners (Private Hospitals) Act 1984 and the Health Records Act 2001.

The opposition was disappointed during the second-reading debate in the lower house to be denied the opportunity for a number of issues and questions raised in the course of the debate to be answered by the government at that time. I will therefore be seeking to restate many of those questions and we seek the government's cooperation in having those valid questions answered.

Clause 4 of the bill tightens up the definition of professional performance of medical practitioners, and gives the board more powers to investigate professional conduct and performance of medical practitioners in Victoria. The Medical Practitioners Board can currently investigate unprofessional conduct and impairment, but it has been restricted from going further in a more proactive way to assess professional performance, which in clause 5 of the bill is defined as meaning:

... the knowledge, skill or care possessed and applied by a registered medical practitioner in the practice of medicine;

and unsatisfactory professional performance, which is defined as:

... of a lesser standard than that which a medical practitioner's peers might reasonably expect of a medical practitioner.

Clause 9 reiterates the current position in that the board can investigate a practitioner's mental health and whether they are abusing drugs or alcohol as part of the impairment investigations. The opposition agrees that the extension of 'professional performance' and 'unsatisfactory professional performance' will make the job of the board in protecting the public of Victoria and the health care provided to them of paramount concern in a proactive rather than reactive way.

I will come back to clause 5 later in my contribution. A number of concerns have been enunciated to the opposition from medical practitioners about how a new regime called the professional assessment pathways in the industry will be addressed and implemented as part of this bill.

We are advised that clause 6 is supported by the board. It addresses an unintended anomaly whereby a disqualified medical practitioner can reapply for registration to the board and have that application subsequently rejected. Currently it is like a revolving-door situation where the medical practitioner who has been disqualified by the board repeatedly can continue to take action in seeking re-registration and appealing the disqualification at Victorian Civil and Administrative Tribunal and then the Supreme Court.

The board incurs the cost of every legal action taken by a disqualified practitioner. The opposition was advised in briefings that there are a couple of instances where individual practitioners who have been disqualified in the past are taking advantage of this loophole, which is adequately addressed in clause 6. It is important to note that this clause does not affect the right of a suspended or disqualified practitioner who has been suspended or sentenced to a defined time period from reapplying to the board for re-registration after the period of suspension has lapsed. That is protected under section 60 in the principal act. The basic reason that clause 6 has been put into the bill and the changes made therein to the principal act is to ensure that disqualified practitioners are precluded from applying for re-registration again.

Subclauses 7(a) and (b) allow registered practitioners not to practise if the board is satisfied that there is a good reason for them to retain their registration but has

an assurance that they will not practise. That is very important for people who want to maintain their registration in a medical profession to ensure they have an ongoing record of their registration in the case where an individual practitioner might be, for example, on maternity leave, on an extended sabbatical, practising interstate or overseas, or taking advantage of long service leave.

Clause 8 gives the board power to require an applicant for registration to produce proof of professional indemnity insurance and also to provide information to the board assessing their application in the areas of medicine in which the person is experienced and has practised during the period of their current registration. It also gives the board power to request and have provided to it information on any continuing medical education by that practitioner and allows the board to seek information from the applicant about where the applicant intends to practise during the period of registration and in which areas of medicine the practitioner anticipates practising. It also allows the board to gain an undertaking from a practitioner that any conditions or restrictions set by the board will be adhered to and met during the period of registration. That is a sensible and straightforward provision, and we have no problem with that.

Clause 9, to which I referred earlier, also sets out procedures for complaints about practitioners to the Health Services Commissioner, Beth Wilson. I take this opportunity to commend the Health Services Commissioner and her office for the way they have very adequately handled complaints that I have made on behalf of or in conjunction with constituents. I commend them on their commitment to ensuring they get the right answers for individuals who have been poorly dealt with, in their own minds sometimes, but certainly at other times they raise systemic challenges which are addressed very adequately. Clause 9 provides for the application of the Health Records Act 2001, which is another act that is being amended slightly by the bill we are debating today.

Clause 11 deals with the suspension by the board of practitioners who pose or are considered to pose a serious risk to the health and safety of the public. It also applies to medical students. There is an argument in the wider community that you are innocent until proven guilty, but in the case where a medical practitioner has had a complaint made against him or her on the basis of malpractice, underservicing or overservicing, incompetent conduct or impairment, an argument can be mounted that the whole point of the board is to protect the public and to ensure that patients are not endangered by the practise of medical professionals.

During the committee stage I will raise some questions about how that is applied in the case of vexatious and frivolous complaints. I am just flagging that for the government. Basically the provision is sound and sensible and is to be supported.

Clause 14 is another sensible provision relating to how a formal hearing is set and how determination procedures for the panel established for the hearing of a complaint are conducted.

Clause 23 relates to the establishment of preliminary hearings or conferences before a formal hearing is conducted. It also provides that the person or individual convening the preliminary conference is not to be involved with the actual hearing or formal hearing panel. That is a guarantee for the medical professional about whom a complaint has been made that when they go through a formal hearing procedure, they will have the opportunity to have their case heard freshly and without any matters previously raised in a preliminary conference colouring the view of the individuals who will be making a determination about that practitioner's future.

A preliminary conference will enable the airing of any issues of concern to the board or to the practitioner and will ensure that any grievances can be clarified prior to the formal hearing. It also provides the board members with an opportunity to provide guidance to the practitioner as required.

The opposition has some concerns with clause 30, which inserts new sections 63A to 63K and is consistent with provisions introduced in the Dental Practice Act in 1999 when we were in government. It is a prohibition against directing or inciting unprofessional conduct. The clause provides very heavy penalties for individuals as well as body corporates if an employer or a body corporate directs or incites an individual medical practitioner to act in a way that is contrary to their own ethics or the ethics of their profession as judged by their peers, or their failure to provide an adequate service results in a risk to a patient.

The penalties for an individual or a natural person are 200 penalty units and 400 penalty units for a second or subsequent offence; so they are quite hefty penalties.

The provision is fair and reasonable to protect the public from medical practitioners who may be compelled or induced to act in the financial interests of their employers or, under threat of losing their jobs, against their training and ethical obligations to provide the best patient care. That failure to treat a patient properly may include providing inadequate treatment

through underservicing or by overservicing, whereby the focus is more on profit and procuring payment for services than the health needs of the patient.

Subsection (3) makes it clear that the clause does not apply to community health centres, denominational hospitals, health services, multipurpose services or private hospitals. During the briefing we were assured by the government that they have been specifically excluded because they are entities registered under the Health Services Act and therefore a negative licensing regime exists whereby if they do the wrong thing and direct their employers to act in an unconscionable way, sanctions will be imposed against that entity through that act.

Proposed section 63C covers co-located practitioners. An example is where a number of practitioners are co-located at the same premises and provide a diversity of care from a GP, to pathology, psychology and physiotherapy. The provision defines a person carrying on a business as someone who owns, manages, controls, conducts or operates a business, including a body corporate. In that case the practitioners co-located in a building but without day-to-day management control cannot be directed or incited to act in a way that is contrary to the needs of the patient. That is also a fair extension of the clause.

**Sitting suspended 6.28 p.m. until 8.02 p.m.**

**Hon. M. T. LUCKINS** — Before the dinner break I was discussing some of the opposition's concerns about clause 30 of the bill. In proposed section 63H which is entitled 'Meaning of management role and substantial interest' the opposition has a significant concern about the identification of a shareholder with more than 10 per cent of the issued share capital of a corporation being held liable for the incitement of a medical professional to act against the interests of the patient.

Proposed section 63H(1) is quite clear and sensible. It states:

... a person is to be treated as having a management role or substantial interest in a body corporate if —

- (a) the person is a director, secretary or executive officer of the body corporate; or...

My concern relates to paragraph (b), which states:

- (b) in the case of a body corporate that is incorporated as a corporation limited by shares, the person is entitled to more than 10 per cent of the issued share capital of the corporation (with the shares to which a person is entitled including shares in which the person or an associate of the person has a relevant

interest within the meaning of the Corporations Act).

The proposed section goes on to state that:

- (2) For the purposes of sections 63A to 63G a person is to be treated as having a substantial interest in a trust if the person (whether or not as the trustee of another trust) is the beneficiary in respect of more than 10 per cent of the value of the interests in the trust.

The opposition is curious to know why this 10 per cent has been established particularly when it talks about a substantial interest in a body corporate. It does not appear reasonable that someone with a 10 per cent stake in a company or a public company would be considered liable for directing or inciting a medical practitioner to act in a certain manner as stated in clause 30.

The opposition believes it is overkill to pursue an individual or a body corporate with a paltry 10 per cent share of a business for directing or inciting unprofessional conduct. Although it is a serious charge to be laid on individuals, bodies corporate or corporations, the opposition seeks clarification from the government about a number of issues. Why and how was the 10 per cent provision decided upon; how will the provision be used in practice; and does the government think it is justified in pursuing minor shareholders holding a 10 per cent stake in the company but with no day-to-day management influence to direct or incite a medical practitioner to act in a certain way. Is it reasonable for an individual to be pursued in this way and for action to be taken against them that may result in significant and substantial penalties when as individuals they have not done anything wrong? I will flesh out those issues during the committee stage and I look forward to a response from the government — and by response I mean a response that was sadly lacking during the debate in the Legislative Assembly when a number of questions were put and concerns raised by the shadow minister.

Clause 31 deals with advertising guidelines. Basically the same provision is being inserted in the Medical Practice Act as is being inserted through clause 38 into the Nurses Act, through clause 43 into the Chinese Medicine Registration Act, through clause 45 into the Dental Practice Act and through clause 46 into the Psychologists Registration Act. I will deal with all those provisions during my discussion of clause 31. The opposition is curious why the provision to regulate false and misleading advertising by practitioners registered by the boards I have mentioned does not extend to other practitioners in other areas. Surely it is desirable that this standard provision be extended across the health sector. I note that medical practitioners

who are chiropractors, osteopaths or pharmacists have not had similar provisions imposed on them. Given this is an omnibus bill it would be more sensible to have the provisions relating to advertising apply to all medical professions.

The opposition is even more curious why for the first time the minister is being imposed on the system for the approval of advertising guidelines. The provision states:

In section 64B of the Principal Act —

(a) in sub-section (1) —

(i) for “Board” substitute “Minister”.

That gives an indication of the impact that clause will have on the principal act. The minister’s second-reading speech states:

The effect of these amendments is to require ministerial approval of advertising guidelines prepared by the registration boards prior to publication of such guidelines in the *Government Gazette*.

This is a significant change from the current approval regime where advertising guidelines are proposed by the relevant boards. It gazumps the authority of the boards by changing their roles as arbitrators and standard setters to advisers to a minister who is under no obligation to accept their advice or the guidelines they have developed in consultation with the specialist colleges or general practitioners, proposed and formulated by them as board members forming part of a medical practitioners board. The changes mean that the minister will be able to override the recommendations of the board. I will ask a number of questions during the committee stage of the bill about the issues I have just fleshed out.

I turn now to part 3 of the bill dealing with changes to the Nurses Act. Clause 37 is consistent with clause 30 relating to inciting unprofessional conduct in a profession. Proposed section 63A singles out nurses agents who are agents for the supply of services of a registered nurse and who must not direct or incite the nurse to engage in conduct in the course of his or her professional practice that would constitute unprofessional conduct. The penalty is the same as it is for the Medical Practice Act. The opposition supports the intention of the provision and believes a similar provision should be included in every medical act, but I query why nurses agents or private individuals operating businesses for the supply or provision of nurses for hospitals have been singled out where there are serious anomalies relating to hospitals in the public sector. As I mentioned earlier, these provisions do not apply to all entities registered under the Health Services

Act, including public hospitals, denominational hospitals, private hospitals and community health centres. Examples have been brought to the attention of the opposition about hospitals directing or inciting nurses to work outside their area of expertise and therefore potentially endangering the treatment of patients in the process. Why are private agents being singled out when because of the exemption for public hospitals in this bill the government is unable or unwilling to move against similar problems in its own backyard.

During the adjournment debate last week I raised concerns about public hospital nursing banks doing just what I have outlined. Concerns have been raised with me personally and with the opposition and through the media that nurses at the Monash Medical Centre in my electorate have been required to work in the accident and emergency sections where they have no clinical expertise or experience. Not only do the individuals feel they are being put under enormous pressure, but they are concerned about what may happen in an emergency, which is basically the nature of an accident and emergency service, if they do not feel they have the skills to provide adequate health care and respond immediately and properly to an emergency. So there are issues dealing with patient safety that the government should investigate. It should also investigate extending the provisions to the management of public hospitals, denominational hospitals and community health centres to ensure there is a level playing field. If any individual administrator or hospital fails to ensure patient safety is adequately protected and safeguards are applied to treatment and operations, action should be taken when individuals are directed or incited to work outside their area of expertise and also in the case where they are asked to go back on their professional ethics and act unprofessionally.

I would now like to refer to an issue which is not adequately reflected in the bill itself but is referred to extensively in the second-reading speech — that is, the performance assessment pathways I referred to earlier in my contribution. This bill primarily has an impact on medical practitioners. It introduces a fundamental and dynamic change to the way practitioners and the board will interact in the future.

Clause 5 outlines definitions of professional performance and unsatisfactory professional performance, and I referred to those definitions earlier in my contribution. However, there is a change of focus from unprofessional conduct or impairment of a medical practitioner and reactive action against professionals who have been found to have done the wrong thing by their patients to more proactive reviews.

The opposition supports the concept of performance assessment pathways, but the professionals themselves and the specialist colleges have raised a number of concerns with the opposition about how these changes and this new regime will be implemented.

I note that in the second-reading speech the minister stated that:

This bill establishes powers for the Medical Practitioners Board to assess or review the performance of medical practitioners whose overall level of knowledge, skill, judgment or care in the practice of medicine is below the standard that their peers would expect. These powers are in addition to the board's existing powers to regulate unprofessional conduct, and are aimed at preventing harm and promoting high standards of practice.

That is a very honourable commitment, but some of the queries of the opposition relate to how the judgment by peers will be made, how the assessment criteria will be set and what consultation there will be with the specialist colleges, the division of general practice, the Australian Medical Association and other stakeholder bodies to ensure that the new regime is fair and relevant and sets reasonable standards so that individuals in the medical profession feel that their interests are being safeguarded and there is a balance in ensuring that, as the second-reading speech says, harm against patients can be prevented in a proactive rather than a reactive way. I will be revisiting a number of those issues during the committee stage.

In conclusion, the opposition supports this bill. However, it has a number of questions it expects answers to during the committee stage. It is unfortunate that when similar questions were posed during the second-reading debate on the bill in the other place the Minister for Health did not even attempt to answer them and the debate was guillotined. While the opposition supports the measures contained in the bill, I believe it has raised valid points. I look forward to a cooperative discussion in the committee stage to ensure that we can strengthen the provisions of this bill and provide a fair environment for the medical practitioners who have to deal with the Medical Practitioners Board, the Nurses Board and other entities touched on by this legislation.

Most importantly, the fundamental commitment must and always will be to patient care, protecting individuals from harm and ensuring that they get what they deserve in the provision of proper, timely and quality health care when they or their families require it. I commend the bill to the house.

**Hon. R. A. BEST** (North Western) — It gives me pleasure to rise on behalf of the National Party and advise the house that the party will be supporting this bill. The National Party has conducted an enormous amount of consultation on this bill and its shadow minister, the honourable member for Wimmera in the other place, has consulted widely with the Australian Nursing Federation, the Nurses Board of Victoria, the Medical Practitioners Board, the Royal Australian College of General Practitioners, the Victorian Healthcare Association and a number of other local agencies to ensure that the National Party's view on this legislation is consistent with what is required by the professions.

Before I continue I would like to congratulate the Honourable Maree Luckins on the quality of her contribution. She went through the clauses, made an explanation of the impact of each of them and asked the government to explain to the opposition parties a number of things about the impact of the clauses, their meaning and interpretation in relation to health practitioners and those people who run certain medical practices.

There are five purposes of the bill. The first is to propose a negative licensing scheme and relevant offences for the regulation of professional performance and the owners of corporate medical practices who direct or incite their medical practitioners to engage in unprofessional conduct. The bill proposes a similar scheme for the regulation of nurses agents under the Nurses Act 1993. The bill also ensures the provision in the various health practitioner acts of advertising guidelines which satisfy national competition policy obligations. Further, it exempts the media from a duty to comply with health privacy principle 9 of the Health Records Act. This will ensure that national publications such as the *Australian* can publish the same information outside Victoria as they can within the state.

There is a substantial background to this legislation. It is based around a discussion paper circulated in August 2001 by the Department of Human Services and titled 'Regulation of medical practitioners and nurses in Victoria — a discussion paper'. The background sets out the purpose of the discussion paper. The purpose is:

To canvas issues in regulation of the practice of medicine and nursing and the need, if any, for further reform of relevant legislation.

To ensure that any proposals for reform comply with the guiding legislative principles of the national competition policy ...

I think all members of Parliament are aware of the national competition policy principles — that is, that

the benefits of any proposed legislative restrictions outweigh the costs and that there are no other less restrictive methods of achieving those benefits.

The paper goes on to summarise the concerns raised by the key stakeholders and the main areas for possible reform. There are also sections within the discussion paper that refer to national competition policy considerations, proposals for reform of the regulation of medical practitioners, proposals for the reform of the regulation of nurses, and the process of consultation including how interested parties can obtain copies of the discussion paper and comment on the proposed reforms.

In its contents section the publication sets out many of the subheadings on issues that are relevant to this bill. It talks about corporatisation of medical practices and the regulation of unprofessional conduct. All honourable members who have an understanding of the health field realise that more and more there is a growing involvement of corporatisation of medical practices. It is incumbent on all honourable members to be mindful of the implications of that expansion and the checks and balances that need be put in place to ensure that the primary responsibility is one of patient care.

The document also looks at the regulation of nursing agencies and the legislative restrictions on providing inducements to refer. Some honourable members may be aware, and some may even be concerned, that over the past couple of years it has come to the notice of not only members of Parliament but many people within the medical profession that incentives have been offered to attend conferences that may involve golf if and when a medical practitioner were to prescribe a particular brand of drug. That is an unhealthy environment that we, as legislators, should be aware of. We must ensure that the primary care of patients is the principle that underlies the performance of a practitioner.

The document also talks about maintaining professional competence and the regulation of poorly performing practitioners. Later in my contribution I will refer to that in more detail because of a discussion with the Medical Practitioners Board that I found to be enormously enlightening. It was wonderful to hear how doctors are addressing problems within their own profession and that over the last four years they have been trying to move forward to address concerns within their profession about poorly performing doctors, and how they can move positively to take steps to address the performance of doctors and the issues associated with bringing doctors up to speed on the more modern

practices that are evolving on virtually a weekly or monthly basis.

It also talks about deemed registration, the registration of nursing practice and prescribing rights for nurse practitioners — something that is dear to my heart as an honourable member from country Victoria — and issues associated with nurses being able in some cases to take the place of doctors where doctors are unable to be attracted to particular country areas. It also refers to appeals from board decisions, penalties and breaches of the act.

A reading of this background paper provided me with an enormous insight into the direction the government wants to proceed. In almost all the circumstances I totally agree with the way the legislation has been provided. As the Honourable Maree Luckins has alluded to, they are areas on which we seek clarification and answers because in addressing many of the concerns involved in implementing the legislation there needs to be clarification on some of the interpretations that will be applied in the way in which the government will have the legislation implemented. Answers to questions on the government's preferred direction should be given. It should say how it sees particular bodies implementing reforms.

One of the main areas that is referred to in the bill is the corporatisation of medical practices and the registration of unprofessional conduct. As I said earlier, there is a potential for medical practices that have been corporatised in respect of referral patterns, consultation targets, the ordering of diagnoses, and prescriptions and pharmaceuticals prescribed. There is a temptation, as all honourable members would agree, for medical practices that employ doctors as employees to be commercially active in that they are looking for a return on their investments.

However, so far as I am concerned — and my colleagues in the National Party would agree — we are primarily concerned with patient care and delivery of service, the professionalism of the doctor and how he conducts his business. If a doctor is compromised, the heavy hand of the law must come down on him because if he jeopardises patient care, we must be concerned.

Within the document the Australian Medical Association advises that in November 2000 it published a paper entitled 'General practice corporatisation — scoping paper'. The AMA identified some of its key concerns in relation to corporatisation. According to the document they are:

the potential loss of capacity of GPs ability to maintain clinical independence;

the potential for corporate priorities to influence the ethical standards of doctors;

the potential for corporate interests to influence the volume and direction of referrals; and

tension between the role of the profession (meeting the needs of patients) and the objectives of the corporation (meeting the needs of shareholders) —

that is, their financial returns —

and the implications for professional control of quality and standards.

It then highlights the circumstances in other jurisdictions and how other jurisdictions have tackled the issue. As I said earlier, the opposition has the opportunity to understand why the legislation has been introduced and to raise many questions associated with the bill.

As part of the consultation process on the bill I had the opportunity, along with the National Party shadow minister in the other place, the honourable member for Wimmera, to meet Dr Joanna Flynn, president of the Medical Practitioners Board, and the solicitor for the board, Janet Atkinson. As most honourable members would be aware, the Medical Practitioners Board is a statutory authority. It has been established to protect the community by ensuring doctors have professional standards and that those professional standards are maintained. The board is there to protect the community by registering doctors to practise medicine in Victoria. It is able to investigate complaints and/or allegations of improper or unprofessional conduct. It also develops guidelines for the profession and the community.

In our discussions Dr Flynn said that over the last four years the Medical Practitioners Board had been trying to improve the pathway to deal with poorly performing health practitioners or doctors. Of the approximately 18 000 registered medical practitioners in Victoria, at present 120 are on a health program — that is, they need help themselves to continue to practise. Previously the matters referred to the board were of a health or disciplinary nature. They affected the licences of individual medical practitioners. One thing the bill does in its introduction is provide a degree of flexibility for the Medical Practitioners Board to be able to deal with medical practitioners who are ill or who may find themselves, unfortunately, in difficult situations involving drugs or other problems.

It sets out a course by way of conditions on their licence which allows those practitioners to return to practice. That is one of the flexible arrangements that is good in the bill.

Part of the discussions the National Party had with the Medical Practitioners Board of Victoria was in regard to the pathway of poorly performing medical practitioners and the notification process. It falls into three categories. They are normally disciplinary, health, or the new condition included in the bill of performance. Other subsets which come from those aspects include conduct, impairment and ongoing education.

Those of us from country Victoria are particularly interested in ongoing education. We have been able to attract overseas doctors to our country locations and there has been a range of schemes introduced federally and assisted at a state level that have seen mentoring or other programs associated with bringing those doctors up to speed. The Honourable Maree Luckins raised some concerns about the possibility of vexatious and frivolous complaints under clause 9 and the National Party would like to pursue that in the committee stage.

An important issue which gives me great comfort is that the Medical Practitioners Board is very supportive of ongoing education for doctors. Most honourable members would think that once a doctor knows how to be a doctor then everything is okay, but as we learn every day about new techniques and new diagnoses doctors also need to be brought up to date with the latest technology. I go back to an issue close to my heart regarding eating disorders. There are many doctors in our community who are unaware of all the issues associated with identifying eating disorders and the types of assistance that could and should be given to patients to assist them overcome this curse of a disease. I appreciate that the Medical Practitioners Board has identified ongoing education as a key component to the way in which doctors need to continue to perform in order to meet the community expectation of providing excellent health care.

I also raise the issue of doctors treating themselves and how conditions will now be applied to their registration. That is very important. A circumstance was brought to my attention about 12 months ago where a doctor thought he was doing the right thing by treating himself; unfortunately it impacted on people he was also treating as patients. Under the provisions in this bill the Medical Practitioners Board can apply conditions to the registration of a doctor's licence, which provides enormous comfort to the rest of the community. Of the 18 000 practising doctors in Victoria, only about 120 currently need assistance with their health.

There are just a few other things I want to mention. In summing up I express my support for the bill, but advise the government that there are some issues that I

will pursue in committee, which are issues of clarification. I support a lot of the issues raised by the Honourable Maree Luckins.

The National Party consulted widely and received correspondence from a range of people in the health practitioners area, including the Medical Practitioners Board, which sent a copy of its statement welcoming the introduction of this legislation.

The Royal Australian College of General Practitioners wrote to the National Party on 19 April and stated:

These proposed amendments are consistent with directions elsewhere — particularly in NSW — with unsatisfactory professional performance being treated separately from disciplinary procedures for unprofessional conduct. It also follows the recommendations of the Department of Human Services Victoria (DHS) discussion paper on regulation of medical practitioners and nurses in Victoria.

While I have not referred to the nurses in my contribution, all honourable members are mindful of the intent of the bill and the direction in which it is heading. It provides for maintenance of professional standards. It also identifies corporate involvement in the provision of health services. The amendments to the Medical Practice Act look at unsatisfactory professional performance, corporate ownership and the board's powers to act if employee practitioners act unprofessionally. It also provides the board with a deal of flexibility in its arrangements with the people it registers.

One of the National Party's major concerns refers to the new arrangements for the regulation of corporate owners who direct or incite their medical practitioner employees to act unprofessionally. I give my total support to the government on that. It will identify those who want to act in an unprofessional way, and in my opinion they should be met with the full force of the law.

I register concern that the provision will exempt not-for-profit organisations, such as community health centres, health care agencies and public hospitals. It is incumbent on the government to explain, particularly with the budget pressures that are applied throughout the health sector, how it can apply one set of rules to the corporate sector but not apply them to jurisdictions within its authority that are covered by regulation.

As the Honourable Maree Luckins said earlier, nurses who are trained in one particular area and are asked to work in another are under enormous pressure professionally to perform. The government must clearly spell out why it is prepared to apply the legislation to one section of the health community but not look into

its own backyard and ensure that the level of health care being provided through those sectors is facing the same level of scrutiny.

With those few comments I flag that the National Party will raise a number of issues during the committee stage, but it gives me pleasure to support the bill, and I thank the house for its indulgence.

**Debate adjourned for Hon. KAYE DARVENIZA (Melbourne West) on motion of Hon. M. R. Thomson.**

**Debate adjourned until next day.**

## ADJOURNMENT

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

That the house do now adjourn.

### Pakenham bypass

**Hon. N. B. LUCAS** (Eumemmerring) — I am pleased to raise an issue with the Minister for Small Business, who is in the house tonight, for the attention of the Minister for Transport in another place. It concerns the Pakenham bypass, an issue at the last federal election that resulted in both the federal and state governments at that time making promises about it, but still nothing has happened. Everybody has made promises. The federal government's money is available, but has the state government taken up that money? No, it has not. It is clear that the state government is still procrastinating about this important project, which has the ability to take an enormous amount of traffic out of the townships of Pakenham and Officer. Last weekend another death occurred on the Princes Highway at Officer, which is a great shame.

A Pakenham bypass built south of Officer and Pakenham will take the through traffic to Gippsland away from the two townships. I cannot believe the Minister for Transport still has not done anything about the project. The money is available from the federal government but the state government is still sitting on its hands. It is doing nothing; it has not dug one hole and has not announced to the community that it will do anything.

I cannot believe the procrastination and the do-nothing attitude of the government. Firstly, the people of Pakenham are aware that this is a do-nothing government; secondly, the people of Officer are aware that this is a do-nothing government; and thirdly, the people of the Shire of Cardinia are aware that this is a do-nothing government. Nothing has happened on the

Pakenham bypass, nothing has happened on the Gembrook Road — which I have raised before for the minister's attention — and there is nothing happening with the Berwick hospital, the Endeavour Hills police station and the overpass at Narre Warren. When will the minister make a decision to commence works on the Pakenham bypass? The people of Pakenham, Officer and the Shire of Cardinia want the minister to make a decision.

### Public transport: infrastructure

**Hon. D. G. HADDEN** (Ballarat) — I raise a matter with the Minister for Energy and Resources, through the Minister for Small Business, for the attention of the Minister for Transport in the other place. When developing outer metropolitan areas, public transport needs to be introduced at an early stage in order to provide alternative transport means for households that would otherwise rely totally on motor vehicles or the purchase of second vehicles.

Housing estate and shopping centre developers need to consider the provision of public transport infrastructure in the early planning stages. One good example is that of the new Watergardens railway station at Sydenham in Melbourne's north-west which is the exception rather than the rule.

The Bracks government places great importance on growing and linking rural and regional Victoria, and an example is the \$3.5 billion plan to revitalise Victoria's transport links, including \$550 million for the fast rail links between Melbourne and the four regional centres of Ballarat, Geelong, Bendigo and Traralgon. The allocation of funding to reopen country passenger rail lines between Melbourne and Mildura, Leongatha, Bairnsdale and Ararat includes standardisation of regional rail lines to connect to the national standard gauge network. What progress is being made on this important issue of modern transport interchanges being developed at new and emerging housing estate developments and major shopping centres?

### St Kilda Street, Brighton: bicycle track

**Hon. C. A. STRONG** (Higinbotham) — The matter I raise with the Minister for Small Business for the attention of her colleague in the other place the Minister for Transport deals with Beach Road, Brighton — more specifically its proper name is St Kilda Street. This issue has been around for a long time and requires attention. St Kilda Street is busy and has a lot of heavy transports travelling along it. Because it has few traffic lights, comprising many heavy vehicles, moves in a steady stream. It is also a picturesque route, as it

runs along the bay and has vistas of the beach, the water and so on. As a result it is attractive to cyclists. Over the years a bike track has been built to separate cyclists from dangerous heavy transport, but there is one missing link in the bike track between Bay Street and the baths at Brighton. There is no way for cyclists to cross this missing link except along St Kilda Street either on the footpath, which is dangerous to pedestrians, or if they use the street it is incredibly dangerous with the heavy traffic and trucks. This missing link needs to be addressed. It is not a simple issue, which is why it has not been addressed for some time. However, it must be addressed before people and cyclists are killed. Will the minister do something about this missing bike track link between Bay Street and the Brighton baths?

### **Weeds: control**

**Hon. E. J. POWELL** (North Eastern) — I raise a matter regarding weed control incentive grants with the Minister for Energy and Resources, through the Minister for Small Business, for the attention of the Minister for Environment and Conservation. I received a letter from the president of the Corryong branch of the Victorian Farmers Federation, Mr Bill Simpson. A copy was sent to Mr Alan Dobson, program leader, pests plants and animals, at the Department of Natural Resources and Environment in Mansfield. The letter draws attention to the fact that the government has withdrawn incentive grants for weed control. It is an important issue in the north-east. Funding was available to Landcare groups in the north-east, and has been for a number of years.

It is really important for farmers to gain that funding to control weeds, not just on their own farms but more importantly on Crown land which is adjacent to their own land. If farmers do not receive these incentives they will have to control the weeds by their own means and with their own funds. They do not believe that that is fair given that many of the weeds are coming from Crown land. They suggest that the funds should not have been removed and ask for them to be granted again.

The members of the Corryong branch of the VFF say farmers really need the funding to control weeds such as blackberries, Paterson's curse and Bathurst burr coming from the north-east, particularly the high country. The government has already insisted that farmers control the weeds on their land and ensure they do not go onto other peoples' land.

I therefore ask the minister to make sure that these incentive grants to Landcare members — which the

former government brought in to give them the opportunity to control weeds on their farms and on Crown land — be returned as soon as possible to enable them to continue their fight against weeds on their land which cost agriculture millions of dollars each year.

### **Vicroads: registration transfers**

**Hon. G. B. ASHMAN** (Koonung) — The matter I direct to the Minister for Small Business for the attention of the Minister for Transport relates to the registration of motor vehicles and the names in which vehicles can be registered.

My query has arisen from a local constituent whose spouse has died and who is now in the process of trying to transfer the registration of a vehicle into their own name. They have been advised by Vicroads that as a general practice registration cannot be transferred until such time as probate has been granted on a will.

The point this person raised with me is that it may be 12 to 18 months before probate is transferred, and they are seeking to dispose of the vehicle — which was the family vehicle — and get a style of vehicle more appropriate to their new needs.

Vicroads advised that if the vehicle is registered in a company name there can be multiple drivers and the company is responsible, through a nominated person, for any traffic infringements that occur, but that in the case of a privately registered vehicle it has to be in the name of an individual.

It strikes me that it is not inappropriate for dual names to be recorded for even a private vehicle and that if there were joint ownership it would be possible for that to be used as a record of ownership of the vehicle, which I think would remove the need for probate to be granted before the vehicle could be sold or transferred.

I ask the minister to investigate the possibility of allowing a husband and wife, or two partners, to nominate as the co-owners of a vehicle so that if one partner dies it is a simple process for the vehicle to be sold and transferred. It would also legitimise the use of the vehicle by the remaining partner before probate is granted, which at the moment must also be questionable.

### **Melbourne–Geelong road: traffic control**

**Hon. E. C. CARBINES** (Geelong) — I raise a matter for referral by the Minister for Small Business to the Minister for Transport. It concerns an article from today's *Geelong Advertiser* entitled 'Bid for 110 kilometres an hour on new freeway'.

The article details calls from a number of sources, including the Royal Automobile Club of Victoria and Geelong's new mayor, Cr Barbara Abley, for a speed limit of 110 kilometres an hour to be set for the Princes Freeway once it is completed later this year. According to the article the main reason for that is for consistency with other major freeways in the state. However, the article reports one commuter as saying that:

... most people already travelled 110 kilometres an hour in 100 kilometre-an-hour zones and that the upgraded freeway would make such speeds safer.

As a member of the joint parliamentary Road Safety Committee I say that this comment raises issues of concern. All members of this house would be aware of the escalating road toll in Victoria. Already this year there have been 130 fatalities, and for the first time in many years the statistic for last year's road fatalities was more than for the previous year.

Over Easter Victoria was in the tragic position of recording the highest number of road fatalities in the nation. Given that research indicates that speed is increasingly identified as the major factor contributing to road accident trauma in this state, I ask the minister to cautiously assess any request to set a 110 kilometre-an-hour speed limit on the new Princes Freeway in light of the government's commitment to changing the attitude of Victorian drivers in the interests of road safety and the Arrive Alive strategy.

### **Planning: VCAT appeals**

**Hon. ANDREA COOTE** (Monash) — I raise with the Minister for Small Business a matter for the Minister for Planning in another place. I refer to an article in the *Stonnington Leader* of 22 April under the heading 'Councils appeal for change'. My question relates to the very serious concerns held by councils regarding the Victorian Civil and Administrative Appeals Tribunal (VCAT).

A survey conducted by the *Leader* newspaper of 28 Melbourne councils found that all had serious concerns about the tribunal. The article states that the common complaints from the councils included: inconsistent decisions, inadequate weight given to local policy, the cost of appeals and delays in being heard. Hiring lawyers to defend council decisions at VCAT has cost the ratepayers of the City of Stonnington \$145 000 in the past nine months, as the council has had to defend 180 of its planning decisions. But that is not as bad as what has occurred in the City of Yarra, which apparently had to hire full-time planning advocates to reduce its legal bills, which had been as high as \$224 000 per year.

Another major problem the councils face is the tribunal's practice of allowing developers to submit altered plans for appeal hearings. The new mayor of the City of Stonnington, Cr Sally Davis, is reported in the article as saying that the council felt it had little control under the current planning process:

'It is a system that confounds us. As local government representatives, we are frustrated that our constituents' views are often disregarded,' she said.

'While we often encourage local residents to try and negotiate a compromise with developers, subsequent decisions from VCAT nullify them.

I ask what the Minister for Planning is doing to address the concerns of local councils, particularly the cities of Stonnington, Port Phillip and Glen Eira, which fall within my electorate.

### **Battle of the Coral Sea**

**Hon. R. H. BOWDEN** (South Eastern) — My request is to the Premier, through the Minister for Small Business. Anzac Day is a time when we remember with gratitude the sacrifice and service of Australia's armed forces, past and present. An excellent article was published in the *Herald Sun* on Saturday, 20 April, concerning the Battle of the Coral Sea, and some of the information in the request is contained in that article.

The Battle of the Coral Sea occurred between 2 May and 11 May 1942 off the north-east coast of Australia. It is recognised as a pivotal battle that many accept prevented an invasion of our country.

The allied forces of Australia and the United States of America comprised 2 large US aircraft carriers, 8 cruisers and 13 destroyers, including the cruisers HMAS *Australia* and HMAS *Hobart*. Japanese assets included 3 aircraft carriers, 9 cruisers, 12 destroyers and a squadron of submarines. Success in the Battle of the Coral Sea stopped an invasion and, linked with the Battle of Midway in June, enabled a strong campaign in the Pacific that eventually saw the defeat of Japanese forces. Australia was saved. Task group 44 comprised the cruisers HMAS *Australia*, HMAS *Hobart*, USS *Chicago* and three USA destroyers, all under the command of Australian Rear Admiral Jack Crace.

Each year since World War II the Battle of the Coral Sea has been remembered and celebrated with our allies, particularly the USA navy, as a constant and real bond — a reminder of the important past and of the need to commit and treasure those bonds in the future. The cities of Brisbane, Sydney, Adelaide and Hobart have for many years celebrated the Battle of the Coral Sea. Sydney has Coral Sea Week, which has been an

established institution over the years; Melbourne does not.

Veterans of this battle still reside in Victoria. The government appears to have a lesser understanding of this part of our history. My request is that attention be given to the significance of the Battle of the Coral Sea to Australia and Victoria, and that the state government work closely with all concerned to ensure that next year — 2003 — proper fulsome recognition is achieved in Melbourne.

### **North East Catchment Management Authority: board vacancy**

**Hon. W. R. BAXTER** (North Eastern) — I raise with the lone minister at the table a matter with reference to her colleague in another place, the Minister for Environment and Conservation. In October last year the minister, through her department, advertised in newspapers in north-eastern Victoria a vacancy in the membership of the North East Catchment Management Authority. I understand that a number of persons applied to be considered for appointment to that very useful authority. On 18 December 2001 the department wrote to applicants acknowledging their applications, saying that all applications were in the process of being reviewed and that the applicants would be contacted shortly and advised of the outcome.

Time went by, and on 23 February the department again wrote to the applicants advising that the short listing was being finalised for submission to the minister, and they would be contacted shortly and advised of the outcome. That was on 23 February. Here we are on 23 April and those applicants are still in limbo, six months after they first applied, wondering whether or not they are successful. On top of that the authority is operating with a board one member short. I find it extraordinary that more than six months has elapsed since the invitation was advertised in the paper for applications for this relatively minor although important appointment. There seems no reason for this delay. It surely points to a degree of inefficiency within the minister's office. I ask the minister to make a decision forthwith and advise the applicants accordingly.

### **Aged care: fall prevention**

**Hon. D. McL. DAVIS** (East Yarra) — I refer to the Minister for Small Business as the representative in this house of the Minister for Health the issue of falls among the elderly and a paper entitled 'Predictors of falls in the Melbourne visual impairment project', reported in the 2002, vol. 26, no. 2 edition of the

*Australian and New Zealand Journal of Public Health*. It is a significant study covering a large number of people across Melbourne. Its major conclusion is that:

... irrespective of visual acuity, cataract is a major risk factor for falls at home.

The implications of this are given as:

... interventions aimed at decreasing the incidence of falls in the community should include assessment of both visual acuity and cataract status and referral for treatment if functional impairment is evident.

This is important as the population ages in Victoria, nationally and around the world. The study further states:

The finding that cataract is an independent predictor of falls is important for several reasons. Cataract is very age-dependent. By the age of 90 years, nearly everyone will have a cataract and approximately half of people will have had at least one cataract extracted. With the ageing of the population, we can expect the number of cataracts in the community to increase and, concomitantly, the number of falls.

I also draw the attention of the minister to a study entitled 'Prevention of falls in the elderly trial', by J. Close et al in the *Lancet* of 1999, which looks at a number of similar issues. This significant study was a randomised trial that included vision assessment and referral for appropriate treatment. Again the conclusion of these studies is that irrespective of visual acuity in older people — or indeed younger people — cataract is a major risk factor for falls at home. It is something that is going to require a lot more attention by all governments, including the Victorian government.

I note by way of comment about local matters that in the City of Whitehorse there is an important trial in conjunction with the Royal Victorian Eye and Ear Hospital, which is working on similar matters. It is a matter which should receive major attention from the government. In a bipartisan way I draw the minister's attention to both the studies I have mentioned, including an important local study related to the project by Associate Professor Catherine McCarty et al. I ask that the minister give these studies his attention and ensure that cataract is treated appropriately.

### **Gas: Gippsland pipeline**

**Hon. K. M. SMITH** (South Eastern) — I raise an issue for the Minister for Energy and Resources, who does not have the common courtesy to come into the chamber for the adjournment debate, which is an absolute disgrace. I hope the Minister for Small Business will pass on my best wishes to her. The Minister for Energy and Resources should be well aware that a natural gas pipeline from Bass Strait will

be coming up through Kilcunda, running through to a — —

**Hon. I. J. Cover** — What seat is that in?

**Hon. K. M. SMITH** — This is in the seat of Bass. It is going to be very good to win that seat at the next election, I can tell you. The gas pipeline coming into the Bass Coast shire is going to be of great assistance to the people there.

**Hon. R. F. Smith** interjected.

**Hon. K. M. SMITH** — We know you are connected up to natural gas, Mr Smith! We are looking to get some infrastructure funding to assist the people there.

Origin Energy is the company putting the pipeline through. It has been suggested there could be a pipeline put in the same trench to run back from Lang Lang to the area where it enters the Bass Coast shire down at Kilcunda. In fact, the government should be looking to do something to try to help Bass Coast shire to develop its infrastructure down there. It is very difficult for that municipality to encourage any companies to come into that area because natural gas is not connected.

It may well be if the government is not prepared to pay for the full infrastructure to go in, maybe the minister could consider — and I think it would be a good idea — putting some funding in so that a proper feasibility study could be carried out. I ask the minister to put that on her list; that would be very good. We are very keen to get gas into that area. We are very keen to try to encourage business to come into the Bass Coast shire. Gas is one of those things that will encourage those people to come in. I thank the Minister for Small Business for her perseverance tonight. It has been very nice of her. I ask that she pass the message on to the Minister for Energy and Resources. We want some assistance down there, not just to be ignored.

### **Parks: rabbit control**

**Hon. P. R. HALL** (Gippsland) — I raise for the attention of the Minister for Environment and Conservation in another place red tape associated with volunteers wishing to undertake conservation work on public land.

This matter was raised with me by my constituents, Simon and Rowena Turner of Bindi in East Gippsland. They outlined to me the work being undertaken by a community group studying brumbies in the Alpine National Park called Friends of the Cobberas. They noticed a small, remote and isolated rabbit colony near

the study areas in which they were working so they applied to the local Parks Victoria ranger for permission to use Phostoxin, which are rabbit fumigation tablets, to eradicate the rabbits. Several members of this group had the necessary — —

**Hon. E. G. Stoney** interjected.

**Hon. P. R. HALL** — No, it was not over Easter. Several members of the group had the necessary qualifications to use Phostoxin and other schedule 6 poisons, but the Parks Victoria ranger approached by this group refused to allow the use of Phostoxin believing they would have created public liability concerns from the department. He said that before any poison was used a strategy needed to be developed. The rabbit population needed to be ascertained and the warrens needed to be located with a global positioning system before any control or eradication work could be considered. Only then, after all those steps were undertaken, would Parks Victoria consider undertaking this work at of course a cost to the public.

The point being raised by my constituents, Mr and Mrs Turner, is a quite simple one: here we have a volunteer community group that had the necessary qualifications to undertake this important conservation work, but it was not allowed to. Unfortunately it is not an isolated incident. I am aware of others of a similar nature. My request to the Minister for Environment and Conservation is to consider this matter as a matter of urgency, to quickly establish protocols by which good meaning and well-qualified people can undertake voluntary conservation work on public land.

### **Fuel: rural and regional cooperatives**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I wish to raise a matter with the Minister for Small Business. In February 2001 the minister announced the outcome of a study which she ordered her department to undertake into the options for setting up fuel cooperatives in rural and regional areas. The minister reported that the study undertaken by her department found it was viable to set up such cooperatives and issued a press release which detailed how that could take place. At the end of the press release the minister indicated that 'We' — the government — 'are committed to providing assistance through the Department of State and Regional Development to help lower regional and rural business costs'.

With specific reference to the nature of the press release on fuel cooperatives, I seek from the minister her advice as to what fuel cooperative programs have been

put in place by her department given that it is now 14 months since she made that announcement.

### **Farms: fencing assistance**

**Hon. G. R. CRAIGE** (Central Highlands) — I raise a matter with the Minister for Agriculture in another place, and I hope he will raise it with the Minister for Environment and Conservation. The issue I raise in particular is the cost of rural fencing, especially boundary fences on rural properties.

To give some figures — and these may not necessarily apply Victoria wide but they certainly do in the Seymour area — a contractor's rate for a seven-wire fence in that area is \$2500 per kilometre. If one breaks it down to an individual cost, a strainer post is about \$17.60, a stay is about \$13.75, an intermediate pine post, \$5.60, and a coil of wire about \$127. If you want to bring that down to a per-metre figure, it is about \$6 per metre to erect a seven or eight-wire fence, but that is for cleaning up an existing fence.

The reason I have raised these costs at the outset is that on 18 March in the Seymour district there were devastating fires. Those fires burnt out 6000 hectares, in excess of 300 kilometres of boundary fencing, 4000 head of stock were killed, sheds and buildings were burnt and 79 farmers were affected overall. Bob Potts, the operations manager of region 12 of the Country Fire Authority, said it was 'the largest fire to occur in region 12 for the past 20 years and the biggest fire in Victoria foreseen for the summer season'. I want to place on record at this time the magnificent work done by the volunteers and also the Shire of Mitchell.

A press release headed 'Bracks government helps out Seymour farmers' was issued. We thought this was looking good. In fact, it claimed that the government would be helping meet the cost of boundary fences and that the Department of Natural Resources and Environment would administer the fencing program. That was a joke — a very poor joke — by this government on country people. It has allocated \$40 000 to help provide fencing material for boundary fences. It claimed 103 kilometres were damaged but it should have been 300 kilometres. At the contractor's rate, \$40 000 would cover about 16 kilometres. On behalf of the affected land-holders I request that the government review its stingy allocation of \$40 000 and increase it to a realistic amount of \$400 000.

### **Frankston: community cabinet visit**

**Hon. B. C. BOARDMAN** (Chelsea) — I raise an issue for the Minister for Small Business. The minister

would be aware that this forthcoming Monday, 29 April, there is a community cabinet visit to Frankston in my electorate. The community of Frankston is very anxious that the community cabinet is down there, although there has not been a lot of notification that it is attending. Nonetheless on the government web site the Premier — —

**Hon. G. R. Craige** interjected.

**Hon. B. C. BOARDMAN** — I am curious as to what role the honourable member for Frankston East is playing in this.

I think the Honourable Bob Smith will be supplying the wine for the function because Frankston is a long way from Woodend, although they might want to visit the sister property, Lindenderry, at Red Hill, and then the government credit cards could go to good use down there.

Nonetheless there were 80 formal submissions to meet with the community cabinet. As part of this formal submission process, I acknowledge that the Premier and the Minister for Health will be visiting Frankston Hospital to open a new ward there, which is good for them. I might add that the government has not done a whole lot to relieve the waiting list at Frankston Hospital. Also the Attorney-General is visiting Frankston Magistrates Court to launch a new program I believe was an initiative of the Kennett government.

Unfortunately I have not seen any notification as to the activities of the Minister for Small Business on that day. I am very disappointed because Frankston has a very vibrant and energetic small business community. The main industries and employers in the district are composed of the retail sector and very much small business employers, and that would be an ideal opportunity for the minister to make acquaintance of their representative bodies and ensure that she is providing the necessary advice and the referrals relating to their concerns. Perhaps the minister would like to meet with some small independent retailers down there and outline the government's deal about Woolworths and the 8 per cent cap issue, but I do not know if that is going to take place.

I ask the minister tonight to shed some light and to outline what her commitments on 29 April are and how her involvement and participation in the community cabinet is going to bring real benefit to the people of Frankston, because they thoroughly deserve this. They have been sadly lacking in representation at a ministerial level.

The last time the Minister for Small Business was in Frankston was to launch a pamphlet. It was a very good pamphlet, and I still have hundreds of copies in my office. They have not walked off the shelf! Nonetheless it is an important issue, and I ask: what role will the minister play in the community cabinet? How many submissions has she received and what community groups will she liaise with to ensure that they get best possible representation from the government?

### **Environment: litter reduction**

**Hon. M. A. BIRRELL** (East Yarra) — I raise a matter for the Minister for Environment and Conservation in the other place. It relates to a new New South Wales Environment Protection Authority campaign, which is an ideal example of how to tackle a local environmental problem and could provide a role model for the Victorian Environment Protection Authority. The New South Wales EPA has announced a major anti-litter campaign designed to control the costly and environmentally degrading impact of litter. Of great concern to the government and other relevant authorities is that it costs millions of dollars to clean up streets, highways and public places that are degraded by litter. All of us would be aware of it; perhaps many of us would have thought it a tough thing about which to change attitudes.

Last year, the New South Wales government launched the Don't be a Tosser campaign, which is novel and penetrating in its impact. I hope the state government and in particular the EPA can look at the campaign and recognise its strength and the way it marginalises people who cause litter. It stigmatises that type of pollution and sends a practical message. From looking at and reading about the campaign I conclude that it is an outstanding example of a public education campaign that can work.

The New South Wales director-general of the EPA, Lisa Corbyn, has said that councils throughout New South Wales have joined the EPA's campaign. She states:

Councils recognise that litter is one of the most visible and persistent environmental issues, and are at the forefront of enforcing the litter laws ...

Councils throughout New South Wales will be spreading the litter prevention message at information stalls, with roadside banners, bumper stickers and through increased patrolling of litter hot spots.

The campaign has significant television advertising which is paid for by the New South Wales government but which also attracts community support. It is a classic example of something that seems to be working

in New South Wales. My humble suggestion is that we should purchase the entire campaign and run it in Victoria.

### **Liquor: licences**

**Hon. W. I. SMITH** (Silvan) — The Minister for Small Business has been negotiating an industry agreement with four industry people in regard to phasing out the 8 per cent liquor licensing cap. An article in Monday's *Herald Sun* states:

But small business minister Marsha Thomson said the government's attempts to close loopholes had repeatedly failed and the industry was better off working out its own solution.

'It is in the best, long-term interest of small businesses if they reach an agreement between themselves,' she said.

Does this mean the government has walked away from the agreement or is it continuing to negotiate? I am sure the minister is aware of the issues going on, the legal advice being taken, the consultations about future legislation and a whole range of other issues. Will the minister continue negotiations or has she decided to let the legislation hang as it is, not change it and leave the industry where it is?

### **Eastern Freeway: extension**

**Hon. B. N. ATKINSON** (Koonung) — I address my comments to the Minister for Practically Everything, representing the Minister for Transport in another place. The issue I wish to raise is the Eastern Freeway extension. On a previous occasion in the adjournment debate in these sittings, I sought an indication from the Minister for Transport of the budget and the time lines involved in the construction of the tunnel that would connect the Eastern Freeway between Springvale Road, where it currently terminates, and Ringwood.

There is a great deal of consternation, of which my colleagues in the eastern suburbs are well aware, that the Eastern Freeway project, as contemplated by the government, has been changed dramatically without any public announcements, in fact betraying many people who had voted for it at the last election on the basis of a long tunnel project, which was to protect the environmental sensitivity of the Mullum Mullum Creek Valley. It would not be stretching it too far to suggest that the government is only on the government benches because of that promise made in the seat of Mitcham. It returned Mitcham by a handful of votes, and in the context of the numbers of seats between the two major parties, Mitcham was the seat that determined government.

The government and the Minister for Transport made promises and commitments to the Mitcham electorate and to the eastern suburbs. Yet we now understand the budget for this particular project has blown out by some \$80 million to \$100 million above the government's estimates. That is no surprise to honourable members on this side of the house — it is entirely consistent with what we expected. The reaction of the government and the Minister for Transport is to abandon the tunnel project as it was put to the people of Mitcham and the eastern suburbs and to conduct a cut-and-fill project leaving a great deal of the Mullum Mullum Creek Valley corridor open, which will destroy it. It will not even be a covered tunnel, as had been intended, with a wildlife corridor. Many people are now very concerned about property values and so forth. I ask the minister to come clean and advise me and the people of the area exactly what the government proposals are for the tunnel on the Eastern Freeway extension.

### **Mildura: municipal offices**

**Hon. B. W. BISHOP** (North Western) — I raise an issue through the Minister for Small Business for the Minister for Finance in the other place. A number of my constituents have contacted me expressing their concerns about whether the Mildura Rural City Council might move its offices to the old hospital building site in Mildura. Their concerns are about the cost of such a move and whether the other options, of which there are a number, have been fully investigated and costed.

While the old hospital building would have obvious benefits, such as position and a capacity to house all the staff, the views expressed are that because of its age and internal construction the council may be committing its ratepayers to a long haul of continuing costs relating to a huge refurbishment bill and ongoing maintenance costs. The mayor has commented that a local survey indicated that 67 per cent of those who responded thought it was a good idea, but there were no costs or ongoing commitments in that survey, so the community response should not be valid until the details are known about the old hospital and the other options are fully investigated.

I understand the mayor and perhaps others have met with government representatives about the old hospital building so I am keen to find out the government's position on this issue. Given reports that it could cost in excess of \$10 million to refurbish the old hospital, will the Minister for Finance advise me what financial assistance the government is prepared to provide to the council should its offices be moved to the old Mildura base hospital site?

### **West Gippsland Catchment Management Authority: board vacancy**

**Hon. PHILIP DAVIS** (Gippsland) — I raise for the attention of the Minister for Environment and Conservation in the other place an issue concerning the West Gippsland Catchment Management Authority and matters relating to the governance and management of that authority under the control of the minister. I advise the house that Mr Jim Forbes resigned on 10 October last year as a board member. This vacancy has been advertised, but some six months on has not yet been filled.

In February Ms Jenny Jelbert resigned from the board of the authority. That vacancy has now been advertised despite the earlier vacancy being unfilled. This month, the chief executive officer, Mr Angus Hume resigned. Will the minister advise what action she is taking to deal with the exodus of senior members of the statutory authority and to manage the disarray in the governance and administrative oversight of the authority?

### **Youth: small business programs**

**Hon. I. J. COVER** (Geelong) — I raise for the attention of the Minister for Small Business a matter concerning a press release in January 2000. It is a great pleasure to welcome the minister to the chamber in the absence of other ministers, as has been the norm recently. I trust that the minister's memory can stretch back that far, given that she has had trouble remembering in recent times matters relating to the 8 per cent liquor licence cap! The press release was entitled 'You should consider small business as a career'. I trust they have.

**Hon. G. R. Craige** — We want to know how many.

**Hon. I. J. COVER** — I am getting to that, Mr Craige, you have gone too early.

One of the matters mentioned in the press release was that a key focus of the government's agenda for 2000 and beyond would be to encourage young people to develop business conditions and opportunities. The program is to be welcomed, particularly given that I have responsibility for youth affairs. Young people should be encouraged to take up the opportunities that might be available to them in the Victorian community and economy.

Among other things, the press release said that it would be helping to kick-start new business enterprises and introduce successful business operations to secondary and tertiary students and to activities they can do beyond their schooling days. The press release also may

have included Operation Livewire and the Young Achievement Australia program.

Given that it was to be a key focus of the government's agenda for 2000 and beyond it might be opportune to give some measure of the success of the program some two and a half years down the track. The government may even have done a review of this particular approach to young people considering small business as a career. Given that that may be the case, I ask whether the minister can report to the house how many full-time jobs for young people have been created in Victoria as a result of these programs or whether it is merely a public relations exercise.

### Responses

**Hon. M. R. THOMSON** (Minister for Small Business) — The Honourable Neil Lucas raised for the Minister for Transport a matter relating to the Pakenham bypass. I will pass that on to the minister for his direct response.

The Honourable Dianne Hadden raised for the Minister for Transport the provision of public transport being taken into account in housing developments in the outer areas. She used the example of the Watgardens railway station at Sydenham. I will pass that on to the minister for his direct response.

The Honourable Chris Strong raised for the Minister for Transport St Kilda Street and the bypass between the street and the Brighton baths. He referred to the gap, and I will pass that on to the minister for his direct response.

The Honourable Jeanette Powell raised for the Minister for Environment and Conservation weed control in the north-east and incentive grants for Landcare farmers in relation to the controlling of weeds. I will pass that on to the minister for her direct response.

The Honourable Gerald Ashman raised for the Minister for Transport a situation where a partner dies and the probate takes time to be dealt with, making it difficult to organise vehicle registration. He asked the minister to investigate the possibility of dual registrations in the circumstances where partners wish to look at that as an option. I will pass that on to the minister for his direct response.

The Honourable Elaine Carbines raised with the Minister for Transport an issue regarding a 110-kilometre-per-hour speed limit on the Princes Freeway. She said there had been some calls for this new speed limit, including from the new mayor, and she requested that any assessment be looked into at

great length to ensure the precedent did not endanger lives. I will pass that on to the minister for his direct response.

The Honourable Andrea Coote raised for the Minister for Planning concerns councils have about the Victorian Civil and Administrative Tribunal planning decisions. I will pass that on to the minister for her response.

The Honourable Ron Bowden raised for the Premier an issue concerning Anzac Day celebrations and the recognition of the Battle of the Coral Sea. He asked whether there should be some recognition of that battle in 2003. I will pass that on to the Premier for his response.

The Honourable Bill Baxter raised for the Minister for Environment and Conservation vacancies in a catchment authority. I will pass that on to the minister for her direct response.

The Honourable David Davis raised for the Minister for Health issues relating to elderly people who have cataracts which contribute to the number of falls in their homes. He also referred to studies being done both here and overseas and asked the minister to look into them and their responses. I will pass that on to the minister for his direct response.

The Honourable Ken Smith raised a matter for the Minister for Energy and Resources concerning the natural gas pipeline, infrastructure to Bass Coast Shire and a potential feasibility study. I will pass that on to the minister for her response.

The Honourable Peter Hall raised a matter for the Minister for Environment and Conservation concerning red tape for volunteers. He talked about Simon and Rowena Turner, who are working in Bindi and looking at rabbit control measures using Phostoxin. He asked whether given the red tape in this experience protocols could be established to speed up the process. I will pass that on to the minister for her direct response.

The Honourable Gordon Rich-Phillips raised the question of fuel cooperatives. The government undertook fuel cooperative studies and provided them to municipalities so they could consider whether they wanted to take up the option. The government did those feasibility studies and they were circulated to all councils in regional Victoria.

The Honourable Geoff Craige raised a matter for the Minister for Agriculture regarding the costs of rural fencing, particularly concerning the Seymour region where fires occurred on 18 March. He sought a review of the funding for the mending of fences on boundaries

as a result of this fire. I will pass that on to the minister for his direct response.

The Honourable Cameron Boardman raised the question of the community cabinet meeting in Frankston on 29 April. The cabinet is looking forward to going there. As the honourable member may or may not be aware, I have made a number of visits to Frankston and met with a number of small businesses, and I will continue to do so during my term as a minister.

The Honourable Mark Birrell raised a matter for the Minister for Environment and Conservation concerning the New South Wales Environment Protection Authority and its anti-litter campaign called Don't be a Tosser. He asked the government and the Victorian Environment Protection Authority to look at the television advertising and community support that goes with that campaign, which is backed by the New South Wales government. I will pass that on to the Minister for Environment and Conservation for her to have a look at and respond to the member.

The Honourable Wendy Smith raised the question of the 8 per cent rule and a recent article in the *Herald Sun*. I did not speak to the journalist in relation to that, nor did anyone from my office that I know of. I again reiterate that the government believes the best outcome for the industry is an industry agreement. The government will continue to facilitate those discussions and hopes there will be a successful outcome.

The Honourable Bruce Atkinson raised a matter for the Minister for Transport in relation to the Eastern Freeway extension and the proposals for the tunnel. I will pass that on to the minister for his direct response.

The Honourable Barry Bishop raised a matter for the Minister for Finance concerning the site of the old hospital in Mildura becoming the municipal office of the Rural City of Mildura and asked whether the state government is providing financial assistance. I will pass that on to the minister for a direct response.

The Honourable Philip Davis raised the issue of vacancies in the West Gippsland Catchment Management Authority. I will pass that on to the Minister for Environment and Conservation for her direct response.

The Honourable Ian Cover raised the issue of youth programs in relation to business. The government increased the amount of funding to Young Achievement Australia to help Aboriginal communities, rural communities and disadvantaged communities. The idea of supporting these initiatives is

more about giving the experience of small business to young Australians so that they may look at it as an option, particularly those young Victorians who might not otherwise get that experience.

**Motion agreed to.**

**House adjourned 9.43 p.m.**

**Wednesday, 24 April 2002**

The **PRESIDENT** (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

### CRIMES (DNA DATABASE) BILL

*Council's amendments and Assembly's amendments*

Returned from Assembly with message insisting on disagreeing with some Council amendments and insisting on making further amendments.

Ordered to be considered next day.

### QUESTIONS WITHOUT NOTICE

#### Stamp duty: unquoted marketable securities

**Hon. B. C. BOARDMAN** (Chelsea) — My question is to the Minister for Small Business, who is also the Minister for Information and Communication Technology. Yesterday I asked the minister what an unquoted marketable security was, and her response, whether deliberate or just careless, was factually wrong on several counts. I now ask the minister whether she would like to take this opportunity to correct the record.

**Hon. M. R. THOMSON** (Minister for Small Business) — I believe that I did answer that question correctly yesterday.

**Hon. B. C. BOARDMAN** (Chelsea) — On a supplementary question, I might need to reiterate, if I can use the minister's phrase, her answer yesterday, because she suggested that an unquoted security relates to a secondary exchange and went on to use the example of the Bendigo stock exchange. That comment is complete and utter rubbish.

The minister also suggested that unquoted securities were limited to smaller information and communications technology and biotech companies and any others that may list. This is equally nonsensical and is a complete contradiction in terms, because how can an unquoted security list on a recognised exchange?

Given that under section 10 of the Duties Act 2000, introduced by the Bracks government, securities listed on the Bendigo stock exchange, or BSX, are already exempt from duty, will the minister undertake to formally apologise in writing to the chairman of the Bendigo stock exchange for her misleading and incorrect comments?

**Hon. M. R. THOMSON** (Minister for Small Business) — Mr President, if I have in any way offended the Bendigo stock exchange I will certainly take that up with the Bendigo stock exchange.

#### Australian Gold Conference

**Hon. T. C. THEOPHANOUS** (Jika Jika) — Will the Minister for Energy and Resources inform the house of recent events in Victoria designed to assist the state in taking a lead in promoting the gold industry?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I thank the honourable member for his question. I am very pleased to advise the house that the Australian Gold Conference was held last week in Melbourne and that it was the first time the conference has been held in Victoria. The Bracks government was pleased to work in cooperation with the Australian Gold Council to shift this major event from Western Australia to Victoria for the very first time — which, I might add, occurred prior to the change of government in Western Australia.

I am also pleased to say that a major part of the attraction of Melbourne as a location for this event is Melbourne's leading edge as a place to do business and to access the financial and technical services which support the gold mining industry in this country. It was a great opportunity for our gold producers to show to the world what Victoria and Australia have to offer when it comes to gold production, and I believe that was done very successfully. The conference was timed to coincide with the meeting in Melbourne of the board of the World Gold Council, the peak industry body for gold mining and marketing in the world. This is another significant first that the Bracks government has delivered for Victoria, and in this case for the whole of Australia, as this is the first time the World Gold Council has met outside of London.

The conference was attended by more than 300 delegates from 10 countries. A further 250 people attended an investors day on the Sunday immediately preceding the conference. I had the opportunity during the week to meet with some of Australia's leading gold producers — as well as those from here in Victoria, which I see on a regular basis — to discuss issues that are affecting them. I was able to reaffirm to them the Bracks government's commitment to the gold industry and to Victoria resuming a leading place in Australia's gold production.

The theme for the conference was: Seeking a new golden age — consolidation, consumption and confidence. Delegates heard from speakers from the

mining, finance and marketing sectors. The keynote speaker was Randall Oliphant, chief executive officer of Barrick Gold, one of the world's largest gold producers. I am pleased to advise the house that that company is now actively examining the exploration potential for gold in Victoria.

The Bracks government was pleased to be a major sponsor of the conference as part of its plan and vision to continue to promote the gold industry in Victoria in an environmentally responsible way. The Bracks government recognises the huge role of the gold industry in the development of buildings in the state of Victoria. This building — and this chamber in particular — are very good examples of that. Many towns were established in regional Victoria because of gold discoveries. Therefore with government support for such projects as the New Bendigo Gold project, we hope to see Victoria resume its place as one of Australia's leading gold producers.

**Land tax: small business**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I refer the Minister for Small Business to the Building Tomorrow's Businesses Today announcement which was made on Monday. Given that the land tax changes in that package amount to only \$3 million per annum, not all of which will go to small business, will the minister confirm that Victoria's 280 000 small businesses will benefit by just 20 cents per week?

**Hon. M. R. THOMSON** (Minister for Small Business) — Building Tomorrow's Businesses Today is a great package for business, and has been lauded by business organisations, all of which have said it is good for business. It is good for small business. In relation to land tax, let's have a bit of a history lesson. We had a land tax threshold of \$85 000 when we came into government. The Better Business Taxes program raised that threshold to \$125 000. The *Building Tomorrow's Businesses Today* statement increased that threshold to \$150 000. That will take another 21 000 people out of the land tax loop and will be of great benefit to small business.

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I note the minister's answer and the fact that she ignored the issue that small businesses will only benefit by 20 cents a week through the land tax cut. She also ignored the fact that the land tax scales reflect changes in property values. The package the government has announced provides some \$260 million in tax cuts, but ignores the fact that the government has collected an extra \$1.7 billion in business taxes over its three-year term. It has collected \$1.7 billion and given back

\$150 million. Will the government admit that this package is a sham?

**Hon. M. R. THOMSON** (Minister for Small Business) — Let me repeat: the only people I know who are criticising this package are opposition members. Business organisations — whether it is the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group or the Australian Retailers Association, Victoria — all welcome the package. As the Treasurer has stated publicly, with this package and the Better Business taxes package, we will have seen \$1 billion worth of tax cuts delivered to the business sector. We are proud of this statement; it is economically responsible and delivers for business — along with those thoughts of the business community.

**Commonwealth Games: Queen's baton**

**Hon. R. F. SMITH** (Chelsea) — I refer my question to the Minister for Sport and Recreation — the minister who cares.

**Honourable Members** — Who cares?

**Hon. R. F. SMITH** — Withhold your rage. You will get a turn. Will the minister advise the house what exciting events are occurring in Melbourne as part of the build-up to the 2002 Manchester Commonwealth Games?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I am pleased to announce to the house that the Queen's baton is coming to Melbourne — the Queen's baton is coming to town. For those in the house who do not know the history of the Queen's baton, it contains a message to the Commonwealth that will be read at the opening of the 2002 Manchester Commonwealth Games. The significance is that it is a terrific privilege and honour for Melbourne to host the baton for a couple of days. It reflects the status that Melbourne enjoys not only as the host of the 2006 Commonwealth Games but in recognition of the substantial sporting and cultural significance of this state. The baton will appear before 90 000 people at the Anzac Day football match tomorrow and reflects the significant standing of past and present sports, athletics and athletes of this state.

On Friday the baton will also appear as part of the Swanston Street parade, which is being hosted by the Lord Mayor of Melbourne, John So. It is an opportunity for the community to be in touch with the Commonwealth Games and potentially touch the baton. This is a terrific opportunity for Victorians to take part in a direct manner in the Commonwealth Games, and I

encourage honourable members to encourage anyone they know to take the opportunity. I am led to believe that as part of the innovation Manchester is trying to present through the representation of the baton that it will display the heart rate of the person holding it, so I suggest to opposition members to be careful not to come in contact with the baton because there is every likelihood that it will not register anything. We all know on this side of the house — and they know — that they do not care and that they have no ticker!

*Honourable members interjecting.*

**The PRESIDENT** — Order! The house has had its fun. I am not quite sure what we learnt.

### **Campaspe: Streetlife funding**

**Hon. E. J. POWELL** (North Eastern) — I refer the Minister for Small Business to her answer on 16 April to a question about bank closures in small rural towns. In her response the minister talked about the government's allocation of \$500 000 to the Streetlife program, including 17 grants for projects in rural Victoria. That being so, will the minister explain why the Shire of Campaspe, which will lose four National Australia Bank branches at Tongala, Rushmore, Elmore and Stanhope, had its application for \$20 000 a year for two years under the Streetlife program refused?

**Hon. M. R. THOMSON** (Minister for Small Business) — There were a large number of applications for Streetlife this year — many more applications — under the new guidelines. I thank the honourable member for her question because I think it is important. A large number of applications were put in by a large number of rural shires. Unfortunately the funds do not stretch to fund all the applicants, which means that priorities need to be made. The department made those priorities on the quality of the applications made in relation to the number that were there. In many instances shires had joined together to put in applications. All I can suggest — because I do not know the particular instance the honourable member has raised — is that I will have a look at the situation in relation to the application and get back to the honourable member directly.

**Hon. E. J. POWELL** (North Eastern) — I thank the minister for her answer and her discussion about priorities. For two years the Shire of Campaspe had had Streetlife funding for a facilitator at a cost of \$60 000 a year — \$40 000 from the council and \$20 000 from the state government. The council's funding expired on 30 June 2001 and it put in an application for continued Streetlife funding, and it has been refused.

It is vitally important to continue the facilitator's employment, particularly now with the four bank closures. The facilitator needs to work with business and tourism operators in the towns where the banks have been closed. I ask: what will the minister do to support the Shire of Campaspe?

**Hon. M. R. THOMSON** (Minister for Small Business) — As I said, there were a number of applications. I think Mr President would be pleased with the numbers that were successful in his electorate. However, there is an issue where funding has already been given. Because it is an up-to-two-year project, it is intended that in that time those that have been funded will be self-sufficient and able to continue on beyond that. Priority will have been given to those areas that have not received that kind of funding for those sorts of projects before, so if they had received funding originally, and it was re-funding that they were seeking for the same project, that might explain why they were not successful in this round.

### **Schools: capital works**

**Hon. E. C. CARBINES** (Geelong) — I refer my question to the Minister for Education Services. Given that one-third of Victorian government schools are undergoing capital and maintenance works, can the minister provide some specific examples of innovative building works that have recently been completed by the Bracks government?

**Hon. M. M. GOULD** (Minister for Education Services) — I thank the honourable member for her question, and I recognise her ongoing commitment in the education area. The Bracks government has allocated \$590 million to building better schools, including 21 new and replacement schools. It is also upgrading one-third of all government schools. As honourable members would appreciate, that is an enormous task. I am pleased to advise the house of two significant building initiatives undertaken by the government, providing further evidence of delivering to our school communities, unlike the previous government which shut down 300 schools, leaving those left behind to rot and crumble.

Last week I was invited to open one of our fantastic new schools — Aspendale Gardens Primary School. The state contributed over \$3 million to this first-class school facility built in response to the needs of the local community. But as honourable members would appreciate, because Parliament was sitting last Friday as a result of sessional orders changed by the opposition, I was unable to attend that opening ceremony. However, the honourable member for Carrum, who is a fantastic

local member, on my behalf opened the Aspendale Gardens Primary School. She has since informed me that the opening was a wonderful success. There was great community spirit within the school, and they were absolutely delighted with their new school.

I hope to shortly attend the opening of a new \$1.5 million designed centre at the Mount Eliza Secondary College. The Victorian government has contributed over \$900 000 to that centre, which incorporates media, arts and technology facilities. This includes sound and video editing suites. It is an exciting project that will broaden the curriculum availability for students at that school. Like the Aspendale Gardens Primary School, this is a community asset as well as a school asset. It is a wonderful acquisition for Mount Eliza.

The opposition never cared about our schools or our communities, whereas the Bracks government is creating these fantastic new facilities and new learning environments for our students. This government is turning around the education system.

### Mount Buller primary school

**Hon. BILL FORWOOD** (Templestowe) — I am delighted to hear the comments of the Minister for Education Services about her commitment to schools in Victoria. Will the minister confirm that the primary school on Mount Buller, which I am advised has operated during the skiing season for over 20 years, and that this year already has 38 confirmed, enrolled pupils, will not open because of the actions of the Bracks government?

**Hon. M. M. GOULD** (Minister for Education Services) — The government has spent over \$2.2 billion in the last couple of years in education. The opposition when it was in government closed 300-odd schools and sacked over 10 000 teachers.

**Hon. Bill Forwood** — On a point of order, Mr President, we know that the new Minister for Education Services is not across her portfolio. I have asked her a specific question about a specific school of some importance to the people in the Benalla electorate. All we get from the minister in response to a specific question is a general answer. I ask the minister to address the substance of the question.

**The PRESIDENT** — Order! No doubt the minister will get to that point, but the minister has time to reply and she has only been into the answer for a short time. The question is specific about a specific school, and during the course of her answer I expect the minister will address the question.

**Hon. M. M. GOULD** — We know what the opposition did to the education system when it was in government. This government has acted in a proper manner to ensure appropriate forecasts on the viability of schools to ensure they can be maintained. We know what the opposition did with regional country schools — it closed them down. This government is committed to ensuring proper resourcing for schools, and the building and replacing of over 21 schools is a far cry from what the opposition did.

If there are insufficient students to maintain the Mount Buller primary school those students will go to another school. The government goes through an extensive and detailed process to ensure that schools are viable and can continue, but if they have to be relocated because of lack of students the government will go through that process.

**Hon. BILL FORWOOD** (Templestowe) — I thank the minister for her answer. The school is closing this year because of the action of the Bracks government in giving the flats the teachers live in to the police. It has nothing to do with the 38 students. The school house has been given to the police, and because of that there is nowhere for the teachers to live. Can the minister ensure that accommodation is made available for the teachers so that the school can open and the kids can be taught on the mountain as they always have been?

**Hon. M. M. GOULD** (Minister for Education Services) — With respect to the facilities available at the school, as I indicated, we are putting in substantial finances to improve one in three schools. With respect to accommodation for teachers I am more than happy to have a look at the matter.

### Business: Easy Government initiative

**Hon. G. D. ROMANES** (Melbourne) — The Bracks government business statement, *Building Tomorrow's Businesses Today*, released on Monday includes an initiative called Easy Government. Will the Minister for Small Business tell the house how the Victorian government is making it easy for businesses to comply with requirements for starting and setting up small businesses?

**Hon. M. R. THOMSON** (Minister for Small Business) — There is no doubt about the success of the Bracks government's *Building Tomorrow's Businesses Today* statement. It demonstrates the Bracks government's commitment to ensuring business can thrive and grow in Victoria. The government is making it easier to do business. One of the ways the government has done that was with the Better Business

taxes package last year. With the announcement by the Treasurer of Building Tomorrow's Businesses Today we will see Victoria — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am anxious to hear the minister's answer and I ask honourable members of the opposition to keep their comments very quiet so we can hear the response.

**Hon. M. R. THOMSON** — We will see Victoria go from being a state which had the greatest number of business taxes to the state with the lowest number of business taxes, and that is a real achievement.

The government will also look at service delivery and how business deals with government. We know that for many businesses, particularly business start-ups, dealing with government can be a daunting exercise. Although we have the businesses licensing information system online, which gives businesses access to the information and regulatory requirements of federal, state and local governments it is still not easy for business start-ups to navigate state government requirements. Easy Government will allow business start-ups the opportunity to lodge all government documentation required to start up a business at any of the 11 regional business offices throughout Victoria. They will gain access and advice from those offices and obtain assistance with information on federal and local requirements. They will be assisted to ensure that they are getting it right and doing it easier than they have done before.

This is a great way of encouraging business start-ups to get through the government requirements and thus spend time on their businesses which is vitally important. It will deliver better government for business and easier dealings with government, and we welcome that. The Bracks government is turning things around in Victoria. We are focusing on the needs of small business. We are doing what we can as a government to ensure that businesses grow and are more creative, innovative and connected.

### **Commonwealth Games: athletes village**

**Hon. I. J. COVER** (Geelong) — My question is to the Minister for Commonwealth Games, because I care about the Commonwealth Games. I am delighted to hear that the minister has now agreed to meet with representatives of the Royal Park Protection Group on 3 May. Will the minister now admit that when he said on 21 March in this place that:

... I have continued to meet with representatives from the Royal Park group ...

he had not met with them since his commitment in October last year to consult on the preferred site and design of the Commonwealth Games athletes village, and in not meeting with them and giving that statement in this house he misled the house?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — As I mentioned in the house, I have continued to meet with members of the Royal Park Protection Group. I will continue to meet with them, as I have, and I look forward to meeting with them. I have not misled the house because, as I mentioned on that occasion, I am happy to meet with those groups and I am happy to have met with them. Further, I am happy to continue meeting with them.

**Hon. I. J. COVER** (Geelong) — I have a supplementary question. My question on 21 March was clearly about whether the Minister for Commonwealth Games had consulted since October when the issue was debated in the house. He said he had continued to meet.

I have asked that question again today and I have a letter from the convenor of the Royal Park Protection Group who says it is simply not true that the minister has continued to meet with representatives from the Royal Park group. Julianne Bell says that they have not met the minister for six months and they have not met him on the subject of the design and location of the games village. She concedes that she 'exchanged a few words' with the minister on the ABC 774 drive talkback program some months ago. I ask the Minister for Commonwealth Games whether the exchange of a few words on talkback radio with the convenor of this group is his idea of consultation.

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I thank the honourable member for his question. I again reinforce that Mr Cover has got it wrong; he got it wrong yesterday, he has got it wrong today and I am sure that he will get it wrong in the future. He is wrong because, as I mentioned in that answer, I have met with members of the Royal Park Protection Group. I will continue to meet with them. I look forward to continuing to meet with them. In terms of the dates, I did not refer to dates. I have said I have met with them and I have continued to meet with them. I have spoken to them informally and formally and even on talkback radio. I have no problem with continuing to meet with this group and using consultative processes to ensure that it has input into wherever the Commonwealth Games village might be located.

**Fishing: abalone**

**Hon. KAYE DARVENIZA** (Melbourne West) — Can the Minister for Energy and Resources outline to the house recent Bracks government initiatives to sustainably manage Victoria's valuable abalone fishery stocks?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I thank the honourable member for her question. Abalone is Victoria's most valuable commercial fishery with a current annual catch worth more than \$70 million, an established processing industry and an emerging aquaculture sector. Victoria is the second-largest abalone producing state in Australia and contributes around 10 per cent of the annual world harvest.

I am pleased to be able to announce to the house that I have released an abalone management plan for the fishery to ensure that ecologically sustainable development of this key Victorian fish stock continues into the future. This plan is the first fishery management plan to be released for a commercial fishery under the Fisheries Act. It was developed through intense negotiation and discussion with all of the key stakeholders and the release of the draft plan for broader comment. That process was overseen by the Fisheries Co-management Council and was actively participated in.

I congratulate everyone who has been involved in the plan for the effort and time they have contributed to the process. Among other things, the plan will mean that management of the abalone fishery is formalised within a framework of ecologically sustainable development; the existing regime of quota management — a form of management which supports sustainable management — is further strengthened; the arrangements for sharing management responsibilities among all stakeholders are strengthened; recreation access is assured by maintaining existing bag limits; and the enforcement arrangements required to reduce resource theft are significantly strengthened.

The Bracks government is continuing to act to ensure that this fishery, and all others, is ecologically sustainable while at the same time supporting a value-adding and economically efficient commercial sector. I look forward to the further initiatives contained in the government's marine reserves package in relation to enforcement matters in particular. The abalone management plan is part of the Bracks government's vision for Victoria as a state where protecting the environment and using our resources sustainably is built into everything we do.

**ANSWERS TO QUESTIONS WITHOUT NOTICE****Stamp duty: unquoted marketable securities****Land tax: small business**

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

That the Council take note of the answers given by the Minister for Small Business to questions without notice asked by the Honourables B. C. Boardman and G. K. Rich-Phillips relating to unquoted marketable securities and land tax.

In doing so I will make an allegation that the Minister for Small Business has misled this house. I feel it appropriate that the minister use this opportunity to correct the record because there are some serious misgivings about and inaccuracies in her answers to this very specific — —

**The PRESIDENT** — Order! I regret having to pull up the honourable member but the fact that we have a new procedure does not overturn the existing rules of the house. If a motion is going to be contemplating that an honourable member has misled the house, it would require a substantive motion and cannot be used as an adjunct to a take-note motion. I suggest that there are other words the honourable member could use which would not be objectionable. In relation to that matter the Honourable Cameron Boardman cannot proceed down that line. I suggest that he make his point without making that point.

**Hon. B. C. BOARDMAN** — Thank you, Mr President. Nonetheless it is a serious issue and the answers the Minister for Small Business gave both yesterday and today in response to my questions about unquoted marketable securities defy logic.

The history to my questions goes back to Monday when the government released its Building Tomorrow's Businesses Today package. One of the key planks of the taxation reform in that policy was the removal of duty on unquoted marketable securities. Yesterday morning on 3AW Neil Mitchell was concerned, as I am sure many Victorians were, about what that duty removal meant. He asked the Premier quite simply and specifically, 'What is an unquoted marketable security?' and the Premier said:

Well, marketable securities already have a stamp duty exemption — the stamp duty has been taken off those. Unquoted market securities are simply those that are on the exchange which, you know the biotech, the infotechs, some of the new economy areas which attract a stamp duty currently which will be taken off under these agreements.

That is an answer that does not make a whole lot of sense. The question was specific in asking what is an unquoted marketable security. The question was asked because this is a key plank of the government's policy. The government is acknowledging that it is going to reduce business taxes by around \$10 million and as this is a key plank of that plan hopefully the Victorian community will be made aware of the definition of unquoted marketable securities.

Neil Mitchell was confused and went on to ask again, 'What is an unquoted marketable security?' The Premier responded:

It means when you are investing you, in those areas, pay stamp duty — it means in the future you won't pay a stamp duty when you are investing in those areas ...

What a wonderful definition that is! Clearly the Premier said that we currently pay duty and the government is removing the duty and that will somehow exempt us from paying duty in the future. However, that does not get to the specifics of this issue.

In the interests of trying to promote fair, open and accountable government — something the government lauds from time to time — it is essential that we have a definition of what we are talking about. Yesterday I asked the Minister for Small Business about the Premier's comment on what an unquoted marketable security is. Her answer suggested that it related to secondary stock exchanges like the Bendigo stock exchange and was limited to a number of smaller information and communications technology companies, biotech companies and the others that may list. That is the crucial point. How on earth can an unquoted marketable security list on any exchange? What is the interrelationship with Bendigo?

Does the Minister for Small Business think that because she has been careless and flippant in her response in specifying Bendigo that the opposition would not check her answer to ensure it was actually correct and then ask a supplementary question to ensure she was not devious or misleading with her answer? That is the point that needs to be addressed today.

The house is dealing with one of the key planks of the government's policy — unquoted marketable securities duty exemption. The minister should now be aware that unquoted securities are usually traded in such small quantities that they do not meet general listing criteria, so they are not listed on the exchange. That is the point. They are not solely focused on the Bendigo exchange, the Australian stock exchange or any other market; they are transactions that do not meet the criteria of the listing arrangements. The Premier and the minister do

not understand what they are talking about. It demonstrates their laziness, incompetence and lack of attention to detail, and dare I say unprofessionalism, because they made it a key plank of the government's policy.

If they do not know what they are talking about how on earth can the Victorian public have any confidence in the government? It is even further insulting because the Duties Act 2000 gives specific definitions. Why on earth would the Premier and the minister, after announcing this policy with the associated propaganda — I welcome the minister's return to the chamber, and I hope she will use this opportunity to correct the issue — not get the correct definitions from its legislation?

In the small amount of time available to me, I indicate that given the intergovernmental agreement between the states and the commonwealth the duty would have been removed anyway. The answer is a con.

**Hon. T. C. THEOPHANOUS** (Jika Jika) — In response to the questioning and diatribe from the opposition, I again point out that more than \$1 billion in tax relief is the government's record for business. That is what the better business statement is about. If the opposition had bothered to read the statement instead of trying to nitpick about various things — —

**Hon. Bill Forwood** interjected.

**Hon. T. C. THEOPHANOUS** — Yes, it is. The key part is that there is a further \$262 million being handed back to business in tax relief because of the very responsible economic management of the state and finances by the government. That is what this is about — it is about responsible financial management by the government which has allowed it to reduce business taxes. For the members of the opposition who have not bothered to look at the package, it delivers to business a total of \$364 million over four years on top of the \$772 million which has already been announced. That is the record of the government.

Mr Rich-Phillips, in carrying on about small business and making up some figure, completely disregards the fact that in this statement the payroll tax threshold has increased from \$515 000 to \$550 000.

**Hon. Bill Forwood** interjected.

**Hon. T. C. THEOPHANOUS** — He was talking about small business. Mr Forwood, the way you are going you will be in opposition for a long time. You ought to wake up to yourself.

**The DEPUTY PRESIDENT** — Order! Remarks will be directed through the Chair, which should retain some order in the house.

**Hon. T. C. THEOPHANOUS** — Small business is celebrating the initiatives identified in the *Building Tomorrow's Businesses Today* statement. I identify three specific initiatives. Firstly, the threshold on payroll tax has increased to \$550 000, which means that hundreds, if not thousands, of small businesses will no longer have to pay payroll tax.

**Hon. B. C. Boardman** interjected.

**Hon. T. C. THEOPHANOUS** — Listen, you fool, and you may find out.

All of the small businesses that paid payroll tax and that had a payroll between \$515 000 and \$550 000 will no longer have to pay payroll tax. Secondly, 21 000 small businesses, investors or self-funded retirees will be exempt from the land tax net because the government has increased the land tax threshold from \$125 000 to \$150 000. There is payroll and land tax relief. I now look at Workcover —

**Hon. G. K. Rich-Phillips** interjected.

**Hon. T. C. THEOPHANOUS** — Yes, I will.

For the second year running land tax premiums will be frozen at the level they were the previous year for 94 per cent of small businesses that have a budget of less than \$1 million. Workcover, land tax, payroll tax — which does the opposition want to look at in relation to the assistance to small business? With land tax, 21 000 small businesses will benefit —

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

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — Mr Theophanous has again demonstrated what a fool he is.

**Hon. T. C. Theophanous** — Coming from you that is a compliment.

**Hon. G. K. RICH-PHILLIPS** — Mr Theophanous, 20 cents a week is all the government will do with its land tax concession.

Mr Boardman has eloquently canvassed the issue raised today. Neither the Premier nor the Minister for Small Business has any idea what they are talking about. They both commented about stamp duty on unquoted marketable securities and neither the Premier, the senior

minister in the state, nor the Minister for Small Business had any idea what they were talking about.

**Hon. B. C. Boardman** — It was a key plank of their policy.

**Hon. G. K. RICH-PHILLIPS** — Yes, it is a key plank of their policy. It is a key plank of the government's document *Building Tomorrow's Businesses Today*, and neither the minister nor the Premier knows what they are talking about. As Mr Boardman pointed out, the Duties Act 2000 was introduced into Parliament by this government — it was not existing legislation on the statute book so it is this government's act — yet neither the Premier nor the minister has any idea what they are talking about with respect to unquoted marketable securities.

For the Minister for Small Business to come into this place yesterday and say that unquoted marketable securities are those that one finds on the Bendigo stock exchange is ridiculous. It is even worse that the minister said today that she was correct yesterday. She does not have a clue what she is talking about. It is farcical that a minister of the Crown with responsibility for small business does not have a clue what she is talking about with respect to unquoted marketable securities. To say that securities listed on the Bendigo stock exchange are unquoted securities defies belief. How can a security listed on the Bendigo stock exchange be unquoted? It is bizarre that the minister makes a statement like that in this place and yet comes back today and tries to reaffirm it. That is ridiculous.

The other issue canvassed in the motion is the Clayton's taxation cuts in the package announced last Monday. As I pointed out earlier, the reality is that the government has collected \$1.7 billion in extra taxation revenue over its three years in office — that is, \$1700 million extra! Monday's package returns \$260 million. That means the government takes \$1.7 billion, gives back \$260 million and says, 'That's a tax cut!'. It has its hands in the pockets of small business and Victorian citizens to the tune of an additional \$1700 million in taxation revenue but returns only \$260 million — and the Victorian community and Victorian business are supposed to be grateful! They have been hit for \$1.4 billion and are supposed to be grateful. What an absolute sham!

Mr Theophanous has just told the house about the land tax issue, but he conveniently neglected to mention that under the package small business — if it gets the \$3 million benefit from the land tax cut — will be sharing it among 280 000 small businesses. That equates to 20 cents a week in tax cuts! It is an

absolutely ridiculous situation. It is farcical for Mr Theophanous to talk about the threshold increasing from \$125 000 to \$150 000 before land tax comes in because where can you buy a business premises for less than \$150 000? What sort of business premises would you get for \$150 000? That completely ignores what has been happening in the Victorian property market for the past two years.

The Treasurer has been sitting on his hands in relation to this issue. He has seen the revenue from land tax and property stamp duties increase but has done nothing about it. Victoria has had an extraordinary growth in property values, but the Treasurer has failed to act. The increase in the tax threshold from \$125 000 to \$150 000 is farcical because you cannot buy a decent business premises for less than \$150 000. It is absolutely ridiculous to suggest that will have a big impact on small business.

The package is a sham. The minister and the Premier have no idea what they are talking about. The government stands condemned for trying to convince business and people in Victoria that they are better off under the package.

**Hon. M. R. THOMSON** (Minister for Small Business) — We know the opposition does not like the fact that the government has delivered a business statement that is supported by the business community.

**Hon. C. C. Broad** interjected.

**Hon. M. R. THOMSON** — And the press! Thank you, Minister.

Combined with the Better Business Taxes package of last year, the new package will deliver \$1 billion worth of taxation cuts to the Victorian business community. However, I want to clarify the answer I gave about the Bendigo stock exchange. I state that I should not have suggested that the Bendigo stock exchange was an area of unquotable market securities.

I also point out that if the honourable member in asking the question knew the answer I am sure he would have raised that in a supplementary question. Obviously he did not know. That was what I was informed when I was asked the question as to what they were. The response I gave was in a general belief that I was correct at the time. For the record I will correct that by stating that unquotable market securities are those that are effectively a managed trust or unit trust or property trust. I wished to clarify that.

**Motion agreed to.**

## Mount Buller primary school

**Hon. BILL FORWOOD** (Templestowe) — I move:

That the Council take note of the answer given by the Minister for Education Services to a question without notice asked by the Honourable Bill Forwood relating to Mount Buller primary school.

At the outset, I was pleased that for the first time the Minister for Small Business joined us in this chamber on a take-note motion in order to clarify, to use her word. We were grateful for her clarification, and I am sure the Bendigo stock exchange will be grateful for the clarification as well. The house saw an extraordinary performance by the minister today.

In the short time available this morning I will touch on another issue that was raised in the chamber during question time today — that is, the children at Mount Buller primary school. It has been apparent for a very long time, particularly with the growth of the ski season, that there would be a number of children on the mountain. Obviously they need and have a right to an education.

For many years an annexe of the Mansfield Primary School has been run on Mount Buller. In the early years the school had 15 or 16 pupils — still a sufficient number for it to operate despite the answer that the minister tried to give the house about 38 being not enough pupils. They were taught in a demountable building that had a flat attached. As numbers on the mountain grew last year, I am advised that 42 pupils were taught there. An arrangement was made with the Australian Alpine Institute whereby two rooms were made available for the school and the old portable building was turned into two flats for teachers. The mountain then had a two-room school, 42 pupils and a flat for the teachers.

For some reason this year, by an agreement between the education department and the police, the two flats for the teachers have been given to the police and have become a police station. Now the situation is that we have confirmed enrolments of 38 pupils on the mountain and rooms for them to be taught in, but no capacity for the teachers to be housed. This is a direct result of the actions of the government.

I have been told the school has been advised by the education department that the provision of accommodation is not the responsibility of the education department but of other people, presumably despite the fact that in the past accommodation for the teachers has always been made available. Suddenly we

have a change of policy and arrangements so that the teachers' flats have been given to the police and there is no teacher accommodation. As a result of that specific action it looks as though the 38-plus pupils will not be able to be taught on the mountain. What will happen?

I am advised that in these circumstances the only thing that can happen — because as the minister would know it is a requirement that primary age school children go to school — is that each day, no matter what the weather, they will be bussed 1 hour down the mountain to Mansfield and then 1 hour back up the mountain that night.

**Hon. W. I. Smith** interjected.

**Hon. BILL FORWOOD** — They are primary school students. Despite the fact that for well over 20 years there has been a school on the mountain, because of the specific actions of the cold-hearted Bracks government, for the first time it will not happen. It was put to me that this was standard policy. I have made a few inquiries and have been informed that on Mount Hotham the government makes accommodation available for the teacher.

**Hon. W. R. Baxter** — I opened it.

**Hon. BILL FORWOOD** — Thank you. Mr Baxter opened it. On one mountain I am advised that a school operates for the pupils, with accommodation made available for the teachers, and it works well, but on another mountain for some reason the government has made a specific decision and has removed the accommodation for the two teachers who would have taught at the primary school over the ski season. For the first time ever the 38-plus pupils will not be taught on the mountain because of the cold-hearted actions of the Bracks government.

**Motion agreed to.**

### **Campaspe: Streetlife funding**

**Hon. E. J. POWELL** (North Eastern) — I move:

That the Council take note of the answer given by the Minister for Small Business to a question without notice asked by the Honourable E. J. Powell relating to the effects of bank closures in the Shire of Campaspe.

In the minister's answer yesterday about bank closures she talked about what the government is doing to provide support for small rural towns when banks close. Today she indicated in her answer that she will be looking at priorities for those communities. I hope the minister will in particular look at priorities for the Shire of Campaspe.

Four National Australia Bank branches will close in the shire: one at Tongala with a population of 1164; one at Rushworth with a population of 976; one at Elmore with a population of 713; and one at Stanhope with a population of 565. The council received state government funding of \$20 000 a year for a Streetlife coordinator for the financial years 1999 to 2001. With these funds it employed a Streetlife facilitator, Liz Richards, at a cost of \$60 000 a year. The council paid \$40 000 and the state government paid \$20 000. The facilitator has filled a number of very important roles for the shire including promoting business in the towns, promoting and organising special events and encouraging people to shop in the local towns. It is important to work with small country towns to make sure that they stay vibrant and do not lose any more facilities.

The Campaspe Shire Council's funding for the facilitator expired on 30 June 2001 but the council has continued her employment because she is doing such an excellent job. It was a concern to the council when it applied for the two-year funding and was refused. I hope the minister will look at either reinforcing that funding or finding funding from somewhere else to support the council with its small communities.

One of the things that concerns me about the minister's response was that she talked about what the former government did. She said that it had closed schools, banks and hospitals. The former government worked with all those communities. This government is also now closing hospitals. There are still enormous waiting lists: they have not been fixed up. There are still people waiting on trolleys. I have people coming to my office talking about having to wait a long time on waiting lists for operations in hospitals. Their loved ones are having to wait on trolleys all night in hospital emergency areas when they have gone there because of a heart attack or serious injury. The government has not fixed up that situation. It is still happening and it will continue to happen under this government.

The minister said that the former government closed schools. Schools have been closing for a number of years for the same reason: there are not enough children in the area to keep those schools going. Labor closed schools when it was in government in the 1980s and the coalition also had to close schools and find other ways to make sure that those children, particularly in country areas, had access to other schools. Those issues are still arising.

I urge the Minister for Small Business to work with the Shire of Campaspe and support it in any way she can. It is important to make sure that no more services are lost

from country areas. The minister has indicated that she will look at priorities. I hope she will look at the priorities for the Shire of Campaspe. If you lose four banks out of a country area, and particularly four in one shire, there will be some ramifications. I hope the minister will take that into account and work proactively with the Shire of Campaspe.

**Motion agreed to.**

## QUESTIONS ON NOTICE

### Answers

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I have answers to the following questions on notice: 2262, 2728, 2736, 2740, 2744 and 2754.

## PAPERS

**Laid on table by Clerk:**

Statutory Rules under the following Acts of Parliament:

Heritage Act 1995 — No. 28/2002.

Road Safety Act 1986 — No. 29/2002.

Victorian Law Reform Commission — Report on Disputes Between Co-owners.

## SUMMARY OFFENCES (SPRAY CANS) BILL

*Introduction and first reading*

**Hon. N. B. LUCAS** (Eumemmerring) introduced a bill for the purpose of limiting the sale of certain spray cans to minors, to amend the Summary Offences Act 1966 and for other purposes.

**Read first time.**

*Second reading*

**Hon. N. B. LUCAS** (Eumemmerring) — By leave, I move:

That this bill be now read a second time.

Early in this term of Parliament the Liberal opposition took the initiative of releasing a comprehensive policy on the abuse of illicit and licit drugs.

This bill complements that policy and is another decisive step in the ongoing battle against substance

abuse, and the effects that such abuse has on the community.

Most Victorians were appalled by the chroming scandal debate in February this year that resulted in Minister Christine Campbell effectively being sacked from the Community Services portfolio.

Victorians were also dismayed at the lack of action from the government as a result of this publicity, which also highlighted how little had been done in the area of research and management of volatile substance abuse.

This private members bill reverses that trend and reaffirms the Liberal Party's determination to tackle this distressing community problem head-on.

The Liberal Party acknowledges that this is a sensitive and complex area. The Liberal Party also recognises that this is only one part of an overall strategy to deal with the problem of volatile substance abuse in our community.

This bill intends to prohibit the sale of paint spray cans to minors, and cans containing other substances prescribed under regulations.

The bill further requires that premises which sell these types of products will have to display signage that states the sale of spray paint cans to minors is illegal and identification may be sought.

The bill contains a clause whereby if a sale of a prescribed product is made to a minor who has used false identification, then this can be used as a defence by the person who has made the sale.

The Liberal Party acknowledges the ongoing work of the parliamentary Drugs and Crime Prevention Committee, that has produced a thoughtful and important discussion paper and is continuing its investigation of this serious issue.

The severity of this situation requires something to be done now. Whilst there are in excess of 240 different and readily available products that young people may from time to time inhale for the purpose of intoxication, this bill will greatly limit the supply of popular products used for this purpose.

If, as a result of this legislation, it is more difficult to obtain these types of products, and subsequently the related harm associated with their misuse is reduced, then the bill will have achieved its intended aim.

The problem is too serious to leave unaddressed and the Liberal Party recognises its obligation to the community to attempt to reduce harm.

I stress again that this bill should be seen as only one part of a comprehensive strategy to deal with this situation.

The Liberal Party welcomes the work of the Drugs and Crime Prevention Committee and looks forward to its final report. The Liberal Party will then analyse the committee's recommendations and determine if further legislative reform is necessary.

I commend the bill to the house.

**Debate adjourned on motion of Hon. GAVIN JENNINGS (Melbourne).**

**Debate adjourned until next day.**

## PUBLIC LAND AND WATERS: ACCESS

**Hon. P. R. HALL (Gippsland)** — I move:

That this house condemns the government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters.

On 23 March some 3000 people assembled in Bendigo protesting against the continued restriction of government activity on public land. It was a public land access rally, and the people at that particular rally were angry.

Towards the end of last year we saw two separate demonstrations on the steps of Parliament House, one by commercial fishers and one by recreational fishers and the boating industry, each protesting against government actions to limit recreational and commercial activity within certain Victorian waters. Over the years we have as recently as late last year seen the Mountain Cattlemen's Association of Victoria protesting on the steps of Parliament House because they are struggling for survival for their right to graze cattle in alpine areas of the state.

We have also witnessed thousands associated with the timber industry come to the front steps of this building appealing for their rights to continue sustainable timber operations within the state forests of the state.

Public land users are up in arms, and rightly so, say we in the National Party. Whether you are a timber worker, a miner, a prospector, a eucalyptus distiller, a commercial fisherperson, a recreational fisherperson, a recreational shooter, a four-wheel drive enthusiast, an apiarist, a farmer with a grazing lease on land, a charter

boat operator or a tourism operator with a lease on Crown land, the rights of these people to access public land is being seriously eroded, and we in the National Party say that enough is enough. It is time to put a halt to the imposition on the rights of these people to utilise public land in a sustainable way.

Let me set the scene about public land in Victoria. Victoria has about 7 million hectares of public land, about 34 per cent of Victoria's landmass. About half of that, 3.6 million hectares, is covered by parks and reserves and therefore has restrictions on both recreational and commercial use; that is about 16 per cent of the state.

It should also be noted that even the remaining areas of public land have restrictions on use. For example, some of our state forests have restrictions on timber harvesting because of the Code of Forest Practices, which means that not all of that public land in state forests is available for timber harvesting. Today it is the 3.6 million hectares of parks and reserves which is predominantly the subject of this debate, and it is those areas of public activity on public land that are being severely restricted.

The government is adding more to that 16 per cent figure, that 3.6 million hectares of parks and reserves in the state, to add to the so-called protected areas. We do not believe the appropriate way to protect the environmental values of those areas is simply to lock them up. The government is adding to that mass of parks and reserves in the state by introducing two pieces of proposed legislation the Parliament expects to see some time during the course of this year — the marine national parks legislation and the box-ironbark legislation.

I must clearly put where the National Party stands on these issues, and take the opportunity during the course of the debate to clearly put on the record the National Party's policy regarding access and use of resources on public land.

We in the National Party are not opposed to parks and reserves or marine parks, but what we do criticise is the wanton neglect of maintenance of the so-called protected areas. What we oppose is the principle being employed by the government to achieve its so-called environment protection — that is, to lock up an area, to exclude as much use as possible. We in the National Party say clearly that locking up an area, whether it be land or water, and prohibiting sustainable recreational and commercial use does nothing to protect the environmental values of those areas. The key to environmental protection is management, and use in

itself is an excellent management tool. We approach the whole issue about caring for and looking after the resources on public land in a totally different way from the government.

I will now put on record the National Party policy statement on public land. We believe as public land is owned by the public it should be available for use by the public — and use includes both recreational and commercial activities. While we are cognisant of the need to protect the environmental attributes of public land, the starting point for policy development should be a consideration of how access can be facilitated without undue compromise of environmental values rather than a focus on restricting access to protect environmental values.

The term 'conservation' implies both protection and use of a resource. Non-use in itself does not guarantee preservation — and I emphasise that point. The National Party believes Victoria's public land should be freely accessible for public use, subject only to the constraints required to protect environmental values. As I have said, we see use in itself as an excellent management tool. That is the National Party policy on the use of and access to public land.

I reiterate that our approach is that we should start from the point of facilitating access in an environmentally sustainable way rather than of simply locking an area up and later on working out what is to be done with it. We say the progressive locking out of recreational and commercial users of public land has seriously eroded the capability of rural and regional Victoria to build prosperous communities. There is no clearer example than the devastation that cutbacks in available timber resources have had on rural communities right across the state. I will talk more about the timber industry later.

Other areas of public land use have also been gradually taken away from local communities. While one might argue that each in itself is only a small cutback in public land availability, collectively the cutbacks are significant and they have had a major and devastating impact on rural communities and other users of public land in Victoria. More importantly, the National Party believes as well as being unfair, the proposal to lock up public land lacks any logic as far as being sound environmental practice. During the course of my contribution I will look at the impacts that cutbacks to public land access have had on a number of different sectors of public land users.

It is appropriate to start with grazing leases. The grazing of cattle on public land has occurred since

whites first settled in Victoria. After all, the great early explorers came down here and took up large runs to breed and grow cattle. This practice is regulated by licence agreements between graziers and the Department of Natural Resources and Environment or Parks Victoria. The majority of grazing leases in this state are of a seven-year period. While the majority of grazing takes place in state forests, some areas of the Alpine National Park are leased to graziers. This Labor government has a policy to phase out all grazing in the Alpine National Park — despite the fact that the area the grazing leases occupy is a mere 2.4 per cent of its total area. I dare anyone to suggest to the contrary that one of the great attractions of the Alpine National Park is looking at cattle grazing and at the mountain cattlemen huts up there, which are part of our heritage. Yet this government has a clear policy that it wants to get rid of those attractions.

The National Party says that grazing is an effective mechanism to reduce the build-up of fuel on forest and woodland floors and can be advantageous as a management tool to reduce the intensity of potential fires. We believe there is no valid argument to exclude further areas of public land from cattle grazing, whether they be in state forests or alpine areas. We believe all grazing licences throughout the state should be of a minimum seven-year period, with licence renewals negotiated at least three years prior to the expiration of the existing licences. We also believe grazing licences should be fully transferable.

This government is putting a squeeze on cattle grazing leases across the state, particularly in the Alpine National Park. But I can tell honourable members that strong representations have been made from the Victorian Farmers Federation and other areas to ensure that grazing in a number of other state forests can continue. There is pressure for that to occur, particularly through the Environment Conservation Council (ECC) box-ironbark proposals, which I think my colleague the Honourable Bill Baxter will mention in his contribution.

I now turn to recreational and commercial fishing. Both forms of fishing in this state are heavily regulated. The first fishing regulation is that you must have a licence to go fishing, regardless of whether you are a recreational or commercial fisher. There are also bag limits and fishing seasons, and some fisheries have quota management. There are exclusion zones for both recreational and commercial fishers around the state, and there are often self-imposed restrictions on the times people can fish — for example, commercial fishermen at Corner Inlet and in the Gippsland Lakes system impose on themselves fishing time disciplines

so they do not clash and conflict predominantly with weekend or school holiday fishers.

There are also fishery management plans, one of which the minister spoke about today — the abalone fishery management plan. You can control and regulate fishing and ensure the sustainability of fishing stocks by the regulations that already exist, particularly the fishery management plans, which are designed to ensure that fish stocks are sustainable.

The Victorian Catchment Management Council valued the commercial fishing take in Victoria for 2000–01 at about \$120 million. I say the value of recreational fishing to this state is not estimable, because other things add to its value — for example, the economic activity involved in purchasing tackle, supplies, boats, accommodation and holidays, not to mention the intrinsic wellbeing associated with fishing. As all honourable members know, fishing is probably one of the most relaxing recreations; nobody can tell me that it is not beneficial to people's health. We should not underestimate the intrinsic feeling of wellbeing and health benefits that fishing can bring about. Therefore a further restriction on recreational and commercial fishing activities is just not on.

Every fisherman I have ever spoken to — and I have spoken to a few over the past few months about the marine parks issue — wanted to see better protection of the marine environment. The great argument about marine parks at the moment is that this government has got it wrong. Just taking the simplistic solution of prohibiting recreational and commercial fishing from certain areas around the state ignores the fact that other influences impact more on the marine environment than a rod and reel or a net being cast by a commercial fisherman.

The biggest impact on the marine environment is the pollution factor. Sewage outfalls still dump into the ocean and bays, and in some cases stormwater drains still empty directly onto beaches around the state. Pollution is still coming down rivers and streams which impacts on the condition of our marine environment. We also still have a problem with exotic species being introduced — for example, the northern Pacific seastar in Port Phillip Bay is having a devastating impact on the local marine environment.

The National Party says that pollution, rather than fishing activity, has the major impact on the marine environment. The government's suggestion that the marine environment will be protected simply by prohibiting fishing is a blinkered, narrow view which

does not address the real problem — that is, marine protection.

The government's marine parks proposal will be debated at length in this Parliament in the weeks and months to come, I am sure. I am not going to go right through the proposals that have been put on the board, but I will say this: we have taken up this issue of marine parks very strongly. The National Party has put out a consultation discussion paper on the subject, we have held public meetings around the coast of Victoria and I have produced an outcomes of discussion paper — that is, I have put it in black and white on my web site and the National Party's web site so that people can have a look at our suggested process for developing areas of marine protection around the state of Victoria.

Let me mention four key features of our proposal. First of all, if we are serious in this state about marine parks we should establish a marine park authority to have overall control of marine parks in Victoria. We need to take things out of the hands of the government and put it in the hands of independent people with expertise in that area. We need to take the politics out of this sort of decision making, and that is why we need to establish an independent authority to oversee the creation and implementation of marine parks.

The second key feature is the establishment of local advisory groups. For each park suggested there should be a locally appointed advisory group to comment on and help formulate the management and implementation plans for those areas. Local people know best, and we say that where there is public land or there are state waters, local management and local advisory groups are essential if we are to manage the product in the best possible way.

We are sick of waiting on management plans for some of the national parks in this state. There are still national parks and coastal and marine parks in this state that have no finalised management plan. We say that before Parliament approves any additions to the terrestrial park system in Victoria or before we think about creating any marine parks in the state, we need to put in a management plan. It should be the Parliament that approves both the land tenure recognition and its management plan. It should consider those jointly to ensure a commitment from the government to implement and appropriately resource management plans for those areas.

The National Party also says that marine parks management plans should reflect multipurpose zoning. This model has been applied in Western Australia, New South Wales and Queensland. In most other places

around the world marine protected areas have multiple zones where certain activities are allowed in each zone. Yes, we are quite happy to have sanctuary zones within marine parks as long as they are used for the purpose of scientific research, but there are other areas in marine parks where an appropriate range of other activities could and should be allowed, and these should be reflected in a zonal management plan.

Let me now move to the timber industry. Victoria has probably one of the highest forest reservation rates in the world, and well above international benchmarks set by conservation organisations. I am sure that fact will not be disputed by any honourable members today. Victoria's forest industries are among the most strictly regulated of industry sectors. Government controls over the timber industry include regional forest agreements, forest management plans, wood utilisation plans, forest coupe plans, codes of practice and licensing systems on logging and sawmill operations. It is a very heavily regulated industry, and people say, 'Well, so it should be'. We have been progressively developing that regulation and putting it in place to ensure that the timber industry is sustainable.

It is interesting to note that only about 1 per cent of the 1.3 billion hectares of public native forest available for timber production is logged in any one year. Productive forests are logged and regenerated once every 80 to 120 years here in Victoria. I hope honourable members took up the recent invitation by Neville Smith Timber Industries to get up in the air to have a look at the small amount of timber that is logged in any one year, and to observe at first hand the regeneration rates of that timber which has been harvested over a period of time. From the air you can see very clearly that after 5 years there is substantial regrowth, after 10 years substantially more and after 15 years you probably do not notice where it has actually been logged.

**Hon. W. R. Baxter** interjected.

**Hon. P. R. HALL** — In response to Mr Baxter's interjection, I am not sure how many government members have taken up that invitation. I hope they have, because I know that every one of the National Party members has and that substantial numbers of Liberal Party members have taken up the invitation from Neville Smith Timber Industries to look at its operations.

**Hon. D. G. Hadden** interjected.

**Hon. P. R. HALL** — If the Honourable Dianne Hadden says they have, that is terrific, and she can tell us exactly how many have taken up that invitation. If

the honourable member does not like flying in a helicopter, I will personally arrange for her a land-based inspection of those forest areas in Gippsland.

In relation to timber harvesting, the National Party believes that there are sufficient existing reservations to accommodate the need to protect environmental values, and it will oppose any measure that would result in further net reductions in resource availability. That is what the timber industry wants; it wants legislated security of the available resource to continue with, and I have asked the government for that. The National Party is committed to providing that resource security, but to my knowledge this government has failed to give any such assurance.

The timber industry has always been prepared to work with government, although at this point in time its patience is starting to wear a bit thin.

I will give an example. Timber Communities Australia (TCA) went to great trouble to respond to the government's Environment Conservation Council report on box-ironbark forests. Once again they sat down and, despite the pain it would cause, suggested some substantial, workable proposals that it believed could accommodate not only the government's needs but also, with some pain, the needs of the timber industry within the box-ironbark reference area. They had their proposals evaluated by experts in the timber industry — people like David Flynn and Kevin Waring, both of whom are very eminent gentlemen and well qualified in the area of timber; and some of us will remember that Kevin Waring was for a long time a senior officer in the Department of Natural Resources and Environment — and TCA has put together a substantial submission. I have it here and am happy to show it today to any government member, although I am sure they would have received it. I commend Timber Communities Australia for putting forward a solution, despite the pain it will cause some of its members, in trying to work with the government to bring about outcomes to suit everybody's needs in respect of the box-ironbark issue.

Do you know the thanks they get for doing all this work? They cannot even get a meeting with the Minister for Environment and Conservation to talk about this. That is how this government is treating public land users in this state. It has its own agenda and says, 'Bad luck to everybody else. We will do what we want to do and we don't care what you have to say'. Timber Communities Australia should be commended by everyone for the effort it has made to try to bring about some viable and substantial solutions to the box-ironbark issue.

I turn next to recreational shooting. I will start by declaring a pecuniary interest in this subject because I am a member of the Victorian Field and Game Association. But I do not go out shooting every weekend, mainly because I have not got a shooters licence and have never had one. I will tell you why I am a member of the Victorian Field and Game Association. It is because I support the right of members to hunt and I support the many environmental activities in which they involve themselves. I think once again that everybody would agree with me that that organisation has a particular interest in conserving wetlands in the state of Victoria and it does a magnificent voluntary job in respect to that.

Recently I met with members of the Bairnsdale Field and Game Association. They took me to McLeods Morass on the outskirts of Bairnsdale and showed me the conservation work their club had undertaken there with the establishment of bird hides so people can go to see birds, and the contribution to boardwalks there. So this became a birdwatching, conservation, wetlands area as well as being a state game reserve. Those members want access for about 12 weeks a year during the duck season to hunt ducks there. That has now been put in jeopardy, which is a bit ironic because a lot of the hard work they have done and the public interest they have created in improving that wetland is now potentially seen by the department as a conflict of interest between the public visiting that area and people wishing to hunt ducks in the area. We say that for 12 weeks a year people who are well qualified, who have the necessary licences and who have undertaken the test should be allowed to hunt in registered game reserves around this state, and we in the National Party will defend that right at every opportunity we have a chance to do so.

I want to talk a little bit about deer hunting. There are more than 10 000 licensed deer hunters in Victoria. They hunt an introduced species — not a native species — in the form of deer. Once again it is a heavily regulated sport to the extent that participants must conform to the current firearms requirements; they must hold game licences and they are restricted in the areas in which hunting can take place. They are certainly limited in those areas. There is some hunting allowed in some state parks and some areas of national parks, but largely there are only small areas of this state where deer hunting is permitted. The government is now cutting back on those available areas for deer hunters.

Once again we have not seen logic in the cutback in available areas for that particular pursuit. Deer hunting is a legitimate recreation. It is hunting for an introduced

species in this state, and we condemn the government for the cutbacks it has made unnecessarily to people pursuing a legitimate recreation in deer hunting.

I want to quickly mention other recreational shooters — people who shoot rabbits, foxes and pigs; all vermin — using public land. I would have thought it would be an advantage to the government in terms of its management regimes to encourage people to go out and shoot foxes and rabbits on this land, but it seems not. Once again the area of public land available for recreational shooting is rapidly diminishing.

I turn now to mining. We know that Victoria's growth and prosperity was stimulated by the discovery of gold in Victoria some 150 years ago. Today mining continues to be one of Victoria's important primary industries. In Victoria we mine gold and minerals. Mineral sands is a rapidly developing mining industry. We also mine coal and oil. So we have all forms of mining, from the very small-scale mining, such as fossicking and prospecting, to large-scale mining. Each of those makes an important contribution to the Victorian economy, and in the case of prospecting and mining provides an important recreational activity for thousands of people a year. I am informed that approximately 30 000 people each year operate miners rights in Victoria.

I do not think anyone is going to argue that prospecting has a great impact on the environment. It has an absolutely negligible impact on the environment. People involved in prospecting are required, as part of their licence conditions, to ensure that land on which they have prospected is rehabilitated. They do not leave holes out there in the ground. Their code of practice and requirements are that they completely rehabilitate those areas. It is the same with large-scale mining. They are now required to have environmental plans before mining is approved. There is a requirement for the rehabilitation of land that has been disturbed through mining.

The really disappointing thing about mining is that the proposals for the box-ironbark national parks put forward by the Environment Conservation Council will severely impact on both small and large-scale miners in central Victoria — the most productive area for gold mining in this state. A heritage and tradition that has been carried on for well over 100 years in the state of Victoria — 150 years — will be put at risk with some of those prime prospecting and mining areas taken out of public access. For that we say the government stands condemned. It has not worked with the industry. It has not worked with the associations representing these people to put in appropriate plans. Like the timber

industry, the mining industry stands ready to work with government, but again its pleas have fallen on deaf ears. My colleague the Honourable Ron Best will talk a little more about mining.

One of the last few things I wish to mention is beekeeping. It can be argued that beekeeping has almost no impact on local flora and fauna. Some 85 per cent of Victoria's honey production is derived from native flora, mostly eucalypts, and much of it on public land. It is an important industry, particularly in central Victoria, and once again the ECC proposals for box-ironbark put at risk many of those viable apiary operations that are currently undertaken in central Victoria. It is interesting that beekeeping directly employs 250 people in Victoria and indirectly employs 750. It is a major industry and not one the government can just ignore.

We could also talk about eucalyptus distillers. There are several of those in the box-ironbark areas, and their occupation is now being put at risk. What are the alternatives? One alternative is for Victorians to import their eucalyptus oil needs from China, which sounds absolutely crazy when we have the ideal conditions in which to produce our own oil. The government needs to be working with those involved in eucalyptus distilling rather than working against them and putting them out of jobs.

Four-wheel-drive motorists are also involved in an important and legitimate recreation, as the Acting President would recognise. What has been put in front of four-wheel-drive motorists? There have been track closures all over the state. We have had some terrible problems north of Licola in the Alpine National Park where tracks have been unnecessarily closed and access to important scenic areas of public land have been denied because of the department's wish to lock out recreational four-wheel-drive motorists.

I want to mention a couple of things about box-ironbark. I said I would take the opportunity during the course of this debate to put on the record National Party policy, and I have done that in respect of the approach towards managing and accessing public land.

Here is the National Party's policy on box-ironbark. Firstly, we do not support the current box-ironbark proposals as recommended by the ECC. Secondly, we are totally opposed to further areas of public land being locked up with blanket prohibitions on recreational and commercial activity. Thirdly, we strongly believe management plans developed with widespread public local input should determine appropriate purposes and use of public land. Fourthly, we believe use in itself is

an excellent management tool and as such should be encouraged in a manner that is compatible with the sustainable use of the natural resources that are occurring on public land. Fifthly, we do not have confidence in this government's ability to manage public land or commit the resources to do it effectively. Finally, we believe Parliament should be presented with both a land tenure proposal and an accompanying management plan in its consideration of any new park proposals.

That is where we stand on the issue and that position has been made clear to the government. The National Party is prepared to work with the government but we believe it needs to take off the blinkers to show some commonsense approaches to these issues before we agree to any new areas being locked up in parks or reserves.

It would be improper of me not to mention the Public Land Council of Victoria (PLC) in this debate. It is a great organisation, which brings together a great number of public land users. I have spoken specifically to people who are part of its membership: the four-wheel drivers, the shooting organisations, the prospectors, the miners, the timber communities — —

**Hon. W. R. Baxter** interjected.

**Hon. P. R. HALL** — As I am reminded by the honourable member, the mountain cattlemen are also members of the PLC. Each of the organisations brings expertise to the table and adopts a holistic approach to public land management in Victoria.

I do not have time to go through it today, but I commend a document published in March this year by the council entitled 'Public land management policies of the Public Land Council of Victoria'. The council would be happy to give copies to honourable members, and I am sure the document has already been distributed. I commend the council for the work it has done in developing a general approach towards public land management in this state.

**Hon. R. A. Best** — Commonsense!

**Hon. P. R. HALL** — It is commonsense, as the Honourable Ron Best says. The document has various subject headings, many of which overlap with some of the principles I have outlined during my contribution to the debate. Honourable members could learn a lot by reading through the policies of the council. We owe a great deal to the president, Ian Hamilton, and the executive officer, Tim Barker, for their continued drive to get public land users together and come up with

some sensible commonsense approaches to public land management in this state.

I conclude by summarising some of the important points I have mentioned during the debate. Firstly, we say that Victoria's public lands are just that — they are public land for public use, and that should be remembered first and foremost. Locking up those areas of public land — that is, restricting access to recreational and commercial users — is both unjust, and in most instances, counterproductive to achieving environmental outcomes. Management of use in an environmentally sustainable way will do more to ensure the natural resources of Victoria's public lands and waters are there to be enjoyed by future generations rather than simply locking them up, forgetting about them and allowing them to deteriorate.

The motion before the house today calls on the government to remove its blinkers, to take the politics out of public land use and replace it with commonsense. At present the actions of the government in respect of public land use are divisive, unjust and lack all sense of logic, and for that the government stands condemned.

**Hon. E. C. CARBINES** (Geelong) — On behalf of the government I rise to speak against the motion moved by the National Party today. As an honourable member for Geelong Province, I am pleased, indeed proud, to speak in support of the policies and actions of the Bracks government, which the National Party seeks to condemn. In doing so I acknowledge the vision of the Bracks government in establishing a system of marine national parks and sanctuaries along the Victorian coast.

That vision was clearly enunciated to the Victorian people before the state election in 1999 in a policy document entitled 'Our natural assets'. We committed a Bracks government to delivering this visionary environmental policy, and it is with a great deal of satisfaction that during these sittings legislation will be introduced which will allow for the establishment of a system of marine national parks and sanctuaries along the Victorian coast.

The basis for this very sound policy and commitment is the culmination of inquiry, study and investigation by the Environment Conservation Council (ECC). This investigation has spanned three governments and enjoyed the support of all parties. I note that the reference given to the ECC was also conducted during the period of the Kennett government, of which the National Party was a coalition member. During the inquiry the ECC received over 4500 submissions and

consulted widely with all stakeholders in the Victorian community. I can remember the committee coming to my electorate of Geelong Province not long after the state election and conducting two forums, one in Geelong and one in Torquay. I presume other honourable members in the house similarly had ECC forums in their electorates.

Finally, as all honourable members know, in October 2000 the ECC released its recommendations, the outcome of nine years of consultation with the Victorian community. The ECC recommended that the Victorian government should establish a system of marine national parks and sanctuaries along the Victorian coast, and there were to be 13 marine national parks and 11 marine sanctuaries.

The recommendations of the ECC have informed the Bracks government policy commitment and they will, if they pass through this house, place Victoria at the forefront of marine conservation not just in our country, but internationally. That is something we should all be grateful for. Rather than condemning the Bracks government today, the National Party should applaud it. It should slap us on the back and say, 'Well done'. Because we are looking after the future of the state and looking after our environment, not just for ourselves or our children or grandchildren but for future generations. I am sure that those future generations will remember this legislation and the part that the National Party played in not supporting it.

The 13 marine parks and 11 marine sanctuaries which the Bracks government hopes to establish will take up just 5.5 per cent of the Victorian coast. It is important that that figure be clearly stated: the marine national parks and marine sanctuaries will take up only 5.5 per cent of the whole of the Victorian coast. It is important that that is put into perspective, because it is obvious to even a grade 2 mathematician that that leaves 94.5 per cent of the Victorian coast as it has always been.

A key part of the establishment of the marine national parks and sanctuaries is that all extractive activities will be banned. This is fundamental to the integrity of the parks and sanctuaries. It is farcical for the National Party to suggest otherwise. What a joke for it to suggest that it is happy to support marine national parks as long as you can fish in them. I wonder if the National Party is happy to support zoos as long as you can shoot in them. What a joke!

Why are marine national parks and sanctuaries so important to the future of Victoria and our nation? I would like to refer to a pamphlet released by the Department of Natural Resources and Environment

explaining to the Victorian community what the marine national parks are all about. I congratulate the Minister for Environment and Conservation in the other place for the high quality of the material that has been provided to the Victorian community to inform and educate people about the marine national parks and sanctuaries and the reasons we need to have them in our state. I am very impressed with the quality of information contained in these pamphlets. I would like to quote from one under the heading 'Victoria's unique and diverse marine waters'. It says:

Southern Australia's marine communities are unique. Around 90 per cent of our marine plants and animals are found nowhere else. This is a result of our long south-facing coastline, a history of geological isolation and limited influence by major ocean currents.

...

We know that over 12 000 marine animals and plants live in Victorian waters — many more than most comparable areas in the world. They include towering kelp forests, seagrass meadows and an amazing variety of fish, sponges and other animals of many colours and shapes from tiny organisms to large sea mammals.

The pamphlet goes on to explain the intentions of the marine national parks and sanctuaries and says they are to be 'places to share and enjoy'. Under the heading 'Looking after a small sample — A system of marine national parks', the pamphlet explains:

Marine national parks and marine sanctuaries are areas established to protect a sample of Victoria's marine plants and animals and their habitats. They are the strongest form of legal protection we can give. A system of these parks and sanctuaries will ensure samples of Victoria's diverse, unique and amazing marine environment are protected for future generations.

It is very important that we do that. It is important to clearly state the government's intention.

Page 3 of the document headed 'Marine national parks and marine sanctuaries — Government proposals 2002' outlines the government's intention to provide for compensation to be paid and that a transparent assessment and appeals process for eligible commercial fishery access licence-holders will be put in place. At page 5 it states:

There will be a three-member compensation assessment panel established under the Fisheries Act 1995 to determine the amount of compensation included in the legislation.

...

There will be a three-member compensation appeals tribunal established under the Fisheries Act ...

It is very important that we recognise that anyone who can prove they have been adversely affected will be compensated. This is sound policy. It is a sound

commitment to the Victorian people — and the National Party wants to condemn the government for that! I reject wholeheartedly the motion the National Party has put before the house today. It is short-sighted and out of step with the views of the Victorian people — views which were expressed over nine years of consultation with the Victorian community by the Environment Conservation Council. Consultation took place with all stakeholders, including recreational and commercial fishers.

The marine national park debate has provoked a lot of interest in my electorate of Geelong Province. Of all the issues that have been current since I was elected in 1999, this is probably the issue on which I have received the most mail, the most phone calls, the most faxes and the most emails. I am constantly receiving information from people in my electorate about their views on marine national parks and sanctuaries.

**Hon. P. R. Hall** — Are they for or against them?

**Hon. E. C. CARBINES** — It has been very interesting, Mr Hall, because while there has been some minor concern, the overwhelming majority of people in my electorate who have contacted me have wholeheartedly endorsed the establishment of marine national parks and sanctuaries. They enthusiastically endorse the government's proposals and believe this will be a great hallmark of the Bracks government, which will be remembered always for having had the courage to bring in this groundbreaking policy.

Three areas in my electorate of Geelong Province will be included in the marine national parks and sanctuaries: Point Addis in the Surf Coast Shire — —

**Hon. G. R. Craige** interjected.

**Hon. E. C. CARBINES** — I am going to get to that; Mr Craige will be enlightened later if he cares to remain in the house and listen.

We also have the Port Phillip Heads and Swan Bay. I would like to give the house some examples of the letters I have received from constituents; not just from my constituents in Geelong but from people across Victoria who are very keen to see these proposals go ahead. The first one is from the mayor of Surf Coast Shire, Cr Beth Davidson, who wrote to me and other members of Parliament. She says:

Surf Coast Shire congratulates the Bracks government on its recent announcement regarding marine national parks. We call on Victorian state government to fully implement the recommendations for a system of marine national parks and sanctuary zones along Victoria's coast.

...

The protection and preservation of our marine and natural environments is important for the sustainability of the Surf Coast Shire and the aspirations of its citizens.

We strongly support the full implementation of the ECC report.

That is from the mayor of the Surf Coast Shire, who is a high profile leader in the community I represent in this Parliament.

I also have an email from Mr Jon Duthie, the president of the Friends of the Bluff at Barwon Heads. He says:

I wish to extend my congratulations to you and your comrades in the state parliamentary party for your foresight and, yes, profound wisdom in recognising the desirability of proclaiming a series of marine parks and sanctuaries in Victoria. I believe the enactment of these parks will be of major environmental import both here and internationally. I do not need to reiterate the countless benefits that these parks will provide our state.

I wish you well in this spectacular endeavour. History will show this to be the Bracks government's greatest legacy. Well done and good luck.

I received a letter from Rachael Bathgate, a marine biologist from Ripponlea, who wrote to all honourable members. She wrote from her own perspective as a marine biologist, and stated:

As a marine biologist I have dived in areas impacted by sand dredging, human effluent, oil and chemical pollution, nutrification, overfishing, exotic pests and intertidal collection and trampling of marine plants and animals. Over the years I have witnessed a general decline in the condition of many of the marine and intertidal areas I have visited.

I wholly support the immediate creation of no-take, highly protected areas to protect, conserve, and hopefully restore the biodiversity and biological function of our wonderful marine environment. I believe the ECC's recommendations should be accepted in full ... and implemented without delay as we continue to address the many threatening processes in the marine and estuarine systems.

She went on to talk about compensation.

**Hon. K. M. Smith** interjected.

**Hon. E. C. CARBINES** — Mr Smith, she wrote this letter to you. Why didn't you bother to read it? She further states:

With the introduction of marine national parks the issue of compensation for commercial fishers is a difficult one, about which I have some reservation. If, however, this is the short-term cost for long-term protection of the marine environment, then I, and I believe the wider community will be very willing to pay. Compensation initiatives that allow the rapid implementation of these areas should be given bipartisan support.

To this end I support the Labor government's compensation strategy as a fair and equitable one, and urge you and your

party colleagues to put your words into action and support this proposal.

They were three endorsements of the proposal to establish marine national parks and sanctuaries.

Last year the National Party moved a motion to condemn the government over its acceptance of the recommendations of the Environment Conservation Council. I was pleased to speak on behalf of the government in condemning the National Party's motion — at least it is consistent, and so am I. At that time I referred to a lecture at Deakin University in Geelong which I attended at which Dr Bill Ballantyne from New Zealand spoke. It was a packed lecture theatre and Dr Ballantyne spoke about the benefits that marine national parks brought to New Zealand and particularly the Leigh marine reserve. I was pleased to attend that lecture, even though I was the only member of Parliament to attend that night. It indicated to me the level of support for the establishment of marine parks and sanctuaries in my community of Geelong.

**Hon. E. G. Stoney** — On a point of order, Mr Acting President, the Honourable Elaine Carbines has been speaking for at least 15 minutes on the motion, which is about access to all the national parks and public land in Victoria. The Honourable Peter Hall outlined the difficulties with box-ironbark and the difficulties of four-wheel-drive motorists and mountain cattlemen. He raised a number of issues that I would have thought the government would have responded to. The honourable member is giving a discourse and promoting the marine national parks issue, which is pre-empting the bill. She should address Mr Hall's concerns, provide the government's perspective and defend it.

**Hon. E. C. CARBINES** — On the point of order, Mr Acting President, the motion condemns the government for its policies and actions which the National Party claims have restricted recreational and commercial activity on Victoria's public lands and waters. The lead speaker on behalf of the National Party spoke extensively about marine national parks. It is important, as the lead speaker for the government, that I have the opportunity to refute the assertions made in the motion by the National Party.

**Hon. P. R. Hall** — On the point of order, Mr Acting President, I need to put on the record that the issues I addressed regarding marine national parks related only to access for recreational and commercial fishing for those particular areas. I did not embark on a large discourse on marine national parks per se, nor their perceived or claimed benefits. I stuck to the issue of access for users of those areas. I support the point of

order raised by Mr Stoney. The motion is about access to public lands and waters, and that is what comments on the motion should be directed towards.

**The ACTING PRESIDENT**

**(Hon. G. B. Ashman)** — Order! The motion before the Chair is broad in its scope. I note that the Honourable Elaine Carbines is the lead speaker from the government and it is generally accepted that the lead speaker from both sides be given additional leeway. I do not uphold the point of order.

**Hon. E. C. CARBINES** — Thank you, Mr Acting President, I appreciate your ruling on this matter. It is important that the National Party hears the truth, which it obviously does not like. Members of the National Party will be remembered for their condemnation of the Bracks government by the wider community and they will be out on a limb on their own.

Last year people in my electorate signed a consensus statement supporting marine national parks and sanctuaries. More than 20 community groups signed up to this consensus statement. Those groups included Torquay Coast Action, Surfers Appreciating the Natural Environment, the Surf Coast Shire, the Geelong Environment Council, the Swan Bay Environment Association, Friends of the Bluff and so on. The Geelong community wants to see marine national parks and sanctuaries come in as recommended by the Environment Conservation Council and as proposed by the government. I am showing that the proposals the National Party opposes and the actions it seeks to condemn are supported by the community I represent in this Parliament. They want the proposals to come in. They would be horrified — but not surprised — to know the National Party is taking this line.

I have made sure that within my electorate I have consulted widely with a large number of stakeholders, including commercial fishers, people involved in the tourism industry, charter boat operators, and recreational fishers. Not only have I consulted in the community, but I helped organise an agenda for the minister who wanted to meet with some of the stakeholders from the Geelong community. They met with the minister and her advisers at Parliament to put forward their views.

Earlier this year I met with representatives in Geelong of Seafood Industry Victoria and discussed at length their concerns, mainly centring around compensation issues. Earlier this year Geelong was honoured to have two internationally high-profile marine biologists attend a function at Smorgy's on the Cunningham Pier organised by the City of Greater Geelong. I

congratulate the city on its initiative in hosting this function. Dr David Bellamy and Dr Sylvia Earl spoke about the benefits of marine conservation. The visitors were very well received with probably about 100 community leaders at the luncheon, including members of the state opposition and a federal Liberal member Parliament. All of us enjoyed listening to these eminent speakers talking about the benefits of marine national parks and urging the government to implement its proposal.

I place on record my congratulations to the role the Victorian National Parks Association has played in this debate. I congratulate Tim Allen, Chris Smythe and Michael Fendley for their work in promoting marine national parks in this state. They have worked tirelessly for the Victorian community to promote the establishment of marine national parks. I congratulate them on the work they have done. As many honourable members would be aware, they issued a series of pamphlets that were placed in letterboxes around the state entitled 'Victoria's marine life is looking for protection'. The pamphlet detailed the proposals and asked that people return postcards to the Victorian National Parks Association to be passed on to members of Parliament.

I was pleased when Chris Smythe rang me to see if I would be prepared to publicly receive the postcards from the elected members of Geelong Province. I had a discussion with him about how that would be handled. I said, 'I would like to see a bipartisan handover of the postcards in Geelong. Do you think you can organise it?'. He undertook to contact the opposition members in Geelong to see if they would agree to meet with the government members for Geelong for the handover of the postcards.

**Hon. K. M. Smith** interjected.

**Hon. E. C. CARBINES** — No, Mr Smith. They were very pleased to attend with the Labor members on the waterfront in Geelong, and I thank them very much.

**Hon. D. G. Hadden** — Was Mr Cover there?

**Hon. E. C. CARBINES** — Mr Cover was there, and I congratulate him for that and respect his commitment in coming along that morning and receiving the postcards. We received 1400 postcards, which I think is fantastic. They came from all over Geelong and I congratulate each and every one of those people who made the effort to — —

**Hon. P. R. Hall** — How come I haven't got any?

**Hon. E. C. CARBINES** — Perhaps you are about to get yours, Mr Hall. You should contact the Victorian National Parks Association (VNPA). The government is pleased that that association is promoting the marine national parks and sanctuaries in the state. I place on the record my support and thanks to all honourable members who represent Geelong in this place for their preparedness to come out publicly in a bipartisan sense and receive our postcards. I know the VNPA was pleased that we were prepared to be so sensible and represent our communities so well on that occasion.

An issue has arisen in my electorate regarding beach fishing, and some concerns have been expressed to me from all sorts of sources about the possibility that beach fishing may be allowed in marine national parks. I do not support beach fishing at Point Addis at Anglesea: it would undermine the integrity of the marine national parks. An article in the *Geelong Advertiser* on 11 April had the headline 'Beach fishing ban call'. The mayor of the Surf Coast Shire detailed her concern about any proposition to have beach fishing at Point Addis. The article states:

Surf Coast Shire yesterday demanded the state government stand firm on its decision to ban beach fishing at Point Addis.

Cr Davidson's comments followed the release of a federal government-funded report, which found that recreational anglers could be helping to push some fish species to the brink of extinction. I have received dozens of letters, phone calls and emails expressing the worry that beach fishing might be introduced at Point Addis. However, I only received one email in support.

I am pleased to speak in support of the Bracks government. I am pleased and proud to outline its policy and the actions that have been taken to implement a representative system of marine national parks and sanctuaries along the Victorian coast. I congratulate the Minister for Environment and Conservation on her continued effort to see the establishment of those parks and sanctuaries in the government's first term of office. They will only take up 5.5 per cent of the coast.

The establishment of such a system of marine national parks and sanctuaries would place Victoria at the forefront of marine conservation, not just in our country, but overseas. This proposal would be considered a hallmark of the first term of this government, because it would protect the marine environment not just for ourselves and our children but for future generations of Victorians, long after each and every one of us is gone. Mr Duthie, the president of the Friends of the Bluff at Barwon Heads wrote to me and described it as the Bracks government's greatest legacy.

The National Party stands condemned for its refusal to support the government on this matter. It will be remembered for a long time that it was not prepared to support this government's proposal to establish a system of marine national parks and sanctuaries in Victoria.

**Hon. E. G. STONEY** (Central Highlands) — I remind honourable members of the motion we are debating — that is, that this house condemns the government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters. Honourable members have had this amazing diatribe about marine national parks, which was only a very small part of Mr Hall's contribution. Mr Hall raised many issues about access to public land throughout Victoria. He raised issues such as marine parks certainly, but he also talked about box-ironbark, four-wheel-drive access, the timber industry and the problems of the mountain cattlemen's industry. Listening to the Honourable Elaine Carbines I could not help but think about the 1980s and the Cain and Kirner governments. I can speak about that from bitter experience, because I spent months in this place and nearly got as far as the bar to defend people's right to have access to public land — and it is all happening again.

I can smell it. Something smells, and it is not fish caught off the beach. This is about a basic philosophy of shutting up and cutting off legitimate activities on public land, and the government admits that it believes in it. The Honourable Elaine Carbines virtually confirmed everything the Honourable Peter Hall said, and confirmed the motion he moved.

The issues today are important to rural people. It was interesting to hear Mr Hall mention the health benefits of fishing. I refer to a quote from a famous philosopher whom I cannot acknowledge because I do not know who it is, but it goes along the lines: time spent fishing is not counted in your allotted life span. That says how important fishing and recreational fishing are, and how important beach fishing is in the Geelong area. It is important that coastlines be managed so that people can enjoy fishing. Commercial fishing should not be restricted more than necessary to achieve sustainable management. The health benefits of fish will be lost because fish will become far too expensive to buy. There is no need to restrict access to public land in the way the government is heading. It is possible to have a compromise so that people can still have access.

I should like to raise the issue of the Six Mile, a little access track near the Howqua River between the Four Mile and the Seven Mile. The track is used by tour

operators, fisherpersons and school groups gaining safety access to the river. When they pass by they can sign a book. The department said it consulted, but as we speak trucks are rolling up to the Six Mile with rocks to close the access, leading down from Brocks Road to the river.

There is no need for that to occur. The department has been worried that people are camping at the Six Mile and that the crossing has been eroded. I agree that something can be done by closing the crossing and building a day car park so people can get to the river, in particular disabled people and those wanting to check on the safety of their groups, and perhaps have lunch with them, and provide vehicular support, but the department is going to close the Six Mile. There is no need for it. This is one of the many closures that are taking place.

Four-wheel-drive tracks are also being closed. I have a statement by Mr Barry Chare, secretary of Four Wheel Drive Victoria, who reports how a bushfire broke out in the Caledonia River Valley on New Year's Eve in 1997. After that fire he said many tracks were closed for rehabilitation. I have no problem with that because it is good management. The problem is that many of those tracks did not open, in particular the Dingo Hill track. It took four years for the Caledonia River track to open and the Dingo Hill track, which is close to the Caledonia River track, runs from the Tamboritha Saddle to the junction of the Caledonia River and down into the Butcher country. There has been no credible explanation why the Dingo Hill track has not been reopened, and Parks Victoria is being secretive about it. The four-wheel-drive movement is unhappy about it. It is one of those classic iconic tracks that the four-wheel-drive movement uses to go to the Butcher country, around the Caledonia area and out onto Mount Howitt Road. They sometimes park at the car park, walk to Mount Howitt and come back to Licola to refuel and buy stores.

**Hon. P. R. Hall** interjected.

**Hon. E. G. STONEY** — Speaking about Ralph Barraclough, Mr Hall, I happen to have a document produced by Mr Barraclough and friends, a document produced by the people of Licola. It is an interesting document of facts and figures about access to the Alpine National Park and how the area is badly managed. Mr Barraclough is a resident of Licola and a keen observer of alpine management. He is a strong critic of government policy, is articulate and writes a good letter. I am sure many honourable members in this place would have received letters from Mr Barraclough.

The document discusses at length the management of the Caledonia fire and is critical of the way the fire was handled. It discusses the lack of cool burning by the Department of Natural Resources and Environment and refers to the Caledonia track, which did not reopen after the fire. It goes into a lot of detail about the poor treatment of a landowner, Mr Kevin Higgins, whom I know personally, who has freehold on the Bennison Plains, but he has not spoken to me about this.

Mr Higgins was not told that the fire was out of control or coming. He had horses and cattle in the path of the fire. The cattle got out into the National Park after the fire had gone through. Some cattle were badly burnt by the fire and Mr Higgins went out to put them down, but Parks Victoria took his rifle. He got around it by using an old rifle that did not work very well. It took him days to get the animals back into some order. He was charged with illegally having animals in the National Park, and to top it off, one of the tracks that he uses was unilaterally closed without his knowledge or consultation.

It is an appalling story that is well documented. The document, 'Living beside a National Park', talks about cattle grazing, and states:

Parks Victoria started to use this disaster, of their own creation, as an excuse to push agendas to frustrate groups they disliked ...

Cattle grazing was targeted ...

Plots were fenced off around rocky outcrops, dead limbs, fallen bark and places where grass never grew in the first place, then monitored to see how it would grow.

As the vegetation returned, the benchmarks were changed insuring cattle did not return.

These are serious allegations. I am sure many honourable members in this place — and I am sure the Honourables Peter Hall and Philip Davis have heard these charges about manipulating the science levelled at Parks Victoria many times — have heard the saying: where there is smoke there is fire. There must be some truth in what these people are saying. The document also outlines that a 140-year-old stock route from Licola up onto the Bennison Plains was closed unilaterally about this time without consultation. It is another appalling move by Parks Victoria. It refers to weed and dingo problems and talks about blackberries and cape broom. It states:

The Dargo area is now at risk of broom spreading down the river.

It talks about dingos coming out of the park to savage sheep to the point where many farmers around the edge

cannot run sheep. It talks about the cost of management and about how much money Parks Victoria has spent to get rid of the cattle. Under the heading 'The government' it states:

Our community is not opposed to national parks, it is just the management.

That is in line with what Mr Hall's motion is about. People in the community who live beside a large alpine park know what is going on. They have bothered to put it in writing. They have blockaded the road so people going there for the weekend are told about the issues. They have strong opinions on it, which I support.

I congratulate the local honourable members in the Gippsland area, who include Mr Hall, Mr Philip Davis and, dare I say, the honourable member for Gippsland East in the other place, on supporting those communities. They are strong advocates for that area because they know what is going on.

I turn to the box-ironbark issue. The Honourable Elaine Carbines failed to mention it once.

**Hon. D. G. Hadden** interjected.

**Hon. E. G. STONEY** — It was a long contribution about a very small aspect of this debate.

I would like to talk about box-ironbark and about the Bush Users Group (BUG), which is an organisation formed as a result of the problems the residents adjoining box-ironbark forests are experiencing. In recent times I do not think anything has raised as much passion up that way as the box-ironbark issue. I acknowledge that the marine park issue is big along the coast and that there are some very real concerns about the proposals, but equally — —

**Hon. W. R. Baxter** — Ms Carbines says there are no problems.

**Hon. E. G. STONEY** — Absolutely, but I disagree with Ms Carbines. The box-ironbark area stretches from Dunolly almost to Chiltern, and in various blocks. There are deep concerns — so much so that on 23 March an enormous rally was held in Bendigo. A press release from Robin Taylor of BUG notes:

Widespread community anger regarding loss of land access has finally found a platform and many public land issues are on the agenda for the day. The intention of the rally is to reclaim and preserve access to the bush for traditional activities.

I intend to list some of those activities, as Mr Hall did, because it is important to get them on the record. The

BUG press release states that those joining the rally will include — listen to this list:

... prospectors, horseriders, trail bike riders, timber cutters, apiarists, four-wheel drivers, dog walkers, rally drivers —

a very important economic driver in some of those areas —

fishermen —

do not forget that time spent fishing is not counted in your allotted life span —

campers, farmers, firewood collectors, mountain cattlemen, hunters, miners —

and one that is very dear to my heart, and Mr Hall also mentioned this — eucalyptus distillers. They are unique to that whole area.

**Hon. R. A. Best** — Hartlands has been going since the 1890s.

**Hon. E. G. STONEY** — Absolutely, and it deserves to continue. The press release says further:

The catalyst for the rally was the government's acceptance of the controversial recommendations of the Environment Conservation Council without considering the real social, economic and environmental implications.

Another active and positive group very much involved in organising the rally at Bendigo was Timber Communities Australia (TCA), a very good peak group headed by Kersten Gentle which has its base at Healesville in my electorate. A press release headed 'Rural communities rally for their rights' outlines that rural communities are joining forces to ensure that a message is sent to the Bracks government. I venture to say that that is a very strong message. It says the group will not stand by and see further land locked up in national parks and reserves, and states further:

'The fact is the government cannot manage the current parks and reserves, which are being overrun by feral animals and weeds and have become [a] fire hazard ...' Mrs Gentle said.

I pay tribute to the TCA and its members in that area who have raised the profile of the whole box-ironbark debate. There is Tracee Spiby of Rushworth, Alistair Hull of Maryborough, Bill Stevens of Heathcote, and Kersten Gentle, the state member of TCA. These people drove a message home — and my word, the government will ignore that at its peril.

What about the prospectors and miners? What about Rita Bentley and her enormous efforts on behalf of the Prospectors and Miners Association? I was interested to hear the Minister for Energy and Resources today skite

about how the government supports the gold industry and will bring Victoria back once again to being the leader in gold production. Why, then, are the prospectors and miners so concerned? A press release reports Rita Bentley as saying:

... Given that our forebears won this magnificent heritage in blood, today's prospectors and miners feel a responsibility to ensure this tradition will continue for future generations ... The rally is only the first step in a determined and sustained campaign to preserve our traditional rights ... We will not accept further restrictions, in fact we are demanding that access be restored to areas we have previously lost.

It begs the question: how can a prospector with a hand shovel and a metal detector possibly do any damage to a vast area of box-ironbark forest? If a prospector gets a find they scratch up the gold and put the leaves back, and I challenge anyone to in about two days find where they had been. They have a code of conduct and they follow it very well. Prospecting is a big economic driver of the whole box-ironbark area which should be encouraged under any circumstances, and any restriction on its activities would be an appalling decision of management.

At the rally a lot of strong statements were made. It was widely accepted that apiarists and eucalyptus oil farmers would suffer badly. It was accepted that the implementation of the Environment Conservation Council report would have a devastating effect on some of those communities — such as firewood people, apiarists, eucalyptus oil farmers and timber getters in the box-ironbark areas.

I would also like to make a comment about eucalyptus oil production. As Mr Hall said, if we do not have the real thing, which comes from that area, we will have to import synthetic eucalyptus oil from China — and who knows what is in that? Who wants to buy synthetic eucalyptus oil? We buy and use a lot of local product. My wife uses the oil every day in the washing. After dropping some oil into the washing machine, the sheets smell beautiful. It is also used for cleaning our floors at home. It is a wonderful product. Why could that industry not be allowed to continue on a sustainable basis? The operator cuts the plants and distils the oil. The plant grows and it is cut again — that is true sustainability. How good can that be with a wonderful natural product? Yet there is talk of absolutely devastating that industry.

**Hon. R. A. Best** — It will be phased out in six years.

**Hon. E. G. STONEY** — It is an appalling management decision and needs to be resisted — yes, Mr Best, I agree entirely.

The firewood issue is another that really puzzles me. Around the box-ironbark areas are many communities with a low socioeconomic base, and they rely on going into the bush to get their firewood. It is very important for the wellbeing of communities right around the edge of the box-ironbark — —

**Hon. J. M. McQuilten** interjected.

**Hon. E. G. STONEY** — Such as the communities of Dunolly, Mr McQuilten, Rushworth and Heathcote. It is important that on a Sunday afternoon those people can put their trailers on the back of their cars and go to get a bit of firewood. I dare say that it is almost as therapeutic as fishing.

What is the government's panacea to this? It claims that a dramatic increase in tourism will rescue jobs. Anybody who knows anything about the tourism industry will know that that simply cannot happen. Tourism will not be there to take the place of some of these activities. At the rally the Honourable Carlo Furletti made the contribution:

The concept that forests should be locked up and the key thrown away has now reached its use-by date. Land management practices must be brought into the 21st century.

Unfortunately I was unable to go to the rally. I was very disappointed that I could not attend because I had fully intended to. After the rally Mr Furletti said he was impressed by the passion and the way the organisers approached it. They did not go over the top; they just put the facts on the table and let the issues speak for themselves. He was pleased to speak there and came back with some good ideas on the future management of public land.

I would like to declare an interest. I have a special passion for Australian hardwoods. Some of the Australian hardwoods like red gum and red box, yellow box and ironbark make wonderful furniture and outdoor decking. Last year I was privileged to visit Alistair Hull's sawmill near Maryborough and what Mr Hull is doing is absolutely impressive, using Australian hardwoods for value adding. I saw the beautiful timber he had there, some of it after staining, and some of the blushes and grain in it are excellent. It makes you wonder why we are even thinking of reducing access to some of our Australian hardwoods while at the same time buying imported timbers from illegally logged rainforests in Asia and also from Africa. We wonder whether that is good public policy. I would dare to venture that it is certainly not.

**Hon. W. R. Baxter** — The mill at Rushworth is another good example.

**Hon. E. G. STONEY** — Yes, it is — and I omitted to mention that.

So let us consider what is going to happen to the box-ironbark forests if they are declared — and by the look of it the government is hell-bent on ignoring the pressure from the people who live in those areas and just ploughing on and accepting the Environment Conservation Council's recommendations.

I would like us to consider what has happened in the Chiltern Box-Ironbark National Park in the electorate of Mr Baxter and my colleague and friend the honourable member for Benambra in the other place, who provided me with this little story. The Chiltern box-ironbark forest was declared a national park in 1997, and what did the managers do at Chiltern? They identified all the secondary four-wheel-drive and fire access tracks, went in with crews and cut down live trees adjacent to where they were going to block it off. They used live trees to block off the tracks, which had the effect of transferring all the horseriding onto the few main roads that were left, so that we have a conflict of various users of the national park. The horseriders are put out and are very unhappy with all the traffic.

In box-ironbark forest especially I challenge anyone to see where a horse has been, just riding across country. It is quite tough country with a lot of rock and there is not a lot of soil in some of those box-ironbark forests. There is no impact at all from horses yet they have been put onto the main roads, with tracks closed off and barricades built using live trees. If that is the example of what we are in for with the management of the box-ironbark national parks in other areas of the state I believe it should be resisted with all vigour.

With reference to public land in Victoria, probably the biggest and most viable industry is the hardwood timber industry. I have with me the Victorian Association of Forest Industries (VAFI) 2000–01 annual report. It is a good report that lists its principles, which I will not go through now, and it refers to multipurpose native forests, the use of naturally grown timber — which it states is very good for the health of the environment — sustainable production of native timbers and how the members of the timber industry produce a product of commercial, social and environmental worth. Greg McCormack, the president of VAFI, states:

... small extremist groups, in the face of overwhelming evidence to the contrary, loudly voice their opposition to our industry using a smattering of pseudoscientific language, raw emotion and guerilla warfare-style tactics to influence community sentiment.

He gives the government a whack as well:

At the same time we are confronted by confusing and often conflicting messages from all levels of government ... The major political parties often voice strong words of support yet corresponding action seems slow in materialising.

He compares the position overseas and raises the issue of 34 million hectares of rainforest in the Congo being cleared in return for favours from Zimbabwe. He makes the point strongly:

In Victoria, no rainforest is harvested.

He goes on to state:

... the Victorian government must resolve the resource and licensing issues with a view to long-term sustainability and development of the industry.

He concludes:

There is no doubt that for the industry to develop we must have stability in our native forest resource ...

Graeme Gooding, whom a lot of people in this chamber know as a very good executive director of VAFI, has some thoughtful words:

VAFI's position throughout the RFA process and the review remains clear. State government should honour its commitment to supply the resource.

...

Consequently the resource issue is not one of forest protection; that is more than assured. It is one of industry access.

I think this demonstrates that the industry is far from happy. It puts up with all sorts of guerilla tactics from extremist groups, and also the fact that the government does not really enforce the law as it should. It puts up with all sorts of misinformation generated from half-truths and by people with their own agenda. As I said before, people are relying more and more on imported timber. It is very poor public policy that we are importing timber and locking up our own. We must shoulder our responsibilities as a nation and face up to them. Timber is a renewable resource. The hardwood timber industry in Victoria must be supported. We should make sure that we put policy in place to ensure that support and encouragement, and that investment flows from that so that there will be many, many jobs in rural Victoria, all through the state, in Gippsland and in the north-east.

I would like to mention two hardwood industry leaders as examples of what I have just said. They are Goulds and Neville Smith Timber Industries. There is no doubt that the rationalisation of the timber industry in Victoria has brought some amazing benefits where larger

companies have been able to invest in value adding. Goulds, for example — a big employer of over 100 people — now has gone to a totally dried product. Goulds has made amazing advances in technology in its drying kilns. I was there the other day having a look. It is concerned that the coupes are not producing up to the estimates made by the department. It has made an investment of perhaps \$20 million. David Goding from Goulds told me the other day that over the last 10 years they have experienced about a 30 per cent drop in access. He told me:

Governments work on a four-year rotation. Industry works on an 80-year rotation.

I think they are very thoughtful words from David Goding. There is no doubt governments have to focus on how better to assist the timber industry on public land.

Neville Smith Timber Industries in Gippsland, in the electorate of Mr Hall and Mr Philip Davis, is doing very well. It has instigated a value-adding park at Heyfield. It has invested very heavily at Heyfield and Seymour. A press release from Neville Smith Timber Industries identifies that it has invested \$10 million at Heyfield and about \$7 million at Seymour. It says:

By developing our forests in a sustainable manner and maximising the value of the products we extract Victoria's timber industry reduces demand for imported timber from unsustainably managed forests.

To do this the industries must have access, and they must have sustainable access.

I believe that if the government has to look again at things like opening up special protection zones (SPZs), let's do it. Those zones are there specifically for the type of situation we are in now. There is no legitimate or legal reason why we should not look at SPZs. It would be a very good thing to do, and it would give the industry some confidence if we did that. I think we should get on and have a good look at what we do in that area.

I would like to deal with tourism, which is an area close to my heart. One form of restriction that tour operators experience with public land access is the regulation that is imposed on them by the various departments they have to deal with. It is a most extraordinary situation, where they have to battle every year for their licences; they have to constantly defend themselves, and they have to go constantly to meetings with the department about various access issues.

Over the years the Victorian Tour Operators Association has done a sterling job in representing the

tour operators that operate on public land right through Victoria and along the coastline. It is a very good organisation. I declare not a pecuniary interest but a personal interest, because I am a life member of the Victorian Tour Operators Association. It has done some good work, but it is constantly battling against this insidious resistance from the public land managers for anything commercial. The operators are battling, the organisations are battling, and it is piece by piece, issue by issue; it takes years to resolve anything and then another issue comes up. It never seems to quite get resolved.

Last August there was an exchange in a Public Accounts and Estimates Committee hearing about the tough requirements of the Department of Natural Resources and Environment. The Honourable Louise Asher, the shadow Minister for Tourism, raised with the Minister for Small Business, the Honourable Marsha Thomson the requirements of the DNRE for operators to have a \$10 million public liability policy and to produce documentation and licensing within a few days — or to prove they had this insurance — and to prove other matters. In fact they only gave the operators less than a week, I think it was, at one stage to produce all this documentation or their licences would be cancelled.

I believe this is jackboot departmental stuff at its best. That is not the sort of thing you would expect from a department that understands about commercial activities. The department does not understand about small business. It does not understand the problems that small business operators in tourism have in even getting to their bookwork when they are always out in the field with their guests. You have to have a bit of lead time; you have to work ahead with these sorts of issues.

Operators were given a few days to get all this in hand, so Ms Asher raised it with the Minister for Small Business. The minister obviously did not see the urgency of this, because I had raised it with her earlier this year — probably six months after Ms Asher raised it with her — and she had not done anything about it, even though the public liability debate is raging and operators are coming under an enormous amount of pressure with public liability issues, which is something outside this debate. There was no understanding from the minister of just how urgent or how important the issue was that was raised by Ms Asher.

When I raised it with the minister I believe she did do something, because I raised it again last week and she said she had had a talk with the Minister for Environment and Conservation. But I venture to say that it will not go much further, because these types of

things just do not seem to be a priority of this government.

**Hon. J. M. McQuilten** interjected.

**Hon. E. G. STONEY** — We are not talking about public liability, Mr McQuilten; we are talking about the attitude of the department to tour operators and other commercial users of public land. That is the issue. The issue is not public liability, but I would be delighted at some future date to debate how lacklustre this government has been in picking up ideas put by the Mansfield community to have a simple bill on public liability insurance. I think through the attitude of the government the minister has lost the opportunity to produce a simple bill to demonstrate that the government cares. I will quote the Minister for Sport and Recreation, and say that I would like the government to demonstrate somewhere that it cares about things like public liability insurance.

**Hon. I. J. Cover** interjected.

**Hon. E. G. STONEY** — I do not think they care, Mr Cover.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Hon. E. G. STONEY** — I was just about to move on to what the tour operators think. I would like to advise the house of a classic example of bureaucracy and the attitude of the department to commercial tour operators.

There is a tour operator on Mount Stirling and in the surrounding national parks and reserve forest areas. This operator has to have three licences for quite a small area — just Mount Stirling and surrounds: he has to have a winter licence with associated conditions, for which he pays a fee; a summer licence with associated conditions, for which he pays a fee; and a licence to operate on national parks and reserve forests, for which he pays a fee. All the licences are different and he has to apply for each of them individually. He is constantly applying for one licence or another.

The operator is discouraged from running a business because of all the licences and by the restrictions on public land on which he relies to take his customers, including visiting the iconic Craig's Hut which was built as a set for the film *The Man From Snowy River*, a destination for thousands of people every year and a very big economic generator for Mansfield. The situation where three licences are required to operate in and around one mountain is a real discouragement for operators and certainly is a form of restriction.

There is an issue with Goulburn-Murray Water and the dry bed of Lake Eildon which is about access and the way Goulburn-Murray Water manages its dry lake bed. I suspect it had better get used to managing a dry lake bed because by the look of it, it will not be full many more times. A letter to me from Goulburn-Murray Water states:

To date the authority has been prepared to allow 'reasonable' vehicle access onto foreshore to allow people access to boats or fishing spots.

The letter goes on to outline some problems, especially motorbikes causing problems with other users such as horses and horseriders. Goulburn-Murray Water foreshadows the imposition of a complete ban. It states:

... a complete ban of all vehicles on the foreshore except for designated access points at boat launching ramps. Penalties of up to \$1500 do apply under current by-law for contravention.

The authority will also be looking at erecting signs and carrying out fencing at various locations around the storage to support the above enforcement of the by-laws.

Again a closure is favoured as the management tool instead of working through the options: how to get rid of motorbikes which are a menace and a threat to other users; and how people can enjoy a large area of public land not being utilised because there is no water, rather than favouring other options and generating a certain amount of economic activity around the headwaters of Lake Eildon near Mansfield, Jamieson and places like that.

I have received a letter from a local resident, Paula Davidson. She was riding a horse when motorbikes came along and the horse threw her off. She wrote to me and I wrote to Goulburn-Murray Water. She takes a very balanced view, as I think most users would. The letter states:

A zero tolerance approach may be the best first step. If there are no motorbikes on the foreshore, they can't cause any trouble.

Logical argument cannot apply this same approach to other vehicles accessing their boats and designated points, as these vehicles cause nowhere near the same nuisance value. They are not usually driven by irresponsible people, do not create anything like the noise ... and do very little damage to the environment.

**Ms Davidson made another important point which goes back to the history of the lake:**

The matter regarding animals on the lakebed and foreshore remains an absolute mystery to me. I would have thought that Eildon Weir was developed to provide irrigation for farmers. As the managers of this weir took over river frontage (and lush river flats) from many farmers who would have used that water for their stock, it seems unbelievable that the authority

would now turn around and say that their farm animals should not be allowed access to this water.

She went on to talk about horseriding as an activity that could attract tourism and the place of the horse and the image of the man from Snowy River:

‘The horse’ ... has great standing in our community. It has an historical and traditional right to be here, just as the farmers and their animals do. Their access to the lake is a right they have earned.

Here we have two points of view: the bureaucratic, authoritarian view of close it up, keep everyone away and allow no access to public land; and another view from the public seeking a compromise, a bit of management and thought to allow them to use the resource.

Mr Hall mentioned the Public Land Council of Victoria (PLCV) and its public land management policies. As he said, it is a definitive document. It is recommended reading for all those who are interested in the future management of Victoria’s public land. The peak bodies of this council are very concerned about the issues raised in Mr Hall’s motion. Member bodies of the PLCV include the Australian Deer Association, the Mountain Cattlemen’s Association of Victoria, the Prospectors and Miners Association, the Seafood Industry of Victoria, the Victorian Association of Four-Wheel Drive Clubs, the Victorian Apiarists Association, the Victorian Association of Forest Industries, the Victorian Farmers Federation and the Victorian Minerals and Energy Council. I think that members would agree that these associations are very responsible. The council is chaired by Mr Ian Hamilton, who has a very high reputation. Mr Tim Barker is the executive officer. He has a high reputation for having balanced views, and that organisation has a very high status in the community.

The PLCV thinks we have a problem. It goes through its policies in detail. It has some very positive suggestions on the management of public land and talks about sustainable public land management. The council calls for an inquiry into creative land management, which is quite a good idea. This document talks about activities permitted under the National Parks Act and outlines some of them. It lists how local communities can support public land management and how the government can tap into the goodwill of communities and the users of public land. It promotes tapping into goodwill rather than having people submit to possibly overzealous regulations. It talks about the land manager’s discretion, and it says that where land managers have some discretion there should be a requirement for consultation where their action results

in a loss of access to public land. That hits the spot. Every few months there are reports of a sudden loss of access, of a track suddenly closed or just not reopened after seasonal closure.

The council went on to talk about Bush Alert. This is a very good idea that was floated some years ago but was not funded properly and collapsed. Bush Alert is a type of Neighbourhood Watch for some of the more remote areas. It is a very good idea, and one well worth reinvigorating. The PLCV raised the issue about fuel reduction burning, which is a hobbyhorse of mine. The council talks about the almost non-existent fuel reduction burning on public land in Victoria. It talks about the situation overseas, where fuel reduction burning is carried out. It talks about how it is necessary, has been part of the Australian landscape for thousands of years and is the only means of preventing wildfire. The PLCV also talks about the structure of the Department of Natural Resources and Environment. In short, it is a very good document as a reference point for people interested in public land management.

There it is — there is a litany of problems associated with public land management and access. Thousands of people are unhappy with the situation and thousands of people are unhappy with what might happen with the box-ironbark and marine parks. I urge groups like the Bush Users Group, Timber Communities Australia and the mountain cattlemen to keep going. Their raising the issue and keeping it going makes the jobs of politicians who support the causes that they espouse easier to do, because we have some backing and we know there are people at the barricades saying, ‘This is not right’. I suggest these groups keep the pressure on. I wish them well in their fight, especially for the box-ironbark and the marine parks.

**Hon. J. M. McQUILTEN** (Ballarat) — I oppose the motion moved by the Leader of the National Party. I believe it is unbalanced, biased and simplistic.

I would like to give the house an example of the problem that the government inherited two and a half years ago in terms of management of public land and waterways. It is called the Wombat State Forest, and honourable members will be pleased to hear that it has nothing to do with marine parks. At my election they were cutting something like 78 000 cubic metres of timber in the Wombat forest. We had the regional forest agreement (RFA), which was instigated by the previous government and the federal government. We worked through the issue and the cut went down to 58 000 cubic metres — and this is only in the past two and a half years. We then went down to 40 000 cubic metres. Only two months ago we had gone down to

8500 cubic metres. It is quite an extraordinary litany of disasters for the people in my electorate.

Why was this incredible miscalculation allowed to happen? I am not blaming the previous government but it bears some blame, as much of this happened under it. I have been in this place for two and a half years and the change in the Wombat forest from 78 000 cubic metres of cut to 8500 cubic metres of cut is bloody ridiculous. How do you form policy when all the figures are so wrong? They were wrong under the previous government — they were wrong under the National Party. These figures are incredible.

**Hon. R. A. Best** interjected.

**Hon. J. M. McQUILTEN** — I am going to get to that, because the bureaucracy which serviced the previous government has been servicing this government. Everyone in this house wants a sustainable cut. It does not matter whether you are in the National Party, the Liberal Party or the Labor Party, it needs to be sustainable. People in country Victoria — the loggers, the contractors, the carters, the greens and the shopkeepers — everybody wants a sustainable cut. We all know that you cannot just cut, cut, cut, because all of a sudden there will be nothing there to cut. All of us in this house and the broader community want to know what is a sustainable cut, not only of the box-ironbark forests but also in other areas. I am using the Wombat ironbark issue as an example, because it is quite incredible that we have moved from 70 000-odd cubic metres to 8500 cubic metres in two and a half years. I have gone on this incredible learning experience. Why was it so wrong?

**Hon. R. M. Hallam** — You don't know it's wrong.

**Hon. J. M. McQUILTEN** — That is very good point from the Honourable Roger Hallam. In my view there is still some uncertainty about whether the 8500 cubic metres is sustainable — it might be 15 000 cubic metres, it might be 20 000 cubic metres, it might be 5000 cubic metres!

One of the reasons we have this problem with the box-ironbark forest is because of the sacking of staff in the Department of Natural Resources and Environment. Whenever a minister or a government says staff must be cut by 3 per cent or 4 per cent, where does it happen? It happens in regional Victoria. It does not happen in the head office but out in the sticks where the people who can count the number of trees are located. I refer to Beaufort, which is near Mount Cole in my electorate. In the 1980s the Department of Natural Resources and Environment office had 24 staff —

20 outworkers in the bush and 4 doing the office work. When this government took over there were 5 staff — 3 doing the office work and 2 out in the sticks. Nothing has changed since. That is where the cuts have been happening. All governments must take responsibility for what has happened. Why have we got the figures wrong? Everything I say is my view and not the view of the government, but I believe it is because we lost people who knew how to count the trees. They knew what was sustainable. We sacked them or got rid of them.

I believe the government was handed a poisoned chalice because nothing had been done to remedy this incredibly important problem for seven years. Nothing was done under the Kennett government except to cut and cut. It is hypocritical for the now opposition to criticise this government for lack of staff or lack of other things or to say that some group needs support. When the opposition was in government it did not play a role it should have played in Parliament or in government. It was not constructive.

As a member of the Bracks government I have had to go on an incredible learning experience of doubting all the figures I was given 2½ years ago, 2 years ago or even 18 months ago. The handling and management of this issue is a disaster of monumental proportions. It affects the environment and employment in the bush. In my view the mistakes have been made primarily by the bureaucracy. Public servants have been advising previous governments and this government. They must clean up their act in terms of advising government on these issues.

I now talk about the supposed lack of consultation. That is rubbish. I have spent two and half years reading every document coming from foresters, beekeepers and public land user groups. I have had many meetings with them and they know it. About two years ago I organised the first public land users association exhibition in this place. We had the beekeepers and gold miners here in Parliament. I organised it and I have been listening to them. They have serious concerns, and I agree with many of them.

As a member of the government I know that it has to listen to all user groups. It is easy in opposition to throw stones, to carp and to whinge, but the government must find a reasonable balance between all the competing interests, which are incredibly varied, depending on the issue — whether it is box-ironbark forests, regional forest agreements or marine national parks. There are no simple answers but they are important issues that we must confront and that is what the government is now doing.

As I said, this government was handed a poisoned chalice because nothing had been done and it is now trying to unscramble the egg, which is not easy to do. Earlier I referred to bees. I have Capilano Honey in Maryborough in my electorate, so I know the issues well. They will not be disadvantaged under the current proposals.

**Hon. P. R. Hall** — You are locking them out of the box-ironbark forests.

**Hon. J. M. McQUILTEN** — They will not be locked out of the forests. Firewood was mentioned. It is an important issue in regional Victoria. I believe the government will have to tread carefully and be creative in handling the issue of firewood. It is an important issue for pensioners in Rheola or Dunolly because they do not have natural gas and Powercor prices are going up, so they need firewood. It is an issue that all government backbenchers are talking to ministers about. It cannot be cast aside and forgotten.

In terms of other user groups in the box-ironbark forests, I am concerned that they need to be listened to. The honourable member for Ripon in the other place and I have been listening to them and have been passing on the views of public land user groups to the relevant ministers. I do not know how many ministers I have spoken to, but it is ongoing.

**Hon. W. R. Baxter** — You have to arm wrestle.

**Hon. J. M. McQUILTEN** — I am doing a lot of arm wrestling. That is one of my skills, not in this place but around my electorate and inside the government. I need your support in arm wrestling, Mr Baxter.

I have concentrated much of my efforts on the seafood industry. I spent a lot of my time bringing in seafood industry representatives to meetings with government ministers and to meet the Minister for Environment and Conservation and her advisers. I do not have a coastline in my electorate, but I have been working for the seafood industry because it is an important industry and it needs a voice in this decision-making process. Members of the industry now have a voice. I do not think they will be overly happy with what is happening, but they are being listened to and I am helping them. They are being helped to explain their views to the government. How long have I been going?

**Hon. K. M. Smith** — Too long.

**Hon. J. M. McQUILTEN** — Okay, I should finish and I do not need much help to finish.

I will say something slightly controversial concerning the perception or the problem that I see of people in Melbourne who are green. In the past 15 years all my constituents: farmers, local groups and everybody in the bush who is also green — and I remind the house that a lot of history is attached to this issue — have become more aware of the environment and the need to protect their businesses and jobs. They are learning to be more aware of the problems that confront their own particular environment, whether it be the box-ironbark forests, the rivers or whatever. I believe there has been an incredible change in the views of farmers and rural communities towards conservation and longstanding practices. They are happy to change because they know they have to look after their own environment, farms and other areas. They are doing it well.

One issue that really annoys me is the extremist greens who want everything and offer nothing. They do not actually offer anything in terms of constructive solutions to very complex problems. I think all honourable members would agree that the green movement as a whole is wonderful — and we have to keep going down that track — but the extremists do not take into account the loss of jobs in, for example, Rochester, Dunolly or Beaufort. That ignorance is an abrogation of everybody's responsibility. You must take into account the impacts on Melbourne people and their views and the impacts the changes will have on country towns. You cannot put it under the carpet and pray for ecotourism to be a fix; that is a long way down the track.

We must be more proactive. The Minister for State and Regional Development and the Minister for Environment and Conservation in the other place have been proactive in going out into the community and trying to find creative and better solutions to complex problems.

**Hon. R. A. BEST** (North Western) — I welcome the opportunity to contribute to debate on the motion moved by the Honourable Peter Hall, which states:

That this house condemns the government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters.

Having been a member of this place since 1988, with my colleagues the Honourables Peter Hall, Bill Baxter and Roger Hallam, I am only too aware of the fight we fought in the past on the extensions to the Wyperfeld National Park and the Sunset country by the then Land Conservation Council. While the Honourable John McQuilten wants to refer to the last two and half years and the difficult issue passed to this government, I remind him of the issues we have been fighting for

many years. This is not a sudden or new phenomenon. It is a difficult issue, but it must be managed properly.

So far as I am concerned, a totally consistent fight has been fought by the National Party. The Liberal and Labor parties sat together while the National Party sat alone and voted against the extensions to the national park at Wyperfeld and the Sunset country. I know many honourable members of the Liberal Party from rural areas were vigorous in their support of the position adopted by the National Party, but unfortunately they did not have the numbers to carry the day. I respect them for the fight they fought.

The same circumstance arises for this government: to see what it will do through its actions and legislation it brings before the house. I understand the Environment Conservation Council (ECC) has come down with a range of recommendations, that the minister has accepted those recommendations and that she is now looking for a way to implement them. They refer to the locking up of more public land.

Particularly the Labor Party backbenchers who represent country Victoria are now faced with the question of how they will handle the issue. In the past the National Party's stand has been consistent and it is again consistent. Mr Hall has clearly spelt out the party's stand and policy direction on this issue. If we again have to sit by ourselves we will do so, but we have been out there, have listened and have acted responsibly in a way that looks at balance, sustainability and multi-use issues.

I have to declare a pecuniary interest in this issue because I hold a miner's right that is obtained from the Department of Natural Resources and Environment.

**Hon. E. G. Stoney** — A gold digger.

**Hon. R. A. BEST** — Yes. I enjoy getting out with an acquaintance in Bendigo, Bill Mitchell, who has been fossicking for years. I get out with his metal detector and do some fossicking for gold. As honourable members would be aware, the Bendigo area has been an enormously rich alluvial field. It gives me the opportunity of a little recreation and relaxation, because I am sure anybody who has the opportunity to get out and turn off a little from this hectic and adversarial political game would enjoy that time.

To return to the issue, there is a range of people that the ECC's proposals will impact on adversely. It will mean a reduction in jobs and activities on public land.

Mr McQuilten says the government is listening. I refer to a letter I received from the Loddon Shire Council dated 28 September 2001. It states, in part:

There are a number of issues which the box-ironbark forests and woodlands investigation report deals with which give the council cause for concern ... these are: eucalyptus oil harvesting, bee keeping, camping, prospecting, firewood production, public land management.

I will not waste time reading the entire letter, but it highlights the adverse impact on a small municipality that the implementation of the recommendations will have. There are many small family businesses and small family operations that will be affected by the proposals.

As somebody who enjoys being at home in Bendigo the opportunity to get out either on a pasture inspection while golfing, as Mr McQuilten said, or some gold fossicking, I take those pursuits for granted, but when there are people who rely on their income from activities that are associated with the use of public land the issue becomes personal for them. I think of the Hartland family in Bendigo that Mr Stoney referred to, which has been operating a eucalyptus still since the late 1890s. That occupation has been passed down from generation to generation, but they are being given six years in which to wind up their operation.

There is no way they can start to produce the species of eucalyptus trees on private land that will give them the opportunity of being able to go straight over into producing — —

**Hon. J. M. McQuilten** — That is not true.

**Hon. R. A. BEST** — Do you want to listen to them and talk to them, Mr McQuilten, because I have spoken to them?

**Hon. J. M. McQuilten** interjected.

**Hon. R. A. BEST** — If they are given a longer period it may be better. We suggested 10 years.

**Hon. J. M. McQuilten** — Why don't we just go for that?

**Hon. R. A. BEST** — That's fine. If you can advocate that on behalf of eucalyptus oil producers, I would be pleased about that.

But the recommendation is six years, and again it gets down to the will of the government and the implementation of the recommendations that have been made by the Environment Conservation Council.

Another issue that is dear to my heart relates to woodcutters. There was a fantastic turnout of bush user groups at the Bush Users Group rally in Bendigo where I had the opportunity to talk to some woodcutters who acknowledged that it may be time they were taken out of the industry because the type of wood the department was asking them to chop down was not leading to the best commercial outcome for them or the people who are purchasing their wood.

A range of woodcutters are using the box-ironbark forests to get their wood, and they acknowledge that it may be time for them to be withdrawn from the industry. But again as part of the implementation, it will be up to the government to identify an appropriate form of compensation to take them out of the industry because clearly they have ongoing licences. The issue is whether it is appropriate and timely that this group of woodcutters should be taken out of the industry. It is a management issue.

My major concern about national parks — and the one that has worried me since the day I first came into the Parliament and dealt with the extensions to Wyperfeld National Park and the Sunset country — is that the government says it can be a better land manager. But its management practice is to lock up national parks. It does not provide resources to national parks to adequately ensure that the fuel and noxious weeds that are growing and the feral animals that are running rife and starting to breed, can be managed in an appropriate form. Management practices in the Department of Natural Resources and Environment do not equal the appropriate amount of funding to manage the national parks that are being locked up.

I am disappointed that in an effort to share the time with everybody I am not able to canvass all the issues I would like to in this debate. It is a debate that goes to the very heart of the representation that we in the National Party are so proud of. National Party members believe in sustainability and balance, but we also believe in the multi-use of national parks. People should be able to use those parks and they should provide the best economic dividend for all Victorians.

**Hon. PHILIP DAVIS** (Gippsland) — I am pleased to speak to the motion before the house which is that this house condemns the government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters. The reason I am pleased to have the opportunity to speak today is that it is a moment of great significance in public policy debate in Victoria that we will have before us imminently legislation that will deal with the implementation of two different groups of

recommendations from the Environment Conservation Council — the report on the box-ironbark forest and woodlands, and the marine parks investigation. Those two debates on their own are significant. There are many matters not of legislative interest but of administrative import which are also causing great concern and debate in the community.

Obviously honourable members will be well aware of the recent decision by the government to restrict access to forest resources by a statewide cut of 30 per cent in the licensed sustainable yield. For my constituents in Gippsland, this has been a devastating blow because that 30 per cent on a statewide basis translates to 50 per cent in Gippsland. The consequence of that, for example, is that recently with the shadow Minister for State and Regional Development I visited the nine sawmills in the Baw Baw shire. It is anticipated by most of them that there will only be one mill out of the nine that survives the cut. In the order of 420 jobs will be lost in the Baw Baw shire alone. If you go to East Gippsland and have a look at the 16 mills in the East Gippsland forest management area, you will find that again there will be a significant downsizing because just as there has been a reduction in the resource allocation in central Gippsland, so too in East Gippsland at 50 per cent.

I do not want to labour the point, but the decisions which are being made by this government administratively and which are mooted to be put before the Parliament for debate in due course reflect a philosophical disposition which is completely at odds with opposition members who represent country Victoria. I think I speak collectively for members from both the National and Liberal parties who represent rural constituents.

I am pleased to join with National Party members to speak to this motion because it is about defining what we stand for in rural Victoria. Victoria is based on the resource activities of yesteryear. The wealth we have today has been inherited from the efforts of our forebears. In modern times we have moved to non-resource industries to generate wealth, and so it should be as the economy evolves, but, as all honourable members know, it was as a consequence of the gold rushes of the 1850s and 1860s that the wealth of Victoria was created and that enabled the building of Parliament House and many of the fine buildings in Melbourne and country Victoria. The point is that rural Victorians still depend today on those natural resources to create the wealth and economic activity which is vital to the wellbeing of their communities.

I will touch briefly on the box-ironbark area. On 23 October last year I had the opportunity, together with the Honourable Graeme Stoney and the honourable member for Benambra in another place — I cannot remember who else was with us at the time, but a few other colleagues — to meet with Tracee Spiby, Alistair Hull and a number of members of the bush users group in Bendigo to talk about what was of concern to them, and the following day we inspected a number of sites, including Mr Hull's sawmill, the eucalyptus distillers and the apiarist activity.

That was one of a number of visits we have had as representatives of the Liberal Party to the box-ironbark area to talk about the issues, but it reinforced for me then and in the subsequent discussions we have had since that individuals will be affected because they are involved in long-term sustainable industries which the Labor government proposes to threaten by removing access to the resource.

The eucalyptus distillery industry has been a viable commercial activity providing employment and wealth, and generating through a multiplier effect other employment opportunities for more than 100 years. I believe three generations have been directly involved in that activity.

Similarly, as you look around Victoria at these sawmilling industries you find that these small sawmillers are still operated by descendants of their founders. I can take people to Gippsland to sawmills that are in the hands of fourth and fifth generation sawmillers. Indeed, the forest workers themselves, those involved in the contract, harvesting and haulage activity, typically are family businesses which have been engaging successive generations of employees.

It is of concern to me that the disposition of the government is for the purpose of so-called conservation. I presume that 'conservation' means to define an area as an exclusion zone for some activity and that activity typically is anything of a commercial nature, and that anybody involved in that activity will be excluded from pursuing that matter any further, notwithstanding the evidence that the reason the area is proposed to be conserved is that it has been well managed — for example, mountain cattle grazing. This issue was mentioned earlier in the debate.

There is ongoing pressure from the greens on Parks Victoria, supported by the Labor Party's election policy, to remove mountain cattle grazing from the Alpine National Park. That is being achieved by administrative action as a consequence of the Caledonia fire in 1998 and cattle not being readmitted to that burnt

area, notwithstanding that any practical rural person who understands the nature of the vegetation and the impact that the extensive grazing of cattle has on that environment would see that there is an opportunity for those cattle to go back into the Caledonia area of the alpine park.

I must say I have sat in on meetings between the cattlemen and Parks Victoria and been amazed, as Mr Hall would have been, at the dissertation presented by officers of Parks Victoria, how they justify the decision to maintain exclusion. I do not blame those officers because they are junior people who are doing a job they have been directed to do by the policy-makers at a senior level who have obviously received their orders from the minister's office. The blame for this is entirely at the feet of the Minister for Environment and Conservation and her advisers.

We could wax lyrical for several hours about the marine parks debate, but I choose not to. The Bush Users Group organised a rally in Bendigo on 23 March — there have been many meetings around the state on marine parks — and the most recent one I attended was last Saturday, 20 April, at Grantville which about 300 commercial and recreational fishermen attended. I have in front of me the notes I took at that meeting, and the curious thing is that none of the notes I have written is supportive of the introduction of the no-take zones for marine parks. I have to say that the commercial fishermen in particular are people with four or five generations of experience, and those who attended that meeting from Corner Inlet have a long history of dedicated involvement and voluntary restrictions on their own fishing practices to ensure a sustainable fishery which certainly has been maintained.

The problems in terms of threats to the marine resource do not come from the fishermen; they come from land-based activities. We have noted with interest the decline in the bream fishery in the Gippsland Lakes and the challenges with regard to Corner Inlet. From where do those threats come? They come from the increased nitrification of the waters as a result of run-off from land. That may be from agriculture or from human waste and sewerage systems, particularly at Corner Inlet. It is important to recognise a responsibility to protect our waterways in every sense, which means investing public funds in reducing the amount of nutrient run-off from the land into our waterways, lakes and inlets.

I shall conclude by saying a couple of things briefly about the approach of rural people to these issues. Most rural people take the approach of practical conservation.

If you look around rural Victoria today you will see as a result of much debate in the 1980s extensive increases in afforestation on private farmland, whether it be in the simple form of increased plantation shelter belts or wood lots which have been established for a commercial undertaking. I am talking not only about farmers but people who derive their income from natural resource utilisation — rural people take a keen interest in the sustainability of their resource.

One problem is that we have a relatively uninformed public debate because today the majority of the community is completely detached from those traditional activities, whether they are forestry, fishing or farming, and that the 3 million-odd people who live in and around Melbourne have far less of a connection than they once did by way of having friends or relations in rural Victoria; therefore they tend to accept the rhetoric they read in the newspapers from the lobbyists for the Greens.

Notwithstanding that Victoria is only 3 per cent of Australia's land mass, 34 per cent of the state's land area is set aside as public land. About half of that is in protected reserves and about 3.47 million hectares is available for forestry and general activities in non-reserved areas, of which 1.3 million hectares is available for timber harvesting on an 80-year rotation. The effect of that is that 0.3 per cent of Victoria's forest resources are harvested in any one year.

If you have a discussion over the dinner table with a nice bottle of wine in one of the leafy suburbs of Melbourne you will probably find that not many people would have any concept that the harvesting of our native forests is limited to less than 0.3 per cent in any one year. That is because the imagery presented in the media is that of clear-fell logging where major swaths of forests are being decimated, because that is the way the greens would have the debate projected. Rural members of Parliament know that this is a naive and, regrettably, uninformed view.

I conclude my remarks by referring to a comment that sums up the state of the debate on public land and resource use. In his article in the *Herald Sun* of Monday, 15 April, Andrew Bolt put it so well by saying:

The pagan element infecting the environmental movement has placed human beings at the bottom of the food chain.

A religious change has crept up on us, threatening our freedoms and way of life. But few people realise the danger.

Whether or not you believe in Christianity, it at least has two things going for it: it still allows believers to be rational, and it insists the earth was given to man to use.

**Hon. W. R. BAXTER** (North Eastern) — I am pleased to join this debate, and I commend the Honourable Peter Hall for moving this motion because there is growing public concern out there in the community about the management of the existing national parks and reserves in this state and increasing questioning of whether this is the way to go. That is not just a voice heard from country areas, as it might have been in the past. Increasingly people in the suburbs, as they go out into country Victoria, are pointing to the spread of blackberries, noxious weeds, feral animals and the like and saying, 'Is it proper that we lock up these vast areas of the state if we cannot manage them properly?'

Those of us who attended the national wild dog summit in Wodonga earlier this year — Mr Hall was there along with other members of this house — would have heard many graphic examples given by people at that meeting of how their livelihoods have been put at grave risk and the humane treatment of their stock is under threat because of wild dogs now coming out of ill-managed national parks.

There is also the issue of fire suppression, and Mr Stoney and others have alluded graphically to examples of the way tracks are being closed up in national parks. When the next big holocaust of fire occurs — and as sure as night follows day it will occur — the capacity of the volunteer forces in the Country Fire Authority and the fire brigades at the Department of Natural Resources and Environment to fight those fires will be considerably trammelled.

There is increasing questioning about the proposals from the Environment Conservation Council to lock up further large areas of the state via the box-ironbark study and recommendations, which regrettably appear to have been accepted holus-bolus by the government.

I will make a remark or two about the contribution of the Honourable Elaine Carbines. It is regrettable that in debate on such a major motion the government should put up a backbencher who makes a speech and then leaves the house without remaining to hear the balance of the debate, and that that speech is entirely directed to one particular aspect of public land use and management — that is, marine parks in her electorate, which there will be legislation on before the year is out in any event — completely ignoring the terms of the motion and not addressing in any way the cogent points made by Mr Hall in the presentation of his case.

I will deal with a couple of the comments made by the Honourable Elaine Carbines. She talked about consultation and tried to convince the house that this

government consults widely. Let me say that, whether or not one believes that contention, consultation has a darn sight more to it than simply adding up the numbers — those on one side who advocate this as against those on the other side who advocate something else. Some weight has to be given to the substance of the responses — and so many of the responses this government points to when claiming it has consulted are little more than pro formas or have been made by people with gross misunderstanding of what the reality is beyond the suburbs.

I do not say that those people are maliciously misunderstanding the facts but that they have just been misled by much of what has been printed in the press and what they hear from this government and some honourable members. In all innocence they put in submissions, but if they were able to get out and see what is on the ground I am sure they would put something else in place.

**Hon. P. R. Hall** — And the postcards.

**Hon. W. R. BAXTER** — We heard a graphic example about the postcards. I would like to talk to the first 100 people who sent in the postcards to see if they have any real understanding of what they are advocating.

Let us look at a current example — that is, the invitation from Neville Smith Timber Industries to 132 members of Parliament to avail themselves of a half-day tour by helicopter to see for themselves what the timber industry is doing and how it is operating in this state. As we have heard, every member of the National Party and most members of the Liberal Party went along, but I understand that not one government member took up that invitation. I do not believe there were not some members of the Labor Party who were prepared to take up that invitation; they were obviously instructed from on high, either by the Premier or the minister, that they should not take up that invitation to go and see for themselves.

**Hon. D. G. Hadden** — That is not true.

**Hon. W. R. BAXTER** — The Honourable Dianne Hadden says, 'That is not true'. If it is not true then I find it extraordinary that not one Labor Party member is prepared to say, 'I believe this is how the forest industry operates, but this group of people is putting a counter view. I am therefore prepared to go along with them and look for myself'. I do not believe that not even one member of the Labor Party is prepared to at least go and look, and to listen to a counter argument to see whether or not it has any substance.

**Hon. P. R. Hall** — Not many hands up.

**Hon. D. G. Hadden** interjected.

**Hon. W. R. BAXTER** — If Ms Hadden is frightened to fly in helicopters, Mr Stoney is prepared to organise a land-based tour for her.

What confidence can country people have that the government is making rational decisions if its members are not even prepared to take up an invitation to go and see for themselves what is really going on on the ground?

In the short time I have left I draw attention to the Victorian National Parks Association (VNPA). Despite its grandiose title, it is nothing but a lobby group. Even it is beginning to wake up to the fact that in the future it will not get its own way as easily as it might have in the past. I have an internal document from the VNPA, which says:

The present political climate presents considerable challenges to VNPA as it attempts to achieve its conservation goals. Since the 1999 state election, there has been a perceptible change in the focus of both the government and the opposition. There is a new force to be reckoned with — Rural and Regional Victoria —

or RARV, as the association calls it —

Within such areas ... socially conservative elements who are opposed to progressive environmental initiatives are particularly strong, and the new politics give them greater power of influence.

I draw a couple of conclusions from that. One is that the VNPA obviously considers everyone who lives in the country to be a hick, with no right to an opinion of their own. The second is that it is waking up to the fact that country people are sick of being taken for granted, trying to cooperate and seeing themselves taken for a ride time and time again.

In conclusion I refer to one particular example of so-called consultation — that is, the Black Dog Creek area near Wodonga, which to the surprise of all the adjacent landowners has been included in the proposal for an extension to the Chiltern Box-Ironbark National Park. Nobody considered for one moment that it would be included and none of the adjacent landowners was informed, despite many of them being leaseholders along the creek. I attended a meeting at which a number of questions were asked, and I wrote to the Minister for Environment and Conservation on 18 February posing eight questions which had been asked at the meeting. Here we are nine weeks later, and I have not yet received even an acknowledgment let alone answers to these questions. Yet these people, whose livelihoods are

going to be detrimentally and vitally affected if this proposal goes forward, cannot get answers from this government and this minister.

It is certainly not a government which cares, or a government that lives up to its professed ambition to be open and accountable. I commend the motion.

**Hon. D. G. HADDEN** (Ballarat) — I rise to oppose the motion brought to this house by the Honourable Peter Hall:

That this house condemns the government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters.

I do not have the time to address each and every issue that has been raised by other honourable members in the house, but I will cover four areas. I will say at the outset that I refute the comments made by Mr Baxter in his contribution a short moment ago. I have responded to the question about the Neville Smith Timber Industries tour. I have not been on that tour because I have a morbid fear of flying in helicopters — and it is not to be laughed at. I have not been able to fit in the dates they have offered me, and I have been quite open and honest in my response to them. I have nine mills in my electorate in the Midlands forest management area, seven in the Wombat and two at Beaufort that access Mount Cole and Mount Lonarch. I know how these mills operate.

**Honourable Members** — So?

**Hon. D. G. HADDEN** — Mr Baxter made a point that none of the government ministers had attended the timber mill down at Gippsland. He also said that we had been instructed not to attend, and that is an absolute untruth.

In relation to this government's policies and actions to manage and sustain in a responsible manner recreational and commercial activity on public lands and waters, this house heard this morning from the Minister for Energy and Resources how this government is committed to a viable abalone industry and emerging aquaculture industry in Victoria. This is the second-largest producing state in Australia, contributing around 10 per cent of the world's abalone harvest. The minister also spoke about the abalone management plan, which aims to ensure management and sustainability of the abalone industry and fisheries within an ecologically sustained system that involves sharing the responsibility among all stakeholders. Importantly recreational access will be strengthened. It is this government's vision to manage and sustain the environment and fisheries for all.

In relation to recreational fishing licences, this government established the Recreational Fishing Licence Trust. It will provide up to \$750 000 this year for projects aimed at improving recreational fishing in Victoria under the new recreational fishing grants program. In this aspect the government has delivered on its election commitment to Victoria's recreational fishers. The Recreational Fishing Licence Trust account aims to provide up to \$2.5 million for fishing grants following the conclusion of the Bay of Inlets buy-back.

Last December the Minister for Energy and Resources launched the recreational fishing grants program for this year. There are four categories of projects to which revenue can be allocated — education, information and training; research; access and facilities; and sustainability of habitat improvement, including fish stocking. The results of the successful applications will be released some time next month.

That initiative demonstrates this government's strong support for recreational fishing and the delivery of our policy to develop partnerships with stakeholders within the fishing communities. We are rebuilding the rock lobster and giant crab industries as well by introducing quota management for the fisheries to ensure the sustainability of the resource. Mr Phil Davis is laughing, but it was his government that allowed the fishery stocks to be depleted and failed to manage them in a sustainable and certain manner. He can sit there red-faced and laugh at me, but it should be with shame.

This government has introduced a boat operators licence and has committed \$15.9 million over five years to improve safety on the state's waterways for all recreational watercraft users. The former government totally neglected the recreational boating community in this state by allowing search and rescue capabilities and vessels to reach crisis point. The National Party and Mr Hall have again today shown their opposition to a very important initiative of this government — that is, to improve boating safety on our public waterways for recreational activities.

The first instalment of \$15.9 million raised from the boat operators licence of \$25 per person per annum over five years is being reinvested back into the boating community, into things such as \$100 000 to support the Southern Peninsula Rescue Squad's helicopter service, \$80 000 to improve the coordination of volunteer search and rescue organisations around the state, as well as a range of other educational initiatives to encourage safe boating for all Victorians.

This government is committed to recreational and commercial activity on our public lands and waterways.

It is turning around the state for the recreational boating community and emphasising the importance of safety in boating. That issue was completely ignored by the previous government. The government has a vision and a plan — that is, a management strategy for our fishing industries and waterways. The National Party and Mr Hall have again today shown their opposition to those very important issues for this state.

I will not touch on any other issues. My learned colleagues in the government have dealt with box-ironbark and associated issues that I will debate at another time in this house. I reiterate that I oppose the motion moved by the Honourable Peter Hall for the National Party.

**Hon. P. R. HALL** (Gippsland) — In reply I want to say this: one day this government will have the guts to get one of its ministers up to defend a motion. What we have seen today is once again an absolutely pathetic effort by three backbenchers to try to address this issue, but not one comment or argument centred on the central issue about access to public land.

**Hon. M. M. Gould** interjected.

**Hon. P. R. HALL** — The Leader of the Government rabbits on. This is a landmark issue for country Victoria yet not one minister stood up to defend their position on this; and for that they stand condemned. They do not care about country Victoria.

#### House divided on motion:

#### Ayes, 27

Ashman, Mr	Forwood, Mr
Atkinson, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr ( <i>Teller</i> )	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Luckins, Ms
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs	Rich-Phillips, Mr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R. ( <i>Teller</i> )	

#### Noes, 13

Carbines, Mrs	Mikakos, Ms
Darveniza, Ms ( <i>Teller</i> )	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F. ( <i>Teller</i> )
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	

*Pair*

Ross, Dr

Broad, Ms

**Motion agreed to.**

## MEMBERS STATEMENTS

### Australian Volunteer Coast Guard

**Hon. R. H. BOWDEN** (South Eastern) — I would like to recognise the Australian Volunteer Coast Guard, Victorian Squadron, for the valuable and consistent service provided to the boating public and the leadership of Commodore Ray Campbell and his executive committee. As honourable members know, I have the privilege of being the state patron of the coast guard and it is in appreciation of this that I make these comments and recognise the community services carried out.

The coast guard members deserve congratulations on the 7-day-a-week, 24-hour-a-day coverage they provide to the boating community in Victoria, including Hume Weir and Lake Eppalock. Membership is increasing, the number of assistance and rescue incidents remains high, and the level of close cooperation with police and other government agencies continues to develop well in the safety interests of the boating public.

Earlier this year, Captain Marcus Grinblat, the officer in charge of coast guard search and rescue operations, was awarded the emergency services medal by the State Emergency Service. Congratulations to Captain Marcus Grinblat for his notable award. The coast guard has had an excellent history of service since 1962 and is well placed to continue providing important training and safety facilities to the hundreds of thousands of boating users in our state.

### Melbourne West Province: volunteers

**Hon. KAYE DARVENIZA** (Melbourne West) — The spirit of the west has never been in doubt and its sense of community has always been strong. Week after week our residents contribute to the common good without seeking recognition for their selfless acts. That is why it gives me pleasure to inform the house of four remarkable people whose actions we applaud. Mr Les Porter was knocked down by a car 14 years ago and after two years recovery was left with a permanent brain injury. Undeterred, Les has ridden a tricycle thousands of kilometres across the country to raise money for charity. Les is the recipient of the Tattersalls award for enterprise and achievement, and has donated \$15 000 to the Royal Melbourne Hospital cardiac unit.

Ms Maryam Kambal of Braybrook, Ms Pam Varley of Footscray and Ms Pam Newbold of Yarraville are all public tenants who have demonstrated a commitment to their communities by working as volunteers or by providing direct support and assistance to neighbours in need. These ladies have all been nominated for the Francis Penington award, an initiative of the Department of Human Services. To these people I offer my congratulations and thanks.

### **Road safety: driver fatigue**

**Hon. B. N. ATKINSON** (Koonung) — I am concerned, as is the government and the community generally, by the level of the road toll in Victoria. I note that the government's reaction in trying to address this problem has been to focus very heavily on speed. While I accept that speed is a contributing factor in a great many accidents and is a significant problem in the community I am also concerned about the influence of fatigue in accidents, particularly fatigue involving young people driving late at night.

We have had a number of campaigns in the past that have addressed the concept of a power nap or stopping driving in country or rural areas if people feel sleepy. Many of us have experienced that situation where we have been driving at night or during the day and felt very tired and have needed to stop our cars. Many young people are driving at night after clubbing or spending a great deal of time at work, and as many of us have done over many years, burning the candle at both ends. In many cases, these young people are involved in single-vehicle accidents and some of the horrific smashes we have seen particularly on freeways.

I hope the government might consider my brief comments and look at some opportunity to address a campaign at young people to alert them to the problem of fatigue when driving vehicles, particularly in the early hours of the morning.

### **Ouyen saleyards**

**Hon. B. W. BISHOP** (North Western) — I bring to the attention of the house the success story of a real rural industry — that is, the Ouyen saleyards. It has been a community-driven project, and the saleyards committee was the driving force in improving the yards by working with the Mildura Rural City Council and using community working bees to improve the infrastructure of the saleyards. Intertwined in all that is the prime Mallee lamb committee. Michael O'Callaghan and Neil Hamilton have been driving forces in raising market awareness about prime Mallee lamb to customers.

When we talk about quality we think about quality assurance, and it is a real feather in the committee's cap that on 10 April there was an official handover of the national saleyards quality assurance certificate by livestock association of Victoria chairman, Peter Scott. This means that large-volume buyers such as supermarkets, which require that accreditation, can now buy with confidence from the Ouyen saleyards. That will generate more competition, better prices to producers and quality protection for the consumer. It is a real example for all country people: knowing what they want and by sheer commitment and hard work achieving a first-class result.

### **Member for Silvan: comment**

**Hon. T. C. THEOPHANOUS** (Jika Jika) — I refer the house to the letter sent by Ian Urquhart to honourable members following the debate on liquor licences in the house on 17 April. Mr Urquhart claims that he has received no financial gain from or has ownership of any liquor outlets, stores, warehouses or licences, but he conveniently failed to add that he acts as a middleman through the buying group banner that he established and that he gains benefit by negotiating deals on behalf of stores. His statement that he receives no financial gain is therefore misleading and untrue.

Mr Urquhart also claims not to have been told or instructed by the Liberal Party about the liquor issue. Yet in the same letter he stated that he has had two telephone conversations with the Honourable Wendy Smith on the liquor issue. During the debate, the Honourable Bill Forwood indicated he had never met or spoken to Ian Urquhart.

I spoke to Hansard and was informed that while it did not record an interjection from the Honourable Wendy Smith, she can be clearly heard on the tape as saying, 'Nor have I'. I invite the Honourable Wendy Smith to clarify whether she had spoken to Mr Urquhart before she made that comment in the house. If she had, she should apologise for trying to mislead the house.

### **Albert Park Lake: water recycling**

**Hon. ANDREA COOTE** (Monash) — I wish to raise the proposal to use sewer mining to provide recycled sewage to fill Albert Park Lake and irrigate the grounds and reserves. Albert Park Lake is a very special part of my electorate and Victoria. We are very lucky to have such a unique and beautiful lake and park so close to the city and its centre. Albert Park Lake is home to more than 120 different species of birds, including swans, ducks, herons, ibises and coots. The 4.8 kilometre track around the lake is used all year

round by many joggers and walkers and I am sure many people here have enjoyed it.

As 40 per cent of the lake's water evaporates every year a huge amount of water is needed to keep it full and currently Parks Victoria is refilling the lake with drinking water. However, there is a process called sewer mining which proposes to use sewage from pipes around Albert Park passed through a membrane bioreactor recycling plant that would treat the waste water to a standard very close to that of drinking water. The technology was developed for the medical industry and is used in Silicon Valley and San Diego in the United States of America. This is a unique plan which would enable Albert Park Lake to be filled without using drinking water. The government and the water authorities have been urging people around Victoria to conserve water and this is an innovation that can be used in that endeavour. I encourage the government to take this further.

### **Superannuation: fund choice**

**Hon. R. F. SMITH** (Chelsea) — Conservative governments have always rabbited on about choice for workers. I want the federal coalition government to legislate choice in the area of superannuation. Workers should have the right to choose who manages their superannuation. Perhaps then worker representatives like Bill Shorten, the federal secretary of the Australian Workers Union, would not have to threaten employers like Onesteel when it comes to choice. BHP Billiton hived off Onesteel and decided unilaterally that \$600 million of workers' superannuation would now be managed by a USA fund manager. As a result of the threatened industrial action BHP Billiton has now decided that both the Superannuation Trust of Australia — the union-preferred fund manager — and the USA fund manager can market themselves to the workers who will be allowed to decide who manages their fund.

I believe all workers should have the right to choose and the federal government should legislate now. When it does I have no doubt that workers will significantly and overwhelmingly choose industry funds because they are better managed and the returns will be much greater.

### **Paul Trimboli**

**Hon. P. A. KATSAMBANIS** (Monash) — It is a pleasure to highlight in this house the tremendous achievements of a wonderful young Australian, Mr Paul Trimboli. Paul is the captain of the South Melbourne Soccer Club based in my electorate, and in a

semifinal in Sydney on Sunday he will be playing his 400th senior game for the South Melbourne Soccer Club. To play top-level sport is an achievement in itself and to play 400 games for one team is a wonderful example of the skill, ability and tremendous durability of Paul Trimboli. In those 400 games he has scored more than 100 goals for South Melbourne. He has also represented Australia at both junior and senior level. He has played 42 games for the senior Socceroos scoring 14 goals.

It is a little bit scary to think that at the age of 33 Paul has achieved so much, but I am sure he has many years to go. He may even break the 500-game barrier if form and fitness allow. It is his wonderful form in the second half of the season which has enabled South Melbourne to rise from being at the bottom of the National Soccer League ladder halfway through the season to make the finals and have a real chance of winning the final. I wish Paul Trimboli all the best not only for his 400th game but for the future. I also wish South Melbourne well in their quest to win their fifth National Soccer League championship.

### **Pine Lodge Uniting Church**

**Hon. E. J. POWELL** (North Eastern) — Last Sunday my husband and I were pleased to attend the Pine Lodge Uniting Church for the celebration of its 125 years of continuous worship. The church has changed denominations over the years: it was a Methodist church for the first 100 years and a Uniting church for the past 25 years. About 100 people attended the service. Many were former parishioners who returned to Pine Lodge to celebrate this wonderful anniversary.

I would like to congratulate a number of people, including the organisers: Keith Wall, who gave a detailed history of the church, and his wife Joan; Heather Turner, the president of the ladies guild who spoke about fundraising for the church over the years; Minister Ossie Kadel; former Minister Tom Howells, and his wife Millie; Mr Frank Sims, 88 years young, who unveiled a plaque to commemorate the occasion; and Mrs Bev Laws, who played the church organ as she has for many years.

I made a brief contribution about the importance of the church in small rural communities. The church is often the centre of the community as it celebrates births, deaths, marriages and baptisms. Unfortunately there is some concern about this church's future. With the local population diminishing and the minister leaving at the end of the year the church may have to close. I hope that does not happen. I would like to pay tribute to the

congregation of the Pine Lodge Uniting Church and their faith in their wonderful church.

### **Housing: tenant conference**

**Hon. G. D. ROMANES** (Melbourne) — At the conclusion of Housing Week recently a very important conference was organised by the Victorian Public Tenants Association (VPTA) and the Office of Housing. About 120 of the 150 attendees at this conference were public tenants. Discussions and workshops covered key issues of critical importance to tenants including maintenance, antisocial behaviour and security, isolation, infrastructure and public transport, the image of public housing estates and the unfair and distorted portrayal of public housing estates by the media. Mr Maurice Braat, president of the VPTA, claims that in the view of the association's members this was the best tenant forum ever held. Tenants were in the majority and participated fully. It was an opportunity for public tenants to have genuine input into the issues that they as tenants face daily on public housing estates. I commend the Minister for Housing and the Office of Housing for supporting the Victorian Public Tenants Association in running a conference which allowed the voice of public tenants to be clearly heard.

**The PRESIDENT** — Order! The time for members statements has expired.

## **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL**

### *Second reading*

**Debate resumed from 23 April; motion of  
Hon. M. R. THOMSON (Minister for Small Business).**

**Hon. KAYE DARVENIZA** (Melbourne West) — I am very pleased to have an opportunity to make a contribution to the debate in support of this very important bill. I am delighted that this bill has the support of the opposition. The bill comes before the house after extensive consultation with key medical and nursing stakeholders, including the Australian Medical Association and the Australian Nursing Federation along with a whole range of other relevant practitioners and the registration boards which look after health practitioners and professionals. A stakeholders group was established and a discussion paper titled 'Regulation of medical practitioners and nurses in Victoria' was developed. No doubt many members in this chamber have studied that discussion paper.

The discussion paper was widely distributed in August 2001 and some 37 submissions were received from organisations and individuals. The contributions were varied. I will not go through a list of all those who contributed, but I will refer to some of them. Submissions were received from the Physiotherapists Registration Board of Victoria, the Ballarat Health Services, Women's Health Victoria, the Faculty of Medicine Nursing and Health Sciences, Monash University, the Australian Medical Association, the Victorian Nurses Back Injury Prevention Project Committee, the Australian Physiotherapists Association (Victorian Branch), the Australian College of Midwives, the Australian Nursing Federation, the Western Melbourne Division of General Practice, the Royal Australian and New Zealand College of Radiologists and the Health Services Commission of Victoria. That gives an understanding of the flavour of the types and numbers of contributions and submissions made in response to the discussion paper.

The purpose of the bill is set out in clause 1. The bill amends eight pieces of legislation, with the main purpose being to amend the Medical Practice Act 1994 and to make further provisions and regulations for medical practitioners. It further amends the Nurses Act 1993 and makes further provision for regulating nurses and nurses agents. It also makes miscellaneous amendments to the Chinese Medicine Registration Act 2000, the Dental Practice Act 1989, the Psychologists Registration Act 2000 and the Health Records Act 2001; and it repeals the Medical Practitioners (Private Hospitals) Act 1984.

The bill has several key purposes. It will ensure that the Medical Practice Act provides an up-to-date and sufficient framework for the regulation of medical practitioners. We live in a period of rapid change for medicine and we depend very much on our health professionals and health practitioners to deliver a high-standard quality of care. We need a statutory framework in place to regulate health professionals in a responsive and flexible manner, while taking account of a range of contemporary issues.

Another key purpose of the bill is to regulate poorly performing medical practitioners, as well as to regulate owners of corporate medical practices who direct or incite medical practitioners to engage in unprofessional conduct. I briefly refer honourable members to some comments made on page 13 of the discussion paper under the heading 'Corporatisation of medical practices and regulation of unprofessional conduct'. It sets out the concerns about the impact of increasing corporatisation of medical practices raised by a variety of bodies in a number of forums in this state.

The concerns principally relate to the potential of non-medically qualified corporate owners influencing their medical practitioner employees to practise in a way that may compromise clinical independence and efficient service. The concerns related to potential undue influence over medical practitioners in areas such as referral patterns, consultation targets that might be set by the proprietor and the ordering of diagnostics, as well as the prescription of pharmaceutical medicines.

Concerns were also raised relating to the potential of financial arrangements that were not necessarily transparent or understood by the patient influencing clinical practice and that access by patients to their medical records may be compromised by the sale or closure of a corporate medical practice. Some complaints related to the supervision of non-medical staff within a medical practice in areas such as infection control and management of medical records. Concerns were also raised about the entrepreneurial promotion of medical treatment in areas such as impotence, anxiety, drug and alcohol dependency, removal of tattoos and laser treatment. A number of concerns were raised by a number of health professionals, health practitioners, health providers and individuals.

Rather than licensing all individuals who own or operate medical practices, the bill will establish power for the secretary of the Department of Human Services to prohibit individuals who attempt to unduly influence professional behaviour of employee doctors from owning or operating medical services. The proposed amendments set out in clause 30 establish an offence for employers who direct or incite registered medical practitioners to engage in any unprofessional conduct. By extending the definition of employer for the purpose of those offences to include all directors, secretaries or executive officers as defined under Corporations Law the bill also empowers the secretary of the department to prohibit those who are found guilty of such offences from providing medical services or attaching some sort of condition to their service provision. It establishes an offence for any breach of such prohibition or condition.

In the debate on this bill yesterday the Liberal and National party speakers asked why public organisations and health services were exempted from the offence of being employers who direct or incite registered medical practitioners to engage in unprofessional conduct. Medical services provided by corporately owned enterprises are not currently subject to statutory regulation, and the clause 30 provisions are designed to target this gap that currently exists in the regulatory framework.

Public organisations and health services are exempt from the provisions because, unlike corporately owned enterprises, they are already subject to statutory controls under the Health Services Act 1988. That act contains a wide range of mechanisms designed to ensure that safe and appropriate health services are provided in the state. Should concerns about inciting professional conduct arise in a public organisation or health service establishment there are already direct means for addressing such concerns under the Health Services Act. For example, the act creates public hospitals and provides for their governance, powers and functions. It also provides for the governance of health centres. Decisions of the Medical Practitioners Board of Victoria to impose conditions, limitations or restrictions on a practitioner's registration can be appealed to the Victorian Civil and Administrative Tribunal. It is expected that the board will liaise with the relevant stakeholders — for example, the Australian Medical Association — regarding the implementation of the bill. This may include issues such as support mechanisms for doctors who may find themselves subject to investigation into professional performance.

Ms Luckins sought clarification of how the board would deal with frivolous or vexatious notifications regarding professional performance. The board currently has the power to make such judgments of what would constitute a frivolous or vexatious complaint that may be brought to the board —

**Hon. M. T. Luckins** — The question is: how long will it take for them to identify the fact it is a frivolous matter?

**Hon. KAYE DARVENIZA** — As an additional safeguard, preliminary investigations into performance matters do not necessarily need to involve a performance assessment, unlike, for instance, matters about a practitioner's impairment.

The honourable member also raised the question of what role the specialist colleges are expected to play in the proposed scheme for regulating poorly performing practitioners. It is self-evident that the colleges are uniquely placed to contribute to the area. It is expected that further discussions between the boards as well as the professions and specialist colleges will clarify the role of each party in contributing to the proposed scheme.

For the purposes of the corporate medical and nursing agents offence, the bill defines a controlling interest in corporate entities as 10 per cent or more. Again the opposition has sought clarification of why 10 per cent was chosen and questioned whether it is fair to those

persons who maintain a passive 10 per cent interest. These provisions are designed to protect the public by ensuring that patients' interests are placed above any commercial interest. Medical clinics and nursing agencies may be owned by corporate entities which have a very diverse range of corporate structures. The potential for shareholders to influence the activities of such clinics and agencies will depend not only on the extent of their shareholdings, but also on the relationship they have with the particular clinic.

It is important that the provisions have the flexibility to address a broad range of business structures as well as relationships that exist in this sector. A variety of different structures and relationships will enable the prosecution of the offence to be targeted specifically and appropriately. Holding shares in a corporation's entity does not automatically subject an individual to prosecution or prohibition because of this offence, but in order to be found guilty of an offence a court must be satisfied beyond reasonable doubt that a shareholder has committed an offence.

Ten per cent was considered to be a fair limit to set. This limit is consistent with similar provisions that exist in the New South Wales Medical Practice Act 1992. It is also consistent with legal advice commissioned by the national competition policy review of pharmacy legislation which proposed that pharmacists would need to hold a minimum of 10 per cent equity to retain a level of control over a pharmacy practice. These proposed provisions send a very clear message that the interests of patients must take precedence over commercial interests.

Another important issue addressed by the bill is the regulation of poorly performing medical practitioners. We need these amendments because current Victorian legislation allows a board to deal only with medical practitioners who have engaged in unprofessional conduct or whose health is impaired. The board's power to deal with poorly performing medical practitioners is very limited. The board has reported instances where practitioners have been subject to a large number of complaints, but the complaints in themselves have not been serious enough to warrant a suspension or cancellation of the registration. There have been a number of complaints but they have not been sufficiently serious for the board to take action on the individual complaints in their own right. At present the board does not have sufficient power to deal with unprofessional conduct that is not serious but can clearly demonstrate that there is a problem and a pattern of poor performance by that particular practitioner.

The amendments in clause 15 to the Medical Practice Act will empower the board to be better able to regulate poorly performing medical practitioners. The amendments will enable the board to conduct performance assessments as well as reviews. If necessary it can impose conditions, limitations or restrictions on a poorly performing practitioner. The board will be able to consider a report of a performance assessment or review, conduct a formal hearing into unprofessional conduct and apply a range of sanctions.

The proposed scheme is similar to the scheme that was introduced in New South Wales; it will help the board to ensure that the public is protected. While not opposing the scheme to regulate poorly performing doctors, yesterday opposition members sought clarification about the safeguards in place to ensure processes were fair and the rights of appeal were adequate, the role of specialist colleges and the consideration given to providing support for doctors who were subject to investigation.

A range of procedural safeguards exist to ensure that these processes are fair. Performance assessments and reviews are conducted by a person independent of the Medical Practitioners Board, including medical practitioners who have experience and expertise in the area of the clinical practice that is under review. A medical practitioner who is undergoing a performance assessment has the right to object to the person who has been nominated by the board to conduct that particular assessment, and the practitioner under assessment may at any time request that the matter be referred to a formal hearing.

Findings of a performance assessment are discussed with the practitioner before being presented to the board. Renewal of registration is another matter that is dealt with in the bill, and is again another example of safeguards being inserted to ensure the best possible standard and quality of care for Victorians receiving medical treatment.

The renewal of registration is dealt with in clause 8, which proposes amendments that would grant powers to require information from the practitioners applying for registration and information on participation in their continuing education. Practitioners will have to provide information about clinical activities in which they have been involved and their participation in continuing medical education. They will have to give details of their involvement in these areas when applying for registration or restoration or renewal of registration.

These provisions are similar to those contained in the New South Wales Medical Practice Act and will allow

the board to monitor practitioners' continuing medical education activities and to initiate a performance assessment if there is any reason the board should believe, when examining the information that has been provided by the practitioners, that that particular practitioner would not be competent to practise medicine in their particular chosen field. The intent of the current reform is not to introduce mandatory education requirements but to provide the board with flexibility in promoting a high standard of professional performance and ensuring the protection of the community and a high standard and quality of care.

Another proposed amendment is to establish additional powers to regulate nursing agencies under the Nurses Act 1993, and this is dealt with in clause 37, which inserts proposed sections 63A to 63J and sets out the prohibition against directing or inciting unprofessional conduct. Proposed section 63A(1) states:

A nurse's agent who arranges for the supply of the services of a registered nurse must not direct or incite the nurse to engage in conduct, in the course of professional practice, that would constitute unprofessional conduct.

It also sets out the penalties, which have been increased. In her contribution yesterday the Honourable Maree Luckins questioned why private individuals providing nurse agencies had been singled out for registration. The proposed reforms are targeted at specific concerns raised with the government by the Nurses Board of Victoria and nursing stakeholders, such as the Australian Nursing Federation.

Established public hospitals, community health centres and health services are already subject to regulation under the Health Services Act. If a hospital administrator were found to have directed a registered nurse to engage in unprofessional conduct a whole range of accountabilities and mechanisms already exist under the Health Services Act for dealing with that person. This includes a power to the Secretary of the Department of Human Services to give directions under section 42 of the Health Services Act.

The bill also ensures that the processes for issuing registration board advertising guidelines satisfy the national competition policy obligations. The bill amends five health practitioner registration acts, and includes the Medical Practice Act, the Nurses Act, the Chinese Medicine Registration Act and the Dental Practice Act. The amended five acts require ministerial approval for advertising guidelines developed by the registration board.

The opposition sought clarification on the rationale for these amendments, which will ensure that the state

meets its national competition policy obligations. The National Competition Council is concerned that under the current provisions the board's guidelines on advertising could be overly restrictive. Currently the minister has no role in the process, as guidelines are required to go to Governor in Council. The amendments formalise this role and provide additional assurance that the state meets its national competition policy obligations. The amendments do not remove the board from the process. The board maintains its responsibility for developing the guidelines and will be developing consultation with the relevant stakeholders. The amendments provide that the minister approve the guidelines that the board formulates.

Clause 48 deals with news media. The Health Records Act 2001 regulates how public and private sector agencies manage health information.

Currently under section 17 of the Health Records Act news media are able to publish health information in Victoria in connection with news activities. The amendments proposed by clause 48 of the bill make it clear that news media that publish such information outside Victoria in connection with news activities do not breach the act. That is consistent with the original intent of the act and the need to balance the public interest and the freedom of the media with an individual's right to privacy.

The bill also makes a range of additional amendments to the Medical Practice Act which propose to improve the administrative efficiency and functions of the board and to empower it to undertake a number of responsibilities. The amendments will provide the board with greater flexibility in conducting preliminary investigations, and that is dealt with in clause 9, in proposed new section 25.

Under section 24 of the current act the board may delegate the conduct of preliminary investigations to an officer of the board, a legal practitioner or investigator retained by the board, or a subcommittee of the board. The proposed amendments would allow the board to employ one or more of the above to carry out the investigation. For example, a subcommittee of the board, and a legal practitioner if necessary, could be set up for that purpose.

The proposed amendments also empower the board to enter into an agreement with practitioners as an alternative to immediate suspension. That is dealt with in clause 11, in proposed new section 27, and in clause 29, which establishes relevant rights of appeal. Currently the board can immediately suspend the registration of a practitioner if it feels they pose any

significant risk to the public, and the board reports cases in which it feels the public would be protected by limiting or restricting the scope in which a practitioner is able to practice via a binding agreement.

For example, a practitioner accused of sexual misconduct may agree not to see female patients without a chaperone — that is, presuming the accusation was of sexual misconduct with a female patient. The situation could be set up where the accused practitioner organised to conduct their practice in that way. This would allow the practitioner to continue to provide certain medical services while providing appropriate protection to the public, and it is considered preferable to suspension of the practitioner altogether, particularly in areas where access to medical services may be limited.

The board is also empowered, with the agreement of the practitioner, to vary conditions imposed on a practitioner's registration without the need for a formal hearing. That is dealt with in clause 11, in proposed new section 28. When a practitioner is impaired or has engaged in unprofessional conduct of a serious nature, conditions, limitations or restrictions may be imposed on their registration. For example, a practitioner who is drug dependent may have conditions placed on his or her registration that require them to have weekly drug testing performed and prevent them from prescribing certain drugs. Currently the board can only amend, vary or revoke conditions, limitations or restrictions placed on a practitioner's registration via a formal hearing. This means the board cannot readily amend conditions on a practitioner's registration. In the previous example the doctor may undergo drug rehabilitation and the board may believe that less frequent drug testing is required. Currently it cannot amend the initial conditions readily.

The proposed amendments would empower the board to amend, vary or revoke such conditions if there were agreement between the board and the doctor in question. If not, the matter could go to a formal hearing. Where a practitioner's registration has been cancelled the board is empowered to fix a period within which an application for re-registration cannot be made. That is dealt with in clause 19, in proposed section 45A, and also in clause 6, in proposed section 7.

In the current act there is nothing to prevent a medical practitioner whose registration has been cancelled from simply reapplying to be re-registered the very next day. Processing such applications and defending subsequent appeals has the potential to consume limited board resources. Cancellation of registration is the most significant sanction a panel can impose on a medical

practitioner, and it was not intended that vexatious practitioners would automatically be able to seek re-registration. This amendment simply remedies the gap that exists in the current act.

In addition the bill establishes a form of non-practising registration for practitioners who wish to remain registered but do not wish to practise, provides the board with the power to require all registered practitioners to provide mailing addresses that may be made public, and establishes statutory powers for the board to call prehearing conferences.

The bill establishes a range of additional amendments that empower the board in a range of very important areas, which will assist the board in carrying out its functions and give it greater flexibility.

In conclusion, this bill is important because it is about protecting the standards and quality of health care for all Victorians. Its proposals will see that patients are put ahead of profit and that companies which entice their doctors to place commercial interests or profits ahead of the interests and care of their patients can and will be significantly penalised.

The bill also provides the board with a range of other strengthening powers to enable it to take action and, where practitioners apply for registration, to look at what areas they are practising in and what additional education they are undertaking, as well as deal with underperformance if that should arise.

This is a very good bill. It deserves the support of all members of this house. I wish it a speedy progress, and I commend it to the house.

**Hon. ANDREA COOTE** (Monash) — I have pleasure in speaking on the Health Practitioner Acts (Further Amendments) Bill. At the outset I would like to acknowledge the excellent health system we have in this country, which in a worldwide sense is recognised as among the very best. I am pleased to see this bill introduced to tighten up some of the anomalies that may occur.

This bill seeks to address some of those medical practitioners who abuse the system. There are not many of them, but it is important to make certain that our health system retains integrity in its intent to continue to be among the best in both this country and the world.

The Liberal Party is happy to support this bill. As other speakers have said, the Medical Practitioners Board of Victoria also welcomes these changes so that it can continue to ensure that the best and most professional conduct is adhered to, that we can continue to feel safe

with our medical practitioners and that we can go into the future feeling a sense of confidence in the system.

I begin my contribution by reminding the house of the Hippocratic oath which goes back to 400 BCE. I will quote from the translation by Francis Adams of the oath written by Hippocrates because it has relevance to what we are speaking about today. It is interesting to see many hundreds of years ago the true essence of what it means to be a medical practitioner. Some of this has not changed to today:

I swear by Apollo the physician, and Aesculepius, and Health and All-heal, and all the gods and goddesses, that, according to my ability and judgment, I will keep this oath and this stipulation to reckon him who taught me this art equally dear to me as my parents, to share my substance with him, and relieve his necessities if required ...

It goes on:

I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous.

It later states:

Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further from the seduction of females or males, of freemen and slaves. Whatever, in connection with my professional practice or not, in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret. While I continue to keep this oath unviolated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times! But should I trespass and violate this oath, may the reverse be my lot!

It is interesting that what the medical practitioners have embraced in this bill is reflected in the oath they all took. It is very pleasing to see that we have continuity even from 400 BCE.

The main purpose of this act, as has been said, is to amend the Medical Practice Act 1994 to make further provision for regulating medical practitioners, to amend the Nurses Act 1993 to make further provision for regulating nurses and nurses agents, to make miscellaneous amendments to the Chinese Medicine Registration Act 2000, the Dental Practice Act 1999, the Psychologists Registration Act 2000 and the Health Records Act 2001, and to repeal the Medical Practitioners (Private Hospitals) Act 1984.

The amendments change the role of the Medical Practitioners Board from simply investigating and being able to investigate unprofessional conduct and the impairment of practice to being able to evaluate professional performance. This is a very welcome sign.

It is important to recognise ongoing education, given the development of technology in this area, and for us to understand in this changing world and its pressures that doctors are human too. They have to be looked after and their own health guarded, and they require peer group assessment to help and encourage them to continue giving the very best advice and service to our community.

Basically under the amendments to the Medical Practice Act there are three main thrusts. I put on the record my acknowledgment of the great contribution of my colleague the Honourable Maree Luckins to this debate. She went through the clauses with great insight and detailed all the issues in those clauses with specific detail on clauses 4, 11, 14, 23 and 30. I will not go over all those clauses today because they have been well covered, and indeed the Honourable Ron Best covered a significant number of them as well. By this stage the chamber has some understanding of what is incorporated within those clauses. The three main thrusts that alter the Medical Practice Act 1994 are basically that the Medical Practitioners Board can regulate unsatisfactory professional performance of registered medical practitioners, it can use powers to do with corporate owners who cite unprofessional behaviour in their employees and there is greater flexibility in carrying out the board's functions.

I am pleased to see this last aspect alluded to in this bill, mainly because with a number of controversial issues recently such as stem cell research we have seen how very quickly technology changes and how we need the flexibility to deal with those issues as they present themselves. I was particularly pleased to see the detail of the flexibility. Clause 15, which substitutes proposed new sections 38A to 38J, gives the Medical Practitioners Board the power to review or assess practitioners whose conduct is believed to be less than suitable. Peer group assessment is often the most appropriate way because this can be analysed effectively. I am pleased that the spirit of these investigations in the two boards that have been set up is not seen to be adversarial but to be educative and cooperative. The spirit of this bill is pleasing to all concerned.

The bill enables the Medical Practitioners Board to receive notifications of unsatisfactory professional performance, which is also important. Doctors must feel confident in going to the board and notifying it of anything they feel deserves such notification. Two processes have been set up by this bill, basically for the Medical Practitioners Board to be able to establish a preliminary investigation of someone about whom there has been some concern. The first one is informal

and there would be suggestions for changes of practice and further education and it would consist of one or two suitably qualified medical practitioners who would carry out a performance assessment. Performance assessment and ongoing assessment of a job is heartening to all concerned. Anybody in this industry would probably welcome that sort of assessment, particularly if it was done in the spirit, as I said before, of cooperation and education rather than in an adversarial way.

However, this bill also copes with issues of much more serious concern. The board can now under this bill appoint two or more people to a panel comprising a medical practitioner, an expert in the particular field that is under scrutiny, and a lay person who must not be a medical practitioner. That balance is quite important, and from an analysis point of view will have a good outcome. The process will be that the panel will take evidence and listen to the medical practitioner concerned. The recommendations from that panel will go to the Medical Practitioners Board, which can then restrict or limit the medical practitioner's registration. The bill covers those aspects in great detail, as has been mentioned already today.

Another interesting point is that the Medical Practitioners Board can collect information from educational bodies to which the medical practitioner under scrutiny has been sent. It is important to understand that this sort of issue can be checked — and over a long distance — so there is some sense of follow-through and accountability in this issue.

In his second-reading speech the minister spoke about this collection of information. He said:

This is designed to be a more flexible approach that recognises the diversity of medical practice. If, however, the data collected by the board and other bodies indicates the need for further regulation, I will re-examine the options.

I hold the minister to that, and indeed I hope he makes certain it is analysed, reflected upon and scrutinised so that these issues are not abused under any circumstances. I am very pleased to see that statement incorporated in the second-reading speech.

Clauses 6 to 8 deal with the deregistration that I spoke about before. This is not to be taken lightly, and I am pleased to see so many issues dealt with. I was, as I have told this chamber before, the president of the Health Services Review Council. In that capacity I heard and learnt a number of very interesting things, one being that sometimes psychologists or people in similar professions who had fallen foul of their registration boards could turn their plaques around and

say, 'Open for business; I am now a consultant' and did not have to answer to anybody. That is a grave concern, and clauses 6 to 8 deal with that quite adequately.

Clause 9 deals with the Health Services Review Council itself. I have said in this chamber on many occasions that I acknowledge the very great work of Beth Wilson and the Health Services Review Council, and I would like to say that again. They go from strength to strength. It is an organisation we should all feel extremely proud of, and I give my praise to Beth Wilson and her team for their excellent work. The council is dealt with quite comprehensively in this bill, and notifications are dealt with by the Health Services Commissioner. However, it is appropriate to remind the chamber of some of the issues the Health Services Commissioner deals with. The 1999–2000 annual report of the Health Services Commissioner says:

Medical practitioners represented 41 per cent of health service providers complained about followed by hospitals at 30 per cent, dentists at 8 per cent, with the remainder representing 15 per cent.

The very highest number of complaints were against medical practitioners. I believe this is something for us all to take on board and to remember in the debate on this bill. The annual report continues:

Private medical practitioners continue to be the subject of most complaints; however, they are, by far, the largest provider group.

So it is important to keep the balance there. It clarifies that the category of medical practitioners includes all doctors whether in specialist service provision or general practice. The most common issue of complaint related to treatment.

The annual report breaks down the treatment issues raised about medical practitioners so that readers can understand the concerns of the public. Incomplete treatment complaints amounted to 13 per cent, but the largest complaints were about inadequate treatment at 35 per cent and inadequate diagnosis at around 28 per cent. These levels are all far too high, but it is important to see that some of those issues are addressed in the bill.

When I was council president, it was interesting to note that the major complaints were frequently about cosmetic surgery. That is a very difficult area because people are often not very happy with the way their nose turned out or whatever other operation they were undergoing. It is quite a subjective area, but the concerns were very real and these are areas in which there have been rogue operators and medical practitioners. I am pleased to see that aspects of the bill will address that. For the record I refer to the annual

report of the Health Services Commissioner for 1998–99 to indicate the sort of matter I mentioned earlier. It states:

Unsuccessful cosmetic surgery

A patient attended a cosmetic surgeon for collagen injections to the face. As they only lasted a few months the patient returned to the surgeon who suggested a new method of silicon injections. Following the procedure the patient developed a face sore which would not heal and grew bigger. The sore was surgically removed but after a few months another one developed in the same place and had to be removed. A biopsy of this sore showed it contained silicon. The patient developed yet another sore under one of the scars. The doctor tried cortisone injections which did not work. The doctor then recommended not touching the injury because the only treatment available would result in the removal of half the patient's chin. The patient was subsequently advised that the silicon could not be inserted straight into the skin. The doctor denied that the problems were caused by the silicon.

It is very concerning for us to hear that. I refer now to liposuction, which is another issue of complaint. The report states:

A patient who had stomach liposuction complained to the doctor several times over the next three months about pain and inadequate healing of the area. The doctor assured the patient that the pain would settle down in six months and that the stomach would look beautiful. The patient remained in pain and after consulting two other doctors was told by both that the liposuction was not correctly performed.

That is extremely concerning. These are the sorts of problems this bill is intended to address.

One final example concerns an unsuccessful breast reduction that resulted in pain and scarring. The report states:

A woman had breast reduction surgery, recommended to ease the heavy weight thought to be causing headaches, migraines and back troubles. The left breast developed an infection and the scars on each breast split open. Despite 10 months of regular visits to her doctor and other surgeons, she has not been able to remedy the problem.

It is very important to understand the sorts of issues the Health Services Review Council and the Medical Practitioner Board have to deal with. This bill will provide the council with more adequate skills and tools to be able to do that.

The other issue spoken about in this debate has been corporate owners. Most of us in this chamber grew up with local doctors who would come to visit. They were usually sole operators who worked from suburbs nearby and visited us at home, and we had a relationship with those doctors. Today in the huge, multistorey, bulk-billing clinics you are a number. You go in, sit there and are processed very quickly with no interaction at all. With that there is the thought that

accountability and indeed personal relationships and all that that entails dissipate. It was very pleasing for me particularly to see this dealt with in this bill.

The concept of negative licensing is brought out in the bill and the Liberal Party has no problems with that issue; indeed it is quite an interesting aspect. There is a concern in the industry that there is reason to be worried about overservicing and underservicing, which I think is quite interesting. However, this bill enables the Medical Practitioners Board to take action against any employer who directs a medical practitioner to practise in an unprofessional way. Mostly they are dealing with drug prescriptions and diagnostic tests, but the Health Services Commissioner's 1998–99 report gives a very explicit example of how undue pressure can be brought to bear. It concerned inadequate diagnosis and hard selling.

A patient complained about the lack of adequate attention a doctor gave to a facial mark. The patient said the doctor did not conduct a proper examination and therefore did not correctly diagnose it. Three doctors later confirmed that it was a basal cell carcinoma. The complainant says that the doctor was more interested in selling laser therapy and aesthetic nose surgery.

This is a concern. It is pleasing to see that the bill addresses just those sorts of pressures, and if they are found guilty under the provisions of the bill the Department of Human Resources can prohibit these corporations from operating as businesses. If there is a breach of this prohibition, if they continue to move on, a penalty is imposed relevant to the gravity of the offence. This is dealt with in clause 30, which inserts proposed sections 63D and 63E, which my colleague the Honourable Maree Luckins dealt with in some detail.

I was concerned by part of the contribution of the Honourable Kaye Darveniza. The bill goes into some detail listing what a corporation and a body corporate involves. It is explicit about a 10 per cent cap.

Ms Darveniza went on to say that 10 per cent was a controlling interest. My maths is not great, but I do not think 10 per cent is a controlling interest, and I would like to have that clarified.

The additional amendments vary conditions on medical practitioners through the assessment process and allow for the immediate suspension of a medical practitioner who is seen to be a risk to the public. As I said at the outset, this is extremely important. The integrity of our health system is at risk and anything that can be done must be done to ensure that we continue to have confidence in it and it remains intrinsically positive. The bill gives health practitioner acts more flexibility in dealing with both the corporations and the medical

practitioners who are negligent. I spoke before about flexibility, and with the changes in this area the bill covers it well.

Part 3 of the bill deals with nurses. Nurses are under a lot of stress, and we have seen a number of complaints about nurses. The nurses in this state deserve enormous praise and thanks; they do an excellent job. In doing my research I came across their pledge, which is called the Florence Nightingale pledge. It is pleasing that just as the Hippocratic oath is still relevant today so too is this pledge, which was composed in 1863. It is important that our medical practitioners, health practitioners and nurses have a continuity of care and concern for public. The Florence Nightingale pledge states:

I solemnly pledge myself before God and in the presence of this assembly, to pass my life in purity and to practise my profession faithfully. I will abstain from whatever is deleterious and mischievous, and will not take or knowingly administer any harmful drug. I will do all in my power to maintain and elevate the standard of my profession, and will hold in confidence all personal matters committed to my keeping and all family affairs coming to my knowledge in the practice of my calling. With loyalty will I endeavour to aid the physician in his work, and devote myself to the welfare of those committed to my care.

The discussion and consultation process has taken into consideration nurses and their concerns. It is important that we debate the nurses' issues simultaneously with those of the doctors, many of which are similar. That is what this part of the bill deals with.

Part 4 deals with amendments to other health practitioner acts. The Honourable Kaye Darveniza went into great detail about that and there is no need to follow it through further.

Part 5 deals with the Health Records Act, a bill that went through this chamber with healthy debate in 2001. The contributions made at that time were intelligent, and the chamber is to be commended on that.

In conclusion, the bill provides for public protection by examination and testing of the maintenance of professional standards. As such it should be encouraged, and I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 4 agreed to.**

**Clause 5**

**Hon. M. T. LUCKINS** (Waverley) — During my contribution I outlined for the government some concerns of the opposition relating to the professional assessment pathways which is referred to extensively in the second-reading speech but is dealt with in the bill only in clause 5. I ask the government and the minister to reassure professional practitioners that the Medical Practitioners Board will establish the mechanisms envisaged in the bill in consultation with the professions and the specialist colleges before it is introduced.

**Hon. M. R. THOMSON** (Minister for Small Business) — Yes, I give that assurance.

**Hon. M. T. LUCKINS** (Waverley) — Can the Minister for Small Business explain how unsatisfactory professional performance will be defined, how that assessment by peers will be conducted and the role of specialist colleges in that peer review?

**Hon. M. R. THOMSON** (Minister for Small Business) — I believe that these judgments are already being made by the board, and it will continue to make these same judgments after the bill is passed.

**Hon. M. T. Luckins** — In consultation?

**Hon. M. R. THOMSON** — I believe that is right.

**Hon. M. T. LUCKINS** (Waverley) — What steps will the board take to protect practitioners against vexatious and frivolous complaints given that under the provisions of the bill we have debated today and the principal act a medical practitioner can be suspended as soon as a complaint is made? The opposition seeks an assurance that complaints will be investigated as soon as possible to ensure that practitioners are not disadvantaged financially or professionally in the case of a vexatious or frivolous claim.

**Hon. M. R. THOMSON** (Minister for Small Business) — I think the bill as it currently stands will make it easier to do that given that it provides flexibility and allows the performance assessment to be done at any stage. When a complaint is made the board can make a determination of that complaint at any stage. It will also have additional knowledge as a result of the information practitioners will be providing as they register or re-register. The board will be able to deal with complaints more promptly and at various stages through investigations and will be able to resolve these issues even more promptly than it has been able to do to date.

**Hon. M. T. LUCKINS** (Waverley) — How will the peer assessors be protected from legal action? Do

indemnity arrangements exist? If so, how, and through what regulation? If not, why not, and when?

**Hon. M. R. THOMSON** (Minister for Small Business) — That is a very complicated question that the board will be dealing with in consultation with the various colleges.

**Clause agreed to; clauses 6 to 10 agreed to.**

#### Clause 11

**Hon. M. T. LUCKINS** (Waverley) — Clause 11 deals with suspension of registration at any time. I ask the Minister for Small Business to clarify the appeal procedures for a medical practitioner who is suspended.

**Hon. M. R. THOMSON** (Minister for Small Business) — As I understand it, a decision is appealable at the Victorian Civil and Administrative Tribunal.

**Clause agreed to; clauses 12 to 29 agreed to.**

#### Clause 30

**Hon. M. T. LUCKINS** (Waverley) — Clause 30 deals with the meaning of the management role, which is a substantial interest. Proposed section 63H defines a 10 per cent entitlement as being a substantial interest in a company, and a person or a corporate entity with a 10 per cent or higher stake in a company will be held liable for inciting or directing an employee to act in an unprofessional manner. How and why has the 10 per cent been decided upon?

**Hon. M. R. THOMSON** (Minister for Small Business) — Yes. The national competition policy review of pharmacy legislation commissioned by the Council of Australian Governments considered the question of the minimum level of equity pharmacists would need to hold within a corporate model for pharmacy ownership if they were to retain a meaningful level of equity and influence in the equity, and that level was 10 per cent based on legal advice obtained as part of that report. That 10 per cent is also the requirement in the New South Wales legislation, and to be consistent with legislation to get the greatest uniformity it possibly can the government felt that the 10 per cent would meet both the national competition policy definition and the New South Wales legislation.

**Hon. M. T. LUCKINS** (Waverley) — Just to clarify the minister's answer, this bill does not deal with pharmacists and I am not aware that this provision is actually mirrored in pharmacy legislation. Will the minister clarify that?

**Hon. M. R. THOMSON** (Minister for Small Business) — A legal opinion that was sought as to what would actually be a meaningful level of equity and influence in an entity was the basis under which this decision was made, and the legal opinion was given on that basis. I will also say that it is not just the shares that persons may hold that would influence the activities but also the relationship they may actually have within a clinic.

**Hon. M. T. LUCKINS** (Waverley) — Does the minister or the government envisage putting a similar clause into the Pharmacists Act?

**Hon. M. R. THOMSON** (Minister for Small Business) — The pharmacy legislation was part of a national review, and it will be looked at among a whole lot of issues when the Victorian review is undertaken.

**Hon. M. T. LUCKINS** (Waverley) — Will passive shareholders with no day-to-day management influence be pursued if they hold a 10 per cent or higher stake in an entity that is caught under this provision?

**Hon. M. R. THOMSON** (Minister for Small Business) — Not unless there is evidence to indicate that there has been undue influence.

**Hon. M. T. LUCKINS** (Waverley) — The Honourable Kaye Darveniza mentioned in her contribution the role of the Department of Human Services in taking action against owners and operators for breaches of this provision. I seek clarification of whether that is the case or whether perhaps Ms Darveniza was mistaken.

**Hon. M. R. THOMSON** (Minister for Small Business) — Both the board and the secretary have the capacity to act in relation to these matters.

**Clause agreed to.**

#### Clause 31

**Hon. M. T. LUCKINS** (Waverley) — Clause 31 deals with advertising guidelines and substitutes the authority of the board for the authority of the minister to approve advertising guidelines. I ask: why was the change made and was the board consulted about this loss of authority and autonomy?

**Hon. M. R. THOMSON** (Minister for Small Business) — This amendment, along with a number of others relating to advertising, was based on a national competition policy obligation which was concerned about the guidelines and the restrictive nature of some of those guidelines. The practice has been that the

minister informally had the tick-off of guidelines before the guidelines were gazetted. What is occurring is just the formalisation of that process — that is, the final check by the minister, which came out of the national competition policy to ensure that there is that balance between the best interests of communities and also to ensure that the capacity to compete equally is available.

**Hon. M. T. LUCKINS** (Waverley) — I ask the minister if there are any examples of boards doing the wrong thing in the past that can explain what has prompted this change.

**Hon. M. R. THOMSON** (Minister for Small Business) — I am informed that there are.

**Hon. M. T. LUCKINS** (Waverley) — Would the minister care to expand on that?

**Hon. M. R. THOMSON** (Minister for Small Business) — Yes, an example would be restrictions on the dimensions of an advertisement, or in some instances not being able to advertise on television or being quite restrictive as to where they might be able to advertise, even though it might be a reasonable advertisement.

**Hon. M. T. LUCKINS** (Waverley) — I am using this clause as an example, but the same provision is repeated in amendments being made to the Nurses Act, the Chinese Medical Registration Act, the Dental Practice Act and the Psychologists Registration Act. Does the government envisage repeating this provision in all health acts to make them consistent?

**Hon. M. R. THOMSON** (Minister for Small Business) — I believe these are the only boards that have those provisions.

**Clause agreed to; clauses 32 to 36 agreed to.**

**Clause 37**

**Hon. M. T. LUCKINS** (Waverley) — Clause 37 is similar to clause 30 and amends the Medical Practitioners Act to provide a prohibition against directing or inciting unprofessional conduct. During the course of my contribution last night I voiced concern about anomalies between this clause, which targets the individuals or companies that supply nurses, such as nurses agencies, and singles them out, and the way this issue is dealt with in the public sector. The concern is that proposed section 63A of the Nurses Act, which singles out a nurses agent for penalty, is similar to clause 30, which deals with the medical practitioners. Why have nurses agents been singled out?

**Hon. M. R. THOMSON** (Minister for Small Business) — In the annual report of the Nurses Board of Victoria plans in relation to that are mentioned and therefore it was felt that they needed to be covered. The public sector is covered under the Health Services Act.

**Hon. M. T. LUCKINS** (Waverley) — I invite the minister to inform the chamber of what the equivalent provision in the Health Services Act 1988 is that deals with this issue.

**Hon. M. R. THOMSON** (Minister for Small Business) — Under section 42, we find:

42. Hospital must comply with directions of Secretary

(1) The Secretary, for the purpose of carrying out functions and powers under this Act or for carrying out the objectives of this Act, may in writing give directions to a public hospital or denominational hospital in relation to all or any of the following matters —

...

(c) the number and type of persons which the hospital should employ or from whom it should obtain services and their conditions of employment or service ...

**Hon. M. T. LUCKINS** (Waverley) — If, in a public hospital, community health centre or denominational hospital, an individual nurse is directed or incited to engage in unprofessional conduct that could be considered as their being required to work outside their area of expertise, thereby endangering patients' lives, what action would be taken in that instance and who would that action be taken against?

**Hon. M. R. THOMSON** (Minister for Small Business) — I will take your guidance, Mr Acting Chairman, but that is outside the parameters of this bill.

**The ACTING CHAIRMAN**

(**Hon. G. B. Ashman**) — Order! I think it probably is.

**Hon. M. T. LUCKINS** (Waverley) — Will the government through the minister explain to the committee when it plans to make this provision of prohibition against directing or inciting unprofessional conduct a part of all other health acts?

**The ACTING CHAIRMAN**

(**Hon. G. B. Ashman**) — Order! I think the question is also outside the scope of the bill.

**Hon. M. R. THOMSON** (Minister for Small Business) — I am informed that the department is reviewing all the health practitioners acts and will be looking at this as part of that program.

Clause agreed to; clauses 38 to 49 agreed to.

Reported to house without amendment.

Report adopted.

*Third reading*

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

That this bill be now read a third time.

In so doing I thank the Honourables Maree Luckins, Ron Best, Kaye Darveniza and Andrea Coote for their contributions. I also thank all the parties for their support of the passage of the legislation.

Motion agreed to.

Read third time.

*Remaining stages*

Passed remaining stages.

**BUILDING AND CONSTRUCTION  
INDUSTRY SECURITY OF PAYMENT BILL**

*Introduction and first reading*

Received from Assembly.

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

*Second reading*

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

That this bill be now read a second time.

I have great pleasure in introducing this bill.

The bill gives effect to the government's commitment to securing payment for contractors, subcontractors, consultants and others in the building and construction industry, which has been a major concern in the industry for some time. Accounts of small businesses and companies failing due to larger companies going broke or refusing to pay, and issues relating to cash flow problems, are prevalent within the industry. Up until now Victoria has been one of the few states across Australia without legislation protecting subcontractors and others involved in the industry that have legitimate claims against defaulting companies.

The Bracks government's election commitment to create a task force and bring owners, builders, subcontractors and unions together to produce a detailed package for legislation has been delivered. The task force was created by the previous minister, the honourable member for Albert Park, and chaired by the member for Mitcham. The recommendations of the task force had the broad support of key stakeholders in the building and construction industry: developers, industry peak bodies, and unions.

The Kennett government had a range of opportunities to act on the issue, but it failed the building and construction industry every time, while other states initiated legislation. The Kennett government's only response was a weak voluntary code that applied to government projects only.

This government has been able to tackle the issue head on. Through consultation with all key stakeholders in the building and construction industry across the Victorian building and construction industry we have developed legislation which I believe will ensure that all contractors, subcontractors, suppliers, consultants and allied workers in the building and construction industry receive fair and timely payments.

The main purpose of this bill is to provide for an entitlement to progress payments for persons who carry out building and construction work or who supply related goods and services under construction contracts. This bill represents a major initiative by the government to remove the inequitable practices in the building and construction industry whereby small contractors are not paid on time, or at all, for their work. This can be due to poor payment practices of contractors or financial failure of a head contractor when a dispute or litigation is in progress.

The bill substantially adopts the recommendations of the industry task force, which was appointed by the government to review the remedial action that may be taken to address poor payment practices under building and construction contracts. The main thrust of the task force recommendations was for the introduction of legislation reflecting the New South Wales Building and Construction Industry Security of Payment Act 1999, which has proved successful in that jurisdiction. The bill is modelled on the provisions and processes of the New South Wales act and this has the benefit of allowing building and construction firms with national operations to be subject to common payment requirements in both jurisdictions.

The bill will alleviate the hardship which subcontractors suffer by reason of poor payment

practices in the industry. The bill creates standards and a balanced and equitable process for payment and will reform payment behaviour in the industry.

The essential elements of the bill are that if the contract does not provide for progress payments, a progress payment process is implied into the contract; quick adjudication of disputes is provided for with an obligation to pay or provide security of payment.

The bill substantially adopts the recommendations of the industry task force, which was appointed by the government to review the remedial action that may be taken to address poor payment practices under building and construction contracts.

The bill is divided into four parts.

Part 1 provides for the commencement of the bill, sets out the object of the bill, defines certain terms used throughout the bill, and deals with the application of the bill to construction contracts. The object of the bill is to ensure that any person who carries out construction work or who supplies related goods and services under a construction contract is entitled to receive, and is able to recover, specified progress payments in relation to the carrying out of that work and the supplying of those goods and services. 'Construction contract' is very broadly defined, and includes the construction, alteration or repair (including demolition) of any works forming part of land including roadworks, buildings, railways and drainage construction. Related goods and services which are supplied under construction contracts are also included, as are engineering, landscaping and technical and advisory services relating to construction work.

The act does not apply to a construction contract entered into before the commencement of the operation of the act.

Some types of contracts are excluded from the operation of the legislation. The main exclusions are:

contracts of insurance or loans or guarantees with recognised financial institutions;

domestic building contracts for construction work on the residence of the building owner;

contracts where consideration is not to be calculated by reference to the value of the work or goods or services;

employment contracts;

contracts for construction work carried out outside Victoria; and

contracts entered into before the commencement of the act.

Part 2 of the act provides a statutory entitlement to receive progress payments for construction work, and provides, in clause 9, that a payment claim may be made every 20 business days. These provisions do not override any relevant provisions in the contract. Provision is made for valuation of work performed or goods and services provided, if the construction contract does not specify how a payment is to be valued. The bill explicitly provides that arrangements known in the industry as 'pay when paid' provisions are of no effect.

Part 3 of the bill deals with the procedures for recovering progress payments. It sets out the procedures for making a payment claim, adjudication of disputes, appointment of adjudicators, the claimant's right to suspend work in certain circumstances and the circumstances in which claimants may seek recovery from the principal.

Part 4 of the bill sets out a number of miscellaneous provisions, including provisions dealing with contracting out, confidentiality of information provided to the Building Commission, service of notices, regulation-making powers and consequential amendments to other legislation.

#### **Statement under section 85(5) of the Constitution Act 1975**

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reason for altering or varying section 85 of that act by the bill.

Clause 51 of the bill states that it is the intention of section 46 to alter or vary section 85 of the Constitution Act 1975.

Clause 46 provides that an adjudicator is not personally liable for anything done or omitted to be done in good faith in the exercise of his or her powers or the discharge of his or her duties under the act or the regulations or in the reasonable belief that the act or omission was in the exercise of those powers or the discharge of those duties. The reason for limiting the jurisdiction of the Supreme Court with respect to this provision is to permit adjudicators to exercise their powers and discharge their duties without fear of litigation.

In the absence of a statutory exclusion from liability it is unlikely that individuals would accept appointment as adjudicators as they are required to provide rapid determination of amounts due with limited ability to consider all of the detailed arguments that may be raised in subsequent proceedings.

The exclusion from liability is intended to facilitate the adjudication process and does not affect the rights of any party to have the overall dispute between the parties resolved in accordance with law.

I commend the bill to the house.

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

**Debate adjourned until next day.**

## BUSINESS OF THE HOUSE

### Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 7 May.

**Motion agreed to.**

## ADJOURNMENT

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

That the house do now adjourn.

### Vicroads: Nunawading land

**Hon. B. N. ATKINSON** (Koonung) — My adjournment item through the Minister for Energy and Resources, who has made herself available this evening, is directed to the Minister for Transport in another place. I draw his attention to a continuing community concern and indeed a concern of the City of Whitehorse in Nunawading about a property owned by Vicroads which is situated on the corner of Junction and Springvale roads in Nunawading.

Vicroads had decided that this land was surplus to its requirements in regard to the construction of the Eastern Freeway and sought to place the property on the market. The City of Whitehorse and the local community were most concerned about the sale and asked that Vicroads reconsider its position. Subsequently I understand that Vicroads and the Department of Natural Resources and Environment

have been having a to-and-fro about who should be responsible for the land and how it should be settled in terms of state ownership and, more importantly perhaps, how it should be maintained into the future.

I am keen for the Minister for Transport to advise me and more particularly the local community on what plans he has for the land and whether Vicroads is still of the view that it ought to be disposed of, that it is surplus to its requirements and that it does not wish to maintain and hold the land. If so, I ask what arrangements the minister is making to ensure that public open space in the area is still available to the local community.

I ask the minister to do this as a matter of urgency as I understand that a plan has been floating around for \$500 000 worth of upgrading works to be carried out on the land. I am not sure who is responsible for that, whether it is Vicroads or the Department of Natural Resources and Environment, which I understand has also said it is not interested in maintaining this or many of the other small parcels of land spread throughout the metropolitan area because of the difficulty that it has in looking after those blocks. Certainly the council is not in a position to fund the maintenance of the property. It is an important property to the local community and I request that the Minister for Transport provide information on what is to be the future of the land on the corner of Junction and Springvale roads in Nunawading.

### Maribyrnong River: pollution

**Hon. S. M. NGUYEN** (Melbourne West) — I direct to the attention of the Minister for Energy and Resources, for referral to the Minister for Environment and Conservation in the other place, a matter of concern for a Maribyrnong city resident who has called on the Environment Protection Authority to look for sources of a 1-kilometre oil-like slick on the Maribyrnong River which has polluted the Footscray waterfront since last week.

Unlike under the previous government, when the EPA was forced to be a lap-dog to the government and was constantly being undermined and weakened, under the Bracks government the EPA is a better funded, more efficient, and more independent regulatory body proudly fulfilling its duty to the public. It is now truly a watchdog body, not a lap-dog to the government.

The Footscray and West Melbourne metropolitan fire brigade crews responded to reports of the spill at 11.40 a.m. last Monday, with West Melbourne supplying a crew equipped with boats and absorbent booms to control spills.

According to the *Western Times* newspaper of 23 April 2002 a West Melbourne station officer said the slick appeared to be some kind of fuel, and firefighters used an inflatable boat to travel up and down the river to check stormwater drains and creek mouths in an effort to identify the source of the slick.

As a member for Melbourne West Province I bring this incident to the minister's attention and seek her advice as to the appropriate action that will be taken by the EPA on this matter.

### **Anzac Day: free buses**

**Hon. M. A. BIRRELL** (East Yarra) — I raise a matter that relates to the Minister for Transport. Tomorrow is Anzac Day, and of course it is completely appropriate that Parliament does not sit, but it means we do not have opportunities to reflect in this place on Anzac Day or on the activities that governments undertake in relation to that day. I know all honourable members will be turning their minds to that day themselves tomorrow, and it is appropriate that we do so.

I commend the initiative of the Department of Infrastructure in assisting particularly former servicemen and women to be able to attend the Anzac Day service tomorrow at the Shrine of Remembrance by providing free bus services. I think it is a welcome initiative which, from reports of members on all sides of the Parliament, has worked well in providing assistance for people who felt it was just too difficult to attend the service simply because it is now so popular.

We should not forget that 60 years ago to this day Australians were at war; a war, being the Second World War, that is perhaps less the focus of the publicity around Anzac Day than the normal coverage which is given to Gallipoli and the First World War. Sixty years ago Australians were at war in North Africa, over Europe, in South-East Asia and on the seas across the world. In 1942 Japan had conquered South-East Asia and Australia itself, including Darwin, was under attack. We were under attack until our forces defeated the Japanese in Papua New Guinea. The year 1942 also saw the Axis powers triumphant in Russia and in Asia, and then in a series of battles the initiative shifted to the Allies in places like Stalingrad, El Alamein, Papua and Guadalcanal.

You would have to weigh against the challenges of the time the victories that occurred 60 years ago on the Kokoda Trail, at Buna and Goda and at El Alamein. There was perhaps a realisation at that time that the tide was turning in favour of the Australians and the Allies,

but also a sense that there was a lot of 'bitter fighting ahead' as the Australian War Memorial calls it, when recognising what happened 60 years ago.

Many participants in the Second World War have survived and wish to remember those who died. There are others who would otherwise want to say thank you for those who fought for the freedom we now enjoy. I welcome the fact that through the department's initiative more will be able to participate tomorrow.

### **Stamp duty: unquoted marketable securities**

**Hon. R. M. HALLAM** (Western) — I raise an issue which concerns the Minister for Small Business and her confusion as to what constitutes an unquoted marketable security. I acknowledge that the minister offered an explanation to the chamber earlier today regarding her confusion, and undertook to apologise to the Bendigo stock exchange following her quite nonsensical answer to a question without notice asked of her yesterday. I must say I was a little bemused by the minister's explanation, and particularly her rebuke of the Honourable Cameron Boardman for asking the question if he did not know the answer. I am sure Mr Boardman is well aware of the cardinal rule in politics anyway. However, the real test was not whether Mr Boardman understood the key concepts underpinning the government's taxing initiatives, but whether the minister understood them. Given that the minister's original answer was misleading, I call on her to put an unqualified correction on the record and to table a copy of her letter of apology to the Bendigo stock exchange.

### **Glen Eira: mayoral election**

**Hon. T. C. THEOPHANOUS** (Jika Jika) — I have an issue I want directed to the Minister for Local Government by the Minister for Small Business. I bring to the attention of the minister articles that appeared in the *Caulfield-Glen Eira Leader* in relation to the election of the new mayor of Glen Eira, Cr Goudge. The article on 1 April reports:

However, Mr Goudge said Glen Eira was one of the few 'apolitical' councils in Melbourne.

Mr Goudge is reported as saying:

I don't even know the political persuasion of some of the councillors.

On 8 April, the same newspaper reports:

Since the election, two councillors have approached the *Leader* claiming phone calls were made to the three Liberal councillors directing them to vote for Cr Goudge.

It goes on to say:

Bentleigh MP Inga Peulich, her Liberal colleague for Knox, MP, Hurtle Lupton, as well as others sporting Liberal Party pins on their jackets sat in the public gallery to see the council vote Cr Goudge into the top job.

‘What we had ... was a Liberal Party meeting’, said one councillor ...

‘I’ve been told some councillors who are Liberal Party members received phone calls from the Liberal Party’.

‘The mayoralty should not be achieved by political means’.

Another councillors said it was obvious Liberal councillors had been directed to vote for Cr Goudge.

I ask the minister in this instance to see if he can determine whether there has been political interference and political direction.

If the Liberal Party is going to go about trying to look at what happens in Frankston it ought to consider whether it should also look at what is happening in Glen Eira where there is some obvious shonky business going on in the Liberal Party!

### Coode Island: chemical storage

**Hon. ANDREA COOTE (Monash)** — I direct a matter to the attention of the minister representing the Premier in another place. It relates to the sale of the Coode Island chemical plant. The announcement of the sale has just cast doubt over the implementation of the \$40-million safety upgrade.

I refer to an article in the *Herald Sun* of 19 April which quoted a member of the Coode Island consultative committee as saying:

‘The main thing is we that don’t know what the hell is going on ... Every move that has happened over the last few years has not been an improvement.

‘It’s a matter of who has got the best arrangement of the deck chairs on the *Titanic*’.

Terminals chief financial officer Allen Hugli said work was proceeding on upgrading the Coode Island vapour emission system. But he said the \$40-million safety upgrade would not go ahead.

‘We hope that we will be able to announce a sale within months’, Mr Hugli said.

This is not in my electorate. However, if there were to be another disaster on Coode Island the residents of Beacon Cove in my electorate would be directly affected by any winds that were blowing the toxic gases towards them, and they are very concerned. If an explosion occurred when the wind was blowing in a

northerly direction the residents of Beacon Cove would be in grave danger.

I ask the government: will it guarantee that the new buyer will have to continue the full safety upgrade?

### Vicroads: roadside vegetation

**Hon. PHILIP DAVIS (Gippsland)** — I raise a matter for the attention of the Minister for Transport in another place. Recently a constituent, Mrs Sargood of Fernbank near Bairnsdale, raised with me the issue of Vicroads works and roadside vegetation. Vicroads proposes work on the Princes Highway between Stratford and Bairnsdale to widen the road. These works are certainly needed to improve traffic safety.

Fortunately our forebears were wise and forward-looking people and provided a wide road reserve. However, the present made road is generally constructed on the north of the reserve, with the balance of the reserve containing some native vegetation.

Mrs Sargood asked me why, with such good forward planning, the road-widening project could not have been completed by roadwork to the south of the present road, because in fact Vicroads is contemplating significant private land acquisitions adjacent to this road reserve.

My inquiries of Vicroads have met with a most surprising response, which is that Vicroads does not remove vegetation from road reserves and therefore new works regularly require that Vicroads acquire private land. Therefore I ask the minister to advise what the Vicroads policy and practice is with regard to clearing native vegetation on road reserves and on the policy of utilisation of road reserves as roads rather than as vegetation corridors.

### Mount Buller primary school

**Hon. BILL FORWOOD (Templestowe)** — I raise a matter for the attention of the Minister for Education Services. If she is in her office listening to this I advise her to come in here and deal with it herself.

In question time today the opposition raised the issue of teacher housing accommodation on Mount Buller. I must say that I have been very pleased to get some feedback this afternoon, that after a lot of flurrying and scurrying around the department has apparently decided after all that it will be able to find some accommodation — or is rumoured to be able to find some accommodation — for the teachers so that the Mount Buller primary school will continue to operate this year as it has in the past.

I am delighted that this issue has received such terrifically prompt attention by the government. It is an important issue for the people up there, and I wonder if the minister would care to join us in the chamber to confirm that as a result of the question asked by the opposition today this matter has now been resolved.

### **Electricity: plant materials**

**Hon. N. B. LUCAS** (Eumemmerring) — I raise with the Minister for Energy and Resources a matter relating to green energy. I have previously raised with the minister the issue of producing biodiesel. At the time the minister indicated to me that she was looking into that area.

I raise the fact that the Northern Territory Power and Water Authority is building a new 350-kilowatt pilot power plant on the Adelaide River to generate electricity from weeds that have taken over a huge area of land. The weed in question was introduced from Latin America many years ago. The generation of electricity by the use of this green resource will significantly reduce greenhouse emissions over the life of the project. I reiterate my interest in this area and ask the minister to advise me of any projects presently under way in Victoria to generate energy from plant materials.

### **Environment: greenhouse strategy**

**Hon. P. A. KATSAMBANIS** (Monash) — The issue I raise with the Minister for Energy and Resources relates to the important issue of climate change. Recently the Australian Greenhouse Office prepared a draft of Australia's third national report under the United Nations Framework Convention on Climate Change, which I believe has been circulated around Australian states and territories for comment.

Can the minister advise the house of when she received a copy of this draft, what response she or her office or department has prepared to forward to the Australian Greenhouse Office, and whether she would be prepared to make that response available publicly.

### **Consumer Utilities Advocacy Centre**

**Hon. B. C. BOARDMAN** (Chelsea) — I refer the Minister for Energy and Resources to an answer to a question without notice she gave on 16 April about the Consumer Utilities Advocacy Centre, a Bracks government initiative accompanied by \$500 000 in funding, which will provide a small secretariat and, when the development of official guidelines are completed, research grants for the organisation.

I also refer the minister to subsequent press comments she has made about the group. As I understand it, the group will be set up to fund research into utility issues and act as an agency to inform consumers of the best possible deal they can get on electricity, water and gas. That comment in itself seems troublesome because of the potential to contradict Australian Competition and Consumer Commission guidelines on open competition policy and ensuring that there is no bias between individual stakeholders relevant to that field. I request that the minister give further examination to that.

The minister's public comments also confirm that the centre will not in any way act as a body to refer or investigate customer complaints — that will be done by the energy ombudsman, and rightly so. That really begs the question of what the point is of the organisation. One part of the package which requires further explanation, which I am seeking from the minister, is that there will be a reference group consisting of consumer advocates to assist the board. Why would a reference group extraneous to the board consisting of self-described consumer advocates be needed when it seems the roles, responsibilities and guidelines for the advocacy committee are quite limited?

It may be an opportunity for the Labor Party to perhaps reappoint some Labor mates to these positions, I do not know. The opposition does not know who they are, what the guidelines are for the reference group, or if the group is to have paid positions. Perhaps when he is looking for a job the honourable member for Frankston East may be appointed to a position, or perhaps the former mayor of Frankston, Mark Conroy, because he is not wanted and welcomed. I am sure he is an excellent example of someone who can go out there for consumer advocacy. But then again I see the Honourable Bob Smith shaking his head, and I thoroughly agree with him in this regard. He is not someone that we would rate too highly, so perhaps the minister would like to give further explanation as to the consumer advocates. Who are they? What will be their roles and responsibilities? What level of remuneration will be paid and applicable for fulfilling their duties?

### **High Street Road: duplication**

**Hon. G. B. ASHMAN** (Koonung) — I raise a matter with the Minister for Energy and Resources for the attention of the Minister for Transport. It relates to the duplication of High Street Road between Gallaghers Road and Cathies Lane. I remind the house that in early 1999 the coalition government announced this duplication and made provision for the funding. As I was reminded a moment ago, Mr Brideson, Mr Atkinson, the honourable member for Wantirna in

the other place, Mr Wells, and I attended the announcement for this funding with the then Minister for Roads and Ports, the Honourable Geoff Craige.

The commitment was to duplicate this section of road from Gallaghers Road to Cathies Lane. This government has commenced construction of this section of road and it is most welcome, albeit somewhat delayed. But we are now becoming aware of what appears to be a go-slow on the project. Some advice is also indicating that the duplication may only go as far as Dandenong Creek, which is about a third of the distance. If this is the case then all it does is move the bottleneck on High Street Road about 1 kilometre to the east. The residents of Glen Waverley and the City of Knox require the complete duplication as was agreed to and funded by the coalition government.

My question for the minister is: why has this been put on go-slow; why has a proportion of the funding been removed from this project; and as part of that, when will the balance of the project be completed?

#### **Baxter–Tooradin and Fultons roads, Baxter: safety**

**Hon. R. H. BOWDEN** (South Eastern) — Through the Minister for Energy and Resources I seek the assistance of the Minister for Transport in the other place on a matter to do with a very dangerous intersection in my electorate. I discussed this item last year. The intersection concerned is where the Baxter–Tooradin Road meets Fultons Road and Hawkins Road in Baxter. This intersection is very dangerous indeed. It is a four-way intersection immediately next to a railway line, with very poor visibility, particularly on the western side of Baxter–Tooradin Road. Just to be absolutely certain as to the desirability of bringing this up in the adjournment debate, I drove through that intersection yesterday morning. I was more convinced than ever that this item should not only be presented to honourable members of this house but presented as an item that simply has to have attention.

Some minor work was done through the Mornington Peninsula Shire Council last year. It did not correct the problem in any substantive way. I can only say that many of my constituents are becoming increasingly concerned at the lack of real action to address the problems at this intersection. I cannot overemphasise how dangerous this intersection is. The traffic patterns are extreme in the morning and the evening. The speed of traffic is a factor, but the manoeuvrability at this intersection is extremely restricted. Unfortunately there will be fatalities there and there will be a continuation

of serious accidents. I ask for action on this and not just an investigation. I ask for clear, constructive action at the earliest possible time on this most dangerous part of my electorate.

#### **Chiltern Box-Ironbark National Park**

**Hon. W. R. BAXTER** (North Eastern) — I direct a matter to the Minister for Energy and Resources in her capacity as the representative of her colleague the Minister for Environment and Conservation in another place.

In a debate earlier today I mentioned the fact of tracks being closed in the Chiltern Box-Ironbark National Park. The same issue was alluded to by Mr Stoney when he highlighted to the house the somewhat ad hoc way in which these tracks have been closed. I am getting expressions of concern both from horseriders and local Country Fire Authority brigade members who are very worried that the tracks seem to have been closing progressively without any rhyme or reason. This places them in some difficulty. I would appreciate the minister supplying me with a map of the Chiltern Box-Ironbark National Park, particularly in the vicinity of Rileys Road, indicating which further tracks are proposed to be closed so that my constituents might plan their future activities or their needs to gain access to fight fires accordingly.

#### **Alcohol: rehabilitation places**

**Hon. K. M. SMITH** (South Eastern) — I have a very serious issue that I would like to raise with the Minister for Health. It involves one of my constituents from Cowes who is in a very difficult position. This lady has a history of alcohol dependency and her problems can only be answered by long-term rehabilitation. I understand she has recently come from a detox unit where she spent seven days. She completed the program and was actively involved, but the minute she walked out the door she got back on the grog. I felt terribly sorry for this woman. Currently she is living with her ex-husband and his partner and the relationship, as honourable members would understand, is under a great deal of serious strain. It is stressful for all these people.

If this lady does not get some help she is likely to be homeless and on the streets without any hope of recovery. I understand the local clinical nurse consultant who is looking after people suffering from drugs and alcohol abuse has written to the Salvation Army's bridge program. The Salvation Army runs a long-term rehabilitation program but it has said it has no beds. That clinical nurse consultant has total support

of the lady's own medical practitioner who also says she has a problem. The last thing I want is to see this lady die because that will be the long-term effect of her problem. I would like to see her getting some help through the provision of a long-term rehabilitation bed to help her help herself. She obviously responded well to the short-term care she was getting in the detox unit and she understands she has a problem. It is affecting her physically and psychologically.

I ask the minister to intervene on behalf of this lady to find a long-term placement for her somewhere where people care about her and where she will be able to help herself. I am asking for the minister's help to let her see that there are people in this world who care about her.

### **Centre–Tucker roads, Bentleigh: traffic control**

**Hon. C. A. STRONG** (Higinbotham) — I raise with the minister and her colleague the Minister for Transport in the other place a matter that deals with the Vicroads works on the corner of Centre and Tucker roads in Bentleigh. These works are not vast; they simply include the rework of the intersection for special right-hand turn facilities. Honourable members may be surprised to know that these works have been going on for something like 18 months so far. Just imagine the impact on the local businesses on the corner, let alone the pedestrians and the traffic, as well as the dust and the mess. Already one shop has closed. Simons Cakes, also at the intersection, is in trouble because of a lack of pedestrian traffic, and Wash 'n' Wear Uniforms, also on the intersection, has had all its stock affected by dust and dirt over the works period. It is quite clearly dangerous to pedestrians and a traffic hazard generally.

As this program has been going on for 18 months it is clearly an outrageous situation of mismanagement or negligence, or that Vicroads simply does not care about the effect this is having on local businesses. I understand this issue has been raised with Vicroads previously by Glen Eira City Council and also by the honourable member for Bentleigh. I appeal to the Minister for Transport to intervene and direct Vicroads to bring this ongoing debacle to a conclusion before more of my local businesses disappear and before someone is seriously injured.

### **Gas barbecues**

**Hon. I. J. COVER** (Geelong) — I raise a matter with the Minister for Energy and Resources. As autumn concludes and we wind down towards winter, tomorrow being Anzac Day people might gather for the traditional Australian barbecue — —

**Hon. M. A. Birrell** — With an umbrella over the top!

**Hon. I. J. COVER** — With an umbrella over the top, Mr Birrell.

I note that on 2 February the minister issued a press release headed 'Gas incidents prompt barbecue safety campaign'. For a moment I thought this might have been a press release from the former Minister for Consumer Affairs, but I think 2 February might have been just after there was a major reshuffle of the Bracks government cabinet. Obviously, because it involved gas it was quite appropriate for the minister to be involved through the Office of Gas Safety, so it falls under her jurisdiction. But I daresay the former Minister for Consumer Affairs would have loved the opportunity to perhaps launch a barbecue magnet that could have been attached to barbecues, spelling out some of the safety rules that surround the use of gas bottles that fire barbecues!

I note also in the press release that the minister said the number of accidents involving gas barbecues was on the increase and the most common time for barbecue accidents is during the summer months of January and February. Interestingly, the press release was put out on 2 February so the month of January had already passed by. I now give the minister the opportunity to indicate if there is some way of measuring the success of this barbecue safety awareness campaign. Given that in the press release she said there had been an increase in the number of accidents involving gas barbecues, has this campaign resulted in a reduction in the number of these accidents, particularly in the months of January and February?

### **Responses**

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The Honourable Bruce Atkinson requested the Minister for Transport to advise him what plans there are for the future of land at the corner of Junction and Springvale roads. I will refer that request to the minister.

The Honourable Sang Nguyen requested the Minister for Environment and Conservation to advise him of the status of an Environment Protection Authority investigation regarding an oil slick in the Maribyrnong River which was reported in his local newspaper. I will refer that request to the minister.

The Honourable Mark Birrell welcomed an initiative by the Department of Infrastructure and the Minister for Transport in relation to transport for Anzac Day, and that support is very welcome.

The Honourable Roger Hallam requested the Minister for Small Business to provide him with certain information as a follow up to question time today, and I will refer that request to the minister.

The Honourable Theo Theophanous requested the Minister for Local Government to investigate whether there has been political interference in certain matters at the City of Glen Eira, and I will refer that request to the minister.

The Honourable Andrea Coote requested the Premier to confirm that any future owner of Coode Island will continue the full safety upgrade of Coode Island. I will refer that request to the Premier.

The Honourable Philip Davis requested the Minister for Transport to advise him of Vicroads policy in relation to clearing of native vegetation on roadsides and other land, and I will refer that request to the minister.

The Honourable Bill Forwood requested the Minister for Education Services to update him on matters raised in question time today. I will refer that request to the minister.

The Honourable Neil Lucas requested that I provide him with information in relation to biodiesel and other projects utilising plant material to generate energy. I will be pleased to respond to him directly in relation to provision of that information.

The Honourable Peter Katsambanis requested information regarding a draft commonwealth report on climate change in relation to the receipt of that report and a response to it. I do not have that information to hand, but I will be pleased to respond to him directly on that matter.

The Honourable Cameron Boardman raised the matter of the Consumer Utilities Advisory Centre on energy. It is disappointing that before that body even gets under way it is being questioned in this way, but I suppose that is not entirely surprising. In relation to the specific matter of the reference group, which is an initiative of the Minister for Consumer Affairs and one that I strongly support, it is intended to support the CUAC board, to be representative of the many consumer groups which exist in this area, and to ensure that whilst they may not be represented on the board they have an opportunity through the reference group to make their views known to the board. That is the short explanation of the purpose of the establishment of the reference group in addition to the board. Further information in relation to the members of the board is publicly available and has been announced by the Minister for Consumer Affairs and me.

The Honourable Gerald Ashman requested the Minister for Transport to advise him regarding funding matters and progress in relation to duplication of the road between Cathies Lane and Gallaghers Road. I will refer that request to the minister.

The Honourable Ron Bowden sought urgent action by the Minister for Transport in relation to the multiple intersections on the Baxter–Tooradin Road. I will refer that request to the minister.

The Honourable Bill Baxter requested certain details including a map from the Minister for Environment and Conservation. I will refer that request to the minister.

The Honourable Ken Smith provided certain information regarding a constituent of his from Cowes and her need for access to long-term placement and rehabilitation. I will refer those details for the attention of the Minister for Health.

The Honourable Chris Strong requested the Minister for Transport to intervene to ensure that certain works by Vicroads which are impacting on small business in his electorate are concluded as soon as possible. I will refer that request to the minister.

In relation to the request from the Honourable Ian Cover to me regarding certain matters to do with gas safety, it is unfortunately the case that there are instances throughout the year in relation to the inappropriate and unsafe use of gas bottles. In one year we had a particularly tragic incident where such a device had been used to heat a caravan which had been very securely sealed up to keep the heat in, with the very tragic results that everyone inside it died. It is important to continually remind Victorians about the need for the safe and appropriate use of gas devices. I would be happy to refer the honourable member's request to the Office of Gas Safety so that he is provided with the information he has sought in relation to that campaign.

**Motion agreed to.**

**House adjourned 5.54 p.m. until Tuesday, 7 May.**

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Council.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 23 April 2002**

**Premier: ministerial staff — pecuniary interest**

**2213. THE HON. G. K. RICH-PHILLIPS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Have all ministerial officers currently or previously employed by the Premier signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

**ANSWER:**

I am informed that:

Ministerial officers currently or previously employed by me generally signed a pecuniary interest form at the point of employment.

As to (i) and (ii), the resources cannot be justified to answer the Honourable Member's question.

**Education: teachers — superannuation**

**2279. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What superannuation is estimated to be paid by the Government to teachers employed in Government schools by the Government in 2001–02.

**ANSWER:**

I am informed as follows:

I am unable to answer this question as it does not fall within my portfolio responsibilities and should be more appropriately referred to the Minister for Finance.

**Multicultural affairs: Fantastic Communications Pty Ltd**

**2473. THE HON. C. A. FURLETTI** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): In relation to Fantastic Communications Pty Ltd:

- (a) Who authorised Fantastic Communications Pty Ltd to undertake work for the Victorian Office of Multicultural Affairs.
- (b) What type of work was undertaken on behalf of the Government.
- (c) Did the work undertaken fulfil Government requirements.
- (d) What was the total cost of the work.

**ANSWER:**

I am informed that:

The acting Director of the Victorian Office of Multicultural Affairs engaged Fantastic Communications to review and edit a discussion paper and brochure concerning the Racial and Religious Tolerance Bill. Some of the recommendations made by Fantastic Communications for presentation of the discussion paper were adopted. The cost of the services provided by the company was \$3,553.00.

**Education and training: technical school definition**

**2677. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): What is the definition of a Technical School and Technical Education, respectively.

**ANSWER:**

I am informed as follows:

Definition of “technical education” and “technical school” are contained in the Education Act 1958.

**Education and training: technical schools**

**2678. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): Are there any technical schools operating outside the TAFE system in Victoria; if so, where are they located.

**ANSWER:**

I am informed as follows:

No.

**Small business: listening to small business program**

**2745. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Small Business: In relation to the Government’s “Listening to Small Business Program”:

- (a) How many forums has the Government held and where.
- (b) How many more forums is the Government planning to hold and where.

**ANSWER:**

I am informed as follows:

- (a) As at 5 March 2002, there have been over 60 “Listening to Small Business” forums held across the whole of the State.
- (b) The number and location of future forums is being determined.

**QUESTIONS ON NOTICE**

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**Wednesday, 24 April 2002**

**Premier: community cabinet**

**2262. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What was the cost of each of the Community Cabinet meetings in 1999-2000 and 2000-01 respectively, and what are the costs or estimated costs of each of the Community Cabinet meetings held or scheduled to be held in 2001-02.

**ANSWER:**

I am informed that:

There is no separate budget for Community Cabinet meetings.

Community Cabinet meetings are resourced from a variety of business areas across Government with costs met from the operating budget of each business unit.

The time and resources required to identify the cost of past Community Cabinet meetings from the relevant business areas would be time consuming and unreasonably direct the resources of the Department of Premier and Cabinet.

**Industrial relations: University of Melbourne industrial relations project**

**2728. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Industrial Relations): With reference to page 114 of the Department of State and Regional Development Annual Report for 2000-01, what was the purpose of the University of Melbourne industrial relations project given \$65,000 of support funding.

**ANSWER:**

I am informed as follows:

This funding was provided to the Foundation for Sustainable Economic Development – an independent research group at the University of Melbourne – to provide research input into a Government initiative focusing on Victorian workers covered by Schedule 1A of the Workplace Relations Act.

**Housing: disability service needs register**

**2736. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

- (a) How many individuals on the Disability Service Needs Register were waiting for — (i) shared supported accommodation; (ii) day programs; and (iii) in-home accommodation support.
- (b) How many were classified as — (i) urgent priority; and (ii) high priority for each category.
- (c) What length of time have clients been waiting for a shared accommodation place.

(d) How many individuals have intellectual disabilities for each category.

**ANSWER:**

(a) As of 1 April 2002, **2861** unique clients currently have **3389** referrals for either SSA, Homefirst (includes in-home accommodation support and accommodation outreach services) or ATSS (Adult Training Support Service) on the SNR.

Please note: A client may have one or many referrals.

Of the 3389 referrals on the SNR, **1685** are for SSA, **803** are for ATSS, **901** are for Homefirst.

(b) Of the 3389 referrals on the SNR for SSA, Homefirst or ATSS, **2256** are prioritised as Urgent, **1133** are prioritised as High.

**Table 1. Breakdown By Service Type, Priority and ID Status.**

Service Type	Priority = Urgent	ID Client	Non ID Client
SSA	997	861	136
Day Programs	593	583	10
Homefirst	666	397	269

Service Type	Priority = High	ID Client	Non ID Client
SSA	688	592	96
Day Programs	210	208	2
Homefirst	235	149	86

(c) The average time spent on the SNR for referrals to an SSA service stands currently at **116** weeks.

(d) Please see Table 1 above.

**Environment and conservation: Victorian water authorities**

**2740. THE HON. E. G. STONEY** — To ask the Honourable Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What advice has the Department of Natural Resources and Environment issued to Victorian water authorities, including Goulburn Murray Water, relating to standards of water quality to be achieved in the future of water released from Victorian water storages such as Lake Eildon.

**ANSWER:**

I am informed that:

Water authorities are required to comply with the relevant State Environment Protection Policies (SEPP) as developed by the Environment Protection Authority.

The Department of Natural Resources and Environment (NRE) is working closely with the community to address water quality issues including nutrients, salinity and storm water run-off, but no advice has been issued to water authorities in relation to the quality of releases from storages such as Lake Eildon.

A national workshop held at Lake Hume in June last year identified cold water releases from storages as a major emerging issue in river health. The recently released draft Victorian River Health Strategy outlines the proposed approach for managing the impact of cold water releases from storages. The present level of monitoring is not sensitive enough to determine the extent to which the temperature of water released from storages has been changed from natural conditions. As a result NRE is concentrating its efforts on establishing a water temperature

monitoring program and is currently liaising with water authorities to ensure that monitoring commences as soon as practical.

Monitoring over the next 4 or 5 years will be used to determine if modifying the current temperature of water released from storages warrants further consideration. Any such consideration will most certainly involve all stakeholders, including recreational fishing and tourism interests, and will take due consideration of social, economic and environmental implications of any changes to the current temperature of water released from storages.

**Multicultural affairs: language services review**

**2744. THE HON. C. A. FURLETTI** — To ask the Honourable the Minister for Education Services (for the Honourable the Minister for Multicultural Affairs): Has a review of language services taken place; if so — (i) who constituted the Review Committee; (ii) what was the timeframe; (iii) what were the terms of reference; (iv) what was the total cost of the review; (v) what were the recommendations of the committee; (vi) when was the report released; and if it has not, when will it be; and (vii) when will the report be made public.

**ANSWER:**

I am informed that:

The Victorian Office of Multicultural Affairs (VOMA) is examining language services provided by Victorian Government agencies with a view to improving access of clients to Government services. The examination includes a needs analysis and consideration of service delivery arrangements, in particular looking at the Department of Human Services, the Department of Education and Training and the Department of Justice. An inter-departmental committee was established to assist VOMA.

As part of this examination, a report has been commissioned from the Allen Consulting Group (ACG) on the Needs Analysis. The Government expects to release a summary of this information by mid-year.

The cost of the consultancy was \$89,147.81, including GST.

**Information and communication technology: technology commercialisation program**

**2754. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology: In relation to the Victorian Government's Technology Commercialisation Program (TCP):

- (a) What is the total budget for the program.
- (b) What are the criteria for funding.
- (c) What resources have been allocated for the program.
- (d) What are the objectives of the program.
- (e) What criteria will be used to evaluate the program.

**ANSWER:**

I am informed as follows:

The Honourable Member's question falls outside my portfolio responsibilities. The Honourable Member should direct her question to the Honourable the Minister for Innovation.



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