

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

23 April 2002

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By authority of the Victorian Government Printer

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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, 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.