PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

27 September 2001

(extract from Book 3)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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THURSDAY, 27 SEPTEMBER 2001

QUESTIONS ON NOTICE

TUESDAY, 25 SEPTEMBER 2001

THURSDAY, 27 SEPTEMBER 2001

Thursday, 27 September 2001

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.02 a.m. and read the prayer.

COMMONWEALTH GAMES ARRANGEMENTS BILL

Introduction and first reading

Received from Assembly.

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

QUESTIONS WITHOUT NOTICE

Electricity: Snovic interconnect

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy and Resources. The minister has been extensively quoted as claiming that the $40 million New South Wales to Victoria interconnect, known as the Snovic interconnect, has been approved by the National Electricity Market Management Company (Nemmco). Is it a fact that the minister has misled the public because the Snovic project is yet to pass the regulatory test?

Hon. C. C. BROAD (Minister for Energy and Resources) — I welcome the opportunity of providing further information to the house about the successful meeting of ministers involved in the national electricity market which I chaired in Melbourne last Friday. That is in contrast to the commonwealth government, which was not able to go ahead with the first meeting of an energy ministerial council that afternoon and cancelled it at short notice despite saying it was a matter of priority coming out of the last Council of Australian Governments meeting.

The meeting of electricity ministers in the national electricity market agreed that progressing both the South Australia to New South Wales interconnect proposal, known as SNI, and the Snovic interconnect were a high priority, and all ministers agreed to put their support behind them. All ministers, including the South Australian Treasurer, agreed to make every effort to ensure that all information necessary to expedite those proposals was provided. The indications and reports provided to the meeting were that the proposals are expected to be approved, particularly Snovic. I am confident that there will be a report at our next meeting on those interconnects and that Snovic will be able to proceed in time for the summer of 2002–03, which is particularly important for Victoria and South Australia in the light of the forecast for electricity demand from Nemmco.

Hon. Philip Davis — On a point of order, Mr President, the issue before the house is the question which I will give the minister the courtesy of perhaps understanding by reading it again. The minister has been quoted extensively as claiming that the $40 million New South Wales to Victoria interconnect, or Snovic, has been approved by Nemmco.

Is it a fact the minister has misled the public because the Snovic project is yet to pass the regulatory test? The minister would well know that she issued a press release on 19 September in which she said that Nemmco had approved the Snovic project.

Honourable Members — What's the point of order?

Hon. Philip Davis — The point of order is that the minister has not addressed the question, which related specifically to her statement about Nemmco approving the Snovic project. She has not addressed that question but instead reported on a ministerial meeting held on Friday.

Hon. C. C. BROAD — On the point of order, Mr President, I have already indicated to the house, and I am happy to repeat the information from Nemmco that was provided to the meeting of national electricity market ministers, that there is every expectation that on the basis of the information already provided it will be approved. That is what I have indicated publicly, and that is what I expect to occur.

Members of the opposition have done nothing when in government to ensure — —

The PRESIDENT — Order! On the point of order, the response given by the minister makes it clear. It certainly added information that we did not have, perhaps necessary for the answer. I think that resolves the matter, so I will call the next question.

Hon. Philip Davis — Mr President, on a further point of order, the issue before the house is quite clear. The question I asked was in relation to Nemmco's approval or non-approval, not the ministerial council. The fact is that the minister has issued two press releases — —

The PRESIDENT — Order! This question would have a different context if it related to a statement made in the house by the minister saying that Nemmco had approved it, because it is obvious from what she has

said that it is not approved but it is anticipated approval will be given, as I understand it. Mr Davis is going into a matter that repeats what we have already had. We will move on to the next question.

Industrial relations: commonwealth act amendments

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Industrial Relations inform the house of the federal government's response to the Bracks government's request that amendments be made to the Victorian-specific provisions of the Workplace Relations Act?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for her question. In April this year I wrote to the federal Minister for Employment, Workplace Relations and Small Business, Tony Abbott, seeking changes to the Workplace Relations Act to make it fair for all Victorian workers. Although I would like to inform the house about the response of the federal minister, he has again demonstrated his complete lack of respect for the views of the Victorian government by failing even to reply to my letter.

Over 250 000 vulnerable workers in this state are not covered by federal awards and do not have the same employment rights as those enjoyed by workers in other states and territories. In addition there are many thousands of outworkers in Victoria who work in sweatshop conditions and do not have — —

Honourable members interjecting.

Hon. M. M. GOULD — Who disputes that? These people working in sweatshop conditions do not even have the protection of employment rights. To provide protection for these vulnerable workers and to provide a more level playing field for small businesses in this state the Bracks government introduced the Fair Employment Bill, which the opposition shamefully rejected. They are a heartless mob, Mr President.

On 5 April I wrote to the federal minister, Mr Abbott, seeking that the Victorian provisions of the Workplace Relations Act be varied in two aspects: firstly, that the commission be given power to make common-rule awards in Victoria; and secondly, that outworkers be deemed to be employees, which would give them access to basic employment rights. This is what applies across all states of Australia except Western Australia and Victoria.

In August, after not receiving a reply from the federal minister, I wrote to him again requesting a response. Last Friday, at the workplace relations ministerial meeting, I again raised the matter with Tony Abbott and again sought a response. To date he still has not responded. Almost a week from the meeting last Friday we still have not received a response from the minister.

Hon. R. F. Smith — He has been getting those training wheels off.

Hon. M. M. GOULD — That's right. He hasn't quite got them off yet, that's for sure.

The failure of the federal minister to even respond to the Victorian government indicates the total lack of concern by the Howard government for the unfair industrial arrangements that apply in this state. Furthermore, the lack of response is against the spirit of the existing referral powers put in place by the opposition. It has treated the intergovernment agreement with contempt. The Howard government's attitude to taking into account the state government's views is of deep concern to the Victorian community. The Victorian government will continue to seek a response and to seek these changes to the Workplace Relations Act so that unprotected workers can be protected, which will assist in turning this state around.

Youth: government strategy

Hon. B. N. ATKINSON (Koonung) — I draw to the attention of the Minister for Youth Affairs a press release he issued on 17 May, which states:

> … the government's response to the needs of youth would be spearheaded by the youth strategy which was under development and would be released in July.

In other words, the government's youth strategy was to be released in July, quite some time after a ministerial statement was made in this house and after debate in this house during which the minister promised that the strategy would be released forthwith. It is now the end of September and there is still no youth strategy. Will the minister inform the house of the reason for the delay? To be particularly helpful to the minister in answering this question, I suggest that I would simply like to know when the youth strategy will be released.

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for his question. It astounds me when opposition members display an interest in young people because when they were in government they did not display any interest. They had seven years to progress a strategy on young people; they had seven years to make a ministerial statement — and not once did they progress in that direction.

The government has put on record a number of times its belief that young people are the future of this state, and it will continue to make sure that that is the case. Unlike the previous government, we have put an enormous amount of money into training and education. All it did was put the blowtorch to the youth sector. It slashed and burned investment in tertiary education and training, and slashed and burned education in this state.

I reinforce that the strategy has gone out to the sector for consultation — —

Honourable members interjecting.

Hon. J. M. MADDEN — Honourable members may laugh, but I reinforce that their approach to youth and the youth sector was to take money away. Our policy is to invest in young people and have a long-term strategy well beyond a year or two, well into the future, so that we can invest in our young people and develop the future of this state.

Gippsland: coastal subsidence

Hon. E. C. CARBINES (Geelong) — I refer the Minister for Energy and Resources to the failure of the commonwealth government to adequately respond to the issue of subsidence in the Gippsland region, despite receiving hundreds of millions of dollars in resource rent tax associated with oil and gas extraction in the Gippsland Basin. I ask the minister what action the Bracks government has taken following the completion of government commissioned reports assessing the risk of subsidence in Gippsland?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question. Following concerns over the potential risk of subsidence in the Gippsland region, the Bracks government commissioned two reports modelling the possible range of subsidence near Golden Beach and Yarram in Gippsland. I am pleased to advise the house that the outcomes of these reports have indicated that the risk of subsidence in the Gippsland region is low, and that these reports will be released by the government today and made available through the Department of Natural Resources and Environment web site, which for interested honourable members is www.nre.vic.gov.au.

The risk of subsidence identified in the reports ranges from less than 4 centimetre subsidence at Golden Beach to less than 10 centimetres at Yarram. These results are at a level of 90 per cent probability. In addition, I advise the house that there has been no observed subsidence in Gippsland so far, when modelling that has been done for Yarram would suggest that after 30 years or more from ground water withdrawal we should be seeing in the order of 40 to 50 centimetres subsidence already under the worst-case scenario.

These positive results are very important to provide to the community to address its understandable concerns. In acknowledging those concerns the Bracks government will establish a monitoring program as an ongoing precautionary measure to directly assess possible future subsidence in the region. The Bracks government is taking a responsible approach in putting in place this ongoing monitoring, which stands in contrast to the actions of both the previous Kennett government and the current federal government. It was the former Kennett government that scrapped the monitoring of subsidence in Gippsland, and I add that it was also the former Kennett government that placed the present moratorium on the issuing of new ground water licences in Gippsland. For its part the federal government, despite receiving anywhere up to $1 billion every year in resource rent taxes from Bass Strait, has to date been willing to contribute only technical assistance in identifying the risks associated with subsidence.

The Bracks government has already spent considerable resources to identify the risks associated with subsidence in Gippsland, and I now call on the federal government to match the Bracks government's contribution towards future monitoring for possible subsidence in Gippsland. It is time that the commonwealth put something back into Gippsland.

Stawell: mining

Hon. R. M. HALLAM (Western) — My question is directed to the Minister for Energy and Resources, and I preface it by assuring the minister that I share her enthusiastic support for the recently announced capital injection into Bendigo Mining. I, too, recognise the wealth of the economic spin-off that will be enjoyed by the Bendigo community. However, it is the minister's enthusiasm and supportive commentary in respect of Bendigo which prompts me to ask why she was not prepared to do anything — literally not lift a finger — in respect of Stawell when a similar investment was on offer in that community just some months ago?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am pleased that at least the National Party is welcoming that capital investment in Victoria, unlike the opposition, which seems to be intent on talking down the Victorian economy. It is part of their federal re-election strategy, run by the federal Treasurer, who is an absolute traitor to Victoria, in talking down the Victorian economy.

In relation to the matter raised by the Honourable Roger Hallam — that is, the matter of the Stawell mining company — I advise the honourable member that I am continuing to meet with that company. I met with representatives recently about the matters they are confronting in their search for capital investment in order to be able to continue with their underground mining programs. I will continue to provide every assistance with business facilitation, which the Victorian government has been very willing to provide and will continue to provide to assist the company with its search for capital investment in what is a very important mine for Victoria.

Ansett Australia: sport sponsorship

Hon. R. F. SMITH (Chelsea) — Given the recent disastrous collapse of Ansett, and in light of his comments to the house this week on the impact it has had on sporting sponsorship, will the Minister for Sport and Recreation inform the house as to what effects the Ansett collapse will have on Victoria's sporting community?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question. As I mentioned earlier this week, the collapse of Ansett has impacted quite significantly on sporting communities throughout Australia, and my concern is the effect of that impact on sporting communities in Victoria.

Honourable members should appreciate that the national sporting associations are affected to a greater extent but that potentially they have the capacity to overcome those issues.

What is probably of more concern as a result of the disastrous aviation policy of the federal government, and the disastrous use of its competition policy, is that in the course of Ansett relaunching itself as a carrier after events earlier this year, Mr Toomey was able to get the support of many sporting organisations to use their profiles to endorse virtually the relaunch of Ansett at that time. Many sporting organisations switched from their long-term sponsorship with Qantas across to Ansett. That means they have been caught in this turmoil surrounding Ansett. Also, the Australian Football League has recently announced that it is reconsidering its pre-season competition and the Australian Cricket Board's long-term sponsorship agreement is under threat. Netball Australia has announced it is cancelling its national championships due to be held in Melbourne next month. I expect the Honourable Ron Best would be aware — if not, I hope he listens — that the national basketball championships, due to be held in Bendigo, have been cancelled.

The staging of a large number of sporting carnivals has also been cast in doubt. A significant number of sporting groups and individuals who have made bookings with Ansett to attend events nationally have been left with worthless tickets. This, on top of the impact in recent years of the GST and the debacle surrounding the federal government's handling of the collapse of HIH Insurance, has had a significant impact on sport in Australia, and more so in Victoria. The state ministers are working closely to develop a national view about the extent of this crisis and are working with the Australian Sports Commission to determine the scope of this problem.

I call on the federal government to bring forward and streamline its funding for national sporting organisations, which it committed to in June this year, although the national sporting organisations have not seen one zack or one cent under that proposal. Not only have they been caught at one end by Ansett, but they have also been caught short at the other end by the federal government.

Electorate officers: industrial dispute

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Industrial Relations to the diktat of the industrial relations subcommittee of cabinet, the central politburo of the Labor Party — —

Honourable members interjecting.

Hon. BILL FORWOOD — Thank you. The Deputy Leader of the Government interjects, 'So close to the truth'.

I refer to the diktat that all Victorian public sector certified agreements must be union-negotiated-only agreements under section 170LJ of the Workplace Relations Act. Liberal Party and National Party electorate officers have elected their own bargaining representatives outside of the union and they want, as is surely their right, to negotiate directly with their employer.

Hon. R. F. Smith interjected.

Hon. BILL FORWOOD — You can tell the guys in here who come from the trade union movement, particularly the Australian Workers Union!

Honourable members interjecting.

The PRESIDENT — Order! A repeat of entrenched positions at this stage helps nobody. I ask Mr Bob Smith, who has had one question this morning, to desist.

Hon. BILL FORWOOD — Electorate officers want to negotiate directly with their employers. They want section 170LK agreements — that is, ones that do not have to be run by the union. In the interests of workplace democracy will the minister waive the cabinet diktat that all agreements must be union negotiated and allow electorate officers to negotiate directly with their employers?

Hon. M. M. GOULD (Minister for Industrial Relations) — The honourable member refers to a decision of cabinet that I am not going to discuss in this place.

Hon. Bill Forwood — Secret government!

Hon. M. M. GOULD — A diktat versus a dictator! The honourable member would also be aware that the negotiations that are taking place with the electorate officers are done by the Presiding Officers.

Hon. Bill Forwood — On a point of order, Mr President, the minister would be aware that she is responsible for industrial relations.

Hon. C. C. Broad — Is this a supplementary question?

Hon. Bill Forwood — No, this is a point of order. The minister is responsible for industrial relations and Parliament, as she knows, is bound by the instruction issued by cabinet that the agreement must be union negotiated. The minister has no right in answering a question in this place to flick the responsibility to somebody who does not have the responsibility for it — that is, you, Mr President.

The PRESIDENT — Order! The response has left the Chair in a difficult position. All I can say is that unless the Parliament observes the directions from the cabinet subcommittee, the Parliament is not reimbursed for the costs associated with any increase in payment to electorate officers. Other than that, I cannot say more at this moment. For that reason I cannot really deal with the point of order.

Hon. Bill Forwood — On the point of order, Mr President, I have in front of me a letter from Leigh Keen, the human resources manager of the Parliament, which states:

> Current IRCC —
>
> that is, industrial relations subcommittee of cabinet —
>
> and cabinet policy specifies that all Victorian public sector certified agreements must be … (union negotiated only) agreements and the Parliament is bound by that policy.

In those circumstances, for the Leader of the Government to try to flick it to you, Mr President, is an outrage.

Hon. M. M. GOULD — Further on the point of order, Mr President, I have not seen that specific correspondence with those words in it and there may be another part to that decision. But the matter with respect to electorate officers is currently before the commission for an arbitrated outcome on an MX decision.

Hon. Bill Forwood — This is about your answer.

Hon. M. M. GOULD — I am telling you my answer.

Hon. Bill Forwood — You flicked it to the President.

Hon. M. M. GOULD — The President and the Speaker are the employers under the act and they are the employers of the electorate officers. The honourable member would be well aware of that. The government has assisted the Presiding Officers in those negotiations before the commission. It is before the commission. It is an MX case and we are waiting for a full bench to be formed to hear the matter.

The PRESIDENT — Order! The Chair is in a difficult position, for obvious reasons. It is not the sort of thing I want to engage on at this level. I am happy to talk to the parties. Our preference was for an arrangement whereby each of the electorate officers, whether in or not in the union, had an input into the process.

Hon. Bill Forwood — The minister stopped it.

Hon. M. M. GOULD — I did not.

The PRESIDENT — Order! I propose to move on to the next question.

Women: marine scholarship

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Ports advise the house how the Bracks government is working to provide more opportunities for women in the ports and marine sector?

Hon. C. C. BROAD (Minister for Ports) — With today being World Marine Day it is appropriate to advise the house of what the action the Bracks

government is taking to provide more opportunities for women in the ports and marine sector.

World Marine Day was established by the International Maritime Organisation to highlight the significant role that mariners play in keeping trade routes open and our economies buoyant, which is particularly the case for Victoria. This is particularly significant for Victoria, which has Australia's largest port, the port of Melbourne, which continues to have growing export results under the Bracks government.

Last year I was pleased to announce the winner of the inaugural women in marine transport management scholarship. This was an initiative of the Bracks government designed to provide opportunities for women in an overwhelmingly male-dominated transport and logistics centre. There are relatively few women in management positions in these sectors, and this scholarship goes some way towards redressing this imbalance.

I have recently called for applications for the second women in marine transport management scholarship, and advertisements have been placed in the *Age*, the *Australian*, and *Lloyd's List Daily Commercial News*, calling for interested women to apply by the end of October.

The scholarship is open to any female full-time masters, PhD or postgraduate student who is completing her studies in a field related to ports and marine transport. The recipient of the scholarship will receive $10 000 towards academic expenses. Additionally, paid part-time work in the Department of Infrastructure will be available during the year. This is another example of the Bracks government committing to Victoria with a vision for future growth, innovation, education and learning, including the transport sector.

Industrial relations: disputes

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Last week the Minister for Industrial Relations informed the house that from May 2001 to June 2001 industrial disputation, as measured by working days lost, declined by 20 per cent. The minister attributed this decline to the Bracks government's approach to industrial relations. What the minister did not tell the house is that for May 2001 industrial disputation in Victoria increased by 364 per cent compared with April 2001.

Does the minister agree that this 364 per cent increase in industrial disputation is also caused by the Bracks government's approach to industrial relations?

Honourable members interjecting.

The PRESIDENT — Order! The question has been asked. The minister is anxious to reply, and we are all anxious to hear her reply.

Hon. M. M. GOULD (Minister for Industrial Relations) — I have informed the house that there was a reduction of 20 per cent in industrial disputes from May 2001 to June 2001. When taking the whole year into account, between June 2000 and June 2001 there was a 50 per cent reduction.

The average for the year showed there was a significant decrease in the percentage, and they were the lowest figures since the 1980s. The government's approach to industrial relations across the state has improved significantly compared to when the opposition was in government. It did not take the honest-broker approach, did not encourage the parties to sit down and negotiate and supported the federal government's conflict-based Workplace Relations Act, which encourages the parties to fight and continue to have industrial disputes.

The government is committed to ensuring that there is an honest-broker approach and a positive partnership. We will continue to work towards reducing the number of disputes in this state.

Hon. G. K. Rich-Phillips — On a point of order, Mr President, the minister has previously claimed credit for the decline in industrial disputes between May and June. My question was directed to the 364 per cent increase between April and May of this year. The minister has not addressed the cause of the increase.

Hon. M. M. GOULD — Mr President, there is no point of order because the member asks the question again. I answered the question. I ask that you, Mr President, rule there is no point of order.

Hon. G. K. Rich-Phillips — Further on the point of order, Mr President, the question related to the increase of 364 per cent between April and May of this year. The minister has not addressed that.

The PRESIDENT — Order! The question was very specific. The minister looked at a longer period than that. The minister should address herself to the specific elements of the question. The minister should not say there is no point of order, because it is my job to decide that. As part of a point of order an honourable member is allowed to repeat the question to know what the argument is about. I invite the minister to deal with that aspect of the question.

Hon. M. M. GOULD — Mr President, I believe I have responded to the question. I indicated that over the 12-month period there had been a significant reduction in industrial disputes, and over the 12-month period in averaging it out, there was. From time to time there will be a blip in the system. That is what happens.

With all statistics month by month changes occur. There could have been a dispute that lasted for more than one day over one month and went into three days in the next month. The government has significantly, through its positive partnership approach and over a 12-month period from June 2000 to June 2001, reduced the number of disputes. A number of days have been lost through industrial disputes, but there has been a reduction over a 12-month average. We will continue to work with a positive partnership approach, not a conflict-based approach like that lot over there.

The PRESIDENT — Order! I rule that the supplementary information given by the minister is responsive to the question.

National Youth Week

Hon. KAYE DARVENIZA (Melbourne West) — Given the success of this year's National Youth Week that so successfully celebrated and promoted youth participation in the community, will the Minister for Youth Affairs inform the house of what steps he has taken to ensure that Victoria's youth will be able to participate in the 2002 National Youth Week?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Given the success of this year's National Youth Week, I am pleased to announce that Victoria will participate in the National Youth Week program between 7 and 14 April 2002. The government will be allocating funds in the order of $96 000 to celebrate the 2002 National Youth Week. Grants of between $500 and $1000 will be offered to young people who are prepared to organise events. The grants will go to community groups, youth groups, service clubs and individuals to mark National Youth Week. The key is that those young people must be involved in the planning and formation of the event. I encourage members of the opposition, as they have developed an interest in young people in recent weeks, and members of the government to encourage young people in their local communities to apply for these grants.

The theme for National Youth Week is Bring It On. It is a celebration of young people, their diversity and their ability to contribute to the community. I encourage all members of this house to seek applications on behalf of the young people in their communities. Applications close on 14 November 2001 and nomination forms are available from the web site at www.youth.vic.gov.au and clicking on Youth Week.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to the following questions on notice: 2043, 2045, 2047, 2052, 2060–1, 2066 and 2068.

PAPERS

Laid on table by Clerk:

National Parks Act 1975 — Minister's notices of 18 September 2001 of consent for the grant of a mining licence in relation to the Red Robin Mine in the Alpine National Park and the grant of a Work Authority for Boral Bricks Pty Ltd in relation to Tyers Park. (two papers)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Annual report, 1999–2000

Hon. PHILIP DAVIS (Gippsland) — I move:

That the Council take note of the report of the Department of Natural Resources and Environment for 1999–2000.

In moving this motion I note that this could well be a wide-ranging debate, given that two such reports were tabled by the minister responsible for the Department of Natural Resources and Environment in this house. We have the report originally tabled and a substitute report tabled in June 2001, which contained a series of corrections. What is remarkable about that fact is that this is only one of three corrected reports tabled by this minister. I find it quite remarkable that the minister's administrative oversight of the departments of infrastructure, and natural resources and environment should be so lax that this should be a regular occurrence, and I hope it does not continue. I dare say the debate on this motion could be wide ranging, given that there are a couple of versions of the report.

I would like to make some observations about matters referred to in the reports concerning the forest service and forest management. I should say that there is a good deal of uninformed debate about forestry in this country and particularly in this state. It may be useful for me to observe in a preamble just how relevant forestry is to Victoria's economic activities. Given that

Victoria constitutes only 3 per cent of Australia's landmass, it is important to recognise that we have 5 per cent of Australia's forest area. That is a total area of 7.7 million hectares of native forests, which comprises 34 per cent of Victoria's land area. Of those native forests 15 per cent are privately owned, and 43 per cent are available for multiple public use including timber production. That is a total area of 3.47 million hectares of state forest. However, only 1.3 million of the total 7.7 million hectares of native forest is available for public forestry harvesting.

The forest debate ranges on and on ad infinitum notwithstanding the measures state and federal governments put in place to deal with the political issues of the day. We have seen a series of such processes over many years in this state, firstly auspiced by the creation of the Land Conservation Council and more recently by the regional forest agreement processes, which created five regional forest agreements. The fact of the matter is the debate will continue because of a substantially, in my view, unsophisticated and uninformed view about the proportion of the state's forest resource that is available for timber harvesting.

It is quite clear that we need to recognise the importance of timber to this state. To put that in perspective it is relevant to say that the timber industry has a very substantial impact on employment, with more than 17 300 people being directly employed in the industry. It is interesting to note that some 9500 people are involved in plantation forestry activities and 7700 in native hardwood. In addition there are many indirect jobs. It is estimated that in excess of 32 000 jobs are indirectly related to native forest industries.

In the debate about the utilisation of our native forests it is useful to be aware that in 1999–2000 Australia imported a record amount of $3.9 billion worth of forest products. We need to keep that in mind in the debate about resource allocation to the forestry sector and the inevitable pressure for the creation of additional conservation reserves. Every time we remove from the forest estate a part of the resource that would be otherwise available for harvest we diminish our capacity to produce the timber resources we demand domestically and we increase our trade deficit. More importantly, we encourage the utilisation of timber products from international markets which may not be so well regulated in terms of the environmental management balance that is a proud legacy here in Victoria.

The important issue I wish to discuss about the report relates to a reference in the notes forming the financial statements at page 24 and the reference to item 10 under the notes, natural resource assets. The reference to productive trees states:

> Productive trees in commercial native forests are valued at 30 June 2000 at the net present value of the net cash flows expected to be generated from its produce on a sustainable yield basis over an 80-year life, discounted at a market-determined rate …

The specific words 'on a sustainable yield basis over an 80-year life' are really the key issue to which I want to allude today, because that is the issue of great concern to the Victorian timber industry.

Commitments have been made at state and federal levels. Indeed, the regional forest agreement (RFA) legislation is before the Senate this very day. I urge my parliamentary colleagues on the other side of the house — that is, the government members — to pick up the phone today and persuade their federal colleagues to agree with the federal government that the legislation before the Senate should be passed to give certainty to Australia's timber industry and timber communities which are at risk due to the continuing level of uncertainty and anxiety about the legislative mechanism proposed to the Parliament on RFAs being locked in place.

The thing that causes the greatest difficulty for any resource industry is insecurity of access to the resource. It was always understood that a process had been put in place by the Keating government and carried through by the Howard government. The RFA process has had bipartisan support at both levels of government, state and federal. Agreements have been signed off by both the Kennett government and the Bracks government. So let us not be confused about who is responsible for these matters. It is a fact that there has been a bipartisan approach. However, to give certainty it is critical that the legislation before the Senate is passed, and passed today.

That is important, as is the issue of the sustainable yield to which I referred. It is quite clear that we have a problem in this state caused by the extraordinary overestimation of the available sustainable yield from our forest resources that were left in the forest estate following the RFAs in Victoria. The estimates vary but it is clear it could well be a matter of 20 per cent of overestimation about the long-term sustainable yield. We are coming to a critical time. The industry is very uncertain. A plethora of reviews is under way at present as a consequence of the uncertainty that prevails because of the sustainable yield problem. I shall list some of the reviews that are on foot. There is the sustainable yield review, the timber harvesting strategy,

the timber pricing review, the licence renewal review and the log haulage and harvesting review.

I am concerned that these matters are brought to a quick conclusion, in particular the sustainable yield review, because until that is done there will be some doubt about the renewal of licences. They have a significant value in terms of the bankability of the operating finances of timber industry investors. There is no doubt that we need to bring that to a conclusion. I am concerned that the government is dragging its feet on this matter. The annual report makes the point about an 80-year rotation. It is clear that on the present trend it is not possible for it to be an accurate estimation in the accounts of the Department of Natural Resources and Environment because there will be a reduction in the sustainable yield and that will so affect the balance sheet that there will be a significant write-down, presumably, of that asset.

I would like to continue at some length on this theme, but I am cognisant of the fact that other members would like to make some observations. So without further ado I say the government needs to do two things: it needs to urge its federal colleagues to support the legislation on RFAs before the Senate; and it needs to resolve the uncertainty surrounding the sustainable yield in forests in Victoria.

Hon. G. W. JENNINGS (Melbourne) — In speaking in the debate to take note of the 1999–2000 annual report of the Department of Natural Resources and Environment, I take the opportunity of supporting the role that important department plays in land management and conservation issues in this state by protecting Victoria's important environmental resources now and into the future. I also support the role played by the Minister for Energy and Resources, the Minister for Environment and Conservation and the Minister for Agriculture and their responsibilities for ensuring the appropriate delivery of services by that very important agency.

I shall briefly outline to the house the purpose of the department, which is outlined on page 6 of the report and states that it is:

> to ensure Victoria's natural and cultural assets are managed to secure social, environmental and economic benefits for both current and future generations.

The report then goes on to highlight the department's strategic priorities. It states:

> Our commitment to ecologically sustainable development underpins the following strategic priorities:
>
> improved biodiversity and natural and cultural resources;
>
> growth of sustainable land and resource industries and markets; and
>
> an informed and resourceful Victorian community.

The format and structure of the report is to assess those three important strategic priorities against all the major program areas of the department and its responsibilities across the various portfolios of agriculture, resources, conservation, land management and water management. I alert the house and members of the Victorian community to pages 10 and 11 of the report which indicate within each of those major strategic priorities across the various responsibilities of the department the major highlights that occurred in supporting the department in achieving those strategic priorities. For instance, under the heading 'Improved biodiversity and natural and cultural resources', there are a number of important initiatives undertaken by the department in that year.

It indicates the focus that underpins the approach of that department. It seeks to establish a bioregional approach to biodiversity which is consistent with catchment management and other frameworks that are applied by the department. It examines regional or geographic connections between environmental issues when deciding appropriate interventions to support communities, farmers and other users of public and private land to make sure issues are managed on a catchment or regional basis.

That successful method underpins the very successful Landcare program. We see it also in the 10 additional native vegetation plans that were established during the financial year in partnership with catchment and management authorities; and in the item referred to by the Honourable Philip Davis in his contribution as a significant undertaking: the conclusion of the regional forest agreement planning process that occurred in this year. This is a matter that is still unresolved in the federal jurisdiction which, again, the honourable member referred to in his contribution.

Hon. Philip Davis interjected.

Hon. G. W. JENNINGS — He calls for a spirit of consensus to prevail in the federal jurisdiction — something we have seen in recent times that will perhaps give him a greater degree of confidence that his desired outcome may be achieved.

I refer to the second area of strategic priorities highlighted on pages 10 and 11 of the report: activities to support the growth of sustainable land in resource industries and markets. I will highlight a couple that interest me, though they may not necessarily be in the

order of priority of the department. I am a very enthusiastic supporter of the program to assist apple growers to identify the best time to harvest pink ladies — a variety of apple very near and dear to my taste buds. All strength to the arm of the department to support apple growers in identifying the optimum growing conditions and circumstances by which those apples should be harvested! I wish them all success in that important endeavour.

On a perhaps broader, more essential service provision, one program identified on page 33 of the report is an important Bracks Labor government initiative known as the new town sewerage scheme, which the Bracks government took to the election in 1999. I refer to the extract on page 33, which states that the department has:

> implemented the government commitment to alleviate customer financial hardship associated with the new town sewerage schemes. Allocated an additional $26.5 million in government funding and included new, easier payment arrangements for customers of new schemes. For eligible schemes, customer contribution was capped at $80 each year for 20 years or a one-off contribution of $800.

Most members of this chamber are acutely aware of the infrastructure needs of Victorian communities for safe and reliable water supply, of which sewerage treatment is a major component.

Hon. W. R. Baxter — The honourable member for Benalla has some difficulty with it!

Hon. G. W. JENNINGS — I am happy to say that we are talking about 1999–2000, which was the year we achieved government and in many ways augmented some of the good work identified by the previous administration. Infrastructure and delivery of water supply to Victorian communities should unite this house because all parties recognise the vital need for safe and reliable water supply and effective sewerage treatments for all Victorian communities.

Another strategic priority identified in the report comes under the heading 'An informed and resourceful Victorian community', and I will draw attention to three initiatives. This year the regional city of Geelong hosted a national ecologically sustainable development conference on Australian fisheries. It brought together the Victorian fishing sector and the seafood industry and created an effective and constructive dialogue about the nature of sustainable development issues in that sector.

The international Landcare conference was also held in Victoria during the year. It brought delegates from around the globe to discuss the virtues of the Landcare system, which is a very successful approach to engaging communities in effectively addressing issues of land care and salinity across the world.

The third program is the Target 10 program, which brought together members of the Victorian dairy community in the lead-up to dairy deregulation. As all honourable members would be aware, that successful program established an effective dialogue with the Victorian dairy community and facilitated the seamless transition to dairy deregulation which culminated during the course of that year and proved to be very popular with the Victorian dairy industry, which was well placed to move into the new regulatory regime.

That is a snapshot of the highlights of the important work undertaken by the department across all sections of its portfolio responsibilities. I commend the work of the departments and my ministerial colleagues to the house.

Hon. B. W. BISHOP (North Western) — I have much pleasure in rising to take part in this debate on behalf of the National Party. I make it clear to the house that it is vitally important in country Victoria to have a vibrant, innovative, skilled and particularly responsive Department of Natural Resources and Environment. We thank the good people who work in the department for that. The people we deal with, particularly those in the country areas, are practical and sensible. They are absolutely committed to their task of improving the lot of farmers in whatever field.

I refer to page 29 of the department's financial report of 1999–2000. If I read correctly, it states that expenditure on research and consultancies in 1998–99 was $7 744 000, and that in 1999–2000 it was $13 609 000 — almost double. I would like a breakdown on those numbers. If it is mainly research, that is terrific and we fully support that. We would like to think it was all research. We would like to ensure that the information transfer relative to that research has been passed on as well.

We know from past events in this house that the government will need to increase its research efforts. One clear example is in research on barley varieties. The government and also the Independents led by Mr Russell Savage voted for the deregulation of the export barley market. There is no legislative need for the Australian Barley Board to do research. Why would it bother doing research to make it easier for someone else? So more of a research component is needed and there needs to be a break up of the figures in the report. Page 30 of the report shows contract and professional services in 1998–99 cost $84 615 000. The next year

expenditure rose to $116 391 000. We wonder what that increase means. Is it a lack of leadership from government that is building up a huge number of consultancies and programs? Is it a question of the direction the department is heading? It certainly appears to many observers in the agricultural sector that it has a low priority with this government. We call it the Department of Natural Resources and Environment, but there is little mention of agriculture in its annual or financial reports.

An important point I wanted to raise is that I noted at the Victorian Farmers Federation annual conference that delegates said the Department of Natural Resources and Environment should be restructured so that agriculture becomes a separate department.

I would like to quickly raise an issue that concerns us quite deeply: the conflict of interest that may well exist in the department. I think that was highlighted by what my colleague the Honourable Gavin Jennings said. He did not speak once about the really productive sector of agriculture.

Hon. W. R. Baxter — He never mentioned it.

Hon. B. W. BISHOP — Not once. That is the point the National Party makes in the very small timeslot it has been allowed in this discussion. There may well be a difficulty in the balance of the environmental lobby and the productive lobby. The environmental lobby can be extremely compatible with the productive sector, which must be sustainable, but the process can quickly and easily get out of balance if government policy pushes the wrong emphasis.

We would argue strenuously that the productive sector is not recognised in its own right. We would argue just as strenuously that farmers are environmentally friendly and environmentally concerned, because it is their future.

Motion agreed to.

INFERTILITY TREATMENT (AMENDMENT) BILL

Second reading

Debate resumed from 26 September; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. ANDREA COOTE (Monash) — I have great pleasure in speaking on and supporting the Infertility Treatment (Amendment) Bill. Any legislation that deals with infertility and reproduction is very complex, and this bill certainly fits into that category. Although the items it deals with do not seem to be so complex, it is a complex bill. It shows that as legislators we have a lot of responsibility to ensure that we look at all the ramifications of the issue and that we create proper and accountable legislation to deal with them — and this bill does that.

The purpose of the bill is to remove the requirement for spousal consent to donation when a couple is no longer living together as husband and wife on a genuine domestic basis, to remove the ban on the use of embryos formed with the gametes of a person who has subsequently died and to enable those who were involved in treatment procedures prior to 1 July 1988 to exchange information through the voluntary donor treatment procedure information register.

When talking about this bill we refer to zygotes, gametes, sperm, eggs and frozen embryos, but it is really important for us all to remember that we are dealing with human lives. We are dealing with people who are undergoing an emotional and in many instances traumatic program of treatment, which, hopefully for the people involved, ends with a child. It is very important that we think about what we are dealing with here and about how that child will be dealt with and that we ensure that the people part of this process is kept in proper perspective.

This theory is well encapsulated in the Infertility Treatment Authority annual report of 2000. It states as its aim:

> The mystery surrounding human development in the womb was revealed through the development of procedural technologies such as laparoscopy and technologies associated with assisted reproduction. These developments inevitably raised a number of issues, including the social significance of the family, the psychological anxieties, hopes and very commonly disappointments of those who undergo treatment, the importance of truly informed consent, respect for the beginnings of human life and its early nurture, the rights of children, donors and parents and, in particular, the rights and wellbeing of children conceived by the intervention of birth technologies.

We must all be very mindful of just what we are dealing with. It is very important to keep this theory in its proper perspective.

While speaking about the Infertility Treatment Authority I would like to pay tribute to Professor Louis Waller, who this week resigned from the authority. Louis Waller has been a leader in this field. He has not only been responsible for making certain that research on assisted reproduction has progressed but also has ensured that the ethics of the issue have been looked at and properly regarded. I pay great tribute to Louis

Waller. He has been an outstanding leader in his field and — as other honourable members including the Honourable Maree Luckins said yesterday — what a wonderful contribution he has made.

I refer to Professor Waller's foreword to the Infertility Treatment Authority annual report for 2000, which deals with the essence of the act. I remind the house of the essence of the act, once again remembering that we are dealing with people here. Professor Waller says:

> The act places a fundamental emphasis on informed consent and incorporates a range of measures which protect the consenting parties to the treatment processes. The themes of consent and information-giving to ensure that consent is given in an informed manner weave their way through the legislation, both in relation to people providing gametes or embryos for treatment, but also as part of the treatment process. It is considered an important component of ensuring that the guiding principles, as enunciated at the beginning of the act, are adhered to, particularly those relating to the welfare and interests of the child.

I am pleased to say that this bill addresses a number of those issues.

I remind the house that with some of the issues we are dealing with, in a worldwide sense Australia is a leader in the field. At the beginning of my contribution I will refer to some of the things people are doing in other parts of the world. It is important for us to understand and to get a balance on what is going on and how far advanced we are with both research and the ethical side.

I refer to a page on the web site of IVF-infertility in the United Kingdom, which states:

> Some countries forbid all forms of assisted conception treatments using donor sperm, donor eggs, donor embryos and surrogacy such as Egypt and Saudi Arabia, while others allow donor sperm but no egg or embryo donation and no surrogacy as in Norway and Japan.

The number of embryos to be transferred is another issue on which we are well ahead of the field. The web site goes on to say:

> Some countries have guidelines specify limit but no enforcement mechanism such as Egypt, USA and Japan. Whereas, some countries have neither legislation nor guidelines such as Greece, Belgium and Canada.

Another area we are dealing with that the web page refers to is the freezing of spare embryos, which is relevant to this bill in a rather poignant way. It states:

> Human embryo freezing is allowed in some countries such as UK and not allowed in others as in Sweden.

The web page also refers to treating single women, which we must also remember in dealing with this bill. It states:

> Treating single women is allowed in some countries but not in others such as Sweden and Denmark.

It is important to understand that to get a balance on how far we have advanced in a lot of these areas.

Essentially the bill deals with two specific issues. They are extremely emotive, and honourable members have spoken about them before in this debate. It is important and very poignant to take on board the touching case of Joanne Bandel-Caccamo, who with her husband, Pino, created embryos before his untimely death and who had a miscarriage subsequent to his funeral. We are very moved by this case, and as legislators we want to do as much as we possibly can to help the process along so that Joanne can go on to have her baby successfully.

This bill fixes an anomaly for another couple. The case has not had quite as much publicity, but is poignant nevertheless. It concerns a couple who already have a child from the IVF program whose biological sibling is an embryo. Because in this instance the sperm donor has subsequently died, that embryo is not allowed to be used. This existing child cannot have a biological sibling.

I will read a couple of very poignant quotes which bring the issue back to people, although we are also looking at the ramifications. The quotes specifically relate to Joanne Bandel-Caccamo. An article by Adrian Rollins in the *Age* of 4 July quotes Mrs Bandel-Caccamo as stating:

> … an urgent decision had to be made because the condition of her embryos will deteriorate.

Mrs Bandel-Caccamo continues:

> I just don't want it to drag out a year or two, and then they say no' ….
>
> It's my life that we're deciding on here, and the lives of my embryos and my children.

I think all honourable members are aware of that and I hope the bill will do a lot to answer those issues. I also quote from Professor Carl Wood, who has been instrumental in this field of research and is regarded worldwide as an expert in the field. An article by Robyn Riley in the *Herald Sun* of 9 September states:

> 'It is cruel to keep Joanne in limbo, forcing her to put her life on hold, because really, this is not a complicated situation,' Professor Wood said.

I hope honourable members can close that anomaly today and enable Joanne to go on further with her life.

I have some concerns about the Honourable Kaye Darveniza's contribution. She intimated that at the moment Joanne cannot use the embryos because her husband, Pino, has died, although she also intimated that Joanne could go ahead and use the embryos of another donor. That is incorrect and I will advise the house of the correct situation. Section 3 in part 1 of the Infertility Treatment Act states:

> 'husband', in relation to a woman who is living with a man in a de factor relationship, means the man with whom she is living in that de facto relationship.

Similarly the act states:

> 'wife', in relation to a man who is living with a woman in a de facto relationship, means the woman with whom he is living in that de facto relationship.

The bill says that infertile couples should be assisted in fulfilling their desire to have children. They must be a couple engaged in the infertility program before this can happen. That is why it is important in the context of this bill that Joanne and Pino were engaged in the program and already going through treatment. Another sperm donor cannot then come in and take part in the process. I want to make that perfectly clear, as does the bill.

The bill also deals with the register of donors. We all want to feel confident that the register is well run. Ms Luckins spoke in detail about registration and how it works, but I would like to refer to some of the issues regarding registration.

Clause 6 inserts proposed section 92C, which records pre-July 1988 information. The Honourable Maree Luckins gave some detail about the anomalies between 1998 and the recording procedures of today. Proposed section 92C says that a person can ask the Infertility Treatment Authority to enter information onto the register. A person can also say what information about them is released on the register and to whom it is released. A person can also say which information they want removed from the register.

Proposed section 92D says that information can only be released from the register in accordance with the wishes of the person who entered it. It is important for people to feel safe about this issue. Proposed section 92G states that the authority will only release information if it is satisfied that both parties have been adequately counselled. Proposed sections 92H and 92I include important technicalities and it is pleasing to see them in the bill. Proposed section 92I is a particularly good inclusion and states that a record must be kept of all information released and to whom. People should feel confident that the information has been kept in the long term.

The counselling issue is another important aspect of the bill. The second-reading speech states:

> It is important to remember that anyone wishing to obtain information from the central register, which contains the names of donors, including a donor who has died since the embryo was created, must receive counselling before any information can be released by the authority.

In situations such as this, counselling is imperative. This is an emotive issue and we must ensure that people have access to adequate counselling through all parts of the process. Some of these important issues can have long-term unintended ramifications and it is important to make certain that people are adequately aware of what is happening and what those ramifications might be. It is pleasing to see details of how the register is operated and the counselling aspects in the bill. Keeping in mind we must protect children, I am especially pleased to see the counselling aspect in the second-reading speech.

When we were debating this — and this was very public, particularly the issue of Joanne and Pino — there was a large amount of public outcry. It was interesting that the *Sunday Herald Sun* ran a positive and sympathetic series of articles on this particular and sensitive case. An article in the *Sunday Herald Sun* of 16 September states:

> People power shook the state government in the Joanne Bandel-Caccamo case … They rallied in stunning numbers after two *Sunday Herald Sun* editorials in July called them to action. The politicians bent under the weight of public opinion and now Mrs Bandel-Caccamo has the opportunity to pursue her dream — bearing her husband's children.

It is important that legislation reflect what the public wants, but it is also imperative that we ensure that the legislation is balanced and carefully drafted and there are no unintended consequences in the long term.

I would like to finish by reading again from another article by Robyn Tiley in the *Sunday Herald Sun* of 12 August headed 'Australia: let hearts rule our heads'. The article talks about the emotions of the issue and states:

> Emotional words, sure … but how can you keep emotion out of it? How can we not understand her feelings? The law says Joanne cannot have the embryos because her husband is dead.

The article concludes:

> So if ever there was a time to set aside differences, this must be it because, potentially, the lives of three children depend upon it.

This is something we must all take with us when we are debating this issue. As I have pointed out, many parts of the bill are commendable and I have much pleasure in supporting it.

Hon. G. D. ROMANES (Melbourne) — This is an important bill because it reflects another step in our society in the journey of grappling with important moral and ethical considerations about issues such as infertility treatment. The bipartisan support that we have seen in the past two days in the chamber for the critical elements of the bill is important, particularly in the face of what can often be controversy, sometimes division and, as previous speakers have mentioned, emotional investment in decisions about infertility treatment.

Let's face it: infertility treatment decisions involve decisions about who can be parents, with whom and how as well as the various details of the administration of assisted-reproduction technology. These sorts of decisions challenge the fundamental institutions of society such as the family, and the fundamental notions in our society of how life begins. Therefore decisions about infertility treatment rank with other ethical issues that face the medical profession and our community.

We know that over past decades we have considered issues such as contraception, dealing with the prevention of life; gender reassignment, dealing with the rearranging of life; euthanasia, relating to the end of life; and, currently under consideration at the federal and state level, gene technology with its potential for cloning and creation of life. All these moral and ethical considerations are weighty matters for consideration by parliaments and society at large. They are so because they represent steps along the way in the manipulation of life.

We all know that medical science is changing rapidly and therefore there is also the need for the evolution of moral thought to keep pace with that rapid change. It is therefore incumbent on the parliaments of this country, and others, to reflect these changes in legislative change. It is thus highly appropriate that we should be here today considering modification to the legal framework in a way that is pragmatic but also continues to remain useful to the community which it is designed to serve. While the medical professions are very much focused on the technology, the science and change at that level, it is up to members of the community and to governments to make sure there is no lag in the moral thinking and the policy frameworks we have in place, and that we have appropriate legislation, guidance and assistance in working through these issues.

It is important that thinking continues to take place because there are social and psychological dimensions as well as clinical dimensions to matters such as infertility treatment. There are also human rights dimensions, referred to by other speakers, and financial dimensions given the costs of fertility treatments.

The Honourable Andrea Coote has talked about Australia as a leader in the field of fertility treatment, and the evolution of our legal framework in this state reflects that leadership. We know that previous acts passed by this Parliament have contributed to the orderly implementation of making infertility treatment available to a range of couples in many different situations.

Changes have taken place, such as an amendment to the principal act in 1997 to allow de facto couples to access infertility treatment. Changes are now taking place at a different level, and the July 2000 McBain Federal Court decision has meant that clinically infertile single women, including lesbian women, can access assisted reproduction technology. I am sure honourable members are aware that there is a High Court appeal lodged in that matter, but it is a further step in the evolution of the legal framework.

Further issues relating to the application of the Infertility Treatment Act 1995 have been drawn to the government's attention by the Infertility Treatment Authority, and also by Joanne Bandel-Caccamo, whose case has figured prominently in the media. The issues that have been brought to the attention of the government highlight the difficulties caused by the current policy and legal framework. The Infertility Treatment Authority plays an important role in advising the Minister for Health on infertility treatment in Victoria, and on developments in the field. The authority administers the act and has a regulatory role with regard to approval of those who can provide treatment and giving advice and guidance to groups of people who administer treatment to couples seeking infertility treatment. Also the authority provides an important role in maintaining a register of donor births and in record-keeping on those matters.

The government has responded to requests from the authority to make changes to enable a more effective operation and application of the act. I do not want to speak at length about the details of those changes because previous speakers have already comprehensively covered that ground. I simply summarise what those changes are. One amendment

will remove the requirement for consent of a donor spouse for donation of eggs or sperm when the donor and spouse have ceased to live together as a husband and wife on a genuine domestic basis. The new relationship status of such couples will be given recognition and respect, and will mean that those who want to donate their gametes will be able to do so even with a change of marital status.

A further amendment will remove the prohibition on the use of embryos formed using the sperm or egg of a donor who has died. As previous speakers have said, the bill does not remove the prohibition on the use of gametes — that is, sperm or eggs of a person who has died. Those embryos were created with the consent of the donor who has died, and it is reasonable and logical that they should be able to be used for the original purpose for which they were created, despite the passing of one of the donors.

The third matter dealt with in the bill is enabling the voluntary donor treatment procedure information register to apply to donor procedures undertaken prior to 1988, so that people involved in procedures prior to that date can provide information to and access information on the register. That amendment, and the other consequential amendments that relate to voluntary provision of information for the donor register and access to the information on that register, are important steps in allowing people who have accessed donor procedures before 1988 or who were donor births to benefit from information voluntarily given. This will assist those who were born of donations through the program to fully identify themselves later in life.

The importance of identity for people born through this program is similar to the issues faced by people who discover they were adopted. The issue of identity is a critical one for many people who during their lives need to trace their birth parents and need to understand the origins of their lives. I am aware of a friend in his middle 40s who searched for the background to his life. He travelled to the United Kingdom to find out who his mother was and traced her to New Zealand. He finally went to meet her, then brought her back to meet his family in Victoria a few years ago. The reunion has made an incredible difference to the emotional wellbeing of that friend. It is critical to address issues of identity through the provisions in the bill that relate to the further information that is available through the voluntary register.

As I said before, it is pleasing that the Liberal and National parties are giving bipartisan support to the bill and that it is not the usual begrudging, 'We will not oppose' but is rather active support. I hope it is not driven by the polling in the *Herald Sun* but that it reflects widespread belief among members of those parties that we are going in the right direction, because the Parliament is taking a very important step to further develop the legal framework in response to the issues that have been brought to it by the Infertility Treatment Authority, which on a daily basis deals with the heartbreak and the angst of couples who bring their personal needs and problems to it. It is therefore incumbent on this Parliament to take seriously the requests of the authority for these further changes to the principal act and to make sure that Victorians who can benefit from these amendments will do so in the coming months and years. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — Quite a number of wonderful speeches have been made in debating the Infertility Treatment (Amendment) Bill; I hope many people will get the opportunity to read them. I would like to correct the statement made by the Honourable Glenyys Romanes during her quite good contribution. She said she was pleased to see bipartisan support for the bill. The National Party does not oppose the bill, which means tripartisan support. We do not oppose the bill and we do not do it begrudgingly — that is, the bill has tripartisan support and the National Party is not opposing it.

The bill provides a number of significant amendments to the principal act, the Infertility Treatment Act 1995, and a number of consequential amendments because of certain changes to the legislation. The bill has three main purposes that are set out in its explanatory memorandum. The first is:

> … to remove the requirement for spousal consent to donation when a couple is no longer living together as husband and wife on …

what is deemed to be a genuine domestic basis.

The second and third purposes are:

> … to remove the ban on the use of embryos formed with the gametes of a person who has died and to enable those who were involved in treatment procedures prior to 1 July 1988 to exchange information through the voluntary donor treatment procedure information register.

The government has said it brought forward the legislation in answer to a number of cases put before it where the donor has died and, therefore, the transfer of the embryos to the woman became illegal under Victorian law. As other honourable members have said, that situation has received huge media coverage and I hope such cases are rare as often the circumstances are quite tragic.

I shall mention two cases that are probably the most prominent in the media. The first was one the house has heard mentioned by many honourable members today and yesterday — that is, the case of Joanne Bandel-Caccamo whose husband, Pino, was the sperm donor. Five embryos were formed; two were implanted in Joanne, but unfortunately Joanne miscarried on the day Pino died, which must have been dreadful for Joanne and her family. Joanne would now like to continue with the procedure and to have her husband's child. This bill will allow that to happen.

The second case which was recently highlighted by the media and was used as an example in the second-reading speech was of a couple who had a child by a donor. Eight embryos were created using the donor sperm and the woman's eggs. Four were implanted in the woman in 1998. The procedure was successful and the woman became pregnant. The remaining four embryos were stored and kept frozen for later use, in the hope the couple would be able later to have a sibling for their first child. The couple's child was born in 1999. Later they returned to the in-vitro fertilisation (IVF) doctor to have the remaining frozen embryos implanted so they could have a sibling — a brother or sister — for their first child. The procedure was ready to commence, but it had to be stopped when it was discovered that the donor had died. Under section 43 it is illegal to use frozen embryos if one of the donors has died.

Yesterday the Honourable Kaye Darveniza explained to the house the IVF process; it is a long, painful and stressful procedure. To be able to use the donor's frozen embryo, even though the person had died, would mean a collection of eggs from the mother would not be necessary. More importantly, the new baby would be a full genetic sibling to the couple's own child. It would share the same biological mother and father. I am sure everybody would support that and the legislation would allow that to happen. I hope with the passage of the legislation the family in the second case will be able to have a sibling for their first child, even though one of the donors has since passed away.

The bill amends section 13, which now provides that where one partner of a married or de facto couple wishes to donate either sperm or eggs, the other partner must consent. As the house has heard from other honourable members, there are a number of reasons why people do not divorce but separate, and do not live together any longer; they may have been separated for quite a number of years.

The amendment removes the requirement for spousal consent where the donor and spouse have ceased to live together as husband and wife on a genuine domestic basis. There are many reasons why people actually separate but do not divorce, including cultural or religious rules which forbid their divorce.

Another reason, which is probably more prominent, is fear. Many women, when they separate from their husbands, say they do not want their husbands to find out where they are living. Therefore, they cannot receive the necessary consent of their former partners, who are estranged but not divorced. For those sorts of reasons, it is ridiculous for anybody to say to them many years down the track, after being separated, 'You must find your former husband or the man who is still your husband and get consent'. There are many reasons why some women choose not to give out their addresses or information about themselves. They may want to become a donor to provide assistance to a family member, to help that person conceive and have a child. The National Party supports that amendment.

Clause 6 inserts a new part 7A. The explanatory memorandum says that proposed part 7A provides:

> … that an eligible person involved with treatment procedures that took place prior to 1 July 1988 may put information on and receive information from the voluntary donor treatment procedure information register established under section 82 of the Act …
>
> An eligible person includes donors, recipient families, those born as a result of donations and their descendants, and the relatives of all —

those people. They are now able to provide information for that register. The voluntary donor treatment register is to be administered by the Infertility Treatment Authority. It will be an important register for particularly Victorians wishing to access those records. The authority's records show that 500 donors have been involved in the birth of 1500 children through the IVF program since 1988. We are talking about 1500 children being able to access the information but who were unable to do so previously.

Victoria now has a formal register where donors leave their names and addresses only at the time of donation. Only people over the age of 18 years can access the register. It is important to note that the voluntary register is not part of the central register and must be seen as something quite separate.

As I said earlier, children aged under 18 years who have permission from families can access information from the voluntary register. The sort of information that will be able to be placed on the voluntary register could include family history, medical history, or photos of themselves or their parents or families — anybody

accessing that information can then see what their family members look like — and anything else a donor wishes to put on the register. That means a donor will be able to have some connection to the child who has been born from their donation. That is a wonderful thing.

As I said earlier, the process is voluntary. If a person wishes to record only their name and address, that is of their choosing, but they could place more information on the register in the hope that a child could meet up with them later.

It is also important to understand that before a person has access to that register, and before placing information on it or before receiving information from it, the person must be counselled. Counselling is very important. The person receiving the information or putting the information on the register needs to understand the ramifications of how that information could be used by either the person receiving the information or placing it on the register. They also need to get support or counselling about information they may receive from the register. The information could include a person's heritage or family history, or a person's family medical history; the person may need to receive counselling in those instances.

The information a child receives may be of great concern to them, particularly the medical history. It is important that the person at the time they receive a report or the information obtains support and counselling because they must understand what they will do with the information and how relevant it is to their lives.

The National Party was concerned about the prohibition of the use of sperm or eggs when a donor has died. We were pleased that the second-reading speech states that:

> There is no intention to remove the prohibition on the use of the sperm or eggs of a donor who has died. The act will still not permit the creation of embryos using the sperm or eggs of an already deceased person.

It is important to ensure that prohibition remain so that sperm or eggs cannot be removed from a person who has either died or is in a coma and does not give consent to the removal. The bill ensures the prohibition of the use of sperm or eggs of a donor who has died or does not give consent.

A number of National Party members had a briefing with the Infertility Treatment Authority, the adviser to the Minister for Health and public health officers of the Department of Human Services as well as legal advisers. We asked many questions at the briefing and were happy with the answers. We were comfortable in the knowledge that what we are supporting is the intention of the legislation and that any interpretation could not be misused. I thank the people who gave us the briefing. A number of honourable members had many questions, which were answered openly and honestly.

We were told that the IVF program has many checks and balances. We were comfortable that the checks and balances put in place by the Infertility Treatment Authority and legal advisers would protect not only the donor but the recipient and the program itself. That information put our minds at rest on the issues about which we were concerned and the interpretation of certain aspects of the bill. We are now comfortable that the bill will do what the government has set out to do.

Over many years IVF treatment has been an emotive issue. As the Honourable Glenyys Romanes said, medical science has helped us move on, and we are now able to apply procedures that were once thought impossible for conditions such as heart disease or cancer, and now infertility.

The IVF program was implemented to allow married couples who could not have a child an opportunity to have a family. At that time it was a contentious issue. Each time we legislate changes to the act we make it open to interpretation and it becomes more complex. As legislators and as members of Parliament our major concern should be what is in the best interests of the child, to ensure that the child has an opportunity to grow to adulthood in a loving and safe environment.

As a mother, I can say that holding your new baby in your arms for the first time is an absolute joy. The National Party wishes joy for Joanne Bandel-Caccamo and all the others the bill will assist.

Hon. E. C. CARBINES (Geelong) — As a member of the Bracks government I am pleased to support the Infertility Treatment (Amendment) Bill, which seeks to build significantly on the principal act to ensure that the legislation is responsive to real issues surrounding infertility treatment in Victoria today.

The ability to assist infertile people to conceive was one of the great medical advances of the 20th century. Some of my friends and colleagues have benefited enormously from this amazing treatment, and it has brought the happiness of children to couples who desperately wanted to conceive but were unable to do so naturally.

The bill is the result of concerns expressed with the Minister for Health by the Infertility Treatment

Authority about the interpretation and implementation of the principal act. I understand that earlier this week a function was held in Parliament House to farewell Professor Louis Waller, who was the chair of the Infertility Treatment Authority. I was pleased to learn that one of the board members of that authority is a highly respected person from the Geelong community, Cr Heather Wellington, a councillor from the City of Greater Geelong. I know her work is highly regarded in the city I represent.

The bill seeks to amend the principal act in three sensible and practical ways. As honourable members in this house would be aware, considerable publicity has been generated by the bill because clause 5 seeks to remove the current ban on the use of embryos formed from the eggs or sperm of a person who has died. Surely this is a humane response to a real issue. Currently such embryos cannot be used and are ultimately destroyed. One would have to be a very cold-hearted person not to be touched by the experience of Mrs Joanne Bandel-Caccamo. Mrs Bandel-Caccamo has three embryos in storage that were formed prior to the sad death from cancer last year of her husband, Pino. I was concerned to read of Joanne's plight earlier this year in a series of articles in the *Sunday Herald Sun* of 1 July that sum up the crisis. The article headed 'Wife's plea for embryos' quotes Joanne as saying:

> I have been told I cannot have my babies, but if I pay $800 a year I can keep the embryos and the remainder of Pino's sperm in storage for up to five years.
>
> The alternative is to destroy them, but I could never do that.
>
> So where does that leave me under the current legislation? My fight now, my only hope, is to have the legislation changed.

It is wonderful to know that the bill has bipartisan support. Mrs Bandel-Caccamo's story becomes even more poignant when one realises that sadly she miscarried two of the implanted embryos shortly after her husband's death last year.

Earlier this year the world-renowned IVF pioneer, Professor Carl Wood, in a forthright opinion piece in the *Sunday Herald Sun* of 1 July, wrote about Joanne's plight and strongly supported her case. He said:

> A woman should have the right to transfer frozen embryos which have been the result of her and her husband's IVF treatment if the husband has died subsequent to the formation of the embryos.
>
> Already the woman has suffered, not only from her husband's death from cancer and his chronic illness before his death, but also a miscarriage of a pregnancy that resulted from the transfer of fresh embryos at the same time as the extra embryos were frozen for future use. Prohibition of the wife's use of these frozen embryos has no ethical or moral merit.

The Infertility Treatment Authority agrees with Professor Carl Wood, and the Bracks government also supports his position, hence the passage of the bill will allow the embryos that have been formed prior to the death of a donor to be used.

This is simple, matter-of-fact legislation that will make a huge difference to the lives of people caught up in such difficult circumstances. It has taken Joanne's poignant experience to highlight a deficiency in the principal act. I congratulate the Minister for Health on his proactive, humane response in proposing this amendment to the act. Of course there are no guarantees with in-vitro fertilisation (IVF) treatment and the road ahead for Joanne is not certain, but I wish her much success and happiness and the realisation of her dream.

As a member for Geelong Province I have a personal interest in clause 6 of the Infertility Treatment (Amendment) Bill. Earlier this year I had the pleasure of meeting two of my constituents, a mother and daughter who came to see me to discuss the recently launched donor treatment procedure information register. Evelyn and Lauren Taylor fully supported the Bracks government initiative for the establishment of this voluntary register, but they wanted to see it extended. They explained to me that it covered only donor procedures that have taken place since 1988. Lauren was born in 1977 through donor insemination, as was a sibling of hers. Lauren explained that her quest for information about her biological father could be greatly assisted if IVF families and the donors of eggs, sperm and embryos prior to 1988 had the opportunity to join the voluntary register.

On the day I met her in my office Lauren gave me an article she had written that had appeared in the *Herald Sun*. It is entitled 'In search of my dad'. In it she says:

> I am searching for a mystery man. A man who was a fourth-year medical student in 1976. A man who donated his sperm to a doctor's clinic in Melbourne.
>
> A man who left a part of himself to create one half of me. I am the offspring of donor insemination.
>
> I have no access to half of my personal information. Half of my family tree is bare and the branches curl into tangled question marks — the only information I have is about my mother's biological and medical history.
>
> I need to find my mystery man because this information is infinitely personal to me. It is linked to my personality and medical health and will explain the questions in my head and mend the hole in my heart.

> Until I find this person I am a mystery to myself.

When I met Lauren and her mum, Evelyn, earlier this year I undertook to assist them in any way I could to try to have their request met and have the donor register extended to include all donors and their offspring, not just those since 1988. I wrote to the Minister for Health on their behalf in March this year and brought this important matter to his attention. I also raised the matter in an adjournment debate in May. I explained at that time that extending the voluntary register to cover all donors and their families could possibly allow Lauren to solve important unanswered questions about her life.

I was very pleased to receive a response from the minister dated 1 June. He said:

> Extending the eligibility of the voluntary register requires changes to the regulations of the Infertility Treatment Act 1995 to provide statutory cover. Work is progressing to achieve this. The Infertility Treatment Authority will amend the protocols to the donor treatment procedure information register when the regulations are finalised.

Therefore I am extremely pleased to speak in support of this bill, which seeks to amend the Infertility Treatment Act 1995 to allow for the extension of the donor treatment register to include all donors and their offspring. It is important to remember that inclusion is entirely voluntary.

When I met Lauren I told her that this may not change her life at all. She is hoping that her biological father will involve himself in this register, but she is entirely realistic about the possibility that even with the extension of the donor register she may never obtain the information she so keenly seeks. However, it was vitally important to her that there be no legislative barrier preventing her from ever potentially accessing her biological heritage. I was pleased to ring Lauren's mum, Evelyn, last week and tell her that this bill would be debated in this place this week. She was absolutely delighted and wanted to speak to Lauren straightaway. I wish them all the best in their quest for information about Lauren's father.

This amendment to the principal act is a sensible, practical and humane response to a very real human issue brought home to me very sensitively by my constituents Lauren and Evelyn Taylor.

The bill further seeks to respond to real issues by removing the requirement for the consent of a donor's spouse for the transfer of eggs or sperm. The principal act currently requires that if a married person who has separated from his or her spouse wishes to donate eggs or sperm they must first obtain the consent of their spouse unless they have divorced. In that way the act can be seen to discriminate against married people. The amendment before us removes this discrimination against people not living together as husband and wife on a genuine domestic basis.

In doing so it sensitively responds to cases of donors where a divorce is not acceptable or possible or where the relationship with the former spouse is so acrimonious that it is unrealistic to ask the applicant to seek the consent of that person. Why should estranged partners whose relationship has irretrievably broken down have to seek the consent of their former partners before they can donate eggs or sperm? The bill before the house removes that provision in the principal act in a sensible and mature way that is responsive to real human scenarios present in Victoria today.

The Infertility Treatment Act deserves the support of all members of this house, and I am pleased to learn that all parties will support the bill. It is a humane response to real, human issues. It has been sought by the Infertility Treatment Authority in a desire to make the act more reflective of current issues and enable it to better serve the people of Victoria. I thank the Minister for Health for his preparedness to introduce such humane amendments to the Infertility Treatment Act, and I wish the bill a very speedy passage.

Hon. I. J. COVER (Geelong) — In rising to make a contribution to debate on the Infertility Treatment (Amendment) Bill I follow the other honourable member for Geelong Province, making this one of the occasions when Parliament can demonstrate that members on both sides of the house are in concurrence on legislation that will hopefully assist the lives of people generally and in particular the lives of direct constituents of ours in Geelong.

I know the bill in its entirety and the clauses in it have been well canvassed by other speakers, but I wish to make a contribution in regard to clause 6, which inserts a new part 7A into the principal act and will enable people who were involved in treatment procedures prior to 1 July 1988 to exchange information through the voluntary donor treatment procedure information register.

This aspect of the legislation has come very much at the urging of the Infertility Treatment Authority, which noted in its annual report for 2000 that:

> The authority has continued to pursue discussions with the Department of Human Services and later with the Minister for Health to extend the provisions of the voluntary register, and not to have them confined by time limitations of any sort.

That refers to the register up until now only being for people involved post-1988. The reason I am speaking on this, as I say, does relate to constituents. The other member for Geelong Province mentioned the constituent by name. I was going to refer to the young lady involved simply as Lauren, but her name is well and truly on the public record.

Lauren, to whom I am referring, has been on what could probably be best termed a crusade not just for herself but on behalf of all children who have been born as a result of the in-vitro fertilisation (IVF) program and through anonymous donors. It is not just for herself. She has been very community-minded on this, and that has been well and truly demonstrated since she attained the age of 18, when she had the option to pursue the trail to discover her biological father. It was when that crusade started and the option became available to her that she first became known to my colleague the honourable member for Bellarine in another place. Since this bill has been introduced I have had numerous discussions with the honourable member for Bellarine in the other place about his involvement and contact with Lauren and her parents during the six years since the Infertility Treatment Act of 1995 had its passage through the Parliament of Victoria.

Clearly Lauren has great support from her parents, who are absolutely devoted to and supportive of her, not just in her life but in this quest or crusade to find her biological father. It was a marvellous opportunity on Tuesday night, when I attended a function in Queen's Hall at which Professor Louis Waller was being farewelled as the chairman of the Infertility Treatment Authority, to meet Lauren's parents in the company of the honourable member for Bellarine who, as I say, has had many dealings with them over the past six years, and to hear personally from them of their involvement and what it means to them and their daughter that this Infertility Treatment (Amendment) Bill go through so that this opportunity is presented to Lauren.

Of course there are no guarantees in this process, but it creates a further hope that Lauren will one day discover — and I think in her case meet and get to know — her biological father. As I say, it was marvellous to meet with her parents and hear them talking of their support. They are humble, modest people, not given to over-the-top excitement or enthusiasm, so I will in the nicest possible way refer to their subdued enthusiasm about the fact that the bill was about to go before the house and was enjoying the support of all parties. Having talked to them and heard their thoughts on Lauren's interest not only in the bill but in her quest to discover her biological father, I thought the situation would best be summed up by Lauren herself.

In speaking with the honourable member for Bellarine about the time in 1995 when he was first involved with Lauren's parents and Lauren herself he was able to point me to a submission Lauren had written on turning 18. At the time she was starting her crusade she was also making contributions to national bodies that were inquiring into the subject of donor insemination procedures and establishing a process by which people could find out about their biological fathers and assessing the long-term effects on families who were involved in these assisted conceptions.

The honourable member for Bellarine furnished me with a copy of the submission Lauren made in 1995 as an 18-year-old, and I thought it was worth putting it on the record in this debate today. She wrote:

> I am relating the concern about these effects from my own experiences. I myself am an 18-year-old female, conceived through donor insemination. As an 18-year-old I now have the option to track down information about my conception and in all possibility my donor, or biological, father. However, I expect nothing. I am told to expect nothing. More than likely there is very little information there, and if there is, there is no guarantee that I will be allowed access to it.
>
> In the past doctors considered the act of creating my life, and the lives of many other children of assisted conception, as nothing more than an experiment. It was another new way of pushing back the frontiers of research and forging new paths. Alas, I am not a monkey, and I will not be treated like a guinea pig.

I think that indicates how deeply Lauren at the age of 18 was able to think about herself, where she had come from and the issues surrounding this very matter. It was quite a lengthy submission, and I will conclude with this further extract:

> Perhaps at present I have only mere curiosity about my donor, but what if it becomes something more, a deep yearning?

The passage read by the other member for Geelong Province, which was written by Lauren more recently, clearly indicates that it has become a deep yearning. It is more than just curiosity for her, and it is through our work in Parliament that people's deep yearnings can hopefully one day be satisfied through this legislative process. It is not only the work we do here but also the work done by members of Parliament before us. I again refer to the contribution on this issue of the honourable member for Bellarine and his involvement with Lauren and her family since 1995.

I have pleasure in supporting the bill and trust that Lauren's deep yearning is one day fulfilled, if not

through this legislation bringing her a step closer then ultimately one day in the future.

Hon. R. F. SMITH (Chelsea) — I rise to speak in support of the Infertility Treatment (Amendment) Bill. I will commence with the purpose of the bill, which is to amend the Infertility Act of 1995 in response to requests from the Infertility Treatment Authority. It will enable a more effective operation and application of the act that currently exists.

By way of background, the Infertility Treatment Authority has raised with the minister on a number of occasions over a number of years concerns about interpretation of the current act and its implementation. In addition to that I remind the house that the Honourable Elaine Carbines has on behalf of a constituent of hers raised in this house and also with the minister the need for the voluntary register to be extended to donors prior to 1988.

It needs to be stressed that these amendments propose absolute minimal change to the current act, which is recognised at the moment as being the most comprehensive act in the country. It will only finetune what is already available. I say that because in the eyes of some people the bill could be contentious. The subject matter stretches the imagination and causes us not so much concern but to think very hard and deeply about the subject we are dealing with. Again I stress that the bill is not contentious. It is pragmatic, sensitive and sensible.

The bill proposes to change section 13 of the act, which requires that the partner of a married or de facto couple who wants to donate gametes — sperm or eggs — must obtain the consent of the other partner. The amendment removes that discriminatory requirement for those intending to donate if they cease to live with their spouse or partner on a genuine domestic basis. Some people may think this bill is a knee-jerk reaction as a result of the recent public prominence given to the plight of a Victorian citizen. It is not. As I said, it is simply a pragmatic finetuning of the current legislation. Sure, a number of citizens will clearly benefit from this and we all wish them well, but I am pleased to say that all parties support this bill and I am encouraged by that.

Again, this bill is a response to a request from the Infertility Treatment Authority. It will extend the voluntary donor register to donors prior to 1988. At that time there was no such register and no capacity for people who were created as a result of this technology to access their genetic history — an important issue. I cannot imagine how difficult and disturbing it would be for someone in those circumstances who was unable to discover their genetic history, and I suppose it will be a major issue in any future legislation dealing with genetics. One of the things that concerned me was that the voluntary register may in some way remove the anonymity of pre-1988 donors without obtaining their consent. I have been convinced that is not the case, that it is purely voluntary, so I do not think anyone should have any concerns about that. I also imagine it would be extremely difficult anyway for a child to access information about a pre-1988 unregistered donor who may have passed on. It is a good and positive change.

Once it is given voluntarily the information on the register will be accessible not only to donors but to their children, families, relatives and so on. Again, it is commonsense and a positive thing to do. It also removes the prohibition of the use of embryos or the eggs or sperm of someone who has passed away. Clearly any donor who donates on the basis that their donation will be actually used would want that to happen. Why would anyone donate if the embryo was not to be accessed or used for the purpose for which it was intended? This legislation reflects that commonsense view. As has already been demonstrated publicly in this chamber, there is a real and general expectation, particularly from the women in these circumstances, of being able to have access to those embryos, and the proposed changes to the act will allow that to happen. Like everyone else in the chamber, we wish those people well and success.

The issue of ownership of those embryos needs some explanation. I raised it yesterday with some legal people to get clear in my own mind what may happen. Suppose a couple donate their gametes, create an embryo for whatever reason — let us assume one or the other is undergoing some sort of cancer treatment — it is successful but for whatever reason the couple decide to separate. The embryo is still there. Who owns the embryo? I am advised that the embryo actually belongs to both, and neither can have access without the permission of the other. In other words it would be, for want of a better term, property and would, in the case of divorce or whatever, have to be settled as such or negotiated. I would not like to be negotiating that settlement! I would not wish it on anyone because it would be extremely traumatic for both parties. But again it emphasises the complications that could arise from this particular technology.

At some stage down the track we as legislators will be confronted with some very hard decisions that will challenge our beliefs and ethics, and I suggest there will be a need for some very good counselling and advice on that.

I would also like to stress, as I am sure others will, that the use of gametes — sperm or eggs — of someone who is deceased is prohibited and remains prohibited under the proposed bill, although the embryos of someone who is deceased will still be accessible, which is the main intent of the bill.

Because this is important legislation in so as far as it finetunes what is already good legislation and makes relevant for today those things that are necessary to make the act work, I believe it should be supported. It would be remiss of me not to mention my concerns about possible future legislation, and that will surely test us. I hope that with proper counselling and good guidance we will work through what will be difficult legislation. I suppose one of those things we reflect on is that we will be tested as legislators. It is one of the reasons we come here: to legislate on the issues that are important to society. Let us hope we get it right when it does eventually come here. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

In doing so I thank all honourable members for their contributions to this debate and the Liberal opposition and the National Party for their assistance in forming this very important piece of legislation. The government thanks them for their cooperation.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COMMONWEALTH GAMES ARRANGEMENTS BILL

Second reading

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

That this bill be now read a second time.

It is with pleasure that I introduce this bill marking the conduct in Victoria of a sporting event of the utmost significance. Even allowing for the regular staging of grands prix, football competitions and horseracing carnivals, not since the Olympic Games of 1956 has Victoria been host to such an important sporting event. Accordingly, the bill reflects the government's determination that, 'Our successful bid must now be followed up by an organising effort that is fully representative of the Victorian community and ensures the building of all necessary facilities'.

The 2006 Commonwealth Games are scheduled to be held in Melbourne from 15 March to 26 March 2006. The development of a legislative framework is necessary to enable the preparation for, and staging of, the games.

It is pleasing to note that there is bipartisan agreement from my parliamentary colleagues to the holding of this great event for Victoria. This support also includes ensuring the timely preparation for the staging of the games through specific games-related legislation.

The Commonwealth Games Arrangements Bill is designed to:

ensure a legislative framework to enable preparation for and staging of the Commonwealth Games in Melbourne in 2006;

streamline the planning and approvals processes for the Melbourne Cricket Ground (MCG) redevelopment, games village and Melbourne Sports and Aquatic Centre (MSAC) new competition pool and any other facilities associated with the 2006 Commonwealth Games;

manage the financial risks associated through the timely provision of facilities and services for the 2006 Commonwealth Games and provide a level of certainty internationally in Victoria's ability to hold a successful games;

provide the capacity to accommodate other legislative issues associated with the games through amendment at a later date including such things as marketing protection and other event-specific matters.

The substantial preparations necessary to stage the games will need to be undertaken in the context of a timeframe that is not negotiable.

The purpose of this bill is to put in place a legislative framework that immediately facilitates the development and construction of permanent facilities for the games,

such as the redevelopment of the MCG, the construction of a games village and the expansion of MSAC.

In addition to permanent construction works, marketing, organisational arrangements, some administrative processes and general powers to enable the staging of the games will be accommodated through legislative amendment at a later date.

The Commonwealth Games will provide a lasting legacy for Victorians by facilitating the construction of additional facilities capable of not only holding major events but for use by all Victorians. The development of these facilities will stimulate the building and construction industries in Victoria and result in more jobs. In addition, it will assist in fostering the sport and recreation sector as a provider of greater employment opportunities for Victorians.

The legislation has been drafted specific to all 2006 Commonwealth Games facilities, including the MCG redevelopment, MSAC development and the games village, to provide a streamlined and consistent approval process under consistent legislation. Thus, instead of amending existing state legislation, the bill constitutes a single enactment governing the preparation for, and staging of, the games that can be sunset following the games.

The paramount issue is the timely preparation for a successful staging of the Commonwealth Games. The Sydney approach to the 2000 Olympic Games was to enact a number of pieces of legislation, in effect, dealing with policy issues as they arose. As with the Olympics legislation, this bill reflects an overriding public interest in the successful staging of the event. To support this public interest, the legislation, in effect, streamlines procedural requirements, focuses on substantive matters and provides flexibility and responsiveness through a system of ministerial orders.

The legislation is envisaged ultimately to have four substantive parts dealing with administrative processes, construction works, marketing and general powers necessary for the staging of the games period. At this time, the bill is primarily concerned with construction works. The other sections will be the subject of later amendment to the act.

The bill encompasses the arrangements necessary for development and construction works for games venues and for the conduct of the games. In this regard, an appropriate level of authority is vested in the minister administering the act to make orders facilitating the preparations for the games.

Part 2 of the bill provides an administrative process whereby the minister receives advice from an advisory committee established under the act. The committee will consider development and construction works proposals for facilities for games venues according to procedures appropriate to achieving the objectives of timeliness and simplicity. The committee process will ensure public consultation on construction works. The committee will take reasonable steps to consult with interested persons or bodies and consider their representations. The ministerial order system is virtually an alternative compliance mechanism to the specific processes set out in existing legislation.

The MCG redevelopment project cannot be suspended pending passage of the legislation, as the facility would not be completed in time for the games. Consequently, it is intended that advancement of the project, particularly to enable public consultation to occur, will be facilitated by commencement of procedures similar to section 151 of the Planning and Environment Act 1987. Rather than using the section 151 mechanism, it is intended that the Minister for Sport and Recreation will, administratively, establish a committee to advance the MCG project. The authority for construction works, including the MCG redevelopment project, will be derived from the bill. Consequently, the work of the minister's committee appointed for the MCG project will, in effect, be taken over by an advisory committee appointed under the bill when enacted. From being a project commenced under administrative arrangements, it will become a Commonwealth Games arrangements project and action on its report taken by the minister under the ministerial order system.

The advisory committee process will ensure that the minister is given appropriate advice prior to making an order. The bill makes provision for the establishment, appointment and procedures of advisory committees. Advisory committees will be constituted by persons with expertise appropriate to the subject matter of the particular order.

Similarly I will appoint advisory committees to examine the MSAC development and the games village. This will ensure that these projects reflect consistency in planning, heritage and environmental matters.

As part of this process the committees will be required to review all relevant planning reports prepared by the proponents and consider written submissions and the outcomes of public consultation undertaken in formulating its report for the minister's consideration. The committee reports will be made public and all submissions will be publicly available unless the

applicant has specifically sought confidentiality in which case the submission would be subject to freedom of information consideration.

Part 3 of the bill makes provision so that the minister may, by order published in the *Government Gazette*:

(a) declare an area to be a Commonwealth Games venue, either permanent or temporary;

(b) declare an area for the development and construction of facilities at or for a games venue project;

(c) after giving full consideration to a report of an advisory committee, and being satisfied that there has been reasonable consultation and regard has been had to reasonable representations, approve the development and construction proposal for a facility for a games venue;

(d) declare a designated access area for development and construction of a facility at a games venue.

The orders will be tabled in the Parliament.

It is intended that this bill will be the sole legislation dealing with arrangements for the Commonwealth Games. Consequently, part 3 makes provision to override certain laws to facilitate the developments so that in the event of any inconsistency the bill will prevail. In particular, these provisions deal with the following acts: Crown Land (Reserves) Act 1978; Planning and Environment Act 1987; Coastal Management Act 1995; Environment Effects Act 1978; Land Act 1958; and Heritage Act 1995.

The bill contains a number of provisions necessary to facilitate construction. Thus, part 4 encompasses powers and duties relating to obtaining and disposing of land for the purposes of Commonwealth Games projects, compensation or restoration where interests in land are affected, execution of government guarantees and temporary closure of roads. Many of these provisions, in effect, mirror those in the Project Development and Construction Management Act 1994.

Part 5 of the bill regulates matters essential to the integrity of Commonwealth Games construction sites and access to those sites. The provisions include cordoning off, authority to enter and removal of unauthorised persons from such areas.

Part 6 of the bill enables regulations to be made. It also provides for the sunsetting of the legislation on 31 December 2006, reflecting the specific-purpose nature of the bill.

The bill provides that part of Yarra Park be available for development and construction of a facility for a games venue, which will be declared by ministerial order**.** Any portion of Yarra Park that is needed for temporary or permanent works will be determined by the minister responsible for the act in consultation with the Minister for Environment and Conservation.

The MCG redevelopment will be the initial project to be advanced through the legislation, and as such, will provide the blueprint for later projects. Part 7 of the bill makes specific amendment of the Melbourne Cricket Ground Act 1933 in relation to the new northern stand with provisions similar to those in place for the earlier construction of the southern stand. Although commencing before passage of the legislation, the MCG redevelopment will be ultimately progressed through the processes of the advisory committee and the ministerial order system.

The Melbourne Cricket Ground holds a special place in the hearts of all Victorians. It is one of Australia's greatest sporting venues and has hosted significant state, national and international events like AFL grand finals, Boxing Day tests, the 1956 Olympics and more recently seven games of the 2000 Sydney Olympic football tournament. These and many more events have enabled the venue to be recognised worldwide.

The MCG has recently found itself in a more competitive market with the development of new stadiums and the evolution of event and facility standards through new stadiums in Australia, which has challenged its long-term viability and position as the best sports venue in Australia.

To enable Victoria to continue to be Australia's sporting capital the state needs to be able to provide the best facilities for events, competitors and spectators. This government has accepted this challenge and is keen to see the MCG remain the pre-eminent sporting venue in Australia.

Victoria as a whole will also stand to benefit from the redevelopment of the MCG, as the state's capacity to host major events will be improved by the increased standards of the MCG. As the proposed main venue for the 2006 Commonwealth Games and host ground of other major events, the capacity and quality of the MCG is central to successfully bidding for and acquiring hallmark events.

The government is also keen to ensure that the MCG remains truly the people's ground and that any

redevelopment does not diminish amenity and access for the general public. As such certain criteria has been placed on the redevelopment that will ensure that it is turned into a venue for the general public.

The redevelopment of the MCG should remain within the existing footprint of the MCG and any requirement for the use of Yarra Park will be considered in the context of 'no net loss of open space'. The area shown in the proposed bill meets this requirement by ensuring that the development takes place on what predominantly is hard stand and car park area. To compensate for this a proportion of the existing car park will be returned to open space.

During the redevelopment of the MCG some mature trees will be relocated and re-positioned once construction has been completed. Also, trees in the construction area will be protected.

Since it opened in July 1997, MSAC has had approximately 4.3 million visitors utilise the centre, creating one of the busiest multi-sports venues in Australia. Last year alone MSAC had an average daily attendance of 3805 visitors.

MSAC has been identified as the preferred site for the 2006 Commonwealth Games aquatic program, and as such the Melbourne 2006 Commonwealth Games organising committee has specified that a pool with a minimum capacity of 10 000 seats is required for the games.

MSAC is currently the premier major aquatic events venue in Victoria but it does not have a competition pool suitable in seating capacity to host the 2006 Commonwealth Games or other major events.

The government intends to rectify this by expanding MSAC by constructing an outdoor permanently roofed competition pool with permanent seating for 3000 spectators while capable of providing a capacity of up to 12 000 temporary seats. This will meet Melbourne 2006 Commonwealth Games Organising Committee requirements. In addition the proposal will provide additional leisure water space, improved spectator and patron access, improved car parking facilities and would enable the old Distance Education Centre to be converted into office space for a range of different sporting groups and organisations. To enable the expansion amendment of the State Sports Centres Act 1994 is necessary. Part 8 of the bill amends the definition of Melbourne Sports and Aquatic Centre land and makes a new area of land available for the purposes of that act.

The expansion will bring an additional 300 000 to 500 000 visitors to the centre annually and will provide a substantial increase to the sporting infrastructure of Victoria, increasing training and competition facilities for athletes and general users and cater for the unmet demand for public access.

Considering the high status of the swimming program at the 2000 Olympics and recent swimming world championships and Australia's recognition as a world leader in swimming, a designated event pool can contribute significantly to Victoria's capacity to host major aquatic events.

Acceptance of the likely financial impacts of the games was inherent in the decision to bid for the games. The previous government is to be acknowledged for its role in the successful bid. The budget, which accompanied the games bid, while currently under review, will provide the basis for the state's financial commitment.

The budget will comprise a contribution of $90 million from the commonwealth government and a contribution from the state government. The substantial expenditure associated with construction, administration (including technology), operations, marketing and communications will have limited balancing revenue items such as broadcasting rights, sponsorship, ticketing, licensing, fundraising and volunteers.

The legislation will encompass a major program of construction leading to substantial job opportunities. Major construction works associated with the Commonwealth Games will give rise to environmental implications. The government's policy commitment is to the conduct of an environment-friendly Commonwealth Games.

Practical environment solutions will be explored in the pursuit of this objective. Whilst specific environmental initiatives are yet to be determined, the thrust of the legislative framework should be such as to provide the flexibility for ease of implementation of environment initiatives.

The government is delighted to present this bill as the legislative support for an event experience of a high order and as a most substantial contribution to improved sporting facilities for Victoria.

I commend the bill to the house.

Debate adjourned for Hon. I. J. COVER (Geelong) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

ESSENTIAL SERVICES COMMISSION BILL

Introduction and first reading

Received from Assembly.

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

Sitting suspended 1.01 p.m. until 2.07 p.m.

TRANSPORT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 18 September; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. G. B. ASHMAN (Koonung) — The Transport (Further Amendment) Bill has a number of provisions. Its main purpose is to wind up the — —

The PRESIDENT — Order! I ask honourable members to respect their colleague who is trying to address the house on this bill. I ask honourable members to sit down and enable this to happen.

Hon. G. B. ASHMAN — The bill makes provision for winding up the Public Transport Corporation and makes amendments to the Melbourne City Link Act 1995. It also has a number of provisions that facilitate the issue by City Link of weekend passes and a more flexible use of infringement notices. It allows for the continuation of warning notices for infringements on City Link, which originally had a sunset clause.

The winding-up of the Public Transport Corporation is a direct result of the successful franchising of public transport in this state. I do not think any honourable member would now argue that the franchising of public transport has not provided an increased level of service and has not delivered significant benefits to the patrons.

The assets of the Public Transport Corporation (PTC) will now transfer to the Victorian Rail Track Authority or to the private operators. The private operators are already making significant investment in rolling stock and infrastructure on their networks. Bayside Trains and Bayside Trams will soon be under the new logo of M Train and M Tram, and Hillside Trains is now under the logo of Connex, and we have seen improvements flow through in Yarra Trams. Each provider has a 10 to 15-year franchise for its operations, and it should be noted that at the end of the franchise agreements there will again be a competitive tender for the operation of the system, so there is no guarantee of the existing operators continuing on ad infinitum. They are very much going to be required to perform to retain their franchises.

During the term of their franchises they are required to meet stringent performance targets. M Train and M Tram and Connex have received benefits by way of bonus payments, and both organisations have paid penalties. It is currently a contentious issue with Yarra Trams that it is being required to make payments for not meeting performance targets. However, Yarra Trams has turned out a number of trams in its new grey livery, and that is adding a bit more colour to the city. Some 36 new, low-level trams have been ordered, and they are a first. They are a modern design, and when they come on line in a couple of years time they should go some way towards enabling Yarra Trams to improve its patronage.

Connex Trains is upgrading a number of its trains and refitting some of the trains it took over to improve the appearance of its rolling stock. All of the operators have invested significant capital in station and tram stop upgrades, and there is a great deal more to come.

All these factors point to the real success in franchising the public transport system. Notwithstanding the fact that the operations are in the control of private operators, the government still has a role to play, and the minister still has legislative power that enables him to exercise significant control over the transport system. He can negotiate with the operators on their operational performance outcomes and negotiate with them on travel times and other issues, as we have witnessed in recent months when M Train decided it was not going to continue with family day passes. Not only was there an outcry from the public, but the minister intervened and used some of the reserve powers he has to ensure the continuation of the family day passes.

The companies are still in the early stages of understanding their market, and I hope they will become more market driven so that they will become more customer focused than they have been. I hope they will move away from being operationally focused, where the emphasis is on the management of the system in an engineering sense, and will move to a marketing orientation with a strong customer focus. If they do not, the system will not be as successful as I believe it has the potential to be.

There has been a transfer in some of the country services, which are subject to a great deal of discussion at the moment with regard to upgrades. Once again the government is looking to the private sector to

substantially fund the upgrade of the services. I am not persuaded that the private sector will rush in and put money into those services, because I suspect the rate of return that is available is not sufficient to underwrite the capital investment required to achieve the travel times that are indicated. Nevertheless, if it can be achieved then that will be more than welcome, but it will require significant capital investment. My view is that the government will have to substantially underwrite the upgrading of the country systems if it wishes that election promise to be delivered.

I make brief comment about the Onelink ticketing system, because it is one of the matters that will continue with the winding-up of the PTC, and the legal action that is currently under way between the government and Onelink will continue. As I understand it, the Secretary of the Department of Infrastructure will ultimately have the authority and will continue with that action.

Significant comments have been made about the operation of the ticketing system, not many of them favourable. There is widespread unhappiness with the ticketing system, and it is an issue that needs to be addressed by all of the operators and by the government. The system is not customer friendly, and one need only look to the number of ticketing machines that are not operating to get some measure of the level of customer unhappiness.

I turn to a couple of examples in the past weeks in my area. The ticket machine at the Heathmont station had a sign on it for approximately three days — it may have been there longer, but I am certainly aware it was there for three days — referring people to the 7-Eleven store to buy their tickets, where they found that the store had sold out of tickets. Patrons were then referred on. That sort of problem needs to be addressed. A rapid response is necessary when a machine goes down, and a service needs to be put in place to ensure customers can obtain their tickets. A not dissimilar situation occurred at Boronia station at about the same time, where I am told the machine was out of action for more than just a couple of hours.

However, the magnitude of the ticketing system problems is not as great as when the former Labor minister, Jim Kennan, sought to introduce scratch tickets and bought something in excess of a 100-year supply. I understand they resided in a store under the West Gate Bridge for quite some time. We do not have a problem of that magnitude yet, but as we talk about public transport we need to understand that if we are going to get people back on public transport it has to be user friendly and it has to be quick and efficient.

Although the automatic ticketing system concept is right, there are some rough edges that need to be knocked off, and in my view it is taking a little bit too long to knock them into shape.

I refer briefly to City Link because the bill has a couple of minor amendments to the Melbourne City Link Act. The key ones relate to the provisions that will enable a more flexible arrangement for purchasing tolling passes and their price. I have no doubt that a form of weekend pass as well as a midweek off-peak pass arrangement is needed for City Link. The operators should have more flexibility because the evidence is clear that a level of toll evasion, driven by the price of passes, is occurring in some sectors of City Link. The traffic volumes in Toorak Road and Mount Alexander Road clearly show that a level of diversion could be avoided if a cheaper off-peak toll were available.

Better provision should also be made for the purchase of day passes. Passes are now available from a reasonably large number of Shell Australia petrol outlets and I understand they can also be purchased over the phone, but only on credit card. It must be recognised that quite a number of people in the community choose not to have credit cards for a number of reasons. Increasingly agencies are urging customers to pay by credit card because it is more convenient for the agencies.

Transurban and City Link need to focus on their customer service and provide what is required and useable by their present and potential customer bases. The service centres that were operated by City Link in the early days have been closed. I have been told that prior to their closure the number of passes being sold via the outlets was small.

When approaching City Link from the north, south or west on any freeway it is difficult for a driver to buy a day pass. I have noted as I have approached the tolling area from the south that there is no indication of where I could purchase a pass. From time to time you may see a sign indicating a phone number that can be dialled and a pass purchased by quoting your credit card, so I presume you can have the pass issued over the phone. But not everybody carries a mobile phone or a credit card. As you approach City Link by road from the north, south or west signs should indicate where you can pull off the freeway and, in proximity to City Link, purchase the necessary day pass. I am somewhat surprised that the Transurban and City Link authorities have not recognised that lack of signage or facility as a problem.

I cannot ascertain recent figures on the number of drivers who have received infringement notices because they have not pulled over and bought passes, but I know the number is high. I know that until about April last, 140 000 people had received $25 fines as a first caution and that 52 000 people were fined for second or further offences. I wonder how many of that number were driving on the freeway but said, 'It is too hard to get a pass, I will drive through and see what happens'. The bill enables City Link to continue to issue infringement warning notices for first offences and infringement notices that carry lesser fines. That is a useful outcome.

As I said earlier, the bill is relatively minor, although winding up the Public Transport Corporation is not a minor action. However, as there are no functions for the staff it makes sense to wind up the PTC and not have on the books a corporation that is not performing any function.

From time to time I am sure Parliament will revisit the Melbourne City Link Act to make further amendments. I hope the operators of the system take note of comments being made not only in Parliament but publicly through talkback radio and other forums because it is clear that their customers are not entirely happy with the service being provided. I hope next time the house debates further amendments to the Melbourne City Link Act it need not revisit the issue of customer service. With those few words, I indicate that the opposition does not oppose the bill.

Hon. G. D. ROMANES (Melbourne) — I rise to contribute to debate on the Transport (Further Amendment) Bill, which has three main purposes. The first purpose is to provide for the winding-up of the Public Transport Corporation as a legal entity and for the shift of most of its assets to Victorian Rail Track or private operators. The winding-up of the PTC will occur, at the latest, by the end of June 2003. The remaining functions and staff, who now handle finance, insurance and legal matters, as well as staff at the Preston and Spotswood depots, are to be transferred to the Department of Infrastructure. Already the PTC is a shell corporation of its former self. The disaggregation of the public transport regime put in place by the former government is what the Bracks Labor government now has to work with.

I am interested in public transport systems. Earlier in the year I took the opportunity to travel with representatives of Bus Association Victoria to North America, where we visited Portland, Oregon, and to Canada, where we visited Vancouver, Ottawa and Toronto. We aimed to find out more about good effective public transport systems. Common features emerged in the cities we visited.

There has been a halting of freeway development into the city centres in those cities and a rebalancing of investment towards public transport. In each city you can experience integrated systems where different transport modes link together in a seamless fashion.

You can step out of a bus and get straight onto a train, or you can step out of the subway in Toronto and a tram is waiting for you. It is possible to use a number of modes of transport to get around the city. Services are frequent. Sometimes headways are only 5 minutes, and in Ottawa the headway is only 80 seconds for the bus system at peak periods. Services are seven days a week all day and well into the night, and sometimes early morning. A multimodal ticketing system underpins the good public transport systems in each of those cities.

One of the key features of success for public transport in the four cities we visited is that the operational planning and coordination is in the hands of one public transport authority which is empowered to bring all parts of the complex transport system together to make it work.

Victoria does not have one authority to undertake the operational planning and coordination. The winding-up of the PTC reminds me of the legacy the Bracks Labor government inherited from the previous government. We have a disaggregated public transport system which is fragmented and privatised and lacks the capacity to build an integrated system. One of the difficulties we have inherited is that with every improvement, alteration, innovation or change to service delivery we want to put in place many stakeholders are involved in the negotiations.

It is much more difficult to have to plan, coordinate, integrate and manage overall the way the public transport system fits together. Nevertheless the Bracks Labor government is endeavouring to meet that challenge, and the public transport strategic planning unit that has been set up in the Department of Infrastructure has begun to rebuild the capacity to provide that vital function of overall planning and coordination.

As well as privatising transport services, the previous government in 1994 privatised revenue collection on Melbourne's transport system when it signed a contract with the Onelink consortium that extended to 2006. The contract contains a Treasurer's guarantee of the PTC's obligations to Onelink.

Clauses 14 and 17 of the bill seek to insert proposed sections 76A and 77A in the principal act. They relate to the automated ticketing contract between the PTC and Onelink Transport Systems Pty Ltd. Part of the contract provides that the Treasurer's guarantee will be transferred to the Revenue Clearing House, which is a proprietary limited company made up of franchisees and the Secretary of the Department of Infrastructure representing the bus industry. Only one of the clauses will be proclaimed, depending on whether the obligations are reassigned to the Revenue Clearing House before or after the abolition of the PTC.

This arrangement was contemplated before the public transport system was privatised, and the assignment to the Revenue Clearing House has not yet happened. Why is it that the franchisees are reluctant to have it happen? Because there remains an outstanding dispute between Onelink and the PTC, a dispute in which Onelink is claiming $270 million in damages. As well as a difficult network, the previous government has left behind it a tangled web of contractual mismanagement that is a direct result of its mishandling of the Onelink contract.

When the Bracks government was elected at the end of 1999 it put in place an independent review of a number of the contracts. They included a review by Professor Bill Russell of the Onelink contract, on which he reported his findings in April 2000. He acknowledged the benefits of the Onelink system in supporting multimodal travel and noted that the operational performance since the system was commissioned in December 1998 — three years after the time it was supposed to be commissioned — had improved. He acknowledged that there were some cost savings, although he found they were difficult to determine accurately.

Professor Russell drew attention to many problems with the Onelink contract, such as people not being able to purchase particular types of tickets. Honourable members opposite have raised these issues during the adjournment debate and drawn attention to the problems. The Onelink contract and system have produced a situation where ticket machines on railway stations and trams are often not working properly. An audit of the system carried out some months ago revealed that 72.8 per cent of machines were fully operational, leaving 27.2 per cent of machines either not operating at all or only partially operating, so many people were left in the difficult situation of being unable to access a machine to get a ticket so that they could ride on the system.

Professor Russell noted significant levels of fare evasion, especially on the tram system. In June 2000 it was estimated that fare evasion varied between 5 per cent and 23 per cent, depending on different modes. Professor Russell made the comment that data generated by the Onelink system was not very useful for franchisees and for policy development. The Honourable Gerald Ashman suggested that the system should be improved and become more market driven. Even the information the operators and the government need to help make it work more efficiently for commuters and to match their needs is often not being generated by the system. Although there is plenty of data, it is not always useful data.

Professor Russell highlighted the lack of management control over the system so that improvements can only be achieved through protracted negotiations. I mentioned that earlier in relation to the whole system. That also applies to fare revenue collection. The government has had part of its control removed by the contracting out of the collection system. Professor Russell found that many of the objectives originally set out in the tender documents were not met by the project. He also referred to a November 1998 report of the Victorian Auditor-General on his review of the automatic fare collection system. Both Professor Russell and the Auditor-General concluded that the system had been initiated and implemented with undue haste.

They found that no detailed evaluative study was done prior to the tender process. They concluded that in implementing the system in the way it did the former government had exposed the government and the people of Victoria to delays. We know the system came on board three years after it was supposed to. The former government exposed the state to disputation and disadvantage as a result of its implementation of this system. Later in 2000 Onelink lodged a claim for approximately $270 million against the Public Transport Corporation. Onelink claimed that the scope of the project changed in the period between the signing of the contract in May 1994 and September 1995.

The ticketing and fare collection system we have in place is not working to fully enhance the public transport system. It has cost Victoria millions of dollars and may cost many millions more. The Victorian government is locked into a contract for 13 years in a field where technology is changing rapidly. That smacks of failure to learn lessons from previous systems and problems, and incompetence. Despite that, the government continues to work with Onelink and the private operators to find ways within the constraints of the system it has inherited to improve it and better meet

commuters' needs. Victoria is stuck with this system until 2006 so the government has no alternative but to try to work with it.

The bill makes many consequential and minor amendments to the Transport Act 1983, the Rail Corporations Act 1996 and other acts. In addition, the bill amends the tolling provisions in the Melbourne City Link Act 1995 and makes other amendments to that act.

The amendments to the Melbourne City Link Act provide for more flexible tolling arrangements than are currently in place. One of the changes will extend the temporary pass from 27 hours to 14 days. That will cover a much wider range of opportunities which might arise to market the system and encourage people to use City Link on different occasions. The bill amends the deadline for late day passes to midnight on the day following the day of first use.

The bill removes a provision that has not yet been proclaimed to sunset warning notices. That is being done because 50 per cent of offences relating to using City Link without an e-tag or an appropriate pass are committed by infrequent users and the warning letters have been an effective deterrent. It is the wish of the government and I am sure the people of Victoria that the sunset period for the warning notices be removed. This issue has been negotiated with Transurban and the system will remain in place. The bill also extends the customer protection provisions in the principal act to customers whose vehicles are exempt from registration requirements.

These amendments to the Melbourne City Link Act build on other action the government has taken to bring customer improvements to the system. I remind the house that over the past 18 months the Bracks government has delivered various customer improvements such as the Tulla pass, reduced tolls until the Burnley Tunnel opened, the introduction of 24-hour and weekend passes, a half-price day pass from 2 January to 28 December 2000, and the extension of the hours available to purchase City Link passes.

The Victorian community remembers the reason the Melbourne City Link was put before it — City Link was supposed to take traffic out of local areas. However, many people in areas abutting the north-western section of City Link, the Tullamarine section, have found that more traffic is finding its way from City Link onto local streets. Many municipalities have suffered from increased traffic running through their streets to avoid tolls. The government has been working hard with Transurban to encourage it to provide other options and extend its range of tolling products.

An important initiative has happened in the past couple of weeks. Transurban has made an agreement to invest up to $20 million in further developing its electronic tolling systems to export to new markets interstate and overseas with further multimillion dollar investment in research planned for Melbourne as the company wins new contracts. In return for that the government has made a decision to release Transurban from the single-purpose entity restrictions that currently apply to its contract with the state. There will be benefits on both sides.

A further spin-off of this agreement is hopefully the investment Transurban will make to further develop its leading-edge technology in tolling systems to provide improvements in software and make it possible to extend the range of tolling products and provide further flexibility in tolling options on Melbourne City Link.

I have talked about the winding-up of the Public Transport Corporation, the difficulties faced in this state with the Onelink fare collection system and the tolling issues on Melbourne City Link. It is important for us to be aware that the issues involved in improving the public transport and roads systems and the way they work together in this state need ongoing attention. We have seen a number of improvements and initiatives under the Bracks Labor government which is trying to turn around some of the difficult aspects of the system it inherited.

A few days ago I was talking to the honourable member for Seymour in the other place about issues of tolling and transport in this state and he related a story that he had been told by the proprietor of a bed and breakfast business in his electorate. The bed and breakfast owner recounted how an American tourist had become very angry about his visit to this state.

He flew into Victoria. He had decided not to try to get an e-tag for his hired car, but he found that he kept being pushed on to the City Link route as he moved around Melbourne. He had also tried to use the public transport system but found that he could not understand how the ticketing system worked. His response to the difficulties he faced — the confusion with the tolling system on City Link and the ticketing system on our public transport system — was to say that he will not come back to Melbourne again. He said that he had used public transport in Sydney without any of the difficulties he faced in Melbourne, and he would therefore holiday in Sydney rather than Melbourne in future.

It is important that we continue to refine the transport legislation to ensure we can continue to improve our transport system. It is also going to be important over coming years to monitor closely the way the disaggregated system we have inherited from the previous government is working and to make an assessment of the Onelink ticketing and collection system. We have to be very clear where improvements and changes need to be made because it is absolutely vital not only for the economy and the lives of people who live in and around Melbourne but also for the environment that we encourage more people to leave their cars at home and use public transport. There is a big job to be done.

The government has found that the infrastructure and systems left as a legacy by the previous government are not making that job easy, but we will continue to work at those improvements and to set the transport system in a better direction for the future. I wish this bill a speedy passage.

Hon. B. W. BISHOP (North Western) — I am pleased to take the opportunity on behalf of the National Party to make a contribution to debate on the Transport (Further Amendment) Bill. As other speakers have said, while the bill may be small it plays an important part in winding up the Public Transport Corporation, the PTC. It also has other provisions that are very important to country Victoria, such as City Link access for infrequent users.

When members of the National Party went through this bill we had reasonably wide consulting arrangements in place. We spoke to the Royal Automobile Chamber of Victoria, the Victorian Farmers Federation, Freight Australia and the Transport Workers Union of Victoria, which I believe is quite a good spread of people who may be concerned with the bill. During this consultative process it became quite clear that the National Party would not oppose the bill. I thank the officers of the department for their briefing and the follow-up information, which we found them to be extremely good at providing, and they were quite crisp in answering any inquiries we may have had after the briefing.

Briefly, the purposes of the bill are, firstly, to amend the provisions of the Transport Act 1983 and to provide a mechanism for the winding-up of the Public Transport Corporation; secondly, to make a number of consequential amendments to the Transport Act and to other acts; and thirdly, to amend the Melbourne City Link Act 1995 to facilitate the introduction of weekend passes and more flexible arrangements for the infrequent user, and to ensure as part of the range of enforcement measures that warning notices are still available.

The sunset date for winding up the PTC is 30 June 2003, but the bill makes clear that an opportunity exists for an earlier settlement if that is possible. We were advised during the briefing — and we understand why — that the PTC would not be fully wound up until settlement of the dispute with Onelink over ticketing is resolved or other arrangements are made. A number of us who have seen other ticketing arrangement processes throughout the world working very well hope there is an early and satisfactory resolution to the performance problems with the system and the settlement of the contract in total.

I am sure the house would be aware that the PTC has contracted out these operations to an organisation called the Revenue Clearing House, which is a private company that is now in charge of operations under the Onelink contract. As we said before, we believe the PTC will not be terminated — it may only be a shell, but it will not be terminated — until the dispute between the PTC and Onelink is settled.

It is our understanding that the Revenue Clearing House may take over the full contract once the claim has been settled, but it is really up to the Secretary of the Department of Infrastructure to make those arrangements. I suspect the process will depend on the timing of the settlement. As we understand it, the secretary can award the contract to either the Revenue Clearing House or another party, or it might be done by tender. Whatever it needs, it will be up to the secretary, and it may also depend on the contractual arrangements between the Revenue Clearing House and the government that exist at that time.

We also note that under the bill the Treasurer has power to give and amend guarantees relating to the Onelink contract as it moves towards what we hope, as I said, will be an early resolution.

I point out that the PTC has approximately 15 people still employed at the Preston workshop. As we understand it work is still continuing out there. The future of that workshop is under consideration by the government. We also understand the PTC has another approximately 30 employees in general employment. We have been advised, and are satisfied and relieved to learn, that the superannuation and entitlements of all of those workers are well protected.

The PTC also has a few rail carriages and some land left, and again it will fall to the Secretary of the Department of Infrastructure to deal with them over

time. I suspect — not that I really know — that some of the land involved in those areas may well go to Victrack, which manages the PTC land.

The bill also makes a large number of consequential amendments to the Transport Act and other acts to facilitate the winding-up of the PTC. It is tempting, although I will not spend too much time on it, to give a history of the PTC. From chatting to my good friend and colleague the Honourable Andrew Brideson I know he is going to give some history of the railways in Victoria. The interest that is displayed in the history of the railways is amazing, but I will concentrate on a different area than him. We have seen huge changes in public transport in the time that has passed, and we have seen huge changes lately if you take history into account. We have seen the majority of our passenger services in Victoria privatised. Along with that we have seen the development of a very strong and flexible road coach service that complements the rail services and is now an essential part of our passenger system in Victoria.

Hon. W. R. Baxter — I am going on the road coach this afternoon.

Hon. B. W. BISHOP — My good friend and colleague Mr Baxter will, if he can make it, catch the 4.36 road coach to Picola, which informs members of the house and the communities we represent that members of Parliament do use the public transport system. I use it myself, and I believe the flexibility of the road coaches is marvellous, particularly in our rural communities.

In talking about rural communities I should add something about the shortage of public transport in those places, particularly in the isolated areas where there are difficulties with seniors who wish to travel for health and other reasons and often have to use their own cars, have their family take them or find other means of transport. The public transport system is not so good throughout country Victoria, and it certainly falls down in the isolated areas.

I have seen the privatisation of the freight system as well. The old V/Line system was sold to Freight Victoria, which is now Freight Australia, and that company leases most of the track from the Victorian government on a 15-year by three-times option relative to track use.

Freight Australia has performed very well in its task of freight transport throughout Victoria and obviously in other states as well, but it may soon see a competitor come into the business. We have had numerous discussions with Freight Australia because the future of the rail freight system in Victoria is hugely important not only to Victoria but to Australia as a whole. The company has raised with all parties, I am sure, its concerns that other users make appropriate payment for rail access and the use of track they lease. I raise the issue because Freight Australia has expressed clear concerns that under the present circumstances it has been restricted, whether by the Rail Corporations Act or the Office of the Regulator-General. Obviously the company will make those points at a convenient time.

In a recent debate the National Party made it absolutely clear that it is keen to watch how the commercial application of the process I have just described works in the real world. There is no doubt that we wish for the best result for all parties in determining who would be the best independent umpire to make decisions about rail access and the costs other parties may pay to Freight Australia. The rail industry is in the process of becoming a nationally competitive industry, and I will be very interested in the debates we will no doubt have in the future in these issues.

While on the topic of rail I welcome the government's commitment to standardisation. I also welcome the fact that some time ago in this very house the Minister for Energy and Resources clearly committed the government to expenditure of $96 million for standardisation, independent of any contribution from the federal government or private enterprise. Also some time ago the National Party put forward the option of dual gauging the rail line from Maryborough to Portland. We did that with the clear intent of providing full access to all Victorian ports, to other parts of the state and also to other states. We put it forward in the knowledge that Victoria would probably always have two gauges of rail. Certainly the metropolitan system will always have the broad gauge because it is just too difficult and expensive to have anything else, and the existing broad gauge may well remain in Gippsland.

Being a responsible opposition we put that option forward to ensure that sufficient resources are left in the system to enable the government to upgrade or standardise the lines across country Victoria if it wants. The government has decided to standardise. We support that. Having said that, we ask the government to do three things. Firstly, it must do all the lines. Secondly, it must shorten the time span, which has expanded to 2005. Thirdly, it must upgrade the lines — a very important issue for country Victoria that seems to have been missed by many people in government and by some of the bureaucracy as well.

Again we say standardisation is a good move which will give us full access to the mineral sands industry which is under way — a huge industry with enormous potential that will possibly last up to 60 years and will generate employment and dollars for everyone it touches. However, standardisation on its own, independent of anything else, will not earn anything in efficiency levels. It will give us access but it will not give us freight cost savings. Over the years the lines have been neglected. During the week I met with some railway people who said that in places the lines are so poor that trains have to travel at 30 kilometres an hour, so the real savings will be driven by upgrading the lines.

As we move around National Party circles we talk to freight people, to marketers such as the Australian Wheat Board and others, and they say savings in freight costs could be up to at least $4 per tonne if the lines were upgraded — leaving aside the standardisation side of the argument. So we have to get the speed of our trains and the axle loadings up to standard for these lines. At the moment the view seems to be that all you need is a 19-tonne axle loading or the ability to travel at about 20 kilometres an hour. That is not all we will need in the future if we want Victoria's rail freight system to be world competitive.

We must make sure that the railway lines are upgraded. That will ensure that we win the mineral sands business for Victorians. Do not think it will be all that easy. It will not. We have huge competition from South Australia and New South Wales. A few weeks ago I was at a seminar in Mildura attended by probably 80 or 90 people — possibly one-half or one-third of them having come from Broken Hill. The seminar was interesting and the presentations were good, and the people from Broken Hill were very interested. They were keen to support their bids for the mineral sands business, and they were getting a lot of assistance and recognition from the New South Wales government.

Hon. R. M. Hallam — Not to mention the Western Australians, Mr Bishop.

Hon. B. W. BISHOP — Not to mention the Western Australians, Mr Hallam. We are not alone in the freight system; we have plenty of competitors. Aside from mineral sands — which I believe will be a huge industry for Victorian ports, rail, people and employment — we have other products and things such as grain and horticultural items, timber from Mr Hallam's electorate, and fuel. All those items can generate huge savings if the line is upgraded. I cannot make the point strongly enough.

When you talk to the professional people involved in the railways who know where the costs are, they say, 'Fine, let the government standardise the railway lines. That is okay, but we will not gain economic efficiency unless they upgrade the lines before they standardise'. I repeat: the savings are in the upgrades. The government must lock in those upgrades on our lines.

I note also in the government's rhetoric and publications the return of the passenger rail service to Mildura. I have always said that it would be fine if we got a passenger train back there. But the priority in the area I represent in north-western Victoria, and I suspect around the rest of Victoria, is to get the freight right. We must get the freight right to ensure that we are strong competitors not only with the world but also with people around us in Australia — like New South Wales, South Australia and Western Australia. We must address that as a priority and as an example for the mineral sands.

Now it will be interesting. If a passenger service is reinstated the line will have to be upgraded. I am absolutely certain that a passenger train would not be put on that line unless it is upgraded. That will be a good precedent for the industry and for us to work on.

The passenger rail service is supposed to be reinstated in 2004. That is a long way out; the world could change in that time. I remember that during the 1996 election campaign the then candidate for Mildura — now the Independent member for Mildura — said he would get the train back. He campaigned mostly on that issue. I am waiting with bated breath to see the return of the passenger train — —

Hon. R. M. Hallam — But don't hold your bated breath.

Hon. B. W. BISHOP — I can hold my breath for a fair while, Mr Hallam, but I reckon I might have to hold it a bit longer in this instance. I am still waiting with bated breath to see the passenger service come back and how the government will manage that with the standardisation. Again I mention the upgrading of the line. I suppose we will have to wait and see.

If and when the passenger rail service is reinstated I appeal to the government to carefully manage the flexible road coach system we now have in place. My colleague Mr Baxter will refer to that later. It provides a very good, flexible and complementary service to our existing rail system. That service would be sadly missed if it was withdrawn.

I come to the last couple of issues, which involve City Link. Every time I think of City Link I think of

committees of the house. The committees I remember best involved the City Link bill, with my good friend Mr Baxter, and the Workcover bill, with my other good friend Mr Hallam, who were then ministers. We have had a lot of discussion about committees in the upper house. I do not know whether my memory is right, but I thought the Workcover committee went the longest. It lasted about 18 hours. Is that right, Mr Hallam? Would you remember that?

Hon. R. M. Hallam — It might have been a bit more than that.

Hon. W. R. Baxter — The City Link one was longer.

Hon. B. W. BISHOP — The City Link one was longer? Whatever; my memory fails me. Nevertheless we had extremely long committee stages on both the City Link and Workcover legislation when my two colleagues were ministers.

Hon. W. R. Baxter — They were not particularly productive at times, as I recall.

Hon. B. W. BISHOP — I was not talking about productivity, Mr Baxter, but about their length. I suspect this house has not changed from being the house of review it has been for a number of years, because it still has good committee stages.

City Link — or Transurban, whichever you want to call it — has steadily improved its products for all travellers, particularly country users. You can call them products or services; it does not really matter. We in the National Party were always clear that those products and options would always appear as soon as the technology could handle them. We were always keen on following those issues that related to country people's capacity to access the tollways. We closely followed the advent of e-tags, day passes, multiple day passes, and whatever else came to pass. I know my colleague the Honourable Jeanette Powell put a lot of work into the issue as it relates to country people and their capacity to have a flexible run at the tollways.

Hon. E. J. Powell — And we won!

Hon. B. W. BISHOP — And we won, Mrs Powell; that is right. I understand we now have a 24-hour pass, a weekend pass and a Tulla pass. But they were still limited by the 27-hour capacity under the old rules. This bill will extend that to 14 days, which will give tremendous flexibility and allow for further new products to be brought in. Any of those new products would be most welcome by country people. Other examples when they would be particularly useful are school holidays when city and country families may want to use the tollway at infrequent intervals over a couple of weeks. Further examples would be during the Christmas and new year period, or when country businesses win contracts in the city and want to use it. We can think up many examples where more flexible passes could be used on the tollway. We urge Transurban to keep advancing the new products and passes. I can assure it that they will be welcomed by the people in country Victoria.

Last but not least is the amendment in the bill which relates to enforcement measures. Some time ago a bill came through this house relating to warning letters. Its intention was that the issuing of warning letters would cease in 2002 as part of an enforcement project.

That has been re-examined and it has been decided that the issuing of warning letters will be maintained. We agree with that very much, particularly as 50 per cent of those who offend are first offenders. The provision of warning letters is a good idea and should stay in place. We support leniency and education — not the sudden death that would have occurred in December 2002 without this amendment.

In conclusion, while the bill contains a fair amount of machinery matters, it also contains a number of provisions that we in the National Party believe are very relevant to country Victoria, particularly those dealing with City Link. They will be welcomed and helpful to those who use City Link infrequently on Melbourne visits.

Hon. E. C. CARBINES (Geelong) — I speak in support of the Transport (Further Amendment) Bill, which seeks to amend the principal act by making provision for the winding-up of the Public Transport Corporation (PTC) and introducing a more flexible tolling system on City Link.

As members of this house well know, the Public Transport Corporation has historically managed Victoria's public transport infrastructure. However, since the Kennett government privatised the public transport network in our state, the PTC has very much become a shell.

This bill provides for the winding-up of the PTC over the next two years. The secretary of the Department of Infrastructure will take over the remaining assets and liabilities of the PTC. These include the administration of the Onelink automatic ticketing contract for Melbourne's train, tram and bus services.

I can remember the uproar in the community when the Onelink automatic ticketing contract was introduced. For me it symbolises the sacking of conductors on the trams and the installation of the automatic ticketing machines. I do not catch trams very often, but I can remember when I was a candidate catching a tram, after having come up from Geelong, to come up Bourke Street to Parliament House. I was surprised to see all the passengers herded at one end of the tram. I wondered why everyone was squashed into that very small section of the tram, when there was a great deal of room on the tram. When I got on I realised why — it was because unfortunately someone had vomited all over the seats in the tram and had left a very big mess. The stench was horrendous, and the passengers had to stand like sardines in a tin at one end of the tram for a very uncomfortable journey. I wondered how many times that tram had gone around the circuit without a conductor being on board to notify the authorities that it needed cleaning.

One of the major problems that has come out of the automated ticketing system is fare related. As someone who does not use trams very often, I know it is difficult to know how to use the machines to obtain tickets. Often such people are in the embarrassing position of having to ask other passengers to assist them — the majority of whom, fortunately, do. But that means some people avoid paying fares on trams — and obviously the same occurs on the trains.

I was interested to look at a press release put out by the Minister for Transport on Tuesday, 18 September, detailing the major problem that fare evasion has become. The press release headed 'Kennett's failed reforms mean fare evasion remains a major problem' states:

> Fare evasion on Melbourne's public transport continued to be a major problem, with fare evasion estimated to range from 5 per cent to 23 per cent across trains, trams and buses …

It continues:

> The previous government privatised revenue collection on Melbourne's public transport system in 1994 when it signed a contract to 2006 with the Onelink consortium …
>
> Since then, Victorian taxpayers and public transport customers have faced a host of serious problems, including people not being able to purchase particular types of tickets, ticket machines on railway stations and trams not working properly, and significant levels of fare evasion.

The other area of the Public Transport Corporation that the bill covers is the management of the Preston tram depot. As a former resident of the northern suburbs of Melbourne, I can attest to how important the Preston tram depot is to the people of those suburbs. It is a bit of an historic icon. Despite the attempts by the former government to sell off the tram depot, it remains and will provide ongoing employment, which is a good thing.

As a member who represents a regional seat I am especially pleased to see in the bill the introduction of more flexible arrangements for the tolling system on City Link. City Link remains a great mystery to many regional and rural Victorians who are unsure how to access the tolling system, and certainly how to pay for it once they, sometimes inadvertently, find themselves on it.

The toll prices and the present tolling system are a product of the former Kennett government. The Bracks government cannot change prices and seek new products without the agreement of Transurban. When in opposition, the Labor Party continually voiced its concerns about those sorts of issues and they became part of its pre-election commitment to the Victorian people. The government has worked hard to try to improve people's access to City Link passes and to make a more equitable system. It has introduced the Tulla pass, the 24-hour pass and the weekend pass and extended the hours to purchase them.

Those achievements have meant a much better deal for low-income people, country motorists and other people who do not use City Link very frequently. The Bracks government has also been concerned to ensure that low-income earners and those who make inadvertent use of City Link — and that happens quite a lot for regional and rural motorists — do not face inordinate fines. On two occasions the government has extended the period for warning notices.

I bring to the attention of the house a letter I received from a constituent about this issue. It highlights the difficulty that people who live in rural and regional Victorian face when they try to access City Link, and certainly to buy a pass. I received this letter in April about the sad and sorry experience my constituent's son had had when he found himself on City Link. The letter to Transurban states:

> My son made a snap decision to go to Mallacoota fishing over Easter and left Torquay at approximately 4.00 a.m., 11.4.01, to avoid traffic. He visited City Link customer centre to obtain necessary details and pay fees to access City Link road system, but the office was shut. He then proceeded to Mallacoota via Swan Street bridge (the only way he knows) and became aware he was on the toll system.
>
> He endeavoured to obtain a late day pass on 12.4.01 by phoning City Link office from Mallacoota and was told to make payment at the Shell service station. The Shell service station knew nothing of this and my son phoned me on 13.04.01.

> On 14.04.01 I phoned City Link … to see what I could do from Leopold. She took some details but said there was nothing I could do and the matter was now in the hands of the police.
>
> I find it difficult to understand how a person who is making an effort to pay can find himself in the hands of an overloaded police system in a matter of three days. Is the 'free' country I served for now becoming a police state?
>
> Could you please advise where he now stands?

He received a letter back from the company advising him that he had fallen foul of the system and there was nothing that could be done — it was in the hands of the police. On the request of my constituent, I took the issue up with Transurban and stressed that this young man had tried hard to pay for his usage of City Link. After several phone calls toing-and-froing we managed to get the company to decide to overturn the fine — which was a good outcome for my constituent and his son. I wonder how many others it happens to where people do not challenge the fine and end up paying it?

City Link remains quite a mystery for people living in regional and rural Victoria. The bill will try to make the tolling provisions more flexible. It will allow Transurban to register a vehicle on a temporary basis for up to 14 days, which will allow for infrequent users to purchase passes to assist in times of school holidays and other holidays such as festivals. Of particular interest to me is the extension of the deadline for purchasing late day passes which will now be midnight on the day after the day of use, which will be very useful for regional and rural visitors. It will give such people extra time to organise their day passes and legally comply with their obligations to pay as users of City Link.

I am pleased to see that the bill also seeks to extend and allow for continuation of the issue of warning letters for toll evasion for first offenders. Today members have already said that first offenders continue to comprise about 50 per cent of toll evaders. I would be interested to see the statistics to find out how many of those first offenders are from rural and regional Victoria. I am pleased to see the continuation of the provision of these warning letters. The experience of my constituents highlights the need to extend the provision of warning letters for such offences. Many of the people who are first-time offenders come from rural and regional Victoria. As I said before, the whole City Link system remains a difficult proposition for them and many rural and regional Victorians easily have fallen foul of the tolling payment system.

The bill is simple but important. I therefore commend it to the house.

Hon. ANDREW BRIDESON (Waverley) — The opposition does not oppose the bill and we agree with the Honourable Elaine Carbine that it is a simple bill; it is not complex at all. I want to put the bill into some historical context, and it is interesting how the wheel turns. I shall look back to 1853 when Victoria was first settled. Although I will not take the house through each year from 1853 until now, some relevant points need to be made. In 1853 there were some seven or eight private railway companies: The Melbourne and Hobson's Bay United Railway Company; the Geelong and Melbourne Railway; the Melbourne, Mount Alexander and Murray River Railway; the Melbourne and William's Town Railway; the North Melbourne Railway; and the Geelong, Ballarat and North Western Railway. That was in 1853 and they were private companies.

It is interesting to note that the Legislative Council, by Act 19 Vic. No 15 passed on 19 March 1856, authorised the purchase by the government of the first three private railway companies I mentioned. Today the wheel has turned completely. The subject of Victorian railways has featured prominently in the Parliament of Victoria since the 1850s. It does not matter which copy of *Hansard* you go to in the Legislative Council member's room, you will find prolonged and interesting debates about the railway system.

This morning I went into the library to find some information on the Victorian railways and the librarian found this most informative history, *Victorian Railways to '62* — that is, from the 1850s to 1962 — and it is by Leo Harrigan. I encourage all members when they have a spare moment to borrow the book. It has some interesting stories. All parties would be interested in one of them particularly when developing policy for whenever the next state election might be. In October 1865, one company, the Melbourne and Hobson's Bay United Railway Company offered free first-class rail tickets, available for 18 months, for residents who built new houses in the Elsternwick and Brighton districts. If you built a house worth £1000 or more you received a free first-class ticket for seven years. For the outer development of Melbourne there might be some interesting permutations for developing policy — —

Hon. W. R. Baxter — Marketing is not a new idea, is it?

Hon. ANDREW BRIDESON — No, it is not.

I was interested in some of the comments by the Honourable Glenyys Romanes when she outlined from her perception some of the difficulties that led to the

defeat of the Kennett government, but she forgot to say that Jim Kennan was a minister with the capacity to create tram disputes. We will always remember those fantastic photos of the trams lined up in Bourke Street. She also failed to mention the scratch-ticket farce, but I do not want to mention that. Needless to say that, over the course of the history of the Victorian railways, governments have come and gone, ministers have come and gone and the constituents have judged those governments on their respective transport policies.

One other interesting story that I picked up was that in 1877 the Graham Berry Party was voted into power in the Legislative Assembly and one of the factors that led to its success was that it wanted to pay members of Parliament £300 per annum. The Legislative Council was opposed to the idea and in the ensuing debates it was decided to block the appropriation bill. As a result of the bill being blocked a *Government Gazette Extraordinary* was issued and 137 state officials were removed by the Governor in Council, not to say the least of them being the engineer-in-chief of the railways and several of the railway staff. So it does not matter what the times, different governments have always got themselves into difficulties. Some were more extreme than others.

As I said, I encourage people to read this book. The importance of this is that maybe historians in 50 or 100 years' time will go through the *Hansard* record and see that today the Legislative Council wound up the Public Transport Corporation. It is of some historical significance that it has occurred. Members who have spoken before me have enunciated the reasons for that.

Looking through the history one sees that in the past some interesting characters have been ministers with responsibility for railways. I will not go through the list of some 30 or 40 names, but I will name some of them: Thomas Bent, well known to all of us, was the minister for railways at the turn of the century in 1902. There was a Thomas Tunnecliffe; I do not know whether Thomas was any relation to our Clerk, but there is the name.

John Cain was the Minister of Railways from 1929 until 1932, and following him was one of Australia's famous Prime Ministers, Robert Gordon Menzies. Following Mr Menzies was Wilfrid Selwyn Kent Hughes. There have been other notable ministers of transport since the ministry changed its name from that of railways to transport. Other names include Thomas Hollway, Herbert John Thornhill Hyland and Edward Raymond Meagher, who many on this side of the house will remember.

It is interesting to look through history, and it is an important day today. Let it be put on the record that this house acknowledges the work of various administrations over the years in developing the transport system in Victoria. Previous speakers have noted the need for improvements to be made to the transport system. We certainly agree with that, and I hope we can work in a bipartisan way.

I turn briefly to City Link. One of the reasons for the introduction of the bill is to facilitate the introduction of weekend passes and more flexible arrangements for infrequent users. City Link and Transurban need to take heed of concerns raised by the public, particularly with regard to making the system easier for rural people to use. However, city people also have problems. In the October edition of *Royalauto* there are letters from people who have had problems. One problem was with the City Link day pass. The author purchased a day pass but because of illness was unable to use it on that day. He was then unable to get a refund. It ought to be a fairly simple matter for Transurban to refund people who for genuine reasons cannot use their pass on the relevant day.

Another person wrote to *Royalauto* to say that her husband purchased a day pass to use on a particular day, and some two weeks later received an infringement notice. It was fortunate that the family had kept the receipt because if they had not no doubt they would have had to pay a fine. They are examples of the simple day-to-day problems I urge City Link to look at.

Another concern is that there appears to be a relatively minor increase, if I can put it in those terms, in cars using roads close to the city. The Honourable Glenyys Romanes referred to these people as rat-runners — people who are escaping City Link and do not want to pay the tolls. Certainly the Stonnington City Council is concerned at the increased number of cars using roads in the City of Stonnington, and the mayor, Leon Hill, has suggested that Transurban review its pricing. I urge Transurban to do so. I am sure it could reduce its tolls and increase proportionately the number of cars to ensure its income stream does not drop.

Royal Automobile Club of Victoria spokesman Ken Ogden said that he believes people are avoiding City Link because the off-peak time savings are not worth the amount of money people must pay. It is a marketing issue, and previous speakers have urged Transurban to be a little pro the public in its marketing. I, too, urge it to be so. The opposition does not oppose the bill and wishes it a speedy passage.

Hon. S. M. NGUYEN (Melbourne West) — I would like to make a contribution to the debate on the Transport (Further Amendment) Bill, which is a minor bill. It amends provisions of the Transport Act 1983 and the Melbourne City Link Act 1995. The bill amends the Transport Act to provide a mechanism for the winding-up of the Public Transport Corporation, and also makes a number of consequential amendments to the Transport Act and other acts. The bill amends the Melbourne City Link Act to facilitate the introduction of weekend passes and more flexible arrangements for infrequent users. It also ensures the ability to use warning notices as part of the range of enforcement measures continues to be available.

The Public Transport Corporation is the body that runs the public transport network. Since the previous government privatised the public transport system it has taken over control of public transport access and the network, and now that the transport system is privatised it is run by private companies that operate trams and trains around Victoria.

The system has changed since privatisation, and public transport users must think of how to make the network system workable and how to make it safer. The government looked at a number of issues in the bill. It is mainly concerned with City Link. The government would like to see public transport users have better access to City Link, especially people who want to use it on weekends. Motorists would like to have better access to City Link, especially country Victorians who could use it when they come to Melbourne. It is important to encourage more people to use it.

People are confused about using e-tags. If they do not have them they are unsure of the best way to get access to City Link. Many users make the mistake of getting on to City Link without e-tags, and many people from country Victoria or from interstate have difficulty in understanding what is going on.

As previous speakers have said, the cost of using City Link is high, so many people avoid using it and prefer to use local roads nearby. That causes a headache for many councils that must deal with local residents who feel invaded by the increased number of motorists from outside their local areas.

Many drivers avoid the likelihood of traffic jams and others prefer a cheaper way of travelling — that is, they avoid using City Link. The bill introduces flexibility for the purchase of passes, particularly by infrequent users of City Link. In Victoria not every council has e-tags on their vehicles because many cannot afford the luxury. City Link is a convenient way of travelling in and out of the city but only if you can afford it. It makes for a quick trip and the road is well designed, but not every Victorian can afford to use it. People would use it more were the toll cheaper.

The bill also refers to warning letters. Instead of issuing an infringement notice, a warning letter will be sent to people who do not have passes for City Link. Not everyone in Victoria knows how to use City Link. Also, people change their car registrations, having bought either replacement or additional cars, but forget to tell City Link about that change. Motor users should be aware of that.

We should have an open-door policy for motor users of City Link. We should encourage Victorians to share two or three cars but use just the one e-tag. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank all honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 9 October 2001.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Buses: Belgrave

Hon. N. B. LUCAS (Eumemmerring) — The issue I raise for the Minister for Energy and Resources for reference to the Minister for Transport in the other place centres on my concern over a lack of public transport in what is known as the hills region of my electorate at the northern end of the Shire of Cardinia. I particularly refer to the provision of public bus transport from Belgrave to Emerald, Cockatoo and Gembrook.

Recent announcements by the Minister for Transport regarding funding of new or extended services make no reference to the additional buses that are needed in this area. The Minister for Transport appears to have no interest in the legitimate desires of residents for improved services. The hills area of Emerald, Cockatoo and Gembrook is the forgotten areas of Melbourne. Labor has done nothing for this area. It has been caught out in relation to police services at Emerald and has again been caught out on public transport in the area.

My concern is that Victoria is again moving towards the Labor-inspired rust bucket status. We should never forget that the Labor government, now made up of former Cain and Kirner advisers and staffers, who, in turn, are advised by former ministers in the Cain–Kirner government, continue to take Victoria back towards where it was at the end of that awful era.

Hon. C. C. Broad interjected.

Hon. N. B. LUCAS — The Minister for Energy and Resources should know all about that! I am keen to obtain some public transport improvements in my electorate before Labor again bankrupts the state. I ask the minister to rethink his abandonment of the residents of the hills area in my electorate and to provide an improved public transport system through the funding of additional route bus services.

Duffields Road–Great Ocean Road: traffic control

Hon. E. C. CARBINES (Geelong) — I raise a matter for the Minister for Energy and Resources in her capacity as the representative of the Minister for Transport in another place. It concerns the intersection of Duffields Road and the Great Ocean Road at Torquay, on the Surf Coast in my electorate. Recently I met with representatives of the Torquay Improvement Association who are increasingly concerned about the dangers at the intersection. Many Jan Juc residents use this intersection, with the majority turning right to travel to Torquay. This can be a difficult and dangerous proposition when judging the gaps in the traffic flow along the Great Ocean Road.

The intersection will soon become a major thoroughfare for parents driving children from Jan Juc to the new Torquay Primary School in Grossmans Road, which will open from the commencement of term 4. The principals of both primary schools in Grossmans Road — Torquay Primary School and St Teresa's school — have expressed safety concerns about the intersection for their students and parents.

Vicroads has developed a plan to improve the intersection of Duffields Road and the Great Ocean Road. The Torquay Improvement Association is calling for the installation of traffic lights at the intersection. I call upon the Minister for Transport to give this matter his urgent consideration.

Traralgon hospital: demolition

Hon. P. R. HALL (Gippsland) — I would appreciate the assistance of the Minister for Industrial Relations in her capacity as the representative of the Minister for Health in the other place in raising the issue concerning one of the outcomes of the Latrobe Valley ministerial task force. I refer particularly to the demolition of the former Traralgon hospital on the Princes Highway at one end of Traralgon.

The old hospital has been vacant for years. It is no longer used and needs to be demolished. It is becoming an eyesore. As the site is on the highway at the entrance to the city of Traralgon it would be regarded as a prime development opportunity.

In June funding of $2.5 million was recommended by the Premier in announcing the outcomes of the ministerial task force. Has that $2.5 million been allocated in the most recent budget, and when can one expect work on this important project to commence?

Parks: horseriding

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise with the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation in the other place representations I have received from the Casey Cardinia United Horse Association, which represents horseriders in my electorate, of which there are a substantial number, regarding access for horseriders to Cardinia Creek parkland. Over the past two years ongoing discussions have been taking place with Parks Victoria about access by horseriders to that parkland.

Parks Victoria has been engaged in an ongoing master planning process during which it has told the association that the appropriate time for its input would be when the plan is further developed. It has now reached a stage where the association has been told that it has only a couple of weeks to provide an input to the master planning process.

The association has had meetings with and received correspondence from the minister. There appears to be some confusion between the position of the association, which is seeking shared access to open space for horseriding, and the position taken by Parks Victoria and the minister, who in correspondence appears to believe the association is seeking an equestrian facility, which is not the case; it is merely seeking access to parkland for horseriding, which is something I fully support.

Will the Minister for Environment and Conservation revisit the issue with a view to granting the association, and indeed horseriders in the local area, access to that parkland for horseriding?

Schools: crossings

Hon. B. W. BISHOP (North Western) — My adjournment issue with the Minister for Sport and Recreation, who represents the Minister for Education in another place, concerns school crossings and the installation of warning lights. I know a number of such matters have been raised in the house, but I believe this is somewhat different.

I have had some experience with the installation of warning lights, certainly at the Lake Primary School in 17th Street, Mildura, on the way to Merbein. Those lights were eventually installed with a joint sharing of costs by Vicroads, the school, local government and a local transport company, Wakefields Transport, which was generous in its assistance with those warning lights.

A number of my constituents have raised this issue because of heavy fogs, of which we have had many this winter. It is difficult to spot the lollipop people in heavy fog. I admit that it is a difficult problem, but I do not resile. It would be best addressed by a number of measures, such as variable speed zones, flashing lights and perhaps more visible clothing. In discussion with the Honourable Andrew Brideson just before I raised this matter another suggestion was that perhaps the sorts of wands that are used by the police and the emergency services people could be provided for our lollipop people. There are perhaps other innovative ideas.

These concerns are becoming more urgent, and I ask the minister to advise on the government's policy decision on this important issue.

Somerville secondary college

Hon. R. H. BOWDEN (South Eastern) — I direct to the attention of the Minister for Sport and Recreation, who represents the Minister for Education in another place, the long-running saga of community concern on the northern peninsula, particularly the Somerville area, stemming from constant reports that the state government will and sell land that has been long reserved for the building of a future Somerville secondary college.

I have raised this issue on at least two occasions. My colleague the Honourable Ken Smith presented a petition containing about 2700 signatures and I have also presented a petition on this issue. The community does not want the land to be sold. That is the message coming from thousands of people on the northern part of the Mornington Peninsula. Consistent rumours that the land will be sold are causing a great deal of agitation. It is not a light-hearted subject; it is a major item on the peninsula. With the huge growth in the Baxter, Somerville and Hastings area, despite what the bureaucrats in the department of education say, it is clear that this is a matter that has to be fixed, and the community I represent does not want the land to be sold.

If the state government intends to sell it, it should say so and take the backlash. Will the minister advise the Minister for Education that not only is there community concern, people are outraged at the tardiness of the government in refusing to state that the land will not be sold. My constituents are also seeking from the minister a clear statement that the land will not be sold.

Australian Football League: grand final tickets

Hon. R. A. BEST (North Western) — I direct a matter to the attention of the Minister for Sport and Recreation. In today's *Herald Sun* the minister is quoted in an article by Shaun Phillips as saying:

> The Bombers hit the market as sports minister Justin Madden condemned AFL clubs for 'corporate scalping'.
>
> Mr Madden pledged to make it illegal for clubs to make huge profits on grand final ticket sales unless the AFL stamped out the practice.

Last Tuesday I asked the Minister for Consumer Affairs, who has the legislative and inspection powers, to investigate unconscionable behaviour and to go into the clubs and inspect their books. I asked what action

she would take and asked her to advise the house what her department had done to investigate clubs that were scalping grand final tickets above face value. Her answer to me was:

> If we discover that tickets are being sold well beyond their recommended retail price, action will be and is being taken on these matters.

Now that the Minister for Sport and Recreation has public knowledge that AFL clubs are acting in a manner that is not only disadvantaging clubs and supporters as consumers but is also being used as a blatant revenue raiser — we all acknowledge that that is unacceptable corporate behaviour, and the minister has proof — when will he instruct the Minister for Consumer Affairs to investigate the AFL clubs because of their unconscionable behaviour? She has the power of inspection. She should act on behalf of consumers.

Will the Minister for Sport and Recreation advise the house whether he is prepared to take that action and approach the Minister for Consumer Affairs to begin that process immediately?

Youth: Oakleigh centre

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Youth Affairs to his answer to a dorothy dixer about Oakleigh youth services during question time yesterday. The minister referred to funding of $106 000 from the Community Support Fund and said it would fund a new, integrated service for youth in Oakleigh.

The minister will recall that some 13 months ago, on 30 August last year, I sought his support for the establishment of a youth drop-in centre in Oakleigh that was supported by the Oakleigh Youth Issues Committee, of which I am a member, together with the police, local council officers and Bayside Employment Skills and Training, to which the minister referred yesterday.

I again raised the matter on 13 and 19 June and asked what the minister had done in the preceding two months. The answer was nothing. What the minister did not say yesterday was that the $106 000 from the Community Support Fund is only for a 12-month research and development project and rental on premises to relocate existing services that are funded by the Monash City Council. There will be no new services established for at least 12 months, and the funding is only being provided as a pilot study to obtain information on how to proceed. After 12 months the people of Oakleigh will not only be left with no new service, they will also be facing a long and protracted application procedure for any new service to be established.

I ask the minister whether he misled the house yesterday in question time when he said that the funding would be for a new service in the area when in fact it is clearly not.

Alfred hospital

Hon. P. A. KATSAMBANIS (Monash) — I raise an issue with the Minister for Industrial Relations for the urgent attention of the Minister for Health in the other place concerning the Alfred hospital in the electorate of Monash Province. The Alfred hospital provides very valuable services to many Victorians, including constituents in my electorate. It is unfortunate that according to the recent *Hospital Services Report* it seems that despite the rhetoric of the Labor Party, both when it was in opposition and since it came into government, the services the public has come to expect from the hospital are not operating as efficiently as they should be. The *Hospital Services Report* reveals that in June 1999 there were 267 patients waiting on trolleys for more than 12 hours at the Alfred — —

Honourable members interjecting.

Hon. P. A. KATSAMBANIS — Well may members opposite laugh, but the people I know who have waited on trolleys or are on waiting lists at the Alfred hospital would like their government members to pay attention to the issues of concern to the public rather than sitting in here and yelling, screaming and laughing at their plight. The way honourable members opposite carry on is a disgrace.

In June 1999, 267 patients were waiting on trolleys for more than 12 hours. In June 2001 that figure had blown out to 721. The elective surgery waiting list in June 1999 was 1140, whereas in June 2001 it was 1937 — nearly a doubling of the number of people on waiting lists. Even more shamefully, the number of people who were on hospital waiting lists for longer than the ideal time as determined by their doctor had blown out from 519 in June 1999 to 1350 in June 2001.

These disgraceful figures indicate that the government has failed to deliver on its promise to provide a better health system. They clearly show that rather than getting better the health system is unfortunately getting worse. I call on the Minister for Health to explain the reasons for the blow-out in these figure and let the public of Victoria know when he will act on his rhetoric, improve hospital waiting lists and reduce the number of people waiting on trolleys for more than 12 hours.

Dexta Corporation Ltd

Hon. C. A. FURLETTI (Templestowe) — I raise an issue with the Minister for Small Business, who today is represented by the Minister for Industrial Relations. Hundreds of Victorian builders are still awaiting the issuing of their builders warranty insurance from Dexta Corporation Ltd, notwithstanding their having complied with the insurer's preconditions.

I have evidence of some builders who, having provided that material weeks ago, and in some cases over six weeks ago, are now compelled to lay off staff and refrain from engaging in work because they do not have the necessary insurance. It appears from the information I have received that notwithstanding the enormous delays which are driving some builders literally to the wall, Dexta Corporation refuses to communicate with either the builders or the brokers who are handling the insurance claims for the corporation — namely, the Master Builders Association of Victoria acting in its capacity as a broker. I ask the Minister for Small Business whether she will take this issue up, contact Dexta Corporation and use her good offices and those of her department to ensure that this backlog is unjammed as soon as possible.

Tipstar: revenue

Hon. R. M. HALLAM (Western) — I raise an issue with the Minister for Energy and Resources in her capacity as the representative in this place of the Treasurer. It goes to the subject matter I raised in my question on notice 1904, in which I asked:

> What revenue projections were included in the budget in respect of the Tipstar footy tipping competition for the years 2000–01, 2001–02 and the out years?

I received a response to my question which says:

> The aggregate revenue projection for public lotteries in the 2001–02 budget papers include the revenue to be derived from the Tipstar footy tipping competition … but this —

here is the rub —

> revenue is not separately identified by product line.

I submit to the house that while the answer could be argued to be apposite to my question, it is clearly a nonsense response. I believe the extent to which it is nonsense is contemptuous of the protocols of this house. I also make the point that I am personally affronted that the Treasurer would expect me to accept that answer, and the minister should be embarrassed to bring it to this chamber. It is hardly consistent with the open and accountable reputation which is so craved and claimed by the Bracks administration.

I ask the minister to raise the matter again with the Treasurer and seek a real answer. In helping her to frame my request I pose the question: if the revenue relating to Tipstar is not identifiable by product line, how did the Treasurer know how much to include in the revenue projection from public lotteries which he assures us was included in the budget?

Premier and Cabinet: staffing

Hon. D. McL. DAVIS (East Yarra) — My question is to the Minister for Industrial Relations in her capacity as the representative of the Premier. I draw to her attention a statement made by the Premier on 3AW on Tuesday, but by way of background I first quote from a document from the Public Accounts and Estimates Committee. Mr Theophanous would remember very well the occasion on which the Premier attended that committee. Ms Asher said to him:

> The documentation you provided to the committee last year showed that on 30 June 1999 the full-time equivalent staff figure was 407 for the Department of Premier and Cabinet.

Ms Asher went on to say:

> According to the documentation you have provided the committee this year, at 30 June — —

Hon. M. M. Gould — What is that?

Hon. D. McL. DAVIS — The occasion when the Premier attended the Public Accounts and Estimates Committee.

Hon. M. M. Gould — On what day?

Hon. D. McL. DAVIS — On 25 May.

Hon. M. M. Gould — This is something you would not understand — when you were in government your Premier never attended.

Hon. D. McL. DAVIS — You may well laugh at this, Minister.

The PRESIDENT — Order! Ignore the interjections.

Hon. D. McL. DAVIS — Ms Asher said:

> … at 30 June 2000 the full-time equivalent figure was, let's say, 577, and staff numbers at 30 June 2001 are 630. You have obviously had a lot of growth, and I note your explanations for that in the documentation. You may wish to advise the committee broadly about why there is such growth.

Ms Asher went on to quote from evidence provided by the Premier and indicated that the number of ministerial and parliamentary staff has increased from 177 to 184.

The Premier has further plans to increase staff at the Department of Premier and Cabinet beyond the 50 per cent in the last two years.

What drew my attention to this was a statement the Premier made on Tuesday on Neil Mitchell's program. He was asked if it was true that there have been significant increases in staff in the Department of Premier and Cabinet and the Premier said, 'No, it is not true'. He misled the people of Victoria on that occasion, either wittingly or unwittingly, providing incorrect information about what has occurred in his department, where there has been a 50 per cent increase — —

Hon. M. M. Gould — On a point of order, Mr President, the Honourable David Davis has indicated that the Premier may have misled the people of Victoria. I take offence at that and I ask him to withdraw.

The PRESIDENT — Order! His words were 'may have misled the people of Victoria wittingly or unwittingly'. I do not think that passes the objective test of being offensive. I do not uphold the point of order.

Hon. M. M. Gould — Further on the point of order, Mr President, if I check the *Hansard* tomorrow and the word 'may' is not there I will be asking the honourable member to withdraw his comment on the next day of sitting.

Hon. D. McL. DAVIS — I seek from the Premier a clarification of this fact and a correction of the public record. The fact is there has been a 50 per cent increase and he should admit that to Victorians.

Local government: funding

Hon. E. J. POWELL (North Eastern) — I refer a matter to the Minister for Energy and Resources, representing the Minister for Local Government in another place. It concerns cost shifting from the state government to local government. A number of rural councils have written to me and other National Party members over a number of months expressing anger at the cost shifting from the state government to their municipalities.

The Municipal Association of Victoria (MAV), which is a peak body for local government, has put a report out assessing the impact of this cost shifting. The report is called 'State government cost shifting in specific purpose programs delivered by local government'. It talks about the main areas in which the Victorian state government influences the specific-purpose funding of local government, which are home and community care (HACC) funding, public libraries, maternal and child health funding, preschools and school crossing supervision funding, which the Honourable Barry Bishop raised this afternoon.

The state government has not kept up with the true cost of delivering all those services. The MAV review showed that the output based unit prices that the Department of Human Services (DHS) used to purchase major HACC services from councils in 1999–2000 were 8 per cent to 36 per cent below councils' delivery costs, and in 2000–01 were likewise deficient by 15 per cent to 41 per cent. Price adjustments provided by DHS have effectively equated to an annual average rate of 1 per cent or less. By comparison the service delivery costs for the major services delivered by local government have increased at an annual average rate of between 3 per cent and 4 per cent. There is a huge discrepancy in those prices.

The figures of the Department of Human Services show that recurrent HACC funding from state and federal sources rose by 31 per cent in the four years to 1999–2000 and that local government has had to spend an additional $31 million in 2000–01 because of this extra burden and because of the state government's shifting. These costs are according to the MAV research after it conducted the review.

Councils are not being paid what it costs them to deliver services, and in country areas it is even higher because sometimes the cost of delivering some services to their communities are more because of transportation issues. I ask the Minister for Local Government to urgently review the funding provided to local government to deliver the services it delivers on behalf of the state government and that the state government increase contributions to a level that accurately reflects the cost of those services.

South Road–Warrigal Road: upgrade

Hon. J. W. G. ROSS (Higinbotham) — I raise a matter for the Minister for Energy and Resources, representing the Minister for Transport in the other place. It relates to the major intersection of South and Warrigal roads in my electorate. The intersection is part of the proposed Dingley bypass, which the government has apparently placed permanently on the backburner. Nevertheless, the intersection is in urgent need of redevelopment.

At present a power gantry is obstructing the free flow of traffic, and parking bays at the eastern end of South Road are unpaved and littered with telegraph poles. All in all the intersection is an eyesore and not conducive to the free flow of traffic. I ask the minister to investigate

this matter with a view to improving the amenity of the intersection and the very large volumes of traffic that flow through it.

Magnetic resonance imaging

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter with the Minister for Industrial Relations for the attention of the Minister for Health in the other place. It concerns magnetic resonance imaging, or MRI in the western suburbs.

The residents of Melbourne's western suburbs have started to receive a high level of medical service after the state government's boost for hospital funding in the area. However, this commitment to high level health care is not mirrored by the federal government. The Howard government has again failed to provide a Medicare rebated MRI service. Will the minister ask the federal health minister why the residents of Melbourne west are not being given access to this potential lifesaving technology?

Australian Football League: Victorian clubs

Hon. I. J. COVER (Geelong) — I raise a matter with the Minister for Sport and Recreation regarding the Australian Football League. I refer to an article in today's *Age* sports section headed 'AFL's numbers don't add up', in which the Institute of Chartered Accountants of Australia is reported as having:

> … analysed the most recent annual reports produced by all AFL clubs and concluded the financial state of the game is deteriorating.

Indeed Garry Waldron, the Victorian state chairman of the Institute of Chartered Accountants, says:

> I think they (clubs in financial difficulties) might cease to exist in their current form.

This matter was raised earlier this year by my colleague the Honourable Peter Katsambanis seeking information from the minister as to whether he would use his good offices to ensure the future of the 10 Victorian clubs. At the time the minister responded by saying he was not really interested, and besides it was up to the AFL.

In recent days we have heard from the minister about his views on AFL issues, and in particular grand final ticket distribution. Among other things he has told us about a discussion paper which has been circulating after many, many months of work and, who knows, may turn up as a bonus issue in the AFL Grand Final *Record* this Saturday!

He also told us he was showing some supposed leadership on this issue and taking the industry and the AFL along with him. He said he had been consulting with the AFL, no doubt in much the same way as he consulted with the AFL to save Waverley Park for AFL football. Now that the minister has rekindled his interest in the competition in which he played 300-plus games — —

Hon. G. R. Craige — And very poorly!

Hon. I. J. COVER — I note the interjection; I also note the minister is not asking Mr Craige to withdraw that remark.

Is the minister now prepared to extend the interest he has taken in AFL football of late into working with the AFL to ensure the long-term future of our Victorian clubs which is so important to tens of thousands of Victorian people who are great football followers?

Trams: dynamic fairways

Hon. ANDREA COOTE (Monash) — My question to the Minister for Energy and Resources, for the Minister for Transport in another place, is about the dynamic fairway trial that is happening in Toorak Road between Grange Road and Punt Road. At a cost of $500 000, these large electronic signs are supposed to enhance fairway times at peak hour.

The *Stonnington Leader* of 11 June reports the Minister for Transport as saying the system would improve tram running times. He is further reported as saying:

> By motorists following the directions on the signs, trams will have a clear run through the intersections, so there is now really no excuse for vehicles to delay trams and public transport users.

He also is reported as saying:

> Vehicles could use the road as normal when trams were not in sight.

This has been an unmitigated disaster for car travellers. There is a letter in the *Stonnington Leader* from one of my constituents in Tintern Avenue, again in June, under the heading 'Fairway folly'. It says:

> In my opinion the dynamic fairway in Toorak Road is a waste of good money.
>
> I have travelled by car between the city and Toorak during the evening peak hour for the past 17 years.
>
> The bottleneck in traffic caused by the narrow Punt Road intersection and the fact that the 'no parking' restriction in the clearway is not strictly observed, has always caused, and continues to cause, a bank-up of traffic …

The new tram arrangements simply exacerbate this.

I ask the minister how much time has been saved by car commuters by the dynamic fairway trial?

Camelot Rise Primary School

Hon. B. N. ATKINSON (Koonung) — I raise with the Minister for Sport and Recreation, representing the Minister for Education in another place, the Camelot Rise Primary School in Glen Waverley. That school had a physical resource management system (PRMS) audit in December 2000 which indicated that the roofs of its four buildings were damaged. The school, built in the 1970s, has an open-plan classroom system and is one of a handful of schools erected to this design. The design is great for teaching but has a roofing fault, and each of the schools has experienced rainwater problems.

At Camelot Rise Primary School those problems include disruption to school activities during or shortly after periods of heavy rain and additional damage caused by water coming into the buildings over a long time. The staff and parents council — and I concur with its view — feels an occupational health and safety issue is involved as well. Certainly in one of the rooms consistently affected by water damage computer equipment is used.

According to the PRMS audit, the cost of repairing the roof would be in the vicinity of $250 000. Following the audit the school was allocated $30 000 per unit. There are four units, so that is a total of $120 000, considerably less than half the amount needed to address the problems of this school. I ask the minister to address that issue on behalf of the parents and the school community.

South Gippsland: caravan parks

Hon. PHILIP DAVIS (Gippsland) — I raise for the attention of the Minister for Energy and Resources, representing the Minister for Natural Resources and Environment in the other place, a matter concerning the South Gippsland Shire Council, which has reviewed its position on the status of Crown caravan parks throughout the shire.

The council is the appointed committee of management on behalf of the Crown managing the Yanakie, Waratah Bay, Port Welshpool and Korumburra caravan parks. All these caravans parks are operated under commercial leases and the lessees have expressed interest in purchasing the sites. As the caravan parks are operated under a commercial lease and are not required for community purposes the South Gippsland shire requests that the minister revoke its appointment as the committee of management.

In an effort to defer this request the minister has advised the shire that each of the four reserves provides tourism opportunities in the shire. Committees of management of these parks are supported by the government, including funding through the Crown land improvement program, to ensure a balance between the development and protection of natural and cultural assets and community expectations. However, having looked into this matter the shire has found that these programs exclude caravan parks that are commercially leased. As the committee of management, council still has responsibilities to discharge under its terms of appointment. Those responsibilities include the provision of essential services such as power, water and the supply of sewerage, and those services must be provided by the committee of management whether or not there is a commercial lease.

The shire wishes its position to be resolved. I ask the minister to reconsider the request by the South Gippsland Shire Council and remove the council's appointment as committee of management over these four caravan parks.

Members: adjournment matters

Hon. BILL FORWOOD (Templestowe) — I raise an issue with the Leader of the Government. I have in my hand a copy of a piece of paper which deals with the issue raised by the Honourable Sang Nguyen tonight. The document states:

> Adjournment question to Minister for Health
>
> Adjournment debate question for 27/9/01
>
> Approved by Andre Zamis (Chief of Staff)

It then goes on to the issue raised in this place this evening by Mr Nguyen. My question to the minister is: does she condone a system whereby a member of this house must get the approval of a ministerial staffer before they can raise an issue in this place?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Peter Hall referred to the demolition of the former Traralgon hospital. I will raise that with the Minister for Health and ask him to respond in the usual manner.

The Honourable Peter Katsambanis raised a matter about the Alfred hospital. I will raise that with the Minister for Health and ask him to respond.

The Honourable Carlo Furletti raised the matter of Dexta Corporation Ltd for the attention of the Minister for Small Business, and I will pass that on to her as a matter of urgency.

The Honourable David Davis raised a matter for the Premier, and I will pass that on to him and ask him to respond in the usual manner.

The Honourable Sang Nguyen raised a matter for the Minister for Health regarding the federal government's lack of funding for medical rebates in the magnetic resonance imaging service. I will raise that with the Minister for Health and ask him to respond in the usual manner.

The Honourable Bill Forwood raised the matter of members raising adjournment matters with ministers' offices. I have no problems with members discussing adjournment questions with their ministers.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Neil Lucas raised a matter for the Minister for Transport. I will refer that matter to the minister and I wish the honourable member every success in obtaining a response.

The Honourable Elaine Carbines raised a matter for the Minister for Transport regarding improved traffic management at the Duffields Road and Great Ocean Road intersection. I will refer that matter to the minister.

The Honourable Gordon Rich-Phillips raised a matter for the Minister for Environment and Conservation concerning access to parkland for horseriders. I will refer that matter to the minister.

The Honourable Roger Hallam raised a matter for the Treasurer regarding a response from the Treasurer to question on notice 1904, and I will refer that request to him.

The Honourable Jeanette Powell raised a matter for the Minister for Local Government and requested a review of funding provided to local government to deliver state government services, and I will refer that matter to the minister.

The Honourable John Ross raised a matter for the Minister for Transport concerning the South Road and Warrigal Road intersection, and I will refer that matter to the minister.

The Honourable Andrea Coote raised a matter for the Minister for Transport and requested information regarding time savings associated with the dynamic fairway trial, and I will refer that matter to the minister.

The Honourable Philip Davis raised a matter for the Minister for Environment and Conservation concerning commercial leases over caravan parks and a request from the South Gippsland Shire Council, and I will refer that matter to the minister.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Barry Bishop asked about warning lights at school crossings, and I will refer that to the Minister for Education in another place.

The Honourable Ron Bowden raised the matter of community concern over Somerville land reserved for a future secondary school. I will refer that to the Minister for Education.

The Honourable Ron Best asked about corporate scalping by football clubs. Again I reinforce that both offices within the Department of State and Regional Development — that is, Sport and Recreation Victoria, and Consumer and Business Affairs Victoria — are working together to lead the sector. Honourable members will have read in today's *Age* about Andrew Demetriou from the Australian Football League announcing his commitment to seeing the overhaul of the ticketing system. I believe the sector, through our leadership, will make those changes by introducing a code of conduct. If the sector cannot come to that position it is likely that we will introduce legislation. I look forward to the opposition supporting it if that is the case.

The Honourable Maree Luckins referred to the integrated youth services in Oakleigh. No doubt the honourable member has had her nose put out of joint on this initiative because of the outstanding work of the honourable member for Oakleigh in the other place, Ann Barker. It would be funny if it were the previous government. I can understand her interpretation of that sort of money being committed to young people, because if the previous government had handed over money like that, it would have washed its hands of the whole initiative and left that as — —

Hon. M. T. Luckins — On a point of order, Mr President, I asked the minister whether he had misled the house, and I ran through exactly what the funding was to be used for. The minister, as reported in *Hansard* yesterday, referred to the funding for an integrated service, a new service, and also an innovative outreach model. The fact is that, as I outlined, this funding is not for a new service. I asked the minister

whether he misled the house. I expect an answer to my question.

Hon. J. M. MADDEN — I will continue to answer the question, Mr President.

The PRESIDENT — Order! It was a point of order. There are actually two issues. One is, as we know, the minister's response disposes of a matter on the adjournment. That was really a supplementary question, or a different issue — as to whether the minister had misled the house.

Hon. M. T. Luckins — I asked that — —

The PRESIDENT — Order! Yes, I understand that. The minister might care to respond to that by saying whatever he wants to say, because it was put up as a point of order.

Hon. J. M. MADDEN — Mr President, I am continuing to answer the question.

The PRESIDENT — Order! Sorry, there is a point of order before the house. The usual thing is to interrupt your dissertation by dealing with the point of order. I am giving you the opportunity to respond to the point of order if you wish to.

Hon. J. M. MADDEN — No, I am — —

The PRESIDENT — Order! In relation to the point of order, I think I am bound by the rule of the house on adjournment matters to ensure that the minister's answer disposes of the issue. If the honourable member believes the minister has misled the house, there are other remedies available to her.

Hon. J. M. MADDEN — Thank you, Mr President. I can understand why the previous government would have allocated funds like that, having thought it was washing its hands of the issue and leaving it at that. As I mentioned, this is the beginning of a community partnership, and I look forward to its ongoing success.

I refer to the question of the Honourable Ian Cover regarding issues surrounding a number of Australian Football League (AFL) clubs. As I have often mentioned in this place, we do not as a government — nor have previous Victorian governments — subsidise sporting clubs or sporting organisations. They must be viable in their own right. Governments of all persuasions in this state have taken great pride in that stand. That is why we have such a strong sporting community in this state. We recognise the right of the AFL to operate its own national competition, but we also recognise the cultural and economic significance of the present number of Victorian teams in this state, and the Bracks government will work with the AFL through the strong relationship it has with it at present.

The Honourable Bruce Atkinson referred to the Camelot Rise Primary School, Glen Waverley, and its roof maintenance issues. I will refer the matter to the Minister for Education in the other place.

Motion agreed to.

House adjourned 4.39 p.m. until Tuesday, 9 October.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 25 September 2001

Housing: public housing — new stock

1480. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): In relation to the need for more public housing, where has the construction of new stock commenced in the period since October 1999.

ANSWER:

I am informed that:

In the period from 1 October 1999 to 23 March 2001, a total of 658 properties have been constructed. Construction is as per the attached table by Departmental Region.

This amount differs from the previous response of 659 properties, originally tabled on 16 May 2001, due to differences in counting methodology. This discrepancy has now been resolved and the correct answer is 658 properties.

New Constructions Commenced Since 1/10/1999 to 23/3/2001

By DHS Region

Region	No. of Units
Barwon South West	7
Eastern Metro	98
Gippsland	21
Hume	17
Loddon Mallee	63
Northern Metro	108
Southern Metro	172
Grampians	2
Western Metro	170
Total	**658**

Major Projects and Tourism: domestic visitation targets

1788. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): Given that the 1999–2000 State Budget output target was not met for domestic visitor numbers, nor is the output target for 2000–2001 expected to be met (Budget Estimates 2001–02, Budget Paper No. 3, p. 309), what is the Government doing to meet domestic visitation targets in 2001–02.

ANSWER:

There are no performance criteria for the tourism output group in the 1999-2000 State Budget which refer to domestic visitor numbers or to domestic visitation.

Aged Care: statewide programs centrally managed

1805. **THE HON. J. W. G ROSS** —To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): What are the statewide programs in aged care being managed centrally.

ANSWER:

Most programs combine both central and regional management.

Examples of Statewide programs in aged care being managed centrally include:

Positive Ageing;
Research and Development;
Statewide Palliative Care;
Seniors Card;
Residential Aged Care Quality Improvement Program.

Housing: award for SAAP workers

1826. **THE HON. R. H. BOWDEN** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to the Government's claim that the Federal Government refused to meet its obligations under the year 2000 negotiated award conditions for SAAP workers costing $2.2 million:

(a) Did Victorian SAAP workers not receive compensation for the movement to award coverage when offered by the Federal Government because the movement to award coverage had already occurred; if so, why.

(b) Did the current Federal Government offer a one-off agreement to use unspent funds in Victoria for increases in award payment for SAAP workers under the SAAP program; if so, how much and how was the money used to cover the award.

ANSWER:

The social and community services award introduced a 38-hour week and provided two 3 per cent salary increases. The additional cost in a full year totalled $4.3 million.

In 2000–01 the commonwealth allocated $45 million ($15 million in the first financial year) to meet the shortfall in funding following the introduction of awards for SAAP workers across Australia. During initial negotiations, the previous Victorian government did not secure access to this funding. Victoria does not receive specific supplementation from the commonwealth to address movements in its award and as a consequence had to locate additional funds that had been earmarked for service growth.

The commonwealth agreed to the use of $1.58 million from Victoria's SAAP unspent reform funds to meet the shortfall in 1999–2000 for the SACS award settlement on a one-off basis only. However, because the commonwealth has not met its share of the SACS award increases in 2000–01 ($2.2 million) Victoria has had to utilise growth funds to meet these increased costs on an ongoing basis.

Premier: Racial and Religious Tolerance Bill

1865. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): With respect to the Government's draft model Bill and discussion on Racial and Religious Tolerance in December 2000, has the Premier received any written brief or report from his Department or from the Victorian Office of Multicultural Affairs advising him of — (i) the total number of submissions received by the Government; (ii) the proportion of submissions supporting the model Bill; and (iii) support for the model Bill only if it were amended; if so, when did the Premier receive the brief or report and will he make the document available.

ANSWER:

I am informed that:

The Victorian Office of Multicultural Affairs received in excess of 5000 written submissions.

The Victorian Office of Multicultural Affairs did not conduct a proportionate analysis of submissions. The Office examined specific issues raised in submissions and consequent amendments to the Bill were made on the basis and consideration of these identified issues.

As the Victorian Office of Multicultural Affairs did not provide a brief or report of that nature, I am unable to make it available.

Housing: public housing — new stock

1906. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to the construction of 659 properties available for public housing for the period 1 October 1999 to 23 March 2001, where is this new stock located.

ANSWER:

The construction of the new stock is as per the attached table by Departmental Region.

This amount differs from the previous response of 659 properties, originally tabled on 16 May 2001, due to differences in counting methodology. This discrepancy has now been resolved and the correct answer is 658 properties.

New Constructions Commenced Since 1/10/1999 to 23/3/2001

By DHS Region

Region	No. of Units
Barwon South West	7
Eastern Metro	98
Gippsland	21
Hume	17
Loddon Mallee	63
Northern Metro	108
Southern Metro	172
Grampians	2
Western Metro	170

*One unit less due to calculation error

Total **658**

Housing: public housing — demographic breakdown of residents

1907. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business for the Honourable the Minister for Housing): In relation to the construction of 659 properties available for public housing for the period 1 October 1999 to 23 March 2001, what is the demographic break down of the residents giving the percentage of — (i) aged people; (ii) families; and (iii) people with disabilities.

ANSWER:

I am informed that:

For period 1 October 1999 to 23 March 2001 the demographic breakdown of the residents living in the 658* properties constructed is set out in the following table:

Household	Total	Percentage
Aged	76	11.6
Family	478	72.6
Other (eg singles, youth and shared)	104	15.8
Total	658	100%

Of the 658 properties constructed 49 or 7.5% had been modified for residents with disabilities. Properties constructed for older persons (aged) include minor modifications for access and bathroom facilities.

*Please note, figure was amended, as per revised response for QN 1480

Sport and Recreation: Victorian Workcover Authority chairman

1949. THE HON. BILL FORWOOD – To ask the Honourable the Minister for Sport and Recreation: Does Mr James MacKenzie, current Chairman of the Victorian Workcover Authority, or any company associated with him, have a contract or a retainer with the Minister's department; if so, what are the costs of the arrangement.

ANSWER:

I am advised that the Department of State and Regional Development has not entered into a contract with Mr James MacKenzie to the date of the Question on Notice, 20 June 2001. In relation to companies with which Mr MacKenzie may be associated, the Member may wish to specify any companies with which he has a concern.

Women's Affairs: Victorian Workcover Authority chairman

1960. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): Does Mr James MacKenzie, current Chairman of the Victorian Workcover Authority, or any company associated with him, have a contract or a retainer with the Minister's department; if so, what are the costs of the arrangement.

ANSWER:

I am advised that the Department of Premier and Cabinet has not entered into a contract with Mr James MacKenzie. In relation to companies with which Mr MacKenzie may be associated, the Member may wish to specify any companies with which he has a concern.

Premier: ministerial staff

1990. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Premier): As at 30 May 2001, how many staff were employed by the Premier — (i) in the Premier's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victoria Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

As at 23 July 2001, in my capacity as Premier of Victoria, there were 43 full time staff employed in my office, one staff member employed on a 0.5 basis and one on a 0.6 basis. The total is therefore 44.1 EFT staff.

Sixteen members of staff were on secondment from the Victorian Public Service as at 30 May 2001, one of which was working in my office.

The honourable member may wish to refer to the Budget Papers for details on expenditure.

Multicultural Affairs: ministerial staff

1993. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victoria Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

I wish to advise that in my capacity as the Minister for Multicultural Affairs, I do not employ staff.

One member of staff was working in my office on secondment from the Victorian Public Service as at 30 May 2001.

The honourable member may wish to refer to the Budget Papers for details on expenditure.

Local Government: best-value principle

2028. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Given that the Local Government Best Value Framework is consistently cited as the number one priority of the Local Government portfolio why has so little funding been directed to this initiative, and in particular, to the resourcing of the Commission established to monitor its implementation.

ANSWER:

Implementation of Best Value relies on working in partnership with the Local Government Sector, and building on the good work already being done by many local governments.

The Bracks Government has allocated $800,000 over the next four years as its contribution to work with the sector in implementing the framework.

The Best Value Commission is adequately resourced and in addition relies on the Local Government Division to provide research and administrative support.

Local Government: debt

2032. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Does the Government monitor the level of debt across local government; if so, what is the aggregate level of debt for the past three years.

ANSWER:

As you are aware, my Department works closely with the Department of Treasury and Finance to determine the Australian Loan Council allocations for the local government sector each year. This includes monitoring the level of debt of individual councils and the sector as a whole.

The aggregate level of borrowings of the sector over the last three years was:

1998/1999	$616.4 million
1999/2000	$637.9 million
2000/01	$601.1 million

Attorney-General: Victorian Civil and Administrative Tribunal — members' remuneration

2038. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): In relation to the review commissioned by the Attorney-General to examine the remuneration of VCAT members:

(a) Who will be undertaking the review.

(b) When will the results of the review be reported to the Attorney- General.

(c) When will the Attorney-General release the results of the review.

ANSWER:

(a) The review of VCAT salaries will be undertaken by a team from Hewitt Associates led by Mr Simon Hare.

(b) It is anticipates that the results of the review will be reported in early October 2001.

(c) The results of the review will be made available after the Attorney-General has had an opportunity to consider the consultants' report.

Gaming: ministerial staff

2056. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Gaming): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore, are no Ministerial staff employed by me working in my office. As at 30 May 2001, no staff working in my office were on secondment from the Victoria Public Service.

Women's Affairs: ministerial staff

2058. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am advised that:

(i) All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office; and

(ii) One member of staff was on secondment from the Victorian Public Service as at 30 May 2001.

The Member may wish to refer to the Budget Papers for details on expenditure.

Community Services: ministerial staff

2059. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

Two members of staff from my office were on secondment from the Victorian Public Service as at 30 May 2001.

The Honourable Member may wish to refer to the Budget Papers for details on expenditure.

State and Regional Development: ministerial staff

2064. THE HON. D. McL. DAVIS — To ask the Honourable the Minister Assisting the Minister for State and Regional Development: As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

Community Services: commonwealth funding for preschool programs

2118. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) Have any funds been allocated to Victoria by the commonwealth to assist young children with severe disabilities to access and participate in state-funded preschool programs in 2002.

(b) How much funding has been allocated.

(c) How many children with severe disabilities will this assist.

ANSWER:

The Department of Human Services administers the Commonwealth Department of Education, Training and Youth Affairs Special Education Program. Under this program, support is provided to children with a severe disability to access and participate in State funded preschool programs and to supplement the funding of early intervention agencies for the provision of special education programs. At this stage the Commonwealth has not advised the Victorian Government of the 2002 allocation for this program. I expect this advice will be received in December 2001.

Environment and Conservation: ministerial staff

2200. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): How many staff were employed by the Minister as at 30 May 2001 — (i) in the Minister's offices as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am advised that:

(i) All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office; and

(ii) One member of staff was on secondment from the Victorian Public Service as at 30 May 2001.

The Member may wish to refer to the Budget Papers for details on expenditure.

Environment and Conservation: tree spraying

2204. **THE HON. W. R. BAXTER** — To ask the Honourable the Minister for Energy and Resources (For the Honourable the Minister for Environment and Conservation): In relation to the program aimed at eradicating peppercorn trees on roads in Northern Victoria by chemical spraying, when is it proposed to remove the now dead and hazardous trees.

ANSWER:

I am advised that:

As the roads along which spraying of peppercorn trees was conducted have not been specified, the Minister is unable to answer the question.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Thursday, 27 September 2001

Finance: ministerial staff

2043. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Finance): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office. As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

Agriculture: ministerial staff

2045. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

The Member may wish to refer to the Budget Papers for details on expenditure.

Local Government: ministerial staff

2047. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

The Member may wish to refer to the Budget Papers for details on expenditure.

Planning: ministerial staff

2052. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

The Member may wish to refer to the Budget Papers for details on expenditure.

Housing: ministerial staff

2060. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

One member of staff from my office was on secondment from the Victorian Public Service as at 30 May 2001.

The Honourable Member may wish to refer to the Budget Papers for details on expenditure.

Aged Care: ministerial staff

2061. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

One member of staff from my office was on secondment from the Victorian Public Service as at 30 May 2001.

The Honourable Member may wish to refer to the Budget Papers for details on expenditure.

Health: ministerial staff

2066. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Health): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

One member of staff from my office was on secondment from the Victorian Public Service as at 30 May 2001.

The Honourable Member may wish to refer to the Budget Papers for details on expenditure.

Transport (Roads): ministerial staff

2068. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister Assisting in Transport (Roads)): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

The Member may wish to refer to the Budget Papers for details on expenditure.