

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

4 April 2000

(extract from Book 4)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

Premier, Treasurer and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover	The Hon. M. M. Gould, MLC
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development. . .	The Hon. C. C. Broad, MLC
Minister for State and Regional Development, Minister for Finance and Assistant Treasurer	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads	The Hon. R. G. Cameron, MP
Minister for Community Services	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment.	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

Legislative Assembly Committees

Privileges Committee — Mr Cooper, Mr Holding, Mr Hulls, Mr Loney, Mr Maclellan, Mr Maughan, Mr Nardella, Mr Plowman and Mr Thwaites.

Standing Orders Committee — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Jasper, Mr Lupton, Mr Mildenhall, Mr Wells and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables G. D. Romanes and E. J. Powell. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leigh, Mr Leighton, Ms McCall and Mr Savage.

Law Reform Committee — (*Council*): The Honourables D. McL. Davis, D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Mr McIntosh, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and G. K. Rich-Phillips. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables Bill Forwood, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

Deputy Speaker and Chairman of Committees: The Hon. J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacIellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warmambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

¹ Resigned 3 November 1999

² Elected 11 December 1999

CONTENTS

TUESDAY, 4 APRIL 2000

DISTINGUISHED VISITORS	617	ADJOURNMENT	
QUESTIONS WITHOUT NOTICE		<i>Public transport: mentally ill passengers</i>	671
<i>Treasury and Finance: secretary</i>	617	<i>Advertising standards</i>	672
<i>Growing Victoria Together</i>	617, 618	<i>Dogs: control</i>	672
<i>Napier House</i>	617	<i>Sunshine Rooming House</i>	673
<i>Tobacco growing</i>	619	<i>Schools: Wattleview and Kent Park</i>	673
<i>Forests: regional agreements</i>	619	<i>Mildura jail</i>	674
<i>Ambulance services: MICAs</i>	620	<i>Buses: Upper Yarra Valley</i>	674
<i>Preschools: funding</i>	621	<i>Powercor: pole fires</i>	674
<i>FYROM</i>	622	<i>Police: Kew station</i>	675
<i>Nursing homes: privatisation</i>	622	<i>Mandatory sentencing</i>	675
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE		<i>Responses</i>	677
<i>Budget estimates</i>	623		
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE			
<i>Alert Digest No. 4</i>	623		
PAPERS	623		
ROYAL ASSENT	624		
BUSINESS OF THE HOUSE			
<i>Program</i>	624		
MEMBERS STATEMENTS			
<i>ALP: affirmative action quota</i>	624		
<i>Jennie George</i>	624		
<i>ALP: local representation</i>	625		
<i>Navan Park adventure playground</i>	625		
<i>Growing Victoria Together</i>	625		
<i>Dartmouth Dam</i>	625		
<i>Serbian community</i>	626		
<i>Waverley Park</i>	626		
<i>Schools: Aldercourt and Karingal Park</i>	626		
<i>Electricity: Yallourn dispute</i>	627		
<i>Ripon: petitions</i>	627		
VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL			
<i>Second reading</i>	627		
DISABILITY SERVICES (AMENDMENT) BILL			
<i>Second reading</i>	628		
WITNESS PROTECTION (AMENDMENT) BILL			
<i>Second reading</i>	629		
GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL			
<i>Second reading</i>	630		
<i>Committee</i>	666		
<i>Third reading</i>	667		
<i>Remaining stages</i>	667		
ADMINISTRATION AND PROBATE (DUST DISEASES) BILL			
<i>Second reading</i>	668		

Tuesday, 4 April 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

DISTINGUISHED VISITORS

The **SPEAKER** — I welcome Mr Pei Xiutang, the Deputy Secretary-General of the Shandong People's Congress, who is leading a delegation from the Shandong People's Congress to Parliament today.

QUESTIONS WITHOUT NOTICE

Treasury and Finance: secretary

Dr NAPHTHINE (Leader of the Opposition) — Does the Premier have full confidence in Mr Ian Little, Secretary of the Department of Treasury and Finance? Will Mr Little serve out the full term of his contract?

Mr BRACKS (Premier) — I assure the house and the people of Victoria that I have utmost and absolute confidence in Ian Little. He is doing a fantastic job as head of the Department of Treasury and Finance. He is showing great leadership and may serve out his term for as long as he wants under the Labor government.

Growing Victoria Together

Ms BEATTIE (Tullamarine) — I refer the Premier to the government's Growing Victoria Together summit held in this place last week. Will the Premier inform the house of the progress made by conference delegates to develop a shared vision for the long-term future of Victoria?

The **SPEAKER** — Order! In calling the Premier to answer the question I ask him to be succinct and not to use the opportunity to make a ministerial statement.

Mr BRACKS (Premier) — I will be succinct, Mr Speaker. Last Thursday and Friday was a historic occasion in this chamber. I noticed that at one stage you, Sir, were in the gallery, seeing history in the making. Some 80 to 100 key representatives of business, the community and union organisations discussed cooperatively some of the key issues facing Victoria. They included training and skills development, skills shortages, infrastructure, manufacturing, regional development, science, engineering and innovation and industrial relations.

I was very proud of what the summit achieved from start to finish, as I am sure were the many ministers

who took part. I thank the Leader of the Opposition and the Leader of the National Party for their involvement in the summit.

As would be expected the summit began with positions being put by participants from the various sectors. Then followed dialogue and workshop discussions on the key issue of developing a shared understanding of how to grow Victoria.

The second day was instructive and involved discussion about how best to reach agreement in the future. Summit members unanimously adopted the formal agreements contained in the 14 recommendations set out in the communique. It is a great instrument that was described at the summit as a beginning rather than an end. The document does not state in effect, 'We have had a summit and therefore everything is over'. It states, 'Here is the way we can operate in the future'.

That is different from what happened during the past seven years when there was a lack of cooperation, lack of dialogue and lack of discussion between key players. For the first time agreement has been reached on how we can work together for the good of Victoria. I am very pleased to have been the instrument by which that can be achieved.

Within four weeks the government will respond to the details and the implementation plan contained in the fourteen recommendations of the communique. Over the next four years the government will also provide annual progress reports.

I am very proud of the preparedness of employers, employer organisations, unions and community leaders to work together for the good of Victoria — it bodes well for the future, and I congratulate them for their work.

Napier House

Mrs ELLIOTT (Mooroolbark) — My question is to the Minister for Community Services and I refer to her decision to deny further funding to Napier House — a refuge for young physically, emotionally and sexually abused women. Will the minister review the decision to refuse funding and allow the centre to continue its valuable work?

Ms CAMPBELL (Minister for Community Services) — I am able to report to the house with pleasure what has occurred within the Department of Human Services. As a result of a briefing on the second day of my ministry advising me that \$2.8 million had been removed from child protection services in the

northern region by the previous minister, now Leader of the Opposition — —

Honourable members interjecting.

Ms CAMPBELL — The \$2.8 million that had been ripped out of the northern region by the previous minister, now Leader of the Opposition, and distributed to other regions of the department had well and truly gone.

I was presented with a \$2.8 million deficit and a proposal on how the budget would be effected in the next few months. As a result of the first briefing provided by the department I asked whether I could meet my duty of care obligations as outlined in the Children and Young Persons Act and was informed that I could not: the removal of \$2.8 million from the northern region by the previous minister meant the duty of care obligations could not be met.

I directed the department to come up with a proposal that would ensure that duty of care obligations would be met by both the department and the non-government organisations and that young people in Melbourne's north would be looked after.

Mrs Elliott — On a point of order, Mr Speaker. I asked a specific question about whether the minister would restore funding to Napier House. She is not answering the question.

The SPEAKER — Order! I do not uphold the point of order. The minister was providing information relevant to funding.

Ms CAMPBELL — With the first proposal I was informed that the government could not meet its duty of care obligations and the proposal was sent back. A second proposal was not satisfactory. After the third proposal the government spoke with the organisations affected and, as a result of the department, my adviser and myself speaking with five community organisations, the final proposal was put. As a result of the final proposal, an additional \$1.3 million of child protection money was found and distributed in a way that will allow children and young people to be adequately cared for.

The final proposal was put to the agencies and will be implemented.

Growing Victoria Together

Mr HELPER (Ripon) — I refer the Minister for Post Compulsory Education, Training and Employment to the Growing Victoria Together summit and the

commitment to involve government, business and the community in creating employment initiatives targeted at unemployed and disadvantaged Victorians. Will the minister inform the house of the latest actions by the government to address unemployment, particularly in country Victoria?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — As the Premier has said, the Growing Victoria Together summit was important for Victoria — both for the government and for the opposition. There were two critical themes of the summit: the first was taking Victoria with the government and not leaving certain groups behind. The other was about business, employees, community and government working together and acknowledging that together we can come up with better solutions for the issues faced in Victoria.

As the Premier said also, the summit was a beginning, not an end. I am pleased to announce today one step in acknowledging the recommendations that came from the Growing Victoria Together summit. Today I launched the Community Business Employment 2000 program — a job placement program that aims to place 10 000 unemployed people into employment every year at an annual cost of \$8.8 million. The program has been carefully targeted to ensure that disadvantaged regions and groups who are significant among unemployment figures are targeted. Those groups include young people.

Opposition members interjecting.

Ms KOSKY — Obviously the opposition has a problem with young people. It is a shame that members of the opposition have not got used to being in opposition, but they will!

I am very happy to announce in Youth Week that 50 per cent of the targets for the government's program will be focused on young people. The program will also focus on people from ethnic backgrounds who feature very highly in the unemployment figures and it will focus on older, displaced workers as well. Members of the opposition should take note because they may need to use the service!

The Community Business Employment (CBE) 2000 program is focused on regional Victoria as well as metropolitan Melbourne. I am pleased to announce eight new sites in country Victoria, because the government is committed to ensuring that unemployed people in country Victoria get the same services as those who live in metropolitan areas. The government has significantly increased allocated targets in

Gippsland, which has an unemployment rate of 11.2 per cent; Central Highlands–Wimmera, which has unemployment of over 10 per cent; and north-western Melbourne which has an unemployment rate of almost 14 per cent. Victoria's unemployment rate is 6.6 per cent, and the government is committed to addressing those areas where unemployment hits hardest.

For the first time, the government is also providing assistance to long-term unemployed people who are not eligible for commonwealth assistance. They will have access to the CBE 2000 program and will receive additional assistance in training and through placement services.

I am pleased to make this announcement today. This is a concrete commitment to Growing Victoria Together and to ensuring that economic growth in Victoria is shared across the state. The government will do this in partnership with all the different groups and sectors in Victoria, unlike the previous government which thought it had it all right but which got it so very wrong.

Tobacco growing

Mr STEGGALL (Swan Hill) — I refer the Minister for Agriculture to his government's push for litigation against tobacco companies and I ask: given that the tobacco-growing industry injects \$120 million each year into north-eastern Victoria, will the minister outline to the house his contingency plan for those farmers and communities if the tobacco-growing industry is lost to north-eastern Victoria?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington shall cease interjecting. The question has been asked, and the minister is about to answer it.

Mr HAMILTON (Minister for Agriculture) — I do not know whether I should answer this question in case of a pecuniary interest!

The Deputy Leader of the National Party has been got at by the Philip Morris company.

Honourable members interjecting.

Mr HAMILTON — It is most unfortunate that a member of the National Party would contribute to a scare campaign involving primary producers in the north-east, who are valued and important members of primary industry in Victoria.

The question is pre-emptive and irrelevant given that the statement made so far by the Attorney-General

involves a great deal of process to be worked through, including agreement with other states. Indeed, the question is far too precursory to warrant an answer, other than to say this very clearly: the government is obviously committed to the progress and the importance of all primary industry sectors in this state.

Forests: regional agreements

Mr MAXFIELD (Narracan) — I refer the Minister for Environment and Conservation to the regional forest agreements recently signed off for the Gippsland and western regions. Will the minister detail to the house the benefits of the agreements for the environment and for employment opportunities in regional Victoria?

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for his support of the regional forest agreement (RFA) and his acknowledgment of its importance for his electorate.

The RFAs were signed last Friday by the Premier and the Prime Minister and represent a significant achievement in balancing the need to protect the environment and jobs for rural and regional communities and families. This is a landmark decision for Victoria involving unprecedented consultation; more than 1400 submissions were made to the independent panels the government established.

Mr Perton interjected.

Ms GARBUTT — We can rely on the honourable member for Doncaster to be loud, angry, and wrong!

The agreements signed off on Friday have produced a 50 per cent increase in forest and conservation reserves in the western region and Gippsland — that is, about 450 000 extra hectares will be protected for future generations to enjoy. At the same time, no net job losses are expected from a reduction in timber harvesting.

Honourable members interjecting.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster should cease interjecting.

Ms GARBUTT — The honourable member is still not listening. The house should be aware of the \$63 million assistance package provided by the state and commonwealth governments. Two-thirds of that amount — \$44 million — is being provided by the Bracks government. The package will ensure that the

timber industry in Victoria remains viable and ecologically sustainable.

The contribution of members of the opposition during the process has been pathetic and negative. They went around scaremongering and talking up the loss of 500, 600 and 700 jobs. That worried communities, families and workers, and was quite unnecessary. They did that despite assurances in this house that the government was concerned about and committed to protecting rural and regional jobs and communities. The Bracks government gave that assurance — the opposition would not listen and went out and fuelled the speculation, and it was totally wrong.

Finally, when the agreements were signed off Mr Peter McGauran, a member of the federal Parliament, not only claimed credit for the outcome but released it early! Quite clearly he did not agree with the state opposition — it is on its own! Even the Prime Minister supports the agreements!

It should be noted that the Bracks government was responsible for the extensive public consultation process, and the government listened to what was said. The shadow minister said he was confused and the public was confused about the consultation process. No-one was confused except the shadow minister!

The SPEAKER — Order! The minister should cease debating the question and come back to answering it.

Ms GARBUTT — It is important to understand the package: \$42.6 million is for improving industry efficiency and making adjustments, and in the coming few weeks and months the government will be making announcements about those adjustments and grants. The Bracks government is providing \$20 million to create jobs and improve forest management. It expects 140 jobs or more to be created in forest and forest-related activities, tourism and regional development. At the same time, private sector investment is also expected to produce 400 jobs statewide.

There are significant environmental gains and additions to three state parks and four national parks, including the Morwell National Park, Tarra Bulga National Park, Lerderderg National Park, Mount Arapiles–Tooran State Park and so on. Five new nature reserves will be established.

At the same time there will be certainty in the timber industry for harvesting. While the government has managed to restrict the timber yield loss to industry by

only 6 per cent, it has added 36 per cent overall to Victoria's forest reserves. It is an excellent outcome.

Over the next 12 months the government is committed to taking further some of the other issues that were raised, including a review of royalties and grading of sawlogs from our state forests.

Mr Mulder — What about the Otways?

Ms GARBUTT — I wondered where you were!

I want to mention some particular initiatives: \$750 000 will be made available for studies in the Otways.

Mr Perton — On a point of order, Mr Speaker, your guidelines in relation to questions without notice indicate that a minister should answer a question succinctly. The minister has already gone beyond the normal time limit. She should make a ministerial statement and allow the RFAs to be debated in the house rather than abuse question time.

The SPEAKER — Order! I do not uphold the point of order. However, I remind the house of the guidelines I issued on the first day of the sessional period — that is, questions and answers must be succinct. The minister has now been speaking for 6 minutes, going into the seventh. I ask her to conclude her answer.

Ms GARBUTT — Thank you, Mr Speaker. I thought the shadow minister might be interested in the protection of endangered species, but he is one of them so it is obviously a sore point.

The SPEAKER — Order! The minister will conclude her answer.

Ms GARBUTT — I mention, particularly for the benefit of the honourable member who was interjecting, the \$750 000 to fund studies in the Otways, at Daylesford and in East Gippsland to identify appropriate themes and attractions for future growth in tourist numbers. It is early days but people should accept the decision. All viewpoints were heard in the consultation process — all involved put their views on the table — and have influenced the outcome. Violence is absolutely condemned. It is not a way forward and does not resolve anything. A clear understanding is needed of what the agreements will deliver both for the environment and for jobs.

Ambulance services: MICAs

Mr DOYLE (Malvern) — I ask the Minister for Health how many additional mobile intensive care

ambulances have been added to the service by the government.

Mr THWAITES (Minister for Health) — I thank the honourable member for Malvern for his question and his sudden interest in increased ambulance services, because when he was responsible he did nothing but slash the service, just as he made cuts to the whole health system. In a novel occurrence, last week the honourable member admitted that the Kennett government had cut too far in health. He said, ‘We cut too far too fast’. It is not often in politics that the other side confesses in writing, but that is exactly what he did.

The government is committed to improving the whole of the Victorian ambulance service. However, its first priority is in regional areas because members of the former government slashed country ambulance services and cut out country people while increasing funding for the city ambulance service. All that money went down the drain — it went to contracts, lawyers and consultants. The previous government wasted tens of millions of dollars, which is why its members now have to face a royal commission. The honourable member for Malvern was responsible for the failings in the Metropolitan Ambulance Service and the fact that people were waiting far too long for ambulances, not just in the city but right around Victoria.

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the issue. His comments are not relevant to the question. I ask you to bring him back to the question and have him answer it.

The SPEAKER — Order! I uphold that part of the point of order that refers to the minister coming back to answering the question, which was narrow. It referred to increases in mobile intensive care ambulance services. I ask the minister to answer the question.

Mr THWAITES — Mr Speaker, the government is implementing its policy, which was clear — that is, to get rid of the cheap mobile intensive care ambulance (MICA) system the previous government was introducing. It involved paramedic response units, which is a cheap way of having a MICA service. This government is introducing a proper MICA system throughout the ambulance service, in which MICAs will be manned by two fully qualified ambulance officers right throughout the ambulance service. In total contradistinction to what occurred under the previous government, which simply wasted money on Intergraph, consultancies and lawyers, this government is putting money where it counts.

Preschools: funding

Mr CARLI (Coburg) — I refer the Minister for Community Services to the decline under the former coalition government in the participation by children from low-income families in preschool. Will the minister detail to the house the impact on preschool participation rates this year of the government’s preschool subsidy to low-income families?

Ms CAMPBELL (Minister for Community Services) — It is with immense pleasure that I announce today the latest statistics for participation rates of four-year-olds in Victoria’s preschools. As a result of the Bracks government’s \$14 million commitment to preschools and the teamwork by the Department of Human Services, local government and preschools, preschool enrolments in the state have surged to 95.4 per cent, up from 91.8 per cent last year.

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington has been warned a number of times. I shall not warn him again. The honourable member for Bentleigh will also cease interjecting.

Ms CAMPBELL — In case honourable members did not hear, I will repeat the figures. This year 95.4 per cent of preschoolers are enrolled in preschools; last year a miserable 91.8 per cent were enrolled — a 3.8 per cent increase. The government has been able to do in four months what the Kennett government could not do in seven years. Since 1992 preschool attendances have been in the area of 87.9 per cent to 91.8 per cent and in only one year during the time in office of the Kennett government did they reach 93 per cent. The Bracks government has halted the decline in preschool participation, and has arrested the recent alarming decline in the number of children of health care cardholders attending preschool. Under the Kennett government there was an era of rising fees, which precluded many families from sending their children to preschool.

The best result occurred in the northern region of Melbourne, where the honourable member for Coburg is a strong representative of his constituents. The participation rate there is now 97 per cent, up from a low 89.9 per cent. Parents in places such as Whittlesea, Craigieburn and Sunbury can now afford to send their children to preschool. The government is continuing

with its Preschool for Everyone campaign. It is also running a community awareness campaign involving the use of ethnic brochures and posters. It will continue to work to increase the participation rate. I congratulate everybody involved in the team that made the result achievable.

FYROM

Mrs SHARDEY (Caulfield) — I refer the Premier, who is also the Minister for Multicultural Affairs, to a letter addressed to him by the Labor member for Keilor, Mr George Seitz, on the Greek–Macedonian issue. It states:

In terms of electoral impact on the party, I believe that the negative impact in the Anglo–Saxon community of this issue being raised far outweighs the positive impact in the Greek community, particularly in marginal seats ...

Will all decisions on sensitive multicultural affairs issues be treated by Labor members as issues for political gain?

Mr BRACKS (Minister for Multicultural Affairs) — This case, which is ongoing, is subject to a High Court determination. The government is awaiting a decision in the case, which refers to the naming of a nationality by the former Premier. The government is continuing with the High Court case about the distinction and will accept and abide by the decision of the court.

Nursing homes: privatisation

Ms BARKER (Oakleigh) — I refer the Minister for Aged Care to concerns about care standards in certain Victorian nursing homes and to the former coalition government's arrangements with private nursing home operators when public sector nursing homes were privatised. Will the minister tell the house whether the government will continue with the privatisation program?

Ms PIKE (Minister for Aged Care) — During stages 1 and 2 of the privatisation program the former government privatised 485 public sector nursing home beds and planned to privatise another 3000 nursing home and hostel beds. The impact of privatisation on the residents, their families and their local communities was not evaluated. However, before the election the former Kennett government was forging ahead with stage 3, which involved the privatisation of a further 700 beds. The short list had been determined, but the former government decided not to reveal that list until after the election.

The previous government also fought against the release under freedom of information of the state's top-up funding arrangements for stages 1 and 2. Those arrangements bound Victorian taxpayers to paying \$1.7 million a year over the next 10 years to private nursing home operators — that is, \$17 million of taxpayers' money.

Three hundred and eighty-five beds were made available under stage 2, and Victorian nursing home operators, together with some interstate operators, registered their interest in obtaining them. It was a good deal because nursing home bed licences carry a commercial value conservatively estimated at — —

Mr McArthur — On a point of order, Mr Speaker, the minister appears to be reading from an extensively typed document. Will the document be made available to honourable members?

The SPEAKER — Order! Is the minister quoting from a document?

Ms PIKE — I am referring to notes, Mr Speaker.

The SPEAKER — Order! The minister is referring to notes. There is no point of order.

Ms PIKE — It was a good deal for private nursing home operators. The commercial value is conservatively estimated at \$25 000, with the former government offering top-up dollars year after year. Of the 385 available beds under stage 2, 76 per cent were offered to the Moran Health Care Group. The Moran family is Australia's richest provider of aged care services. Prior to stage 2 the Moran group had no beds in Victoria, but the former government opened the state's arms wide to welcome it. The \$200-million-a-year company chairman, Doug Moran, who has a long history of making nursing homes profitable, had an involvement with the Liberal Party.

Honourable members interjecting.

Ms PIKE — His involvement continued until 1998, when he resigned after referring to nursing home residents as bludgers and the Prime Minister as a wimp for watering down plans — —

Mr Hulls interjected.

Ms PIKE — Because of the former government's privatisation policies, five Victorian nursing homes are now operated by the Moran companies. I advise honourable members that Victorian taxpayers were contracted by the former government to pay top-up funding to the Moran family of \$1 million a year for its

295 nursing home beds. That funding could have provided thousands of additional extra meals, more home care — —

The SPEAKER — Order! The minister should cease debating the question and return to her answer.

Ms PIKE — It is no wonder that after receiving the top-up funding, evidence of which I will table today, including the contract the former government tried to hide, the Moran family lined up for stage 3 of privatisation. At the time of the planned privatisation the Moran group — —

Mr McArthur — On a point of order, Mr Speaker, although I accept your earlier assurance the standing orders require that no member may make a set speech or read from a prepared text.

The SPEAKER — Order! I am aware of the standing orders that no honourable member shall read his or her speech. However, I have paid close attention to the minister. Occasionally she has referred to her notes but in no way can she be deemed to have been reading her speech. There is no point of order.

Ms PIKE — The previous government's own process stated clearly that during privatisation none of the homes that were to be short listed could be homes about which there was serious concern under accreditation processes of the commonwealth government. Although one of its homes in Victoria had received a very serious rating the Moran family was short-listed for 400 beds, and that information was withheld from the public. If that had proceeded, on top of the \$1 million it had already received the Moran family would have received an extra \$1.07 million every year for 10 years from the Victorian public purse.

I am pleased to confirm — —

The SPEAKER — Order! The minister has been responding to the question for almost 9 minutes. Even allowing for two points of order and the time taken to deal with them, the minister is not being succinct. I ask her to conclude her answer.

Ms PIKE — The Bracks government has determined that it will discontinue the failed privatisation process of the previous government and will inject \$47.5 million to bring the very homes the previous government intended to privatise up to the appropriate standard, for the sake of the Victorian community.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates

Mr LONEY (Geelong North) presented report on 1999–2000 budget estimates, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Ms GILLETT (Werribee) presented *Alert Digest No. 4 of 2000* on:

Administration and Probate (Dust Diseases) Bill
Crimes at Sea Act 1999
Education Acts (Amendment) Bill
First Home Owner Grant Bill
Gambling Legislation (Responsible Gambling) Bill
Road Safety (Amendment) Bill
Trade Measurement (Amendment) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by the Strathbogie Shire Council

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code:

Amendment No. 2 to the Standard for the Uniform Scheduling of Drugs and Poisons No. 14

Notice regarding the amendment, commencement and availability of the Poisons Code

Financial Management Act 1994 — Report from the Minister for Multicultural Affairs that he had received the 1998–99 Annual Report of the Victorian Interpreting and Translating Service

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N–1 (*Government Gazette No. G12, 23 March 2000*)

Judicial Remuneration Tribunal — Report on Judicial Salaries and Allowances, 23 February 2000 and statement of reasons from the Attorney-General for accepting certain recommendations contained in the Report

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

- Casey Planning Scheme — No. C2
- Greater Dandenong Planning Scheme — No. C8
- Greater Geelong Planning Scheme — No. R253
- Melton Planning Scheme — No. C7
- Moonee Valley City Council Planning Scheme — No. C5
- Morning Peninsula Planning Scheme — No. C6 (Part 1)
- Port Phillip Planning Scheme — No. C18
- Stonnington Planning Scheme — Nos L38, L72, L98
- Wyndham Planning Scheme — No. C7
- Yarra Ranges Planning Scheme — Nos L110, L125

Statutory Rules under the following Acts:

- Conservation, Forests and Land Act 1987 — SR No. 14
- Fisheries Act 1995 — SR Nos 15, 20
- Magistrates' Court Act 1989 — SR No. 22
- Subordinate Legislation Act 1994 — SR Nos 16, 17, 18, 19, 21

Subordinate Legislation Act 1994:

- Ministers' exception certificates in relation to Statutory Rule Nos 16, 17, 18, 19, 20, 21, 22
- Minister's exemption certificate in relation to Statutory Rule No. 14

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No. 2/2000.

The following proclamation fixing the operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Police Regulation (Amendment) Act 1999 — The whole Act (other than s 7) on 2 April 2000 (Gazette G13, 30 March 2000).

ROYAL ASSENT

Message read advising royal assent to:

- Courts and Tribunals Legislation (Amendment) Bill**
- Domestic Building Contracts (Amendment) Bill**
- Hire-Purchase (Amendment) Bill**
- Melbourne City Link (Amendment) Bill**

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 6 April 2000:

- Education Acts (Amendment) Bill
- Administration and Probate (Dust Diseases) Bill
- Road Safety (Amendment) Bill
- Trade Measurement (Amendment) Bill
- Gambling Legislation (Responsible Gambling) Bill

Motion agreed to.

MEMBERS STATEMENTS

ALP: affirmative action quota

Ms BURKE (Pahran) — I direct the attention of the Minister for Women's Affairs to comments made by a federal Labor colleague of hers, Senator Nick Bolkus. In the Adelaide *Advertiser* of 27 March he made a scathing attack on the suggestion of a former Victorian Premier, the Honourable Joan Kirner, that the national executive of the Labor Party intervene in preselections to achieve the 35 per cent quota for female candidates in winnable seats by the year 2002. Senator Bolkus states:

We will get there without the blessing of Mother Superior. The last time Joan was in any position of influence or power, it took the party eight years to recover. We will exceed our state target without Joan Kirner's advice and we will meet the federal target without her vote.

I hope the minister repudiates the offensive comments of Senator Bolkus. His lack of understanding of the issues facing women is obvious. I personally condemn the quota system, because I believe you do not get good candidates by — —

The SPEAKER — Order! The honourable member's time has expired.

Jennie George

Ms BEATTIE (Tullamarine) — I pay tribute to the outgoing president of the Australian Council of Trade Unions, Jennie George. Jennie's commitment to the labour movement and to the issues of social justice, equity and fairness, are a great example to us all. Who would forget the sight of Jennie, arms linked with other

concerned citizens, standing firm against Reith's assault on working men and women who chose to belong to a union.

However, it is Jennie's unfailing commitment to the rights of women and indigenous Australians that will be her legacy. Honourable members should compare that commitment to the mean-minded, mean-spirited statements regarding the stolen generation made by the Prime Minister. At Jennie's tribute dinner, Patrick Dodson spoke of her care, compassion, understanding and determination in putting indigenous issues firmly on the map. Thank you, Jennie George. Shame on you, Prime Minister.

ALP: local representation

Mr DIXON (Dromana) — I raise an issue at the request of one of the Labor Party branches in my electorate, which on many occasions has written to the Premier and the Minister for Environment and Conservation. The branch has complained to me that it has received absolutely no reply from the minister and the Premier; in fact, there has been no acknowledgment at all to letters that the branch has sent. The branch asked me to bring this to the attention of the Premier and the minister because of my reputation as a local member who represents all his constituents. I am delighted that I was asked to do this and not the nearest local Labor member, the honourable member for Frankston East, who is also a constituent of mine.

I should not be surprised about the fact that I have been asked to raise this matter because I have been following up a number of pieces of correspondence from December last year to government ministers, and on three occasions the complete files have been lost. I totally sympathise with members of the local Labor Party branch. I am doing my duty now in representing them.

Navan Park adventure playground

Mr NARDELLA (Melton) — I congratulate the Melton community on building the first stage of the adventure playground at Navan Park. I especially congratulate the members of the adventure playground committee of management for the hard work, dedication and long hours they have put in, and their total commitment over the two years of the project.

I particularly mention the following people: Ian Dempsey, the president; Sophie Ramsey, the vice president; Ros Glasson, the secretary; Maureen Pritchard, the treasurer; Anne and John Woof; Helen Pantallaresco, who organised all of the volunteers over

the weekend; Wendy Woods; Helena Medjumarac; Amy Gladman; Geoff and Dorothy Morris; Michael Rowan; Carlo Veliscek; Ray Radford; May Willis; David McKie; and Nib De Santis — and all of the other volunteers who have put in above and beyond the call of duty.

David McKie and I worked together on the site on the teen rager project, in the mud and the rain on Saturday. There was terrific community spirit, with about 250 other volunteers, for the four days of the project. It was fantastic to see the faces of all the children as they ran through the gates after the official opening. It is a credit to the community and a great asset, and I congratulate the Melton community for this fantastic achievement.

Growing Victoria Together

Ms McCALL (Frankston) — I refer the house to the Growing Victoria Together summit held last Thursday and Friday and the concerns expressed by members of my electorate — some of whom voted Labor and some of whom did not — that Frankston and the Mornington Peninsula region appeared not to have been represented at all.

I express concern that the great wine-growing area stretching south from Frankston to the electorate of my colleague the honourable member for Dromana was not represented. None of the vigneron were in attendance, and there was also a paucity of small business representation. There was also a noticeable lack of representation from the TAFE colleges, those wonderful colleges that the Minister for Post Compulsory Education, Training and Employment seems to talk about constantly. No school principals were present either. There were few representations from members of city councils, particularly bayside councils whose contribution to tourism is substantial.

It was of concern that 50 per cent of the summit's participants were Labor members of Parliament, ministers, and trade union representatives. Less than 50 per cent came from the rest of Victoria, including young people. With a title like Growing Victoria Together, it would seem to me strangely inappropriate that there were so few young Victorians represented at the summit as well.

Dartmouth Dam

Mr INGRAM (Gippsland East) — Today in the country edition of the *Herald Sun* a report entitled '\$3.4m payout deal over dam' states:

Farmers adversely affected by the Dartmouth Dam are a step closer to claiming \$3.4 million in compensation.

This morning when I contacted the Murray Darling Basin Commission, its representatives denied that those payments are a form of compensation for the negative effects that occurred as a result of the altered flows in the Mitta Mitta River below the dam. The commission, with no admission of liability, is offering a one-off payment to farmers for the purpose of restoring pre-dam farm pasture productivity. As part of the offer, participating farmers must sign a release against any legal claim relating to past or future effects of the normal operation of the Dartmouth Dam on pasture productivity.

This proposal sets an interesting precedent which extends well beyond rivers and surrounding farmland in the Murray Darling Basin — for example, areas in Gippsland are affected by the overuse of ground water from the Latrobe aquifer. Farmers have been unable to get ground water licences because of the drop in aquifer levels. They have consequently suffered losses in productivity, yet Esso has been pumping ground water from the aquifer at the rate of 95 000 megalitres a year, which is causing ground subsidence.

Another example of farmers suffering loss of productivity involves the Thomson River where water is being diverted to supply Melbourne from the Thomson Dam —

The SPEAKER — Order! The honourable member's time has expired.

Serbian community

Mr HOLDING (Springvale) — Multiculturalism is one of Australia's greatest strengths. It is something from which we all draw inspiration and pride. Enabling different cultures to live peacefully together is the cornerstone of successful multiculturalism. Often communities come to Australia from traumatic circumstances, having fled war and conflict in their homes. An example is the people of the many ethnicities of the former Yugoslavia.

I was saddened recently to learn of an attack on young Serbian boys that occurred while they were attending a Serbian language class at Dandenong High School. One boy was rushed to hospital as a result of the attack. Following the attack I spoke to leaders of the Serbian community and representatives from the Serbian Welfare Centre.

I wish to put on record my deep conviction that, like all Australians, people of Serbian descent want to make a

constructive and positive contribution to Australian life. Naturally, they wish to continue to celebrate their culture and to ensure that it is not lost to future generations. Like all communities they have a right to do so free of fear, racial vilification and persecution. Further, they have a right to participate fully in our community and not to be subjected to negative media stereotypes. I urge all communities to remain calm and live tolerantly together in this great country.

Waverley Park

Mr WELLS (Wantirna) — I refer to the Labor government's recommitment to save Waverley Park given in this house on Tuesday, 14 March. The Labor Party vowed during the 1999 election campaign that it would 'fight to keep and improve Waverley as an AFL venue' and 'demand that the ground be kept open'. That was part of its policy.

Following its election in September 1999 the government, particularly the Minister for Sport and Recreation, repeated that statement a number of times. Given that no official games have been played at the ground since the Ansett Cup match on 19 February, I ask the government to make clear where it stands on the issue.

The Minister for Finance said:

The Bracks government has done a great deal in a short time ... it will continue to work with the AFL ... has been successful in shifting the position held by the AFL ... and will continue working to ensure that Waverley remains open. It wants to see AFL matches restored to Waverley Park.

The Minister for Finance made that statement in this house on Tuesday, 14 March. I welcome the recommitment, if it is to be believed, and I ask on behalf of all football followers how the government will achieve that outcome and what time frame has been set.

Schools: Aldercourt and Karingal Park

Mr VINEY (Frankston East) — Last week I hosted the Minister for Education on an important visit to two schools in my electorate. Firstly we visited Aldercourt Primary School, where we were treated to several presentations by students at an assembly of the whole school. They were followed by the minister presenting leadership badges to the school and house captains.

We then visited Karingal Park Secondary College, where we attended a meeting of the school's Student Leadership Council. I wish to acknowledge the presentations made by the members of the council, specifically the college captains, Stewart Bryson, Helen

Smith and Steven Phillips, and the other representatives, Scott Bourne, Amanda Burrows, Jenny Bently, Zoe O'Brien, Steven Aarons, Jason Calvert and Claire Williams. Their presentations on local student, school and community issues were outstanding.

The school community and the teachers should be congratulated on their dedication to the task, particularly in view of the downgrading of our education system during the years of the Kennett government. The students were articulate and passionate. They demonstrated commitment and responsibility in their leadership roles in the school and the wider community.

Electricity: Yallourn dispute

Mr MAUGHAN (Rodney) — On 3 February electricity supplies were cut without warning for more than 2 hours, which caused not only great inconvenience to hundreds of thousands of Victorians but also financial loss to the many businesses dependent on electricity for powering refrigeration, pumps, fans and machines.

On the direction of the government Nemmo cut power and denied liability for any losses incurred. The government must look at compensating people who sustained financial loss as a direct consequence of the government failing to provide sufficient warning of the power cuts.

Ripon: petitions

Mr HELPER (Ripon) — I draw to the attention of the house two petitions that have been presented to me. Unfortunately, both of them are in a format that is not acceptable for tabling in the house.

One is from the Public Transport Users Association, seeking the return of passenger rail services to Maryborough. It bears 1450 signatures. The petition highlights the previous government's neglect of regional communities, particularly in transport. I am proud to be a member of a government that is taking a strategic approach to reverse that neglect. Passenger rail transport is an important issue for many people in my community, especially pensioners, students, families with one car, workers commuting to and from work, and tourists. It is vital to restore the best possible transport infrastructure for passengers in our communities. I have presented the petition directly to the Minister for Transport.

The second petition seeks to change the name of the Central Goldfields Shire to the Rural City of Maryborough. It bears 360 signatures. It is my duty to

present the petition to the Minister for Local Government, but I welcome this opportunity to put on the record my opposition to the sentiments put forward in the petition. My principal concern is that such a name change would send a message of isolation to the smaller outlying communities, such as Talbot and Dunolly. I take the opportunity of congratulating —

The SPEAKER — Order! The honourable member for Ripon's time has expired. The time for members statements has also expired.

VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL

Second reading

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

That this bill be now read a second time.

This bill recognises the key role of TAFE institute councils in the provision of training and further education. It also recognises the challenges and opportunities that face councils in a dynamic and ever-changing environment.

When there is the capacity for members of Parliament to become members of TAFE institute councils, there is always the risk that the councils may become forums for party politics. In the environment in which councils currently operate, this risk is simply not acceptable.

It is vital for councils to be able to engage in open and frank dialogue without concern that those discussions may become the subject of party political debate.

Accordingly, the government considers that it is inappropriate, as a matter of principle, for members to occupy positions on TAFE institute councils.

This bill will amend the Vocational Education and Training Act 1990 to make sitting members of the Parliament ineligible to hold office as members of TAFE institute councils and to remove from office as members of TAFE institute councils those members who are members of state Parliament.

The bill also makes other consequential and statute law revision amendments to the act.

Victoria's 14 TAFE institutes are governed by councils established by order of the Governor in Council. Council members, other than the institute director who is automatically a member, are appointed by the

minister, elected by staff and students of the institute or coopted by the council itself. There is no specific membership category for members of Parliament.

Currently, three members of Parliament are members of TAFE institute councils.

I commend the bill to the house

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Tuesday, 18 April.

DISABILITY SERVICES (AMENDMENT) BILL

Second reading

Ms CAMPBELL (Minister for Community Services) — I move:

That this bill be now read a second time.

The Disability Services (Amendment) Bill expands the mandate for community visitors and implements the government's objectives and priorities for the delivery of services across disability types. It also removes two redundant references to 'aversive therapy' remaining in the Intellectually Disabled Persons' Services Act 1986.

Funding for non-government disability services is made available under both the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. Community visitors have not been able to access non-government services funded under the Disability Services Act 1991. This bill provides for the mandate of the community visitors to be extended to residential services for people with disabilities funded under the Disability Services Act 1991.

The legislative mandate for the community visitors' programs are currently set down in three pieces of legislation — the Intellectually Disabled Persons' Services Act 1986, the Mental Health Act 1986 and the Health Services Act 1988.

Community visitors programs were introduced by a Labor government in 1986 as part of a package of reforms to address the needs of people with disabilities. The programs are managed by the Office of the Public Advocate.

As a means of ensuring that the program was able to continue to effectively undertake its role in protecting the rights of people with a disability the Public Advocate requested a review of the community visitors

programs. An independent evaluation was completed in May 1998.

The evaluation report has now been released by this government.

The evaluation found that the community visitors programs provide impressive coverage of a wide number of services and offer safeguards and access for individual consumer's/resident's issues not available elsewhere in the system.

This bill mirrors, where appropriate, the provisions for community visitors in the Intellectually Disabled Persons' Services Act 1986. The bill does not duplicate the administrative or operational provisions, nor the appointment mechanisms for the community visitors program but relies upon those under the Intellectually Disabled Persons' Services Act 1986.

The functions of community visitors are to visit a residential service provider and inquire into:

the appropriateness and standard of facilities for the accommodation, physical wellbeing and welfare of residents;

the adequacy of opportunities and facilities for recreation, occupation, education, training or rehabilitation of residents;

whether services are being provided in accordance with the principles specified in schedule 2 of the act; and

any complaints from consumers/residents.

A residential service provider is a person or a body that receives funding under the Disability Services Act 1991 to provide residential services to persons with disabilities.

Schedule 2 of the act outlines the principles which are to be furthered with respect to persons with disabilities. These seven principles confirm that persons with disabilities are individuals who have the inherent right to respect for their human worth and dignity, and that persons with disabilities have the same basic human rights as other Australian citizens.

Provision is also made for a community visitor to visit a residential service provider with or without notice, or upon the direction of the Minister for Community Services. The bill also describes the powers of inspection for a community visitor on a visit to a residential service. The residential service provider is required to record the visits of a community visitor. If a

resident requests to see a community visitor, the community visitor may submit a report to the Secretary of the Department of Human Services making any recommendations considered appropriate.

This bill also removes the two remaining references to aversive therapy in the Intellectually Disabled Persons' Services Act 1986. The use of aversive therapy was discontinued in 1997 and the references to it in the act are redundant.

I commend the bill to the house.

Debate adjourned on motion of Mrs ELLIOTT (Mooroolbark).

Debate adjourned until Tuesday, 18 April.

WITNESS PROTECTION (AMENDMENT) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

This bill makes three main amendments. It will:

ensure that police commissioners — and designated law enforcement agencies — in other Australian jurisdictions can apply for and obtain Victorian identity documents for witnesses in their respective witness protection programs;

ensure that the right to marry, as outlined in the commonwealth Marriage Act 1961, is not contravened by the Witness Protection Act 1991 (Vic); and

address the issue of extraterritorial offences as it affects the witness protection program run by Victoria Police.

The Witness Protection Act 1991 is part of a national complementary legislative scheme. It was amended in 1996, following agreement between Australia's police ministers, to enable police commissioners to obtain new identities for protected witnesses in other jurisdictions. Unfortunately, the 1996 amendments did not achieve that aim for technical reasons. The first proposed main amendment will address that shortcoming and make good on Victoria's commitment to the national scheme.

The second main amendment relates to a current provision in the act which makes it an offence for a

protected witness to marry without providing the chief commissioner certain information. For example, if the witness was previously married, the witness must provide evidence that their previous spouse has died or their marriage been dissolved.

The current provision is designed to guard against the Victorian witness protection program being abused by assisting witnesses to enter into bigamous relationships. The amendment rewords the provision so that it does not contravene the commonwealth Marriage Act by purporting to not entitle someone to marry in certain circumstances but retains the obligation on the participant to provide relevant information on their marital status which the chief commissioner may then certify to a registrar.

The third proposed change concerns two offence provisions — one relates to disclosing information about the identity or location of a protected witness and the other to revealing information about the program itself or the police officers who run it. These provisions only apply to offences committed in Victoria. However, protected witnesses are frequently moved interstate. The revelation of a Victorian witness's identity or any program details in other jurisdictions is not currently an offence.

However, such a disclosure can still jeopardise the safety of the witness or the program itself. Consequently, it is proposed to give these offence provisions extraterritorial application — in other words, to make it an offence against Victorian law to make such a disclosure regardless of where the disclosure occurs. Where the offence occurs in another jurisdiction, the local police will be able to arrest the offender and Victoria Police arrange for their return to Victoria to face the courts.

I now wish to make a statement under section 85 of the Constitution Act 1975 as to the reasons for altering or varying the operation of that section. Clause 19 of the bill substitutes a new section in the principal act, which states that it is the intention of section 12(3), as it applies to persons specified in section 12(1) as amended by clause 13 of the bill, to alter or vary section 85 of the Constitution Act 1975.

Clause 13 of the bill amends section 12(1) to include an officer of an approved authority as a person to whom section 12 applies. Therefore, the effect of clause 13 of the bill is to extend the immunity in section 12(3) to officers of approved authorities.

The reason for this extension of immunity is to protect the officers of an approved authority in the performance

of their duties and maintain the integrity of information held under the witness protection program.

The bill will enhance the operation of the witness protection program in this state.

I commend the bill to the house.

Debate adjourned on motion of Mr RYAN (Gippsland South).

Debate adjourned until Tuesday, 18 April.

GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL

Independent amendments circulated by Ms DAVIES (Gippsland West) and Mr SAVAGE (Mildura) pursuant to sessional orders.

Second reading

Debate resumed from 2 March; motion of Mr PANDAZOPOULOS (Minister for Gaming).

The SPEAKER — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr KILGOUR (Shepparton) — The opposition does not oppose the bill, though it will not provide a quick fix to all gambling problems as some honourable members of the government have suggested. It is necessary to support a bill that will do what it can to solve problem gambling.

The bill provides a feelgood effect. It does not address the underlying problems of gambling. Members of the opposition will be considering some issues such as the retrospective effect in the process of applying for licences and — a matter to be wary of — the fact that for the first time politicians are given an opportunity to influence the location of gambling machines.

In the 1990s after the legislation was passed to provide for casinos and gambling machines in Victoria the gambling phenomenon hit the state. A major change took place in society. After consideration of the number of machines in New South Wales — substantially more than in Victoria — the Labor Party government of the day moved initially to provide 40 000 to 50 000 machines for both casinos and gaming clubs.

A number of reasons were given for Victoria going into the provision of gambling as New South Wales had done. It was never more evident than in the city of Shepparton where, each morning, up to a dozen

busloads of people from Melbourne travelled to clubs in Tocumwal, Barooga and Echuca and to other areas in New South Wales. Gambling establishments across the river were paying for the buses and providing free meals to people from Melbourne and places throughout the southern parts of Victoria to persuade them to cross the Murray River and enter the state that had allowed gambling for many years.

That was one noticeable difference soon after gambling machines were allowed in country Victoria — there were no more buses passing through towns going to New South Wales. Gambling has always been available and Australia is well known as a nation of gamblers, with horseracing, harness racing and greyhound racing, bingo at local halls and two-up on Anzac Day.

To ensure that gaming was carried out under the best possible conditions the Victorian Casino and Gambling Authority was established to regulate pubs and clubs; the location of gaming machines — whether in the country or the city; and the fifty-fifty split for clubs and pubs. Today many would argue about whether the split was correct and whether gaming machines should have gone either all into hotels or all into clubs — certainly the clubs would argue the latter. They would argue also about the split between country and city which allowed 80 per cent of machines to go into gambling establishments in the city and 20 per cent to those in country areas.

At the time the government appointed Tattersalls and Tabcorp to be the providers of the machines, which changed the face of community life. Major changes have taken place in some clubs because of the amount of building and activity around them. Some organisations in Victoria have benefited from the gambling dollar that has come from machines into the Community Support Fund.

The sad result of gambling is the problem gambler. Although the percentage of problem gamblers is small, they cause massive heartache to families and to the community in which they live because of their need to gamble at every opportunity. The bill goes some way toward addressing the issue, but whether a result will be seen in three to five years of the legislation being enacted remains to be seen.

The report by the federal government advisory body found that Australians are the heaviest gamblers in the world: they spend at least twice as much per head on gambling as people in Europe and North America. Last year Australians spent \$7 billion on gambling — twice as much as they did a decade ago. That is easy to understand considering the increased availability of

gambling with the introduction of casinos and gaming establishments.

More than 80 per cent of Australians gamble, half of them at least once a week; and 2.3 per cent of the adult population are problem gamblers who each spend about \$12 000 a year — about the cost of an average home mortgage repayment.

The gambling boom has huge social costs. The report states that for every problem gambler at least five other people are affected. It is disappointing to see the effects of problem gambling in our community, and I commend the government for introducing legislation that at least tries to address some of the problems in that area.

The purposes of the bill are to restrict the number of gaming machines at the Melbourne casino; provide for the determination of maximum numbers of gaming machines in regions of the state, and I shall talk further about the regions and how they will be selected; provide for restrictions on 24-hour gaming; provide for the views of a municipal council to be taken into account; provide for the establishment of a Gambling Research Panel; provide for players of gaming machines to be given information relevant to gaming and gaming machines; and provide for the regulation of advertising in relation to gambling.

The bill amends two acts — namely, the Casino Control Act of 1991, which was introduced to set up the casino, and the Gaming Machine Control Act of 1991 which was introduced to regulate the use of poker machines. This enabling legislation will allow regulations to be made after further consultation with the community.

The government has issued a consultation paper on responsible gaming and the minister will introduce new regulations covering gambling advertising. One statement at the back of the paper is not exactly correct — the glossary on the second-back page says:

The gaming operators enter into agreements to lease gaming machines to gaming venues.

The machines are not actually leased; the operators own the machines and place them in gaming venues and can remove those machines if they believe clubs are not providing the appropriate amount of revenue.

The bill provides that the Melbourne casino must not have more than 2500 gaming machines. It is interesting to note that one objective of the Victorian Casino and Gaming Authority is to foster responsible gambling at casinos in order to minimise the harm caused by

problem gambling and accommodate those who gamble without harming themselves or others. That replaces the objective of promoting tourism, employment and economic development generally in the state, which was part of the original 1991 Labor government legislation. I would have thought there was still an opportunity to promote tourism and economic development through the use of gaming machines.

It is interesting that the bill is being introduced to try to alleviate some of the problems associated with gambling at the same time as the Minister for Racing is promoting racing as a family sport and encouraging young people to go to the races and bet on horses.

One interesting provision of the bill deals with regional limits and the power of the minister to declare areas within the state as regions. According to the definitions clause, 'regional limit' means the maximum permissible number of gaming machines available for gaming in a region of the state determined and in force under proposed section 12AA. I see some problems with that provision in the case of border towns where, say, machines are taken away from a border town in Victoria and people will go across the border to another state to continue gambling. The bill provides that the minister may determine the regions, which means that for the first time a politician will determine where the machines will go. In the past the providers have made the decisions about where machines are placed.

The Victorian Casino and Gaming Authority is required to impose maximum machine numbers in each region under a statewide cap, and the minister can specify the criteria for the regional limit. I will be interested to see how the regional limits will be effected across the state. The minister may change the operation of machines within a region. The most important aspect is how a region will be determined, because some organisations that are operating very well could be disadvantaged if the minister determines that the number of machines in their regions should be reduced. I understand it is up to the minister as to how the regions will be determined, and I ask whether that will be fair.

As I said, this is the first time a politician will have the right to be involved in the process of allocating machines. I do not necessarily think that is the way to go, and it will be interesting to see how it turns out. One might ask whether the provision could open the door to bias and political interference. The opposition will certainly follow that with interest.

Another issue is the involvement of local government in determining whether new or additional machines should be allowed into a particular area. If an

amendment to a licence is proposed by an approved venue to increase the number of gaming machines permitted the venue operator must send to the municipal council of the district in which the approved venue is located a copy of the proposed amendment within 14 days after the proposal is made. Within 28 days of receiving a copy of the proposed amendment the municipal council may make a submission to the authority. That raises a few problems in some areas.

Some people who sit on local councils are involved in gaming — that is, they own gaming establishments or have substantial financial arrangements with hotels and so on. Major issues could be raised within a council where someone with an interest in a gaming venue could suggest to the council that somebody else should not be allowed to increase the number of machines in his or her venue. Once again, there is an opportunity for the local politician, as a member of the council, to have a say in whether an application is successful.

Consideration must also be given to a retrospective issue regarding applications under the present law. Are applicants able to resubmit their applications after the new laws are introduced if they are not successful under the current law? I ask the minister to advise the house whether that is the intention.

Another issue concerning many clubs is the impact of a reduction in machines. Some clubs are losing machines because the providers — Tabcorp and Tattersalls — are taking them away.

The government is hoping that reducing the number of hours clubs can remain open will reduce the incidence of problem gambling not at the casino but in gambling venues around rural Victoria. Rural Victorians have the right to ask about a reduction of opening hours for clubs in the metropolitan area. The reason given for not reducing the hours is that the opening hours of the casino are not being reduced, so the loss of 4 hours for gambling venues in the metropolitan area would be detrimental to them. One could ask why the casino should not lose 4 hours as well? I understand that the Victorian Casino and Gaming Authority is empowered to alter the casino's operational situation, and it could stay open for fewer hours than it does now. Country venues will have the opportunity to nominate the 4 hours for which they will close, so that after 20 hours of operation they will have to close for 4 hours before reopening. For the reduction in opening hours to be fair dinkum, country Victorians believe it should apply right across the state in the casino and metropolitan gambling operations as well.

Regional country centres such as Geelong, Bendigo, Ballarat and Shepparton have three or four major gambling establishments, and those centres will probably get together and stagger their hours of operation so that at least one gambling operation will be open at any one time within the towns. For example, if there are four gambling venues and each has to close for 4 hours, one will close at 5.00 a.m., one will close at 6.00 a.m., one will close at 7.00 a.m. and one will close at 8.00 a.m. They will close for 4 hours and then reopen, but there will be access to a gambling venue 24 hours a day in those areas. Country Victorians believe imposing country conditions on metropolitan venues would favour the casino, but they also believe the opening hours of all venues should be reduced. It does not seem to be a problem for country clubs as many of them close at 3.00 a.m. or 4.00 a.m. and do not open again until 9.00 a.m. or 10.00 a.m.

Where does the bill leave gambling venue operators in Geelong? They are concerned that, if they are required to close, people from Geelong might take their money to Melbourne to continue gambling. It is seen that there is a possibility of one in, all in rather than just saying that country venues will close for 4 hours. Operators will work together to ensure that 24-hour gambling remains an option.

Members of the opposition have consulted with representatives of clubs and hotels, and there is no doubt that the current duopoly causes problems for club owners. Tatts and Tabcorp own the machines and decide how they are allocated. The system remains irreconcilable with a regime of responsible service while the distribution of machines remains with two gaming operators. The comparative turnover criterion must be removed and the two operators must be stopped from shifting machines. Those are the sorts of issues representatives of clubs and hotels raised with us.

The clubs said they were being pressured by the two operators who provided the machines to achieve the best possible financial result and that machines that were not providing the expected turnover were simply taken away. Clubs obviously have to promote their businesses to bring people in to gamble or the providers will take away their gaming machines. It is not reconcilable for clubs on the one hand to be forced by providers to promote gambling so they can keep their machines and on the other hand to want to solve the problem of problem gambling. To solve the gambling problem it will be necessary to come to grips with the way the system works.

Operators can remove up to 25 per cent of the machines at any club, and according to the clubs they are

removing the 1 cent and 2 cent 'fun machines' that are not involved in problem gambling and taking them elsewhere. Many clubs that have spent big money have lost machines and have lost out. Clubs and other venues are expected to promote and advertise their businesses so people will come to gamble, which presents people with an opportunity to get into the gambling habit and can result in irresponsible gambling.

New South Wales has something like 100 000 gaming machines, yet based on figures I have seen Victoria, with only 27 500 machines, has a similar percentage of problem gamblers. It is not necessarily the case that if the number of machines is doubled the number of problem gamblers will also double.

The bill will establish a gambling research panel funded from the Community Support Fund. What is wrong with well-documented research undertaken by the current authority? Despite suggestions internationally that the research is of world standard because of the way it has been carried out the government is setting up a new panel — a public authority representing the Crown — to commission and monitor research into the various aspects of gambling. The new body's operation should be looked at closely to ensure it has an effect on gambling. I am sure down the track the minister will do that to determine whether it is doing what it is expected to do. The panel will look at the social and economic impact of gambling, the causes of problem gambling and strategies to minimise harm from gambling. That is an enormous job for any body to undertake and I suggest the government look at any recommendations that might help.

The government needs to come to grips with why people gamble. No doubt many people are bored with life and see it as a way of spending their lives. Unfortunately others get addicted and spend the entire family income on it. Although the government has been accused of causing people to gamble, it does not stand on the footpath and push people into gambling establishments. It is unfortunate that people choose to act in the way they do.

The bill provides for the new research panel to each year produce a research plan and provide a copy to the minister so that he or she will be kept up to date with its findings. I commend the government for ensuring that appropriate research will be undertaken.

The clubs, hotels, Tabcorp and others approached the opposition and made some interesting comments. The clubs said they supported the proposal for them to close for 4 hours after every 20 hours and would be happy to close for seven hours, preferably between 3.00 a.m. and

10 a.m. They were also concerned about pseudo clubs. These are operated by people who use sporting bodies as fronts but who are clearly backed by businesspeople who have invested a lot of money in the clubs because they want access to gambling dollars. The clubs believe the legislation will underpin this elite group of top sporting clubs financed by businesspeople.

The clubs said they were nervous about the regional caps but supported the state cap of 27 500 machines. They had trouble with the machine provider duopoly because they believed the providers worked together to make things hard for them. If one provider takes away their machines there is no-one else they can go to. The clubs would prefer to own their machines.

The clubs said they have problems determining who are problem gamblers. An example was given of a gambling establishment causing embarrassment by suggesting somebody it suspected of being a problem gambler should leave the premises only to find the person was worth millions of dollars. The person involved went somewhere else to gamble. Hoteliers will not necessarily ask problem gamblers to leave because if insufficient people gamble they could lose their machines. It is as clear as that. The problem is with the system and it needs to be looked at closely. I do not believe the legislation will sort out that problem.

Some government members suggested that the amount of Community Support Fund money spent in an area should be in proportion to the amount of gambling undertaken in that area. It would be sad to see Community Support Fund money denied to municipalities that are lucky enough to not have gambling establishments — and the municipalities would not be happy about it.

The government is fulfilling an election commitment by introducing what it sees as a way of alleviating problem gambling. However, the feel-good effect will not address the underlying causes of problem gambling. It is of concern that politicians at the state and local government levels are to be given the opportunity of influencing machine location. It will be interesting over the next couple of years as the legislation unfolds to see what happens in the gambling world.

I wish the government all the best with the passage of the bill. I hope the events I have commented on do not come to life and that problem gambling in Victoria will lessen.

Mr LENDERS (Dandenong North) — I support the Gambling Legislation (Responsible Gambling) Bill and commend the Minister for Gaming on its introduction

and his measured yet enthusiastic support for responsible gaming. Victoria has waited for legislation such as this for a long time.

Given the number of speakers who wish to contribute to the debate I will keep my remarks short. However, I must address some of the comments made by the honourable member for Shepparton. The Labor Party values him highly, which is why it gave its preferences to him at the last election and got him up ahead of the Independent Liberal candidate. However, I had hoped the Deputy Leader of the Opposition or a member of the opposition front bench would speak on the bill. It is a key Treasury and Finance matter for the state's revenue and gaming operations in suburban and regional areas.

I may have misheard the honourable member for Shepparton, but I thought he implied that venue operators in regional areas would collude to circumvent the legislation. If I heard him correctly I am sure he does not mean the venue operators in his electorate. I am sure that they, like most others, would not collude.

The Labor Party is not a party of wowsers: John Cain, Sr, first brought Tattersalls to Victoria. Two-up was probably played during the voyage of the First Fleet, so gambling has been about for a long time and plays a big part in the community. While not anti-gambling, the Labor Party is in favour of responsible gaming.

To digress, Mr Acting Speaker, the Josephite nuns who taught me at primary school would stop classes on Melbourne Cup Day so that everyone could listen to the broadcast. Sister Luke, who was a very staid nun and who is probably now with her maker, always had a flutter on the Melbourne Cup. Gambling forms part of the Anglo-Celtic culture, is a good thing for state revenue and in moderation is fantastic for entertainment and enjoyment.

However, a responsible society must not only enjoy the benefits of gambling and gaming but must also take responsibility for their regulation when they get out of hand. The bill applies regulatory brakes to ensure there is not too much of a good thing.

The major operators such as Tattersalls and Tabcorp have been around for a long time — the casino not so long — and are an integral part of the state. They contribute massively to state revenue and many philanthropic causes. However, as the former government found to its pain, the time has come to apply the brakes to the gaming industry.

The Mitcham by-election, which honourable members on this side remember with considerable joy, was a time when the Victorian community focused on gambling more than at any other time. The former government was forced to put a cap of 27 500 on the number of gaming machines. It was a time to reflect and a time to stop the rampant expansion of the industry, which was spinning out of control. The current New South Wales government has capped gaming machine numbers at 90 000, some two and a half times Victoria's rate per head of population.

I will comment on the two municipalities that form my wonderful electorate — that is, the cities of Greater Dandenong and Monash. Other than electing me to Parliament what do those electorates have in common?

Mr Mildenhall — Astute judgment.

Mr LENDERS — As my colleague the honourable member for Footscray says, they have astute judgment!

Unfortunately, those two municipalities stand out among all 78 Victorian municipalities as the two with the highest total net expenditure on gaming. In the past financial year the people in the City of Monash spent \$97 million on gambling and the figure in the City of Greater Dandenong was \$85 million. Those two municipalities are large. Another way of analysing the figures would be on the basis of spending per head of population. However, it is clearly a key issue and one on which both municipalities have strong views. I draw the attention of this well-packed chamber to the two aspects of the bill that are nearest and dearest to me.

Honourable members interjecting.

Mr LENDERS — Firstly, I refer to the greater say that is available for local councils. Consultation is a critical part of the operation of the Bracks Labor government. Honourable members on this side have been taunted by honourable members opposite about consulting too much. However, the minister has the balance right in the bill. Consultation with the community combined with dynamic action gets results, and the two can be done together. It is critical that councils have a greater say on local matters. If councils are not taken on board neither are communities. No matter how good a government or its elected members may be, they cannot know all the local issues unless they talk to the councils.

Under the legislation the Victorian Casino and Gaming Authority must consider the views of local councils when reviewing the placement of gaming machines in municipalities. It is the first opportunity local councils have had to make submissions based on social or

economic impacts. That is a critical factor, and for that reason alone I am proud to be a member of the Bracks Labor government.

The second area I wish to address is the responsibility for research. When one has a so-called can-do government such as that which existed in Victoria during the past seven years — one that charges through everything like a bull in a china shop — research is often scoffed at as a ploy to avoid making decisions.

As I mentioned earlier, gaming has been part of our Anglo-Celtic culture for a long time — the game of two-up was probably played by people on the First Fleet as they came down the plank — but if it gets out of control society has a responsibility to regulate it. That cannot be done if one is operating blind.

The legislation will broaden the scope of research currently conducted by the Victorian Casino and Gaming Authority (VCGA) to include harm minimisation strategies and measures to address the causes of problem gambling. The changes are long overdue. The previous government paid lip service to those issues, but unfortunately the previous Premier saw his role as the chief spruiker for gaming rather than a person responsible for the regulation of gaming. That is a critical difference government members have taken heed of, and it is hoped members opposite will also take heed of it in their newfound fervour not to oppose the legislation.

The bill also deals with a critical change in the role of the VCGA. It will no longer promote tourism and economic development because those functions are at odds with its regulatory function and would be better undertaken elsewhere.

In view of the limited time available and the large number of speakers who wish to contribute to this debate, I will wind up my remarks. I reiterate that my electorate covers two municipalities that have taken to gaming with enthusiasm and have recorded the highest rate of expenditure on gaming in the state. People in my electorate are not wowsers: they do not oppose gaming, but they support responsible gaming. That is something the previous government should have paid heed to during the seven long years it was in government. The role of government is to regulate activities such as gaming, not to spruik for them. The Labor Party will not oppose the amendments to be proposed by the Independents.

I commend my parliamentary colleague, the Minister for Gaming, on the bill, particularly because he is the

member for Dandenong and with me shares the responsibility of representing that great municipality.

Mr Mildenhall interjected.

Mr LENDERS — Yes, my neighbour John. We both have an affinity for the issues and challenges before us in that area. It is refreshing to see the interest in gaming focused on the suburbs of Melbourne and regional Victoria instead of solely on Southbank. I commend the bill to the house.

Mr COOPER (Mornington) — The bill seeks to enhance responsible gambling. In the second-reading speech the minister said the bill would secure a better balanced approach to gambling and better protect the community from its adverse effects.

Gambling is one of the three activities that are usually given the tag of 'vice'. As I have heard it expressed around here, if you want to get a good debate going you concentrate on gambling, booze or birds, as prostitution is often referred to. Together with prostitution and alcohol consumption, gambling is an issue that can usually generate a significant amount of interest in this place and result in impassioned debates. As this debate unfolds we will probably hear some fairly passionate contributions by members on both sides of the house.

I do not think anyone would quibble with the aims of the bill, particularly the two I referred to earlier from the second-reading speech. It is absolutely vital to have a balanced approach to gambling and to do everything possible to protect the minority in the community who cannot control themselves when gambling, particularly when using gaming machines. I suggest it would be a good educational experience for honourable members who have not done so to wander through the casino or any of the larger gaming establishments in hotels or clubs in Victoria or elsewhere because they will be able to easily recognise people who are prepared to put their last dollar down the throat of a gaming machine.

For someone of my generation it is interesting to recall when gaming machines were introduced in New South Wales in 1956. My wife came from Yarrowonga and I was often at the golf club across the river in Mulwala. The queues of people lined up and desperate to put their money down the throats of the machines presented quite a spectacle. Nothing much has changed because there are still problem gamblers in the community. Given the frailties of human nature those people will always exist regardless of what is done. However, it is necessary to try; something has to be done.

Although I said I do not quibble with the aims of the legislation, it is important, particularly in light of the

contribution by the honourable member for Dandenong North, to examine the rhetoric of Labor members today compared with what was said in 1991–92, when this house passed a bill to legalise gaming machines. At that time honourable members heard great rhetoric from Labor people, some of whom are still members of this house. For example, *Hansard* of 20 August 1991 contains the following contribution by the honourable member for Thomastown:

It is estimated that \$400 million is spent by Victorians on gambling in other states and one hopes that through the introduction of gaming machines in Victoria and their widespread distribution much of that money will be saved and will be spent in Victoria.

Many people enjoy going away to the country. We may find they will choose to go to Gippsland rather than to New South Wales and still be able to enjoy their usual form of gambling because gaming machines will be spread throughout country Victoria as well as the metropolitan area.

The honourable member went on to say — and this is an interesting part of the sentence:

... people who choose to spend some of their recreational time and money playing poker machines.

This aspect of gambling, as with most things in life, is one where people choose what they will do with their time and money. The person who made those comments, the honourable member for Thomastown, is now the Minister for Transport.

On the same day the honourable member for Morwell, now the Minister for Agriculture, is recorded in *Hansard* as having said:

Many senior citizens in my community are keen to see electronic gaming machines introduced so that they can play them at their local clubs. However, I wonder whether, once the machines are introduced, the glamour surrounding them will last very long. There will always be the excitement of heading off to New South Wales two or three times a year to spend a few dollars on the poker machines ...

Then he made the prophetic statement:

Once the machines are up and running I am sure the issue will not be as important as it seems at present.

He was wrong on that because the bill is here.

The honourable member for Keilor is recorded on the same day as having said:

Victorians have been looking over the New South Wales border with envy and have been looking forward to the introduction of poker machines in this state.

A former member for Wantirna, Mrs Carolyn Hirsh, when speaking on the supply bill, is recorded in *Hansard* of 28 April 1992 as having said:

The government has been innovative in its implementation of gaming machines. Elderly citizens in Knox are looking forward to the installation of gaming machines in the Knox Club and the Stamford Hotel. It is intended that machines using real money will be installed because most of the locals say that they like to hear the clink of coins. When the machines are installed it will not be necessary for people to take long bus trips to Mildura —

I am sure the honourable member for Mildura would not support that —

to spend the weekend playing gaming machines. They will be able to enjoy the recreation locally, which will mean more revenue for Victoria. It will also enhance the lifestyles of those people who live in the outer east, particularly those who live in Knox.

Mrs Hirsh went on to say:

... elderly citizens in the area I represent ... are excited about the prospect of gaming machines at the Knox Club and the Stamford Hotel. You do not have to worry about that for 1 minute.

So there was excitement around here and around the government of the day in 1991 and 1992. The front page of the *Herald Sun* of 1 December 1991 ran a story headed 'ALP to set up own pokie club':

The Victorian branch of the ALP plans to set up a fully licensed city club with poker machines for all Labor party and union members.

The Labor Party is anxious for the club to begin operating so it can establish itself in the looming war for Victorian poker-machine dollars and help cover the massive cost of federal and state election campaigns.

The *Australian* of 5 February 1992 in an article headed 'Rule change lets more play pokies' states:

The Victorian government will relax membership rules for licensed clubs to allow greater access to gaming machines.

...

The Minister for Consumer Affairs, Mr Theophanous —

who is still a member of Parliament —

said yesterday state cabinet had endorsed changes to membership criteria that would increase community access to gaming machines.

In a letter to the *Herald Sun* of 16 February 1992 the then Premier, Joan Kirner, states:

New employment opportunities will be created in the hospitality and service industries as hotels and clubs gear up for the introduction of the machines. As well, it will create opportunities for the building industry with the upgrading of existing club and hotel facilities and the creation of new facilities.

The *Herald Sun* of 16 July 1992 reports the then Premier, when launching poker machines at the Footscray Football Club, as saying:

As I pushed the card in, I hoped the wowser image of Victoria changed forever.

In 1993, after the Kennett government was elected, the new Premier issued an indefinite moratorium on the issuing of new gaming machine licences — and that was less than 12 months after their introduction in Victoria. Despite the fact that the honourable member for Dandenong North said the Kennett government had done nothing about the control of gaming machines in this state, less than 12 months after their introduction in Victoria on 29 June 1993, the *Age* reported that the Premier had issued an indefinite moratorium on new gaming machine licences. The story in the *Age* states:

The opposition spokesman on gaming, Mr Roper —

Mr Roper is currently an adviser to the Bracks government —

described the moratorium as ‘an absolutely stupid decision’ which would mean less tax revenue for Victorians and fewer benefits for the clubs which ran the gaming machines.

So when you compare the rhetoric of those times with the rhetoric of today, you see there certainly has been a lot happening on the road to Damascus for the Labor Party in Victoria.

But it has not flowed on to everybody! Although the Minister for Gaming — who introduced the bill with his fine rhetoric — says he wants to better protect the community from the adverse effects of gambling, the Minister for Aged Care is actively out there encouraging senior citizens in the state to gamble more at their local clubs.

I refer to one brochure with the minister’s photograph in it, showing the Honourable Bronwyn Pike during Senior Citizens Week. Part of the message from, Minister for Aged Care, states:

You will be treated like gold at Tatts Pokies.

The advertisement states that you can get:

... a limited edition gold-plated penny by filling in an application form and taking it to any Tatts Pokies venue.

The advertisement also states:

So with good old-fashioned entertainment, great food and friendly staff, wouldn’t you rather be with friends?

We all know who the friends are!

Mr Pandazopoulos — Make it clear that you’re reading out of an advertisement.

Mr COOPER — Yes, I am reading an advertisement from a booklet that has the imprimatur of the government in the form of a foreword by the Minister for Aged Care. If the minister does not want to support gaming, if she believes in what the government believes in, she would not have put her signature to the booklet. Those mixed messages will not help the cause being promoted by the government.

There was overwhelming praise of poker machines back in 1991–92, with speeches from members who are now government ministers applauding their introduction. We also read statements in the press in which the actions of the then Labor government were praised. We are now debating a bill which sets out to address an issue with an aim that I must say is laudable — but I fail to see how the government intends to take the human nature out of human beings. At the end of the day they will make the conscious decision to go out and spend their money the way they want to.

What has the government said is one of its major aims in addressing the issue? The major aim is to shut down poker machine operations in country Victoria for 4 hours a day. Therefore, we can expect the highways from Geelong, Bendigo and Ballarat will be clogged as problem gamblers hop into their cars and drive to Melbourne.

The government’s excuse for not biting the bullet and doing the same thing in Melbourne is that it would drive people into the casino. I do not accept that. The problem gambler will not go as far as the casino. He or she will go to Deer Park, Werribee or Dandenong, where the minister comes from — especially those coming up from Gippsland — to put their money into the machines for those 4 hours a day.

I hate to use the word ‘hypocrisy’, but I am afraid there is a fair bit of it in the legislation and in the minister’s speech — as the evidence shows. The government is simply trying to say to the community that it will do something.

This is a government that is a long on talk but short on action. In about 12 months it will be interesting to see whether problem gambling in Victoria has improved at all.

An honourable member interjected.

Mr COOPER — We know there are problem gamblers. You should have been listening. Obviously you have been sitting there with your ears closed.

We know there are problem gamblers out there. The bill is supposed to address that issue. In 12 months the proof of the pudding will be there. We will see whether there has been a significant reduction in problem gambling or whether the situation remains the same.

The opposition does not oppose the bill, but it believes the government should get on with doing what it says it will do. In 12 or 18 months the opposition will want to revisit the issue to see whether the government has achieved what it set out to do.

Ms BARKER (Oakleigh) — I will be a bit quieter during my contribution to the debate on the Gambling Legislation (Responsible Gambling) Bill.

The bill is important for two main reasons. The first is that the bill is in line with the election commitment given by the Bracks Labor government that it would further regulate the gaming industry to secure a better balance in the approach to gambling and to better protect the community from the adverse effects of gambling. Unlike the honourable member for Mornington, I believe the government will achieve that.

The bill sets out the minimum framework for a stronger regulatory environment in the industry. It is important to outline that framework, because the response to the bill by the people in my electorate has been overwhelming.

The bill will freeze the number of gaming machines at Crown Casino. That is extremely important. On a personal note, last year I went to Crown Casino for the first and only time. I took my mother, who was visiting from Tasmania and was desperate to see it. I was not at all impressed.

The bill will also impose regional caps on gaming machines. A number of people have asked me about my involvement in gaming — whether or not I gamble. My answer has always been that being in politics is a big enough involvement in gambling for me.

The bill also limits the number of 24-hour gaming venues and includes bans in regional Victoria. I note that that has been welcomed by many members on this side of the house who represent rural communities.

The bill will give local councils a say in the placement of gaming machines in their areas. It will also compel gaming operators, the casino operator, gaming venues, gaming venue operators and gaming machine

manufacturers to give meaningful information to players. That is a significant initiative.

The bill will also impose limits on advertising. I look forward to that because it is important to have reasoned and considered advertising on television. It is necessary to promote the industry, but people should not be given false impressions about how wonderful and glamorous gaming is.

The bill will set up an independent panel to oversee research into gambling matters, and it will strengthen the independence of the Victorian Casino and Gaming Authority.

The second important aspect of the bill fulfils the commitment given by the Bracks Labor government to consult with the community on the legislation it will put in place and the programs it will undertake while in office. Both as a candidate and as a local member I have unfortunately continually heard about the destruction that occurs in families and in the wider community as a result of excessive gambling. I will continue to talk to the community and help with those issues, but it is important that the community is not only given the opportunity to discuss the issues with me but is also able to participate with the government in the development of the legislation and further regulations.

As well as the introduction of the bill, figures have been released showing the amount of money lost on gaming machines in Victorian municipalities. Many people in my electorate and I welcome the release of the consultation paper 'Responsible gaming'. A local member may boast many times about his or her electorate, and so he or she should, but it was not a great day for me when I had to announce that the two council areas in the electorate of Oakleigh, which takes in only two municipalities — the City of Monash and the City of Glen Eira — were in the top 10 local government areas in which the most money was lost to gaming machines.

That was not an announcement I was pleased to make, although it is important to have the information on the public record and in the open. The increase in the figure for the City of Monash is most disturbing — from \$15.8 million in 1992–93 to \$97.3 million in 1998–99. In Glen Eira the figure for 1998–99 is \$70.4 million. That is a huge amount of money lost in gambling in two metropolitan council areas.

However, a large number of interested community members and organisations have given me their support and told me that they want to work with the Bracks government and the Minister for Gaming to discuss the

issues the government is putting forward, consider the legislation and work towards achieving a balanced approach. No-one has said it will be easy to come to terms with the issue or that we will resolve all the problems immediately, but people have certainly welcomed the partnership approach the Bracks Labor government has taken.

It was my pleasure to host what I believe was the first forum on the gaming industry to be held in Victoria. I congratulate the minister and his staff on the organisation of the forums. It was done on reasonably short notice, but the forum I hosted was held on Friday, 24 March, and the Minister for Gaming was present.

The minister and I were pleased by the attendance of a good cross-section of the community, operators, support groups and so on. People taking part in the forum included representatives of the operators of the Oakleigh Junction Hotel, the Foresters Arms, the Village Green and a number of other hotels in the area, the Oakleigh RSL and the Murrumbeena Park Bowls Club, which has only a few poker machines. A number of local churches were represented including the East Oakleigh Catholic parish, the Uniting Church, the Church of Christ and, I am pleased to report, the Coptic Orthodox Church, which was represented by Father Attala. There were also representatives from the Churches Taskforce Group, which has done considerable work on proposals for gaming in the Mount Waverley area.

The breadth of representation at the forum is indicative of the interest being shown in the local community. Members of both Monash and Glen Eira councils were present, and there was even a representative from a building firm that does renovations and refurbishments for venues such as clubs and was interested to know how proposed changes in the gaming industry would affect that industry. Members of the government recognise that the gaming industry provides employment not only in hotels and other venues but also in other areas such as the building industry.

There was strong representation from community agencies offering support services in the electorate, including Monash Oakleigh Citizens Information and Support Bureau and Breakeven Southern, which is funded from the Community Support Fund. John Schultz, who runs a referral service called Caresource, was also present. Caresource has been in operation since 1988 and is well known in the Oakleigh area — and probably throughout Victoria — for its impartial and non-judgmental advice and referral. John raised issues and provided figures at the forum, which he will also submit to the minister as part of the consultation

paper. Those figures show that of 259 telephone calls received by Caresource between 1 March and 23 March, 178 related to gaming problems. That is a significant number. Caresource does most of its work at night, although it is a 24-hour service.

John spoke of a family wanting to know where they could get assistance because they had no food left and no money to buy it. They could not even give their children lunch to take to school the following day. People often ring at 2 or 3 o'clock in the morning to ask for such assistance. The family John referred to was not able to allow its children to go on school outings. Other issues raised in calls include domestic violence and eviction due to unpaid rent.

I will keep my remarks short because a number of other members wish to speak on the bill. The forum presented me with a good overview of the community, its gaming operators, support groups and local councils. Tabcorp and Tattersalls were both represented as well. Everyone at the forum recognised that there are problems and that all of us are trying to work through them.

Comments on the consultation paper from members of the general community have been positive thus far. They say it is well set out, easy to read and easy to respond to. That is important. Since the forum I have received in my office representatives from the local hotel industry. I welcome that contact. The hotel operators, while expressing certain views — that is part of the process — still indicated to me that they welcomed the opportunity to consult and share in the consideration of how a new and evolving industry should develop.

The consultation paper is due on 15 April, and I will welcome the considered responses to it that I know I will receive. I look forward to the ongoing consultations. The residents of the Oakleigh electorate, myself included, have welcomed the opportunity to participate in the development of the legislation and look forward to the further work and consultation that will be undertaken. I also look forward to receipt of further funding needed in the Oakleigh electorate for resources to help people affected by problem gaming. I commend the bill to the house.

Mr THOMPSON (Sandringham) — I direct my remarks firstly to my electorate, secondly to the historical context of the bill, and thirdly to the operation of section 85 of the Constitution Act.

The Sandringham electorate has about eight venues that have had gaming machines during the past seven or

eight years, and the machines have been removed from four of them due to lack of patronage. It is unfortunate that that has not been the case in more regions of Melbourne.

The former Labor government endeavoured to tackle the problem of gaming by creating a balance of community, individual and organisational interests. The clubs in my electorate that offer gaming facilities include the Beaumaris Returned and Services League club, the Hampton RSL, the Sandringham Hotel, the Mentone RSL and a number of others. Through the upgrade of those premises entertainment and dining options have been made available in the electorate that were not previously available. Some families, nevertheless, have not enjoyed an improved lifestyle as a result of those upgrades.

Historically and during the past seven years a great deal of rhetoric has been heard in this chamber about the impact of gaming machines in individual electorates. That has not necessarily contributed to a bipartisan assessment of both the costs and the benefits.

When the gaming machine bill was introduced in 1991 Mr Walsh, a former member for Albert Park, was reported at page 48 of *Hansard* of 20 August as having said:

I wish I could have a couple of machines in front of my electorate office. It would improve my campaign next year considerably.

Those may well have been the sentiments of one of his former colleagues the honourable member for Keilor, with a varying range of fundraising endeavours. Nevertheless the bill was introduced with a considerable level of enthusiasm and great fanfare. On the same date the former member for Springvale is reported on page 32 of *Hansard* as having said:

The government arrives at a bill that has been properly examined; its provisions will enhance the social fabric of Victoria —

I repeat that —

will enhance the social fabric of Victoria ... Enhancing the social fabric of life in Victoria is important and, by establishing a gaming commission to oversee the introduction of gaming machines, we will ensure a socially responsible introduction of the machines ...

I might add that some amendments indicate that that objective was not fulfilled in the early days. It continues:

The overall introduction of gaming machines will bring many benefits and much social enhancement to Victoria. The

proceeds of gaming machines will be directed towards the Hospitals and Charities Fund and the Mental Hospitals Fund.

I have not calculated the level of resources or the recipients, but that was the objective announced by Mr Micallef, the former member for Springvale.

A former member for Doutta Galla Province in another place, in response to a question about whether the introduction of gaming machines would benefit Victoria, is reported as having said at page 627 of *Hansard* of 8 October 1991:

Victoria's home-grown gaming machine industry will do more than simply halt the export of some \$400 million of Victorian gaming dollars over the River Murray; it will do more than significantly enhance the services offered by our club and hotel industry — it will build a new manufacturing capability for this state.

He continued:

It is a new start for Victoria, providing contracts for local manufacturers and job training for Victorians. I am pleased to say that this is already taking place.

When the legislation was first proposed the former honourable member for Williamstown and Premier, Joan Kirner, noted that Victoria would have a gambling-led recovery. It was estimated that in the first eight weeks of gaming machines operating in Victoria, turnover topped \$100 million. The former member for Coburg, Tom Roper, is reported by the *Herald Sun* of 14 September 1991 as having said:

It's obviously a form of entertainment which Victorians have welcomed with open arms.

On 13 April 1991 a former Attorney-General, Jim Kennan, is quoted in the *Australian* as having said:

Our casino will be much larger than any other casino in Australia to cope with the demand.

On 1 November 1991 Rob Dixon reported in the *Age*:

Mr Kennan said the casino could be the largest of its kind in the world.

During the past seven years members on the other side of the house have lamented the impact of gaming machines on their electorates. On occasions one or two honourable members have gone through a ritual mantra without considering the original legislation in its historical context or without bearing in mind the words of the former member for Springvale that it was a well-considered bill, the social impact of which had been properly assessed.

In responding to the Gaming Machine Control Bill Mr White, a former member for Doutta Galla Province

in another place, is reported in *Hansard* of 18 September 1991 as having said:

If in a mature market there are to be 30 000 or 40 000 machines the issue of allocation is a sensitive and critical one. For those reasons the government decided that Totalisator Agency Board and Tattersalls should be the operators of the machines.

On another occasion he commented on the benefit to Victoria of the gaming industry and the number of machines that would be operating. On 17 September 1991, at page 324 of *Hansard* the Honourable Mark Birrell is reported as having interjected:

How many machines do you support?

Mr White is reported as having responded:

30 000 to 40 000 in a mature market.

The current Minister for Transport also welcomed the original legislation by supporting the proposed amendments to introduce new electronic gaming machines into Victoria. He is reported as having said at page 37 of *Hansard* of 20 August 1991:

These new machines mean that in the small unrestricted venues they can provide economic enhancements, particularly in the hotel industry ...

A number of people in the community have devoted their working lives to the hotel industry, ensuring that premises are upgraded and remain economically viable. Over the past 20 years driving behaviours have changed because of alterations to drink-driving legislation. As a result hoteliers have had to struggle very hard. Although not all have prospered or succeeded they have endeavoured to build suitable venues for Victorians to have outings and evening meals.

The approach to gaming has to be an overall community approach that recognises the interests of the various stakeholders. That includes responsible patrons, those who may not be able to constructively control their inclination to gamble irresponsibly, the proprietors of venues and the managers and staff of venues for whom there has been a significant turnover of revenue.

I have not had occasion to travel along the Murray River border towns in recent times to observe the prosperity of the clubs there. I note only that in my youth it was something of great interest to see the high level of investment in those clubs and the associated sporting facilities, which might have been of greater interest to me at that time.

Although the opposition does not oppose the bill, in closing I direct the attention of the chamber to the fact that once again a government bill contains a section 85

statement. Section 85 of the Victorian constitution provides that the Supreme Court of Victoria shall have jurisdiction in all cases unless that jurisdiction is precluded in accordance with the terms of the constitution.

During the past seven years, in addition to hearing a range of ill-thought-out contributions on the gaming industry, honourable members heard many very strong speeches about the removal of the jurisdiction of the Supreme Court. I am staggered at the preparedness of members on the other side of the house to lament the number of bills with section 85 statements that came to the house over the past seven years while now supporting bills with the very same statements. When in opposition the Minister for Education said the Kennett government introduced such statements at a level unprecedented in the Western world. That statement was incorrect. As a matter of interest, the bill is yet another instance of the Labor Party's incorporating a section 85 statement.

Mr SAVAGE (Mildura) — In view of the social cost the state is currently experiencing, a bill concerning responsible gambling is a very timely and appropriate measure. I understand that each Victorian currently spends in the region of \$920 on gambling per annum. Some must spend more because I do not spend anything on gambling. I find poker machines the most uninteresting and boring social concept ever created, but judging by the amount of revenue they make I am a bit of an isolated individual in that regard.

We will never know the true cost of gambling on some people's lives. I know some have lost their houses and cannot feed their children. Some children have died in motor cars because their parents cannot focus on leaving the machines to bear their parental responsibility.

The cost to the region I represent is significant. Gambling machines are restricted to Red Cliffs, Ouyen and Mildura. During the past seven years people have put \$80 million through those machines. That is an incredible amount of money. I often wonder where that money would have been spent if it had been in circulation.

Interestingly, although Mildura is close to New South Wales, where gaming has always been allowed, gambling was never a problem when people had to travel 10 or 20 kilometres to participate. Having to travel that distance seemed to break the cycle. In a recent survey of more than 300 postcode areas the Mildura region came up as the 11th most disadvantaged area. There is a downside to every aspect of

development. In 1992–1993 Mildura gamblers lost \$3.5 million and in the past 12 months, 1998–1999, the figure jumped to \$17 million.

I wholeheartedly endorse the freeze on current numbers of machines — 2500 at Crown Casino and 27 000 throughout Victoria. Appropriately the bill also enables regional caps. In my electorate another venue will open and additional machines will be brought from Melbourne, impacting on the current gambling problem. The government has recognised the role of the gaming industry in providing employment but the positive impact needs to be balanced against the negative impact and the costs of gambling.

I endorse clause 22 as a significant step forward. It enables the local municipal authority to have input on the subject of the social impact of an increase in the number of gaming machines. Local government is the most important tier of government and needs to have a greater involvement in and influence on these types of decisions.

Clause 27 is an important component, as it inserts the objective of fostering responsible gambling in casinos in order to minimise the harm caused by problem gambling and to accommodate those who gamble without harm to themselves or others.

The outcomes of the new legislation are innovative and positive and have significant endorsement. The amendment I have moved reinstates section 68 of the Gaming Machine Control Act 1991. A reference to contracts has been put back in as follows:

The Authority must not approve a relevant contract if in the opinion of the Authority the contract —

- (a) is harsh and unconscionable; or
- (b) is not in the public interest; or
- (c) jeopardises the integrity and conduct of gaming; or
- (d) does not promote the purpose of this Act; or
- (e) is in breach of this Act.

I believe that Clubs Victoria supports the amendment, and I am pleased that the government also supports the insertion of the new provision.

I take the opportunity to mention the Community Support Fund, which has a direct link to gambling. Regional Victoria generates approximately 30 per cent of gambling revenue but receives less than 10 per cent of it. It is time that this imbalance was redressed. I encourage the government to follow through on the promise that there will be a significant change to the mechanism through which the moneys are redirected. The previous arrangements of the Community Support

Fund were disgraceful, and allowing one person the opportunity to redirect the moneys is not worthy of endorsement. We hope the board will consist of responsible community members who will make decisions based on need and on good concepts rather than political motivation.

In Victoria poker machines have benefited government, but at great social cost. The bill goes a long way to redressing the imbalances, and in unequivocal terms I am happy to commend the bill to the house.

Ms PIKE (Minister for Housing) — I have pleasure in supporting the bill, and I refer particularly to clause 1(g). For many years as a member of the Victorian community I have been concerned by the lack of restraint and constraint in the advertising and promotion of gaming. The voluntary code supported by the previous government was a half-hearted attempt to deal with this serious area. The code went against the practice of the previous government to push and promote gaming in an irresponsible way through its many public statements about the value of the gaming industry to Victoria and its lack of attention to the harm being caused.

There is no better example of the irresponsible approach of the previous government to gambling than in the list of events published in the annual program for Senior Citizens Week.

Those documents and publications were available in multiple copies right throughout the state and consistently promoted gambling. That reinforces the view that the previous government did not care about problem gambling among older Victorians; it did not care about the cost to rural communities, senior citizens and those who could ill afford it.

If the previous government had paid attention to some of the research it would have known that older women were finding their way into gaming venues in disproportionate numbers. The previous government had a very cosy relationship with the gaming industry and it often became hard to distinguish the two. When the previous Premier described Crown Casino as the new vision for Victoria, the jewel in the crown of the state, the term ‘Minister of the Crown’ took on a whole new meaning.

Sponsorship deals and advertisements appeared in the Senior Citizens Week program of events outlining various inducements such as free meals, free coins, free tokens, free parking — no offer was too minor. ‘Come and have a cup of tea’, ‘Come in and gamble’ was the message contained in the program.

I am pleased to affirm the responsible approach being adopted by the government with the introduction of regulations covering advertising. As Minister for Aged Care, I have ended the practice of the previous government and its irresponsible promotion of gambling in government publications. As soon as I became aware that, without my approval and knowledge, advertisements and inducements to gamble had been inserted in the Senior Citizens Week program of events for this year I ordered that the publication be withdrawn immediately. I then made arrangements for it to be replaced with a new program that did not advertise gambling or contain any inducements for older Victorians to gamble.

I am happy to place on public record the correspondence from me dated 3 March to the Secretary of the Department of Human Services in which I expressed my serious concern about publications produced by the department, the final contents of which were not shown to me. I was shown the brochure but I was never shown the advertisements containing the inducements. I was most concerned when I saw that document. The Department of Human Services wrote back to me indicating it had directed that the circulation of the program should be immediately stopped in the three main distribution areas and that it had taken other action to ensure that the publication was withdrawn from circulation. When I asked the officers responsible for Senior Citizens Week why I had not been shown the advertising in the publication and why it had happened year after year, they said to me, 'Well, Minister, the previous government didn't care'. It was happy for the inducements and promotional material to appear in the senior citizens publication year after year.

This government is committed to a responsible gambling industry; it will not allow the irresponsible practice of the previous government to continue. Not only is the government providing for the regulation of advertising relating to gambling throughout the industry and the broader community, it is also ensuring that vulnerable members of the community are not subjected to irresponsible gambling inducements in publications issued by the Department of Human Services. I am very pleased to commend the bill to the house.

Mr LUPTON (Knox) — I support the Gambling Legislation (Responsible Gambling) Bill. I want to address the situation within the City of Knox, which has eleven venues with poker machines. I am probably not the best person to talk on this matter because I do not believe in poker machines. I do not like them; I find them boring and stupid and I cannot understand how

anybody can sit for any period of time mindlessly pushing buttons.

However, as I said, the City of Knox has eleven venues: the Club Hotel in Ferntree Gully has 50 machines; Club Magic, Wantirna, 59 machines; Ferntree Gully Bowling Club, Ferntree Gully, 34 machines; Bayswater Hotel, Bayswater, 105 machines; Ferntree Gully Hotel, Ferntree Gully, 90 machines; Knox Club, Knox, 100 machines; Stamford Hotel, Rowville, 103 machines; Zagame, Boronia, 80 machines; Royal Hotel, Ferntree Gully, 90 machines; Knox Tavern, Wantirna South, 77 machines; and the Wantirna Club, Wantirna, 80 machines. With a population of 140 000 people, the City of Knox has 868 machines in 11 venues. Prior to the Waverley Golf Club losing its machines, 12 organisations in the area were peddling poker machines.

A staggering total of \$345 million has been lost in poker machines in the City of Knox since their introduction in 1992. The figures for the last three financial years are as follows: 1996–97, \$48.2 million; 1997–98, \$55.92 million; and 1998–99 a staggering \$77.48 million. That is an increase of just on \$22 million in eleven venues for a population of 140 000, bearing in mind that the figure of 140 000 includes minors. I do not know how many adults are using the facilities, but it works out at an average of \$550 per resident.

Of those 11 venues, five operate 7 days a week and one operates 24 hours a day on weekends. I cannot understand for the life of me why any venue has to operate for 24 hours a day. The honourable member for Shepparton indicated that regional areas will be permitted to operate for only 20 hours a day under this legislation. I cannot see why venues in metropolitan Melbourne have to be open for 24 hours a day. It can be argued that Crown Casino has to be open 24 hours a day but, in all fairness, I have a great deal of difficulty understanding why. I cannot accept that people have to mindlessly gamble 24 hours a day on idiotic machines.

Members of the Waverley Golf Club came to me saying they wanted to keep their poker machines because, together with a number of other small clubs, they had expended enormous amounts of money to get their club to a standard where they could install the poker machines. Unfortunately, the Waverley Golf Club is a small club operating on membership fees and its machines were removed because it did not have a large enough turnover.

The Ferntree Gully Bowling Club has been threatened with having its machines removed, and yet here we are — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The house will come to order.

Mr LUPTON — This is a very serious matter and yet government members are in fits of laughter. Gambling, particularly in the City of Knox, is a very important issue. Half a billion dollars has been lost on — —

Honourable members interjecting.

Mr LUPTON — There are some geese in this joint! You don't have to have a long neck to be a goose, do you?

Hotels seem to have an advantage over clubs. At least with clubs the money raised from gambling machines goes back into the community, but with hotels the revenue goes to the shareholders. I have a real concern about the amount of money going into poker machines in the City of Knox. I have had meetings with second-hand goods dealers who tell me that, unfortunately, in many cases people buy televisions or other equipment with their holiday money but because they want to gamble they trade in those goods or sell them to Cash Converters and blow the money on poker machines. That is a great shame. I have spoken with butchers who have said that some parents no longer buy the good cuts of meat but buy instead food which is cheaper, nastier and easier to prepare so that they can spend more time and money on the gambling machines. It is a real problem.

The legislation is quite good, although I agree that it should have been brought in earlier. I have a real concern about 24 hour applications in Melbourne being approved by the Victorian Casino and Gaming Authority only where it is satisfied of the net social and economic benefit to the community of the municipal districts. What is meant by that? There may be a social benefit in the fact that some people can interact while they are playing the poker machines, but the social and economic benefit to the community as a whole must be detrimental. I would love to see an amendment banning poker machine venues from opening for 24 hours a day. It is an overkill, and I opposed it in my local area when it was brought in by the former Liberal government but to no avail.

I have also looked at the amount of poker machine revenue that has been spent trying to solve gambling

problems. Last year \$24 million was spent assisting problem gamblers. It is a terrible millstone around our necks that that amount of money must be spent to assist people who use gambling machines to feed a habit.

Some poker machine establishments have introduced a system whereby people can be rejected under the system of self-exclusion that was introduced in the mid-1990s. I understand that some 950 people have taken part in the exercise and have chosen to be excluded from attending particular gambling venues in an effort to avoid losing money. Gambling is here to stay. Poker machines are not the only sort of gambling foisted on the community. Although it can be argued gaming machines have created jobs and provide other benefits they have also caused a great deal of heartache in the community. The social impact of gambling machines in Victoria, including their contribution to marriage breakdowns, is a disgrace.

Mr HOWARD (Ballarat East) — I am proud to speak in favour of the Gambling Legislation (Responsible Gambling) Bill. After hearing the contributions of the honourable member for Knox and other opposition members, I am even more proud that it is the Bracks Labor government that is introducing responsible gaming legislation. It must have been demoralising for those on the other side to have made statements in support of the legislation — if they are to be believed. The honourable member for Knox just said that he has been concerned about the issue in his electorate for the past seven years. One can only wonder what he has been doing. Either he has not seen the light until now or he spoke out against the former Premier and other ministers, who because of the way the previous government operated did not want to hear what backbenchers had to say. Either way it must have been a demoralising position for opposition members to be in. I am pleased to be a member of the government that has taken the initiative of introducing such legislation.

I not only wish to speak in the debate but feel it is my duty to do so as the honourable member for Ballarat East. Together with many other members of my community, I have been concerned about the negative effects electronic gaming machines have had in my electorate over a number of years. In the past seven years the number of machines in the City of Ballarat has risen alarmingly. In 1992, 225 electronic gaming machines were operating in 5 venues. In 1999, the number of machines had risen to 639 and the number of venues to 16, putting Ballarat at the forefront of the gaming machine industry in regional Victoria. The community did not consider it an honour to be in that position. Although the number of machines being

introduced was alarming, it was of even more concern because 64 per cent of the working-age population in Ballarat had an income of less than \$20 800 a year, way above the percentage of low-income earners in the state as a whole.

Figures presented since the government came to office reveal that in the 1998–99 financial year \$39 million of revenue was raised from gaming machines in the City of Ballarat, much of which went out of the electorate to Tattersalls, Tabcorp and other destinations. That such a large sum was involved is alarming. It means that last year \$490 per head of the Ballarat population went into gaming machines. Although many people put no money into the machines — I am one — many others put in much more than \$490.

During the past seven years I was a councillor of the City of Ballarat. I and my fellow councillors were extremely concerned about the situation. We had many discussions with community organisations that were also concerned about gaming machines and tried to protect the vulnerable citizens of the city by moving that there be a cap on the number of electronic gaming machines in the city. The former government took no notice of our concern about putting in place regional caps on machines.

To date no opposition frontbencher has spoken on the bill. The opposition spokesperson on the issue, the Deputy Leader of the Opposition, has not even been in the house during the debate. That is an indictment on the opposition and demonstrates why it needs to stay in opposition for a long time. During their time in government, opposition members did little to address community concerns. They may want to tell the house of things they did, but those actions were minor in light of what the community had suggested. Only in the latter days of the former government did the former Premier become born again and want a review of gaming advertising. But it was far too late. By their votes the people of Victoria showed they knew the previous government was not serious about dealing with the important and serious issues surrounding gambling but wanted only to say how wonderful it was for raising revenue. It was not concerned about dealing seriously with the social issues that concern many communities greatly.

As a city councillor I initiated a number of meetings with Tabcorp, Tattersalls and venue operators. Although they too expressed concern, it was clear that the bottom line for Tabcorp and Tattersalls was to ensure maximum revenue from every machine. Although they were prepared to make some concessions towards ensuring responsible gaming, what

they could do was limited. This government has sent them a message. Already clocks are starting to appear in gaming venues, and information about G-line and other services to people with gambling problems are much more available. That was not happening under the previous government. That was simply not good enough. I am pleased that the bill will address many problems associated with problem gambling.

The government's banning of 24-hour operation in regional Victoria will affect my electorate. Venue operators in the City of Ballarat will not be able to trade 24 hours a day. Some opposition members have asked about collusion between operators in regional cities. However, problem gamblers want to stay in the same venues and play on the same machines because they feel they will win on them. If they are forced to leave a venue they are not likely to go to other venues. By putting an end to the 24-hour cycle the government is ensuring at least some level of protection.

The bill also provides for regional caps to be put into place. That will be of great value to people in all parts of my electorate. I am pleased that the bill will also give local councils a say in the placement of gaming machines in their areas. That vital aspect of the legislation recognises local councils can have a valuable input in the process of determining how gaming machines should operate in their areas.

I am pleased the bill will remove from the act the object of the Victorian Casino and Gaming Authority to promote tourism, employment and economic development generally in the state and will add the objective of fostering responsible gambling in casinos in order to minimise harm caused by problem gambling and accommodate those who gamble without harming themselves or others. That is an important change to the philosophy under which the authority will have to operate. I am pleased to see it take place.

I am pleased that an independent gambling research panel will be established. The former government gave some funding to the Breakeven program for research into problem gambling. However, when as a local councillor I went to speak to the Breakeven people and ask about their research, I was told they were not allowed to tell me. Any feeble research carried out under the former Kennett government had to be kept secret. I am pleased that the Bracks government will carry out more extensive research, the results of which will be made available to members of the public for their response.

I am also pleased that greater restrictions will be placed on advertising that makes gambling and gaming appear

wonderful and stylish with everyone being a winner. The bill will also ensure that people are informed of the realities of gaming — that is, that they will undoubtedly lose money if they play gaming machines over a long time.

As earlier speakers said, the Bracks government is not wowerish. It wants people to have a choice, but it wants to show leadership. As a local member I will follow up issues such as the effect of the money that goes out of my electorate and into the coffers of Tattersalls and Tabcorp and the Community Support Fund. I want to ensure more of that money remains in the City of Ballarat. I did some figures recently which show that although under the Kennett government \$30 million of the money that went into the CSF was raised in Ballarat, only \$12 million was returned to the area.

The bill gives the clear message that the Bracks government wants to show leadership: it recognises the community's concerns about gaming and is prepared to address them. I am confident that in the coming years the government will introduce legislation dealing with the range of complex social problems gambling creates. I am proud to stand on this side of the house, where I do not have to make the sorts of whimpering excuses honourable members opposite have made today.

Mr SPRY (Bellarine) — In addressing the bill no-one should forget that the introduction of poker machines and the casino into Victoria was a Labor Party initiative. That is noteworthy given its members subsequent strident criticism and condemnation of the effects of pokies.

Against a background of serious economic haemorrhaging and the migration of Victorians to play the pokies along the New South Wales side of the River Murray, the former Premier Joan Kirner was desperate for cash. However, along with the proposed introduction of pokies into Victoria came predictions of dire consequences for both the existing forms of legitimate gambling operations and the social fabric.

An article in the *Age* of 19 July 1992 headed 'State gets the gambling bug' states:

A Sydney-based psychologist, Dr Alex Blaszczynski, who runs a program for gamblers at the Prince of Wales Hospital, said treatment facilities for problem gamblers in Victoria were 'grossly inadequate'.

In the wash-up, following its election on 2 October 1992 the coalition government was left to bed down the orderly introduction of poker machines

and the resulting social and economic changes that were destined to affect Victoria.

As earlier speakers have commented, Australians have never been backward in responding to the challenge of having a flutter. Although it is a passion for some, it can become an obsession for others. That gambling affliction probably has its origins in the personal risks taken by our early settlers. The gambling culture of the early European colonisation years, especially from 1788 to 1900, contrasted sharply with the moralistic and prohibitive regimes of Britain and the United States of America.

Today, the reliance of state governments on gambling revenue is entrenched and the gaming industry is highly competitive. In 1992 when it was framing the legislation the Labor Party ignored the early warnings about the potential downside of the industry. There was plenty of press comment in those days given the 30 years of pokie experience in New South Wales. Perhaps that is best summed up in a *Herald Sun* editorial of 25 September 1992, which states:

The disturbing impression has been one of a cash-strapped government rushing to reap huge rewards from legalised poker machines.

The editorial is referring to a Labor government. It goes on:

In its haste, it seems, the government took a chance, failing to establish an adequate procedure for vetting an industry with a potential turnover of hundreds of millions of dollars.

That is exactly the way it has turned out.

In October 1992, when Labor was thrown out of office in disgrace, the new coalition government had to pick up on the shortcomings that were already beginning to appear in the management of this exploding industry. The most optimistic industry projections had been surpassed with Victorians taking to the glamour and glitz of the new electronic gaming machine (EGM) phenomenon like ducks to water. Some struggling pubs — I recall a few in Geelong and in my electorate of Bellarine — had turned into gold mines, and sporting clubs, particularly the bigger footy clubs, were also making hay.

The bill purports to address the negative impacts of gambling as they have evolved since 1992. In his second-reading speech the minister uses phrases such as 'secure a better balanced approach' and 'better protect the community from the adverse effects of gambling'. Those sentiments are encouraged and are shared by most people in the community. When in opposition the government heaped scorn on the coalition for its

management of the situation. It will be interesting to see whether the government can justify its criticism and effect an improvement.

The Liberal Party acknowledges that a number of gamblers need assistance. Problem gamblers constitute 0.8 of 1 per cent according to the latest survey undertaken by the Victorian Casino and Gaming Authority (VCGA) and the South Oaks gambling screen, which is the survey used as a method of identifying the magnitude of the problem. The authority's survey is the seventh of its kind and recognises the community's attitude to gambling patterns. It reveals that 77 per cent of the community believe that the onus is on individuals to control themselves. I agree with that sentiment. If you expect society, or worse still government, to be responsible for your actions you will inevitably lose your freedom.

Nevertheless the former coalition government acknowledged that assistance from the taxpayer in the form of a percentage of the revenue raised from poker machines was justified to help those who had difficulty in modifying their gambling excesses. That is consistent with the very definition of responsible government in a civilised society. As a consequence, according to the report of the Community Support Fund for the year to 30 June 1999 nearly \$60 million from a total pool of some \$509 million — a little over 10 per cent — was applied to this purpose under the former government. By contrast, the Labor government's approach in the bill is overly optimistic. The VCGA has published some interesting statistics, but because time forbids me I will not go into them now.

Despite the fact revealed in the statistics that gambling behaviour is stabilising in Victoria the government seeks in the bill to impose a second and third layer of influence on decision making — namely, local government and direct ministerial intervention. That development is a complete departure from the hands-off policy of the former government and risks giving the perception of corruption at the worst and impropriety at the best.

Turning to another aspect of the legislation, the bill imposes caps on the number of EGMs in Victoria. That measure endorses the former government's announcement that the maximum number of machines to be allowed in Victoria would be 30 000 — namely, 2500 for the casino and 27 500 throughout the rest of the state.

The bill also provides for 24-hour gambling in metropolitan areas and only 20 hours in regional centres. Last week I visited the Ramia family's

long-established Sphinx facility. The proprietor argues, with some justification, that regardless of the fact that he caters to many shift workers in the industrialised northern section of the city, the new legislation will drive his customers out to the metropolitan areas and away from Geelong. The question he asked, and I repeat on his behalf, was 'Is that fair?'. Why not the same conditions for both metropolitan and country venues? If 20 hours of operation is fair enough for country and regional Victoria, and I have no argument with that, why discriminate in favour of the metropolitan area?

Gaming machine venues are well established in Geelong, including the Sphinx. The Cats Pokies, which is an adjunct of the Geelong Football Club, was one of the first venues in Victoria to be granted a venue operator's licence. There are currently 28 venues in Geelong. In my electorate of Bellarine there are 6, including 1 in the Borough of Queenscliffe, and 5 of those 6 venues are operated by clubs as opposed to pubs, which is something I feel comfortable about.

Figures reveal that \$8 billion has been spent on this form of entertainment in Victoria since 1992, which exceeds the original projection of \$7 billion. Poker machines have had a huge impact on spending in Victoria, and not least in Geelong. The gambling boon in Victoria, which was much heralded by former Premier Joan Kirner as a potential economic recovery leader as she clutched desperately at any straw, has provided mixed blessings. There is no argument that it has arrested the dollar drain to the New South Wales border towns, and it has provided a reliable revenue stream for the state's coffers and has boosted economic activity and employment. Conversely there have been losers, and social disruption has accompanied the new phenomenon. There are answers to the problems, and they were and still are being addressed.

In conclusion, I trust the consequences of the bill will not be to precipitate a new set of problems in administering the industry but to support and assist those who indulge to excess and need help.

Mr VINEY (Frankston East) — I am pleased to support the Gambling Legislation (Responsible Gambling) Bill. While preparing my contribution this morning, I reflected on how good it was to be in government — and with legislation such as this it is getting better every day.

The bill is a further example of the Bracks government getting on with the job it was commissioned to do by the people of Victoria. That included introducing more responsible gaming into Victoria, to ensure that some of

the damage done by gambling — which members on both sides of the house are now prepared to acknowledge — in recent years is alleviated.

It is interesting that the opposition frontbench is failing to speak on the bill. I wonder where those members are. Perhaps they are embarrassed by their record and have gone into hiding on the matter; but so far no members of the opposition frontbench have been prepared to speak on the bill.

While researching the bill by viewing newspaper articles over the past several years, it was hard to find a comment on the state of gaming in Victoria from any member of the former government. I suspect the opposition frontbench has decided to continue its silence on this issue of critical importance to the people of Victoria.

Because it is critically important to my electorate of Frankston East, I was pleased, last week, to host the minister at a forum on gaming in my electorate. I understand that even the honourable member for Frankston sent along a representative who had asked to attend, and I said that person was welcome to come.

On the issue of the problems created by gaming in the City of Frankston, the honourable member for Frankston and I are agreed. The figures show that last year \$48 376 545 total net expenditure was lost in gaming venues in Frankston. That puts the city of Frankston at no. 17 of the municipalities in Victoria, which is certainly disproportionate to the needs of the community.

What does the bill do? It proposes to freeze the number of gaming machines in Victoria; impose regional caps on gaming machines, which is an important issue in an area like Frankston; give local councils a say in the placement of gaming machines in their localities; compel gaming operators to provide meaningful information to players; limit 24-hour gaming venues, with bans in regional Victoria; give powers to impose limits on advertising; and so on.

It also requires the Victorian Casino and Gaming Authority to consider the net social and economic impact on the wellbeing of the community. That is an issue I welcome, and I am sure the people of Frankston East welcome it also. In fact, at the forum I held recently representatives from Gamblers Anonymous spoke passionately about the impact of gaming on their lives. There were also apologies from people who had been associated with gambling in the past, who felt that they were unable to come to a public forum but wanted to talk to me privately about the impact of gaming on

their lives and on the lives of their families. That increased my resolve to support in the strongest possible terms the legislation introduced in this house. Many of those people raised matters about gambling addictions, and in doing some research in this area I have identified a history of concern about gambling addiction which the bill is starting to address.

An article headed 'Losing cash quicker' in the *Herald Sun* of 18 December 1999 states:

Poker machine players are losing money faster than ever before.

Increased technology is the reason. In the old days with the one-armed bandit it took 7 seconds to play. With modern machines that time span has been reduced to about 5 seconds for a machine to take your money. Extensive research has been done, particularly by the Victoria University of Technology, showing that the poor have been hardest hit by pokies in Victoria. The VUT report released in June of last year said that poker machines are hurting many local economies by sucking money and jobs out of low-income areas. An article in the *Age* of 13 June states:

The report says research for the Victorian Casino and Gaming Authority, which highlighted the positive impacts of pokies, was, 'fatally flawed' because it used figures that underestimated spending on pokies by 900 per cent.

In answer to a question in the other place, the former Minister responsible for Gaming, Mr Hallam, was recorded in *Hansard* of 20 June 1996 as having said:

I am proud to inform the house of this research program. Both the government and the authority believe this research agenda will be Australia's and probably the world's most comprehensive.

My findings demonstrate that that comprehensive research was aimed at one thing only — that is, to promote gambling instead of looking seriously at its social and economic impact. The research I have just mentioned cites evidence to that effect.

Compulsive punters are topping the suicide rate, according to a United States counsellor, Mr Michael Brubaker, who is reported in the *Australian* of 26 November 1999 as saying:

Only 2 per cent of problem gamblers fully recover without professional help, and compulsive gambling results in more suicides than any other addictive disorder.

He went to say that there are three stages of gambling addiction — win, lose, and desperation. He says:

Why desperation? Because compulsive gamblers have the highest suicide rate of any addiction.

The issue is affecting Australia as a whole, not just Victoria. That is clear from a Productivity Commission report commissioned by the federal coalition government that identified Australia as having the highest rate of gambling addiction in the world. Although it is a national problem, we must do whatever we can in Victoria to address it. I am proud to support the bill because it will give Victoria some of the toughest gaming legislation anywhere in Australia.

I refer the house to an article in the *Age* of 11 January last year which examines the impact of gambling addictions and poker machines on charities. Yesterday I was given information by an agency in the Mornington Peninsula and Frankston region, which stated that last financial year it gave out almost \$50 000 in emergency relief funds, much of which has been used by people with gambling addictions. Unfortunately, in the first eight or so months of this year it had given out a similar amount; so the problem of gambling and gaming is impacting on our local community enormously. It impacts on both welfare agencies and small business.

Research has identified that contrary to previous theories, gaming is discretionary income. Much of the gaming money lost would otherwise be spent on other business activities in local areas. A number of people operating in the tourism industry have told me that since the introduction of poker machines in Victoria the total revenue of their businesses has dropped by about 25 per cent.

The bill is important for Victoria, and it is important for my electorate of Frankston East. I am proud to be a part of the Bracks government's introducing the bill, and I support it wholeheartedly.

Ms McCALL (Frankston) — On this rare occasion the members for Frankston East and Frankston are speaking from the same hymn book. I am delighted that we are communicating on an issue that concerns both our electorates. I am delighted particularly because the issue involves the distribution of gaming machines across the area covered by the Frankston City Council.

I will now bore the house by outlining the spread of gaming machines across my electorate. People fortunate enough to travel along the Nepean Highway on their way to one of the splendid wineries along the Mornington Peninsula will know there are four pubs on the famous corner involved in the Frankston Liquor Accord — I will explain that later. Two of them are the Grand Hotel and the Pier Hotel, and both have poker machines. I am proud to point out that the Peninsula Dolphins Football Club also has them. The club is

doing very well this season, and we can only hope that will continue.

In the City of Frankston there are a number of other venues, one being the Frankston Returned and Services League club, which sits in the electorate of the honourable member for Frankston East. I believe 76 poker machines were installed at the Frankston RSL club some two or three years ago, and if those machines had not been installed the club would now be bankrupt. For that I commend Ross Pulling, who was the treasurer and secretary of the club when the machines were introduced. The machines turned the club's substantial deficit around. Although we may not always believe good comes out of bad, in that instance it was not a bad result.

The Karingal Bowling Club and the Langwarrin hotel also have poker machines. People who have a chequered past will remember the Riviera Hotel, the Seaford hotel and the Seaford RSL club. I have listed the venues in the area that have poker machines. I am not admitting to having spent any time in any of those pubs. However, as a new Australian I will say that gambling is clearly very much a part of the Australian psyche. I would not for a minute suggest that that psyche comes from the Irish contingent that migrated to Australia many moons ago, but I would suggest that gambling is very much a part of the Australian lifestyle.

I must agree with the comment made by Mr Acting Speaker earlier. The calculation of how much each person spends must have been derived from amounts spent by people who are different from you and me, Mr Acting Speaker. I buy about one Tattsлото ticket a year and may have a dollar each way on the Melbourne Cup, but that is about as far as my gambling extends. However, I am not so unrealistic as to be unable to understand that in certain sectors of the community gambling is an important part of people's lives. I would hate to see legislation that failed to recognise people's right to make a choice and prevented people from doing what they wish with their discretionary income. Nonetheless, I pick up on the point made earlier by the honourable member for Frankston East — in many cases the money spent on poker machines is not discretionary income.

I wish to clarify one point for the benefit of the honourable member for Frankston East. In defence of the shadow ministers, I suspect the reason no-one from the shadow ministry has spoken in the debate is that the shadow Minister for Gaming is in the upper house. The honourable member for Caulfield is due to speak. The shadow Minister for Gaming, Mr Roger Hallam, is in the upper house, which may explain why we have not

heard the sharp, acute wit of a shadow minister speaking on the bill.

The previous Labor government introduced gambling in Victoria, and there is no question that since that time the community focus on gambling has increased. We all hoped that after the initial flush of excitement the enthusiasm for gambling would wane a little and people would say, 'Okay, I have tried that but I am not really interested'. I accept that that has not happened. The appearance of the words 'responsible gambling' in the title of the bill is a recognition that a percentage of people are irresponsible in the way they go about gambling. The impact on the community around those people is huge.

There is no question that there should be no more poker machines in Victoria. I am delighted that the number of poker machines in Victoria is still a lot fewer than the number in New South Wales and some other states, but the location of Victoria's poker machines is of some concern. That concern has been addressed to some extent by the bill.

There are only 581 poker machines in the City of Frankston, but in some of the surrounding municipalities there are more than 1000. One of the less desirable outcomes of the bill would be a sudden reallocation of gaming machines from areas where there are too many machines to areas that have fewer machines. I hope people do not say, 'You do not have as many poker machines, so we will give you a few more'. I would like to believe the honourable member for Frankston East and I will work in the spirit of bipartisanship to ensure there are no more poker machines in the City of Frankston.

Another issue concerns Mount Eliza, which lies in the Shire of Mornington Peninsula. I note with interest that at a recent council meeting it was decided that the council would take part in the local government responsible gaming consultation process. Well done to the Mornington Peninsula Shire Council! I encourage the council, but there will be no poker machines in Mount Eliza. There are clearly too many machines throughout the Mornington Peninsula, and my colleague the honourable member for Dromana would agree with that. At one time an application was put forward by Jack's Bar in Mount Eliza. Under no circumstances will I support that application, because I do not want to see any poker machines in Mount Eliza.

I have spoken about the bill as a whole with senior members of Tattersalls, Tabcorp and other areas of the gaming industry, who expressed concern about ownership and the limitation of ownership. They said

that, because of the way it is worded, the bill may open up the buying and selling of licences within regional and rural Victoria. I urge the government to exercise caution in that area and to make sure that that is not an indirect implication of the bill.

I am concerned about the 4-hour curfew provisions. The idea sounds terrific in principle. You can say to a hotel, 'Fine. Let's clear everybody out, turn off the neon lights, don't give them free coffee, sandwiches and biscuits, and tell them there is no more gambling for 4 hours'. It must be my natural cynicism as a member of Parliament, but I feel that somewhere along the line there will be a way around the curfew. Deals will be done between hotels and hotel licence owners to reduce the effectiveness of the 4-hour curfew.

The large number of members wishing to speak on the bill is an indication of the recognition on both sides of the house that legislation is a living thing. It is not static paperwork, written down and never to be revised or revisited; and any government of any complexion will recognise that it does not get everything right the first time. Maybe, when the Kirner government introduced its legislation in 1991 with a fanfare of trumpets, whistles and bells, we all thought it was to be the great saviour, the arrangement that would stop all that money going across the border into New South Wales. We were wrong. Maybe, when the Kennett government introduced legislation and controls, its provisions did not always work in the best interests of the community. Legislation is a living thing, however, and can be changed. The community looks at it, recognises flaws, offers to advise and helps us to move on.

I have no difficulty with the current government's attempts to tidy up the gaming and gambling industry. I am pleased, as a member of the opposition, to not oppose the bill.

Mr MILDENHALL (Footscray) — I join the debate with pleasure. Like the arrival yesterday of a large number of police officers in my electorate to attack heroin dealing, this legislation represents the cavalry arriving to deal with another severe social and economic issue in areas like Footscray.

I congratulate the honourable member for Frankston on offering the first inkling of recognition by the other side of the house that neither side has got the regulation of this industry right. It ill behoves the opposition, however, to declare that its spokespeople and ministers were more wide-eyed and naive than they should have been or that government members are absolved of any responsibility to deal with the seriousness of the issue

as it has emerged over the past seven years of palpable neglect.

There was ample evidence early in the Kennett government's term of office of the seriousness of the issue. Indeed, I alerted the house in 1994 of my analysis of the changes in profits from gambling. I said that, to the relief of racing and other established sectors of the gambling industry, incomes from the other forms of gambling had not been affected by gaming machines. Rather, a whole new market had opened up and a whole new group of Victorians were leaping onto gaming machines as a new source of recreation, hope and light. They wanted to buy into gaming, often in desperate circumstances.

My electorate, which has the lowest socioeconomic profile of any community in Melbourne, has the highest number of gaming machines. The men and women of Footscray, having the lowest incomes of any community in Melbourne, now have the most gaming machines attracting profit from the people who can least afford to pay and in circumstances where the machines can do the most damage to families and the fabric of the community. Next to heroin dealing, gaming is the biggest problem in the electorate. It is gnawing at the fabric of the community. Over \$50 million leaves the local economy each year. Imagine the impact of that on the poorest community in Melbourne. Imagine what it does to Footscray shopping centre, already devastated by the daily appearance of dozens of heroin dealers and hundreds of addicts. Imagine the impact on a local economy of the loss of so much discretionary income. A lot of normal shopping activity has closed down and the pawnbrokers flourish.

One hears anecdotes from social workers about the devastation of individual families. One hears stories from the proprietors of local car yards about how families desperately try to sell back new cars at maximum discounts to pay off gambling debts. That has proved to be a huge problem in my electorate. A recent report completed by the Jesuit Social Services, an excellent organisation headed by Fr Peter Norton, referred to electorates and communities such as the one I represent and concluded:

This report has found that gambling-related violence is becoming increasingly common in Vietnamese families and is one of the most damaging results of problem gambling. Service providers are struggling with the multiple issues that subsequently arise for families in terms of their health, welfare and economic circumstances, while not having the expertise to deal specifically with this issue. Families are breaking up and women are often the ones to pick up the pieces without adequate resources. Men are not seeking assistance, making it even more difficult for services to deal with the family as a unit, and children have little support from

families who have been struggling to make it as migrants in Australia.

I hope the consultative forum that the Victorian chapter of the Vietnamese Community in Australia is running in Footscray on Friday will provide some valuable and accurate input into the consultation process arising from the discussion paper the minister distributed recently.

The Maribyrnong council is also chafing at the bit to take up its new role in providing comments to the government on the socioeconomic impact of gambling. How dearly it would have loved to have had that power over the past five years! Under the previous Kennett government's open-slathe regime, the council sat impotent as gaming machines flooded into Maribyrnong. The only criticism from the Maribyrnong City Council now is that the powers do not go far enough. Council members wish they had a greater say and could introduce a strategic plan for the future of gaming in the municipality. I certainly encourage the council to do so. I am sure such a strategy would be well thought out and well received by the minister.

Communities in the western suburbs will welcome with open arms the introduction of a regional cap, which in the west will reflect municipal boundaries. Those suburbs have been flooded with gaming machines and there are few means by which the industry can be regulated or by which reasonable allocations can be made across areas of different socioeconomic profiles. Apart from the greed of the operators, there is no reason why there should be so many machines in an electorate such as Footscray. Some balance needs to be struck.

As you mentioned in your contribution, Mr Acting Speaker, changes need to be made to the Community Support Fund, which was an outrageous slush fund under the Kennett government. The new government has pledged to give greater recognition to the origin of funds to create a more transparent and accountable process. It will repair the damage to the community instead of putting money into yachts that break their backs in San Diego harbour. What an atrocious waste of money! The previous government was a contributor to that appalling scandal. That \$1.5 million could have been put towards repairing the damage done to families in my electorate ripped apart by the scourge of gambling. Instead the money went to the bottom of San Diego harbour in a failed venture. There was no accountability. Although no letters were exchanged a cheque was sent on its way to San Diego. What an appalling use of money that could have been put to good use!

I am proud to be part of a government that is introducing such sorely needed legislation. It is far too

late. As honourable members heard in question time recently, the previous government had three opportunities to introduce legislation like this. It was recommended on a number of occasions. Members of the former Kennett government did not have the heart, the courage, the integrity or the sense of values that enabled that legislation to be introduced. It is about time this legislation appeared, and I wish it a speedy passage.

Mr DELAHUNTY (Wimmera) — I am not opposed to the bill. Not only does it propose a more balanced approach to gambling — which all honourable members support — it also protects the community from gambling's adverse effects.

The bill limits the number of machines at the Melbourne casino to 2500. I understand that figure is currently stipulated in the casino's licence, so I am not sure of the real reason for that provision. Of more interest to me is that all premises outside Melbourne that are subject to new and renewed approvals will require a break of 4 hours after 20 hours of operation. I see great disadvantages as well as advantages with that. Why do the rural and regional requirements differ from those in the metropolitan area? Why not have 20 hours right across the state? That would be more consistent. I have already heard that people from Geelong and the like could travel into Melbourne and spend their dollars there. That would create another problem. If the break is to be imposed, let us make it consistent across the state.

I note also that under specific strategies, country conditions will be proposed for metropolitan venues. That would favour the casinos, which I do not think need any more support than currently. Consideration should be given to ensure that does not happen. The minister should reconsider the specific strategies at the regional limits. The minister can determine those regions. Both Mr Acting Speaker and I are very interested to know what they will look like. Each of us has a large electorate in the north-west with a small population.

The Victorian Casino and Gaming Authority is required to impose a maximum number of machines on each region. That is a worry because the emphasis is on the number of machines rather than their capacity. I visited a small facility in my electorate that runs only 2 and 5-cent machines. It is under pressure because it does not handle enough money. The community does not want to lose it because many people, usually the elderly, spend between \$4 and \$10 maximum over a couple of hours entertaining themselves at the machines. Although I do not consider that to be entertainment,

they do. Therefore, talking about the number of machines rather than their capacity presents a problem.

The role of local government is interesting. As part of the process I wrote to the five councils in my electorate. They said they welcomed the right to veto gaming machines in their areas.

One council wrote to me saying:

I believe there may have been discussion at some point in time regarding use of the Community Support Fund in that funds would only be available to communities with poker machines and have therefore made a contribution to the Community Support Fund. If there is any intention to amend the Community Support Fund guidelines in this manner this would present a major concern ...

Another council wrote saying that it would prefer to remain gaming machine free and is:

... concerned about recent publicity indicating the funds from gaming (Community Support Fund) will be 'returned in the proportion to what people are spending'! To link grants from the Community Support Fund to either population or revenue from gaming machines would discriminate against small rural shires ...

The Community Support Fund is a vital source of funding for many councils to develop community support facilities, and they are concerned about what might happen.

The regulations covering advertising are to be commended, but I also see the hypocrisy in the Attorney-General, also the Minister for Racing, encouraging more families to get involved with other forms of gambling. I am informed that the new regulations covering advertising and information for gamblers are consistent with the former coalition policy, but let's get on with the future.

Currently, 90 per cent of revenue from gambling is returned to the gambler; a third of the remaining 10 per cent is returned to government; a further third is returned to Tabcorp or Tattersalls and the remaining third to the venue to cover running costs, wages and, importantly, money spent in the community.

In the proposed legislation there has been no discussion about the government's reducing its returns to support the industry. Hypocritically the government has been whacking into the electronic gaming machine industry but encouraging families and others to get involved in gambling. The Labor government introduced gaming machines, but I don't hear any Labor members claiming credit for the achievement.

The 20-hour restriction will have a particular impact on the areas close to Melbourne such as Geelong, Ballarat

and Bendigo because people will travel to gamble. It discriminates against rural and regional Victoria.

Ms Allan interjected.

Mr DELAHUNTY — They might even use the fast train from Bendigo! I have been involved with tennis and football clubs, and as part of the end-of-season trip travelled to New South Wales for a bit of entertainment. The former Labor government introduced gambling to stop the cash flow out of Victoria.

I support a balanced approach: the gaming venues provide entertainment and jobs, and organisations in my area such as the Returned and Services League (RSL) and the Horsham Sports and Community Club give a large amount of support to community groups. On the negative side — the bill covers this — the bill protects the community from the adverse effects of gaming.

The councils in my electorate want input. Three of the five councils are concerned that they will not be disadvantaged because they do not have gaming machines. They still want the opportunity to access funds from the Community Support Fund for their community projects.

Ms ALLAN (Bendigo East) — Like all honourable members I am pleased to be speaking on the bill because it is an important issue to my electorate of Bendigo East and to the economies across country Victoria. Country people did not want more poker machines, but that is what they got under the former government. During the last election campaign the Australian Labor Party released its policy providing the basis for the bill. The announcement was made in Bendigo, and I am pleased to show the clipping of an article headed 'Pokies pledge' in the Bendigo *Advertiser* of 7 September last that details our pledge. It pictures the Premier, the now member for Bendigo East and the now member for Bendigo West talking to people in the Hargreaves mall about the impact of gaming and pokies on the community. Poker machines have hurt the Bendigo community. If more members of Parliament travelled to country areas they would see first hand, as I have, the devastating impact of gaming on the community.

Honourable members interjecting.

Ms ALLAN — The Bendigo *Advertiser* —

The ACTING SPEAKER (Mr Savage) — Order! There is too much audible conversation, interjection and disorderly conduct.

Mr Perton — An interjection from the table is not disorderly conduct. Read the rules.

The ACTING SPEAKER (Mr Savage) — Order! Are you defying the Chair?

Ms ALLAN — Pokies have hurt the Bendigo community. The Bendigo *Advertiser* recently reported that residents in the City of Greater Bendigo gambled away \$31 million during the twelve months from July 1998 to June 1999 — approximately \$371 per person. Bendigo has 534 poker machines. The Bendigo *Advertiser* calculated the amount lost by Bendigo people per machine per annum to be about \$60 000. The saddest thing about it is that the money is mostly lining the pockets of private operators running the machines and the gaming venues.

I am a member of the Marist Brothers brass band, and as well as playing musical instruments we run a social bingo night every Saturday evening at the St Killian's community bingo centre. It is run six days a week with afternoon and evening sessions — mostly the same faces come up and buy tickets every time. The important thing about the venue is that the money raised stays in Bendigo and goes to community groups like the Marist Brothers band. I have been a member of the band for a long time — I have been in bands for over 10 years — and I have seen the decline in the fundraising income. I have been a member of the committee, served as secretary on the Marist Brothers band committee and seen the decline in income from social bingo evenings.

I checked with George Flack who has been treasurer of the band for over 25 years — he knows his stuff — and he told me that the loss of income to the band through the increase of poker machines in Bendigo has been enormous. Before the widespread introduction of poker machines in about 1994, the revenue from the Saturday night social bingo evening was \$18 000 per annum. Since the introduction of pokies that has dropped dramatically to \$6000 per annum. That can be directly attributed to the increase in poker machines, because in the first 12 months after poker machines were introduced the revenue went from \$18 000 to \$12 000, and in the second 12 months it went from \$12 000 to \$6000. It has now consolidated over the past 4 years to between \$6000 and \$8000. That is directly due to the policies of the casino culture of the former Kennett government.

The decrease in the revenue of the Marist Brothers band has impacted financially on individual members who now have to put their hands in their pockets more frequently to help the band continue to operate. The

band has not been able to travel to as many contests as it would have liked. Those honourable members who have had anything to do with bands will know that they are a bit like footy clubs — the lifeblood of the band is out on the field contesting competitions. The band has not been able to compete as much, nor has it been able to purchase musical instruments, which are very expensive costing between \$5000 and \$10 000 per instrument. The band is not alone. Many other community groups operate out of the St Killian's Bingo Hall in Bendigo, including primary schools, sporting clubs and other charitable groups, all of which have faced similar decreases in fundraising revenue to that experienced by the Marist Brothers band.

The second example of a gaming machine venue in Bendigo is the Schweppes Centre, which is run by and for the Bendigo Basketball Association. The advantage of this centre is that the money raised through the gaming machines goes back into the community; it does not line the pockets of private operators. I mention the Schweppes Centre because I want to draw to the attention of the minister the fact that this venue is a 24-hour gaming venue. While I wholeheartedly support the ban on 24-hour gambling in regional Victoria, I have assured the operators of the Schweppes Centre that the government will consult with them on this issue when their licence comes up for renewal in two and a half years.

The City of Greater Bendigo is also greatly concerned about the impact of gaming on its municipality and has been for some time. It has raised this matter with both myself and the Minister for Workcover, the honourable member for Bendigo West, on a number of occasions. One good thing about the bill is that it authorises the council to determine the location of gaming machines in its municipality. It gives the council more of a role so it can have more of a say about the impact of the machines on the community. The council will consult with the Victorian Casino and Gaming Authority on the social and economic impacts of poker machines on the municipality.

Finally, I am pleased that the idea of a casino in Bendigo has been categorically ruled out by the Minister for Gaming. Many members probably have not heard about the proposal to have a casino in Bendigo, which was strongly advocated by the former member for Bendigo East. Under the former government's proposals there was the opportunity for a second casino to be set up 150 kilometres away from the Crown Casino somewhere in country Victoria. That would have allowed the tentacles of the casino to spread through country Victoria like an octopus. The former member for Bendigo East would have been

happy to see a casino sucking money out of our community. After consulting with the Minister for Gaming, I was very pleased to learn that a casino for Bendigo had been ruled out categorically.

The former government had three opportunities to change the legislation. The honourable member for Footscray asked why it did not take those opportunities, and a recent editorial in the Bendigo *Advertiser* dated 2 March also asked that same question:

But the question must be asked, why has it taken seven years for someone to get serious? In 1992–93 almost \$900 000 was lost on poker machines in Bendigo.

That figure should have caused alarm bells to ring and action taken. Yet last year that figure skyrocketed to an amazing \$31.6 million.

So, if the problem has grown at such an alarming rate, why has nothing been done until now?

It took the election of a Bracks Labor government for changes to be made to the legislation. The Labor government is committed to halting the spread throughout this state of the casino culture and its devastating impact on country Victoria.

Next Monday evening I am speaking at a responsible gaming forum in Bendigo run by Bendigo Community Health's Breakeven problem gambling service. I am pleased to be able to attend that meeting and tell them that the much needed reforms they have been seeking for a number of years have been passed through state Parliament and that they will go a long way towards lessening the impact of gambling on communities such as Bendigo. I am pleased to commend the bill to the house, and I commend the Minister for Gaming for his excellent work.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Gambling Legislation (Responsible Gambling) Bill. I congratulate the Minister for Gaming for introducing responsible gaming legislation, but let us remember that a Labor government introduced gambling machines into this state, something the honourable member for Bendigo East tends to forget. Perhaps the fact she is a member of Emily's List has nothing to do with it! Let's not forget that the previous coalition government used \$60 million from gambling revenue to establish services including a 24-hour telephone advice service, G-line, Breakeven counselling services, and a multimedia public education campaign.

It is difficult not to gamble in Victoria. Even school students take part in Melbourne Cup sweeps. Many of us have purchased raffle tickets or played bingo, which might seem small and harmless but it is still a form of

gambling. In my electorate of Bulleen a total of 423 electronic gaming machines are spread over five venues. I have gone to those venues and have visited Crown Casino and I have gambled as well, unlike honourable members opposite who have not visited the venues to speak with the people who frequent them.

The majority of patrons go to the venues because they enjoy it, but there are people who have problems and who are addicted to gambling. A publication entitled *Asian Gambling — Family Losses* states:

Gambling is practised in various forms in Australia culture and throughout the world as part of recreation or as a lifestyle.

Even the Attorney-General claimed last year that he had backed the winning horse in the Cox Plate!

An article in the *Age* entitled 'Frocks, a free feed and a friendly flutter' states:

Crown Casino senior's program has between 7000 and 10 000 people driven there for four hours every week.

Mr Greg Corman, a supervising psychologist with G-line says:

... the seniors program is useful in giving many older people something to do and is a break from daily monotony.

Thousands of people are able to enjoy gambling across the state. They are the ones who can walk away when gambling is no longer fun. Unfortunately there are those who cannot walk away and, as a result, they cause pain and misery to themselves and their families.

Research by the Department of Psychology at the Victorian University of Technology found that three-quarters of Victorians aged between 13 and 25 had gambled and almost 50 per cent had either played cards for money or bought lottery tickets. According to the Productivity Commission's findings on Australian gambling, approximately 330 000 Australians have a significant gambling problem. That is especially true for Victorians from language backgrounds other than English. What has the government done about that? They have scrapped ethnic advertising on the dangers of gambling; advertising that was budgeted for and prepared by the former Liberal government has now been stopped.

The problem gambling advertising had been running in 11 ethnic newspapers and was booked until April 2000, but the Labor government stopped it. In a recent media release the Minister for Community Services tried to justify that action by saying that in 1998 and 1999 Breakeven had 2982 new clients compared with 3149 the previous year. She took the decision because there was a drop of 167 new clients, but she forgot

about the other 3000 clients. There was a small drop, so she thought she would save some money.

Gambling in our multicultural communities has increased since 1990 and it has changed the lifestyle of many Victorians from language backgrounds other than English. Some have suffered economically, socially and emotionally. The study entitled *Asian Gambling — Family Losses* outlines a number of case studies on the negative impact of gambling on families:

For some Victorians gambling changed relationships that were once peaceful.

Some of them told me that the men were very good husbands before they got involved in gambling. They become totally different people. Usually they become violent because they come home and have just lost. The wife asks them where's the money? They get angry very easily and they become very violent.

It is important to make some changes to the act to ensure that it is relevant. The government says the bill will secure a better, more balanced approach to gambling and better protect the community from its adverse effects. The bill tries to achieve that in a number of ways: it limits the number of gambling machines in Crown Casino to 2500, but that has already been done; it is not new and it is not a breakthrough.

The bill requires all new and renewed premises outside Melbourne to have a break of 4 hours after every 20 hours of operation. That does not solve the problem. It will not take long for regional venues to work together to make sure one venue is always open in any 24-hour period. Strangely, the 4-hour break is not imposed on metropolitan venues. Is that simply because it would favour Crown Casino?

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mr KOTSIRAS — The bill requires the Victorian Casino and Gaming Authority (VCGA) to consider any submissions by local councils on applications for new or expanded gaming venues. The submissions must address net economic and social impact. How will that be measured? How can the opposition be assured that the local council will not be biased in respect of applications or that the state government will not influence the placement of gaming machines? That doubt leaves the door open for accusations of favouritism and improper backroom deals.

The bill also removes from the objectives of the VCGA the 'promotion of tourism, employment and economic development generally in the state'. Strangely enough that objective was put there by the former Cain-Kirner government. I cannot understand what is wrong with promoting tourism in the state.

I commend the minister for introducing the bill. I hope he takes on board the opposition's concerns in relation to it.

Mr LANGDON (Ivanhoe) — I shall speak briefly on the bill, not because I do not have a lot to say on it but because of the time constraints in place because so many honourable members wish to speak on it.

Some honourable members will know that since I was elected in 1996 the effects of gambling on the community have been dear to my heart and I have fought tooth and nail against the proposed gaming establishment on the former Colosseum Hotel site.

An honourable member interjected.

Mr LANGDON — Indeed. One could say I hate the proposed development, but I will not say that.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Ivanhoe, without assistance.

Mr LANGDON — As I have little time, I will focus on the bill. I am pleased the legislation has finally been introduced by a Bracks Labor government and a fine minister. The bill provides for the long overdue imposition of regional caps on the number of gaming machines. The previous government totally ignored the issue of problem gambling. Giving local councils a say on the placement of gaming machines in their areas is vitally important. As all honourable members know, local government is in touch with the local community far more than any other level of government and knows the difficulties facing local areas. I am pleased that local councils will now have a say in the make-up of gaming in their areas.

The bill also imposes limits on gaming advertising. As a local resident I am sick and tired of the amount of advertising by gaming establishments. I remember noticing while watching television on one occasion that every bracket of advertisements contained at least one for gaming. That is how far it got. Although according to the advertisements it is easy to make a fortune, in reality that is far from true. I am exceptionally pleased that the government and the minister have proposed the measures in the bill. Setting up an independent panel to oversee research into gambling and other matters is vitally important. It has been discovered that since the introduction of gaming machines research into and the facts and figures behind electronic gaming have lagged. The effects of the machines must be made known.

Before closing I will comment on an issue in my electorate. As I said initially, I have opposed the

establishment of a gaming venue at the former Colosseum Hotel site for a good reason. A list of gambling expenditure for 1998–99 shows the City of Darebin as having the fourth-highest at \$78 625 940. The Colosseum Hotel site is on the border of the cities of Darebin and Banyule and the proposed development would have a devastating effect. My research on the site revealed there are more than 400 gaming machines within a 1-kilometre radius of the proposed location. Despite that Mr Mathieson still wanted to put in an extra 80 machines. The figure of \$78 million for the City of Darebin is extremely high. The City of Banyule is also high on the list, but it covers a more diverse socioeconomic population.

The figures for Darebin show that \$609.48 per capita was spent on gambling in 1998–99. That is an indication of the impact the proposed Colosseum Hotel development would have, because approximately \$600 out of every person's pocket is an enormous amount to go on gambling. According to the developer's figures the facility would expect a turnover of \$2500 per machine each day. I calculate that with 80 machines the turnover from one venue would be \$68 million per annum.

I have limited my comments to issues concerning my local area. I am strongly in favour of the bill. I commend it to the house.

Mr VOGELS (Warrnambool) — I will make a few comments on the Gambling Legislation (Responsible Gambling) Bill. It is a pity the former Labor government ever introduced poker machines into Victoria. I believe they are a blight on society. Victoria should have let New South Wales have the money that flowed over the border. The money that has been put through the machines in Victoria would have been much better spent in local communities to purchase real goods and services.

The second-reading speech states that the bill will secure a better balanced approach to gambling and will better protect the community from the adverse effects of gaming. It is always important to look at history. The Kirner government introduced poker machines and casinos to Victoria. Its legislation allowed for 50 000 poker machines and heralded gaming as a sunrise industry — but it has come back to haunt us. Under the bill the casino is limited to having 2500 poker machines yet that is all the casino licence provides for — in other words, there is no change.

The former coalition government lowered the cap on machines from 50 000 to 30 000. The bill restricts the trading hours of poker machines in rural and regional

Victoria. However, Melbourne patrons are able to gamble 24 hours a day. The Bracks government obviously believes city people are more responsible than rural people who must be monitored and mollycoddled. What a patronising attitude! Trying to solve gambling addiction by restricting access to machines reminds me of the prohibition of liquor in the United States of America — it was a complete failure.

I turn now to regional issues. The bill provides that the minister may determine the regions where machines may be placed and that local government will be directly involved. Politicians should never become directly involved in decisions about where machines are placed. That scenario is fraught with danger; the brown paper bag comes to mind. It leads also to suspicion and possible corruption.

Smaller organisations in rural Victoria, such as Returned and Services League clubs, bowling and golf clubs, will possibly lose their machines at the end of the contract period because of the cap on the number of machines. Machines will then be placed in the larger regional centres because of their larger turnovers, and in turn the industry will receive larger profits. The government says money from the machines will be returned to the municipalities, unlike the Community Support Fund, where funds were allocated where they were needed. Although that was not always to my satisfaction, anyone could apply. What will happen to funding for rural municipalities that have no gaming machines?

The hypocrisy of the Bracks government on gambling is unbelievable. The Labor Party introduced poker machines and the casino into Victoria. The Minister for Racing now wants to spend more on upgrading gambling facilities for horse and greyhound racing, and the Minister for Sport and Recreation wants the public to bet on football.

Every year many small organisations run football tipping competitions to raise a few dollars for their local community organisations. The government wants to create a gambling institution where the funds will go to the Australian Football League. That will take away those few hard-earned dollars from the small clubs and community organisations.

Mr Lenders interjected.

Mr VOGELS — I love them but they went out of existence when I retired. After listening to speakers on the government side all I can say, Mr Acting Speaker, is that hypocrisy reigns supreme.

Ms DAVIES (Gippsland West) — My eyes roll in amazement at the use of the word hypocrisy by opposition members. I support the Gambling Legislation (Responsible Gambling) Bill. At the outset, I point out that I do not believe the bill will redress all the harm caused to Victorians by gambling. The former government actively advertised, promoted and supported the gambling monopolies it created. It invented the dreadful atmosphere of fake glamour and superficial joy and wealth.

I remember with distaste the image of the former Premier glorifying the casino at its opening. The reality is that the vast majority of poker machine users in the casino and elsewhere do not participate in that sort of showy lifestyle and are less able to enjoy a positive healthy life because of the money they waste on gambling. It will take considerable time to take the fake out of the industry but the bill is a first step.

The bill means that the Victorian Casino and Gaming Authority (VCGA) no longer promotes gambling. That role was completely inappropriate. Instead the bill gives the authority a duty to help minimise the harm caused by gambling, and that is important. The bill also gives local government a role in limiting the number of machines in regions. I am concerned that the bill does not apply enough control. Clause 21 does not apply to an application for renewal of a permit, and clause 22 applies to an application for an increase in the number of machines. However, I accept that the bill is an important start. It recognises the principle that where gambling can be shown to be doing economic and social harm the machines should be limited.

This is of particular relevance to my region. I have no doubt that the people and the community have been harmed by excessive gambling. The Shire of Bass Coast in my electorate has experienced an increase of 159.6 per cent in gambling over six years which is an extraordinary increase. Some \$12 million was spent in the Shire of Bass Coast on gambling last year instead of being spent on real goods and real activity in the community.

Wonthaggi alone has three gambling venues. It is not primarily a tourist town and most of the money put into gaming machines is local money that has come out of the pockets of local people, many of whom can ill afford it. In the Shire of Bass Coast there is one machine for every 91 residents in an area where 40 per cent of the people live on the equivalent of social-security-level low incomes. They receive either some form of social security benefit or are involved in part-time or low-wage employment.

The system established by the previous government undoubtedly causes harm in my region because of the monopoly of two that government set up. The Tabcorp and Tattersalls operators who own and control the machines are able to allocate and shift machines and demand investment by venues at their whim. The operators are able to break contracts to supply machines to particular venues on the grounds that the machines are not raking in sufficient returns. A virtual pressure cooker situation exists in Victoria where Tabcorp and Tattersalls are able to continually raise the bar of how much cash each machine has to generate and how much income each club has to spend in order to keep its machines. That situation does not exist in other states. It is not a necessary feature of the gambling industry and I suggest it is a highly damaging feature of the industry in Victoria.

The argument that gambling profits can be given back as benefits to punters does not work when Tabcorp and Tattersalls can effectively force venues to use their profits to lure more people to lose more of their money on each machine. I do not believe the bill will completely solve the problem, but the amendment to be proposed by the honourable member for Mildura provides some opportunity to lessen it. The amendment proposes a new clause to insert proposed section 68 in the Gaming Machine Control Act to provide that contracts between operators and venues must not be approved if the contracts are deemed by the Victorian Casino and Gaming Authority to be harsh and unconscionable or not in the public interest, and there are other exceptions.

Once the proposed amendment is passed I hope that the VCGA will use the provision to regulate harsh and unconscionable features of contracts between the operators and the venues. Because of such features in contracts some clubs in my electorate have been left without machines and with large debts for refurbishments that were insisted on by Tabcorp and Tattersalls, and they are now in great financial difficulties.

My proposed amendment is small but important. It establishes, at least in principle, the rule that what is good for one area is good for another — that is, all venues must have a break of 4 hours of non-operation within each 24-hour period whether they are within or outside Melbourne. If I had had my way with the amendment that would have been it. So far as I am concerned, apart from an occasional shift worker anyone who is gambling at 4.00 a.m. has a problem. People are vulnerable in the wee small hours of the morning and often very isolated from a normal life. A forced closing period for all venues would have given

venues time to clean themselves out and gamblers a bit of time to stand back and consider exactly what they were doing, or perhaps even better, to go home to bed.

However, I have recognised that there are reasons why 24-hour venues should be permitted to operate in metropolitan areas, not the least of which is that I would not like to see Crown Casino with even more of a monopoly than it already has. My proposed amendment will mean that metropolitan venues that wish to avoid compulsory closure will have to apply for a permit and demonstrate there is a social and economic benefit to their opening for 24 hours. If I had my way it would be extraordinarily difficult for any venue to demonstrate there was a benefit in operating for 24 hours. I am very concerned about the positions of clubs on the borders of rural and metropolitan areas. I hope the VCGA will consider the problems that might exist in such border communities when deciding whether to grant particular venues 24-hour permits.

In conclusion, I am still concerned that viable alternative sources of income to gambling need to be found for Victoria. The previous government's much-vaunted healthy bottom line was based on cloud-cuckoo-land rubbish that mainly involved selling off the family silver and raising income from people's savings that had gone into mindless machines. That never was and was never going to be sustainable. Sooner or later the family silver runs out and the people who are prepared to use all their savings on gambling go broke.

The bill attempts to redress some of the harm caused by the previous government's fanatical dedication to the great god of gambling. It establishes procedures for research and review and opens up the possibility for further restrictions later down the track, if they appear necessary. It is a good beginning, although more may be needed. I am pleased to support the bill. I hope all honourable members will support the amendments proposed by the honourable member for Mildura and me.

Mrs MADDIGAN (Essendon) — I have pleasure in joining my colleagues on this side of the house in supporting the Gambling Legislation (Responsible Gambling) Bill and the excellent amendments put forward by the honourable members for Gippsland West and Mildura. The bill contains provisions for which not only those in my electorate but also a large part of the Victorian community have been calling for a long time.

Listening to the debate today has been a revelation to me. I have sat in this house since 1996 and in that time

the bills relating to gambling and electronic gaming machines were always supported strongly by members of the previous coalition government. Today while listening to the speeches of opposition members I discovered that they never supported the former government's legislation on gambling.

They have strong reservations about gaming machines. All I can say is that opposition members can certainly keep a secret because they kept that one to themselves since 1992. Finally, today they have come out of the closet and said they did not agree with the legislation they previously supported; they do not support large numbers of electronic gaming machines. This really has been a day of awakening for all of us.

The City of Moonee Valley covers the Essendon electorate. My constituents have been affected severely by the number of electronic gaming machines that proliferated under the previous government. Statistics reveal that in 1992–93 gaming income in the City of Moonee Valley was \$19 million. In 1998–99 that figure had increased to \$67 million. An increase from \$19 million to \$67 million is a pretty substantial one. From speaking to the business people or small traders in Puckle Street and the other areas of my municipality it is clear that they have been severely affected by this loss of income, which has gone into more non-productive areas.

It is sad that an examination of per capita expenditure on poker machines reveals that Moonee Valley is the fifth highest of local government areas in Victoria, with per capita expenditure of \$602, which is a very substantial amount of money. There are 73 electronic gaming machines to 10 000 people in my electorate, which again is a very high number of gaming machines for the population.

The bill is especially welcome because it attempts to control gaming. I have no problem with gaming machines, and many of my constituents have a very enjoyable evening at the Moonee Valley Racing Club or the Essendon Football Club, where they have dinner and play the poker machines. It is an enjoyable activity. They enjoy it and would not like it to be taken away. But they are not the real problem. Those who cannot cope with gaming and develop gambling problems are the ones we must look after. They are the people ignored by the previous Liberal–National party government for the whole seven years it was in office.

Honourable members representing country Victoria have said in debate that limiting the hours of gaming in country towns will mean income lost from those areas will go to the city. However, the research indicates that

one thing that encourages people to use gaming machines is their proximity. If gaming machines are just down the road from where people live, in the shopping centre or the local hotel, people are more likely to use them because they are so readily accessible. No research produced so far suggests that if you cannot gamble for 24 hours in Bendigo you will drive to Melbourne at 4 o'clock in the morning to use them. It is a ridiculous argument and there is no justification for it.

One important point to remember is that when gaming machines were introduced by the former Labor government under the then Premier Joan Kirner, the idea was for the machines to provide income to community clubs. It was strongly encouraged that the machines be placed in bowling clubs or other community facilities so that the money could go back into the community. It is a great shame that that has not worked out under the previous regime.

I refer the house to the Strathmore Bowling Club which had five poker machines installed. The club obtained quite an income from the machines, which enabled it to keep its bowling green in good order. The club has a large number of older members who get a great deal of enjoyment from gaming machines. Unfortunately, the club had its gaming machines taken away because its members were not spending enough money on them. What a bizarre situation that the previous government allowed to occur. It was saying to the Strathmore Bowling Club, 'Unless you can encourage your members to spend more money than they can afford, you will lose your gaming machines'.

Instead of gaming machines becoming a way for bowling clubs and the like to support themselves and provide a useful community asset, they became a bargaining tool that could be taken away from charitable institutions or local community clubs and placed in hotels or areas that behaved on a strictly profit basis. The benefits the community had been promised were lost under the previous regime, and some of the rationalisation methods outlined in the bill will help to overcome those problems.

An article in my local paper, *Community News* of 7 March, made some interesting comments about gaming and the problems with addictive behaviour for gamblers. The Reverend Tim Costello, who has spoken widely on this subject and always takes the opportunity to remind people at public forums that there used to be a state department called the Department for Vice and Gambling, pointed out that research has shown that 42 per cent of gaming revenue came from the addictive behaviours of problem gambling, and the amount of

money spent is not spread evenly throughout the community. It is estimated that about 3 per cent of the population puts in the most money, and that is the real problem.

In the same article, Breakeven–Western program coordinator Paul Blacker was reported as saying that demand for his program’s counselling services was increasing as ‘problem gambling became a bit more normalised’. It must be alarming for anyone to hear that problem gambling is becoming normalised. The newspaper report continued:

Research showed that expenditure on gaming was not evenly spread but came from ‘a small percentage of the population’. He said easy access to gaming venues was ‘quite a trap’ for the estimated 3 per cent of the community who experiences problems with gambling.

That is why municipalities like the one in which my electorate is located are concerned that they have a disproportionate number of gaming machines for their population. They are just too accessible for people who are problem gamblers. Even if a responsible venue operator says to a gambler, ‘You cannot gamble here any more; you have spent more money than you can afford’, that problem gambler has easy access to many other gaming facilities within a 2-minute drive in my electorate; so the fact that there are so many gaming machines adds to the problem.

It is interesting that this concern about the lack of support from problem gamblers given by the previous government is even acknowledged by the Australian Hotels Association, which probably has more members with gaming machines than any other group. In the same article the Australian Hotels Association chief executive Alan Giles states:

Venue operators were generally supportive of the government measures. We’ve been concerned for some time that not enough was being done for problem gamblers.

It is important to understand that it is not just a few rabid anti-gambling people who have expressed concern about the way the previous legislation was introduced to the house and the rules under which electronic gaming machines were used. It is a widely held view in the community.

The many excellent provisions in the bill will help to overcome some of those problems. The parts of the bill relevant to my electorate are the regional caps because, as I said, in our area we have more gaming machines than is appropriate for our population. The steps the government proposes to take will be welcomed by residents of my area.

The ban on 24-hour gaming venues is another important provision, particularly in my area which is strongly residential and has some of these facilities very close to people’s homes. There are constant problems with noise and other activities emanating from a certain 24-hour gaming venue. The fact that local councils will have a greater say on gaming in their area is another of the 24-hour limitations which will be strongly supported by my council and constituents because councils have felt they have been powerless to have any say about what is happening in their local area.

For electorates like Essendon, which have a severe problem with too many gaming machines in their areas, the bill is extremely welcome. The response from people who have contacted my electorate office reveals that the community has been waiting for this responsible approach to gambling and is keen to see it introduced and in place in Essendon.

Mr JASPER (Murray Valley) — I support the general thrust of the proposed legislation but I, like many opposition members, have some concern about the bill. I suggest that some government members also have concerns about some aspects of the bill.

I have listened with great interest to the contributions of honourable members, particularly that of the honourable member for Mornington, who highlighted the fact that the previous Labor government brought in legislation to establish a casino and introduce gaming machines in Victoria. The honourable member said that in the early 1990s that proposal was welcomed by the former Premier, Joan Kirner, and other ministers, who believed it would be a great benefit for Victoria.

I also listened to the contribution of the honourable member for Footscray. I understand his concern for his electorate, and I acknowledge that problem gambling exists. The previous government considered how that problem could best be addressed.

I also listened with a great deal of interest to the contribution of the honourable member for Gippsland West. She spoke about hypocrisy, but I think she showed some hypocrisy. She was almost sanctimonious in her criticism of the previous government and in her comments about poker machines operating in Victoria and the Victorian Casino and Gaming Authority. I understand where she is coming from — she would feel somewhat vitriolic as a result of the attacks made on her and her electorate by the former Premier and other members of the former government.

I also listened with interest to the contribution of the honourable member for Essendon. I acknowledge her

comments concerning the problems associated with gaming machine operators in her electorate. When the honourable member said she has no problem with gaming machines I believe she was saying that she has no problem with the operation of the casino and gambling machines in Victoria, but that the problems need to be addressed. I agree with that, as would all members of the house. We need a balanced approach to the provision of gambling machines in this state.

It was also claimed that the previous government ignored the development of Victoria. That is wrong, and it should be acknowledged that major changes were introduced during the seven years of the coalition government. As I have said earlier in this parliamentary session, the government needs to acknowledge that from 1992 to 1999 the coalition government did many good things for Victoria. That needs to be acknowledged by the government. Ministers would be given some credibility if they were to do that.

As a country member of Parliament I will refer to the changes that are being implemented and the effect of those changes on country Victoria. In the lead-up to the last election much was said about the percentage of gambling money collected by hotels and distributed to the Community Support Fund. As all members are aware, that fund was used to enable a large number of developments in Victoria to take place. It should be acknowledged that those developments were made possible by the percentage of gambling money that was and still is distributed to the Community Support Fund. Many of the projects that were undertaken in my electorate during 1992–99 were in part funded from that source. That needs to be acknowledged.

An example in my electorate of Murray Valley is the community recreation reserve facility that was built in the small township of Whorouly at a cost of approximately \$230 000. The contribution towards that project from the Community Support Fund was \$115 000. There is no doubt that that community would have been unable to build that facility without the support provided by the government through the Community Support Fund. As I said, the Community Support Fund is made up in part from moneys collected from gambling machines in hotels. So there have been great benefits from gambling.

In the lead-up to the last election figures showed that a range of sporting, recreational and cultural projects in the electorate were funded through direct allocations of more than \$1.5 million from the Community Support Fund. Money from that fund has been provided for projects across Victoria, such as \$100 million for the Turning the Tide strategy, which deals with drug

problems, and \$39 million for the relief of problem gambling. The previous government recognised the adverse effects of problem gambling and acknowledged that some people abuse gambling machines. In addition, some \$17.5 million was allocated for families in crisis and financial counselling services.

I also wish to express my concern about the government saying that funding will be made available only to areas from which poker machine funds have been collected. If the government follows that line areas in my electorate will receive no funding whatsoever.

The municipalities of Moira and Indigo, making up the larger part of the electorate of Murray Valley, have no poker machines whatsoever. The Rural City of Wangaratta has only a limited number of poker machines at three venues, so the total number of poker machines in the electorate is very small.

Clause 8 gives the minister power to determine the maximum permissible number of gaming machines within any one region, both in country areas and in metropolitan Melbourne. The minister may also require changes in the numbers of machines within any one region.

One of the pluses of the operation of the Victorian Casino and Gaming Authority so far, despite criticisms levelled at it by the government, is that it has operated at arm's length from the minister rather than under his control. Clauses 8, 9, 10 and 11 provide that the minister may determine the numbers of poker machines within regions and the locations of machines. That level of involvement can give rise to difficulties, particularly in specific country areas. It might mean, for example, that the government will not provide money for development in situations where the state will not derive direct gaming revenue. That possibility concerns me.

The proposed restriction on 24-hour trading in country areas also concerns me. I understand the reasons for those provisions, but I believe it would be wiser if the government applied the restrictions across the whole of the state, including metropolitan Melbourne, which has no greater need for 24-hour gaming venues than country areas have.

The government needs to consider those areas of the bill in the light of a future further review of the industry. The previous government acknowledged the difficulties being experienced in the industry, including problem gambling, and made money available to alleviate those problems. There should be a further review to make sure we have adequate controls over the

industry. There should be a balance between the number of gaming machines and the number of people wishing to use them, and we should address the issue of problem gamblers.

The remaining matter I wish to mention briefly is the state border that stretches along the northern edge of my electorate. Restrictions applying to the area abutting New South Wales need to be reviewed.

The legislation has some potential and I support many of its provisions, but I also acknowledge that this area of legislation will need to be considered further. We need to review the industry further while maintaining its operating effectiveness.

Mr HELPER (Ripon) — I offer a reminder to honourable members opposite, particularly the honourable member for Murray Valley, that gaming machines were introduced in Victoria in August 1992 and the Kennett government was elected in October 1992. The poor distribution of gaming machines throughout the state is, therefore, clearly the work of the Kennett government.

Of particular interest to me is the provision in the bill for a regional cap, which recognises the social and economic impacts of gaming on regional communities such as Maryborough and Ararat. As a former small business proprietor I know the effect a relatively open-ended gambling industry of the sort we have had in recent years can have. Millions of dollars are lost from regional economies and small businesses. That loss is not just a drain on the discretionary expenditure of families, it is also a drain on less discretionary expenditure, including core expenditures for families if they are to have a balanced life.

Some years ago when I was a candidate I conducted a survey of the impact of gambling on the Maryborough retail business sector. I was amazed to find that the retail turnover of 75 per cent of retail businesses was reduced by at least 25 per cent. I confess that the survey was not a costly, consultant-driven instrument but an anecdotal survey. Its findings, however, were backed up by my personal experience. The bill considers the impact of gaming on regional communities and gives the minister the power to take social issues into account and to consult.

I recognise the important role gaming revenue plays for clubs in my electorate. Indeed, members of the Maryborough Bowling Club and the Maryborough Golf Club will join us at Parliament House tomorrow for a game of bowls on the parliamentary bowling

green, which is why I want to get my speeches in today! I recognise the good work they are able to do.

The minister should carefully consider the impact of the regional cap on small clubs. Under the previous government's gaming regime siting of machines was considered only insofar as it affected returns. That approach clearly lacked balance. Issues such as the economic and social impacts of gaming on towns like Maryborough are vital to the wellbeing and ongoing social viability of regional towns.

The bill is about returning balance to gaming. I commend it to the house.

Mr ASHLEY (Bayswater) — In the few moments available to me I will comment on the concept of responsible gambling. We have long been ambivalent about gambling, drinking and other activities of that kind, until recent years referred to as vices but these days generally known as peccadillos. Our ambivalence towards them still exists because they are at once pleasurable and contain a hint of moral hazard.

That is where the relaxed view comes from, and that is also where wowserism comes from. Society has been caught up in both views, and each has risen and fallen in popularity. At times we have wondered whether there were too many dangers and whether we could control them, and at other times we have taken a more free-and-easy attitude. The early part of the 19th century was substantially given over to gambling and the idea of a free go.

More than 100 000 people were at the Melbourne Cup in around about 1871–72, which is equivalent to more than 1 million people now. I realise there were no Totalisator Agency Board activities then, but that figure shows how much gambling has been part of Victoria's culture and how difficult it has been to tread that very fine line between being excessively concerned and underplaying the problem. The fact is that as the 19th century came to an end there were movements within both Australia and Britain to contain gambling. For those on the wowser side, that was done successfully. For those on the pleasure side, the next 50 years began the upsurge of gambling activities in a more controlled form.

I believe Tattersalls came to Victoria in about 1958, so we are now possibly at the crest of a new wave of dedication to the pleasure side of gambling. Perhaps we are now at the beginning, against the views of Geoffrey Blainey that the past campaign of anti-gambling would be the last Australia would see. I think we may be at the beginning of a new era when the community looks

upon gambling with much more concern than previously.

In addressing the issue today, it is necessary to accept that much of the concern about excessive gambling and the belief that it is a moral hazard comes from people who might be called the modern wowsers. I am sure some of them are not, but I am equally sure there is a tendency for those on the pleasure side to regard them as that. It is also necessary to consider the view that gambling is a neutral activity. That is the point of view adopted by Professor Alex Blaszczynski, a clinical psychologist at the University of New South Wales, who specialises in gambling and gambling addictions. He puts it this way:

It is only when someone has determined to spend \$25 in half an hour on the poker machines and ends up spending \$500 in 5 hours that a person begins to sense that they have impaired control.

I suggest that some degree of rationalisation exists even in that comment. Often a person needs to spend more than just one occasion of many hours going through the destructive consequences of that before he or she reaches the point of feeling control is impaired. Professor Blaszczynski continues:

Gambling is becoming acceptable as an entertaining way to pass the time.

That is where the pleasurable side comes back into the context of the debate. By the mid-1990s quantitative research by the New South Wales government supported the view that 4 out of 10 respondents agreed with the statement that gambling is an important leisure activity for Australians.

At the same time the then New South Wales Minister for Gaming and Racing, Richard Face, acknowledged that problem gambling had become a key public policy issue. He commented:

Commercial gambling operators themselves need to acknowledge the public sensitivities inherent in these activities and to minimise the harm.

That means that in a sense we are coming towards the problem pretty much contemporaneously to reach a position of minimising harm. Unfortunately it is only as societies experience harm that they then go through a process of addressing the issues that cause the harm and endeavouring to tame them.

Professor Blaszczynski also states that most people gamble sensibly. Research indicates that gambling has become seriously dysfunctional behaviour for between 0.2 and 2.0 per cent of the gambling population. In

reviewing the government's role, Professor Blaszczynski states:

Participation is voluntary and money raised from gambling is channelled into many valuable social services.

We have heard that repeated a number of times in the debate today. Professor Blaszczynski adds:

Government cannot be blamed for considering alternative ways to acquire income.

That gets to the point of where the previous government was when it took over from the government before that, which had a Premier who was interested in gambling rejuvenating Victoria. She called it a gambling-led recovery. The problems of revenue raising also became the problems of the Kennett government, as they have for many provincial governments around the world. All provincial governments looking for money tend to fall into the trap, along with those who exceed their limits with personal gambling. Professor Blaszczynski sends a warning that is relevant to the passage of this legislation. He cautions that taking a socially responsible path would be nice, and that is what we are doing. However, he continues:

But then, should we also cease to sell cigarettes, limit alcohol sales or apply curfews on night clubs and rave parties?

How far down the track have we gone towards becoming the wowsers that we do not think we are or that the new government does not think it is? In other words, governments have only small scope in containing risk behaviours. The root problem after all is availability. Availability fans obsessive compulsive behaviours. Insofar as we are trying to tame or restrict that availability a little we are moving in a responsible direction. But the professor is telling us, 'Don't fool yourselves that somehow it will be a cure-all'. He also said that the more available gambling is made for prospective punters the greater the risk people will become gambling addicts with all the ramifications that involves.

Therefore the way ahead involves a degree of restriction and a degree of education. However, I might say that this legislation arrives at a very propitious time for the new government, and that is the arrival of the new goods and services tax. Disliked as it is by those on the other side, the arrival of the GST as a way of taxing will put a floor under the state's revenues. Through the GST, by the years 2007 and 2008 the state will be reaping \$195 million more than it is reaping under conventional forms of revenue raising. If that is the case, is the new government proposing that it will put a ceiling on the proportion of money raised through gambling? If it is deadly serious about taming

gambling, that may in fact be the more reasoned and effective way to do so — to constrict the amount of revenue in the future via the good news of the GST coming on stream. To restrict gambling by that means may be what society is looking for as the real signal that we are getting tough on gambling.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank a number of members for participating in the debate: from the opposition, the honourable members for Shepparton, Mornington, Sandringham, Bulleen, Knox, Bellarine, Frankston, Wimmera, Warrnambool, Murray Valley and Bayswater; two of the Independents, the members for Mildura and Gippsland West; and the government members from Dandenong North, Oakleigh, Melbourne, Ballarat East, Frankston East, Footscray, Bendigo East, Ivanhoe, Essendon and Ripon.

There has been misinformation from opposition members on some issues. Broadly speaking, they say that although they do not oppose the bill it will not provide a quick fix and that politicians have been given the opportunity to influence the allocation of gaming machines — and then they commend the government.

The importance of the bill is that it takes stock of gaming. It is a responsible regulatory approach. When in 1991 the Labor government introduced the first gaming machines, which were operational by August 1992, there was a different view of the direction of gaming. The intention was for gaming venues to be smaller and community based with a community benefit. However, as a result of the rush to get the maximum number of gaming machines, the trend was to 24-hour venues with 105 machines, with a high concentration in certain localities.

The government has said that gaming is here to stay. It is not about being wowsery but about creating a responsible gaming industry, focusing on reducing the harm to local communities and individuals adversely affected by problem gambling. It is a stocktake that recognises that a regulatory system is better, given that the state is legally bound to having 30 000 machines. That is why we are introducing regional caps — the major way of reducing the impact on areas of high concentration. Local communities will be consulted over additional venues or variations in licences, and there are additional tests to be passed in gaining a new licence or variation.

I am disappointed that the opposition did not seek a briefing on the bill. That is probably why there have been a few concerns. No opposition frontbenchers have spoken on the bill.

In his contribution the honourable member for Bayswater raised the important issue of revenue and dependency. The state government got into gaming as a source of alternative revenue. The previous government turned a blind eye to the problems in gaming because it was interested in receiving revenue rather than dealing with issues of dependency that involve the federal government.

As a state, Victoria cannot improve its tax mix by paying 26 per cent tax on petrol and getting only 16 per cent of the dollar back. As a result the Victorian and New South Wales governments have gone looking for other revenue sources. That is an issue involving the federal government which the government is committed to taking up.

Where does the money go in gaming? There is an issue about net loss. The government has published figures because it is important that members of the community be involved in the debate and know how their area compares to others. It is important to understand where the revenue goes. The government revenue is spent on the community — about 85 per cent of the budget goes into consolidated revenue, education, health and community safety.

I agree with the honourable member for Mildura that there have been issues of concern about the administration of the Community Support Fund. It is in the realm of the Premier, who will make some announcements about the delivery of policies and about disbursing a greater proportion of money to the areas generating the revenue. That is what the Community Support Fund was designed to do — reduce the social harm in gaming areas and add community benefits. The honourable member for Mildura and other members in the house will be pleased when the Premier makes those announcements.

There are benefits for some communities, but the research indicates that once a certain level of gaming activity is reached, there is a negative effect — and that is why caps are being introduced. A recent report by the Victorian Casino and Gaming Authority highlighted two municipalities, Boroondara and Darebin. With its high concentration of machines, the Darebin community was worse off. The report endorses setting up caps, which is what the bill is trying to do. It is enabling legislation: the first stage of reform.

The second stage considers the discussion process which is out in the community until 15 April. A meeting was held in Oakleigh in the City of Monash and the feedback will help the government to set the regulations needed to implement the bill. The

government has been conscious of its responsibility not to rush through changes leading to unintended consequences and to give reasonable time — it is five months since the government was formed — to encourage debate in the community so the right balance will be struck.

The third reform stage is dealing with the additional issues raised as part of the discussion paper, which is not part of the bill. I assure the house there will be more reforms — this is a start.

A number of members of the opposition have been running rampant around their electorates scaremongering and saying machines will be dumped in certain areas. A couple of those members who did not participate in the debate are the honourable members for Monbulk and Evelyn, who said in their own local newspapers that machines will be dumped in the Yarra Valley and other places. That is not the intention of the legislation.

A number of opposition members said this will be the first instance of political interference in the allocation of gaming machines. In fact the bill is about strengthening the role of the regulator. As it does now, the Victorian Casino and Gaming Authority will determine where gaming machines go. The government will give the authority teeth. It will change the pre-eminent role of the authority from one of promoting the industry to one of creating a responsible industry that reduces the harm caused by problem gambling.

That will be the authority's charter, and the government will give the authority teeth. The previous government was very happy for the Victorian Casino and Gaming Authority to be criticised for supposedly not acting responsibly, but the fact is that it did not have teeth. When the authority and the gaming unit of the Department of Treasury and Finance asked the government of the day to take a responsible approach to gaming the requests were ignored. In effect, what the government is now doing is very similar to what the authority and the Department of Treasury and Finance suggested to the former government.

There are now latter-day converts to responsible gaming, but members of the opposition had the opportunity when in government to do something. The honourable member for Essendon was absolutely right, maybe it is a new millennium revelation for them that suddenly something has to be done about the problem. I am disappointed at the complete lack of honesty about where things stand. The opposition says it is eight years since the first machines were introduced and that it is the fault of the previous Labor government. The first

machines were not introduced until August 1992 and, as the honourable member for Ripon said, the coalition government was elected in October.

The bill does not mean that as the Minister for Gaming I will interfere in the process. Clause 8 clearly states that it is the responsibility of the Victorian Casino and Gaming Authority to set regional caps and determine how they should be met. The honourable member for Bulleen said there is already a freeze on the number of gaming machines at the Crown Casino. I do not know what he was doing when he was advising the former Premier. Having worked in the former Premier's office he should recall that at least once a year the casino would approach the then government requesting a change to its licence. That is all that is needed under the existing legislation. I could tell the casino tomorrow that it can have more gaming machines, but the bill removes my discretion as Minister for Gaming to say yes or no.

Opposition members talk about ministers having the power to politically interfere in the process. The bill provides that the Parliament will decide how many machines are in the casino. So far as I am concerned, there will be no more machines. The bill imposes a freeze on machines in the casino and strengthens the statewide freeze of 30 000 machines, which must be better managed.

The honourable member for Frankston objected to the bill because she said it will lead to trading in licences. Again, that is wrong. I am not surprised that opposition members are wrong because they did not seek a briefing on the bill so they could then discuss it clause by clause. I am happy to brief shadow ministers on any issue, as I have done in the past. I would rather have informed debate than misinformed debate. I do not think members of the opposition have taken up their responsibilities on this issue, and that is shown by the lack of contributions from opposition frontbenchers. Section 26 of the Gaming Machine Control Act states that venue operator licences are not transferable, so the honourable member for Frankston is wrong.

Members of the opposition also stated that the opportunity for councils to make submissions about gaming venues will create a conflict for councillors who have interests in gaming venues. They are not interested in giving local government any meaningful role. They do not want people in their own electorates to be able to channel matters through local councils so they can put forward a point of view. The Victorian Casino and Gaming Authority does not have to accept a council's viewpoint, but more information can be made available to the authority. In the past the authority was

not required to consider the opinions of local councils. That indicates the opposition's attitude to local government and local councillors making decisions on issues affecting their communities.

A number of opposition members, including the honourable members for Bentleigh, Wimmera, Prahran and Knox, were formerly local councillors. They were referring to their former colleagues and whether they are responsible enough to make those sorts of decisions. It is clear that this legislation will give councils more of a say; it does not give them a right of veto. I do not think local government should have that right.

The bill also broadens the scope of research, which has been criticised for its lack of meaning. If there is an issue about the quality of research and whether it is correct, let an independent group conduct the research so that any perception about political interference or favouritism is removed. Research is about knowing more about a very complex area. The honourable member for Shepparton asked, 'What is a problem gambler?'. Not much research has been done on that. How does a venue identify a problem gambler, and how does it help that person? The bill will result in better research being carried out.

The government's approach is not anti-gambling; that is what some opposition members are trying to say. The government is about responsible regulation. It is better to regulate than to stick your head in the sand and pretend that gambling will not occur. The government realises that there are some benefits from gaming. As the Minister for Major Projects and Tourism, I have been lobbied by tourist regions about the benefits of gaming machines. I acknowledge that is true in many rural electorates. The point is that we must reduce the harm that can be done in areas where the problem is concentrated. That is the real issue.

I thank honourable members for broadly supporting the bill. I will certainly join in the debate on the amendments to be moved by the honourable members for Mildura and Gippsland West, which the government supports as being reasonable in the circumstances. I commend the bill to the house. I am very pleased that the first bill I have introduced to Parliament as the Minister for Gaming will achieve something that is important for the future interests of our state.

The ACTING SPEAKER (Ms Barker) — Order! As the required statement of intention has been made that the second reading of this bill requires to be passed by an absolute majority and as there are not

45 members present in the house I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clauses 1 to 12 agreed to.

Clause 13

Ms DAVIES (Gippsland West) — I move:

1. Clause 13, lines 26 and 27, omit "outside the Melbourne Statistical Division".
2. Clause 13, after line 33 insert —

“(1B) Sub-section (1A) does not apply to premises in the Melbourne Statistical Division on any day or date specified in an approval of premises or in a venue operator's licence as a day or date on which 24 hour gaming is permitted in the premises.”.
3. Clause 13, page 11, omit line 1 and insert —

“(1C) Sub-sections (1A) and (1B) apply to — “.
4. Clause 13, page 11, line 3, omit "section 12H" and insert "this section".

The amendment is fairly short but establishes the principle that what is good for one should be good for the rest. Instead of having a rule for the Melbourne statistical division and a rule for rural areas, the general principle is the same.

It is a condition of every approval of premises that when the premises is an improved venue there must be a continuous 4-hour break from gaming after every 20 hours of gaming and there must not be more than 20 hours of gaming each day. However, the amendment provides for the possibility for operators gaining permission to open 24 hours a day if they are in the Melbourne statistical division. The amendments basically mean that operators in Melbourne will not be able to get around the legislation by operating for 23 hours and 55 minutes in every 24 hours. Unless they have a specific permit they will be able to operate for only 20 out of every 24 hours. It will be up to the Victorian Casino and Gaming Authority to establish the appropriate criteria.

The amendment provides for the same principles to be shared by all, but accepts the reality that some venues should be able to gain permission to operate 24 hours in a day.

Mr PANDAZOPOULOS (Minister for Gaming) — The government supports the amendment and thanks the honourable member for discussing the matter with it. The amendment will clarify any uncertainty in relation to possible avoidance measures by venues that do not have 24-hour licenses to get around the 24-hour provisions in the bill. It will apply a set standard across Melbourne and country Victoria — that is, for venues to be able to operate for a maximum of 20 hours with a minimum 4-hour break.

Amendments agreed to; amended clause agreed to; clauses 14 to 30 agreed to.

New Clause

Mr SAVAGE (Mildura) — I move:

'A. Section 68 inserted

In Part 4 of the **Gaming Machine Control Act 1991**, before section 69 **insert** —

“68. *Contracts to be approved by Authority*

- (1) In this section —
- “**contract**” includes any kind of agreement or arrangement;
- “**relevant contract**” means a contract between a venue operator and a gaming operator.
- (2) A relevant contract must —
- (a) be in accordance with a form approved by the Authority; or
 - (b) be approved by the Authority in a particular case.
- (3) The Authority must not approve a relevant contract if in the opinion of the Authority the contract —
- (a) is harsh and unconscionable; or
 - (b) is not in the public interest; or
 - (c) jeopardises the integrity and conduct of gaming; or
 - (d) does not promote the purpose of this Act; or
 - (e) is in breach of this Act.”.

The amendment reinserts former section 68 in the Gaming Machine Control Act. It provides for control over contracts between venues and either Tabcorp or Tattsлото. It is appropriate that it be reinserted in the

legislation. Its return has the support of Clubs Victoria and will restrict the occurrence of some situations that arise because of the existence of the duopoly.

Mr PANDAZOPOULOS (Minister for Gaming) — The government supports the amendment and thanks the honourable member for Mildura for discussing the matter with it. The amendment reintroduces a provision that was part of the original legislation but was withdrawn by the previous government in 1997. Its return has been actively lobbied for by the Licensed Clubs Association of Victoria and the Australian Hotels Association, Victorian branch.

New clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

The SPEAKER — Order! The question is that the bill be now read a third time. As there are not more than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Mr Pandazopoulos — On a point of order, Mr Speaker, I seek advice on a serious matter — that is, what standing orders state about members participating as part of their role by being in the house to vote instead of striking and failing to support their local communities by not being in the chamber when a vote is taken.

The SPEAKER — Order! There is no point of order. The minister should know that standing orders require that a quorum be present, and a quorum is present.

Remaining stages

The SPEAKER — Order! The question is:

That the bill be transmitted to the Legislative Council and their concurrence desired therein.

Question agreed to.

Passed remaining stages.

Mr Brumby — On a point of order, Mr Speaker, I seek your guidance on the reporting of the vote in *Hansard* and whether it will show that only one member of the opposition was present to support the third reading of the bill.

The SPEAKER — Order! There is no point of order. The minister should know that *Hansard* will show the decision of the house.

Mr Haermeyer — Mr Speaker, I seek to move a motion by leave.

The SPEAKER — Order! It is inappropriate for the minister to move a motion at this point in the proceedings.

Mr Haermeyer — On a point of order, Mr Speaker, I understood that it was appropriate to seek to move a motion with the leave of the house at a change of business, which I understand is where the house is currently at.

The SPEAKER — Order! On the point of order raised by the Minister for Police and Emergency Services, I indicate that motions may be moved during the formal business part of the agenda. The house is now past that point and is dealing with government business, orders of the day, and they are the only matters that can be called on.

ADMINISTRATION AND PROBATE (DUST DISEASES) BILL

Second reading

Debate resumed from 16 March; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — The Administration and Probate (Dust Diseases) Bill is small but important. As is my wont, I try to put things in context, particularly when they involve small but complicated legal provisions. Honourable members are elected to this place not to talk about the law or legal aspects but to talk about policy. But the only way one can talk about policy in discussing a bill such as the Administration and Probate (Dust Diseases) Bill is to put it in its historical context and explain where it fits into the law of the land.

Honourable members should understand that although the bill amends an existing act, in effect it alters the common law. However, one needs to know what aspect of the common law the bill is changing, because the common law is the basis on which the country operates.

If legislation restricts or changes the common law, it is important that honourable members know why.

As has been said on many occasions in this place, particularly during debates on Workcover legislation and common-law rights, there is nothing magical about the common law, which consists of a range of principles derived from times very different from today. However, the one magical thing about the common law is that it is the foundation on which our legal system is based. Australia has come a long way since those principles were derived, and legislation has become the modern approach to the way we organise our affairs.

In many cases the application of common law has been replaced by statute or altered in the same way in which the principle the bill deals with has been altered. The bill alters the common-law principle that one party's cause of action against another party dies with the death of either of the two parties. The person involved need not be a plaintiff or defendant nor does he or she need to have issued an action.

The reason for that is that there are two types of common-law actions — that is, in personam actions and actions in rem. The difference between in personam actions and in rem actions is simple. In personam actions are personal actions between two people involving contracts or things of that nature. In rem actions are actions attributable to and attached to property. Because property continues on, in rem actions continue on. However, because in personam actions are between two people it was thought appropriate that when either of those people died the in personam action should die with them. That principle was fiddled with some time ago. Although it was good in theory and made sense when it was created, as people became more sophisticated it was apparent that it did not make sense because it gave rise to unjust situations.

The Wrongs Act was the first attempt to change the principle. I have not read the Wrongs Act since I attended university so I cannot remember when it originated. Although it is a 1958 act, in Victoria in 1958 all former legislation was consolidated into one set of laws. When one sees a 1958 act one can be almost certain that it was created at some time other than 1958. Suffice it to say that the Wrongs Act was created long before 1958.

How is the Wrongs Act relevant to the principle that in personam actions die when the people involved in them die? When the Wrongs Act was passed people were already fairly sophisticated. They had estates, to which the law of estates applied. For example, when people died what they had survived for the benefit of their

estates. As people rose to that level of sophistication they wanted to understand why, if they had rights regarding litigation, those rights should not be passed on for the benefit of their estates. Consequently, changes had to be made.

The Wrongs Act went one step further. It enabled dependants to sue a defendant who had by neglect or negligence caused the death of a person on whom the dependants depended. It was a fairly straightforward piece of legislation. For instance, if you were a person with dependants and someone injured you and you died, normally the action would die with you, but the Wrongs Act provided that if you had dependants who depended on you the person who caused your death should be responsible to the dependants for the loss they suffered because they had been relying on you. It provided that if the dependants suffered loss they should be able to recover that loss from the person who had caused your death through neglect. That was the first change.

A second change involved a situation where a person suffered an injury caused by a third party. In that case the person who suffered the injury had a cause of action against the third party. If the person who suffered the injury died during the trial, normally all those rights would die with him or her and could not be passed on to the estate. In 1942 amendments were made to the Administration and Probate Act through the Survival Act the effect of which was to provide that in certain circumstances if you died while in the process of suing someone your action could be continued by your estate. Any damages awarded as a consequence of that action were part of your will and went on to your estate. That was another change made in the Administration and Probate Act.

However, one element of that legislation was thought to have gone too far. If someone caused you an injury, you had a cause of action. If you died during the action the estate could continue the action and it was considered that pecuniary damages — loss of wages, expenses you were owed and doctors' bills your estate would have to pay, the sort of concrete damages that you could get — should go on to your estate, but that non-pecuniary damages — pain and suffering, curtailment of life and mental injury — were personal to you and could not be passed on — that it was of no business of your estate that you suffered personal pain and suffering because when you died that went with you.

Although that was fine for a while it became clear that there was injustice even in that. For instance, you might start an action while you had a disease and know you

were dying while the action was proceeding, and if you died 10 minutes before the verdict was delivered any claims for amounts for pain and suffering, for those personal matters, would immediately die with you and your estate would not be entitled to recover perhaps hundreds of thousands of dollars. If you managed to struggle on and you died 10 minutes after the verdict was delivered, the pain and suffering damages would be regarded as your money when you died and would go to your estate. That was also seen to be an unfair situation.

As the legal system has developed it has become more and more evident there should not be such a distinction — that is, there should not be a lottery as to whether or not a person will make it to the verdict. The amendments provide for the picture to be completed and for non-pecuniary damages to flow on to the estate of a person who dies during the course of an action. The bill is limited to a very specific group of actions commonly known as the dust actions. They are a group of personal injury actions to do with diseases of the pulmonary system and include diseases caused by dust that gets into the lungs, such as asbestosis. The life expectancy of people with a whole range of diseases is limited because once this carcinogenic process starts in the pulmonary system the person involved will die. It was thought that legislation should be brought up to date in relation to those matters.

How do we define dust? The legislation has been quite clever about that: using the New South Wales model it has not tried to define what is and is not dust but instead defines what dust-related pulmonary disease is. A schedule details the relevant diseases and generally says that if a person suffers from a pulmonary-related dust disease that person can get in under the legislation. One of the question marks over the bill is that it covers only a confined area and people suffering from many other sorts of diseases may be in similar situations.

They may die as a result of an accident during the litigation or as a consequence of a disease which is not dust-related — cancer being the obvious one. As I said, there is a question mark over the legislation and a working party is looking into it. It is an important issue because once you open that Pandora's box you are changing things big time. You may be changing the verdict by hundreds of thousands of dollars.

At the moment there may be four or five of these particular cases a year under this legislation, but if we open it up there will be perhaps 10 or 15 or more of those cases. As one of the speakers on this side of the house will say later in the debate, we must question whether we have insurance to cover that situation

because it will go back to 1985. There are many questions to be answered, and I hope the working party will carefully examine them. There is a big question mark over the proposed legislation, and for that reason I wish the working party well.

The only other matter I mention concerns a case involving Ms Kerry Halleur and the commonwealth government, which was closely connected to the former shadow Attorney-General, now the Attorney-General. The case is certainly connected to the policy the Attorney-General has implemented in the bill as a first-step policy.

I note that, presumably because common law is now not part of Workcover, there will be a time, if the legislation which the Attorney-General says he will introduce is introduced, when it will open up the Workcover legislation, and that will become a significant matter that will have to be costed.

An interesting fact I learnt tonight is that about 200 metres from where I grew up there is a Halleur Road, and a Kerry Halleur used to go to Hallam Secondary College in that area. I have no idea whether it is the same Kerry Halleur, but it is fascinating how you can be travelling along in life and situations can arise that make you wonder whether the matters you come across later are related.

It was very sad that Kerry was dying while the cause of action was being run. It throws up enormous difficulties when that happens because there is a principle in law that hard cases make bad law. In other words, when tragic cases come before the court, the court is always caught in a dichotomy: it has to keep to the principles of the law and cannot change the law to fit a particular case. When a tragic case comes before the court and it is caught in that position, it still has to go ahead and sometimes be seen by the outside world to be heartless. But at the same time it knows that if it does not abide by what it believes to be the appropriate law, it will create damage further down the track for everyone. That is part of the integrity and the difficulty of being a judge. It is an incredibly difficult task.

The matter came before the Court of Appeal — I think it was Mr Justice Winneke and Mr Justice Brooking but I am not sure who the other judge was. Both sides of the house would agree that they are probably two of the most eminent judges in the whole of the state. The court had to make a decision as to whether it was going to allow the case to proceed and, therefore, ease the burden of the dying plaintiff or whether it had to ensure that the defence had an appropriate amount of time to

prepare so the case was not an abuse of the justice system.

What a tragic decision for a Court of Appeal to have to make! Do we bend the system and say that even though the defence is not ready to run the case, it should do so and therefore relieve the terrible burden on the plaintiff? Or should the principles of the law be upheld that state that in any case the parties should be prepared and ready so justice can be done and therefore risk that the plaintiff may die before the action is heard? Of course, at that time this legislation was not in place and personal damages would not have flowed had Kerry Halleur died. Luckily she did not die before the matter was settled, which I think happened on the day of the trial, so it never arose. A speaker on this side will certainly go into detail on the timing.

I want to make absolutely clear that there is not a skerrick of evidence that there was any malintention or inappropriate intention on the part of the defence. The defence was run by Mr Bongiorno, a well-known barrister who would not have allowed that sort of malfeasance — an intent to enter into a legal case. He argued the government's case before three of the most eminent judges in the land. The matter was held over until January, as I recall. I will not go into the detail of the timing because, as I said, another speaker has all the timings down pat.

It is absolutely essential that people do not use such a tragic case to try to score political points of any description and particularly not to accuse anyone, whether it be a government or a defendant, of deliberately attempting in the most foul way to do harm to a person unless there is absolute evidence to that effect. All the evidence before us in every single way is that that particular matter cannot be substantiated.

The matter went on extremely quickly, much more quickly than most cases do, and luckily the plaintiff did not die before it was settled and completed. Therefore she did not miss out on the damages. However, having said that, I point out that the bill will relieve the burden of plaintiffs. A plaintiff in a cause of action suing for damages as a consequence of injury goes through a very traumatic time. If that person is dying as well, a more traumatic situation could not be imagined.

The bill creates a release valve to lower the level of anxiety. There is one less thing for that person to worry about — that is, whether he or she may die before the verdict and lose the opportunity of passing on personal injury compensation and what I call non-pecuniary damages to his or her estate. That is why the opposition supports the bill and that is why it is keen to see what

the working party comes up with. The issue is much broader, and it is important to get that broad issue in context.

With those few words I have summed up the bill's history, the way it will work, why the opposition supports it and, most importantly, why it should not be used as a political football.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick for his contribution and for his overview of this important dust diseases bill. At first glance the bill seems to be relatively simple and straightforward. Indeed it is, because it fixes some fundamental difficulties faced by people who have experienced the great tragedies associated with asbestosis and mesothelioma in particular.

Many honourable members would be aware of the tragic case of Ms Kerry Ann Halleur, a Melbourne woman who died in January this year. As the honourable member for Berwick said, Ms Halleur had mesothelioma and was suing the commonwealth government in the Supreme Court of Victoria for damages arising as a result of her disease. Ms Halleur alleged that the commonwealth government had been negligent in allowing her to work in a building that was contaminated with asbestos. Many honourable members would be aware that the case involved the old commonwealth building on the corner of Spring and Latrobe streets, affectionately known as the Green Latrine.

In December 1999, when she had only weeks to live, Ms Halleur's case was delayed by the commonwealth government, thus jeopardising her opportunity to receive damages for pain and suffering. The delay and Ms Halleur's deteriorating health threatened to cut her potential damages award, which she intended to use to financially support her children aged eight weeks and two years after she died. The commonwealth eventually settled out of court. The day after settlement Ms Halleur died, leaving behind her two young children. It is a tragic case that vividly represents the appalling difficulties faced by people fighting dreadful battles with fast-acting diseases such as asbestosis and mesothelioma, which result in tragic and painful deaths.

Later in my contribution I will refer to another tragic case that was drawn to my attention today by the law firm Slater and Gordon. That case also involves delays and their tragic consequences. The problem relates to an archaic law that prevents certain actions being continued by the estate of a deceased plaintiff. Prior to 1942 there was a common-law rule that a person's right to action died with that person. That meant that once a

person died his or her estate could not sue another person, nor could his or her estate be sued. That led to many unfair results involving plaintiffs' cases being frustrated by the death of defendants.

As the honourable member for Berwick said, in 1942 this Parliament passed the Survival of Actions Act, which overcame that injustice in many cases. The act inserted in the Administration and Probate Act 1928 subsections (1) and (2) of section 25, which were the precursors to subsections (1) and (2) of section 29 of the Administration and Probate Act 1958. Section 29(1) of the 1958 act provides that when a person dies all causes of actions subsisting against or vested in that person survive for the benefit of his or her estate, subject to a number of exceptions and qualifications. Section 29(2) qualifies section 29(1) by providing that where a cause of action survives for the benefit of a deceased estate and where the death of that person was caused by the act or omission that gives rise to the cause of action the action shall not include any damages for pain or suffering, any bodily or mental harm suffered or the curtailment of expectation of life.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mrs Peulich) — Order! Under sessional orders the time for the adjournment of the house has arrived.

Public transport: mentally ill passengers

Ms BURKE (Pahran) — I refer the Minister for Transport to a matter concerning one of my constituents, Mr Gilbert Remy. Mr Remy suffers from a mental illness and is a heavy smoker. When Mr Remy travels on public transport he seems to have difficulty understanding that he has to pay for his ticket and that he cannot smoke. As a result he is constantly being given \$100 infringement notices, which is starting to break his bank.

One of the interesting things I have observed about persons with mental health conditions is that they often smoke. Smoking tends to make them feel more comfortable and peaceful. Although smoking is not good for their general health, it seems to be a fairly common practice among people who are mentally ill.

The number of residents in my electorate who suffer from mental illness is one of the highest of any area. I ask the Minister for Transport to consider putting forward guidelines for dealing with people who have mental health problems in a more understanding and

sympathetic way when they travel on public transport. Many of them intend to buy tickets but forget they have not done so, and some may not be aware that their tickets are out of date. If they are having a particularly bad day they may even find it difficult to use the ticket machines and may need assistance. Smoking seems to relieve some of their concerns, make them feel better, stimulate them and give them more confidence.

I ask the minister to see whether a system could be set up to enable inspectors to recognise the names of persons who suffer from mental illness and to give them special treatment, assist them with tickets and help them understand that they are not allowed to smoke on trams and trains, because the penalties may be too high for them. Guidance about acceptable behaviour is one way of addressing the problem, and we need to show some understanding to people with mental health problems because they need every bit of assistance we can give them.

Advertising standards

Ms BEATTIE (Tullamarine) — I ask the Minister for Women's Affairs what action she can take to enforce basic advertising standards. I refer in particular to the recent advertisement by the shoe company Windsor Smith.

For honourable members who may not have seen the degrading billboard I am referring to I will describe it briefly because it is important that honourable members know how far such advertisements have moved from ordinary community standards. The billboard features a woman in a low-cut top and a short skirt sitting on a couch or sofa. Her breasts and legs are oiled and her legs are spread apart. The man standing in front of her is wearing black trousers and, of course, the Windsor Smith shoes. Her face is at the same height as his pelvic region.

The billboard I saw was in Mount Alexander Road, Flemington, and the words 'This is porn' had been scrawled over it. I certainly concur with the sentiments of the person who scrawled those words.

I call on all honourable members to join with me to show their disgust at this type of advertisement.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member has already asked for one action. She cannot ask for two.

Ms BEATTIE — I will certainly advise my family and friends not to wear or buy Windsor Smith footwear. The lesson Windsor Smith takes from its advertising campaign should be that sex does not sell any more.

The blatant use of women's bodies to sell a product has no place in our community. Women are equal partners in our community, and that type of degrading advertising has no place in our society.

Dogs: control

Mr DELAHUNTY (Wimmera) — I advise the Minister for Agriculture that a Wimmera resident walking along an urban street recently was attacked by a dog and spent some time in hospital recovering from the attack. On returning to her home she was extremely upset to find that the dog that attacked her was still in the yard of a house in her street.

I am aware that the minister recently launched a campaign to reduce the number of dog attacks in public places and that a survey conducted by the Bureau of Animal Welfare entitled 'Dog attacks in public places' detailed some 700 dog attacks across only six metropolitan councils in the two years 1997–99, indicating that dog attacks are a matter that deserves serious attention.

I am also aware of legal consequences for the owner of a dog that injures someone. On the other hand, however, my conversations with people in local government and the police force and my checking of the Domestic (Feral and Nuisance) Animals Act inform me that the act does not, in some circumstances, allow for appropriate action to be taken. Section 34 of the act gives councils power to declare dogs dangerous under certain circumstances; but the procedure seems to address the rights of the dog owner.

Of major concern is the provision in section 34(3) that specifies types of injuries, including broken bones and lacerations requiring multiple stitches, that must be suffered by a victim if the dog concerned is to be declared dangerous. There are occasions when, although no direct physical injury is caused by an attacking dog, there is still a lot of mental anguish.

Section 77 of the act relates to the seizure of dogs or cats. While it appears to provide reasonable powers to act when an owner is guilty of an offence under sections 28 or 29, council officers inform me that problems arise because under the act they are not in a position to enter property to seize the dog. Council officers believe the term 'reasonable' is very loose and the power may need to be better defined. They also believe it would be helpful if they were specifically authorised to enter premises, even if only in the company of a police officer, to seize a dog. In the meantime, because of delays, dangerous dogs are still a

menace and cause great anxiety to residents such as the Wimmera resident to whom I referred.

I ask the minister to investigate these matters in order to address the concerns raised with me by council officers and citizens in the Wimmera electorate.

Sunshine Rooming House

Mr LANGUILLER (Sunshine) — Sunshine Rooming House is a community housing provider that fulfils an important function by offering affordable accommodation for single people on low incomes. As all honourable members will know, there are many — too many — homeless people in the municipalities of Brimbank and Maribyrnong. Sunshine Rooming House is one of only a few rooming houses in those areas that provide that service.

The Sunshine Rooming House Committee was established in 1989 when no accommodation of that type was available, particularly in the electorate of Sunshine. The committee now provides a service to people of all backgrounds, including ethnic backgrounds, and all ages. I stress the point that the service is available to people of all ages. In my recent visit to the rooming house I had the pleasure of meeting many of the residents.

In 1998 public housing rents were increased by 25 per cent for new tenants and 23 per cent for existing tenants. That increase applied to people not only in public housing but also in community-managed rooming houses such as those in Sunshine.

I bring to your attention, Madam Acting Speaker, and put on record my concern and indeed the concern of those on this side of the house about the implications of the goods and services tax legislation for such housing arrangements. The facility can now be classified as a commercial residential premise and the residents will be liable to meet GST-related costs. Everyone in the house knows about the impact of the GST on society.

The ACTING SPEAKER (Mrs Peulich) —

Order! The honourable member has 1 minute and he has not clarified what action he wants the minister to take.

Mr LANGUILLER — I will definitely move on to that immediately, Madam Acting Speaker. The GST will have a negative impact, and I ask the minister to comment on the future of rooming house programs, particularly in the City of Brimbank. Will she advise the house of the government's views on any proposed GST-related changes to rents for rooming house tenants? It should be put on record that the government

must act to protect those sections of the community that have been seriously disadvantaged by the draconian policies and decisions of the Howard government. I indicate my concern.

I commend those who run the rooming house for the great job they have done. I met with the residents and found that it is not just a house; it is certainly not a palace, but it is a home.

Schools: Wattleview and Kent Park

Mr LUPTON (Knox) — I refer the Minister for Education to a matter I raised on 16 December last year concerning the Kent Park and Wattleview primary schools. Both schools have reached the 450-student enrolment mark. In fact, the Wattleview Primary School has slightly fewer than 600 students. The policy for a school with a catchment area of 450 students or more is that a number of facilities are supposed to be provided — namely, physical education facilities, an art room and a music room.

In her response the minister spoke about providing additional facilities for the school in the form of temporary classrooms, et cetera. She then followed with a letter dated 2 January, the third paragraph of which states:

The core catchment of any school provides a certain underlying enrolment demand on the facilities at that particular school. It is to this level that permanent or core facilities are provided. The core facilities component is supplemented by the relocatable program to accommodate additional demand over and above the core level of facilities provision. It is therefore incorrect to claim that if the enrolment of a school exceeds a certain benchmark additional facilities will not be provided.

I took the time to discuss the matter with the minister after she gave her answer. From day one I maintained that education department policy is that those facilities are provided when a school catchment reaches 450. In the case of Wattleview Primary School in particular the catchment is about 302, yet the school has slightly fewer than 600 kids.

My concern is that nobody is looking at the long-term enrolments at Wattleview. I cannot find the definition of 'long-term'. In 1990 the enrolments for Wattleview were 471. The enrolments for 2000 were 572, which was conservative. The only way I can see the school going back to an enrolment of 302, which is what the department registers, is if everyone in the area stops having sex from tomorrow. There is no way known that the enrolments will go down from 572 to 302.

I ask the minister to examine the situation and ensure that when a school has a long-term enrolment in excess of 450 students, facilities are provided as determined by the department — nobody else. The problem existed under the previous government and continues under this government. The school is entitled to those facilities.

Mildura jail

Mr SAVAGE (Mildura) — The matter I refer to the attention of the Minister for Police and Emergency Services concerns the contracting of prison services by Group 4 at the Mildura jail in the Mildura police district. The contract has been running for nearly four years and is proving to be inadequate. Although the contractor is required to attend as required, attendance is occurring only once a month and sometimes twice a month. A good example of the inadequacy of the service occurred last week — 16 prisoners were in jail and 8 were left behind on a collection trip.

Mildura has special circumstances. It is the only police jail in Victoria that has a 30-day period for prisoners. It has a fair catchment of prisoners; it is not just a three-day watch-house.

This means that the police district incurs extra costs in meals. In a two-month period it has run up a bill of \$15 000. The annual budget is \$25 000, so that alone proves that the number of prisoners there is increasing and the cost is quite significant. The prisoners are often transferred back to Mildura and are not fed during an 8-hour journey, and we are getting close to unacceptable service delivery when that situation occurs.

Because Group 4 does not provide the service, and has to transfer — —

Mr Leigh interjected.

Mr SAVAGE — That is interesting, coming from the honourable member for Mordialloc, who is out of his depth in a car park puddle!

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Mordialloc will cease interjecting. He is disorderly and out of his place.

Mr SAVAGE — I call upon the minister to inquire into this contract and ascertain whether it needs to be addressed for the long-term future to make the prison transfers more efficient.

The ACTING SPEAKER (Mrs Peulich) — Order! The level of audible conversation is too high. I ask members, especially those on the front bench, including the Premier, to keep their voices down.

Buses: Upper Yarra Valley

Mrs FYFFE (Evelyn) — I raise an extremely important matter with the Minister for Transport. Many people have moved to the Upper Yarra Valley region, not just because of the natural beauty in the area but also because of the low-cost housing in the outlying townships.

Many residents of the Upper Yarra Valley cannot afford a car or for various reasons are unable to drive. This leaves them reliant on a bus transport service that as well as being infrequent is also very costly. At present the people who travel between Launching Place and Warburton have to pay a country fare to travel on the route 863 bus, while people travelling on the same bus can purchase tickets at Met prices between Chirnside Park and Woori Yallock. This inflates the cost of all-day travel from \$3 a Met ticket to \$8 when the cost of travel between Launching Place and Warburton is included. That is an extra \$5 for only 15 kilometres of a trip that totals over 47 kilometres. This is expensive for someone who needs to come to Lilydale or Chirnside Park to access government agencies or to do their family shopping.

Before the last election the former government examined options for creating an Upper Yarra Valley zone which would provide fairer transport costs for the area. My understanding is that the Department of Infrastructure has prepared a policy to implement an Upper Yarra Valley zone. The department had realised it was ridiculous that some people can travel more cheaply than others on the same bus.

I hope the minister can end this discrimination against people in the Upper Yarra Valley and introduce an Upper Yarra Valley zone. I urge the minister to consider the matter and assist those who can least afford to pay.

Powercor: pole fires

Mr TREZISE (Geelong) — I raise with the Minister for Police and Emergency Services an issue relating to Country Fire Authority (CFA) attendance at power pole fires in the Geelong region. Countless pole fires occur in this region over the summer, the latest having occurred only last Saturday. I appreciate that Powercor is trying to rectify the problem, but power pole fires are frequent occurrences, with 20 occurring

last month alone in a single day between Geelong and Colac.

The effect they have on emergency services is great. For example, two fire trucks are required at each pole fire as well as two police cars to control traffic at either end of the street or road affected. My concern is best summed up by an excerpt from an article in the *Sunday Herald Sun* of 19 March in which Mr Bob Barry of the CFA in Geelong said:

... pole fires in the Geelong and Ballarat areas over summer were causing unnecessary use of emergency resources. Many pole fires could tie up CFA resources needed for other emergencies.

On the following Tuesday in the *Geelong Advertiser* Mr Lex de Mann, who is the manager of the CFA in Geelong, also said pole fires were costly and extremely inconvenient for the CFA. He said they were a drain on CFA resources and an extra burden on firefighters.

Police: Kew station

Mr McINTOSH (Kew) — I raise a matter relating to policing in Kew and Hawthorn for the attention of the Minister for Police and Emergency Services. Following the release of the government's public sector asset investment program it became apparent that \$7 million would be spent on a prison in Kew or Hawthorn.

On 10 March this year the *Herald Sun* quoted the minister as saying that the government was not building a prison in Kew or anywhere else. In explaining the mistake in the budget papers, the minister said that the government had simply signed the previous government's capital works plan.

Apparently the minister is so bereft of ideas that he is merely adopting the capital expenditure proposals of a previous government. However, a closer examination of the budget papers shows that the prison in Kew was a novel idea of the minister. I suspect a more accurate interpretation is that the minister failed to check the government budget papers affecting his own portfolio and made an embarrassing mistake.

I have repeatedly asked the minister in the house about the Kew police station. The minister has repeatedly said he will make an announcement shortly. The mantra was repeated last Wednesday when the minister launched the Boroondara community safety program and reiterated he would be making an announcement shortly.

Ms Kosky — On a point of order, Madam Acting Speaker, the member for Kew is clearly reading from a document. Is he prepared to table the document?

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Kew has been asked whether he is reading from a document or referring to copious notes. If he is reading is he prepared to make the document available to the house?

Mr McINTOSH — I am referring to copious notes.

Despite the minister's continuing claim that there would be an announcement shortly, on 10 March the Premier indicated that a merged police station would be built in Kew or Hawthorn and \$7 million would be spent on it.

An examination of the budget papers demonstrates that \$1 million of the \$7 million will be spent on the police station this financial year — within the next three months. Someone in government knows what is going on with respect to the police station. I ask the minister or the Premier to explain how the \$1 million will be spent over the next three months and what the proposal is for policing in Kew. If the minister cannot answer the question perhaps the Premier can indicate that I should address all matters relating to police and emergency services to him and not to the minister.

The ACTING SPEAKER (Mrs Peulich) — Order! Before I call on the next speaker, could the honourable member indicate whether he is referring to the Premier in his capacity as Treasurer?

Mr McINTOSH — In his capacity as Premier.

Mandatory sentencing

Mr STENSHOLT (Burwood) — I rise to ask the Attorney-General what action he is taking regarding mandatory sentencing and about initiatives taken at the recent Standing Committee of Attorneys-General (SCAG) meeting. Last week I was at the law reform conference in Perth, a meeting of Australian — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member must clarify what action he wishes to have taken, given that this matter is outside the parameters of the Attorney-General.

Mr STENSHOLT — I am asking the Attorney-General what action he is taking concerning mandatory sentencing. It is an issue that affects Victoria internationally in terms of conventions and arrangements. The issue of mandatory sentencing was the hot topic of discussion at the conference in Perth,

even though the West Australian Attorney-General tried not to raise the issue but to fob it off and ignore it.

The ACTING SPEAKER (Mrs Peulich) —

Order! The point of raising a matter on the adjournment is for the member to ask for action to be taken. It is not an opportunity to ask questions without notice. I ask the honourable member to clarify what action he is asking the minister to take rather than just procuring an answer to a question.

Mr STENSHOLT — I am asking the Attorney-General what action he will take on the issue of mandatory sentencing, which has been raised frequently in the newspapers and elsewhere. Indeed — —

The ACTING SPEAKER (Mrs Peulich) —

Order! The honourable member needs to phrase it in the form of an action requested rather than a mere question. At the moment he is asking a question rather than asking for action. If the member wishes to be assisted, he can adapt.

Mr STENSHOLT — I ask the Attorney-General to tell us what action he is going to take in terms of the results of the SCAG meeting — —

The ACTING SPEAKER (Mrs Peulich) —

Order! The advice from the Clerks is that the honourable member is continuing to ask a question without notice. He must ask for some action which can be taken by the minister.

Mr STENSHOLT — I ask the Attorney-General to investigate the results of the SCAG meeting and to look into the issue of mandatory sentencing — —

Mr Richardson — On a point of order, Madam Acting Speaker, the matter being raised is beyond the purview of any minister in the state. The matter the honourable member for Burwood has tried unsuccessfully to raise — in a most unprofessional manner — is completely beyond the normal forms of the adjournment debate in the house. Madam Acting Speaker, I ask you to rule him out of order and bring on the next speaker.

Mr Brumby — On the point of order, Madam Acting Speaker, the honourable member for Burwood has referred to the recent meeting in Melbourne of the Standing Committee of Attorneys-General, otherwise known as SCAG, at which the state Attorney-General was present and at which the issue of mandatory sentencing was discussed. The honourable member for Burwood has asked the minister to report on that meeting and the deliberations that took place in relation

to mandatory sentencing and to advise the house on what further action the state Attorney-General will be taking in relation to this issue. I put it to you — —

The ACTING SPEAKER (Mrs Peulich) —

Order! I have heard enough on the point of order. The honourable member for Forest Hill is technically correct — that is, no direct action can be taken. However, obviously some action has resulted from the recent meeting of attorneys-general, and I therefore rule that there is no point of order, provided the honourable member for Burwood clarifies what he is asking for. I suggest that next time he wishes to make a contribution he give the matter more consideration before he gets to his feet. The honourable member has 1 minute left.

Mr STENSHOLT — I ask the Attorney-General to investigate the outcome of the SCAG meeting and to report back on that. As a member of the Law Reform Committee I made clear my attitude regarding mandatory sentencing.

The ACTING SPEAKER (Mrs Peulich) —

Order! The honourable member's time has expired.

Mr Brumby — On a point of order, Madam Acting Speaker, the clock still says 1 minute and the honourable member for — —

The ACTING SPEAKER (Mrs Peulich) —

Order! There is no point of order. I understood the honourable member for Burwood to have finished, as he sat down.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) —

Order! If the honourable member for Burwood has not finished he may continue.

Mr STENSHOLT — As I said, I made my view clear, unlike members of the opposition who have failed to walk down the road with me and oppose mandatory sentencing. The best one of them did was to walk through a glass door! Mandatory sentencing is an important issue internationally.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) —

Order! I apologise to the honourable member for Burwood. According to the indication received from the Clerks the time for raising matters on the adjournment had expired, even though the time usually allowed for a member to make a contribution had not expired. I apologise for that misunderstanding, I was

correct in ruling that the honourable member's time had expired.

Mr Perton — On a point of order, Madam Acting Speaker, a new member is entitled to some latitude in making mistakes and learning from them, but that is not the issue. Your last ruling was to ask the member to comply with the rules of the adjournment debate. He did not do that, and I ask you, Madam, to rule that the minister should not be called upon to give a response. It is clear that this entire matter is a ruse to allow the Attorney-General to grandstand yet again. He can take no action with respect to the SCAG meeting that has already taken place, and I therefore ask you, Madam Acting Speaker, to rule that there is no appropriate response to the matter raised by the honourable member for Burwood. Both sides of the house have indicated their opposition to mandatory sentencing in general. This is not a time for the Attorney-General to yet again seek to use this house to abuse attorneys-general in other states.

The ACTING SPEAKER (Mrs Peulich) — Order! I have heard enough. I have already ruled on the point of order. I have allowed the honourable member for Burwood to complete his matter, which did not entirely comply with the parameters of an adjournment debate, but with some assistance from the Minister for Finance he plodded on and somehow — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! There is no point of order. The time for raising matters has expired.

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Prahran raised with me in a constructive and sympathetic way a very sensitive matter which highlights an interesting anomaly that people with mental illness face when dealing with the requirements of the wider commercial world, and particularly how they get about on public transport and the responsibilities and obligations they incur while using our public transport system.

As the honourable member for Prahran said, we would expect people using public transport to abide by the rules and regulations and to refrain from smoking, not just because it is injurious to their health but also because of the impact of passive smoking on other commuters. It is contrary to the rules of the public transport system and people should respect that. By and large that occurs, and people who do not obey the rules face the penalties. The same applies in relation to a raft

of penalties people can incur if they do not follow all the procedures regarding ticketing. The fines for breaching the ticketing regulations and for smoking on public transport can be substantial.

The honourable member for Prahran referred to a constituent of hers who suffers from a mental illness and who cannot grasp the obligations. The constituent has breached the regulations and incurs the penalties that flow from that breach. It is a difficult matter. I will ask the authorities to consider the guidelines to determine whether there is some way the situation can be dealt with.

Alternatives have been put forward for providing assistance to individuals with particular disabilities to help them meet their obligations. One option was whether in the rigorous enforcement of infringement notices there was some scope for sympathy and commonsense to try to work out a way of dealing with a particular situation. While the integrity of both the smoking and ticketing regulations must be enforced in the main, in circumstances where that creates a problem a more humane approach is required. I thank the honourable member for Prahran for raising the matter as she did. I will ask the department to have a look at it.

The honourable member for Evelyn raised the possibility of creating an additional zone — an Upper Yarra Valley zone — to help reduce the cost of public transport travel in that part of outer metropolitan Melbourne. The honourable member articulated a problem where the zonal nature of the fare system, which has not changed for many years, is interacting with the outward growth of population. There are always anomalies where there are changes between zones, whether they are within the metropolitan zonal system or between the metropolitan zonal system and the rural area. I understand the problems that it creates for people travelling through those zones, particularly when they are travelling from outside the metropolitan area into that area.

The difficulty to which the honourable member drew attention is the issue of a number of promises made prior to the last election which the previous Liberal government had no intention of implementing were it to be re-elected. This is not the first occasion when a member of this house has referred to promises purportedly made by representatives of the previous government on the eve of the last election which they had no intention of implementing because no arrangements had been made for them in the forward estimates. It is a bit rough for members to come in here and allege that things were going to happen when the previous Liberal government knew they were not. The

previous government was incapable of doing it given the election result!

This is an attempt to give the appearance that changes were to take place when they were not. Notwithstanding that, I will ask the department to consider the zonal nature of the fare system to see whether a commitment was given or changes were put in place by the previous government. I will report back about the veracity of those election commitments.

Ms GARBUTT (Minister for Women's Affairs) — The honourable member for Tullamarine raised with me an offensive advertisement for men's shoes. Honourable members, particularly the women, will recall the advertisement that appeared a week or two ago. I was contacted by many women who felt insulted, dismayed and angry about the advertisement, which appeared all around the city.

Women believe the advertisement degraded women and treated them simply as accessories to men by using them to help sell a product which has absolutely nothing to do with women. It considerably demeaned women's position in society. It also offended community standards about sexually explicit advertisements.

The Advertising Standards Council, a self-regulatory body set up by the advertising council, received a number of complaints about the advertisement from women in the community and determined that it should be removed. Some copies of the advertisement were removed within the time frame specified by the council; however, they were taken down by the Australian Poster Company from its sites. I add that the government had previously removed at least one of the advertisements from land it owns at a railway site, believing it to be offensive and inappropriate.

For another week the shoe company refused to remove its advertisements, but eventually did so. Apparently the shoe company had not used an advertising agency for its advertising campaign and felt that it was not bound to abide by the determination of the Advertising Standards Council.

The government is dismayed at the action of the shoe company in its disregard of community standards and its demeaning and degrading view of women demonstrated by using them in that way to sell its shoes and ignoring the complaints of women from right across the community about the advertisement.

I announced at the time that the Office of Women's Policy would undertake a review of the portrayal of women in the media generally, which will include an

examination of women in advertising, and of what can be done to maintain the standards which were so clearly offended against on this occasion. I share the honourable member's concerns about the issue and agree with her comments that women deserve to be treated with respect and equality in this day and age and in this society.

Ms PIKE (Minister for Housing) — I thank the honourable member for Sunshine for his question and for his continuing advocacy for low-income people in his area who live in rooming houses and his concern about the future of the rooming house program. I understand and share his concerns about the goods and services tax-related changes to rent applications for rooming house tenants. Accommodation places provided through Office of Housing rooming houses managed by community organisations are important, especially for single people on low incomes.

Unfortunately over the past few years that sector of the marketplace has markedly declined and there has been limited capacity to develop other rooming house-type accommodation and replace stock. That has been brought about partly by the gentrification that has occurred in many inner city suburbs. Nevertheless, the rooming houses are important and the government is committed to providing more of them because they provide affordable accommodation close to the services people need. The government's commitment to provide an additional \$90 million for affordable housing will assist. I expect that through a number of community-managed programs people will have opportunities to develop community housing programs.

Recently I had the opportunity to launch the redevelopment of a rooming house in the St Kilda area with the mayor of Port Phillip, who has since moved on. The opening of the Regal Rooming House was a terrific example of how a number of community groups and people in private enterprise can join together and provide affordable housing.

In relation to the GST I point out that the distinction between residential properties and commercial residential properties is inequitable. The government has campaigned concerning the issue, because the long-term residents of caravan parks and rooming houses will be discriminated against. For those people such accommodation options represent their homes, and they should be treated equitably.

Under the previous government's Residential Tenancies Act, which was passed in 1997, they were treated equitably. However, the federal government has continually resisted representations about people on

low incomes who live in caravan parks and rooming houses, and they will be not exempted from paying the GST.

I am currently considering the most appropriate avenue through which to make representations about the issue. The government is continuing to press the federal government to exempt the rent paid by people who live in rooming houses and caravan parks from the goods and services tax. I suggest that the honourable member also put his views to the federal government so it will recognise that the matter is a significant human rights issue. The people affected are some of the poorest members of our community who have no other residential options, and they should not be forced to bear the burden of an inequitable tax.

Mr HAMILTON (Minister for Agriculture) — The honourable member for Wimmera raised a serious matter. I congratulate him on raising such important matters in Parliament and representing his electorate well. The matter the honourable member raised was that a Stawell woman was bitten by a dog so badly that she was hospitalised. No doubt that is a traumatic event in its own right. However, on the way back from hospital the woman noted that the dog that had attacked her was still loose in the front yard of the home.

The honourable member raised a number of questions about the act. I cannot claim to have a detailed legal knowledge of the sort the honourable member exhibited in his address, and I congratulate him on his detailed research.

The law as I understand it is that once a dog bites a human or even another dog it is classed as a dangerous dog and can be removed by a responsible officer. The responsible officer is an officer designated under the act as a local government by-laws officer and not a police officer. The police are not designated as responsible officers.

The police can prosecute once the responsible officer has taken action and removed the dog from the premises. I understand that in the incident referred to by the honourable member the police will prosecute the dog's owner for not being a responsible pet owner.

As the honourable member said, about 700 dog attacks are reported yearly in metropolitan municipalities. The attack he is concerned about occurred in country Victoria. Far too many dog attacks are occurring in Victoria. The Domestic (Feral and Nuisance) Animals Act provides power for the control of what are classed as dangerous animals, but until an animal has bitten

somebody there is little room within the act for action to be taken against an owner.

I will certainly take on board the comments of the honourable member. Perhaps the act should be amended to make it clear that the community will not tolerate dogs attacking people or other dogs. The spirit of the act is clear, but maybe its wording should be further clarified. I will take the honourable member's concerns to my department and ask the appropriate officers to study the act and recommend whether it should be amended. I will supply a complete answer to the honourable member.

About four weeks ago the government launched a responsible pet ownership program that suggested the best place for a dog is in a backyard. Substantial fines of up to \$5000 have been imposed on owners who have not restrained their dogs within premises or have allowed them to create a nuisance. I believe bipartisan support will ensure that the serious matter raised by the honourable member is fully investigated so that those responsible for doing so can enforce the act without fear or favour. Animals must not be allowed to get out of control. I thank the honourable member for bringing the matter to my attention.

Ms DELAHUNTY (Minister for Education) — The matter raised by the honourable member for Knox concerns the Wattleview and Kent Park primary schools in his electorate. Although there was a problem in the translation of precisely what action the honourable member required of me, I believe the matter he raised referred to the enrolment numbers and projected enrolments at both schools, particularly at Wattleview. I believe the honourable member was concerned about facilities to satisfy the projected enrolments for the schools.

The honourable member also appeared to be concerned that the letter I sent him did not satisfy whatever action he required. I repeat that I was unclear precisely what action the honourable member required. I am happy to again examine the matter if he can be a little more explicit. One of his selected solutions to what he thought may be a problem at the schools was for everybody to stop having sex tomorrow. I urge him not to take that savage and unnecessary action at this stage; I do not think we have quite reached that desperate situation. I urge the honourable member not to suggest that to anybody in his electorate. The government will provide the facilities required to satisfy projected enrolments.

I urge the honourable member to write to me again if he is still unhappy. However, based on the current

enrolment numbers at those schools the facility schedules are clear. The projected enrolments determined by the Department of Education, Employment and Training appear to be correct. I am happy to review the situation if the honourable member for Knox is dissatisfied.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Geelong referred to the problems of fire hazards caused by Powercor's non-maintenance of its power infrastructure. Several constituents across the state have also referred that problem to me. They are concerned that the private power companies do not maintain their infrastructure to the necessary extent to prevent powerlines becoming a fire hazard. In a fire-prone state such as Victoria that concern is significant.

The Geelong Country Fire Authority brigade referred the issue to the attention of the honourable member for Geelong and I am aware that CFA brigades in other areas have raised similar concerns. I will bring the matter to the attention of the CFA and seek a response. The matter is of serious concern. In many cases the 1983 Ash Wednesday fires were attributed to problems associated with the maintenance of powerlines and protective measures taken by the former State Electricity Commission. The SEC embarked on a campaign to ensure that it met its responsibilities on behalf of Victorians by mitigating and minimising the risk of fire. The government is keen to ensure that the private power companies view their responsibilities with equal seriousness. I will get back to the honourable member for Geelong on the issue.

The honourable member for Kew referred to both police stations in Boroondara and a prison in a police station. Some weeks ago I woke up one morning listening to the Leader of the Opposition speaking on the radio about a government plan for a police station in Boroondara. When I checked what was behind that interview I found that he was referring to an assets program approved by the former government.

The Bracks government does not support a prison in the Boroondara area. Although I am intrigued by the notion of putting a boutique white-collar prison on the Scotch College oval for members of the former government I have ruled out that option! In all seriousness, the government takes the issue of police stations in Boroondara seriously. The former government had indicated its intention to close three or four police stations in the area and merge them into one megastation at Camberwell.

The government supports the notion of local policing and believes police stations should be strategically located. The Hawthorn and Kew areas would have been significantly short-changed under that proposal, which is currently being reviewed. The government is committed to a police station to service those two communities. When the options become clearer I will certainly undertake to discuss the issue with the honourable member for Kew.

The honourable member for Mildura referred to prisoner transport, in particular the number of prisoners being kept in police cells in Mildura. He referred to the fact that Group 4, the company contracted to transport prisoners between police cells and the Magistrates Courts on behalf of the police, has not been meeting its obligations. I have always been concerned about contracts being handed over to the private sector. The contracts are rigid and do not give the government any capacity to in any way vary them or run the system. That places a significant and onerous financial obligation on taxpayers.

The honourable member for Mildura said that on one occasion when 16 prisoners were to be picked up only 8 were collected, leaving a significant number of prisoners in the police cells in Mildura when they should have been transported to Melbourne. He also expressed concern about prisoners not receiving meals for periods of up to 8 hours during transit. If those reports are correct they are of significant concern to the government. I will certainly have them examined. The contracts for Group 4, which runs the police side of the transportation of prisoners, and the Corrections Corporation of Australia, which runs the corrections side, are due for government review shortly. The government will examine whether the arrangements are satisfactory.

Mr HULLS (Attorney-General) — The honourable member for Burwood asked me to take specific action arising out of the Standing Committee of Attorneys-General (SCAG) meeting that took place the week before last where the issue of mandatory sentencing was raised. The four Labor attorneys-general made it clear publicly that they were vehemently opposed to mandatory sentencing. At the meeting those attorneys-general and the federal Attorney-General expressed opposition to mandatory sentencing. However, the attorneys-general from Western Australia and the Northern Territory failed to oppose it.

As the chief law officer of the state of Victoria it is well and good to express views about mandatory sentencing, which I have done. I believe mandatory sentencing is

unethical and immoral. However, expressing those views is not good enough. Action must be taken. The issue should be of concern to all Victorians and it is incumbent on them to take action. As a result of the SCAG meeting I shall be writing to the attorneys-general of Western Australia and the Northern Territory to ensure that the subject does not go off the agenda.

I hope I get support from all honourable members. As I said, it is incumbent on all members of Parliament to take action on this issue because it is a human rights issue, not just a states' rights issue.

Today I was pleased to see that one of our Victorian colleagues, the federal member for Kooyong, took some action on the matter and stood up in the party room to the Prime Minister. He made it clear he would cross the floor on a mandatory sentencing bill that is being proposed to be introduced by an Independent. I understand Mr Peter Nugent, another Victorian, also said that he would consider crossing the floor, as did Danna Vale from New South Wales. I understand the Prime Minister said that if they took that action they would be stabbing the government in the back and it would result in the defeat of the federal government at the next election.

Mr Leigh interjected.

Mr HULLS — People need to stand up and express a view and not go jellyback on the issue.

Mr Leigh interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Mordialloc is out of control, as is the Attorney-General.

Mr Honeywood — On a point of order, Madam Acting Speaker, I am willing to trade records in support of diversity all night long, but we are hearing a dissertation about the internal workings of the federal parliamentary Liberal Party, which is designed only to grab headlines. It has nothing to do with the jurisdiction of the Attorney-General. While appreciating, Madam, that you very narrowly defined the right of the honourable member for Burwood to raise this issue in terms of the ministerial meeting, I have yet to hear from the Attorney-General anything relating to that. If he is not going to come back to the narrow definition that you kindly permitted all he is doing is grandstanding for the sake of a headline.

The ACTING SPEAKER (Mrs Peulich) — Order! I do not think it is necessary to hear further on the point of order because there are specific guidelines as to the manner in which adjournment items are to be

raised by honourable members. However, the same guidelines do not exist for responses and there is a greater degree of latitude for ministerial responses to adjournment items than exists with questions without notice. Although the honourable member for Warrandyte may be right in some of his observations, unfortunately there is no point of order.

Mr HULLS — As the chief law officer of Victoria I will be writing to the Attorney-General of the Northern Territory and the Attorney-General of Western Australia on this issue. I hope all honourable members take action on the issue and do not simply speak on it.

I encourage the federal member for Kooyong to stand up for what he believes in and to cross the floor. I hope that Mr Peter Nugent will do the same. The Prime Minister has failed to show any leadership at all on the issue. He has procrastinated and been gutless. I hope all honourable members will agree that mandatory sentencing is an issue that should be above politics. It is not only a states' rights issue. It is a human rights issue that needs leadership, and the Prime Minister has shown no leadership.

The Victorian government will show leadership on the issue. It will keep mandatory sentencing on the agenda until the Northern Territory and Western Australian governments, either of their own volition or because they are forced to do so by the federal government, overturn these racist, immoral and unethical mandatory sentencing laws.

Opposition members interjecting.

Mr HULLS — It is all well and good for jellybacks on that side of the house to interrupt — —

Opposition members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! Members on the opposition benches will cease interjecting and the Attorney-General will cease inviting interjections, so that we can all get home.

Mr HULLS — I conclude by saying that I hope all members of Parliament who have a view on mandatory sentencing will stand up and be counted and write to the Prime Minister and to all federal members of Parliament on the issue and to the Northern Territory Attorney-General and the West Australian Attorney-General urging them to overturn the racist mandatory sentencing laws.

The ACTING SPEAKER (Mrs Peulich) — Order! The house stands adjourned until next day.

House adjourned 11.10 p.m.

