PARLIAMENT OF VICTORIA

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LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

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By authority of the Victorian Government Print

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The Lieutenant-Governor

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Tuesday, 2 May 2000

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

ROYAL ASSENT

Message read advising royal assent on 18 April to:

Corporations (Victoria) (Amendment) Act
Education Acts (Amendment) Act
Financial Management (Financial Responsibility) Act
Flora and Fauna Guarantee (Amendment) Act
Prevention of Cruelty to Animals (Amendment) Act
Prostitution Control (Planning) Act
Renewable Energy Authority Victoria (Amendment) Act
Road Safety (Amendment) Act

QUESTIONS WITHOUT NOTICE

Snowy Mountains scheme

Hon. PHILIP DAVIS (Gippsland) — Will the Minister for Energy and Resources support or oppose the proposed constitutional challenge to the Snowy Mountains scheme?

Hon. C. C. BROAD (Minister for Energy and Resources) — I presume the honourable member is referring to the action announced by the honourable member for Gippsland East in another place. It is important for the government to seek advice on that matter. It has been indicated to me on a preliminary question that the advice is likely to be highly conflicting, as are most matters to do with constitutional challenges in the High Court. So far as the government is concerned, and in particular my responsibilities in negotiating those matters, the emphasis is not in that direction but in the direction of negotiating an agreement with the New South Wales and commonwealth governments as soon as possible.

Industrial relations: wage claim

Hon. G. D. ROMANES (Melbourne) — I refer the Minister for Industrial Relations to her previous statements to the house on the government's submission to the Australian Council of Trade Union's living wage case, and I ask: what is the government's response to the Australian Industrial Relations Commission's decision to grant a $15 a week increase to low-paid workers on minimum rate federal awards?

Hon. M. M. GOULD (Minister for Industrial Relations) — The government welcomes the Australian Industrial Relations Commission's decision to award an increase of $15 a week to low-paid workers under federal awards. Federal awards are the only awards — —

Hon. M. A. Birrell — Long overdue.

Hon. M. M. GOULD — I take up the Leader of the Opposition's interjection and acknowledge his comments that a pay rise for low-paid workers is overdue. Victorian workers only had access to federal awards after the previous government's referral of industrial relations power to the commonwealth. The government believes the wage increase will provide critical relief for Victorian families who are struggling to make ends meet. The $15 a week increase will mean a family will be able to pay for a takeaway meal — two flake, a couple of potato cakes, a serve of chips and maybe a drink. It is not a huge amount of money but it is welcomed by low-paid workers in Victoria.

Honourable members interjecting.

Hon. M. M. GOULD — And that does not include the GST!

This comes at a time when families are struggling to make ends meet with the increased cost of pharmaceuticals, vegetables and car insurance. The government welcomes the Australian Industrial Relations Commission's award to Victorian workers covered by federal awards. In its decision the commission noted that this amount of money is in real terms less than what it has awarded in previous safety net adjustments. As they have done since 1997, the commonwealth government and conservative governments argued for a miserly $8 a week increase. On this occasion, as in the past, the commission rejected those submissions and awarded workers a $15 increase. The government welcomes this economically and socially sound decision by the Australian Industrial Relations Commission to protect low-income workers.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to her press release of 22 March announcing a review of the 8 per cent liquor licence limit. The minister claimed the review was 'required under national competition policy'. Given that Victoria undertook a national competition policy review of liquor in 1997, will the minister explain to the house why this review is required?

Hon. M. R. THOMSON (Minister for Small Business) — My understanding is that the Department of Treasury and Finance requested that the 8 per cent liquor licence limit be reviewed again under national competition policy, and the review has been undertaken on that basis. I am conscious that it is important to ensure that there remains some diversity in the selling of packaged alcohol, no matter what the review decides.

GST: State Boating Council

Hon. E. C. CARBINES (Geelong) — Will the Minister for Energy and Resources inform the house of what impact the goods and services tax will have on the provision of grant funding to voluntary organisations under the administration of the State Boating Council?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am pleased to respond to the honourable member's question about government-funded grant programs and the consequential impact of the goods and services tax (GST) on grants provided to voluntary organisations through the State Boating Council.

Through the State Boating Council more than $170 000 boat and water safety grants were allocated to more than 150 individual and parent boating volunteer organisations in the current financial year, which includes the period covered by the previous government. That sum includes grants to important organisations such as surf lifesaving clubs and volunteer coastguards to assist them to purchase necessary search and rescue equipment or increase the availability of training opportunities for boaters, which are important safety factors.

The GST is a particularly onerous and administratively burdensome system for organisations that are required to be registered for GST purposes, and even more so for volunteer organisations that make valuable contributions to the community by providing such services. Organisations that are not required to register for the GST and choose not to do so will find that their costs will increase by up to 10 per cent after the introduction of the GST on 1 July.

A draft ruling on grants of financial assistance is awaiting finalisation. However, it appears from the draft ruling that most grant funding programs provided by the Bracks government will be subject to the GST. The impact of the GST on State Boating Council grants to volunteer organisations will largely depend on the GST registration status of the organisations.

The Bracks government is committed to advocating on behalf of Victoria's volunteer organisations, including committees of management, rescue squads and lifesaving organisations, to ensure that they are not disadvantaged by the new tax regime.

Small business: workplace safety

Hon. W. I. SMITH (Silvan) — Will the Minister for Small Business inform the house of what incentives will be offered to small business to encourage safe working practices and safe environments in the workplace?

Hon. M. R. THOMSON (Minister for Small Business) — My department is currently working with the Victorian Workcover Authority to provide a package for small business, and the government hopes to make an announcement shortly.

LPG: prices

Hon. R. F. SMITH (Chelsea) — Will the Minister for Small Business outline to the house details of the government's current liquefied petroleum gas campaign?

Hon. M. R. THOMSON (Minister for Small Business) — Over the past 12 months both sides of the house have raised the price of liquefied petroleum gas (LPG) in relation to both Autogas and bottled gas. The government is concerned that in the past 12 months there has been a price increase of 66 per cent in Autogas and up to 30 per cent in the variation between metropolitan Melbourne and some rural and regional areas.

The government has asked the public to become involved in a campaign to help it monitor LPG prices. From last Friday until approximately noon yesterday some 700 respondents have called the hotline, and more than 200 people have responded by email, which is a good response. The pricing regime of the LP gas industry is not transparent and it is hard to work out where the prices are set and whether they are justified. I have met with Australian Competition and Consumer Commission representatives to discuss whether it will participate in an inquiry on the issue. The ACCC needs authority from the federal government to act properly and I have written to the Honourable Joe Hockey seeking authority for the ACCC to act.

The government is collating the data obtained via its own price monitors and from the public ringing in and will provide the results to the ACCC. The government hopes the federal government will respond positively to the data and that useful information will be provided.

The government is asking the ACCC to be involved in an inquiry into the industry.

There are many issues in relation to an inquiry as to the setting of the Saudi propane price as the proper benchmark and the question of what are the add-ons for wholesale price. There is also the question of what rebates are on offer and how they work, which no-one seems to know or understand. It is not a transparent industry and it is time it was opened up. The government will collect as much information as it can on the pricing regime of the LP gas industry. Unfortunately the legislation provides that responsibility for an open inquiry lies with the ACCC. The government hopes the ACCC will be able to join with the government in an inquiry, and thus open up the LP gas industry once and for all.

Melbourne Park: multipurpose stadium

Hon. M. A. BIRRELL (East Yarra) — Will the Minister for Sport and Recreation advise the house of when the multipurpose venue at Melbourne Park will open?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Recently I had discussions with the chair of the Melbourne and Olympic Parks Trust who indicated that a number of issues were ongoing with the completion of the multipurpose venue. However, I believe the venue will be completed close to June or July, and the government expects confirmation of that indication from the Office of Major Projects shortly. The government looks forward to receiving that advice.

Luke's Place, Morwell

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Youth Affairs inform the house of recent improvements in the provision of youth services in the Latrobe Valley?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Last Friday I had the good fortune to launch Luke's Place in Morwell, which is a combined venture of the Morwell Uniting Church and Kilmany Family Care. It is a fantastic example of community partnerships working together with young people. The establishment of Luke's Place follows issues raised in a survey conducted by the Gippsland Presbytery. The issue of greatest interest was young people, which translated into concerns about lack of employment opportunities; lack of participation; social isolation; high levels of suicide, particularly among young men; low school retention rates; and family breakdown. Luke's Place aims to support young people by providing programs that build self-esteem and construct positive relationships.

Luke's Place will provide a resource centre, an advocacy and referral service, and indoor recreation facilities such as pool, table tennis and music. It is also anticipated it will provide programs such as courses in the Internet, budget cooking and links with the commonwealth's JPET program. Staff members are also encouraging community members to become involved in a mentor program for at-risk young people. That reinforces that it is a magnificent example of community partnerships supporting young people.

Glenferrie Oval: weight-lifting training centre

Hon. P. R. HALL (Gippsland) — I ask the Minister for Sport and Recreation whether the government is committed to the establishment of a weight-lifting training centre located at Glenferrie Oval; and if so, what level of funding will be provided to the project.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The government is committed to the weight-lifting centre at the Glenferrie Oval precinct as part of developments associated with the Commonwealth Games. The government is committed to contributing funding for the project but is concerned about some planning issues.

Hon. P. R. Hall — How much?

Hon. J. M. MADDEN — I do not have the figures with me, but I will be happy to supply those figures to Mr Hall as soon as possible.

State Gymnastics and Circus Training Centre

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Sport and Recreation inform the house what action he is taking to assist gymnastics in this state?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — On Friday, 28 April, I had the pleasure of launching the State Gymnastics and Circus Training Centre, a joint venture between the government and Swinburne University. The facility will allow gymnasts and circus performers to develop skills. It will be a purpose-built facility to which the government has contributed $3 million and will be part of developments for the 2006 Commonwealth Games, which are to be held in Melbourne. Swinburne University will contribute $60 000 a year to assist with operating costs.

The centre will provide training facilities for three gymnastics disciplines: men's artistic gymnastics, women's artistic gymnastics and women's rhythmic gymnastics. It will also be a competition venue. One of the important aspects of the facility will be the support it will provide to gymnasts whose careers as artistic gymnasts have been shortened as they have matured or developed. The circus component of the facility will allow those gymnasts to develop skills in other directions.

The PRESIDENT — Order! I give the Deputy Leader of the Opposition the call because 20 minutes has not yet expired.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — In her small business policy late last year the Minister for Small Business said that she would immediately and retrospectively close legislative loopholes which allow large retailing chains to accumulate more than 8 per cent of the total number of packaged liquor licences. What action has the minister taken to date on the promise?

Hon. M. R. THOMSON (Minister for Small Business) — Unfortunately the government is required to take part in the national competition inquiry. The government will finish the review in relation to the 8 per cent. It is committed to ensuring that small businesses remain secure in a diverse marketplace for packaged liquor and will ensure that that is enshrined in legislation as soon as the review is completed.

The PRESIDENT — Order! The time for the taking of questions without notice has concluded. By way of explanation, 10 questions had been asked but 20 minutes had not expired and I allowed another question. In the interests of fairness, if the government had wanted to ask a further question I would have allowed it.

QUESTIONS ON NOTICE

Answers

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

> That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The question numbers are: 263–88, 290, 294, 297, 298, 300, 305, 306, 309, 310, 313, 314, 316, 317, 319, 322, 324, 325, 327–30, 331–34, 338, 341, 343, 347, 348, 350–52, 354, 355, 357–60, 364, 366–68, 370–72, 374–77, 379–86, 393, 395–98, 400, 406, 416.

Motion agreed to.

COUNTY COURT JUDGES

Annual report

Hon. M. R. THOMSON (Minister for Small Business) presented, by command of His Excellency the Governor, report for 1998–99.

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Reforms for scrutinising budget estimates

Hon. BILL FORWOOD (Templestowe) presented report, together with estimates.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest* No. 5 of 2000, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Ballarat Health Services — Report, 1998–99.

Barwon Health — Report, 1998–99 (two papers).

Bendigo Regional Institute of TAFE — Report, 1999.

Box Hill Institute of TAFE — Report, 1999.

Central Gippsland Institute of TAFE — Report, 1999.

Chisholm Institute of TAFE — Report, 1999.

Council of Adult Education — Report, 1999.

Crown Land (Reserves) Act 1978 — Orders under Section 17D and 17DA granting leases at Mt Rouse.

Djerriwarrh Health Services — Report, 1998–99.

Driver Education Centre of Australia Ltd — Report, 1999.

East Gippsland Institute of TAFE — Report, 1999.

East Wimmera Health Service — Report, 1998–99.

Eastern Regional Waste Management Group — Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998-99 report.

Edenhope and District Memorial Hospital — Minister for Health's report of receipt of the 1998-99 report.

Gascor Holdings No. 3 Pty Ltd — Financial Statements for the period 1 July 1998 to 31 March 1999.

Gordon Institute of TAFE — Report, 1999.

Goulburn Ovens Institute of TAFE — Report, 1999.

Hepburn Health Service — Report, 1998–99.

Holmesglen Institute of TAFE — Report, 1999.

International Fibre Centre Ltd — Minister for Post Compulsory Education, Training and Employment's report of 26 April 2000 of receipt of the 1999 report.

Kangan Batman Institute of TAFE — Report, 1999.

Melbourne City Link Act 1995 —

City Link and Extension Projects Integration and Facilitation Agreement Fourth Amending Deed, 10 April 2000, pursuant to section 15B(5) of the Act.

Melbourne City Link Eleventh Amending Deed, 10 April 2000, pursuant to section 15(2) of the Act.

Mercy Public Hospitals Incorporated — Report, 1998–99 (three papers).

National Crime Authority — Report, 1998–99.

Northern Melbourne Institute of TAFE — Report, 1999.

Northern Regional Waste Management Group — Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998–99 report.

Planning and Environment Act 1987 — Notices of Approval of the following amendments and a new planning scheme:

Boroondara Planning Scheme — Amendment C7.

Darebin Planning Scheme — Amendment C5.

Frankston Planning Scheme.

Kingston Planning Scheme — Amendment C1.

Stonnington Planning Scheme — Amendments L67 and L68.

Yarra Ranges Planning Scheme — Amendment L120.

Portland and District Hospital — Report, 1998–99.

Rural Northwest Health — Report, 1998–99.

South Eastern Regional Waste Management Group — Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998–99 report.

South West Institute of TAFE — Report, 1999.

Statutory Rule under the Magistrates' Court Act 1989 — No. 27

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 27

Sunraysia Institute of TAFE — Report, 1999.

West Wimmera Health Service — Report, 1998–99 (two papers).

Western Regional Waste Management Group — Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998–99 report.

William Angliss Institute of TAFE — Report, 1999.

Wodonga Institute of TAFE — Report, 1999.

Wonthaggi and District Hospital — Report, 1998–99.

BUSINESS REGISTRATION ACTS (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The bill facilitates electronic service delivery for registration services, makes name changes to the Office of Fair Trading and Business Affairs and its director, and makes miscellaneous amendments to the Associations Incorporation Act 1981, the Business Names Act 1962, the Co-operatives Act 1996 and the Partnership Act 1958 — referred to as the business registration acts.

The government is committed to delivering all suitable government services online as soon as possible by way of electronic service delivery. As part of this strategy, it is proposed that selected transactions, such as registration of business names or incorporated associations, will be able to be conducted electronically. This will be facilitated by amendments to the business registration acts to allow for electronic service delivery.

This bill is intended to partner the Electronic Transactions Bill, which is also before this house. The Electronic Transactions Bill, when enacted, will

provide for the acceptance of electronic signatures in place of manual signatures and provides the framework for this bill's operation. Together, they will enable electronic commerce with government agencies.

The bill will retain the need for original documents to be signed manually in certain circumstances — for example, where a form is required to be signed by multiple parties and the computer system does not support multiple signatures of the same document, and the use of an agent.

The bill will allow for electronic lodgment where a document is digitally signed and lodged, without the need for a hard copy. It will remove the requirement for a manual signature on electronically lodged business name renewals to enable a quick and easy process for renewal applications. Forms of electronic lodgment will replace the manual signature. Electronic renewals will not otherwise be accessible to a large number of business name registrants if the current requirement for a signature for this class of renewals is retained. At present, there are up to 60 000 such transactions conducted each year. The bill also provides that documents lodged by electronic transmission do not need to comply with regulations which prescribe requirements for paper documents. These amendments will remove obstacles for electronic service delivery and facilitate legal recognition of electronic communications.

In addition, the bill amends the Business Names Act and the Associations Incorporation Act to enable the director or registrar to approve the design and layout of forms. This is essential to enable rapid changes to forms in response to changes in technology, particularly, as electronic lodgment becomes more common. Currently, the design and content of the forms are prescribed by regulations and, in some instances, by the acts themselves. To ensure legal certainty, the content of the forms shall still be prescribed by regulations or the relevant acts. However, the design and layout need not be fixed in this way.

The bill will change the name of the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria and the name of the Director of Fair Trading to Director of Consumer and Business Affairs. The reason for this name change is to make the agency more accessible to consumers and to emphasise the government's interest in consumer welfare.

The bill also makes miscellaneous amendments to the business registration acts to increase penalties for trading under unregistered business names, to allow for the registration of a mailing and email address as well as a registered address for service of notices, and various technical amendments to correct out-of-date references.

In broad terms, the bill will authorise electronic lodgment capability for many of the services provided under the business registration acts. However, the development of this capability will not make electronic lodgment compulsory, and businesses will still be able to conduct these transactions by mail or in person. The bill is intended to enable businesses to conduct transactions electronically, but not create new obligations or impose additional costs. As e-commerce becomes more common in the future, the ability to provide electronic service delivery will become more important for both consumers and government agencies. This bill is a major step in that direction.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

LOCAL GOVERNMENT (GOVERNANCE) BILL

Second reading

Debate resumed from 12 April; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. N. B. LUCAS (Eumemmerring) — The opposition does not oppose the Local Government (Governance) Bill. For many years senior local government officers — town clerks and city engineers — had equal standing in councils. Many problems arose because of the arrangement because no particular officer was in charge.

My late father worked in local government for 47 years. He started as a junior and ended up as the town clerk of the former City of Malvern. He was directly responsible to the council, as was the city engineer. That was totally illogical. Later the government of the day decided that changes should be made. The act was amended so that there was a separate chief executive for each municipal council. A further new requirement was that all senior local government officers be employed under contracts. That was the situation when I was in local government, and I encouraged council to examine that.

When legislation was introduced requiring chief executives' contracts to be for fixed periods of up to five years, the requirement was that at the end of that period the positions should be advertised in the

newspapers circulating throughout the state. That has now been the case for some years. Currently all chief executive officers are employed under contracts ranging between three and five years.

Recently I became aware that chief executives, people worth keeping, had entered into further contracts to continue their employment with councils. To achieve that, councils advertised the positions and re-employed the chief executives. The government proposes that such a requirement be taken away. The opposition does not oppose that.

A number of the 78 councils do not wish to advertise. Those that have advertised have usually employed consultants throughout the recruitment process only to re-employ the same chief executives.

Municipal representatives of country and regional Victoria have advised me that the advertising and recruitment process may cost councils between $10 000 and $15 000. The other day the chief executive of a metropolitan council indicated that the cost of reappointing him to his existing position was about $20 000. For that reason the government is proposing that if local councils wish to pass a resolution not to advertise on the basis that the chief executive is doing a good job, they do not have to go through that expensive process. I see merit in that provision, but I can also see a potential problem. However, it is not insurmountable. If the motion before council is not to readvertise the position, and it is put to the vote and carried by, say, six votes to five, the chief executive may wonder whether he or she has the confidence of the council to proceed with the reappointment with only a one vote majority. Certainly that may happen in the future. But in circumstances where the whole council or all but one or two of the councillors are in complete agreement with the proposal, the measure should not be opposed.

Therefore, the provision requiring all councils to advertise the appointment of a chief executive will no longer be a requirement if the council resolves to not go down that path; but the bill imposes a couple of conditions on councils. Firstly, this process cannot occur unless it is in the six months immediately prior to the chief executive's contract expiring. Secondly, the council is required to provide 14 days notice to the community by public notice in the newspaper of its intention to put forward the motion. If an advertisement in your local paper says that your city or shire council intends to give notice that it will reappoint its chief executive without the position being advertised, what do you do as a member of the community if you do not agree with that decision? I assume a member of a community in that position would contact his or her local councillor and express those views.

I wonder why the provisions of section 223 of the Local Government Act were not included. That section provides an opportunity for members of the public to make their views known to the council. It provides the process by which the council could give notice and members of the public with a view on the issue could make a submission and be heard. In this case the local government is saying, 'It is our intention that this reappointment will be made'. But it is also saying that there is no provision for interested and concerned people to object, as is the case under section 223 of the Local Government Act. It will be a case of 'Ring up your local councillor'. Therefore, the main issue in the bill is whether the council should be able to reappoint without advertisement.

Another provision relates to the total remuneration of the chief executive when he or she is appointed in the above circumstances. Those details must be available for public inspection within 14 days after the passing of the resolution of appointment.

When I was a chief executive in local government members of the public could come in and examine the details of salaries and other remuneration benefits of senior municipal officers. Some people came in just to have a look — the press and a few other 'nosy' people — and I did not have too many hassles with that. The council clearly had to make a decision about those details and it did. We were paid what we were paid and so were other chief executives in local government. That information will continue to be made available to the public.

A miscellaneous amendment in the bill relates to the transfer of former library land. The provision corrects an incorrect form of words provided in section 43 of the Libraries Act. Other clauses deal with the potential application of current legislation affecting libraries. Some provisions are not required and are irrelevant. It is a minor housekeeping detail.

The other proposed amendment is to section 227A of the Local Government Act relating to interest. The existing provision includes an oversight, and the bill corrects the maximum interest payable for unpaid amounts other than rates and charges to make them consistent with the interest rate charged on unpaid rates and charges.

The bill is short and does not require a long speech. It contains three pages of proposed legislation. The

provisions are not opposed by the opposition. I wish the bill a speedy passage.

Hon. G. D. ROMANES (Melbourne) — I am pleased to speak on the Local Government (Governance) Bill, particularly as a major portion of the bill deals with the appointment of chief executive officers (CEOs) of municipal councils. The appointment processes imposed by legislation under the former Kennett government have been problematic for many councils. This bill will restore the power and autonomy of councils, matters that became complicated as a result of previous amendments to the Local Government Act 1989. The former government took a strong interest in setting conditions for the appointment and termination of employment of CEOs and senior municipal officers.

I believe some of the changes made by the previous government, which many CEOs adopted, encouraged a damaging perception on the part of CEOs — that they were accountable to the state government, another level of government, and not to the local councils, shires and people who elected them. From my own experience in local government before I was elected to Parliament I know that that created difficulties for councils that had been newly elected following the amalgamations in clarifying their roles and responsibilities. In many cases it precipitated a tug-of-war relationship between CEOs and councils.

From comments made to me over past weeks I know that many local government councillors still feel their CEO is not always responsible or accountable to them and often sees himself or herself as having a role or autonomy outside of the policy and wishes of the council, which represents the people. The situation introduced by the previous government of giving the state government greater control over and the ability to interfere in the appointment of CEOs is contrary to both the spirit and the legal power under the Local Government Act, which deems local government bodies to be responsible for peace, order and good governance in their municipalities.

The bill removes the requirement to advertise a CEO position before a CEO is reappointed. It gives back to local government bodies the important choice between reappointing or advertising. The removal of the requirement to advertise takes away the over-prescriptive nature of what is currently in place under amendments made by the previous government. It removes an unnecessary requirement. In many cases the performance of a CEO is found to be satisfactory and there is a desire to continue the employment relationship, yet the council is forced to advertise the position. Often that risks scaring off an excellent CEO the council would like to re-employ because the process opens up the prospect of additional applicants and of the CEO not being reappointed. That may set a CEO thinking about other alternatives. It is known that in small rural communities the advertising process can send the wrong message to people in the area.

Furthermore, if done properly the advertising process is costly in terms of advertising expenses and time for any council, but particularly for small rural shires. The bill will remove that burden from rural shire councils.

The bill also removes a requirement for councils to give the minister notice of any resolution regarding the remuneration proposed for and the termination of employment of CEOs. That is one of the ways the state government has in the past exerted some control over, and in some circumstances intimidated, local government bodies in their decision making.

The bill introduces transparency in the reappointment process. A council that decides to reappoint its CEO will be required to give public notice of its intention to move a motion to do so. As the Honourable Neil Lucas mentioned, it also provides for a proposed remuneration package to be made available for public inspection.

My understanding is that the changes are welcomed across the local government sector. However, a particular CEO has put to me that the requirement that a reappointment cannot occur earlier than 6 months before a CEO contract is due to expire might still be considered prescriptive rather than enabling; that the timing should be left to the judgment of particular local governments; that the state government, through these processes, should give full responsibility to councils to make sensible decisions without having the excuse that their hands are tied by another level of government; and that local government, through its selection processes for staff, should be fully responsible and accountable — and of course we know that happens at the ballot box.

Hon. N. B. Lucas — Don't you agree with the six months?

Hon. G. D. ROMANES — I said that I am putting forward a view that has been put to me

Hon. N. B. Lucas — Do you agree with that view?

Hon. G. D. ROMANES — I am putting forward a particular view. As I have mentioned, Mr Lucas, the majority of the sector welcomes the bill.

Hon. N. B. Lucas — Do you agree with the view?

Hon. G. D. ROMANES — I am putting forward a particular view, because a CEO said to me that many CEOs consider their future 12 months out from the end of a contract. In some cases where councils cannot indicate their intentions about whether or not they desire to reappoint a CEO until 6 months before expiry, a particular CEO may have already acted to secure a future elsewhere. That issue should be thought about and be open to further review by the minister over the coming years to see if in reality the concern will present difficulties for local governments in their future selection processes.

I believe the provision of the Local Government (Governance) Bill to take away the prescription from the appointment processes will be good for local government overall, and particularly for the relationship between CEOs and local governments. Theirs is a critical relationship that has to be nurtured and developed. It was not aided by interference by the former Minister for Local Government and Planning in the Kennett government in the Darebin and Nillumbik councils. That interference was counterproductive to the municipality as a whole, let alone the staff in the local government sector.

Some developments since that period bode well for the development of effective local government and good relationships between CEOs, their staff and local governments. I have in mind the development by the Victorian Local Governance Association and the Municipal Association of Victoria of the Code of Good Governance. The code was developed following a meeting in 1997 at which CEOs and mayors from a number of local governments in Victoria were brought together under the auspices of the then Lord Mayor of Melbourne, Cr Ivan Deveson. At that time a decision was made to develop a self-regulatory code for the local government sector to be called the Code of Good Governance.

The code, which has had the support of many people across the state during the past two or three years, identifies the essential features and principles of good local governance. It also addresses the relationship between democratic governance roles and corporate governance roles. It acknowledges that as being a very vital element in the work of local government, that it is important to get it right and that councils, staff and councillors should be supported and assisted to work through the many issues and challenges that arise when a professional administration works alongside elected bodies.

Therefore the proposed legislation is most welcome to the local government sector. It puts local government back in the driving seat. Local government no longer feels its hands are tied and that state government is looking over its shoulder wielding a big stick whenever it suits. The legislation is a big step forward. It is an expression of the desire of the Bracks Labor government to work in partnership with another level of government and to improve the processes for reappointment of chief executive officers (CEOs) and, through a flow-on effect, other local government staff.

I will not refer to the miscellaneous amendments that go with the proposed legislation because I have concentrated on the major thrust of the bill, which relates to the appointment of CEOs. The bill represents a major step forward in the partnership between state and local governments, and I commend it to the house.

Hon. E. J. POWELL (North Eastern) — I am happy to speak on the Local Government (Governance) Bill. The bill is short and most speakers have confined their remarks to the section dealing with employment of chief executive officers.

As mentioned in the second-reading speech, the bill continues local government best-value reforms already introduced by the Bracks government. Some councils have expressed concern about the implementation of best value, including its costs, the measurement of service delivery and so forth. However, the bill is not about best value so I will discuss the issues before the house.

The bill removes the requirement on councils to advertise chief executive officer (CEO) positions before appointment or reappointment. I have some experience in the appointment of CEOs, having been a councillor with the former Shire of Shepparton and also a commissioner with the Campaspe shire. Over time I have spoken to a number of councillors and have found that most support the removal of the requirement to advertise, mainly because if they were happy with their CEOs and they had given the councils good and lengthy service they did not see why they should have to bear the cost of advertising the positions.

On the other hand, the former coalition government had good reasons for requiring positions to be advertised — the best person would get the job and councillors would not be placed in awkward positions by making the decisions to advertise. In some of the councils I have been involved in, the councillors sometimes changed often while the CEO remained. Councillors sometimes felt it was wrong to tell the CEO, ‘You are not doing the right thing. We want to advertise your position’. By making advertising compulsory, councillors could not be seen to be saying they did not think the CEO was a

decent and fit person to do the job. They could open up the position to people from all around Australia to see who else might like to run the council.

A CEO is of vital importance to a community and particularly to a council. A CEO is responsible for the organisation and structure of his or her council and may appoint and dismiss staff. As such the CEO is pivotal to the council. It is fair to say that some regions can prosper and expand greatly because of the quality of their councillors and their CEOs. The coalition government therefore saw the role of CEO as vital. That is even more the case today as councils become multimillion dollar businesses. Councils are now much more involved in regional development and some are clustering to obtain more grants.

Therefore, although the opposition does not oppose the issue of advertising for CEOs it points out that councils will now appoint CEOs for much longer terms, mainly because there is no requirement on them to advertise to reappoint. If somebody does not like a CEO or believes he or she is not doing a good job there will be no automatic requirement to advertise.

That is not to take away from the bill. I understand that the bill states that councils may advertise. However, I want to put on the record some of the reasons the former government included that clause in its bill. It was not done to create an imposition on councils, nor was it done to make councillors' lives harder. It was a recognition that a CEO is one of the most pivotal positions in local government. It affects the community as well as the council, and it is important to get the best person for the job rather than reappoint the incumbent because it is easier or cheaper to do so.

I agree that most councillors I have spoken to are a lot happier now that the imposition about advertising CEO positions before appointment has been lifted. Nevertheless it must be borne in mind that the former government included it not because it wanted to make life harder, more costly or less efficient for local government, but because it wanted councils to look at the broad spectrum of people from which they could make appointments.

CEOs are already on a contract term of about three or five years. The Honourable Glenyys Romanes expressed some concern that the bill prevents a council from resolving to reappoint a CEO more than six months prior to the expiry of the term of a CEO's contract. I understand her concern that CEOs, particularly in country areas, may have relocated their families from the city and decided to make their homes in that area. They need to know they will be in the area for a length of time. If too much time is allowed — that is, if you let CEOs know nine or twelve months before the expiry of contracts — the view is that they could rest on their laurels because it gives them too much leeway.

The community should know if the CEO has a long contract agreement. Until now, his or her work has been assessed by the council from the day he or she started work until the day the contract expired. The giving of six months notice prior to the contract expiry date of whether the CEO will be reappointed is better than a 12-month provision; an extended notice of reappointment is not necessary. That type of prior notice provision for all staff members would get the best out of them.

Part of the revised process is to give the public notice of an intention to reappoint a CEO. That will impose checks and balances. The community will be aware of the council's appointments, which otherwise could have been made behind closed doors. The process will be open and transparent. That feature of the bill is important. Some people may not agree with a council's decisions and believe them to have been unfair, in which case they usually blame the CEO because he or she has had to implement a council's decisions. Now people will know why a council has decided to appoint or reappoint a CEO.

Advertising in the newspaper's public notices for appointment to the position of CEO could be costly. The community could have a problem with an incumbent CEO and want the opportunity to oppose a council's decision to reappoint him or her; the process must be open and accountable. If the community has lost confidence in the CEO, its members should be able to query why he or she is to be reappointed. Also, they may regard the incumbent's reappointment as good and may want input before a decision is taken by council to reappoint. For probably the first time the community will have a say before any decision is made on whether a council should reappoint an incumbent CEO.

I ask the minister to tell the house whether the community will have an opportunity to say it had lost confidence in an incumbent CEO and did not agree with a council's decision. Will members of the community have some input into telling councillors whether they agree or disagree with a council decision to reappoint an incumbent CEO?

Will the government clarify whether the community can say it does not agree with the council decision to reappoint the incumbent CEO? Will a process of

objection be allowed? Will the community be able to examine the process and have prior input?

The bill removes the requirement on council to give the minister any notice about a council resolution to alter the remuneration or employment conditions of a CEO. I understand the former minister never became involved in such decisions made by council. I know a number of councils did not advise the former minister of the details of remuneration or employment package of their CEOs, which meant they actually ignored part of the act; in any case, in those circumstances I understand no disciplinary action would have been taken against the council by the former minister.

The act provides that the minister be given reasonable notice of a decision by a council on the remuneration, termination of employment or employment of a CEO. The act stipulated that reasonable notice be given. Many councils have been simply appointing CEOs and placing terms and conditions of employment into the CEO's employment contract without so advising the minister. I understand no proposed appointment, extension of appointment or alteration of remuneration lodged by councils in accordance with the legislation was rejected by the minister; in other words, the minister did not reject any proposal when the councils let the minister know they were to employ CEOs on certain terms and conditions.

The bill also makes minor housekeeping amendments. The amendments make sense and tidy up parts of the act. Aspects dealing with libraries should be clarified.

The opposition does not oppose the bill. Many councils would praise the bill because it removes the requirement on them to advertise. At times there are good reasons for advertising. When I was a councillor, the council appointed the CEO after advertising widely; it even received applications from overseas as well as from the incumbent CEO. When it was controlled by commissioners my council did the same thing: it advertised across Australia, not just Victoria, and received some good applications. I do not oppose the removal of the obligation upon councils to advertise for appointment of a CEO, although, as I said, sometimes and in certain situations it was a good thing for councils to advertise. I understand the bill allows councils the right to continue to advertise, if they so wish.

I am happy to have had the opportunity to contribute to the debate and I do not oppose the bill.

Hon. S. M. NGUYEN (Melbourne West) — I am happy to contribute to debate on the Local Government (Governance) Bill. I have listened to the contributions of other honourable members and support the bill, which is concerned with the appointment by local government councils of chief executive officers (CEOs).

The CEO plays an important role for his or her council because the CEO protects the council. He or she must be involved in the business of a council. Every decision made by council must come to the CEO for implementation on the day following a council meeting.

The bill deals with the reappointment of a CEO by the mayor and councillors. Before the last election the Labor Party promised to return power to the community. The government's policy is to involve the community in open and transparent consultation with its councils. Its policy states:

> Labor strongly believes that local government should be given proper encouragement and support to develop the confidence to get on with the job of addressing local needs and concerns while being fully accountable to its local community.

The Labor Party intends to deliver on that commitment. The Bracks government's view is different from the former Kennett government's policy on local government. It believes councillors and mayors are elected by the people and should be more in touch with the everyday management of municipal business to ensure the CEO is doing the right job for the community. At the same time councillors and mayors should be more responsible to the voters, the community, the ratepayers, and the residents who elected them.

Hon. N. B. Lucas — How does the bill give more power to the community?

Hon. S. M. NGUYEN — Members of the community can go to the councillors and say, 'We want you to do this and that'. Council can make a decision at its meeting on the night and ask the CEO and municipal staff to run the business.

Hon. N. B. Lucas — Where does it say that in the bill?

Hon. S. M. NGUYEN — In the past few years the CEO has had more to do with the minister and therefore has been more responsible to the minister than to the mayor and councillors.

Hon. C. A. Furletti — Who says that is the case?

Hon. S. M. NGUYEN — That is the way they run.

Hon. C. A. Furletti — That is nonsense. Have you read the Local Government Act?

The DEPUTY PRESIDENT — Order! The honourable member should address his remarks through the Chair.

Hon. S. M. NGUYEN — The bill will give the council the choice to readvertise the CEO position. Council will be allowed to say that it wants a new CEO. The bill will allow a council more say in the appointment of a CEO.

Hon. N. B. Lucas — Have you read the bill?

Hon. S. M. NGUYEN — I have read the bill.

Hon. C. A. Furletti — How many pages?

Hon. S. M. NGUYEN — I am not talking about pages but about what is in front of me. I am not counting pages. The bill will allow councils to readvertise the CEO position before they reappoint the CEO. In the past I have learnt that when the CEO has more to do with the community he or she understands the community better. The role of the CEO is to go out and meet with community groups, to understand community needs and to work with the council and the mayor. The advertising of the CEO position will allow councils to choose what activities the CEO can do to serve the community. From my experience with the former Richmond council, I know that when we appointed a new CEO we had to go through a lengthy process of employing a consultant and the establishment of a panel to go through all the issues and items. It takes a long time, sometimes about six months, to discuss the appointment of a CEO. We also had to employ a consultant to talk to the managers. If the council is happy with the CEO, the position will continue without the need to go through a lot of paperwork and consultation.

In rural areas it is often difficult to attract large numbers of applicants for council positions. Small towns just do not have the resources. The bill will allow the CEO in such cases to continue without the council having to readvertise. The appointment of a CEO before a council election can be delayed to give the newly elected council the chance to discuss the appointment of a new CEO.

Hon. N. B. Lucas — Where does it say that in the bill?

Hon. Bill Forwood — Which clause?

Hon. S. M. NGUYEN — It is clause 3(1) which substitutes proposed new section 94(4)(a).

Hon. N. B. Lucas — You are talking about delaying things for elections.

Hon. S. M. NGUYEN — Yes.

Hon. N. B. Lucas — The bill does not mention elections there. You are reading something that the minder has given you!

Hon. S. M. NGUYEN — I am talking about the bill. The bill also allows the council to pass a resolution to reappoint the CEO without advertising. The local community views the role of the CEO as important. If CEOs do their job, councillors and mayors will have more time to get involved with the concerns of ratepayers. The bill will ensure that the minister is not directly involved in the appointment or reappointment of chief executive officers. For those reasons I support the bill.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank Mr Lucas, Mrs Powell, Ms Romanes and Mr Nguyen for their contributions. I note that they all have considerable track records in local government and have drawn on their experience in contributing to the debate.

The Honourable Jeanette Powell asked whether there would be a process allowing for objections following the advertising of chief executive officer appointments. The intention of that provision is to ensure the decisions of councils are transparent.

The measure does not intend to provide for direct public input into such decisions. It is assumed that, provided they have access to transparent processes that indicate what the decisions of councils are on these or any matters, if members of the public are unhappy with council decisions they will deal with them through the usual democratic processes. I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL

Second reading

Debate resumed from 12 April; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to indicate to the house that the opposition supports the Federal Courts (Consequential Amendments) Bill. The bill is before the house as a result of consequential amendments required to be made to a number of state acts that form part of national cooperative schemes and which are necessary to be addressed because of a High Court decision in the case of *re Wakim* in 1999. Honourable members will recall that on 24 November last year this house passed the Federal Courts (State Jurisdiction) Bill, which substantially addressed the disarray and indeed the fallout caused by the High Court's decision which invalidated many of the cross-jurisdiction or cross-vesting arrangements in place between the state and the commonwealth.

In my contribution at that time I sought to bring to the attention of the house the history of the arrangements between the commonwealth and the states and I do not intend to tread that same ground. However, it is important to remind the house that the commonwealth judicial system — that is, the judicial systems of the commonwealth — was joined in as close to a national scheme as could have been done by means of cross-vesting legislation that was introduced in 1988 in the form of one of the acts that is the subject of part 6 of the bill — that is, the Jurisdiction of Courts (Cross-vesting) Act 1987.

The act allowed any one of the nine Supreme Courts to exercise the jurisdiction of and to apply law that would be applied by any one of the other nine, and enabled any one of the nine Supreme Courts in which proceedings were commenced to transfer those proceedings to any one of the other nine. The purpose of that legislation was to obviate or remove any jurisdictional problems or difficulties that had been developing over a long time and was in real terms a true sense of cooperative federalism — which is an expression I used late last year.

The judicial system that was implemented by the cooperation between the states and the commonwealth overarched geography and local jurisdictional boundaries. It became an integrated system that was very well utilised, to the benefit and advantage of those involved in any type of dispute where there was any confusion or doubt as to whether the jurisdiction lay at a state or federal level. The extension of that form of cooperative federalism was the enactment in the state acts of cross-vesting jurisdiction in federal courts and commonwealth administrative tribunals. The state and federal governments again became part of the cooperative federalism associated with a number of schemes and cooperative agreements that were implemented by means of legislation.

The bill is essential because it amends seven acts which incorporate reference to the cross-vesting of powers, which the High Court in *re Wakim* found to be ineffective and unconstitutional. The amendments before the house will rectify the statutory enactment of the cross-vesting arrangement and deal with the acts that put into place the various cooperative schemes between state and federal governments that have been in existence for some time.

The house will recall that the Federal Courts (State Jurisdiction) Bill addressed the rights and liabilities of litigants who have had their matters dealt with in federal courts and it dealt with the enforceability of judgments that had been obtained and which, because of the Wakim decision, had been found to have been ineffective. At that time new terminology was introduced — that is, ineffective judgments that had been received. I referred in my contribution late last year to a number of devices that had been drafted and implemented to resolve the difficulties that Wakim had caused to litigants in that jurisdictional hiatus.

The bill is complementary to the Federal Courts (State Jurisdiction) Bill and aims to rectify the problems and maintain the integrity of the legislation that administers a number of cooperative agreements, including the agriculture and veterinary chemicals scheme, a competition policy scheme, the Corporations Law scheme, the gas pipelines scheme, the National Crime Authority scheme and the price exploitation scheme. Six of the seven statutes referred to in the bill address the operation of those schemes. The seventh act that is amended and modified by the bill is the Jurisdiction of Courts (Cross-vesting) Act 1987, to which I referred earlier.

In summary, the bill has three major purposes. It is a technical bill which repeals the now invalid provisions that purported to confer state jurisdiction on federal courts so that the relevant matters are now heard by the state's Supreme Court. It repeals provisions which

purported to apply commonwealth administrative tribunal decisions and legislation as state laws. It also brings the cross-vesting provisions into line with the commonwealth revision of the cooperative schemes.

The legislation is complementary to federal legislation. State Supreme courts are given limited federal jurisdiction in terms of the Supreme Court's ability to refer federal matters to federal courts and to identify the particular proceedings which the Supreme Court has the power to so refer. It is because of that last intention that there is the need for the section 85 statement which is part of the second-reading speech. I note with interest that the government — notwithstanding the criticism, whining and moaning that the previous government had to endure — recognises the need to alter or vary the provision affecting the jurisdiction of the Supreme Court. Labor members now agree that, in most instances, that is a proper and suitable action to take.

The opposition recognises the need for prompt and relatively urgent attention to rectify the state of commonwealth–state relations insofar as they are affected by the Wakim decision. It is anticipated that the legislation will amend the statutes which affect the cooperative agreements between the states and the commonwealth.

The principal purpose for the section 85 statement with respect to the Gas Pipelines Access (Victoria) Act is that rather than the state court in which the dispute arose being the appropriate jurisdiction the nature of the gas pipelines means that the state with the closest connection or which derives the greatest benefit from the pipelines will be declared the appropriate jurisdiction.

Because of the limiting of the Supreme Court's jurisdiction in those circumstances, one could say it is a somewhat artificial meandering; nevertheless it is necessary to ensure proper governance and administration of those types of partnerships. For those reasons the opposition supports the bill and wishes it a speedy passage.

Hon. JENNY MIKAKOS (Jika Jika) — I support the bill and note with some pleasure that it has bipartisan support. As Mr Furletti said, the bill follows on from the Federal Courts (State Jurisdiction) Act that was debated in this place last year and which also received bipartisan support.

The bill arises from a High Court decision *re Wakim*, which brought a degree of uncertainty about a number of Federal Court decisions and caused considerable consternation and anxiety among members of the legal fraternity. My recollection of the debate on the Federal Courts (State Jurisdiction) Bill was that it was supported by the legal fraternity. I am sure this bill will be supported by the profession because it clarifies among other matters the continuing uncertainty about the referral of state matters from the state to the federal court systems. During the debate on the Federal Courts (State Jurisdiction) Bill the minister said there would be further consequential provisions arising from that bill.

The Federal Courts (Consequential Amendments) Bill is complex and technical. Essentially, it seeks to do three things. It amends seven pieces of state legislation relating to the national scheme legislation. Those pieces of legislation which have been enacted across all Australian jurisdictions relate to issues such as the implementation of the goods and services tax, pricing, gas pipelines and many other matters. The bill will bring cross-vesting of matters relating to those various pieces of national scheme legislation into line with the implications of the Wakim decision. The Jurisdiction of Courts Legislation Amendment Bill currently before the federal Parliament will insert a number of schedules into various pieces of national scheme legislation to contain references to various state acts. As a result, decisions of the commonwealth will be regarded as matters which, despite the fact that they are laws of the state of Victoria, can be heard by the Federal Court under the commonwealth Administrative Decisions (Judicial Review) Act. It is a significant provision because it will give greater certainty to a range of national scheme legislation and decisions made under various national schemes.

With gas pipelines it is agreed by all state jurisdictions that where there is a cross-boundary dispute the matter will be heard in the state determined to be the state most closely connected with the pipeline. This means that where a dispute affects the state of Victoria but it is regarded by way of example that the state of Tasmania has an interest more closely connected with the issues in dispute, the Supreme Court of Victoria has restricted jurisdiction. In effect, it limits the jurisdiction of the court which is necessary in the circumstances.

That is the reason for the section 85 statement to which Mr Furletti referred. I believe it is justified in the present circumstances.

Other aspects of the bill relate to the removal of now invalid provisions and references to the federal court system and the Administrative Decisions (Judicial Review) Act (ADJR act) across a range of state acts. Those references were held to be unconstitutional and will be deleted as a consequence of the Wakim decision. The other aspect of the bill relates to the

removal of the now invalid provisions that seek to apply the commonwealth ADJR act as a law of the state of Victoria.

It is not necessary to go into the bill in detail because it is supported by the opposition and has much support from members of the legal profession. It is imperative that the bill be passed as a matter of urgency. The whole area must be clarified. Mr Furletti has expressed concern that the bill may not solve the cross-vesting problem. I have also raised similar concern in debate on the previous bill. All members of the legal profession will be watching with interest the decision about to be handed down by the High Court over the next few days about a similar matter that was considered in the Wakim decision and other possible constitutional challenges over the coming months.

I understand the Attorney-General is engaged in ongoing discussions with other states as part of the national Standing Committee of Attorneys-General to find a long-term solution to the cross-vesting problems arising from the Wakim decision. It may be that nothing short of a referendum and an amendment to the federal constitution will solve the problem. I hope the bill, in conjunction with the act that has already commenced operation, brings about a workable solution. I commend it to the house.

Hon. P. A. KATSAMBANIS (Monash) — The opposition supports the Federal Courts (Consequential Amendments) Bill, which seeks to address the significant legal issue that arose from the High Court decision regarding Wakim that questioned the ability of state courts to cross-vest jurisdiction that lies initially within the state court's jurisdiction into the federal court.

That has caused significant concern in the legal community. It created uncertainty in the law. When one makes, interprets and applies law for the benefit of the Victorian and Australian public one of the most important issues — not always the most important — that should be considered is that the law as it stands is certain and clear to enable parties to transact based on that certainty and clarity.

The decision in Wakim overturned decades of accepted legal practice where jurisdiction was cross-vested between state superior courts, state supreme courts and the Federal Court, to enable justice to be dispensed effectively.

On 24 November last year the Federal Courts (State Jurisdiction) Act was considered. Most of the speakers on that day said there was no certainty that the bill would address all the issues raised in Wakim and create the type of certainty we have come to expect from the legal system, particularly when it relates to cross-vesting of laws between jurisdictions.

In supporting the bill at the time, I stated that I hoped it would fulfil its intentions. My remarks were made more in hope than in certainty. There is no legal mind in the nation, except perhaps among the justices in the High Court, who can settle this matter fully. I also expressed the hope that the house did not have to come back in a few months to consider options to remedy the issues raised in the decision. As yet we have not. This is a follow-on bill, not one that tries to correct some anomaly created by the previous bill. This bill follows on from the Federal Courts (State Jurisdiction) Act and addresses specific concerns relating to the existing provisions in state acts that conferred jurisdiction to the Federal Court. At the time the jurisdiction was conferred to the Federal Court we thought the state had to so confer that jurisdiction. Subsequently, it has been found that the state does not have the power; therefore that purported jurisdiction is now removed.

It also removes anomalies relating to the operation as a law of this state the commonwealth Administrative Decisions (Judicial Review) Act. It makes changes to the laws relating to state cross-vesting schemes complementary to the commonwealth legislation introduced in March this year in the Jurisdiction of Courts Legislation Amendment Bill. That bill is the result of an agreement between the federal Attorney-General and the state attorneys-general to address the continuing emerging issues with the High Court decision. It is an attempt by the best legal minds in the nation to find a solution. We hope the solution is workable. It may not be permanent but one hopes it will be a workable solution until a more permanent one can be found.

Mr Furletti outlined the operation of the bill and the various areas of cooperative law, model law, national scheme law and the like. He also highlighted the additional burden caused by the gas pipelines access scheme. It is not only an issue of whether jurisdiction might be with federal or state courts; there is the additional matter of pipelines that cross boundaries and the choice of the appropriate state court in a particular matter. The bill makes it clear that the state most closely connected to the pipeline in question at the time is the one that will be seized with the judicial power in any proceedings under the gas pipelines access regime, and specifically in Victoria in relation to the Gas Pipelines Access (Victoria) Act.

I reiterate that the opposition supports the bill, mainly because it agrees with the principle of the need for certainty in the law and particularly its application and the appropriate forum for bringing proceedings in any jurisdiction.

Just as we hoped last year that the Federal Courts (State Jurisdiction) Act would solve the problems raised by *re Wakim*, we hope this bill adequately addresses the issues raised. Only time will tell whether that is the definitive solution, and I suspect that these provisions will probably be open to judicial interpretation in the years ahead. I hope when they are interpreted one of the prevailing doctrines considered at that point will be the fact that members of the public demand certainty in their legal processes, and particularly in the jurisdiction in which they bring a particular action. If we do not have that sort of certainty it will bring disrepute upon our legal system. No-one wants that. I support the bill.

Hon. D. G. HADDEN (Ballarat) — I support the Federal Courts (Consequential Amendments) Bill. I refer the house to the High Court of Australia decision on 17 June 1999, in *re Wakim*, ex parte McNally, which invalidated the Jurisdiction of Courts (Cross-vesting) Act to the extent that it purported to give the federal courts created under chapter 3 of the constitution, including the Family Court of Australia, the jurisdiction to exercise a state jurisdiction.

The High Court decision of *re Wakim* affected the cross-vesting schemes as well as various schemes with respect to corporations, agricultural and veterinary chemicals, competition policy reform, gas pipelines access, national crime authority, and price exploitation with respect to goods and services tax.

The consequential amendments foreshadowed last year are now before the house. They were developed in consultation with the commonwealth, the states and the territories. The Federal Courts (State Jurisdiction) Act 1999, together with this bill, form the uniform legislative scheme developed under the auspices of the Standing Committee of Attorneys-General. It was as a direct and uniform response to the High Court decision of *re Wakim* of June last year, to which I have just referred.

The Federal Courts (State Jurisdiction) Act was passed to deal with applications under the scheme that would have been dealt with by the Federal Court. That act provides that the rights and liabilities of persons under ineffective judgments of a federal court that purported to exercise state jurisdiction are taken to be rights and liabilities under judgments of the Supreme Court, and it also provides for the transfer of proceedings before a federal court in relation to state matters to the Supreme Court.

Although somewhat technical as previous speakers have mentioned — and I certainly concur — the bill achieves three main purposes. Firstly, it removes the invalid provisions or references to confer state jurisdiction on federal courts, and relevant matters are now being heard in the state's Supreme Court. Secondly, it removes the provisions which purported to apply the commonwealth Administrative Decisions (Judicial Review) Act as a law of the state. Thirdly, the bill brings the cross-vesting provisions, both generally and in relation to corporations, in line with the revision of the schemes proposed by the commonwealth and also complements relevant provisions in the recently introduced commonwealth Jurisdiction of Courts Legislation Amendment Bill. That bill provides that the judicial review of actions and decisions of commonwealth officers and authorities will usually continue to be dealt with by the Federal Court, although the state Supreme Court is given equivalent federal jurisdiction in limited circumstances. Provision is also made for special federal matters as defined under that commonwealth act to be heard in the Supreme Court in certain limited circumstances.

In summary, the bulk of the bill relates to the application of commonwealth administrative laws under various national schemes, and the ability to review decisions of commonwealth officers and authorities.

The section 85 statements, of which there are two, are very important, and are contained in parts 5 and 6 of the bill. They alter or vary that section, and in this case provide that a cross-boundary dispute be heard in the state which has the greatest interest in the dispute. In clause 22 that section is more specifically referred to as the one 'most closely connected to the pipeline'. Part 6 amends the Jurisdiction of Courts (Cross-vesting) Act of 1987, and section 85 statements are contained in that part of the bill, as they properly should be.

The bill amends seven pieces of legislation. Each of them forms part of a national scheme with respect to cross-vesting, and it is anticipated that the other states will follow suit with Victoria some time later this year. The bill makes consequential amendments to the bill that was passed late last year and which is now an act of Parliament. I hope it will provide a workable solution for all concerned who access our courts and find difficulties with respect to state and federal laws. I hope those problems will be worked through and overcome. On that basis, I commend the bill to the house.

The DEPUTY PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The DEPUTY PRESIDENT — Order! I am of the opinion that the bill requires to be passed by an absolute majority. In order that I may ascertain whether an absolute majority has been obtained, I ask honourable members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Carlo Furletti, Jenny Mikakos, Peter Katsambanis and Dianne Hadden for their contributions to an important debate.

The DEPUTY PRESIDENT — Order! The question is that the bill be now read a third time. I again ask honourable members who are in favour of the motion to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ADOPTION (AMENDMENT) BILL

Second reading

Debate resumed from 12 April; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. W. I. SMITH (Silvan) — I am pleased to speak in support of the Adoption (Amendment) Bill. The history of adoption in Australia reflects society's changing opinions and value systems. I will talk briefly about that because it is important to understand what is happening with adoption in Australia. The purpose of the bill is to amend the Adoption Act to give effect to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, to give effect to certain bilateral arrangements for intercountry adoptions and to deal with miscellaneous matters.

The Adoption Act applies to the adoption of children who are Australian citizens and who have been relinquished for adoption. Such adoptions are known as local adoptions. In addition, the legislation governs the adoption of children who are not citizens of Australia but who have entered Australia for the purpose of adoption. Such adoptions are referred to as intercountry adoptions. The amendments contained in the bill flow from Australia's ratification of the Hague convention in December 1998 and from bilateral agreements between Australia and prescribed overseas jurisdictions to recognise adoption, particularly that of China.

It is interesting to read the national interest analysis of the Hague convention, which looks at the reasons for Australia's taking on of the proposed treaty action. The analysis states in part:

> … the convention is to establish international procedures, standards and cooperation mechanisms between government authorities involved in safeguarding the interests of children subject to intercountry adoption.
>
> There has been a dramatic increase in intercountry adoptions in many countries since the late 1960s. Intercountry adoption has become a worldwide phenomenon, often involving the movement of children over long distances and from one society or culture to another. These adoptions can give rise to complex human rights and legal issues.
>
> …
>
> The importance of the convention for Australia lies in the benefits of having internationally agreed minimum standards for processing intercountry adoptions. The convention establishes legally binding standards and safeguards to be observed by countries participating in intercountry adoption ….

Currently 19 countries are parties to the convention.

It is interesting to analyse adoption trends in Australia. According to Australian Bureau of Statistics figures, in 1971–72 there were 9798 adoptions in Australia and by 1995–96 the figure had reduced to 668 adoptions — a dramatic decrease due to a range of complex and varied reasons relating to medical and social changes in Australia.

I will go through some of the changes that have occurred because they reflect the changing value systems in Australia. There has been a reduction in

unplanned and unwanted pregnancies because there is a diminished social pressure on single women to give up children. It is important that single women now have the choice of keeping their children and are not subject to the pressures that were placed on women in the 1950s and 1960s to give up children. Those women may well have wanted to keep their children but could not because society did not allow them to and because they could not afford them.

As a consequence of a lower fertility rate than previously existed and the fact that many couples have decided they do not want to have or raise children, the demand for adoption in Australia has decreased. Changes to legislation concerning who might be involved in adoption have also contributed to the decline.

A significant social change in the attitude to single women who become pregnant was assisted by the introduction federally of the supporting mothers benefit in 1973. Furthermore, the relaxation of the conditions under which a pregnancy can be terminated in the two most populous states — Victoria in 1969 and New South Wales in 1972 — obviously had an impact on unplanned and unwanted pregnancies.

Significantly there has also been a changing community attitude to contraception. At one time single women who asked their general practitioners for oral contraception could not get it — they had to be married. In the 1970s, and particularly in the 1980s and 1990s, family planning centres and birth control clinics were established, which gave women a choice about contraception and pregnancies.

In addition, the dramatic increase in the number of women in the workplace over the past 20 years has given women the ability to make choices and single mothers the ability to support their children financially. There have been developments in in-vitro fertilisation (IVF) and gamete intra-fallopian transfer (GIFT) programs. For example, in 1994 in Australia 2715 births followed IVF or GIFT treatments.

In the period from the 1960s to the 1990s there was a fundamental shift in adoption philosophy. In the 1960s the adoption policy was closed. A child did not know the birth parents and was not allowed to do so. It was all about total secrecy and the complete inability of a child to find out where he or she had come from.

That practice has been totally discredited. Now the system is one of open adoption. The reversal has been so complete that a couple who wish to adopt a child must now give assurance that they will allow regular contact with the natural parents. In some states the natural parents can chose the adopters.

Every encouragement is given to natural parents not to surrender their child for adoption. There must be intensive counselling before a birth mother's consent is valid. The post-natal period for giving consent has been increased dramatically. Once upon a time mothers signed their babies away immediately after birth and certainly before the expiration of the first 24 hours. Today in some states the time required is as much as from 3 to 28 days.

The best example of how the policy has changed is that between July 1992 and July 1996, 24 121 people applied to the department for information about their birth parents — a great turnaround of attitude in society.

The other means left to Australian couples who wish to adopt children has been overseas adoption. Intercountry adoption came to Australia after the Vietnam war and the fall of Saigon in 1975, when Australians started to adopt children more readily from overseas.

In raising some issues for the minister's attention, I ask whether it is possible for change to occur. I refer to an article about adoption and in particular intercountry adoption that was written by J. Neville Turner, a senior law lecturer at Monash University and past President of Oz Child. I refer to it because I have talked to parents who have adopted children from Korea and Romania who have read the article and believe Mr Turner's points are valid.

Mr Turner asks two questions. Firstly, why has the Victorian government been so reluctant to permit non-government agencies to arrange foreign adoptions? I understand a non-government organisation in South Australia arranges intergovernment adoptions and is highly regarded internationally. Mr Turner states:

> The difficulties facing Victorians wishing to adopt children from Third World countries are unnecessarily onerous. The monopoly over foreign adoptions presently held by the Victorian government should be broken to allow motivated non-government organisations to arrange such adoptions.

Secondly, why do Australians not take more children? I know the Hague convention guides us on intergovernment adoptions, so why is that so? We all know that many children in many countries, particularly India, Pakistan and Sri Lanka, live in unimaginable conditions. Many are orphaned or have parents who do not want them, many are employed and many are involved in labour. It is therefore valid to ask what countries we are looking at and what children we are selecting for adoption.

Anybody who read the article in the *Sunday Herald Sun* about babies born of Serbian women who were raped during the war would immediately ask why families cannot adopt those children. The adopting couples do not have to be infertile; many Australian families would open up their homes to such children and bring them in.

Couples who wish to adopt children face many formidable difficulties. One of them is time delays. I spoke to a couple who a year ago were successful in obtaining the child of a single mother who could not afford to keep her child and was happy for the child to be adopted in Australia. The couple's application for adoption took four years to succeed. Admittedly Romania was going through a turbulent political time and the couple was put back from the top of the list because of that and had to undergo the rigours of the process again. It cost the family $25 000 to get the child. By the time he arrived in Australia he was four years old. Therefore people who perhaps desire a new born or young child often end up having an older child by the time the adoption occurs.

The other problem is that for intercountry adoptions parents have to have excellent incomes. Adoption is not cheap; it is a service for people who have good incomes. As I said, the couple who adopted from Romania paid $25 000. I understand that adopting a child from China costs A$9400. I know the fees are set by the country, and they are US$4600. On top of that intending parents need to pay for the airfare, accommodation and other costs.

According to Mr Turner the extra costs also result from the charges incurred by the Victorian government because the department may appeal to a court in a foreign country. I am told — I do not know how true it is because I have not had time to do the research — that it is much more expensive to go through the system in Victoria than it is in any other state.

I conclude by saying that I support the bill. I raise those issues, knowing that they are complex and difficult and not knowing how easy they will be to resolve. However, I point to the example in another state of a non-government organisation, which is highly regarded internationally, and also to the fact that there are many children in the world to whom I suspect many Australians could give homes. Adoption is the most permanent, solid and secure form of substitute parenthood for those children who have been denied an upbringing by their birth parents. It is very important that orphaned children who are not wanted have a chance in a secure and loving home.

Hon. S. M. NGUYEN (Melbourne West) — The Adoption (Amendment) Bill is important to many families in Victoria. The Honourable Wendy Smith made a number of important points about the bill. I shall speak about the support needed by the many single males and females who have been adopted as children from overseas.

Coming from an ethnic background, I have known many children living in Vietnam during the war who did not have families. When the war was over many of those children were brought to Australia and have now become respected members of the community. Many now want to know where they came from, who their parents are and all those sorts of things. I have many friends who were adopted and have been living here for more than 20 years.

The purpose of the bill is to amend the Adoption Act in ways that are consistent with the fundamental purpose and intention of the act and the Victorian government's ratification of the Hague convention on intercountry adoption.

The state government is also trying to negotiate with China, and in that context I refer to a press release of 20 January concerning an adoption agreement with the People's Republic of China, in which the Minister for Community Services announced:

> I am very pleased to announce that after a long and sensitive period of negotiations this new intercountry adoption program should be ready to commence in March.

The program will allow 100 Chinese children to be placed with Australian families each year. Many Australian families want to adopt children from overseas. Some people prefer to go to China or a poor country to help children without families who are living in poverty. I have been approached by many families who want to adopt a child from Vietnam. They ask me how to go about it. Vietnam was not ready to enter a formal agreement with Australia so adoption is still very hard. Many things have to be gone through formally before families can adopt a child. People who try to sponsor adopted children sometimes experience difficulties because of a lack of support from both ends. I hope the bill will assist not only Australian families but also Chinese–Australian families who want to sponsor a Chinese family or children. It will help to speed up the program, and the model can be used in other Asian countries where we know there are many children that families in Australia want to sponsor.

The Honourable Wendy Smith referred to an article published on Sunday about unwanted children, such as children born without fathers because their mothers

were raped during war. The children could be welcomed to Australia if there were an arrangement between the families who want to adopt children. Today many single females who want a child cannot do so because they are not married. Some who earn a good income sufficient to raise a child want the opportunity to be mothers. The centre for adoption affairs in China processes more than 6000 overseas adoptions each year. There is a big demand by families who want to adopt an overseas child.

The amendments mirror the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 and the Family Law (Bilateral Arrangements — Intercountry Adoption) Regulations 1998. The amendments reflect cooperative arrangements between the commonwealth, states and territories to implement the Hague convention through state legislation.

Amendments to strengthen those sections dealing with the wishes of the child ensure that, depending on his or her age and maturity, the child is counselled and informed of the effects of the adoption order and that that occurs at least 28 days before adoption. Further, the amendments ensure the counsellor is independent of both relinquishing and adoptive parents.

The bill also strengthens those sections relating to the approval process by explicitly requiring that applicants for adoption be approved by either the secretary or an approved agency. It will also allow a court to hear from interested persons when determining an application to discharge an adoption order under section 19. The amendments will also allow for the period of approval of agencies to be up to three years. It is important that we help families adopt children from overseas. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — I am pleased to speak on the Adoption (Amendment) Bill which flows from the Hague convention. The amendments strengthen the current provisions of the act dealing with the wishes of the child and provide greater clarity and efficiency in the approval of applications and discharge of adoption orders. The bill also enables an order to be made to a court to add conditions to an existing adoption order.

On 25 August 1998 the Australian Ambassador to the Netherlands lodged Australia's instrument of ratification to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. In Australia the convention came into operation on 1 December 1998 after the enormous input of the former Minister for Youth and Community Services, the Honourable Denis Napthine, now the Leader of the Opposition, and I acknowledge the work he put into the amendments.

Worldwide the issue of children is emotive. All honourable members would agree that anything to do with the neglect or abuse of children is abhorrent, be it sexual abuse, child labour, child abuse of any sort, such as neglect and poverty. It is appalling to see children being used as political tools — for example, Elian Gonzales in America and the Cuban exercise with the child being used as a political football. Trade in children is also appalling and abhorrent to developed countries. Honourable members have had their hearts tugged by images of children in war-torn countries such as Romania, and watching those children on the television night after night and seeing them so neglected. That is also true of children from other countries such as Ethiopia, which is suffering from drought and poverty and where the children are basically starving.

On a personal level, having a child of one's own is a pleasurable, traumatic, stressful, emotional and rewarding experience. However, all honourable members know the process takes nine months. People who are not able to have children also experience the same trauma, stress, emotion and cost, but they also have to contend with many of the issues that I outlined initially, such as children who have been abused, starving, mistreated in some way or another, or are drug dependent.

The adoption procedure for those people is extremely arduous. I recognise that it is important to have proper constraints in place, and that it is important for all parties concerned that the children are provided with the highest possible protection at every stage.

I have spoken to parents who have come to the realisation that they are unable to have children, which is stressful in itself, and who must then go through an arduous adoption procedure. I will outline to the house the basis of the procedure. The first step is a phone call, which seems to be the simplest part of the whole deal. That is followed by an information night, registration and applications being offered to registrants as needed. An application must be accompanied by a documentation fee, four references, individual medical tests, police checks and a family information form. The adoptive parents must also provide a life story, genogram, country project, financial statement and a child characteristic form.

A private contract worker is then assigned for three months to have a good look at the applicants. Recommendations are made by a unit manager through

the department. The process can take 12 months. One must keep in mind that couples who are able to have their own children have a much easier time, certainly in the initial period.

The prospective adoptive parents must be approved and documents must be prepared and sent overseas. A child is allocated — and it is not unusual for allocations to take up to 18 months. The waiting time between allocation and travel can be another 3 to 12 months. Approved applicants then collect the child overseas once a visa is issued. The placement is supervised, which can take another 6 to 12 months, depending on requirements. Adoption is then recommended and a court decision is made. As the Honourable Wendy Smith pointed out, it is a long and drawn-out process. I have listed just the procedure.

I now turn to cost. As Ms Smith pointed out, it is exceedingly expensive to adopt a child from another country. I did not do the figures on the exchange rate for the American dollar, but to adopt a child from China costs US$4756 and from Korea US$6600. In addition there are administrative costs, which I will outline. The application fee is $1000 and the assessment fee is $2685. There are small charges if, for example, applicants require an update to have their address changed. A sum of $1500 for approval and preparation of documents is required by some countries. The allocation fee for the child or children is $155. The list goes on. Those costs are incurred before one even looks at the cost of travel. Both adoptive parents are required to travel overseas to adopt the child or children. It is a very expensive exercise.

On top of the cost is the personal intrusion. The age of the applicant is considered and there is a minimum age of 30 years. In some instances if one of the partners is over 55 that is taken into consideration. Marital status is considered. I was most amused to read that if an adoptive parent had been divorced three times he or she must be proven to have been in a current marriage for at least two years. Sexuality is another issue, as is proof of infertility in some instances. It is an intrusive process, unlike the process that people who have children naturally have to go through.

In an article in *Newsweek* of 16 June 1997, Dr Andrew Adesman, who counsels families at the Schneider Children's Hospital in New Hyde Park, New York, points out:

> The irony is that adoptive parents have an option that birth parents don't. I don't get a chance to decide whether or not I want to accept the child that my wife gives birth to.

That is another issue — and adoptive parents are very lucky to be able to choose their children.

The country's requirements must also be considered. It is important for Australians to understand the constraints adopting countries put in place. Volume 29 of 1999 of the Department of Human Services newsletter *Overseas Connections* refers to Australia's relationship with adopting countries and the constraints that are in place. For example, the Colombia program has been inactive in Victoria in recent years but remains open to interested applicants. In Ethiopia applicants are more readily processed for older children or siblings where one sibling is over four years of age. Two programs are in place in Guatemala, and it should be noted that the fees for adoption from Guatemala are substantial. The fees for China or Korea are not unsubstantial, so I would be interested to know how much the fees are for adoption from Guatemala.

In Poland the applicants need to be of Polish descent or have strong ties with the country. Children are usually older and have special needs. Hong Kong has a small program. In India girl children tend to be available, as is the case in China. The program in Sri Lanka is small and the waiting time for allocation can be up to three years.

As I said, the adoption process is stressful, with the initial stress being experienced when the parents realise they cannot have children. Then there is the stress of the procedure and meeting the costs and the country requirements. The process is very difficult for the people concerned.

It is imperative that adoption is secure and lasting and that children have a good support system and come to Australia in the knowledge that they will settle in a family and be loved and cared for into the future. It is important that the country is seen to support the Hague convention, and that Australia's intercountry adoption process follows world best practice.

I ask the minister to take note of the concerns I have raised about the procedure and the trauma for the people involved. I understand we must protect all parties involved, but I consider the costs are high and the procedure is arduous for the people concerned. I have great pleasure in supporting the bill.

Hon. D. G. HADDEN (Ballarat) — I support the Adoption (Amendment) Bill. The purpose of the bill is set out in clause 1:

> (a) to give effect to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;

(b) to give effect to certain bilateral arrangements for intercountry adoption;

(c) to deal with miscellaneous matters.

The amendments are consistent with the Victorian government's commitment to implement in legislation both the Hague convention and bilateral arrangements regulations. The amendments reflect cooperative arrangements between states, territories and the commonwealth to implement the Hague convention through state legislation.

A further agreement between the commonwealth and the states provides for automatic recognition of adoptions from the People's Republic of China, which will be achieved by mirroring the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998, and the Family Law (Bilateral Arrangements — Intercountry Adoption) Regulations 1998.

The bill strengthens the sections dealing with the wishes of the child and ensures that, depending on the age and maturity of the child, the child is counselled and informed of the effects of the adoption order and that that process occurs at least 28 days before the adoption order is made. The amendment is contained in clause 12, which substitutes section 14 in the principal act with a proposed new section. Further amendments ensure that the counsellor will be independent of both relinquishing and adoptive parents. Clause 14 inserts in section 19 proposed subsection (5A), which provides a process for the discharge of an adoption order. Proposed subsection 9(f) requires the court to hear from interested persons.

The court may allow the child, the natural parent, the adoptive parent, the secretary of the department or the principal officer of an agency concerned to appear before it and address the court, and as provided in proposed subsection (9)(f) of section 19, any other person whom the court determines has a sufficient interest in the matter. The bill strengthens the approval process for adoption by requiring applicants for adoption to be approved by either the secretary to the department or an approved agency. Proposed subsection (5A), which is inserted in section 19 by clause 14, allows the court to hear from interested persons in relation to the discharge of adoption orders.

Clause 15 amends section 25 of the principal act to allow for the period of approval of agencies to be up to three years. Proposed new section 60, which is inserted by clause 16, allows for additions and variations of conditions to an existing adoption order where there is agreement between the adoptive parents and the relinquishing parents.

During the consultative process, in June 1999 a number of issues papers were circulated to various departments and organisations. The proposal to allow for the addition of new conditions to an adoption order under proposed new section 60 may be of concern to adoptive parents groups, but is likely to be welcomed by relinquishing parents groups. Proposed new section 60(3) provides that no order increasing the contact between a child and the relinquishing parent can be made without the consent of the adoptive parents. Therefore, the changes proposed would allow the addition of conditions only where the adoptive parents consented to those conditions.

Relinquishing parents may generally have concerns that the amendments have not addressed issues of equity regarding the availability of information to both adoptees and adoptive parents as compared with availability of information to relinquishing parents. It is likely that the issue will be dealt with in the next stage of review, which will be the parliamentary committee inquiry into past adoption practices that is scheduled to commence later this year.

Adoption is an emotive and often contentious area of the law and an emotive and contentious issue in society. I know some honourable members can cite instances — I can — of both friends and family who have relinquished their natural children. In one instance I am aware of it was successful when the person had positive contact with the child 20 years later, but in another instance my relative has never been able to regain contact with her natural first-born child, causing considerable trauma to that person and her family. Adoption is not and never will be an easy area, given that it touches our humanness to the core. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I will reply to a number of issues raised by Mrs Coote and Ms Smith. Intercountry adoption is not a cheap option. The expense relates to the country from which the child is being adopted, and there is not a lot that can be done about that. I have been informed by the department that there are no waiting lists for adoptive parents and that it is not limited to infertile couples who

do not have children but is open to couples with families.

Victoria is not taking more children because of the concerns Mrs Coote mentioned regarding the trading of and trafficking in children. Not all children in overseas orphanages are necessarily put up for legal adoption. Victoria is taking all the children that it can guarantee are available for legal adoption, and rigorous checks are made to ensure that proposed adoptive children are available for overseas adoption.

With regard to non-government agencies, I have been informed by the department there is only one non-government agency operating in Australia — a South Australian agency. However, a number of responsibilities remain the responsibility of the government, which is why it is not willing to go down that path given the requirements and responsibilities it would have to take on.

In regard to applications for approval, as was discussed by honourable members who contributed to the debate it takes about a year from the notification of adoption to obtain approval and then on average it is a further year from the time approval is sought and granted for the country to process the application and provide the child. It is a lengthy period.

In respect of the intrusiveness of the inquiries made, no-one would like to think that the government does not put the needs of children first, and although some people may feel the inquiries may be unreasonable the government wants to guarantee that any family receiving a child from overseas will provide a secure and loving environment and that the child will have the ability to grow and develop in a positive way. For those reasons there are demands on couples to provide information that may otherwise be thought to be intrusive.

I thank Ms Smith, Mr Nguyen, Mrs Coote and Ms Hadden for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADMINISTRATION AND PROBATE (DUST DISEASES) BILL

Second reading

Debate resumed from 12 April; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — The opposition supports the Administration and Probate (Dust Diseases) Bill, which amends the Administration and Probate Act by the enactment of provisions relating to dust-related diseases. The bill remedies perceived shortcomings in the legislation to make it possible for persons who died from injuries sustained before the outcome of the action to sue for pain and suffering, bodily or mental harm suffered by the person, and for the curtailment of the person's expectation of life which, under current legislation, is not possible.

Until about 1942, common law, which is the cornerstone of the legal system, provided that if a person died with a personal right of action against another person, or if the person against whom an action was taken died before the action was resolved, the action died with the person regardless of whether he or she was the plaintiff or the defendant.

Recognising the difficulty associated with that law in 1942 Parliament introduced the Survival of Actions Act the relevant parts of which, in effect, became section 29 of the Administration and Probate Act 1958. It provided, subject to a number of exceptions, that when a person dies, all causes of action subsisting or vested in that person survive for the benefit of the deceased's estate. It also provided that the action would not include damages for pain or suffering, any bodily or mental harm suffered by the person, or the curtailment of the person's expectation of life.

That meant that the heads of damages were personal to the plaintiff. It was the plaintiff who suffered pain or suffering and it was the plaintiff who suffered the mental or bodily anguish arising from the injury. Needless to say, because of their deaths, plaintiffs certainly suffered curtailment of their expectation of life.

In those early days the common law considered those heads of damages to be personal to the plaintiff. The dependants or the estate of the person who suffered the injury and subsequent death could not benefit and have a windfall from those non-economic damages. In other words, the right of the estate to continue the action for loss of wages, funeral expenses and specific heads of economic damages remained but not in respect of non-economic loss.

At about the same time statutory rights were introduced and enacted in the form of the Wrongs Act, which was consolidated in 1958. Part 3 of that act deals with wrongful acts or negligence causing death. Section 16 establishes liability for wrongful death. Section 17 provides that if a person's death has been caused wrongfully dependants have a right to bring an action against the wrongdoer. That action must be brought in the name of the executor or administrator of the deceased. However, in that action the executor or administrator represents the dependants.

There is a fine difference between a Wrongs Act claim, which allows a claim for the dependants of the deceased, and an action under the Administration and Probate Act, which is an action brought by the estate of the deceased. In those circumstances, under an Administration and Probate Act claim the beneficiaries of the deceased would be entitled to any damages awarded. However, under the Wrongs Act only the dependants benefit but not, for example, if a person had made a will leaving everything to parents rather than to a wife and children. Under an administration and probate claim — a section 29 claim — persons entitled under the will and testament of the deceased would benefit. There is a subtle but significant difference between the two types of legislation.

Section 29 of the Administration and Probate Act is amended with the insertion of new section 29(2)(2A). In respect of survival it states the following where:

> (a) a cause of action survives under sub-section (1) for the benefit of the estate of a deceased person; and
>
> (b) the death of that person is from a dust-related condition which has been caused by the act or omission which gives rise to the cause of action …

Clearly negligence must be involved in the condition that leads to death. It further states that when:

> (c) proceedings in respect of that cause of action were commenced by that person before his or her death and were pending at his or her death —
>
> the damages recoverable for the benefit of the estate of that person shall include damages for all or any of the following:
>
> (d) that person's pain or suffering;
>
> (e) any bodily or mental harm suffered by that person;
>
> (f) the curtailment of that person's expectation of life.

It amends the exclusions in section 29(2)(c)(ii) in that if one has a dust-related disease the provisions of the act do not apply.

The opposition has a number of concerns. The definitions clause defines a dust-related condition as one of the 13 or so diseases specified in the first schedule, which include aluminosis, asbestosis and a number of other conditions, including mesothelioma. Each of those diseases is such that once a person is diagnosed the onset of death is rapid and a person may survive only 12 to 18 months. I know of a close friend whose father suffered from asbestosis and within six months, granted he was advanced in years, died.

Because of a claim by my friend's mother, my friend had to sue the former employer. Her father had been retired for many years and his cause of action arose possibly 30 or 40 years before he died, so those types of personal injury actions are complicated and difficult in terms of the preparation of the case, the gathering of evidence, and the establishment and quantifying of damages. They are not simple matters to deal with. When I was practising law a few years ago it was not unusual for three to four years to be the normal time for the resolution of personal injuries claims, notwithstanding all efforts to expedite their hearing and disposal. Naturally more complicated and difficult cases involving the tracing of medical evidence and so forth will take longer and be more complex.

Suffice it to say that the reason for the bill and the reason why the opposition supports it is that it recognises the fact with the onset of a death being as rapid as it is with dust-related diseases, it is imperative that the matters be dealt with as soon as possible. Each of those diseases attacks the respiratory tract and leads to a painful and rapid demise.

The opposition supports the bill in most respects, but it is important to ask the government why this type of significant amendment to the common law and to the statute — the Administration and Probate Act — is restricted only to claims related to dust-related conditions. If the law is to be changed to the extent that it is, I would have thought a blanket provision would be inserted which says that if a person is in the course of proceedings alleging damage and personal injury caused by somebody else, the right of that person to claim damages for pain and suffering, mental and bodily harm and for curtailment of that person's life should continue notwithstanding the cause of death. I see no logical reason why it should be restricted to death caused by dust-related conditions.

The only possible justification is that this is a payback by the government to its masters because most dust-related conditions arise through the workplace. Although I accept that the Bracks government is a puppet of the unions, I am surprised at the speed with

which this bill has been introduced into the house. I am also surprised about the government's lack of consultation and consideration prior to introducing good legislation for all Victorians. Although the opposition does not deny that the benefits provided by the bill are significant, it believes they should not be limited to a relatively small number of people within the category of those who are dying as a result of dust-related conditions.

The other aspect of concern to the opposition is the somewhat emotional and inappropriate use by the government of the particular case of Ms Kerry Halleur. In her second-reading speech the minister said that with only weeks to live — and I will paraphrase here — Ms Halleur's case was delayed by the commonwealth government intentionally, jeopardising her opportunity to receive damages for pain and suffering.

This is money that Ms Halleur was intending to use for the financial support of her children. I have absolutely no doubt that Ms Halleur would have done that, but it is inappropriate for the minister and the government to use emotional language describing a specific case to justify a particular piece of legislation. The citing of a tragic event as justification for legislation and as a means of having a go at the commonwealth government is not the way the house should be treated.

For that reason, I would like to set the record straight. Kerry Ann Halleur was diagnosed with mesothelioma, and she brought action against the commonwealth government in December 1999. Her solicitors, Slater and Gordon, sought the action to be heard the day after they issued the process. Ms Halleur was gravely ill at the time. The action was brought against the commonwealth seeking damages as a result of the commonwealth government's alleged negligence in exposing her to asbestos dust while she worked at the old commonwealth offices on the corner of Spring and Latrobe streets. We knew the building affectionately as 'The Green Latrine'.

The proceedings were issued on 9 December, and Slater and Gordon wanted to proceed the following day. The commonwealth said, 'No, we cannot do that'. As Ms Halleur had worked in the building 19 years earlier, the commonwealth government clearly said, 'Where will we find our witnesses from 19 years ago in that short amount of time? Where will we find our experts? Where will we find our medicos? Where will we get employment records and the like?'.

Slater and Gordon then made application before Justice Coldrey on 14 December 1999 for the matter to proceed on that date and he found in her favour. The commonwealth appealed the decision of Justice Coldrey, which was heard on the morning of 14 December, immediately to the Court of Appeal. The appeal was heard on the same day, in fact on the afternoon of Mr Justice Coldrey's decision. The Court of Appeal comprised Chief Justice Winneke, Justice Brooking and Justice Buchanan — a panel of eminent, highly regarded and respected appeal justices.

The court found:

> In our view, the time frame which the judge's order permits to the commonwealth to get proper instructions to defend itself is so short that it cannot reasonably be argued that the defendant could get a fair trial of an action of this nature. It is clearly necessary, notwithstanding that we have sympathy for the position of the plaintiff, that justice be done to both sides in an action of this sort, and the defendant, no matter how large or how deep pocketed, is entitled to have some reasonable time to investigate the circumstances in which it is alleged that exposure of the plaintiff to asbestos has occurred.

They accordingly overruled Justice Coldrey and allowed the commonwealth until 10 January to prepare for the hearing.

My view and the reason I want to put that on record is that the amount of publicity that was generated in the case was enormous, and was critical of the commonwealth. I would like to set the record straight so the people of Victoria will know that on my information Slater and Gordon had been aware of the case since about October 1999, yet waited until 9 December to issue proceedings. The Court of Appeal questioned why Slater and Gordon had not issued proceedings earlier and had not sought to explain that point to the court.

Some of the medical evidence on which the plaintiff relied was not served on the commonwealth until the Friday before the trial was supposed to start, which was 6 or 7 January. This was done by people who said the commonwealth had delayed the matter so the plaintiff would die before the hearing so they would not have to pay pain and suffering compensation, and so on. I am advised that the commonwealth had real difficulty in obtaining expert evidence over the Christmas–New Year period, as anybody who has been involved in trying to do so would appreciate. Apart from that, I am told that Slater and Gordon mounted a fairly novel and complex legal approach to it all. Nevertheless, the matter was settled the day before the hearing and Mrs Halleur's estate got the benefit of the settlement, which included pain and suffering compensation, and the like. Regrettably, Mrs Halleur died the following day.

In setting the record straight from that perspective, I do not believe that too many defendants would intentionally seek to put off the hearing of such an action to the detriment of a plaintiff. Although delays exist and are encountered in the judicial system, in most of these instances applications are made for the rapid process known as speedy hearings. They have been granted in these types of cases, but unfortunately even speedy hearings are sometimes not speedy enough to achieve the desired outcome.

In conclusion, although the opposition supports the bill it objects to the manner in which it has been presented to the house and asks the government to urge the working party, which I understand is looking at an extension of rights, to progress its report as quickly as possible with a view to ensuring that all Victorians will derive the same benefit as this relatively small group will derive on the passage of the bill.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak in support of the Administration and Probate (Dust Diseases) Bill. The bill seeks to amend the Administration and Probate Act so that claims for damages in certain causes of action in relation to dust-related conditions survive the death of the claimants.

Having been born into a working-class family and having many relatives who have worked their whole lives in dirty and dusty working conditions, I understand that many dust diseases are contracted in the workplace, although they may not be diagnosed for many years, if not decades, later. My father, Terry Cafferty, has worked as a painter on construction sites for most of his working life. I worry what long-term effect his exposure to dirty and dusty conditions will have on his health, let alone his inhalation of paint fumes. Similarly, my father-in-law, Eric Carbines, although he is not working now, spent all his working life as a carpenter and builder. Anyone who knows anything about that trade will know that it involves working in a lot of dust and dirt.

Many dust diseases are contracted in the workplace. Tragically, this year a young Melbourne mother died from mesothelioma, a disease she contracted from her workplace, which was contaminated by asbestos.

The bill will ensure that actions seeking damages for all or any of a number of complaints — pain and suffering, bodily or mental harm or curtailment of life expectancy — that have arisen from the onset of dust diseases resulting from exposure to dusty conditions can survive the death of claimants and therefore be pursued by their families and estates. That measure is especially welcome because under the Administration and Probate Act such actions seeking damages lapse when the claimants die.

The principal act, which the bill seeks to amend, has three adverse consequences. The first is that a deceased estate can be severely financially affected by the date on which the claimant dies. Under the current act if a person dies before an action is complete the action lapses. Obviously a high degree of luck is involved in completing actions and the effects on the estates of sufferers are enormous. The second adverse consequence is a particularly insidious one, because unscrupulous defendants have a financial incentive to delay settlement in the hope that plaintiffs will die and their claims will lapse. All that places unnecessary pressure on ill people in the most distressing times of their lives to press ahead with litigation as quickly as possible. It adds to the stress and suffering of both themselves and their loved ones.

The passage of the bill will bring Victoria into line with New South Wales. Clause 6 of the bill provides for the insertion of a proposed first schedule headed ‘Dust-related conditions’, which lists 14 dust-related diseases. Many of the diseases listed, such as asbestosis and mesothelioma, lead to death in a relatively short period from diagnosis. Even though a person may have contracted such an illness years, if not decades, previously, from the time of diagnosis the person’s life is relatively short — on average around 12 to 18 months. As litigation is a complex and usually lengthy process, it is a very real possibility that under the current act sufferers will die before legal action is concluded.

The bill is about ending an unjust process for sufferers of dust diseases and the sufferers’ families. It deserves the support of both sides of the house as it will allow an estate to pursue damages after the death of a sufferer.

I was disappointed to hear Mr Furletti demean the debate when he stated it was all about payback to the masters. Sufferers of dust diseases and their families will also be disappointed to hear Mr Furletti’s demeaning it in that way. Mr Furletti also said he was disappointed that the bill is limited to dust diseases. I was pleased that towards the end of his contribution he acknowledged that the second-reading speech states that the Attorney-General has set up a working party to monitor the effect of the Administration and Probate Act on other diseases, which is welcome indeed. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — It is somewhat of a rarity for me to speak on an Attorney-General’s bill; I

usually leave that to those who have some form of legal training. However, because of the significant positive impact the bill may well have on many of the people I represent, I have chosen to publicly express my support for it. It is a sad fact of life that the Latrobe Valley has a high incidence of dust-related diseases, which is related to the use of asbestos in the construction of generation plants at the former SEC for many years. I suspect also that coalmining has contributed to the high incidence of dust-related diseases in the area.

As the Honourable Elaine Carbines said, certain occupations are more prone to dust-related diseases than others. The building and construction industry is one and coalmining is another. The power generation plants in the Latrobe Valley were constructed many years ago when asbestos was commonly used and they are also places of risk. It has taken many years to recognise the effect of asbestos on the health of people who worked in such buildings.

I pay credit to the late George Wragg for the enormous amount of work he did throughout his life to raise issues associated with asbestosis and his constant fight to provide support to victims and families of victims of asbestosis and asbestosis-related diseases. George Wragg was a good Labor man and strong trade unionist, but despite that I pay credit to his work. He was committed to his cause and fought hard for the people he represented to raise awareness about the incidence of dust-related diseases and its impact on the health of workers. Throughout his life he continued to support the families of those affected by dust-related disease and to fight for their rights. Unfortunately George Wragg died last month. However, he left behind a community that has a great deal of respect and high regard for him.

George wrote a book on the subject entitled *The Asbestos Time-bomb*. Throughout the world it was regarded as a significant reference book on asbestosis. I am also informed that at the time of his death he was close to completing another book called *Legacy of Evil*, which deals with the impact of asbestos damage on communities. I understand that his daughter Cheryl intends to finish the book for him, and that would be a fine tribute. George Wragg was a key figure in raising awareness about asbestos-related diseases, particularly in the Latrobe Valley and as they apply to the workers at the former SEC.

The effect of the legislation is summarised in the second-reading speech, which gives the most simple explanation of it. It states:

> … this bill will amend the act to permit the survival of certain causes of action for non-economic loss in relation to dust diseases that currently lapse on the death of the plaintiff.

I thank my colleague the Honourable Carlo Furletti for his clear legal interpretation of that statement. The measure is important because the circumstance referred to is a particularly difficult time for victims of dust-related diseases and particularly harsh for the surviving spouse and dependent children. As death can strike quickly in such instances enormous stress is placed on the individuals concerned to settle any outstanding claims they may have. It is perfectly reasonable that if such actions have not been completed at the time of death the survivors have the right to continue and finalise settlement of any claims.

As I said, I am happy to support the bill because of the high incidence of dust-related diseases in the Latrobe Valley, particularly as it will benefit many of the families concerned.

In conclusion, I note that my federal colleague the honourable member for McMillan urged in the *Latrobe Valley Express* of 30 March that my colleague Philip Davis and I support the speedy passage of the bill. I am happy to do that on behalf of the people I represent. I know it will provide assistance to them.

Hon. D. G. HADDEN (Ballarat) — I support the Administration and Probate (Dust Diseases) Bill, the purpose of which, as set out in clause 1, is to amend the Administration and Probate Act to provide for the survival of claims for damages in certain causes of action in relation to dust-related conditions and to make other minor amendments to the principal act.

The definition of a dust-related condition is contained in clause 3. It means a disease specified in the first schedule or any other pathological condition of the lungs, pleura, peritoneum or sinus that is attributable to dust.

As I said, the purpose of the bill is to amend the principal act to provide that causes of action seeking damages for pain and suffering, bodily or mental harm and curtailment of expectation of life arising from certain dust diseases survive the death of the plaintiff and can be pursued by the deceased plaintiff's estate.

Such damages claims lapse on the death of the plaintiff, according to what is called the old common-law rule that a personal action dies with the person. That creates enormous financial difficulties for the family of a person who dies in those circumstances. The ability to claim damages is important to a family. The ability for

that action to continue should survive for the benefit of the deceased plaintiff's estate.

Other honourable members have mentioned the adverse consequences of the current old common-law rule on the financial position of and impact on the deceased's estate where the plaintiff dies before or after the action is finalised with the potential for great differences between the amounts that may be awarded before and after death and how that places enormous pressure and stress on sick and dying plaintiffs who proceed with such litigation.

The explanatory memorandum states that clause 4:

> provides that certain claims for damages in certain causes of action are to survive the death of a plaintiff.

New section 29(2A) inserted by clause 4 provides:

> Where —
>
> (a) a cause of action survives … and
>
> (b) the death of that person is from a dust-related condition … and
>
> (c) proceedings in respect of that cause of action were commenced by that person before his or her death and were pending at his or her death —
>
> the damages recoverable for the benefit of the estate of that person shall include damages for all or any of …
>
> (d) that person's pain or suffering;
>
> (e) any bodily or mental harm …
>
> (f) the curtailment of that person's expectation of life.

The reforms introduced by the bill will not apply to Victorian workers covered by the Accident Compensation Act until their common-law rights to sue for serious injuries are restored. Concerns have been raised about the application of the legislation to plaintiffs with diseases other than dust-related diseases. Some people have asked why the bill does not apply to all plaintiffs instead of only to those with dust-related diseases.

The answer is that the most pressing cases where plaintiffs die before their legal action is completed arise from dust-related diseases. The legislation is modelled on similar New South Wales legislation which applies only to dust-related diseases. The Department of Justice has established a departmental working party to examine fatal illnesses other than dust-related diseases and to report on the need to extend or amend the legislation. On that basis, I commend the bill to the house.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to contribute to the debate on and support the Administration and Probate (Dust Diseases) Bill. As other honourable members have said, it is a small but important bill and will reverse the common-law rule that a personal action for damages for pain and suffering resulting from having contracted lung diseases caused by certain types of dust dies with the plaintiff. The pecuniary entitlements do not die with the subject; we are talking about non-pecuniary entitlements. In some respect the legislation is tied to the ambition of the Australian Labor Party to restore common-law rights in occupational settings. Nevertheless, it is not my intention to deal with the legal details that have been so comprehensively articulated by my colleagues Mr Furletti and Mr Hall.

The second-reading speech referred to the case of Ms Kerry Ann Halleur, who died in January 2000 from mesothelioma, which is a particularly virulent form of cancer most usually caused by exposure to asbestos. The disease develops within the mesothelial lining of the lungs and is almost invariably fatal within 12 to 18 months.

Ms Halleur sued the commonwealth for damages, including compensation for pain and suffering, because she attributed her condition to exposure to asbestos fibres inhaled at the old commonwealth building, which has since been demolished, on the corner of Spring and Latrobe streets, Melbourne. In December 1999, when Ms Halleur had only weeks to live, the commonwealth delayed the case. I do not need go into the details of the circumstances because they have been fully explained by the Honourable Carlo Furletti. Nevertheless, the case generated enormous public attention and sympathy. It was especially distressing because Ms Halleur was seeking damages to provide for her two children, one then aged eight weeks; the other, two years. It was an extremely tragic and particular circumstance.

Although the sentiments of the government in justifying the introduction of the bill to the house were, by reference to Ms Halleur, beyond argument, it behoves honourable members to take cognisance of the entire range of implications of the bill. The tragic case of Ms Halleur is probably atypical of the general problem of pneumoconiosis, a generic description of diseases caused by exposure to a variety of dusts, usually in occupational settings. However, in many instances the diseases occur outside the workplace.

Accounts have been given to me of people living in public housing in the Australian Capital Territory where blue asbestos was used as an insulation material in the construction process. They were living in dread

of the possible implications. I recall one acquaintance describing how the blue dust used to fall from the ceiling of her home. After some time she found it was blue asbestos. Although there are many occupational implications of the bill, a large number of non-occupational settings are also involved.

The great legal difficulty with this subject involves the often long latent period of the disease. Often 20 or 30 years may pass before the disease is expressed in its symptomatology and there is objective evidence of the presence of the disease.

I believe I have a contribution to make to the debate because one of my early careers was as an industrial hygiene inspector with the Victorian Department of Health, as it then was. At that time I was one of four inspectors responsible for monitoring industrial processes across the state. I am pleased to say that time and circumstances have evolved to such an extent that inspection services and processes for the prevention of occupational diseases are such that many diseases are in decline.

Honourable members may be interested to know that by using a conimeter, which is a small device that samples a quantity of air, and projecting dust particles onto a slide, one can determine occupational exposure to pneumoconiosis-inducing dusts. It is possible to count the number of particles of dust per volume of air by using a graticule. Standards set by the National Conference of American Industrial Hygienists have been picked up in Australia as the basis of inspection and assessment of workplace safety. The usual technique is to measure the number of particles per unit volume in the vicinity of the airspace of workers.

The bill specifies particular diseases. The definitions section more generally refers to substances that may cause pneumoconiosis. To provide the house with some assessment of the importance and extent of those diseases I will briefly refer to some of the diseases in the schedule and to their occupational and other implications so that the house is not misled in the way the second-reading speech perhaps misled it about the bill being particular legislation that has evolved in response to an almost unique set of circumstances.

Asbestos is probably archetypal of the occupational dusts that leads to long-term debilitation. It was not until about 25 years ago when blue asbestos began to be mined in Wittenoom in Western Australia that mesothelioma became the issue it is today. The disease is particularly associated with blue asbestos rather than white asbestos, which was the traditional material used as an insulator for many years. That is not to suggest that white asbestos is benign. It is associated more with the development of asbestos bodies that can be detected in the sputum and have the effect of inducing a fibrous condition in the lung known as asbestosis. The advent of blue asbestos, and the use of it on a wide basis 25 or 30 years ago, was the precipitating factor that led to the development of many cases of mesothelioma.

The occupations associated with asbestos included those involved in the lagging of steam pipes in older public hospitals and the maintenance of those facilities later when they have dried out and become flaky and dusty, constituting an extreme hazard; asbestos mining, more notoriously in and around Wittenoom in Western Australia; and the development of heat-resistant materials that have been used in the general building industry and in brake shoes and clutch plates in the automotive industry. I refer to the sad case of a young man, a friend of mine, who was a carpenter employed on general carpentry duties. He died as a result of asbestosis, leaving a young family.

Silicosis is probably one of the more typical dust-related diseases caused by the inhalation of very small particles of silica. All honourable members would be aware that sand is ubiquitous in the environment, so it is really the process of breaking up particles of sand that constitutes the real hazard. To provide the stimulus for fibrosis to set in the lungs, particles that are inhaled into the lungs generally need to be of a size smaller than 5 microns in diameter. Once again, small silica particles that are broken up by mechanical means are ubiquitous in industry.

I refer to some examples that are not readily associated with sand — for example, the electroplating industry where silica abrasives are made into cutting and polishing compounds. Unless the polishing hoods are well ventilated, small broken particles of silica that are primarily used to polish chrome and other potentially shiny metallic surfaces are dispersed into the air and inhaled as very small particles. Such fine particles are used as parting compounds in iron foundries and the subsequent fettling of iron objects that have been cast. The moulds in which the iron is poured to create iron objects are invariably made of sand. Fine powders are placed on the face of the moulds prior to pouring so the mould will break away readily from the object being cast. They are known as parting compounds. Again, there is a long history of parting compounds with high quantities of silica that have been the basis of silicosis.

Bagassosis is an industrial disease associated with those who work with bagasse, which is the name given to broken sugar cane after the sugar has been extracted. That woody material contains about 6 per cent of free

silica and is responsible for many of the problems attributable to working with that material, which is fabricated into boards. The inhalation of the dust associated with the compression, abrading and cutting of the material causes chronic lung disease.

Byssinosis, which is also mentioned in the schedule, is a disease traditionally associated with the cotton industry. The manufacture of yarn thread, the carding of cotton, and the general manufacturing and fabrication in industries as small as dressmaking shops that lead to large quantities of cotton dust can cause the disease of byssinosis.

Berylliosis is a chronic beryllium-induced disease that also expresses itself as an occupationally acquired lung disease. Workers potentially exposed to beryllium are those engaged in metal machining, reclaiming scrap alloys, and industries where beryllium and its alloys are smelted and fabricated by machine.

Rural members will be particularly interested in the inclusion in the schedule of farmers' lung or organic dust toxicity syndrome. Those names are given to the occupational diseases caused by the spores of various fungi that infect either silage pits, where feed is cut and buried in pits then covered and allowed to decay down into silage, or hay in haystacks that has been stored for a long time and has developed mould. When those materials are disturbed the fungal spores that are dispersed into the environment can cause acute short-term problems of lung inflammation, or with repeated exposure the sort of fibrosis that one associates with silicosis.

Talcosis is another dust-related condition about which more is known. There is some argument as to whether talc induces the problems with the lungs or whether silica impurities are present in the talc. Talc miners and millers and workers in rubber fabrication, where talc is used to stop rubber pieces sticking together, are the sorts of persons who are exposed. My colleague the Honourable Peter Hall talked about coalminer's lung and the exposure to coal dust, which is also mentioned in the schedule.

I support the legislation and have attempted to put my contribution into a broader context and to suggest that the extent and implications of the legislation run far beyond those referred to in the second-reading speech. The diseases are relatively rare. Some are in decline because of better occupational practices and some are still increasing because of the lag time before the expression of symptoms.

I have taken the trouble to look at some graphs prepared by the National Centre for Health Statistics in the United States of America to provide honourable members with a bit of a feeling for the incidence and prevalence of the relevant diseases, which are not highly prevalent. For example, in 1968 in the United States of America, which now has a population of 274.63 million, there were approximately 3500 cases of pneumoconiosis. The rate has dropped to approximately 2000. The figures show a modest decline in a set of relatively low-prevalence diseases.

The number of deaths attributable to asbestosis is rising. The figure in 1968 was relatively low because of the emerging industries and the fact that blue asbestos, which is more hazardous, began to be used after that time. In 1968 in the United States there were approximately 75 asbestos-related deaths, and in 1992 there were approximately 800 asbestos-related deaths, which represents approximately five deaths per million.

Silicosis is a disease in decline. In 1968 there were approximately 1000 cases in the United States. The figure has now dropped to under 100 cases.

Byssinosis has been relatively steady at 10 cases per year. Coal workers' pneumonoconiosis has a rate of approximately 2000 deaths a year, and that figure has been relatively steady from 1968 to 1992.

I am pleased to support the bill and I hope that my contribution has provided a context for the wider occupational implications of dust-related diseases. An indication of the low prevalence of the diseases complements the comments made by my colleagues, in particular the comments of the Honourable Carlo Furletti about a relatively small number of individuals being affected.

Only a very small proportion of affected persons would have occasion to launch common-law actions, and even fewer might die before the action was completed. I endorse the point made by my colleague the Honourable Carlo Furletti that if the government were fair dinkum it would have implemented a far more expansive program.

Debate adjourned on motion of Hon. B. W. BISHOP (North Western).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Sessional orders

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

> That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

ADMINISTRATION AND PROBATE (DUST DISEASES) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. B. W. BISHOP (North Western) — I shall make a small contribution to the bill. I have listened to the contributions made by my colleagues this afternoon. They were extremely good and showed the depth of research undertaken by honourable members. Dr John Ross revealed his close association and knowledge of the diseases that are mentioned in the bill, as did the Honourable Peter Hall in his comments on coal dust.

My short contribution will be directed to the agricultural area. I say to my colleague the Honourable John Ross that I note farmers' lung is also on the list. I suppose we should not be pleased to see that disease mentioned in the dust-related conditions.

There is no doubt that the bill concentrates on the administration of cases about dust-related diseases and certainly refers more to asbestos than many other areas related to the problem. I want to ensure that honourable members note that there are some dangers and risks in other dust-related industries.

I also make the point that steps have been taken, as we have taken tonight in relation to the administration of the issue, to ensure that some of the dangers and risks associated with working with dust are alleviated. Asbestos is a good example. Many years ago it was not recognised as a risk; today it is well recognised as a risk. Strict procedures are in place to protect people who come into contact with asbestos, particularly in the demolition industry. I have been involved in a couple of projects where I have observed very strict procedures in place. They highlight the knowledge we now have of dust-related industries.

I will refer to the risk and dangers of dust in agricultural industries, and describe how members of the community and society in general have done their best to address those risks. The grain industry is probably a good example. Anyone who has been present at harvest time and noticed grain being delivered into the systems around silos will have seen that they are very dusty places. Over the years it has become more important to have good dust control by using exhaust fans to ensure the safety of the people who work in those areas. If one visits the ports at Portland or Geelong, for example, one finds that when accumulating the grain ready for the export vessels, strong exhaust systems have been installed to ensure that workers are well protected from the risks and dangers associated with dust.

Harvesting is a dusty operation that occurs at a dry time of the year. The old harvesting equipment used in the grain industry was guaranteed to dump dust and chaff over the operator. The design of the machines directed the dust and the chaff on to the operator, but the modern machines are designed to carry the dust away from the operator. They are also more efficient. Considerable effort has been made in the past few years to design machines that reduce the amount of dust in the cabin. The harvesting of oats is not only dusty work but can also damage the lungs and be extremely itchy. Before the introduction of bulk handling when grain was transported in jute bags, the harvesting machines were stopped and the oats were emptied into bags. As the product was emptied into bags the dust would pour out. Your face was close to the process so you were exposed to a considerable amount of dust as the wheat or oats flowed into the bags.

The measures in the bill are an indication of the risks and dangers associated with harvesting. New harvesting machines have dustproof cabins that protect the operator from paddock and grain dust. Operators can work all day and not get a spot of dust on them. The machines are extremely well designed and technical. They do the job of harvesting well. Tractors have also been improved. Harvesters may only be used for one month of the year, but tractors are used all the year. They have sealed cabins that not only exclude dust and chemicals but also reduce the noise level. Considerable research has been undertaken on the risks and dangers of dust and that has resulted in the use of expensive equipment to protect the operators.

For some time farm women have recognised the need to protect their spouses. They have been aware of the risks with dust and have played a major part in the recognition of the danger of dust and the damage it causes. They have had an enormous impact on the development of new machines. Workers emptying silos

now use dust masks that are easy to wear. Operators also have battery-operated helmets that allow air to flow across their faces to keep the dust away.

The bill relates to concern about the administration and probate of people affected by dust-related diseases, but it is important to put on the record the advances made in industry to control and manage dust in a number of industries. Although the bill relates to the administration and probate issues of dust diseases it is necessary to also address the danger of dust diseases. I support the bill and wish it a speedy passage.

Hon. G. W. JENNINGS (Melbourne) — I join in the debate on the Administration and Probate (Dust Diseases) Bill, a short but succinct piece of legislation about which there has been agreement that the debate should not be lengthy. However, in terms of the subject matter and the gravity of the issues that the bill encompasses, it is significant legislation. It is about natural justice and the regard the government has for Victorian citizens who have suffered as a result of dust-related diseases and the continuing consequences of those diseases on them and their families.

The scope of the legislation is broad and goes to the heart of the commitment that the Bracks government has for the people of Victoria regarding a number of human and civil rights that were not previously available to Victorians. To a large extent the budget introduced today in the other place satisfies all the funding commitments the Bracks government made to the people of Victoria. The legislation complements a suite of measures that have been and will be introduced as part of the government's legislative program. The suite of measures cover human rights and worker rights for which the Bracks government received a mandate at the last election. They include workers compensation legislation that will restore common-law rights, the introduction of criminal sanctions for industrial manslaughter, and legislation providing appropriate compensation for victims of crime.

The appropriation bill will provide funding so that innocent victims of industrial or criminal activity have avenues available to them for compensation. Indeed, financial compensation does not necessarily mean full restitution for some of the illnesses and injuries that people may receive. There may be no mechanism that allows for full compensation or restitution for people who may be affected by industrial accidents, illnesses or other circumstances beyond their control, including victims of crime.

By providing for compensation in the budget the Labor government is fulfilling the commitments it made to rehabilitation programs and the proper development of support programs for people injured in the workplace. Labor will restore proper standards of health care, including those accessing rehabilitative services.

The bill comes at a time when the government is reviewing the occupational health and safety system of the Victorian Workcover Authority. It is clear from the debate that there is a requirement for employers to provide safe and healthy workplaces to minimise risk. Although the government may provide a safety net in the form of compensation and rehabilitative services, the emphasis must be on risk reduction and the prevention of injuries.

The government has an obligation to take preventive measures to reduce injuries to Victorians. The Minister for Workcover will pursue vigorously the performance of the Victorian Workcover Authority in preventing injury in the workplace, limiting the financial exposure of the state to compensation payouts, providing rehabilitation programs and preventing injuries and accidents from occurring in the first instance.

The second-reading speech clearly identifies that the bill will be enhanced by other legislation to be introduced dealing with accident compensation and Workcover reforms to ensure that safety net provisions allow for compensation should illnesses or injuries eventuate. Those opportunities should not be denied to the families of victims who may have died as a result of illnesses or injuries associated with dust diseases.

Prior to 1942 there was no opportunity under common law for action to be taken by the family of a deceased person. In 1942 the Victorian Parliament passed legislation that for the first time enabled family members to pursue claims for suffering inflicted upon the deceased person. Severe limitations were placed on the scope of those actions and the appropriate recompense available to the families. In 1958 amendments were made to allow family members to seek compensation once a family member had died, but serious limitations were placed upon the scope of those actions.

The bill does not place a limiting scope on those actions in the future. The assumption in the 1958 legislation was that the person who had died was the only person who could be compensated for the impact of personal suffering. That flies in the face of humanity because family members had to deal with a family member's death. It insulted the memory of the deceased person by not allowing family members to seek financial compensation.

The 1958 legislation caused defendants to stall the legal opportunities available to the deceased person in an inappropriate fashion on the basis of financial exposure. There was an incentive in the legal framework for the cases not to go before a court prior to the death of a person who had been subjected to an illness.

The nature of the legislative framework meant that injustice was perpetuated. Not only were limits placed on the actions that were available but also there was an incentive within the legal framework for there to be a delay in hearing cases. That meant that if a dying person wanted to pursue financial compensation on behalf of his or her family he or she was spurred on by the legislation to pursue litigation that may have been taxing and onerous while he or she was in a vulnerable state. In trying to deal with the ongoing financial viability of the family the ill person was forced to take action at a time when he or she was least able to do so.

The legislation addresses those injustices. The bill defines the people who will come within its provisions on the basis of the illnesses they may have developed as a consequence of the dust or the chemicals primarily in the workplace but which could occur in the course of normal community life.

On the basis of addressing the injustices that have occurred through the legislative framework as applied in Victoria since 1942 — and not corrected in 1958 — I am happy to support the bill introduced by the Bracks government in 2000 to finally enable the survival of actions for pain and suffering that deceased persons have gone through, enabling family members to seek some form of justice and financial compensation in circumstances where they and their loved ones have experienced great distress. I am very committed to the bill and I commend it to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank Mr Furletti, Mrs Carbines, Mr Hall, Ms Hadden, Dr Ross, Mr Bishop and Mr Jennings for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.32 p.m. until 8.07 p.m.

TRADE MEASUREMENT (AMENDMENT) BILL

Second reading

Debate resumed from 12 April; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. BILL FORWOOD (Templestowe) — The opposition supports the bill, which is not surprising given that work on it commenced under the Kennett government and it has been brought to the chamber by the minister in a spirit of bipartisanship. The bill introduces minor and technical amendments to the Trade Measurement Act, and in some sense it is the first phase of nationally agreed reforms from the 1998 Ministerial Council on Consumer Affairs.

As honourable members are aware, apart from Western Australia we now have complementary legislation across all states that enables us to have a uniform system of trade measurement. That is important because we need to know that a millimetre in this state is a millimetre in another state, and a litre in this state is a litre somewhere else. Although I know that some people still think in imperial measurements I am happy to say that most of us have now converted to metric, and although golfers I know in America measure the length of their drive in yardage, in Australia they do it in metric.

Measurement plays a continual part in our daily lives. You cannot live your life without a sense of measurement, and it is crucial that we have some confidence in the measuring system available to us all. I was impressed with the briefing I received from the experts at Trade Measurement Victoria. They were frank and forthright in their explanations of a highly technical and complex bill which is of such importance to us all. I am not sure whether honourable members understand the importance of this measure. I thank the minister and advisers from Trade Measurement Victoria for their assistance to the opposition in understanding the issues that are contained in the bill.

As honourable members would know, the bill seeks to address shortcomings in the practical application of uniform trade measurement legislation. As I said earlier, the proposed legislation is the first of two parts. This bill is the technical amendment part and the

opposition anticipates that further legislation which will go to the heart of some of the related issues will be introduced next year after there has been more extensive consultation with practitioners in the area.

The first point I make — and we all await Mr Theophanous's contribution on this weighty piece of legislation — is that the bill is technical and minor. It is important for administrative purposes, but it does not go to the heart of trade measurement legislation and is not something honourable members need be overly concerned about. It contains mechanisms for enabling the measurement regime to work more appropriately for the benefit of not only consumers, so that they will have some certainty, but also of practitioners in the field.

As all honourable members know, trade measurement legislation is designed to ensure the accurate measurement of physical quantities in trading transactions. Everyone knows what the expression 'being short-changed' means, and about the old tricks, when reputedly weights were put underneath scales so that people did not receive the correct weight. There has always been a role for a legislative process to ensure people got what they paid for — that when they looked at the dial it correctly displayed what was there, that the price was computed correctly and that they could be confident they were not, to coin a phrase, being ripped off.

Hon. J. M. McQuilten — Or weight framed.

Hon. BILL FORWOOD — The house has heard about golf; it is about to hit the racing regime. I look forward later in the debate to hearing the contribution of the honourable member for Ballarat Province, who interjected.

Victoria had its own trade measurement legislation, which was different to that of other states. It was administered by municipalities, which interpreted the legislation in various forms. In some senses Victoria was at a disadvantage because there was not uniform legislation across the states. It was important the stage was not reached where one railway gauge stopped at Wodonga and another railway gauge started at Albury.

Hon. M. R. Thomson interjected.

Hon. BILL FORWOOD — Yes; but you take my point. In the late 1980s the states got together and agreed to introduce a uniform legislation regime. I think all honourable members would agree it has served us well since then. As part of that agreement Victoria ended up with uniform legislation that is being overseen by Trade Measurement Victoria.

The bill contains a number of clauses that are significant to the administration and application of the legislation, and I would not want people to underestimate that, but they do not go to the fundamental principle — that consumers are entitled to have a fair weight and a fair price calculated on the measurement machines used in front of them. The amendments arise from the 1998 decision of the Ministerial Council on Consumer Affairs.

Clause 4 inserts into the Trade Measurement Act proposed new section 3A, entitled 'Determining certain quantities', which states:

> For the purposes of this Act —
>
> …
>
> (c) any packaging or other thing that is not part of an article is to be disregarded when determining a physical quantity.

In some senses that is really obvious, but what is important is that the clause provides a new definition of measurement, which is the measurement of an article excluding all packaging. There is no sense in people getting caught on the gross–net problem, so it is a sensible clause that should be supported. Sale by gross measurement can seriously disadvantage customers and the practice should be prohibited. That will happen with the implementation of proposed new section 3A(c).

It is interesting that in the drafting of the bill — which I understand was undertaken by our colleagues in Queensland — existing sections in the principal act have been replaced by the same provisions, plus a bit more. That is an interesting way of drafting legislation. For example, I do not know why what is set out in subsections (a) and (b) of proposed new section 3A, or the whole of proposed new section 3B, is reiterated in the bill when it already exists. However, in my time in this place I have learned not to question what parliamentary draftspeople do. While I am confident the result will be what all honourable members would require, in my lighter moments I sometimes query the mechanisms by which the legislation has come before us.

Clause 5 is one of the important clauses in the bill. Inspectors of measuring equipment on occasions come across minor nonconformities that would not, in essence, affect the price or weight of a commodity, or the outcome of a transaction, but which would have the capacity — if the inspector were to follow the letter of the law — to prevent the equipment being used in transactions. Clause 5 provides inspectors with the flexibility to ensure that in such circumstances it is possible for the equipment to be remedied in a way that

would not prevent transactions taking place and would not force traders to withdraw their equipment. It is a sensible clause that should be supported. It will in no way enable an inspector to condone a situation where trade measurement is occurring incorrectly. There is a need to be very clear about that. It will apply only in circumstances in which there has been a minor nonconformity that does not affect the outcome of a transaction.

Hon. M. R. Thomson — They have to fix it.

Hon. BILL FORWOOD — Yes, of course they have to fix it, I am not suggesting they do not, but it will allow them time in which to do that without the need to take their machines out of operation. The existing act contains no flexibility to enable that to take place. That is important.

Proposed section 7B deals with the issue of measuring instruments for prepacked articles, which is important and tidies up some language matters. It is interesting to grapple with what the word 'unjust' may mean in some sections of the existing act. Section 8 of the Trade Measurement Act refers to a person who uses for trade a measuring instrument that is incorrect or unjust as being guilty of an offence. Those of us with a love of the English language would accept that it is not possible for a measuring instrument to be unjust. I suggest therefore that it is appropriate for the word 'unjust' to be taken out of the legislation.

I do not wish to go through all the clauses of the bill. It is an important piece of legislation which the opposition supports, and I wish it a speedy passage.

Hon. T. C. THEOPHANOUS (Jika Jika) — I support the legislation. I am tempted to debate with the honourable member about whether a measuring instrument can be unjust, but I am not sure what philosophical arguments I could put one way or the other.

The ACTING PRESIDENT (Hon. P. R. Hall) — Order! You would think of something!

Hon. T. C. THEOPHANOUS — We could refer to John Rawl's theory of what is just and unjust, but I think he was talking about human beings as opposed to measuring instruments. Nevertheless, it appeared in the previous legislation, so I am happy to see that the opposition supports its removal. That is proper, if not just.

The history of trade measurement is long. Successive governments have tried to ensure a single fundamental — that buyers and sellers can sell goods confident that their measurement is accurate.

I am sure all honourable members have from time to time had constituents suggest that they have purchased goods or services that have been claimed to be of a certain quantity and that has turned out not to be the case. The most common example is petrol. Some people have taken considerable time to assess how much petrol their vehicles take. Sometimes the petrol from the bowser may not reflect what is supposed to have been sold.

The role of government is therefore to protect consumers and ensure they get what they pay for. That role is important and in years gone by it was undertaken by government. That situation has changed somewhat and now the major responsibility is contracted out to inspectors whose duty is to ensure that the measuring instruments used in business and industry are accurate.

Ensuring that buyers and sellers have confidence in the accurate measurement of physical quantity is not easy. It is achieved through a regulatory framework and through inspectors who check the instruments used. The regulatory framework includes certification and testing requirements for measuring instruments — for example, petrol pumps, which I have already mentioned. It also includes weighing scales, labelling requirements for prepackaged items and so on. Many things come under the ambit of trade measurement.

I understand all jurisdictions except Western Australia are party to uniform trade measurement legislation. Victoria's Trade Measurement Act adopts the national legislation while the Trade Measurement (Administration) Act contains state-based administrative provisions.

Hon. Bill Forwood — Why do you have the budget in your hands?

Hon. T. C. THEOPHANOUS — I will come to that. Since the honourable member mentioned the budget I will refer to budget paper No. 3. Page 322 refers to the major outputs and deliverables of trade measurement.

Hon. Bill Forwood — How much did we give them last year?

Hon. M. R. Thomson — Certainly no worse off.

Hon. Bill Forwood — It says 'not available'.

Hon. T. C. THEOPHANOUS — That is true. It was not available under your administration! The

figures for 1988–1989 and 1999–2000 are not available because the previous government did not print the amounts. That is unfortunate. This year the target for total output cost is $3.3 million, so it is a significant contribution from the state to the administration.

Hon. Bill Forwood — No, it is $2 million. The figure of $3.3 million refers to the page before.

Hon. T. C. THEOPHANOUS — Sorry, it is $2 million. I need to take off my glasses!

As I said, the figures are not available for the previous years, but as a result of the Bracks Labor government's commitment to renewed transparency, such figures are now available and will be available in future budgets.

The interesting thing is that the budget papers also indicate a number of output measures. The number of traders' instruments inspected in 1999–2000 was 27 000 and the target for this year is 28 000. There will be increased inspection this year. Some 9000 traders' premises were inspected last year. This year the figure is projected to be 9500. Monitoring visits to servicing licensees increased this year from 100 to 110.

One can see from the budget that the government takes seriously its obligations to deliver the service. It will be delivered appropriately according to the increase in the budget projections for the number of — —

Hon. Bill Forwood — There is no increase in the budget!

Hon. T. C. THEOPHANOUS — There is an increase in outputs in the budget, Mr Forwood. I know you are a big supporter of outputs as the most important measure for performance.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I am not sure what you are going to do with that tape measure, Mr Forwood, but whatever it is I hope you have had it calibrated properly!

As has already been stated, the reforms in the legislation arise from a national review by officials and were endorsed by the ministerial council on consumer affairs. As the honourable Bill Forwood said, Queensland is leading the legislative implementation of the reforms and has drafted the amendments. That probably explains why they were drafted the way they were. It takes Queensland a bit longer to say the same thing. For the *Hansard* record I indicate that I am only joking.

The bill proposes four major amendments. The first will provide some flexibility for owners of measuring instruments to correct minor nonconformance. I note the Honourable Bill Forwood supports the amendment. It enables inspectors to grant a user up to 28 days to correct an instrument that does not conform to requirements. However, it should be clearly understood that that does not mean consumers will be ripped off. Inspectors will only be permitted to grant users 28 days to correct a nonconforming measuring instrument if that instrument remains accurate. It is a minor amendment and does not qualitatively change the outcome of measurements. Consumers will still be protected from inaccurate measuring instruments while owners of measuring instruments will benefit from the flexibility provided by the legislation. I am pleased the opposition supports that change.

The bill also streamlines licences, and I am sure that is welcomed by honourable members. It also contains minor amendments to rectify incorrect consequential amendments that were made when the Victorian Civil and Administrative Tribunal was established in 1998 which inadvertently had the effect of rendering the Victorian legislation inconsistent with the uniform legislation, so it is another tidying up exercise. I am not sure whether the legislation has been drafted by the same people who made that mistake. However, it is rectified by the bill.

It should be noted that if the government does not properly adopt the proposed reforms, national uniformity will be compromised and Victorian businesses prevented from taking advantage of improvements in the practical operation of the trade measurement system.

I understand the first batch of proposed amendments does not affect the control of utility meters for the measurement of gas, electricity and water. The current exemptions for utility meters remain. The legislative control of utility meters under trade measurement acts of the states and territories is still being debated nationally and an amendment may be proposed at some later stage.

I hope national uniformity is agreed to, particularly as Victoria has a privatised electricity and gas industry. It is important that consumers are confident about the accuracy of the meters that measure the amount of electricity or gas they use. There are many examples of people concerned about their electricity or gas meters. I think it was the Honourable Ken Smith who told the house that if you put a brick on the top of your gas meter it slows it down. I am not sure whether that works. Not many consumers complain about slow

meters but there are a few who complain that their meters are running a bit too fast. We cannot advise them to stick another brick on top!

I look forward to the changes and to national uniformity. Honourable members should appreciate that electricity and gas industries are becoming increasingly a national affair with cross-state companies and businesses and all sorts of arrangements across state borders. It would be good to move to uniformity in those areas. It is important that the government continue to monitor inspectors, who are now privately contracted, to ensure the public and businesses have confidence in the system, and so that inspectors can carry out their duties under the act and be able to protect consumers in the future. I strongly support the legislation and wish it a speedy passage.

Hon. B. W. BISHOP (North Western) — I have listened with interest to the debate on the Trade Measurement (Amendment) Bill. I was interested in some of the history mentioned. The debate has been wide ranging, including the mention of the calibrations of a tape measure! However, the debate was conducted in good humour, which I think is a measure of the house.

I also refer to some history. I recall when weighbridges were run by the municipalities, which I suspect was a fair while ago. Tonight I will confine my remarks to weighbridges. In those days some were well run and some were not well run by municipalities. It was clear in the late 1980s that national uniform legislation was needed across Australia. As other speakers have noted, it was not quite Australia wide. Western Australia did not join in the uniformity at the time. From research I have undertaken I know that that state is currently investigating that situation.

Regardless of who administered the system, whether it was by municipalities or someone else, measuring facilities needed to be audited and checked regularly to ensure trade could take place with some credibility. The new legislation was enacted on 1 January 1996. During the debate on the bill in 1995, I note that an estimation of the costs of servicing arrangements across those facilities was between $3.5 million and $4 million — that is, the cost to audit, check and test those weighing and measuring facilities. It is now estimated to be about $2 million, which is a substantial saving. It is clear that trade would not exist without those measuring and weighing devices, so they are important.

It does not matter whether you buy and sell sand or jewellery — it makes no difference at all. I recollect my time working in the Middle East when I would go into the gold souks and see millions of dollars worth of gold jewellery hanging off the rafters. It would be sold by weight according to the carat value of the gold. The current volume and weight measures and the advancement in technology have been achieved over a reasonably short time.

I recollect that the old fuel bowsers involved lifting up the measuring tube and pumping up the fuel until it ran over into the measuring tube as a degree of measurement and then turning on the tap and draining the fuel into the car. A comparison of that with our new self-service systems, which we take for granted, demonstrates that technology has certainly increased enormously.

During the research I undertook I noted that firms such as Gilbarco are considering installing measuring equipment for fuel to allow inspectors to better check the accuracy of some of our serving equipment. When I considered the grain industry I noted that Vicgrain, the largest grain handler and storage organisation in Victoria, now has a servicing licence and understands that it not only looks after its own installations but also does contract work for other organisations. Anyone who has observed the testing of weighbridges will have noted that the trucks go in and the weights are offloaded and each weighbridge is checked to ensure its accuracy is beyond reproach.

Licensing of various organisations has certainly increased the flexibility available to the whole industry. The Honourables Theo Theophanous and Bill Forwood referred to the 28 days provision. I was glad that Mr Theophanous made it quite clear that the legislation provides that a trader has 28 days to remedy a contravention if the machine is performing accurately but has a non-conforming part. Clause 5 refers to measuring equipment not having an inspector's mark or a licensee's mark on it, or simply not complying with the stated requirements. The facility must be accurate and the clause puts some practicality and commonsense into the inspection process.

Further flexibility, which is most welcome in the grain industry in particular, is that it is possible to jointly licence one servicing or weighbridge licence so that rather than all partners being required to obtain individual licences, as was the case previously, it can be spread across all partners.

Given my involvement in the grain industry I was interested to note how weighbridges have improved. Most of the old weighbridges were put in place during the 1940s and I remember that they had a capacity of about 8 tons; that capacity was upgraded to 18 tonnes.

In those early days there was no computerisation. The truck would stop on the weighbridge, the weighbridge keeper would slide the weight across and assess when it perfectly balanced and then write the weight on a piece of paper. The truck would empty its load and then come back and be tared off, in the term that was used. The weighbridge keeper would again use the slide, and if he was pretty quick he would give it a decent hit, which often upset the farmer, particularly if the weight on the tare was a little high and reduced the weight.

When the upgrades came along the slides disappeared, and although it was a similar method the system was much less prone to error because when the balance was right the weighbridge keeper stamped the ticket with a stamping machine rather than physically entering it with a pen. I can remember quite clearly that every morning the weighbridge keeper would sweep the bridge and balance it, as it was termed, to ensure that it was ready for the day's work.

I recollect that grain trucks got bigger and bigger as people increased the size of their machinery. We moved into double weighing, which increased the complexity of the task for the weighbridge keeper. I note that today's modern electronic computerised weighbridges are huge drive-on weighbridges capable of taking 80 tonnes of vehicle and all the huge trucks we use today.

Now when the trucks drive on the driver stays in the cabin. Mr Stoney would remember that with the old weighbridges the driver would drive on to the weighbridge and get out of the truck. The driver would walk around and say to the weighbridge keeper, 'It's wheat for such and such' and the weighbridge keeper would enter that. The weighbridge keeper would weigh the truck and then the driver would drive off and empty the load. The driver would come back and tare off, then walk around again and give the weighbridge keeper the details. The stories were that when the first load, with the grain on it, was being weighed, the driver always kept his dog in the cabin of the truck, but when he tared off he called the dog out. Each time the truck was weighed he got a dog's weight of grain to boot.

Nowadays in Australia, and in particular in Victoria, the computerisation is first class and of world standard. When the truck comes on to the weighbridge the load is automatically computerised and stamped. The type of grain, its quality and what it is worth is stamped on the ticket. When the tare process is completed the details are automatically electronically transferred to the purchaser so that the money, the result of the sale, can go into the grower's bank account in a few days.

It is important to record how measuring equipment has moved with the times. The bill will ensure a more practical and flexible management process with measuring devices. It is also important to note that trade cannot be undertaken without adequate, consistent and credible weighing and measuring equipment. The credibility and accountability that we so often desire would be absent.

It is important to have weighing and measuring equipment that can consistently and accurately weigh products with maximum efficiency. The bill will inject some flexibility and practicability into our current trade systems.

Hon. JENNY MIKAKOS (Jika Jika) — I support the bill and I note with great pleasure that the opposition also supports it.

Hon. Bill Forwood — It is our bill!

Hon. JENNY MIKAKOS — But we are implementing it. As the previous speakers have said, the bill is significant and is technical in nature. It deals with an important aspect of the consumer society that we have become. Once the bill is enacted it will go some way towards increasing the confidence of Victorian consumers in their daily dealings with various traders, particularly traders who rely on weighing instruments as a means of conducting their businesses.

The previous speakers have gone into some detail about the various aspects and provisions of the bill, so I do not intend to refer to them in great detail. I noted with some interest the history relating to trade measurement covered by a number of speakers, in particular the Honourable Barry Bishop, who provided an interesting history of weighbridges.

As previous speakers have mentioned there is a national system of trade measurement that all jurisdictions, apart from Western Australia, subscribe to. The provisions proposed in the bill have come about as a result of significant discussions at the national level, particularly at the Ministerial Council on Consumer Affairs. It is for that reason that Queensland has been designated as the sponsoring jurisdiction to draft the modern legislation on which the bill is based.

The bill seeks to introduce some flexibility in enforcement of trade measurement legislation, while at the same time increasing the level of enforcement and the offence provisions relating to inspectors monitoring the usage of trade instruments. One aspect of the bill relates to a previous drafting error which occurred when the Victorian Civil and Administrative Tribunal was established in 1998 and which caused some

uncertainty as to whether VCAT is the ultimate body of appeal for trade measurement disputes. Clause 20 clarifies that issue.

As I said earlier, the main aspect of the bill relates to enforcement. In an increasingly self-regulated environment it is important that the government put teeth in regulations. For that reason many of the provisions in the bill relate to the powers of inspectors. Clause 15 amends the principal act to allow an inspector to order the weighing or measuring of a vehicle and its load. Clause 17 is an amendment to allow an inspector to photograph details of measurement instruments he or she has tested.

The bill contains a number of new offence provisions, one of which relates to class 4 instruments — instruments of lower accuracy than those used in normal retail and wholesale trade. Clause 6 is an amendment to prevent class 4 measuring instruments being used for the weighing of airport baggage. Many honourable members will be relieved that is the case.

The bill inserts new provisions in the principal act relating to the licensing of trade measurement instruments. Clause 13 amends the principal act to provide for business partners to be jointly licensed for a public weighbridge licence or servicing licence instead of each partner being required to be individually licensed. Other provisions affect the licensing of measurement instruments. Clause 9 amends the principal act to provide for the administering authority to determine the denominations and classes of reference standards of measurement to be used by a licensee under a servicing licence.

In conclusion, the bill is technical in nature and relates to an area that many members of this place would not have personal experience about or have been engaged in. However, it clarifies anomalies that existed in federal legislation and will give Victorian consumers greater confidence in their dealings with traders. I support the bill and wish it a speedy passage.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank honourable members for contributing to the length and breadth of this weighty legislation. I thank Mr Forwood, Mr Theophanous, Mr Bishop and Ms Mikakos for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Berwick Bowling Club

Hon. N. B. LUCAS (Eumemmerring) — I direct to the attention of the Minister for Sport and Recreation funding issues involving the Berwick Bowling Club. On 19 March I had the pleasure of attending the official opening of the bowling club by my colleague in the other place, the honourable member for Berwick. The bowling club has a long and proud history. Many years ago the Wilson family of Berwick donated some land for the development of the club. As the township of Berwick expanded the club found itself located close to the business district and the former Berwick council, after discussions with the club, found a new site for it. The club has a well-appointed clubhouse and three bowling greens. It is a worthwhile facility.

I direct to the minister's attention the excellence of the venue for major events and the substantial increase in membership of the club since the development of its new facility. I ask whether he can assist the club financially given the large expenditure it has incurred. It has a considerable number of new members and has the potential to be a major regional if not state venue for lawn bowling.

Fishing: banded morwong

Hon. P. R. HALL (Gippsland) — I raise with the Minister for Energy and Resources representing the Minister for Environment and Conservation in another place the possibility of a closed season for the fish species known as the banded morwong. It is a small fishery but several fishermen in my electorate have developed techniques for catching and selling the fish live at Melbourne markets. They have invested significant amounts of money in developing the fishery and the market for the fish. One of the fishermen who is

active in the industry has taken out a second mortgage on his house to buy into the industry.

The Minister for Environment and Conservation is currently considering whether there should be a closed season for the fishery. To my knowledge there has been no consultation with the fishermen involved. If the minister were prepared to consult with those involved in the industry she would find a willingness to make sure the fishery is sustainable, because it is their livelihood.

Instead of closing the season for the fishery the minister should speak with the people involved to see if a sustainable fishery can be achieved. A closed season would place the industry in serious financial jeopardy. Will the minister reconsider the option to implement a closed season for the banded morwong fishery?

Clunes: Crown land

Hon. D. G. HADDEN (Ballarat) — I ask the Minister for Energy and Resources to refer an urgent and important matter to the Minister for Environment and Conservation in another place. It concerns Clunes, Victoria's most original and historic goldmining town where the first registered gold strike occurred in July 1851.

I have been approached by constituents in my province over the past six months concerning Crown land in Bailey Street, Clunes, more particularly described as Crown allotments 7, 9 and 10, section 4 township of Clunes, file number 0615823. The land is a restrictive Crown grant with a municipal purposes reserve that was permanently ordered by order in council of 8 May 1865. A restrictive Crown grant was then issued to the former Borough of Clunes with a specified purpose.

The Clunes town hall, borough offices and police court, which was built in 1872, are located on the land. The rear timber building or supper room is believed to be the former Bible Christian Church built in 1867. The town hall complex has been classified by the National Trust.

Crown allotments 9 and 10 include the protected police house, police lock-up, stables and outbuildings, which date back to about 1859. The buildings were relocated, along with the police from Camp Hill to the current site in Service Street in 1872. The historic buildings are protected under the local planning scheme heritage overlay. A very comprehensive two-volume conservation and heritage report was prepared by Mr Richard Aitken in 1988 for the former Shire of Talbot and Clunes.

For more than 12 months rumours, allegations, media reports and letters have circulated in that part of my province along the lines that the Hepburn Shire Council has made arrangements to sell the Crown land and the heritage buildings to a private organisation, Wesley College, once the bill is passed.

Crown allotments 7, 9 and 10 on section 4 are Crown land upon which stand classified and protected significant historic buildings that are still intact from the gold rush era at Clunes. Furthermore, the Crown land has native title implications. No archaeological assessment has been made of the Crown land on allotment 7 at the rear of the Clunes town hall which has now been redeveloped by Wesley College. The site could be of enormous archaeological interest to the state, especially as the Dja Dja Wurrong Aboriginal people hunted, gathered and lived in that tribal area.

Will the minister ask the Minister for Environment and Conservation to ensure that those classified and protected heritage buildings on Crown land continue to be preserved, protected, available and accessible for all Victorians to enjoy?

GST: schools

Hon. B. W. BISHOP (North Western) — I ask the Minister for Sport and Recreation to direct a matter to the attention of the Minister for Education in another place. Over the past couple of weeks I have visited a number of schools in my province which have expressed concern about their preparedness for the goods and services tax (GST) programs. Schools are now much more aligned with small business-type activity. I am concerned that the dedicated and committed principals and office managers who manage all school financial activities have the equipment to manage the change that will be introduced on 1 July.

They must have in place programs to handle the situation. The schools report to me that there is little or no direction from the government. One has only to compare that with the effort poured into the year 2000 program. That was a huge and successful effort and the organisations received tremendous support from the government.

Will the Minister for Education in another place supply me with a detailed program of how schools will handle the GST when it is introduced on 1 July?

Planning: foreshore development

Hon. ANDREA COOTE (Monash) — I direct a matter to the attention of the Minister assisting the Minister for Planning. During the adjournment debate

on 14 December last year I asked the Minister for Sport and Recreation a question in his capacity as the Minister representing the Minister for Planning in another place. It concerned a matter of relevance to my province, to which I have not received a reply. I wish the matter to be rectified.

At that time I requested an explanation from the Minister for Planning about temporary height limits in the state planning agenda. The City of Port Phillip made its position on the issue clearly known. Its resolution states:

> That council note the positive statements made by the Premier, the Honourable Jeff Kennett, the Minister for Planning and Local Government, and the Minister for Small Business and Tourism, the Honourable Louise Asher, that effectively discourage, as being inappropriate, high-rise development around the bay and specifically in Port Melbourne and St Kilda.

I should like an answer.

Aged care: Khmer community

Hon. ANDREW BRIDESON (Waverley) — I direct to the attention of the Minister for Small Business, who represents the Minister for Aged Care in another place, a matter concerning a small ethnic group in my province, the Khmer community of Victoria, known as the KCV.

In late 1999 the KCV completed a report on aged care relating to the Cambodian community entitled *Cambodian Elderly in Victoria. A Needs Analysis of Current and Future Aged Care for Khmer Residents*. It was made possible through a grant of approximately $30 000 under the former government and the Department of Human Services.

Mr Khang Lim, the president of the KCV, wrote to the minister on 18 February wishing to present a copy of the report. To date the KCV has not received a response and is eager that the important work be presented to the minister. I seek the assistance of the minister.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to a matter that was raised during question time today. In her response to my question about the 8 per cent liquor licence limit, the minister indicated that her decision to institute an inquiry under the national competition policy review guidelines was on the basis of advice received from the Department of Treasury and Finance. Will she make that advice available?

Apprenticeships: small business

Hon. W. I. SMITH (Silvan) — I raise for the attention of the Minister for Small Business a matter recorded in the *Australian Financial Review* of 2 May this year. In the article Dr Kemp is quoted as saying:

> The Victorian government was undermining the commonwealth's new apprenticeship scheme, the federal Minister for Education and Training, Dr David Kemp claimed yesterday.
>
> His accusation follows the Victorian government's decision to freeze the user choice policy in the state so private registered apprentice training providers will have their funding eligibility capped at 1999 levels for the next 12 months.

Dr Kemp goes on to say:

> A recent survey showed employers strongly supported the competitive training system and found it more responsive to their needs.

Does the minister acknowledge that the user choice policy to cap private registered apprenticeship training providers will impact adversely on small business?

Avonwood Homes

Hon. M. T. LUCKINS (Waverley) — I raise with the Minister for Consumer Affairs a matter involving Avonwood Homes. Several constituents have advised me that they have not been kept informed by either the builder or anyone from the Office of Fair Trading and Business Affairs about developments concerning their new homes. Many of these families, estimated to be around 500, have borrowed funds to purchase land and commence building, and all of them have had to make alternative plans for accommodation — renting, staying with relatives, or in a few cases they have sold properties and are relying on their houses being completed.

I spoke to a representative in the minister's department who was basically relying upon information provided through a media agency that had been contracted by Avonwood Homes and was not able to provide me with any information. There has been speculation in the media about merger talks with Clarendon Homes, which apparently have failed, and also talk of the appointment of a liquidator or administrator. The problem is that none of the families has been kept informed by the builder or the minister's office about possible action they can take.

I am concerned the situation could lead to a crisis of confidence in the building industry. I understand that builders are required to have requisite insurance under

the Domestic Building Contracts Amendment Act of 1995. I ask the minister to outline to the house the avenues of recourse for Victorians who have contracts with Avonwood Homes and explain how that insurance can be accessed to ensure completion of the homes Avonwood has contracted to build and has abandoned.

Snowy River

Hon. PHILIP DAVIS (Gippsland) — I refer the Minister for Energy and Resources to today's press statements heralding a so-called Snowy River rescue deal, which was clearly an orchestrated leak from the government preceding today's budget. This is obviously a major exaggeration of what the government proposes.

It should be understood that the $12.3 million committed to the Woorinen pipeline west of Swan Hill will contribute less than 3 per cent of the necessary water savings to achieve the stated target of 28 per cent of environmental flow. That is probably the most expensive water available in Australia. Why has the government failed to provide sufficient funds to deliver real water savings for the Snowy?

Cranbourne land transfer

Hon. R. H. BOWDEN (South Eastern) — I raise with the Minister for Consumer Affairs the case of a constituent of mine, Frank Young, of 1890 South Gippsland Highway, Cranbourne.

On 13 January 1995 Mr Young gave permission to an estate agent in Cranbourne to sell his property. The appropriate forms were signed and so on. The following day there was a strong allegation that Mr Young did not want to proceed. The sale of the property valued at $252 000 went ahead, and under normal arrangements the 10 per cent deposit and other sale mechanisms would apply.

Since then there has been a determination of the matter through the courts. The full documentation of the case is quite lengthy. The situation as of today is that the vendor has not received 1 cent of either the deposit or the purchase price, or any moneys whatsoever, yet on the 17th of this month he is required to hand over his property. In my lay capacity, I do not understand the mechanisms of the situation as they appear on the surface, but I am concerned on behalf of potential and current vendors of real estate that a vendor can offer his property through the appropriate representation and end up, as a result of action through the courts, losing his or her property or not receiving any money for his or her property.

The PRESIDENT — Order! The honourable member is raising an issue between a vendor and purchaser that I understand has nothing to do with the government. The honourable member is asking from a policy viewpoint whether this issue could be looked at. I am sure the minister could give the honourable member chapter and verse of schedule 7 of the Transfer of Land Act and the rights of each party to it, but I do not believe it is a matter of government administration, nor can the adjournment debate be used to ask for legislation. Having said that, the honourable member may want to add something or make his comments relevant to government administration.

Hon. R. H. BOWDEN — I thank you for that advice, Mr President. I seek the minister's help. I ask that the matter be reviewed on the information I have and that it be considered a consumer affairs issue.

Melbourne Aquarium: legionnaire's disease

Hon. D. McL. DAVIS (East Yarra) — I raise with the Minister for Industrial Relations, as the representative in this place of the Minister for Health, the legionnaire's disease outbreak in Melbourne. It is not my intention to score political points on this serious public health matter, but I am concerned about the public aspects of the incident.

One of the public aspects concerns the regulations covering private facilities across the state. Another concerns the standards and programs in place within public facilities and buildings. In particular I direct to the attention of the Minister for Health the need for the highest standards in many of our public facilities, such as public hospitals. The epidemiology of this disease, as the Honourable John Ross and others will understand, often concerns warm water, and hospitals are well recognised as an environment where legionella can breed. Patients in such situations are also immunocompromised and therefore susceptible to infection with legionella.

I ask the Minister for Health to investigate that aspect and ensure that the controls in the public sector are sufficient — that is, that the controls and inspections in public buildings and airconditioning units are up to standard in every way, including, I might add, occupational health and safety requirements. When the Minister for Health was in opposition he certainly demonstrated a high standard in this area. It is important to ensure the highest standards, particularly in health care facilities.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable David Davis raised a matter concerning the legionnaire's disease issue that is unfortunately related to the Melbourne Aquarium for me to refer to the Minister for Health. He referred to the regulations that affect public hospitals and are designed to ensure the safety of patients, staff and those who use public buildings. I will refer the matter to the minister and ask him to respond in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Peter Hall initially raised a matter for me to direct to the Minister for Environment and Conservation. He has since corrected that and referred it to me as the minister responsible for fisheries.

The matter relates to the banded morwong fishery and the concern of fishers who have invested in the fishery about its possible closure. He requested that consideration be given to whether the objective of ensuring a sustainable fishery for the species can be achieved by means other than having a closed fishery. The fish is an interesting species, which on advice available to me lives for up to 80 years.

Hon. Bill Forwood — Eighty?

Hon. C. C. BROAD — Eighty. That makes it an astonishing fish. It brings a considerable price, which makes it attractive to fishers.

In January I received advice that in the interests of ensuring the protection of the species, which has suffered considerable devastation in Tasmanian waters, I should close the fishery for a period of eight weeks. That advice came from the fisheries department after consultation with the Fisheries Co-management Council, which advised it had decided to support the action.

The closure has just finished. I have further advice before me from the fisheries department that I should extend the closure because the work considered necessary to establish appropriate management practices to ensure a sustainable fishery has not been completed.

I currently have the matter under active consideration in terms of having appropriate consultation with the affected fishers and determining the period necessary to ensure that the research that needs to be undertaken to establish appropriate management practices can be completed before a decision is made. I will advise further on the matter after considering the advice that is currently before me.

The Honourable Dianne Hadden referred to a matter of considerable interest to her and to many of her constituents — the Crown land site at Clunes, which includes significant heritage buildings. She requested that the Minister for Environment and Conservation ensure that the heritage buildings are protected and continue to be accessible to members of the public. I will refer the matter to the responsible minister.

The Honourable Philip Davis referred to Snowy River budget allocations, particularly to some extraordinarily well-informed sources that were referred to in this morning's press. The budget contains some important allocations, which the honourable member referred to, including allocations for the pipeline works and, importantly, the river works that are necessary to ensure that when increased water flows occur they will affect the Snowy River in the best possible way.

The government has clearly signalled that it will make the necessary provisions to ensure that Victoria's share of the water savings and the costs necessary to achieve the savings will be provided — that is clearly signalled by the budget, depending on the outcome of the current negotiations between Victoria, New South Wales and the commonwealth.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Andrew Brideson drew my attention to the issue of the Khmer community of Victoria's report on the Cambodian elderly of Victoria and said that its president, Khang Lim, on 18 February wrote to the Minister for Aged Care in another place, the Honourable Bronwyn Pike, requesting an opportunity to meet with her and forward the report to her. I will pass the matter on to the minister for her attention.

The Honourable Bill Forwood raised the issue of the 8 per cent limit on liquor licences, which he also raised in question time, and the advice given in relation to that. A review was carried out in 1998 in relation to the 8 per cent limit. It recommended that the limit be removed in respect of both general and packaged licences. The government of the day — the previous government — decided to remove it from general licences but not from packaged licences.

The National Competition Council has written to the Victorian government saying that according to its review that action does not meet with national competition policy and asking that the government remove the 8 per cent limit on packaged licences by the

end of this year or it will penalise Victoria up to $12 million per annum. The government is conducting the review in order to try to justify — —

Hon. Bill Forwood — On a point of order, Mr President, my request of the minister was explicit. I asked whether she would please make available the advice she received from the Department of Treasury and Finance on — —

Hon. T. C. Theophanous interjected.

Hon. Bill Forwood — In question time today the minister said that the decision she made was on the advice of the Department of Treasury and Finance. I explicitly asked her to make that advice available. I request that she deal with the issue.

The PRESIDENT — Order! On the point of order, the minister was working into her answer and it is up to her as to how she terminates it. I cannot guide her on that. She has been responsive to the question so far. We will soon find out whether she agrees to the request.

Hon. M. R. THOMSON — Thank you, Mr President. The advice I have received from my department has indicated that that — —

Honourable members interjecting.

The PRESIDENT — Order! Hansard cannot hear the debate if you all shout at once.

Hon. M. R. THOMSON — I have fully answered the inquiry from question time today.

The Honourable Wendy Smith referred to an article in the *Australian Financial Review* in relation to — —

Honourable members interjecting.

The PRESIDENT — Order! The house is being unfair to the minister. She has been asked a series of questions and is proceeding to answer them. Honourable members will please allow the answers to be heard.

Hon. M. R. THOMSON — The Honourable Wendy Smith referred to Dr Kemp's comments and the 12-month freeze to allow a review of apprenticeship schemes in Victoria. She asked whether I believe the freeze is impacting adversely on small business. It is important to provide a scheme that works well and ensures an increase in the amount of apprenticeships available. A review is therefore appropriate. If a freeze is necessary to ensure that the review is full and comprehensive, I support it.

The Honourable Marie Luckins raised a matter with me as Minister for Consumer Affairs — —

Opposition members interjecting.

Hon. M. R. THOMSON — This is a very serious issue for 500 Victorians, so I will give it a serious response. I asked staff of the Office of Fair Trading and Business Affairs to get in touch with the directors of Avonwood to discuss what is occurring. Late today they managed to achieve that. The staff were able to convince them to put people back on the telephones so inquiries could at least be responded to.

Up until now no-one was answering the phones and there was no way inquiries could be made. At least the stage has been reached where those who have contracts are able to get responses. They are covered by a building insurance scheme and the department is now trying to work through some issues about what that will mean for those — —

An Opposition Member — Like what?

Hon. M. R. THOMSON — Depending on the stage of the contracts it might mean compensation will be paid because some are using rental accommodation and costs have been incurred. I am waiting for an update on what that means.

An Opposition Member — You have been making some calls. Thank you. It is on the record.

Hon. M. R. THOMSON — It is a lot more than you would have done! The government is also awaiting further information about the company being put in the hands of the administrator.

The Honourable Ron Bowden asked about a constituent living in a property on the South Gippsland Highway. The property was put up for sale in 1995. My department can examine the matter. I cannot guarantee that anything can be done in this case but I am happy to pass it on to the Office of Fair Trading and Business Affairs.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Neil Lucas asked about financial difficulties the Berwick Bowling Club experienced in providing its new expanded facility. I encourage representatives from the club to contact my office or officers from the department to discuss the situation further, and also to discuss the partnership they may or may not have with their local council to establish access to some sort of support.

The Honourable Barry Bishop asked about the readiness of schools for the goods and services tax. I will refer that matter to the Minister for Education in the other place.

The Honourable Andrea Coote asked about the introduction of temporary height limits in the City of Port Phillip. I will direct the attention of the minister to his delayed response.

Motion agreed to.

House adjourned 9.34 p.m.

Wednesday, 3 May 2000

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

EQUAL OPPORTUNITY (BREASTFEEDING) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON (Minister for Small Business).

JOINT SITTING OF PARLIAMENT

Centenary of Federation

The PRESIDENT — Order! I have the honour of reading the following communication to members of the house:

> On 9 May 1901 the first session of the Parliament of the Commonwealth of Australia convened at the Royal Exhibition Buildings, Carlton.
>
> On 10 May 1901 the first sittings of the Senate and of the House of Representatives took place in Parliament House, Melbourne. The Parliament of Victoria loaned Parliament House to the new federal Parliament from 1901 to 1927. During this period the Parliament of Victoria met in the western annexe of the Royal Exhibition Buildings.
>
> In May 2001, as part of a year of centenary of Federation celebrations, it is proposed to commemorate the first session and first sittings of the Parliament of the Commonwealth of Australia.
>
> On 10 May 2000 the Legislative Council and the Legislative Assembly of the Parliament of Victoria will meet in a joint sitting.
>
> The purpose of this sitting is to invite the Parliament of the Commonwealth of Australia — the Speaker and members of the House of Representatives and the President and members of the Senate — to convene on 9 and 10 May 2001.
>
> At 12.30 p.m. on Wednesday, 10 May 2000, the Legislative Council and the Legislative Assembly will convene in a joint sitting at which the Honourable Steve Bracks, MP, Premier of Victoria, will propose the following motion:
>
> > That this joint sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and members of the Senate and the Speaker and members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001, for the joint commemorative ceremonial Federation sitting and commemoration ceremony, and at Parliament House, Melbourne, on 10 May 2001, for the commemorative Federation sitting of each house of the Commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the Commonwealth of Australia.

That motion will be seconded by Dr Napthine, the Leader of the Opposition. The communication continues:

> Subject to the agreement of both chambers, the joint sitting will be televised live to Parliament House, Canberra, and simultaneously streamed live over the Internet. Video of the joint sitting will be incorporated in an official centenary of Federation documentary.
>
> At 2.00 p.m. 10 May 2000, the President and Speaker of the Parliament of the Commonwealth of Australia will, in their respective chambers in Parliament House, Canberra, acknowledge the invitation. The motion, as passed by the Parliament of Victoria, will be included on the notice papers of the Senate and House of Representatives. In time, a response will be received by the Parliament of Victoria.
>
> This is the first time such an invitation has been extended from a state Parliament to the federal Parliament. It is the first time that such a motion has been broadcast live from an Australian state Parliament to the federal Parliament. It will be the first time the federal Parliament will meet outside Canberra since the Parliament left Melbourne in 1927.
>
> The joint sitting on Wednesday, 10 May 2000, is therefore a significant event in the history of the Parliament of Victoria. It is at once both an acknowledgment of Victoria's historic contribution to the cause of federalism and an essential first step towards leading Australia to a year of reflection, celebration and commemoration.

It is signed by the Speaker and me.

BUSINESS OF THE HOUSE

Sessional orders

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

> That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

BUDGET PAPERS, 2000–01

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

> That there be laid before this house a copy of the following 2000–01 budget papers:
>
> (a) Treasurer's speech (budget paper no. 1);
>
> (b) budget statement (budget paper no. 2);
>
> (c) budget estimates (budget paper no. 3); and

(d) budget overview.

Motion agreed to.

Laid on table.

Ordered to be considered later this day on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

PAPERS

Laid on table by Clerk:

Parliamentary Committees Act 1968 — Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's Report upon the Review of the Unlawful Assemblies and Processions Act 1958.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 — No. 28.

Gas Safety Act 1997 — No. 30.

Tobacco Act 1987 — No. 29.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 28 and 29.

ESSENDON AIRPORT

Hon. D. McL. DAVIS (East Yarra) — I move:

That this house supports the continuation of aviation at Essendon Airport including the retention of the air ambulance links with rural Victoria, the police air wing and the airport's vital commercial and passenger links with rural, regional and remote Victoria.

It is important to place on record that the Liberal–National partnership has a strong view on Essendon Airport. It believes it has a key role both as a piece of infrastructure that connects rural, regional and remote Victoria with metropolitan Melbourne and through the services it provides. That is manifested in a number of different ways.

Firstly, it is manifested in the airport's important economic passenger and commercial links. Most people are aware that many flights from Essendon Airport move passengers all over Victoria, to the Bass Strait islands, north to New South Wales and to other destinations around the country. It is important that passengers have the maximum possible opportunity to use airports such as Essendon, and particularly that tourists can move around the state rapidly and efficiently and have the option of flying to places such as Portland or Gippsland. It is also important to commercial operators that freight can be moved efficiently to far-flung and remote areas of the state.

It should be recognised that the facility also has a role in the provision of services such as the air ambulance, which enables the best quality health care to be delivered to Victorians in rural, regional and remote Victoria.

A number of features of Essendon Airport make it unique. They include the quality of its runways and its geographical location close to Melbourne. It is between the city and Melbourne Airport. There is significant land around its perimeter that would enable the further development of industries which are related to and which dovetail well with the airport.

It is important that Essendon Airport has a clear statement of support from both this house and Parliament as a whole. I note with concern the unfortunate fact that at least one party in this chamber is less than supportive of the airport and is committed to its closure. The Labor Party has made a great deal of its having a commitment to rural and regional Victoria. It is important that Labor should place on the record how it reconciles that alleged commitment with the fact that it wishes to close an important piece of aviation infrastructure.

I should say at the outset that aviation is strictly a federal matter and that through its statutory authorities and agencies the federal government has the decision-making powers on the future of airports. I make that clear so there will be no doubt about it. However, that does not preclude state politicians, local communities and state political parties having clear views and making them known to federal authorities and politicians so the views of the community are reflected in the decision-making processes.

The federal government is correctly committed to and has been successful in a process of privatising a number of airports around Australia. The privatisation of Melbourne Airport has been successful. It was important for Victoria and has enabled the state to move forward. Key pieces of transport infrastructure, which is what airports are, have to have appropriate links with other pieces of transport infrastructure. They also have to be managed in a way that will provide efficient services at reasonable and competitive rates so that the state and the nation can compete, because transport infrastructure and the movement of goods and passengers are key features in achieving economic efficiency.

There is no doubt that over the past few years the federal government has taken important steps in that regard. The Kennett government supported that process in general and saw that Victoria needed to have the

most competitive airport and transport environment possible. A large part of Victoria's success over the past few years has been as a result of those sorts of steps being taken. City Link has an important role in that process because it links rural and regional parts of the state and enables more efficient movement of people from the city to the airports and from different parts of the state to distribution centres and transport hubs in metropolitan Melbourne. I return my focus to Essendon Airport.

The Liberal–National partnership has committed itself to the retention of Essendon Airport as an operating airport in a number of aspects. It supports the retention of both runways and sees long-term commercial leases as key features of the airport's future. For too long its future has been in question and operators have been unable to invest or make practical commercial decisions in response to the needs of their businesses and the community.

The Liberal–National partnership has also said that the land available on the perimeter of the airport should be made available for general industrial purposes. It is important to place on the record that there is a future for a variety of activities in and around the airport and that as a transport hub of the north-west of Melbourne it is a good place to situate businesses connected with either aviation or any of a wide variety of other light industrial operations that may require transport of a number of kinds. The airport is an important part of the transport infrastructure in the north-west of Melbourne and has a key role in the economic infrastructure of the area. Approximately 1500 people are employed by the more than 100 businesses situated at the airport, and those businesses have links across the north-west of Melbourne, the state and the rest of the nation.

It must also be placed on record that the Liberal–National partnership sees Essendon Airport as a key piece of infrastructure for rural, regional and remote Victorians. As mentioned, both the air ambulance and the Royal Flying Doctor Service are based there, each of which has a critical role in providing health links to rural Victorians. Rural Victorians to whom I have spoken have no doubt that the air ambulance link is absolutely crucial to their sense of security, because if necessary they can obtain quick access to major city hospitals. Essendon Airport's proximity to the Royal Melbourne, Royal Children's and Royal Women's hospitals is an important aspect.

One cannot in any way underestimate the geographical advantage of Essendon Airport. I know many rural and regional members on the Liberal–National side feel strongly about that. That key and decisive argument will be laid out as the debate proceeds. The contributions of members who follow will make it clear that the Liberal–National partnership is united in its view that Essendon Airport should be retained in its current location.

I shall discuss the long history of Essendon Airport, which began in 1921 and is reflected in the history of the north-west of Melbourne. Honourable members will be aware that a football club takes as its symbol an aircraft.

Hon. M. R. Thomson — The Bombers!

Hon. D. McL. DAVIS — Exactly. One could not leave the debate without pointing to the historical legacy of Essendon Airport. One other aspect that should be brought to the attention of the house is that the Labor Party has a great deal of difficulty with the geography of Essendon Airport.

Hon. Bill Forwood interjected.

Hon. D. McL. DAVIS — They have enormous difficulty. Labor electorates surround the area and that has coloured the views of Labor members. It means they are unable to look at the broad interests of Victorians. Essendon Airport is a key issue in Labor's policy. People such as local members Judy Maddigan and Christine Campbell — —

Hon. B. C. Boardman interjected.

Hon. D. McL. DAVIS — It is interesting that you should say that, Mr Boardman. My information is that a number of government ministers fly out of Essendon Airport, but not Christine Campbell. I accept what you say. One suspects that even the Premier might fly out of it in his helicopter. He has taken a number of interesting helicopter rides, as the Minister for Small Business is aware.

As Mr Boardman said, a number of government ministers may well fly out of Essendon Airport. Therefore they should reconcile their opposition to Essendon Airport with their use of it. It is interesting to note that even during campaigning in the Benalla by-election aircraft might be used from Essendon Airport, a link that perhaps has not been made previously.

Returning to its history, the airport was important during the Second World War, when test flights flew out of Essendon. As honourable members will be aware, it was Melbourne's major airport until the late 1960s.

In referring to the difficulties faced by Labor, I should say that people such as Kelvin Thomson, a former member for Pascoe Vale in the other place and now a federal member — I note the Minister for Small Business has just left the house — have made a great stand over the years and shown their determination to see the airport closed. There is no doubt that if federal Labor is returned the airport will be finished, and quickly. There is no doubt for example that the views the honourable member for Essendon holds about the airport border on the irrational. She becomes agitated at any mention of Essendon Airport. It is therefore important to realise the pressures exerted on the Labor Party because of the airport and why it decided formally to make closing the airport part of the policy it took to the last election.

It is important to place on record that closing the airport is formal Labor Party policy and the Premier, Mr Bracks, has referred to it a number of times. I might add that Mr Brumby, the Minister for State and Regional Development, is often more evasive as he moves around rural and regional Victoria. Even in comments this morning on regional ABC radio he left us not so much in doubt as less than clear about the Labor Party's absolute opposition to and determination to close Essendon Airport, no matter what. Labor Party policy leaves one in no doubt on that, even if it will be to the disadvantage of rural and regional Victorians.

Hon. T. C. Theophanous — That is absolute rubbish!

Hon. D. McL. DAVIS — No, it is not. It is Labor Party policy. You will close it, Mr Theophanous, whether it is to the advantage of rural and regional Victoria or not. Labor Party policy is that the airport is to close.

It is also important to place on record the contribution of the businesses in the area to the north-west of Melbourne. It is clear that many millions of dollars of investment go into that area and many jobs are provided through the airport. I was a candidate in Niddrie in 1991–92. Many of the people I dealt with there had employment links with the airport and were very strong in their opposition to any closure. That is most understandable, as most honourable members will agree. People need to have their livelihoods protected, but there is no evidence that the Labor Party with its discussions of alternatives will do that for the people who have their livelihoods linked with Essendon Airport.

Melbourne is also fortunate in having a significant secondary airport at Essendon. It is both close to Tullamarine and of considerable advantage economically, particularly when one considers the difficulties currently facing Sydney. Its airport is crowded and unable to sustain the traffic necessary for both tourism and business purposes. Sydney therefore has trouble making the sorts of decisions it needs to make to place a secondary airport in an appropriate location. I do not want in any way to enter the debate on that; I am not an expert on it at all.

Melbourne is fortunate to have a secondary airport of the calibre of Essendon, which has substantial runways and facilities that can handle many more people than it currently handles in ways that are of considerable advantage to Victoria. In that context, it would be very foolish to adopt Labor Party policy to close it forthwith. I do not see the sense in that. There is some suggestion that there may be alternatives. There are always alternatives but I would argue that they are inferior, and not as well located.

Hon. T. C. Theophanous — What do you base that on?

Hon. D. McL. DAVIS — On discussions with people at Essendon Airport, Mr Theophanous. They are clear that the runways are superior to those of any of the alternatives. The airport has the capacity to handle — —

Hon. T. C. Theophanous — They wouldn't have a vested interest, would they?

Hon. D. McL. DAVIS — Mr Theophanous asks whether they would have a vested interest. Yes, Mr Theophanous, they would lose their jobs if the airport were closed. That's very clever of you.

Hon. T. C. Theophanous — Have you talked to anybody who does not have a vested interest?

Hon. D. McL. DAVIS — Mr Theophanous believes people at the airport have a vested interest in their own futures. How surprising! Some may say they have a legitimate vested interest in their futures.

Hon. T. C. Theophanous — I am not saying it is not legitimate, but have you talked to anybody without a vested interest?

Hon. D. McL. DAVIS — I am pleased to hear that you have a vested interest, Mr Theophanous. The number of aircraft movements through Essendon Airport has increased. In 1999 more than 70 000 aircraft movements were recorded and last year the airport made a profit of $526 000. Not every airport or every piece of infrastructure that plays a key role at

an airport is profitable. It may be desirable that airports be profitable and that government-owned infrastructure be profitable, that they can pay their own way, but that is not a prerequisite when judging the worth of a piece of infrastructure. In some cases the existence of a non-profit-making piece of infrastructure is justified. The situation needs to be examined on a case-by-case basis and a reasonable argument made for some sort of public subsidy. I do not argue that that is the case at Essendon Airport because its income is greater than its expenditure, and that margin is increasing yearly.

It is important for the house to understand that if a decision were made to give Essendon Airport a reasonable chance to build its structures, loads and related industries there is every chance it would return an even larger profit. That likelihood would be more attractive if the airport were to be privatised, as is likely to be the federal government's proposal. The airport was to be part of the second tranche of airport privatisations during the past year or two, but its name was removed from the list. There is every reason to believe Essendon Airport will do well if investors in the enterprise are given a clear indication about its future.

I shall also comment on aircraft movements between Essendon Airport and country or regional Victoria. A whole range of flights move in and out of the airport to a range of different places. I shall list for the house some of the confirmed aircraft movements at the airport. In some cases the actual figures would be higher than those I shall quote, but nonetheless they are an indication of the air traffic at the airport and will give honourable members a true feel.

The number of movements from Essendon in the three months from October to December 1999 was: to Albury, 200; to Apollo Bay, 10; to Ararat — I remind the house of the importance of aircraft flying in and out of Ballarat Province, yet neither the Honourable Dianne Hadden nor the Honourable John McQuilten is in the chamber.

Hon. T. C. Theophanous — Turn it up.

Hon. D. McL. DAVIS — You may think it is not so important, Mr Theophanous, but the number of aircraft movements in and out of Ballarat Province is significant. I am interested in the views of country Labor members on this issue. I would be interested to hear the views of Ms Hadden and Mr McQuilten, and of country Labor members of the other house. Do they support Labor Party policy? Do the honourable members for Ripon and Seymour in the other place support Labor's policy on Essendon Airport? Do the various Labor members representing electorates around Bendigo support it?

Hon. R. A. Best — Certainly the Minister for Local Government does not support Essendon Airport.

Hon. D. McL. DAVIS — Thank you, Mr Best. I am interested to hear that the Labor government has such a strong view on closing Essendon Airport that it is prepared to close off that communication option for rural and regional Victoria.

Hon. R. A. Best — I will canvass that fact during my contribution to the debate.

Hon. D. McL. DAVIS — I will be pleased to hear it, Mr Best. I know representatives of the City of Bendigo use Essendon Airport, and I am sure Mr Best will remind the house that recently elected rural and regional members of Parliament particularly should focus on the issue. They should stand up to city Labor members who drive Labor Party policy. I have no doubt that city Labor members are determined to close Essendon Airport.

Hon. T. C. Theophanous — What about your federal member?

Hon. D. McL. DAVIS — Mr Theophanous, I am sure your constituents would not be concerned with the many implications for rural and regional Victoria resulting from the airport closure, but I am sure the Ballarat constituents of Ms Hadden and Mr McQuilten would be most concerned about city Labor Party members driving policy. As I said, I would be interested to hear a contribution to today's debate from the two members representing Ballarat Province. Are they prepared to admit to the house that the Labor Party has got it wrong on this issue, and that the party is not interested in rural and regional Victoria? Will they admit that the Labor Party policy should be corrected and that its policy of driving such things purely for a local electoral advantage is unacceptable?

I return to the list of aircraft movements in and out of Essendon Airport to regional centres in the final three months of 1999. They are as follows: Bendigo, 386; Benalla, 33; Ballarat, 233; Bairnsdale, 75; Barwon Heads, 36; Cobden, 37; Colac, 62; Corowa, 44; Deniliquin, 65; Donald, 65; Echuca, 122; Hamilton, 79; Horsham, 216; Kerang, 26; Kyneton, 85; Latrobe Valley, 194; Leongatha, 36; Maryborough, 40 — I would be interested to hear what the honourable member for Ripon thinks of the number of movements in and out of his electorate.

The list continues: Mansfield, 43; Mildura, 85; Mangalore, 83; Nhill, 10; Orbost, 17; Ouyen, 16; Phillip Island, 81 — I would be interested to know the views of the honourable member for Gippsland West in the other place on Essendon Airport. I am sure she would be prepared to stand up for her constituents, who would be concerned that Labor Party policy would lead to the removal of the Essendon facility.

The list continues: Portland, 26; Shepparton, 356 — I am sure the Honourable Jeanette Powell will comment on the importance of the Essendon facility to Shepparton — Swan Hill, 76; Stawell, 27; Taggerty, 21; Tocumwal, 32; Warrnambool, 266; Wangaratta, 142; West Sale, 470; and Yarrawonga, 26.

It is important for the house to note the large number of aircraft movements in and out of Mildura from Essendon Airport. The honourable member for Mildura in the other place has been prepared to stand up to the Labor Party on this issue, if not on many others, and has said that the Labor Party is wrong on the Essendon Airport issue.

I will make a number of points about tourism. Essendon Airport plays a role in tourist movements and there is no doubt that it could play a greater role. Many of the flights I listed would be tourist charter flights by small operators providing an alternative method for tourists to see parts of rural and regional Victoria — taking their spending dollars with them.

Tourism is important to Victoria. The Kennett government was successful in increasing intrastate tourism to a level well above that of other states. Former Minister Asher can take some credit for that increase.

Essendon Airport is important for tourism. It is interesting to examine the stance taken by the Labor Party when Virgin Airlines was trying to find a home in Melbourne. Virgin looked closely at Essendon Airport. I was surprised to read what Labor Party members had to say about that. I was also surprised at the concern expressed by Premier Steve Bracks and Acting Premier John Thwaites about Virgin Airlines wanting to use Essendon Airport as its short-term airline base. A news release of 12 January states:

> … the state government will under no circumstances agree to such a plan. Mr Thwaites said Virgin had suggested Essendon as a base at which to establish its operations, but the airport has not been in use for major passenger aircraft since 1971.

One should be prepared to consider those options. One should be open-minded enough to consider what is and is not possible. I do not claim to be an aviation expert, but I believe it is extraordinary to immediately oppose something simply for local electoral advantage when the whole state is involved. I understand the establishment of Virgin in Victoria would have led to the creation of up to 240 jobs. Significant investment was involved and significant aircraft movements would have brought many passengers, tourists and business people to Victoria. Under a Kennett government Virgin Airlines would not have been so quickly dismissed. The opposite would have been the case — there would have been a strong effort to attract the airline to Victoria.

Last night I spent some time reading the 2000–01 budget documents and examining Labor's attitude to tourism and its view of where it is heading. The government believes tourism is important, but is it prepared to back that with action? Page 99 of budget paper no. 2 refers to the government's Linking Victoria strategy. Linking Victoria is not just about tourism, it is much broader. The most interesting item on tourism is in budget paper no. 3. I obviously picked up the wrong document. A table on page 327 of that budget paper, in the section relating to the Department of State and Regional Development, refers to the output measure, 'Submissions to airlines and regulatory agencies'. On the next page it indicates that that will no longer be a measured outcome of the department. The number of submissions made in 1998–99 was 13; 1999–2000, 4 to 6; and the target for 2000–01 is listed as:

> Measure ceases at end 1999–2000.

In light of the failure of Virgin to locate in Victoria, is that a clear decision by the government that it will no longer focus on aviation, on the importance of tourist movements to Victoria and on submissions to airlines? Is that also relevant to the recent decision of Olympic Airways not to extend its operations to Victoria? Is it part of a broader trend? If one considers what the Australian Labor Party did with Virgin Airlines, one would certainly wonder.

It is also important to record the importance of the air ambulance. Labor policy on the air ambulance states:

> Labor will review the provision of air ambulance resources and ensure that decisions to dispatch an air ambulance are made by considering the welfare of the particular patient. A Labor government will not allow that decision to be compromised by factors other than the best interests of the patient.

The best interests of patients are clearly enunciated by rural and regional Victorians. Many rural councils are determined that Essendon Airport will not be closed. One of the prime reasons is the presence at Essendon of the air ambulance. I ask the government to stick to the last section of its policy on the air ambulance and not

allow the decision to be compromised by factors other than the best interests of patients. Local electoral advantage is not a suitable reason.

The air ambulance provides an important link for rural and regional Victoria and is a comfort to many rural and regional Victorians. However, it also has a practical function in moving people to significant facilities in a timely and effective manner.

Focus also needs to be placed on the police air wing, which is also based in part at Essendon Airport. It has a crucial role in ensuring that emergency and accident scenes are visited in a timely manner and that a police presence can be achieved in rural and regional Victoria. The police air wing's mission states:

> … to be responsible to the Victoria Police for the development, implementation and conduct of aerial support services for police, search and rescue and air ambulance operations.

In the light of reports from the police air wing Labor needs to reconsider its short-sighted decision, a decision supported by the Premier and city-based Labor members of Parliament. The air wing has a range of important duties.

As clear evidence of what rural and regional Victorians think, I refer to the comments of many rural municipal councils about the retention of Essendon Airport. I am sure the Honourable Ron Best will refer to the views of the Greater Bendigo City Council. There is no doubt that Bendigo strongly supports the continued use of Essendon Airport.

There is no doubt also that the Hindmarsh Shire Council in western Victoria also supports that continued use. As recently as this morning I received from the chief executive officer of the Hindmarsh Shire Council an email that is an example of the views of many rural shires and states:

> I wish to advise you of the support of the Hindmarsh Shire Council in western Victoria for the retention of Essendon Airport as a prime aviation facility. It is crucial that Essendon Airport be put for sale as an ongoing operational airport with its two functional runways. To lose Essendon as Melbourne's secondary airport would not only mean a downgrading of the state's transport infrastructure but a reduction in essential services to rural and regional Victoria. Essendon is the base for the Air Ambulance Service which provides speedy and efficient access to Melbourne's major hospitals. This is a vital service for rural communities.

I will refer later to Labor's view on transport infrastructure and how Labor has missed the importance of air traffic in its transport infrastructure statement, including in the recent budget where mention of air services is almost non-existent. The email continues:

> For rural business people, Essendon is far closer to the centre of Melbourne than the alternative at Moorabbin. If Essendon Airport is closed, we are concerned that our best air link to Melbourne will be lost, and also that charter service at Essendon will be unable to transfer their business — as Moorabbin is at capacity, and Melbourne airport is unsuited to smaller general aviation operations.
>
> The Hindmarsh Shire Council seeks your support for the retention of Essendon Airport.

That is just one example of the views of many regional councils. The Campaspe Shire Council has also provided clear statements supporting the retention of Essendon Airport.

In a letter of February the Swan Hill Rural City Council very clearly supports the retention of Essendon Airport as an operational aerodrome, and states:

> The council is aware that there are some concerns held, expressed by residents within the vicinity of the airport, as to safety and noise issues. Whilst those concerns must always be considered it is regarded that the retention of the facility is of paramount importance to the operation of the rural areas.
>
> There may be some alternatives to utilising Essendon, including Moorabbin, however, access to Melbourne from that site is clearly more difficult than from Essendon.

The Swan Hill council referred to the profit of the airport and to the number of aircraft movements. It also referred to the importance of the airport to the Victorian economy generally.

The Mildura Rural City Council also supports the retention of Essendon Airport in its current form. There is no doubt about its importance because of the distance that people in Mildura have to travel to Melbourne.

Hon. B. C. Boardman — Is there any council that does not support the retention of Essendon Airport?

Hon. D. McL. DAVIS — I am not aware of any council that has supported the closure of Essendon Airport, other than those councils in the immediate vicinity of the airport. No rural or regional council — and certainly no remote Victorian council — has supported the closure.

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — The federal government's policy is in no way different from ours.

Hon. T. C. Theophanous — They want to sell it.

Hon. D. McL. DAVIS — There is nothing wrong with selling Essendon Airport. It may well become much more efficient as a privately run concern. That is a matter for the federal government, which has been quite clear about its position. I see no difference between a private or a public facility, so long as it is retained as an operating airport.

The Warrnambool City Council quite clearly supports the retention of the airport. It is important to place its views on the record. Correspondence from that council states:

> Warrnambool Council is therefore pleased to support the Keep Essendon Airport Committee in its campaign particularly as Essendon Airport is a crucial link to country and regional Victoria.

The Ararat Rural City Council also supports the retention of the airport as an operational facility, as does the Wellington Shire Council, which has written to a number of ministers. I will be interested to find out from the written responses of the Minister for Finance and the Premier to those councils exactly what the government is intending to do. The Labor Party is talking about having a summit or a meeting of representatives of country Victorian and other mayors and councillors to hear the views of local governments across the state. There is no doubt that the summit will be an important link through which to channel views on retention of the airport to state and federal governments.

The failure of the Bracks government to listen to what rural and regional shires are saying in their correspondence on the issue is clear. The Labor government's policy on the issue is at odds with the views of people in rural and regional Victoria. The Bracks government should step back from its current position.

The Mount Alexander Shire Council and the Yarriambiack Shire Council also support the retention of Essendon Airport as an operational facility. As Mr Boardman made clear, there is little likelihood of a rural, regional or remote community in Victoria supporting the closure of Essendon Airport. If the Labor Party is to give any meaning to the announced intention of having meetings with representatives of municipalities, it should reverse its decision. I am sure Mr Best will make a similar point when he talks about Bendigo — that the Minister for Local Government should be listening to what rural shires are saying. There is no evidence that he is.

I also note the view of people such as Ken Jenkins, who makes the following point in correspondence received today:

> Obviously the issue of the location of the air ambulance base in relation to the city hospitals is one of the major concerns of country people. Essendon Airport is ideally located adjacent to a freeway for rapid access in emergencies.

Many honourable members have made that point and many will make it again during the debate. One cannot underestimate the importance of the airport to country Victorians.

I now turn to the lack of notice taken of the importance of air transport in the government's budget introduced yesterday, specifically in the government's *Linking Victoria Strategy*. There is strong focus on land support, which is to be commended, but the government must bring into focus the importance of air services as part of that policy. Public and private transport and its infrastructure must be coordinated and become part of an entire package. One simply cannot leave off one wing, dare I say, of Victoria's transport options.

I will be interested to know the views on Essendon Airport of the members representing Ballarat Province, Mr McQuilten and Ms Hadden. I wonder whether they support its retention. The points I am making will be of great interest to country Victorians, who have strong views about the retention of the airport.

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — Mr Theophanous's foolish interjection demonstrates the city-centric view that all in the Labor Party have about Essendon Airport. It is a view driven by Labor members of Parliament who represent the northern and western electorates of Melbourne and who have a problem close to home they need to deal with. Unfortunately they are doing so in a way that is not in the broader interests of Victorians — and they are turning their backs on rural and regional Victorians.

The government's policy is a good test of the Labor Party's commitment to rural and regional Victoria. Other contributors to the debate will make other points. The Labor government's policy is driven by a electoral advantage close to its heartland in the northern and western suburbs of Melbourne. It is not concerned about the impact its decision will have on the eastern suburbs. If the airport were to close air movements would increase at Moorabbin Airport, but the Labor Party is not interested in the eastern suburbs and has short-changed them in a variety of ways. This policy is part of that process.

There is an urgent need for rural and regional Victorians to get a fair shake from the Bracks Labor government. It was elected in part through their

support. I say 'in part' because many more Liberal and National party members of Parliament than Labor Party members represent rural and regional Victoria. I ask the Labor Party country members of Parliament in this chamber and in the other place to state their views because I do not believe their communities support them on this issue. It is important that Labor members in rural and regional areas represent their constituencies, that even if the government is disadvantaged. They should clearly indicate they do not support the views of the ministry and the Labor Party powerbrokers in this state and in the federal Parliament. They must consider responsibly the health, economic and social needs of their communities.

The Liberal and National parties have taken a commendable and appropriate stance on the issue. Aviation is a federal issue but it is important that state governments and municipal councils make a strong point of telling the federal government and federal Labor members of Parliament who are committed to the closure of Essendon Airport, especially the federal member for Wills, the Honourable Kelvin Thomson, that it is vitally important.

I challenge Labor members who represent rural and regional areas to stand up to the ministry and to consider for once the interests of their communities rather than the interests of a small group of Labor Party powerbrokers who represent the northern and western suburbs of Melbourne.

Hon. T. C. THEOPHANOUS (Jika Jika) — I oppose the motion moved by the Honourable David Davis. It is surprising that a motion of this kind has been moved in this place given that a number of important issues could have been brought before the house. It is also surprising that members of the Liberal and National parties pretend to care about the needs of rural and regional Victorians when as members of the former government they neglected the needs of those people for seven years. No-one believes honourable members opposite when they pretend to have a new-found interest in what is happening in rural and regional Victoria.

On the one hand Mr Davis said the Bracks Labor government is not listening to rural and regional Victoria, and on the other hand he said the government has organised meetings with all mayors in regional and rural Victoria — an initiative that never occurred under the former government. The meetings will give rural and regional communities the opportunity of having a direct link with the government and the Premier. Various issues that affect rural and regional Victoria will be discussed, including aviation. The issues to be discussed will include the closure of schools and transport services and the decline in a range of other infrastructure affecting rural and regional Victoria.

The Bracks Labor government has committed $1 billion to an infrastructure fund for the single purpose of rebuilding the infrastructure in rural and regional Victoria. It was hypocritical of Mr Davis to talk about the Labor Party's city-centric approach. That was an extraordinary statement given that as recently as this morning Ms Elizabeth Proust warned the Bracks Labor government against its focus on rural and regional Victoria. I would have thought that is a far more accurate reflection of the views of the members of the previous Kennett government and the honourable members in this place who said nothing about those issues during the past seven years.

Mr David Davis did not say anything when rural Victoria was devastated by the destruction of its infrastructure. The house did not hear Mr Best say anything about the decline of schools in his electorate or other parts of rural Victoria. In fact, it did not hear anything from the members of the previous Kennett government who represented rural and regional areas about the decline in services and infrastructure during the past seven years. Now opposition members pretend they have a new-found interest in rural Victoria, having been tipped back to where they belong by the voters of rural and regional Victoria.

The subject of the debate is an important community issue. It ought not be debated by pitting the interests of regional and rural Victorians against those of the people of metropolitan Melbourne. That is not what the issue is about. The mark of a good government is that it governs for the whole state, which is what the Bracks Labor government is committed to doing.

Consultation will take place with rural councils and all the groups that would be affected by the closure of Essendon Airport, not only the people at Essendon Airport. Consultation will be widespread. The most important aspect Mr Davis neglected in his contribution is that the government has a commitment not to reduce air services to regional and rural Victoria.

Hon. Bill Forwood — Are you going to close it or not?

Hon. T. C. THEOPHANOUS — Victoria is blessed with an abundance of airports in this region. The government is currently examining the role primary and secondary airports can play in fulfilling the Port Phillip region's long-term aviation needs.

If existing aviation facilities are enhanced not only will the region cope with the closure of Essendon Airport but economic benefits will flow to the rest of the state with the relocation of services to existing facilities, be they at Point Cook, Avalon or even Tullamarine. Economic benefit would be enhanced by such a closure.

Mr Davis said that we have a significant airport close to Tullamarine airport. That is true, but the purpose of building Tullamarine airport in the first place was to have an airport that would not be in a residential area with planes flying over the top of houses within metres of front yards.

Hon. Bill Forwood — Metres or yards?

Hon. T. C. THEOPHANOUS — Mr Forwood, your attitude would be somewhat different if you were living near the airport. Without getting into a debate about trade measurement, it is not only close but too close to a whole range of residential developments.

Melbourne Airport has the capacity to take a number of additional services from rural Victoria, as can the other facilities that are available at Avalon and Point Cook, particularly with upgrading that may be made available as a consequence. Jobs are to be had in the redevelopment of other sites and in the further enhancement of the Tullamarine airport, which was one of the reasons the Tullamarine Freeway was built with public money. People could travel on the Tullamarine Freeway from the airport to Flemington Road. However, it is no longer free because of the former government, and now people have to pay an additional impost when travelling to Melbourne, be it directly from Essendon Airport or Tullamarine airport.

That, Mr Davis, is your contribution to aviation — an additional cost to travel into the city area. There is no economically justifiable reason for that in this state. Services will be available either at Tullamarine airport or at other facilities that will be enhanced and will in turn create jobs and better services than are currently available.

Mr Davis refused to enter into a debate about the position of the commonwealth government on this matter. Federally the Liberal and National parties have been desperate to sell Essendon Airport, not as another airport as Mr Davis was suggesting. He was misleading the house by suggesting that somehow the federal government wanted to sell Essendon Airport as a going concern. Nothing could be further from the truth.

Earlier this year the federal Office of Asset Sales and IT Outsourcing authorised a study to analyse a range of factors relating to the disposal of Essendon and Point Cook airports. Its main objective was to estimate the financial value of both sites and advise the commonwealth whether and how it should sell them. That is what the Liberal and National party wanted at a federal level.

Hon. B. C. Boardman — That does not say what it is going to be for.

Hon. T. C. THEOPHANOUS — You should ask them because they are your colleagues. They have no intention of selling them and retaining them as airports. Instead of moving such a motion, the opposition should lobby its federal counterparts about the retention of Point Cook and Essendon airports. If they were to do so their federal counterparts would say, 'Sorry, we need the revenue and will flog them whether you like it or not'.

The opposition moved the motion in an attempt to rediscover regional Victoria after seven years of absolute neglect. As I said, the relocation of Essendon Airport will be done without any reduction in services to regional and rural Victoria.

Hon. D. McL. Davis — Who says? That is your assertion.

Hon. T. C. THEOPHANOUS — There will be no reduction in services to regional and rural Victoria. The relocation will result in a huge increase in community safety.

I refer the house to a couple of the accidents and near misses at Essendon Airport. One in particular will be remembered by honourable members. Several years ago a plane crashed into a house near the airport and killed a mother and her children. It was a tragedy of heartbreaking proportions. Aircraft have to fly past Matthews Avenue to land at Essendon, and on that occasion a light plane clipped the electric wires and went headlong into a house. The fully fuelled plane exploded, and the mother and her children were incinerated.

The husband and father of the family was in Kilmore at the time. On his return he had great difficulty getting anywhere near his house because of the necessary closure of the freeway and adjoining streets to deal with the emergency. Finally he managed to get to his house. I ask honourable members to imagine how they would feel approaching their house, seeing it absolutely incinerated and wondering about their families. That was a devastating situation that would not have occurred had Essendon Airport not been functional at that time.

Hon. G. R. Craige — You want to close every airport in Australia?

Hon. T. C. THEOPHANOUS — The safety factor was the reason heavy air traffic was relocated from Essendon Airport.

Another example is the de Havilland that went down a number of years ago, clipping four houses and landing on a fifth. It was just luck that no-one was in that house at the time. There are many examples of such incidents. Opposition members keep agreeing with me, but what they are really saying is, 'Yes, there are examples of this kind, and if it happens again we are prepared to pay that price'.

Hon. B. C. Boardman — What about Moorabbin?

Hon. T. C. THEOPHANOUS — Ask the people whose houses are there whether they are prepared to pay the price and take the risk with their families. Why don't you relocate your house, Mr Boardman? Why don't you buy one of those houses right opposite the airport and then stand up with some credibility in this house and say, 'I do not mind taking the risk even though my house is directly underneath the flight path' because that is the only way you will have any credibility in this debate.

It is important also to mention the construction of Melbourne Airport at Tullamarine. Both Tullamarine and Essendon airports were constructed largely under coalition or Liberal governments in this state, and it was coalition governments that allowed housing to be constructed near those airports. It does not matter whether you are talking about Tullamarine or Essendon: the creep of housing into the Tullamarine area and the creep of housing that occurred in the past at Essendon were all allowed under former Liberal governments. That is how much concern members of the Liberal Party have for the people who might live under those flight paths.

It is another example of not being concerned about community safety. So long as their houses are not in those areas and they do not have to live under the flight path and it is somebody else's problem, it is okay for that development to occur. In the event of the closure of Essendon Airport we will be lobbying the federal government to improve and upgrade airport infrastructure in a range of areas.

Hon. G. K. Rich-Phillips — Where?

Hon. T. C. THEOPHANOUS — Melbourne, Moorabbin and Point Cook. Not only that, we will provide relocation assistance to the existing operators at Essendon Airport. So there will be no reduction in services. The services mentioned by Mr David Davis which are available to regional Victoria will continue and be enhanced.

Hon. D. McL. Davis — They have not been enhanced. You know that is not true.

Hon. T. C. THEOPHANOUS — Mr Davis knows that some of those services may see it as an advantage to run out of Tullamarine.

Hon. D. McL. Davis — That is not what they are saying!

Hon. T. C. THEOPHANOUS — Or land at Point Cook, or make choices depending on where people want to go. As honourable members know, the extra time involved in travelling from Tullamarine to the city is at best 5 or 10 minutes.

Hon. B. C. Boardman — City Link has made all the difference, hasn't it?

Hon. T. C. THEOPHANOUS — It has not, Mr Boardman, because the freeway was there before you built City Link. Certainly the freeway between Essendon Airport and Tullamarine was there before you started building City Link. All you have managed to do with City Link is put a toll on the people who have to drive through the area and use the freeways that were publicly owned in the past. That is why you lost the seat of Tullamarine. The people of Tullamarine were so excited about the tolls you were going to impose that they voted against you.

The previous honourable member for Tullamarine in the other place attempted to represent his constituency in that regard, but unfortunately he was unsuccessful. He paid the ultimate price because of the stupidity of the Kennett government in not only reducing services in those areas but also in establishing City Link, which has made absolutely no difference to people's lives other than requiring them to pay tolls to use a freeway they previously used free of charge.

The motion has no substance. It is hypocritical. It should not have been moved. Instead of moving a ridiculous motion to try to rebuild some sort of credibility where it has none — rural and regional Victoria — because of the devastation it inflicted on those areas over seven dark years, the state opposition would be better served by taking its complaints to the federal government, which wants to sell not only Essendon Airport but also the Point Cook air force base and to reduce aviation infrastructure in Victoria.

Hon. E. J. POWELL (North Eastern) — I am delighted to speak on the motion because I have been involved with the issue for many years. The speech just made by the Honourable Theo Theophanous must be about the shortest he has made since I have been in this place.

Hon. R. A. Best interjected.

Hon. E. J. POWELL — I concur with Mr Best's interjection; Mr Theophanous's heart is not in it. I urge him to vote against his party's policy. I look forward to his voting for the motion. In his presentation Mr Theophanous said it was interesting that the opposition has found a new interest in country Victoria. I would like to put — —

Hon. T. C. Theophanous interjected.

Hon. E. J. POWELL — No; you said the opposition has found a new interest in country Victoria.

Hon. D. McL. Davis — Or claims it has.

Hon. E. J. POWELL — Or claims it has. During his contribution Mr Theophanous asked the opposition to lobby the federal government, and his question about what the opposition thinks the federal government will do was asked by interjection. To that I say that the Liberal and National parties have been lobbying the federal government for many years. In support of that I refer to an article in the *Age* of 12 June 1997, which states:

> Essendon to stay open, in private.
>
> In a victory for its supporters and the National Party, Essendon Airport will remain open, but it will be sold to private operators under a federal government plan.
>
> Federal cabinet this week approved a compromise plan to sell the airport in a move that will satisfy rural demands to keep it open, while ending commonwealth subsidies.
>
> Under the plan, the federal government will call for expressions of interest in the airport to be finalised by September or October with the sale expected to be completed by mid-1998.
>
> Government sources said the Transport Minister, Mr John Sharp, has opted for a sale because it was the 'middle ground' between closure and continuing commonwealth support for Essendon.
>
> The sources said Mr Sharp had argued against closure in cabinet because of an 8 per cent increase in air traffic at Essendon …
>
> Mr Sharp was also believed to be concerned that Melbourne would be unable to open another suburban airport if Essendon closed, because of community concerns over noise.

Things have gone further than that: Essendon Airport has been corporatised. The then federal minister objected only because the commonwealth no longer wanted to provide subsidies for state airports. I put it on the record that Essendon Airport is a viable airport without commonwealth subsidies. I will talk more about that later.

Hon. T. C. Theophanous interjected.

Hon. E. J. POWELL — We do not mind if it is sold privately, as long it is kept open for air traffic.

Hon. T. C. Theophanous interjected.

Hon. E. J. POWELL — As I said earlier, the issue has been going on for a long time. I have been involved in it since about November 1996, during which time I have lobbied strongly, as have other members of the Victorian National Party. They went to the November 1996 National Party federal conference in Canberra asking for support and urging the federal government to support the retention of Essendon Airport for aviation. At the conference a number of members of Parliament spoke in support of its retention for aviation use and lobbied John Sharp, the then federal transport minister, strongly. Liberal Party members have also strongly lobbied for the retention of the airport.

I was invited to speak at a public rally held at Essendon on Sunday, 9 February 1997, against the closure of the airport.

Hon. R. A. Best — It was arranged by a very good local member.

Hon. E. J. POWELL — By Mr Bernie Finn, the former honourable member for Tullamarine in the other place, a person who has lobbied strongly for many years for the retention of Essendon Airport. About 400 people attended the public rally, at which I read out a letter of support from Pat McNamara, a former Leader of the National Party in the other place. He was not able to be there and wanted me to put on record his strong support for the retention of Essendon Airport because of its importance to country Victoria, particularly the air ambulance and domestic flights that transport people from country Victoria to Melbourne.

Honourable members have been told that Essendon Airport effectively serves as Melbourne's efficient third runway for light commercial aircraft. It is the location of 100 businesses, 22 hangars and 95 other general buildings, and up to 1500 people are employed there. The closure of the airport could devastate many businesses that operate throughout Melbourne's north-west.

Although the Labor Party says it is pro-business and not about people losing jobs, if its policy is implemented many hundreds of people could lose their jobs in a single swoop.

On 27 March 1997 a meeting was held in Shepparton with the commissioners of the City of Greater Shepparton. It was attended by representatives from Air Ambulance Services Victoria, the Victorian Municipal Aerodrome Operators Association and the Essendon Airport Chamber of Commerce. They presented the council with a comprehensive submission urging it to lobby the federal government about the retention of Essendon Airport for aviation.

Representatives of Air Ambulance Services Victoria said that a relocation to Melbourne Airport at Tullamarine would be highly undesirable for the efficient operation of the service. The air ambulance carries about 4000 people a year — the number is rising — 35 per cent of whom are emergency cases. It is vital that the air ambulance is housed at a facility that has the highest possible standards of safety and traffic conditions. About two air ambulance movements per day occur at Shepparton, and recently up to six air ambulances were there each day. The closure of Essendon Airport would be devastating to Shepparton.

Patient transfers between planes and ambulances take place under cover at Essendon Airport. There is no such facility at Tullamarine, and no decision has been made about providing such a facility in the near future. Aircraft taxiing time at Essendon is minimal. That is vitally important because air ambulances have time limits for the ferrying of passengers to hospitals and to waiting road ambulances. The ambulance representatives said the peak times for air ambulances were between 7.00 and 8.00 a.m. and at 5.00 p.m., which are also the peak times for passenger airlines. It would obviously be undesirable to have air ambulances mixing with high-profile passenger traffic at Tullamarine.

The Honourable Theo Theophanous talked about a disaster that occurred about 10 years ago. Although I do not wish to diminish the importance of the fatal accident — any death is devastating for the community — it is important to say that the official figures show that Essendon is one of Australia's safest airports. No fatal accidents have occurred there over the past 10 years.

The police air wing helicopters and the State Emergency Service aircraft are also housed at Essendon. They are an important part of country Victoria's emergency services, and it is important that they be retained in their current locations. The Honourable Theo Theophanous said no services would be taken away under Labor, but air ambulance and SES services are vital to country Victoria.

In addition Essendon has many pilot training schools that could not relocate to Tullamarine. It is inappropriate to have inexperienced pilots flying into airspace that is used by international air traffic. My son is a pilot, and I know he was inexperienced for many flying hours while he worked with an instructor. Even when trainees fly by themselves it is very daunting for them. To have to mix with the heavy traffic and large jets at an international airport is not in their best interests.

A number of Save Essendon Airport public meetings have been held across Victoria. In June 1997 in Wodonga the Honourable Bill Baxter, Mr Tony Plowman, the member for Benambra in another place, and Mr Bernie Finn, a former member for Tullamarine in another place attended such a meeting. At that meeting we heard how important it is to country Victorians to retain Essendon Airport for air traffic. The mayors of both the Wodonga and Albury councils also attended, adding to the high-profile group of people who strongly support the retention of Essendon Airport. Importantly, support come not just from the Shepparton area but from right across country Victoria.

It is interesting to note that even though the Labor Party's policy is to see Essendon Airport close, in 1989 the commonwealth and Victorian governments — at that stage they were both Labor governments — commissioned a study into aerodrome strategic development. The report was called *The Port Phillip Region Airport and Airspace Study* and was presented in 1991. Over a couple of years the study looked comprehensively at all aspects of Essendon Airport, including impacts on residents and businesses, airport viability and the taking away of subsidies. After exhaustive study the report recommended that Essendon Airport remain open. I wonder why that study, which was very expensive, has now been overlooked.

The motion asks the house to support the continuation of aviation at Essendon Airport, including the retention of the air ambulance links with rural Victoria. I put on record information from Mr David Piper, a Shepparton businessman and pilot but, more importantly, chairman of the Victorian division of the Australian Airports Association (AAA), which is a very respected organisation. Even federally people ask the Victorian AAA branch for information because it is so well respected right across Australia. Mr Piper wanted to put

on record that Essendon is the closest airport to the major trauma hospitals, that the air ambulance facility at Essendon is under cover, which is important for patients to the road ambulance, and that travel time to the other hospitals would be much longer if Essendon Airport were closed.

If the air ambulance were relocated, Tullamarine airport would be severely disrupted. A med. 1 flight, which is the highest priority emergency flight there is, would cause considerable disruption at a major airport because it would require the many other flights from overseas and elsewhere in Australia to be diverted — if possible — or placed in what could be lengthy holding patterns, which could create unsafe situations.

Another important issue to put on record because many people may not have thought about it is that currently Essendon's radio navigation aids are used to guide aircraft into Tullamarine. If operations at Essendon Airport were to cease, those aids would need to be replaced at considerable cost. It is important to note that Essendon offers a 24-hour air traffic control service seven days a week, so it is vital for the safety of aircraft landing at either airport. Aircraft flying over Essendon Airport on approach to Tullamarine currently have to maintain a minimum altitude of 2500 feet just to keep clear of Essendon traffic. If Essendon Airport were closed, those aircraft could adopt a much lower flight path over residential areas than they can under general aviation airspace requirements. That would result in increased noise from much larger craft such as jets flying over residential areas.

Changing the land use of Essendon Airport would require significant and costly environmental clean-ups of petrol and oil spills and heavy metal contamination. The cost of decontaminating the site to make it suitable for residential use would be astronomical. A 1991 consultant's report estimated the environmental clean-up of the whole site would cost anything from $5 million to $20 million for decontamination alone so that residences can be put on the site.

I hope the state government is looking at those figures, because they are a strong deterrent to putting residents there. If the closure goes ahead, the government will have to clean up the existing environmental damage and put in place some very strong guidelines.

Referring to the Labor Party's policy document, the Honourable Theo Theophanous talked about how Labor will improve Victoria's airports and enhance Victoria's links with the world. Under the heading, 'Victoria's airports' the policy states that Labor will be:

> Closing Essendon Airport and working closely with the commonwealth to assist in the development of the site for mixed housing and commercial uses …

As I said before, I hope they looked at all the issues of environment, noise and safety.

The motion also asks the house to support the vital links between Essendon Airport and commercial and passenger services to rural, regional and remote Victoria. I have some information from the Keep Essendon Airport Committee and the Essendon Airport Chamber of Commerce, and I note the Honourable David Davis also talked about a few of the airport movements. I will read from a list of confirmed movements between Essendon Airport and country and regional Victoria and southern New South Wales for a three-month period — October, November and December 1999. The actual numbers will be higher because, as honourable members will remember, there was a difficult time during December when a number of planes were not allowed to leave airports because of the fuel crisis. The figures are normally much higher.

Only airports with 10 or more movements have been listed. Of the 38 airports listed in that period I will read out the ones in my electorate because the Honourable David Davis read out the extensive list.
Albury–Wodonga — Albury is not in my province but Wodonga is — had 200 movements. Benalla, which is also not in my province but which is a very important region in north-eastern Victoria — —

Hon. M. M. Gould — And you will be sorry to see it go.

Hon. E. J. POWELL — We are working very hard to retain the seat of Benalla and make sure we look after the Benalla constituents. In Benalla during that three-month period there were 33 movements. If it opposes the motion I hope the government understands that closing Essendon Airport will be detrimental to the Benalla airport. In Echuca there were 122 air movements; in Shepparton, 356; in Tocumwal 32 ; in Wangaratta, 142; and in Yarrawonga, 26 . As the figures show, the use of airports in North Eastern Province by aircraft from Essendon was substantial, and it would be to the absolute detriment of the province if Essendon Airport were not retained for aviation use.

Figures for the final quarter of 1999 show that 27 per cent of all operations at Essendon Airport were to or from country or regional Victoria. During February and March this year I received about 12 letters from businesses, employees and pilots at Essendon Airport who are concerned that the facility will be closed. They

want it retained for aircraft use and as Melbourne's second airport. They have lobbied me and other members of the Liberal Party and the National Party over any plans to close the airport.

Mr Theophanous gave the house much information about other airports, but he could not qualify his statements. I have received information from the Keep Essendon Airport Committee and the Essendon Airport Chamber of Commerce making comparisons between Essendon Airport and Sydney's Mascot Airport. The information states:

> Melbourne does not have the major congestion and delays like Sydney, because it has Essendon. If Essendon were to close, the majority of the aircraft would transfer to Melbourne, resulting in a mix of heavy and light aircraft.

They say Melbourne Airport would then have to develop a third runway to cater for the extra traffic. We know about Sydney's problems with its airport. Melbourne is a popular tourist destination. It is wise that Essendon Airport be retained to help in the competition for tourism between Sydney and Melbourne. I urge the government to remember that aspect: Melbourne has a competitive tourism edge in its battle with Sydney because Essendon Airport is available for aircraft use. The New South Wales government is trying to develop a second airport at Badgerys Creek, but it will cost approximately $2.5 billion.

Essendon Airport is a major employer of the local community in that it employs more than 1000 people. It also indirectly employs more than another 1000 people in associated industries such as transport and courier services. The impact of the loss of employment at Essendon Airport would be astronomical.

The Essendon Airport Chamber of Commerce concedes that the airport is looking tired at the moment and says it needs some major development to spruce it up. In its statement it points out:

> … the airport tenants are forced into a major predicament because the businesses on the airport are only able to be issued with one-month leases.

No business would have confidence in continuing to operate if it were given other than a long-term lease. I urge the government to make its decision quickly so the community can be confident that the airport will continue to operate. If that occurs, existing businesses will remain there and more businesses may be attracted to the area.

The information sheet further states:

> The recent annual report from Essendon Airport management has shown that the airport has returned its best ever profit for 10 years, as well as its highest recorded aeronautical revenue. The figures have shown that Essendon is no longer subsidised by the federal government and in fact posted a profit of more than $526 000, with aeronautical revenue reaching an all-time high of $4 million.

I wrote to the former federal Minister for Transport, the Honourable John Sharp. His reply was that the federal government review of Essendon Airport included its viability as an airport without federal government subsidies as well as its ability to increase aircraft movements. I believe the airport's viability has been proven and the number of aircraft movements in and out of Essendon Airport has increased.

As Mr Theophanous said during his contribution to the debate, the future of Essendon Airport rests in the hands of the federal government, but as Australasian Jet Pty Ltd, which is based at Essendon Airport, has stated in a letter to me:

> If the federal government decides to sell Essendon Airport for non-aviation purposes it will be the state's responsibility to develop a new airport to cater for the transport requirements of the Port Phillip region.

It is important that the government understand that point, because the airport's closure would impact not only on rural Victoria but also on a number of businesses and jobs. The safety of the air ambulance service could also be put at risk, and the transport requirements for the Port Phillip area would be affected.

Essendon Airport is now viable, with increased air traffic movements. It is vital because of its links between Melbourne and country Victoria. More importantly, the retention of Essendon Airport for aviation use will benefit all Victorians. I urge the house to support the motion.

Hon. G. W. JENNINGS (Melbourne) — I rise, as is my wont on nearly every Wednesday that Parliament sits, to respond to a proposition put by the opposition and to reflect on important policy considerations that confront the Bracks Labor government, having listened to the arguments put by the opposition in support of its preferred policy outcomes. All that is a legitimate function of Parliament. As I acknowledge on almost every Wednesday, it is an appropriate use of Parliament's time to debate such worthy issues.

The difficulty is that the opposition calls on the government to support its motions, but such support would often fly in the face of undertakings given by the government to Victorians at the last election.

I enter the debate facing the usual conundrum of supporting the intent of the motion and a number of its elements, and I will draw attention to them later, but clearly I support the government's position and the undertaking given by the Labor Party to Victorians. I have no option but on the one hand to oppose the motion but on the other hand recognise during my contribution to the debate the agreed outcomes. The Labor government will be using its best endeavours to ensure that debate on many of the issues put on the table by the opposition during this discussion that obviously concern it and many Victorians will lead to certain guarantees of outcomes and that certain protections will be put in place regardless of what happens to Essendon Airport. I aim to ensure that a number of vital elements in today's motion are retained.

I draw attention to the agreed elements in the motion and recognise that the key elements are supported by the government. It wishes to guarantee the continuance of air ambulance links in Victoria and that wherever the service may be located now or into the future the only objective of the Labor government will be to ensure that the quality of that service is enhanced and not diminished. That is an agreed element between the opposition and the government.

Obviously the government supports the operations and functions of the police air wing being maintained and where possible enhanced. A vital concern to the government, as it is in the nature of the motion, is to ensure that the net level of economic activity and the passenger links that exist with rural, regional and remote Victorians are maintained and enhanced, wherever possible, regardless of whether Essendon Airport is retained as an airport. Those elements are agreed by the government — that it would be the intention of the government, where possible, either to maintain or enhance the quality of those linkages with rural, regional and remote Victorians.

I am pleased to acknowledge that another element agreed between the government and the opposition was in response to a press release issued by the Leader of the Opposition in the other place on 4 April. He referred to Essendon Airport in the following terms:

> Essendon Airport is a vital commodity to Victorian industry and a crucial link to remote parts of the state. It is home to more than 100 businesses, 22 hangars, 95 other general buildings and employs 1500 people.

The government is concerned about the viability and wellbeing of those businesses, enterprises and workers currently located at Essendon Airport. The government will not be taking any precipitate action aimed at disadvantaging those businesses, enterprises and workers.

I refer to the conflict between the government and the opposition where opposition members have called on government members to vote in favour of the motion. Government members are unable to vote for the motion because of an undertaking given to Victorians, which was clearly outlined in our election platform and clearly within our mandate, to close Essendon Airport and work closely with the commonwealth to develop the site for mixed housing and commercial uses.

Government members are obliged to support the government position and to promote outcomes to achieve that position, recognising that the capacity of the Victorian government to promote those outcomes is largely in the hands of the commonwealth. The government's capacity to deliver those outcomes is also contingent on satisfying that obligation. I am pleased to record that the government is obliged to satisfy the expectations the opposition has brought before the house today about guaranteeing support for Victorians. The Labor government has no intention of deserting its undertakings to rural and regional Victorians.

Many elements of the budget papers that have been introduced in the house today clearly show that the intention of the Bracks government is to improve and enhance wherever possible the communication links currently existing throughout Victoria. As the Honourable David Davis pointed out, in some ways there was a blind spot in Labor's communications policy on the aviation industry. As Mr Theophanous acknowledged in his contribution to the debate, the Minister for State and Regional Development is currently undertaking a substantive examination of the requirements of the aviation industry in rural and regional Victoria.

Over the past 24 hours significant communication linkages throughout Victoria have been announced as part of the state budget. I refer the house to a press release of 2 May from the Minister for Transport referring to transport links. The minister made a number of significant announcements about his intention to improve communication links throughout Victoria. The press release is headed '$510 million for Linking Victoria'. I refer honourable members to a sample of those announcements:

> $238 million for the statewide accident black spot program over three years …
>
> $90 million for upgrades to regional and metropolitan arterial roads …

> $80 million for fast rail links to Ballarat, Bendigo, Geelong and Traralgon …
>
> $20 million for the airport transit link to Tullamarine …
>
> $3 million for the preparation of a master plan for the much-needed redevelopment of Spencer Street station.

That expenditure is clearly on physical infrastructure to support the Bracks government's commitment to shore up the connections between metropolitan and rural and regional Victoria. The infrastructure that the Bracks government will introduce is not limited to physical infrastructure and road and rail. A significant contribution to information technology (IT) was outlined by the Minister for State and Regional Development in another place. To give credit where credit is due, the previous government set information technology and connections in the IT field as a priority. It undertook some groundbreaking activities in that field that the government is happy to build on.

A major announcement was made in the budget about connections with rural communities. A press release of 2 May from the Minister for State and Regional Development states:

> In a major new initiative of the first Bracks budget, Internet access for Victorians — especially those living in regional and rural areas — will substantially improve with $9 million over four years allocated to boost public Internet access facilities at community locations.

That will be funded through the public Internet access and government net access centres. In addition, $3.5 million over three years will expand Skillsnet, which is a community-based program that provides free or affordable Internet access or training, especially targeted at people in remote locations.

Hon. M. A. Birrell — Come back to Essendon Airport.

Hon. G. W. JENNINGS — I have referred to important communication links with Victorians and indicated that aviation services will require further consideration and development. I foreshadow that my colleague the Honourable John Brumby will address this important area to guarantee the most effective and efficient use of aviation services to augment the physical and technical infrastructure that the government will introduce to ensure effective communication to all Victorians, regardless of where they live, and to enhance commercial and economic activity.

The government and the opposition agree that all Victorians must have reasonable access to information and opportunities to effectively communicate and do business with one another and the outside world. The government and the opposition are divided on the specific focus of Essendon Airport staying open to satisfy those objectives. A method has been designed by the opposition to divide the Victorian community and the Parliament, notwithstanding that we have many agreed objectives. I have a degree of discontent, alarm and perhaps dismay about how the debate may be used, not necessarily the nature of the debate in the chamber but the way it may be used outside to divide Victorians.

In his press release dated 4 April the Leader of the Opposition tried to divide Victorians on access to resources and to force decisions on sections of the Victorian community by mobilising a campaign from other sections of the community. He took the extraordinary approach of calling on Labor members in country areas to oppose the government's position on Essendon Airport. The press release said, in effect, 'You should vehemently oppose certain policy outcomes that are very near and dear to the hearts of citizens of metropolitan Melbourne to cause a division and a degree of conflict'. So it was not only a device to divide the community but also an attempt to divide the government.

My part in the government is to seek to reconcile the competing needs of country and city Victorians and guarantee that the government meets the objectives it took to the people of Victoria in the last election and fulfils its undertakings given to citizens in the north-west region of metropolitan Melbourne, who have a legitimate expectation of improved safety within their community. There is potential for economic development, which would play a positive role in the net economic wealth of the north-west region of Victoria, but that should not be at the expense of the wellbeing of other Victorian citizens who live in rural and regional areas.

I am happy to put on the record that I will be pleased to deal with the competing interests and do what I can within the realm of government processes to ensure there is no conflict or division, that the exercise does not result in creating winners and losers and that the outcomes are achieved in the name of all Victorian citizens, businesses and communities. That is the brief the government brings to the exercise and that will be the method the government will adopt in processing the issue.

I call on opposition members to join in the spirit of achieving agreed outcomes, whatever the result after the motion has been debated by the chamber. I urge opposition members to join the government in the spirit of guaranteeing the outcomes that they say are near and

dear to them and not seek to maintain the specifics of that lobbying exercise to keep Essendon open. I urge them to look at the outcomes by going beyond the specific instance of whether Essendon Airport is vital to those outcomes and considering the opportunities that may exist to achieve the outcomes that opposition members have referred to today. That is what the government will be attempting to do, and in any communication it has with the commonwealth on this issue that is the approach it will adopt.

It is clear that at best the commonwealth government is ambivalent about the viability of Essendon Airport. From the perspective put by opposition members today — —

Hon. M. A. Birrell — Mr Theophanous had far more inside information than that.

Hon. G. W. JENNINGS — The contribution from Mr Theophanous was in part in accord with my understanding of the commonwealth's position on the matter. On a number of occasions the commonwealth has attempted to dispose of that asset and it has been somewhat distressed by the lack of enthusiasm of potential purchasers. Representatives of the commonwealth government have gone on the record on a number of occasions to indicate that it has significant concerns about not only the commercial viability of the airport but also safety issues and the social and environmental features of Essendon Airport that place severe limitations on the effective use of the facility as an airport.

In correspondence dated 15 March sent on behalf of the federal Minister for Transport and Regional Services to my parliamentary colleague the honourable member for Essendon in another place, Senator Ron Boswell placed on the record the federal government's concern about the viability of Essendon Airport as an operating airport:

> The government has advised the new entrants that access by scheduled jet services to Essendon Airport raises a number of operational and environmental issues.

The letter further states:

> The facilities at Melbourne Airport have been deliberately planned and developed to provide many advantages over the previous airport site at Essendon. For instance the runway lengths, transport links to the city for travellers, airline support facilities and absence of environmental regulatory constraints such as a curfew provide inherent advantages for any airline over the use of Essendon Airport.
>
> Accordingly, the government's strong preference is for new entrants such as Virgin and Impulse to operate jet services to Tullamarine, not Essendon.

The federal government is clearly saying that Essendon Airport is not an appropriate facility for use by large planes. That is not to say that use by smaller craft may be totally inappropriate, but Senator Boswell has placed on the record the federal government's view that there are several operational, environmental and social impacts on the operation at Essendon that would justify a serious reconsideration of its ongoing future viability. That is the spirit in which the Victorian government enters into the exercise.

Local residents in the north-west region of Melbourne are concerned about the impact of air operations on their area. The issue is important to me because the airport abuts my electorate. Residents in my electorate are in the regular flight path of both Essendon and Tullamarine airports and are subjected to significant air traffic movement. I would be negligent if I did not represent the interests of my constituents and bring to the house their concerns about the impact of aircraft on the quality of their daily lives.

Hon. M. A. Birrell — Mr Theophanous said we could not take that into account because they have vested interests.

Hon. G. W. JENNINGS — It is an important element, but I am not saying that their wellbeing is more important than that of people who live in rural and regional Victoria; their interests are equal. I have referred to the physical amenity of the area and the wellbeing of my constituents.

One of my constituents wrote a two-page letter to my parliamentary colleague the honourable member for Essendon in another place. She outlined the number of air-traffic movements over her head when she spent a day in the garden. I do not think she had a very relaxing time! The information in the correspondence from my constituent underestimates by 100 per cent the number of air traffic movements over her house.

Hon. D. McL. Davis — How do you know that?

Hon. G. W. JENNINGS — In the correspondence my constituent said that she spent two days in her garden — most Victorian citizens would enjoy cultivating the greenery in their gardens — and while enjoying her garden she jotted down the air-traffic movements over her house. She should be thankful that they flew over her house! She identified 80 plane movements on 4 March and 71 plane movements on 5 March. The estimation was actually half the air traffic movements on those days.

Hon. R. A. Best — Fifty per cent.

Hon. G. W. JENNINGS — No, a 100 per cent underestimation.

Hon. M. A. Birrell — Are you relying on Judy Maddigan as your source?

Hon. G. W. JENNINGS — No. The house has no reason to be upset about the source of the information. It is the same source used by the Leader of the Opposition in the other place — the federal Department of Transport and Regional Services. The figures are available to all Australian citizens who want to obtain the data. They indicate there have been about 150 to 160 air traffic movements each and every day of the year since 1968. The level of concern my constituent brings to this exercise is palpable. Instead of enjoying a day in her garden she counted the number of planes flying over her house.

Hon. M. A. Birrell — So we should shut all airports!

Hon. G. W. JENNINGS — One of the reasons that the debate is disingenuous is reflected in the interjections of members opposite. They believe the concerns of my constituents are of less importance than the concerns of the constituents they represent and the needs of rural and regional Victorians. I believe they all have legitimate concerns that should be addressed by public policy. The wellbeing of all Victorians is a commitment of the Bracks Labor government. It underpins the structure of the budget delivered yesterday in the other place.

The challenge for the opposition is to call on the government to achieve decent policy outcomes that fulfil the expectations of all Victorians. If debates are to be more than a superficial whacking over the head of one or other side of politics, the house should consider the constraints placed upon government members on entering into the spirit of the debate, and to agree on outcomes, but perhaps being unable to vote in favour of the motion because it is not in accord with the policy the government took to the people of Victoria at the last election.

The budget will deliver on the undertakings Labor gave Victorians at the last election. Those undertakings were made in good faith. The government, in cooperation with the commonwealth government, intends to close Essendon Airport and to achieve a satisfactory, economic and social development in the north-western region of Victoria that is not at the expense of the citizens, the businesses and the communities of the rest of Victoria. Government policy is to grow the whole of Victoria and to protect the interests of all Victorians. It opposes the proposition that this issue is a device to divide the Victorian community and the chamber. On that basis I oppose the motion.

Hon. R. H. BOWDEN (South Eastern) — I strongly support the motion because the proper use of air services is a central part of communications and the infrastructure of the state and the nation. The protection of Essendon Airport is vital. I reject Mr Jennings's comments that regardless of the validity of the need for Essendon Airport, the government must carry through a commitment made at the last election. If the government applied those standards to other issues we would see many significant changes.

Essendon Airport is an important infrastructure asset capable of handling a wide range of jet aircraft. It is a flexible yet sophisticated airport close to the city and was built when Melbourne was continuing to expand. It will be an increasingly valuable infrastructure asset because of its proximity to the central business district. I recall in the late 1960s and early 1970s, prior to the opening of Melbourne Airport, when I was a regular visitor to Melbourne and flew in and out of Essendon Airport on large jet aircraft, that the domestic fleet comprised Boeing 727 100 series and DC9 aircraft which operated safely and efficiently from the airport site. Prior to the completion of Melbourne Airport at Tullamarine, the commercial use of Essendon Airport enabled Victoria to inherit a first-class infrastructure asset. We should protect that asset.

Had Victoria not inherited the airport site the availability of land close to the city would make it almost impossible to develop a similar asset. The airport services country and regional areas of Victoria and Australia. Many of the air facilities in the South Eastern Province and throughout regional and rural Victoria use the airport as a hub. There is a constant flow to and from Essendon Airport to regional and rural Victoria. It is the core of regional and country air services.

Vital services, such as air ambulances, rescue services, police, commuter services to the regional centres and training are based at Essendon Airport. It is important to retain the environment aspects of Essendon Airport because in aviation terms it is closer to Melbourne than Melbourne Airport. Modern jet aircraft usually approach a major airport on a glide slope of about 3 degrees. I am advised the minimum height for aircraft in the vicinity of Essendon Airport that are not landing at that airport is 2500 feet. Large jet aircraft, such as jumbo jets, Boeing 767s and 737s that commonly use Tullamarine airport could be as low as 1800 feet if on a 3-degree approach glide path at the outer marker at the

15-mile navigation point. With a modification of the glide slope and navigation system if Essendon Airport were not there, the jumbo jets in the vicinity of Essendon Airport could fly as low as 1800 feet instead of the imposed 2500 feet minimum.

I have gained that knowledge because I learnt to fly in 1966 and 1967 and have maintained my interest in aviation. The building of Melbourne Airport was dictated by the introduction of larger capacity commercial jet aircraft that were unable to be accommodated at Essendon Airport. The construction and operation of Melbourne Airport gave Melbourne a first-class airport to cater for increasing new technology. A large capital investment is represented at Essendon Airport and it is a huge employment base which makes a solid, regular and viable contribution to the economy of Victoria. Jobs at Essendon Airport are in high technology which should be retained in this state in the interests of the employees. Employment at Essendon Airport is important for the economy.

The recent opening of City Link brings Essendon Airport closer in time to Melbourne for emergency services, a valuable requirement for the state and the city. It is valuable for medical services and law and order requirements to have Essendon Airport so close. To establish an airport like Essendon takes much time, even if the physical resources and documentation were available. Essendon Airport is well documented throughout the world in all aircraft notices, maps and navigation points. It would take a huge amount of money to re-establish another airport if Essendon Airport were to close. The value of that documentation and its establishment in aircraft records worldwide is an important asset.

The emergency services provided from Essendon Airport, together with commuter traffic, are vital for my province. For example, when people are unfortunately injured at Phillip Island patients can be stabilised at the local hospital and then evacuated by the aircraft that fly out of Essendon Airport. The services that provide that support to my constituents in many places in the South Eastern Province and throughout Gippsland come from Essendon Airport. Time is critical in saving lives.

Removing the facility at Essendon Airport would extend the reaction time when evacuating urgent medical cases, and that is unacceptable. With the introduction of new technologies and newer aircraft of higher capacities, the family of short takeoff and landing (STOL) aircraft will provide significant benefits to the state and the community over the coming years. A STOL aircraft carrying more than 100 passengers can land and take off at steep angles and also use short runways. Essendon Airport by its very nature is well located and constructed to maximise the benefits of STOL aircraft which would provide enormous benefits in communication around the state.

It is unacceptable not to have Essendon Airport, which represents an irreplaceable asset. Its established flight patterns do not conflict with Tullamarine airport. It is a different type of resource than Tullamarine airport, which should not have jumbo jets held up for small aircraft because of its overuse. Essendon Airport has its place and should continue to be used. I support the motion.

Hon. G. D. ROMANES (Melbourne) — I oppose the motion moved by the opposition which advocates the continuation of Essendon Airport. The Labor government went to the September 1999 election with a commitment to the relocation of the services operating at Essendon Airport and with a commitment to work with the commonwealth government for a mixed housing and commercial development on the site.

When Melbourne Airport was built at Tullamarine the then Premier, Sir Henry Bolte, made a commitment that Essendon Airport would close. Subsequently, residential development has taken place close to Essendon Airport. That has meant that over the past decades Essendon Airport has continued to operate and is a major public safety issue and noise issue for the people who live close to it.

During the debate honourable members have heard about the accidents and the near misses that have continued over the years, together with the anxiety that those events have caused the people who live around Essendon Airport. Its proximity to Melbourne Airport also makes it dangerous. On some occasions the jumbo jets have mistaken the Essendon runway for the Tullamarine runway and have had to bank and divert at the last minute to prevent a disaster. Those matters are of concern to my constituents and the constituents in the Niddrie and Pascoe Vale area.

Because of aircraft noise, a curfew has been placed on jets landing at Essendon Airport between 11.00 p.m. and 6.00 a.m. but people who live near the airport can testify there is non-compliance throughout the night that disturbs them greatly. When discussion took place about the possibility of Virgin Airlines increasing passenger traffic into Essendon Airport it was understandable that people who live in the area and have had to cope with those problems and anxiety over the years were opposed to increasing passenger traffic out of Essendon Airport.

Through its motion and this debate the opposition seems determined to pit one community in this state against another. It is not a matter of pitting country people against people in the north-western suburbs of Melbourne; that is a divide-and-conquer strategy that does not serve the interests of any Victorian. Good planning and policy are not about that sort of approach; they are about a consideration of the costs and benefits of a range of options. The opposition has not painted a full picture of the range of options that should be considered in this case. It has attempted simply to present the future of Essendon Airport as a city-versus-country issue. We are short-changing all Victorians when we take that approach.

People in rural and regional Victoria need to know what alternatives are available to them to meet their legitimate needs for general aviation, freight, health and safety through air ambulances and so forth. As previous government speakers have said, the government is currently examining the role of primary and secondary airports in respect of the long-term aviation needs in the Port Phillip region. It is examining what improvements could be introduced at other airports in this state — Melbourne, Moorabbin and Point Cook — to provide for that range of needs.

In terms of air ambulance links, Melbourne Airport already takes some air ambulance flights and is well aware of its responsibility in the public health arena to do so in the future. Helipads are located at the Royal Children's Hospital and the Alfred Hospital and one is being built at the Royal Melbourne Hospital, so there are other ways of meeting those needs. If additional facilities are required, the government will consider them.

The government will also consider the requirements of fire and security services not currently provided at Essendon. That is a major drawback for Essendon Airport. The government will examine the legitimate needs of airline operators who are flying out of Essendon Airport, and consider what is required to assist them to relocate.

I understand most of the freight that comes from rural and regional Victoria is handled by Melbourne Airport and that further activity that now occurs at Essendon could also be taken up by Melbourne Airport. So there are a range of options.

If one considers that 70 per cent of the activity at Essendon Airport — and this is information given to me by a staff member — is training flights, it could be that the relocation of Essendon Airport to another centre, perhaps on the outskirts of Melbourne near a rural centre, could create new jobs and provide other benefits for that rural area.

I oppose the motion and the opposition's attempt to represent this as a city-versus-country issue. The future of Essendon Airport is one that the government is considering in totality, including the legitimate needs of people in the north-west of Melbourne and the legitimate needs of people in rural and regional Victoria for aviation services. All of those varying needs will be taken into account as the government considers the future of Essendon Airport.

Hon. R. A. BEST (North Western) — It gives me pleasure to support the motion. I do so not only in my capacity as a parliamentary member for North Western Province — a province I share with Mr Deputy President — but also in my capacity as National Party spokesman for rural health.

As has been explained previously, both at a state and federal level the National Party has supported the retention of the Essendon Airport for some time. It is interesting that Labor Party members who speak against the motion are speaking against the recommendations of a report on the future of Essendon Airport that was commissioned by their party in 1989. That report recommended the retention of Essendon Airport, and Labor metropolitan members of Parliament are being hypocritical in speaking against the motion. Not one word has been uttered in debate today by a Labor member representing country Victoria.

I thank the Honourable Glenyys Romanes for splitting the time that was available to her in the debate so that I can make my contribution. To put the issue in context, I shall refer to a letter and a newspaper article. A letter of 17 April 1997 from the honourable member for Essendon in another place, Judy Maddigan, to David Perrin, the then chairperson of the Environment and Natural Resources Committee, states:

> As you are aware I do not use aeroplanes flying out of Essendon Airport as I have been part of the Community Committee for Relocation of Essendon Airport for many years and I would consider using the airport to be hypocritical.

So while Mr Theophanous said this was not a state issue and Mr Jennings said we have to balance the issues concerning metropolitan and country people, in her own electorate, the honourable member for Essendon understandably put her views clearly on the table that this is an issue in her representations for her electorate. I take the issue personally. In Victoria Labor

members of Parliament are actively advocating the closure of Essendon Airport.

The other article refers to an announcement by the leader of the partnership, Denis Napthine, in the *Bendigo Advertiser* of 5 April. The article headed 'Airport row grows' states:

> Liberal leader Denis Napthine has called on Bendigo's state Labor MPs to speak up against the closure of Essendon Airport, saying it would be catastrophic for rural and regional Victoria.

It goes on to outline the basis of the argument put forward by Dr Napthine. Mr Cameron, the member for Bendigo West in another place, who is also the Minister for Local Government, is reported as saying:

> … he did not think much about Essendon Airport … if it was closed, Tullamarine would probably be made bigger.

That is from a minister of the Crown representing local government at the cabinet table and in the Victorian Parliament. The Minister for Local Government is supposed to take on board all the concerns associated with rural municipalities and act as an honest broker around the cabinet table. I took great offence at not only his considering this was not an issue — it is an issue in rural and regional Victoria because the airport provides vital ambulance services and is essential for access to trauma centres — but also at his merely spouting Labor Party policy at the expense of the people he represents.

I wrote to all country municipalities and said that as spokesman for rural health I was concerned about the minister's attitude and also about having been approached by many rural municipalities in the past, expressing concern about the Essendon Airport issue.

Mr Cameron has now been sent letters from various municipalities, including the Shire of Moyne, the Mildura Rural City Council and others. A letter sent to me from the Horsham Rural City Council dated 18 April states in part:

> At its meeting on Monday, 17 April 2000, the Horsham Rural City Council considered your recent letter with regard to the future of Essendon Airport and which detailed comments in the *Bendigo Advertiser* on Wednesday, 5 April 2000, attributed to the Hon. Bob Cameron, MP, Minister for Local Government, on this matter.
>
> Council resolved to write to the minister and inform him of its support for the retention of this important facility servicing regional Victoria. A copy of council's letter is enclosed for your interest.
>
> The future of Essendon Airport would seem to rely upon a continuous demonstration of support from regional Victoria on the important role this facility plays in Victoria's transport infrastructure. In this regard, council thanks you for the opportunity to lend its support on this occasion and is pleased to have been of assistance to you in the campaign by rural and regional Victorian to retain the Essendon Airport.

In his contribution the Honourable Gavin Jennings stated that the government would like to shore up the connection between regional and metropolitan Victorians, a measure which was supported by other speakers. The first thing I say to that is that it should listen to rural Victorians.

The opposition is continually accused of not listening to or meeting the needs of country Victorians. However, councils have lobbied and are still lobbying for the retention of Essendon Airport. It is incumbent on the government of the day to listen, not only in the interests of the small businesses that operate at the airport — whose concerns were covered in the Port Phillip study undertaken by the previous Labor government in the late 1980s and early 1990s — but also because they are the views of country Victorians who rely on the vital and lifesaving services delivered by the rural ambulance service.

The retention of Essendon Airport is an important issue for country Victorians who need access to lifesaving medical services. The medical facilities available in Melbourne need not be duplicated if linkages are in place to provide country Victorians with quick and available access to services throughout the metropolitan area. Relocating the ambulance services to Tullamarine would mean that ambulances would have to travel for 10 minutes longer each way. On many occasions honourable members in both this and the other place have raised concerns about ambulance response times.

The government talks of concerns about the safety of people living in the area surrounding Essendon Airport. Moving an ambulance service that is close to medical services required by people in life-threatening situations further out in the metropolitan area would put those people at risk.

I strongly support the motion. The issue presents a real challenge for the Labor Party and will surely test its new-found support for country Victoria. The government is presented with the conflict of on the one hand people in regional and rural areas telling it what they need by way of policy and on the other hand its policy position to close Essendon Airport. The government faces the difficulty of having to convince people throughout country Victoria that it is not merely paying lip-service to them but is sincere in its representations on the delivery of the vital services they need. I strongly support the motion.

House divided on motion:

Ayes, 28

Ashman, Mr	Furletti, Mr
Atkinson, Mr (*Teller*)	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Katsambanis, Mr
Birrell, Mr	Lucas, Mr
Boardman, Mr	Luckins, Mrs
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs (*Teller*)	Rich-Phillips, Mr
Cover, Mr	Ross, Dr
Craige, Mr	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr

Noes, 14

Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms (*Teller*)
Darveniza, Ms	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms (*Teller*)	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms

Motion agreed to.

Sitting suspended 1.02 p.m. until 2.05 p.m.

JOINT SITTING OF PARLIAMENT

Centenary of Federation

The PRESIDENT — Order! I have received the following communication:

> The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution:
>
> > That this house meets the Legislative Council for the purposes of sitting together to consider the passage of a resolution to invite the two chambers of the commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the commonwealth Parliament in 1901 and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 10 May 2000, at 12.30 p.m.
>
> with which they desire the concurrence of the Legislative Council.

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

> That this house meet the Legislative Assembly for the purpose of sitting together to consider the passage of a resolution to invite the two chambers of the commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the commonwealth Parliament in 1901, and as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 10 May 2000, at 12.30 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

QUESTIONS WITHOUT NOTICE

Industrial relations: wage line

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to the state budget and ask when the government will establish a telephone and online wage-line service as promised.

Hon. M. M. GOULD (Minister for Industrial Relations) — As the honourable member would be well aware, the government has established a task force to look at industrial relations in Victoria. As part of its charge the task force will examine issues associated with industrial relations. The possibility is that one of the recommendations could be to put a system into Victoria. However, industrial award compliance is the province of the federal government because Victorians come under federal awards.

Industrial relations: workplace agreements

Hon. R. F. SMITH (Chelsea) — Will the Minister for Industrial Relations inform the house whether her department has located a consultants report about the operations of Australian workplace agreements in a public sector agency?

Hon. M. M. GOULD (Minister for Industrial Relations) — Prior to the Easter break the Leader of the Opposition asked me to conduct a search of my department for a consultancy report on the operation of Australian workplace agreements (AWAs). I can now advise that I have located in my department a report by Curtain Consulting into the operation of AWAs in public sector agencies.

The federally funded report was commissioned by the Employment Advocate to promote the federal government's use of AWAs. It is not a state government report. It was supposed to be an independent report by a consultant. It was not mine to suppress and I never gave any directions to have it suppressed.

I am advised the report was publicly released to the Senate Estimates Committee in February last and that the federal Minister for Employment, Workplace Relations and Small Business, Peter Reith, has used it

in federal Parliament to justify the use of AWAs. I understand the Honourable Mark Birrell has lodged an FOI application to seek the report.

Budget: small business

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to page 325 of budget paper no. 3 dealing with the small business output group. Given that the total output group budget of $10.6 million is $1.3 million less than the figure for the previous year, of which $900 000 was for employee-related expenses and $400 000 for the supply of supplies and services, where will the cuts be made in the small business section?

Hon. M. R. THOMSON (Minister for Small Business) — I have already alerted the house to the changes in structure in the Department of State and Regional Development. A number of functions that were within the small business realm have been moved to other divisions within the Department of State and Regional Development. They include the policy unit going to the policy division, the Office of Regulation Reform going to policy, and the reallocation in priorities across the Department of State and Regional Development.

We conducted a review of how much money available from the business development program actually went to small business out of the Department of State and Regional Development and found that 39 per cent went to small business. The government has made a commitment to ensure that in the next four years, 50 per cent of the programs available to Victorian businesses will be accessed by small business. Victorians will see an actual increase in the amount of money and assistance available to small business.

Industrial relations: workplace agreements

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Industrial Relations to her recently found report into Australian workplace agreements (AWAs), which, I understand, was prepared by Curtain Consulting. Has the minister uncovered any evidence of the independent consultants report having been doctored by the previous government? If so, what are the implications for government policy on Australian workplace agreements?

The PRESIDENT — Order! As I understood it, the minister said it was a federal document; is that so?

Hon. M. M. GOULD (Minister for Industrial Relations) — Funded by the federal government, Mr President.

Hon. K. M. Smith — On a point of order, Mr President, I suggest Mr Theophanous is asking the minister to express an opinion because it could only be an opinion of the minister as to whether the report has been doctored. The minister cannot be asked to offer an opinion. She would need to have factual evidence or proof of doctoring, not offer an opinion on whether it had been doctored. The question asks for an opinion.

The PRESIDENT — Order! I do not uphold the point of order. I believe the question was whether there is any evidence to that effect. That is an objective issue. The minister will not be expressing an opinion.

Hon. M. M. GOULD — It has come to my attention that the so-called independent consultants report by Curtain Consulting was significantly sanitised by the previous government. After reviewing the government's file on the issue I have discovered the report underwent a cut-and-paste job by the previous government to gloss over the flaws within Australian workplace agreements (AWAs). It is creative writing at its best. The information provided was critical of AWAs. That critical analysis was removed or reworded to portray AWAs in a better light.

A staff survey of the government department is also misrepresented and/or distorted in the final report. For instance, the reference in the survey to the fact that 71.8 per cent of staff members believed they had not received any direct benefits from AWAs, other than salary increases, was omitted — —

Honourable members interjecting.

The PRESIDENT — Order! There is no point in the minister talking, as nobody can hear her. The opposition should not be making so much noise.

Hon. M. M. GOULD — That was left out of the report. Staff said there had been no improvement in their workplace environment. The survey also reported that staff were critical of AWAs because they were one sided and provided little involvement for employees.

The survey also indicates that comment on issues critical of the former government was either watered down or removed from the final report. All this was done to try to show that AWAs were a good thing, whereas they are not. That substantiates the government's position that AWAs do not help workers.

Honourable members interjecting.

Hon. M. M. GOULD — I have a final report and a draft report — the former is substantially thinner than the other. I also have a survey report. The Leader of the

Opposition has been advised that the information is available to him.

Hon. M. A. Birrell — From the Senate.

Hon. M. M. GOULD — Through his FOI application. The report shows the amount of money wasted by taxpayers. The exercise was a waste of taxpayers' money in that the former government tried to show that the AWAs were a good thing. The Bracks government's policy of abolishing AWAs in the non-executive area of the public sector is substantiated as a result of the sanitisation of the report put before the Victorian public.

Honourable members interjecting.

The PRESIDENT — Order! If the house wants to finish question time now, I am happy to stop.

Petrol: prices

Hon. E. G. STONEY (Central Highlands) — Last year the Minister for Consumer Affairs advised the house that if petrol prices became an ongoing issue she would conduct a blitz during which consumers could register their concerns. At that time the price of petrol was about 75 cents to 78 cents a litre. This year when the price of petrol reached $1 in country Victoria, why did the minister not conduct a blitz as she promised, because obviously the issue was ongoing and clearly of great concern to the motoring public?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — At no stage have I said I would conduct a petrol blitz. However, the government is concerned about the rising costs of petrol. We have met with the Australian Competition and Consumer Commission and had discussions on petrol pricing as well as LPG. The ACCC is undertaking an inquiry into petrol pricing.

Honourable members interjecting.

The PRESIDENT — Order! The interjections from both sides of the house are not helping the minister.

Hon. M. R. THOMSON — We have offered our assistance to any inquiry the ACCC may undertake. The price monitors we have collecting data on LPG are currently collecting data on unleaded petrol as well as diesel and will pass that data on to the ACCC to assist with its inquiries. We did not agree to conduct a blitz. Conducting a blitz was not something we ever undertook to do. The government is concerned about petrol pricing. It is cooperating with the ACCC inquiry and will be providing the commission with any data it can to ensure that it has a frank and full inquiry into the pricing of petrol.

Solar energy: water heating

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Energy and Resources inform the house what the government is doing to promote greater use of solar water heaters in Victorian households?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her interest in this important policy that the government took to the last election. As part of its Greener Cities policy the government is committed to provide up to $5 million a year for the next three years to assist householders who choose to purchase solar water heaters. Water heating accounts for about 25 per cent of the energy use in Victorian homes. Unfortunately, there is a perception by some in the community that solar water heaters do not work effectively enough in Victoria's climate, which is an incorrect perception. In fact, solar water heaters can save up to 60 per cent of Victoria's energy requirements.

Government members interjecting.

The PRESIDENT — Order! The minister is not being helped by two of her colleagues talking behind her. I ask them to desist and allow the minister to continue.

Hon. C. C. BROAD — Solar water heaters can make an important contribution not only to reducing greenhouse gas emissions, but importantly to the everyday costs of average Victorians. It is estimated that an average Victorian family can save around $150 a year on its energy bills, which is a significant saving. Solar water heaters currently cost between $2500 and $3500 fully installed. This compares unfavourably with around $1000 for a conventional water heater and accounts for the fact that currently only about 1 per cent of sales of hot water systems in Victoria are solar. The government's commitment to assist Victorians is based on Energy Efficiency Victoria's surveys that there is strong support and interest to increase the usage of solar water heaters. Rebate schemes that already operate in other states have proven to have a beneficial effect in raising the rate of usage.

The government will introduce the solar water grants scheme, which is currently being developed and is expected to be in operation by 1 July. It will be administered by the new Sustainable Energy Authority which will also come into operation on that date. Consultations with the solar water heating industry are also an important part of implementing this election

commitment together with consultations with community environment groups.

In conclusion, the implementation of Labor's election policy is another example of the government delivering on its commitments in full in this first budget by the Bracks government.

LPG: prices

Hon. R. A. BEST (North Western) — Last year the Minister for Consumer Affairs told the house that she had no plans to introduce legislation or regulation to control petrol prices. Following the announcement encouraging people to dob in places where high LPG prices exist, are there any plans to legislate or regulate to control LPG?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The government is concerned that Victorians do not understand the pricing structure of LPG. The government's intention is to find out how that happens. We need the involvement of the Australian Competition and Consumer Commission to do that. We need an investigation to see whether the Saudi propane price is the benchmark the industry needs to be using or whether there is another effective benchmark that would create less volatility in the price of LPG gases provided to consumers. The government is concerned about how the wholesale price is then constituted and added to. There is no clear understanding of that.

The government would like an inquiry to be held into the way LPG cost structures are developed along the line. We have no intention to implement legislation about regulating prices, but we need to see what comes out of this inquiry. The pricing of fuel is a federal matter: it was handed over to the federal government by the state government in 1984. However, the government wants to have confidence that the price consumers are paying for LPG is a fair one.

Lawn bowls: centre

Hon. S. M. NGUYEN (Melbourne West) — Will the Minister for Sport and Recreation inform the house what action his department is taking to fulfil the Labor commitment to the state lawn bowls centre?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Fulfilling an election commitment of the government, I am pleased to announce an allocation of $2.5 million has been made in the 2000–01 budget for the construction of a state lawn bowls centre. That is substantially more than the $1 million originally proposed for the facility. The funds will be provided over two years with $1.5 million this year and $1 million in the 2001–02 financial year. The new lawn bowls centre, when completed, will provide world-class facilities.

Hon. G. R. Craige interjected.

The PRESIDENT — Order! I ask Mr Craige to desist.

Hon. J. M. MADDEN — The new lawn bowls centre when completed will provide a world-class facility for local Victorian bowlers as well as being capable of hosting major events, including the 2006 Commonwealth Games. Initial work has commenced on establishing a site for the new facility. Following the expression of interest — —

Honourable members interjecting.

The PRESIDENT — Order! Honourable members are not allowing Hansard to record the proceedings because the reporters cannot possibly hear with the racket going on in the house. I ask honourable members to desist and allow the answer to be completed.

Hon. J. M. MADDEN — Following the expression-of-interest process two preferred sites have been short-listed for consideration. A detailed analysis of the process is now being carried out by my department and Sport and Recreation Victoria, including discussions with local government. I expect to be able to announce a final preferred site towards the end of the year.

Avonwood Homes

Hon. M. T. LUCKINS (Waverley) — In answer to a matter I raised on the adjournment yesterday, the Minister for Consumer Affairs stated that yesterday officers from her department had finally managed to contact the directors of Avonwood Homes, almost six weeks after the company stopped trading and abandoned homes under construction.

I ask the minister why she failed to make direct representations to Avonwood Homes on behalf of the 500 Victorians affected, and why she failed to establish an information and advice line in her department when she was aware that Avonwood was failing to answer calls from clients concerned about the fate of their homes?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The department has monitored the situation with Avonwood Homes. When it became apparent that there were difficulties with the prospective takeover

and that Avonwood was not responding to questions and complaints and had closed down the telephone lines, my officers acted to get hold of the Avonwood directors. They were not answering calls and were hard to track down. Once the approach was successfully made discussions were held to try to ensure that the telephone lines were opened to customers so that Avonwood personnel could accurately inform them as to the circumstances of the matter.

I have informed the house of the situation to date as I know it. I intend to obtain another briefing today to find out what has occurred, additional to that advice. I have undertaken to inform the honourable member of developments so that she may inform her constituents of the circumstances. The government is concerned about the consumers and the position they may be placed in.

Two insurance companies are involved with Avonwood Homes, and the government is trying to sort through some of the arrangements that exist with them. The investigations will continue, and I am prepared to update honourable members whose constituents have inquiries on the matter.

Banks: charges

Hon. D. G. HADDEN (Ballarat) — I ask the Minister for Consumer Affairs to outline what the government is doing to progress its commitment to truth in lending.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The government made a commitment to truth in lending in relation to comparable interest rates that may apply to bank loans. The New South Wales government established a working party to look at truth-in-lending legislation. The working party consisted of the stakeholders, including consumers, and the banks and other financial institutions. The report is now being finalised and the government hopes to work closely with New South Wales on the legislation. It is important to ensure a national approach to any legislation, because obviously banks operate across state boundaries.

The government will pursue with other states the need for a national approach to truth-in-lending legislation. A meeting is to be held in July and a coordinated approach to truth-in-lending legislation is on the agenda. A coordinated approach will enable consumers to be confident about being able to compare apples with apples.

It is extraordinary that when banks are making record profits and interest rates are on the rise the CANNEX survey demonstrated that bank fees have risen by up to 30 per cent and costs of automatic teller machine and electronic transactions have risen by up to 28 per cent. I understand a federal parliamentary inquiry into electronic transactions and ATM costs will take place. The government hopes the inquiry will be extended to costs generally. The costs seem to be unjustified, and people who use banks need to be assured that the fees charged are reasonable. Currently they do not seem to be justified.

EQUAL OPPORTUNITY (BREASTFEEDING) BILL

Second reading

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

> That this bill be now read a second time.

This bill amends the Equal Opportunity Act 1995 to make discrimination against breastfeeding mothers unlawful. Breastfeeding is an important and basic act of nurture that should be encouraged in the interests of maternal and child health.

Laws that protect and encourage breastfeeding should be supported by the Victorian Parliament. There are well-documented health advantages to breastfeeding. Society needs to move towards ensuring a mother has a right to breastfeed her baby any place she has the right to be.

The World Health Organisation and UNICEF have established as one of their major goals the encouragement of breastfeeding. They seek to increase the incidence and duration of breastfeeding globally, as set forth in the Innocenti declaration on the protection, promotion and support of breastfeeding, adopted in 1990 by 32 governments and 10 United Nations agencies. The Innocenti declaration states:

> As a global goal for optimal maternal and child health and nutrition, all women should be enabled to practice exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to four to six months of age. Thereafter, children should continue to be breastfed, while receiving appropriate and adequate complementary foods, for up to two years of age or beyond. This child feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can breastfeed in this manner.

As legislators we can clearly indicate through this legislation that Victorian policy-makers, program funders and maternal and child health supporters have our endorsement for measures that support

breastfeeding. In this legislature we unequivocally state that discrimination against breastfeeding mothers is illegal.

Breastfeeding provides significant health benefits to both the mother and child. Breastfeeding provides maternal protection from osteoporosis, urinary tract infections and breast and other cancers.

The social pressures of modern society weigh against the choice of breastfeeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment and social ostracism. Many women can no longer stay at home after giving birth. They continue to play an active role in community life. That lifestyle does not allow for nursing mothers to always feed in private — indeed neither should we expect them to do so.

Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her child, and no mother should be made to feel incriminated or socially ostracised for breastfeeding her child. Breastfeeding is not a dirty act that should be hidden. Nor is it just a lifestyle choice. It is a significant health choice.

This bill will protect nursing mothers. It can help increase the incidence and duration of breastfeeding by improving its positive public perception and acceptance.

As a result of this amendment Victoria will join Tasmania, Queensland and the Northern Territory in specifically prohibiting discrimination on the ground of breastfeeding. From time to time there has been public debate about whether the Equal Opportunity Act sufficiently protects breastfeeding mothers from discrimination. Prior to the last election the Labor Party promised that if elected it would amend the Equal Opportunity Act to ensure that was the case. The bill does that by including breastfeeding as a protected attribute under the Equal Opportunity Act.

The amendment is intended to apply both to acts of discrimination on the basis that a woman is a breastfeeding mother although not breastfeeding at the time the act of discrimination occurs and to acts of discrimination that occur because a mother is breastfeeding. The amendment is not intended to limit any attributes that already exist in the Equal Opportunity Act; rather it is intended to ensure that breastfeeding mothers are fully protected from discrimination.

The Nursing Mothers Association of Australia has received complaints from breastfeeding mothers who have been discriminated against in hotels, on public transport and in cinemas and restaurants. Discrimination against breastfeeding women in such venues will be outlawed by the legislation. The association supports the legislation. The Australian Medical Association recognises that breastfeeding is a natural act that is beneficial to the health of children and mother. The AMA supports the amendment.

One can only hope that people who find breastfeeding offensive will now realise they have to acknowledge the advantages of breastfeeding and thus support nursing mothers. However, if they are offended by breastfeeding they have the simple choice of averting their eyes or absenting themselves.

One objective of the Equal Opportunity Act is to promote equality of opportunity by so far as is possible eliminating discrimination against people. Breastfeeding mothers will be supported by the legislation. The Equal Opportunity Act needs to be strengthened by the specific addition of the attribute of breastfeeding in section 6. That simple change will give breastfeeding mothers clear and unequivocal protection from discrimination.

I commend the bill to the house.

Debate adjourned on motion of Hon. R. A. BEST (North Western).

Debate adjourned until next day.

GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL

Second reading

Debate resumed from 5 April; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. R. M. HALLAM (Western) — The Gambling Legislation (Responsible Gambling) Bill claims as its central objective to ‘secure a better balanced approach to gambling and better protect the community from the adverse effects of gambling’. Of course the opposition parties support that objective. Who would not? Even the most committed and enthusiastic punter would acknowledge there are those in the community who cannot handle the personal responsibilities that go with gambling. It is a fact of life. The opposition parties do not deny there are problem gamblers in the community.

Honourable members on this side would debate the extent of the problem, but it is acknowledged that problem gamblers are a minority of gamblers. Some

gamblers are best described as pathological gamblers. The opposition parties start from the premise that they acknowledge the existence of problem gambling and always have. I suggest that the government should look at the record of the opposition parties in government as an acknowledgment of that fact. The Kennett government's record is different from the perception established and perpetuated by the Labor Party and those in the community who in this context see themselves as the keepers of the public conscience.

I again make the point that to the extent that the bill addresses the issue of problem gambling it will not be opposed, given the clear commitments and understandings issued by the Labor Party during the election campaign. The opposition parties acknowledge that the Labor government has a clear mandate for the introduction of the bill. The critique that will be mounted by the opposition parties is directed not at the objectives, which are supported, but at the strategies the Labor government has outlined in pursuit of those objectives. The opposition will demonstrate that the government's strategies are marginal, feel-good, superficial and even cynical strategies that shy away from the underling problems that we all acknowledge.

If there is one central objective in the bill it must surely be that described as the adverse effect on the community. That phrase is mentioned again and again, yet what is acknowledged to be the central objective is not identified, isolated or defined. This important piece of legislation nominates a particular problem yet skirts around the issue it purports to address. The opposition's fundamental criticism is that the bill does not address the issue it is designed to identify and solve.

Why is the opposition not surprised that there is no attempt to identify, resolve or define the issue? It is a difficult issue that does not lend itself to a clear definition. It is not a new problem; gambling has been around in Australia for generations and it is not hard to claim that the Australian proclivity to gambling is part of the national psyche. It is built into the folklore around which the nation's best legends are associated. It would be un-Australian to criticise some of that folklore. For instance, can any honourable member imagine the portraying of the diggers' love for the game of two-up as something sinister? It is portrayed as a harmless release.

The opposition is not surprised at the lack of objectivity in the bill because the same issue confronts many countries and jurisdictions. There is nothing new about the problem or the proposed solutions. The gambling debate is taking place not just in Victoria and Australia but throughout the Western world. The bill is the Labor government's first chance to ensure that its rhetoric in opposition matches its action on the Treasury benches — and it has a responsibility to do so.

The opposition acknowledges at the outset that gambling is a difficult and sensitive issue of government responsibility. If the Labor government has not discovered so already it will shortly realise it is easier to snipe from the luxury of the sidelines than to administer. It is easy in opposition to enjoy the luxury of having pot shots at the government. The Labor government will now be judged on the practical effects of any changes it introduces through the bill and through its general management of the issue.

The Labor Party has swapped sides with the Liberal and National parties, but not much else has changed in the short term because no-one has a mortgage on wisdom when confronting problem gambling. When I had the good fortune to be a minister of the Crown with responsibility for gaming I described it as a trifecta. I outlined in this place on a number of occasions that at the top were the problem gamblers and the government's responsibilities to them. The second part of the trifecta was to make sure that the players who took part in the industry had a fair go. The former government kept the villains out of the industry and made sure the odds were fair and deliverable. The third leg was that if a punter or a player opted to take part in the industry then as the responsible minister I wanted my share of the stake for the public purse.

I do not apologise for any legs in that trifecta. If we spoke to the current Minister for Gaming he would argue with none of that. He would agree that the trifecta is an appropriate description.

We have come to the sad conclusion that the bill is more to do with crude politics than to do with problem management. I recall vividly that the Kennett government was harassed by Labor in opposition and described as the champion of the gaming industry. Premier Kennett was described again and again by those opposite as a spruiker for the industry. Lloyd Williams, Ron Walker and many others were vilified almost daily, as was Premier Kennett, for being too supportive.

The Kennett government was criticised for being too dependent upon the gambling dollar. Forgive me for my cynicism, but I ask: is this bill to be Labor's strategy to reduce that dependence? We now have the advantage of the recently tabled budget which confirms that it is not! Before history is completely rewritten, I return to some of the facts. The Bracks government by its own admission is not opposed to gambling per se.

That is said in many instances but is repeated in the second-reading speech. You could have fooled me! Why all the attention to Lloyd Williams and Ron Walker and conversely why is the government so silent now about Crown Casino? Could it be that it has something to do with the change of ownership? Is it the change of ownership that has seen the issue go off the agenda so far as Labor is concerned? Has it something to do with Mr Packer, PBL, the owner of the complex?

It is just as well Labor concedes that it is not opposed to gambling because I recall that John Cain, Sr, enticed Tattersalls to Victoria. Joan Kirner introduced the casino and electronic gaming machines to Victoria. When Labor left office there were 20 000 electronic gaming machines in the state after 18 months of operation. Some seven and a half years later when the Kennett coalition left office there were 7500 more.

Hon. T. C. Theophanous — Tell us about the tender process?

Hon. R. M. HALLAM — I am coming to that. What was wrong with Premier Kennett taking an interest in the establishment of the casino? Labor short-listed the bidders.

Hon. T. C. Theophanous — You were the ones who doctored it.

Hon. R. M. HALLAM — It is interesting that the former incoming Premier was criticised for taking an interest in that outcome. Mr Theophanous should be reminded that the casino was a major private sector investment that generated several thousand jobs, represented a major addition to Victoria's entertainment facilities and was a massive new source of international visitors and investment.

There was no public funding. It was a substantial source of taxation revenue that brought enormous community facilities and benefits to Victorians. It was a massive demonstration of confidence in the local economy. It transformed a central site on the south bank of the Yarra River that had been a blight on the city.

I pose a rhetorical question: would it have been appropriate for the government that inherited the process and the shortlist of bidders to have turned its back on the contracts entered into in advance? Is that what Labor would have done? Of course not.

What happened when Labor was in opposition? The central players were vilified and the tender selection process was impugned. What is the situation now? After all the invective directed at the process and the players, where is the evidence of wrongdoing and where is the talk about a royal commission? When in opposition the government promised a royal commission and an in-depth inquiry. It released the key documents in the file and then it released the entire file. What has happened?

Hon. T. C. Theophanous — What did it say? It showed you had been told.

Hon. C. A. Furletti — It showed you were on the wrong tram.

Hon. R. M. HALLAM — Thank you for the prompt.

I refer to the *Herald Sun* of 12 April 2000 after the incoming minister granted an investigative team of journalists access for about three weeks to the entire file. What was the outcome of that investigative journalism? The article says:

> Leave the Casino ghosts lie.

The article written by Terry McCrann reports:

> No smoking gun has been found in the casino tender papers.

The *Herald Sun* of 12 April quotes Henry Bosch, a member of the Victorian Casino and Gaming Authority and a highly respected member of the Victorian community who broke a seven-year silence on the confidential deliberations to defend the integrity of the organisation. If that were not enough, the *Herald Sun* of 11 April quotes the Minister for Gaming as saying:

> I haven't seen anything which warrants a royal commission.

The article is headed 'Dealings of the past not worth digging up, says minister'. Mr Theophanous is looking foolish. Where is all the evidence of wrongdoing? How come he is strangely silent now? About the only change is that the sides in the debate have changed. In that context we could be forgiven for sitting back and sniping. The current opposition could take a leaf out of Labor's book, but it recognises that this is a difficult, complex and sensitive issue that should be treated responsibly. The opposition's criticisms will be restricted to the strategies, not the objectives. They will examine the practicalities rather than the theories. Its comments are designed to be constructive.

I turn to the strategies, of which there are five: firstly, restriction of access to gaming product; secondly, a change in the role of the Victorian Casino and Gaming Authority; thirdly, the involvement of local government; fourthly, the provision of information to players; and, fifthly, the issue of advertising standards.

I turn to the restriction of access strategy. Much of the bill is devoted to the strategy that by reducing accessibility the problem will be solved. That is the thesis upon which the bill is built.

The restriction on accessibility takes a number of forms. Incidentally, Labor has picked up the ceiling introduced by the previous administration — and I mention that fact for what it is worth.

The provisions involve the limitation of machine numbers across the state in aggregate terms as well as, for the first time, in particular regions of the state. The bill also imposes limits on the trading hours of gaming venues.

The unstated assumption — we can only guess because it is not explicit in the bill — is that restriction of access is the best way of protecting the problem gambler from himself or herself. We are presumably to believe that is the best way of limiting the exploitation of the poor, defenceless gambler by rapacious venue operators. In other words, we will make it hard for the player who needs protection; we will make it difficult for him to find his way to the gambling product.

Of course, that is incredibly stupid. It is not only nonsensical but also counterproductive. A player who is prepared to plunge beyond his or her capacity, who is driven by some pathological urge to bet and who, by definition, cannot control his or her desire to win is hardly likely to be dissuaded, much less protected, by an easy-to-circumvent barrier. That is a facile argument. Even the Productivity Commission acknowledged that that was a waste of energy. At best, the description is, 'A blunt instrument'.

If machine numbers are to be the solution, we should look no further than the experience of New South Wales, which has about 100 000 machines. I do not know the exact number, but it is between three and four times as many machines as Victoria. For a start, the bill ignores the issue of the difference in machine denomination. The crude restriction on machine numbers is hardly subtle because it does not even acknowledge that some machines take many times the denomination of others. Also, compared with New South Wales, the turnover per machine is acknowledged to be four or five times greater in Victoria.

There is plenty of evidence to suggest that reducing the number of machines may simply increase the throughput per machine. If we are to base our entire thesis and strategy on the question of accessibility, where is the research? In any event, no-one is arguing that there are not plenty of machines still idle sometime during the trading day. They might well be under some pressure at the peak times of play during the day, but even in those circumstances, I suspect that a problem gambler — the one we are trying to protect — will find his or her way to the machine in front of all the other recreational gamblers anyway, so perhaps the provisions will hit the wrong target.

The bill does not just say we will protect the problem gambler from himself or herself; it also says we will draw a fundamental distinction. It aims to accommodate the genuine recreational player at the same time. The entire thesis is built on the notion of restricting accessibility.

I will go one step further. If machine location is the solution, this denies the ability of the problem player to travel. How stupid is that? The player the bill is targeting may well be more mobile than the others, and Victoria acknowledged that to the extent that we knew we had problem gamblers before we had electronic gaming machines (EGMs). You cannot pretend this issue of a problem gambler has snuck up on us since EGMs were introduced. I can refer honourable members to debates in this place to demonstrate the reverse. The former government wanted EGMs, and the then opposition argued that their installation would prevent patrons from travelling to New South Wales. They were prepared to travel interstate to get access to a machine, and there is plenty of evidence that splurging was taking place on their once or twice yearly trips to the pokies in New South Wales.

If honourable members can acknowledge that players are prepared to go by the bus load to New South Wales, how futile is it to suggest we can fix the problem by restricting access to machines by location? Those gamblers can get around it by going to the next suburb, heaven forbid, even the next street. Any committed problem gambler is hardly likely to be dissuaded much less protected by restrictions when the alternative is so clear.

Let us take it to the next step. If a restriction on the hours of play is to be the solution — namely, through the mandatory break in individual play beyond the maximum of 20 hours straight — have the architects of the bill asked of themselves: can we find someone who sits there for 20 hours straight? If that is possible, what is to stop this person from travelling to the next venue? I do not think you will find anyone playing for 20 hours straight. It is almost beyond the level of human endurance. A person with a pathological disorder is hardly likely to be controlled or protected by such a simple barrier.

However, it is clear that that break in the 24 hours will provide great inconvenience for the genuine players. I remind honourable members that this is the player the government says should be accommodated. There will be plenty of inconvenience for the genuine player. The player who arrives there just before the mandatory break in the 24 hours will not be too happy with the new rules.

I do not believe the government has considered shift workers either. I am also sure that it has not thought of the bloke who thinks he is on a winning streak and then has to break it because the venue is to close. In that case the venue operator may be pleased with the break, rather than the player. I am not arguing that the break of 4 hours in each 24-hour period will not have some impact upon patronage. Rather, the opposition argues that the impact is more likely to be an inconvenience on the player who does not constitute a problem rather than a cure for the one who does constitute a problem.

That leads me to the most basic criticism the opposition levels at this ill-conceived piece of legislation. There is not the slightest attempt to differentiate between the player who does not constitute a problem — and therefore should be accommodated — and the player who does constitute a problem — and therefore should be protected. There is no attempt to identify, specify or much less define the target. That is left to chance. If one relies on the objectives in the bill I suggest it can be distilled to just one outcome — that is, the protection of the community from the adverse effects of gambling, whatever 'adverse' means in that context.

Given that the bill acknowledges that there are some who gamble without harm to themselves or others and that those patrons should be accommodated, it is fair to conclude that the adverse effects the government is talking about are restricted to those who represent harm to the players themselves or to others. I presume — although I have to guess, as there is nothing in the bill to tell me — that that means financial harm, at least in the first instance.

The opposition acknowledges that other effects may well flow on from the initial financial impact and that there will be impacts on personal relationships, on the propensity to commit crime, on personality effects, and so on. But it starts from the premise that the adverse effect quoted again and again in the bill is a financial effect. The bill is presumably targeting a player or punter who is about to risk a stake he or she cannot afford to lose. It is not a bad definition of a problem gambler. I offer it to the government, because notwithstanding the fact the entire bill is structured on the need to differentiate, the bill is silent on the matter. I say therefore it is presumably targeting the player who is about to put up the stake that he or she cannot afford to lose. The bill is silent on that and in my view and that of the opposition is therefore fundamentally flawed.

Now the real problem emerges. Who will judge who is a problem gambler and who is not and differentiate between who should be protected and who should be accommodated? The line has to be drawn but who will draw it? If the government is not opposed to gambling per se, which it reminds honourable members of again and again, but only to gambling to excess — I presume that is gambling beyond the affordability of the player — who will draw the line, particularly if by definition the player is unable to do it himself or herself?

The whole bill is premised on the notion that the player who needs protection cannot draw the distinction himself or herself. The opposition wants to know who will draw the distinction. Who will identify the culprit? Worse still, who will identify the culprit at the precise moment that he or she transcends the line of affordability, because it might change over time? There might well be a player who can afford the stake today but not afford it tomorrow. The government suggests not only that a distinction is drawn between the players but that the distinction is drawn over a period. Who determines precisely when Big Brother should step in to protect an individual against his or her own folly?

If it is so easy to differentiate, why not replicate it with other social ills? Why not do it with alcohol? Why not do it with tobacco? My point is that if the government attempted to become the gatekeeper, its action would be seen even in this chamber as an absolutely massive intrusion on the rights of individuals. It would constitute an extraordinary degree of overt and deliberate discrimination, and would be a call to arms of every self-respecting civil rights group in captivity. Yet the government pretends it can be done with the gambling product. If it solves that issue why should it stop at casinos? What about pubs? Why can't Big Brother be the gatekeeper at racecourses, Tabcorp agencies, Tattslotto agencies and bingo halls? Are those activities to be picked on as well to substantiate the theory that is built into this bill — namely, that poor people cannot gamble? The bill effectively says that poor people cannot gamble.

My real concern is that the bill is a strategy designed to protect the poor, the stupid and the gullible via exclusion or restriction — and it is doomed to fail. Worse still, I suspect it will be counterproductive. It will breed resentment. It will be seen to be patronising at the very best, and it may well become a perverse

incentive. If gambling is the province of only the rich it will quickly become a sign of affluence and success and will therefore become more attractive. The government is taking us down a dangerous path. When I first heard of the concept I said that I thought it might well blow up in our collective faces. I have not seen anything to change my view.

The strategies of restricting machine numbers, locations and the hours of play are illogical in the first instance — unless the government is prepared to ban the product outright; and there is no suggestion that that is a viable alternative. I want to make the point again and again that I know the government understands that and that the Victorian Casino and Gaming Authority understands that its fundamental role is to be an adviser to the government. If the authority and the government know the futility of the strategy why do they run the arguments?

I come to the real motivation and objective. As I said at the outset, I suspect the answer has more to do with politics than solutions in respect of problem gamblers. The bill is nothing more or less than a cynical public relations exercise by the Bracks government. Can honourable members really believe the Premier's claim that the bill will turn back the tide of problem gambling however it might be defined? That is a forlorn and futile hope. However, Mr Bracks, Mr Hulls and the Interchurch Gambling Task Force convinced the community that the Kennett government was not just an apologist for the industry but a spruiker for it, and when the change of government came the new government had to do 'something'. It believed that endorsing the existing ceiling on machine numbers would at least constitute doing 'something', that forcing a break in gambling activity would be seen to be doing 'something', and that restricting access to machines would be seen to be doing 'something' — and that was to be the test.

I turn to the issue of the ceiling on machine numbers. In a perverse way there is clear evidence that that might also work badly. I say as an aside that the Kennett government introduced the maximum ceiling of 27 500 electronic gaming machines — excluding the casino — at the time of the Mitcham by-election, which I recall to have been in about December 1997. I also recall the debate at the time and the clamour coming from the community that the government had to rein in the gambling scene. I am not embarrassed to put on the record that I argued strenuously against the policy of a ceiling on machine numbers on the basis that the shift gave the two operators — that is, Tattersalls and Tabcorp — a change in focus. The change in focus should have been expected; it shifted their view from looking at the location of the next machine to looking clearly at the return from the machines that were already in operation.

It did not take too much logic to work out that that would put more pressure on venues to perform and to promote the gaming product. It also did not take too much logic to work out that over time that would produce a trend away from small venues into bigger and more glitzy ones. I acknowledge that both effects were the antithesis of what the government was trying to achieve in the first place.

I remember my argument at the time. It was that the operators could not be blamed for acting commercially, because Parliament wrote the rules and expected the operators to react commercially. They did so and the focus shifted away from the location of the next machine and the next new venue to the return per machine already in operation. I was not convinced then that a ceiling on machine numbers would be a solution to any problem, even though the strategy was employed by the government I was proud to serve in, and I have not seen anything since to dissuade me from that view.

If the government is genuinely committed to the strategies in the bill a few basic questions need to be asked. Is the government assuming there will be a decline in gaming revenue?

I have a clue about that because the budget is now available. Page 131 of budget paper no. 2 makes interesting reading. It shows the expected taxation revenues from the year about to commence through to 2003–04. More importantly, a reconstruction of the impact of the goods and services tax (GST) from page 127 shows that the expected budget for 2000–01 for gambling taxes is $1593.3 million. On my computations that constitutes an increase of $68.5 million over the $1524.8 million on the revised budget for the current year. That is an increase of 4½ per cent, and yet as far back as the inquiry by the Productivity Commission we were told that the gambling boom was levelling.

Therefore, against the background of the general trend in taxation revenue from the gaming sector, which the opposition acknowledges has peaked, and notwithstanding the bill, which we are told will solve problem gambling, the government anticipates a 4½ per cent increase in gambling taxes.

I cannot say from the information given yesterday that the 4½ per cent is indicative of the increase in respect of the electronic gaming machines or wagering or the casino, but I am not too perturbed by that. The bill does

not pretend to direct its attention to any one particular feature of gambling. The bills states, 'We will protect the problem gambler', and the assumption must surely be that the racecourse is just as much a potential danger to the problem gambler as that constituted by the casino or the EGM in a community venue.

Over the next few days I will chase the methodology that underpins the revenue projections and I will rely on the government's oft-quoted transparency and its embracing of the exposure concept to supply those figures and to determine whether the assumptions underlying the bill are supported by revenue projections included in the 2000–01 budget.

There is another clue here. The Minister for Gaming recently acknowledged publicly that a percentage of the revenue derived from the gambling industry can be traced to the problem gambler. He admits publicly, apparently, that part of the revenue is derived from the people the government says it would like to protect. He then goes on to explain why nothing can be done about it. He blames Canberra. He says, 'We cannot do anything about it. Even though we acknowledge it as a problem and even though we have brought in this bill to fix it, we cannot do anything about it because of the federal government's incredibly unfair allocation of funding'. Apparently the issue of dependence on the gambling dollar is to be overshadowed by budgetary expediency.

Does that sound remotely like the rhetoric that came from Labor when it was in opposition? No! Honourable members were told again and again that the Kennett government was to be chastised because of its reliance upon the gaming dollar.

The next question that should be asked of government is: why should not similar strategies be applied to racing? As I said, given that there has been no attempt to differentiate in respect of the province of the problem gambler, one would assume that the racecourse is just as much an issue to be addressed as the casino. Therefore, why should not similar strategies be applied to that area of gambling? For instance, why should not there be a call for fewer meetings, fewer courses and fewer Tabcorp outlets? Surely the problem gambler at the races is just as valid a target.

Ironically, the Minister for Racing is calling for the increased promotion of the racing industry. I shall quote from what I obtained directly from the newspapers, and I hope it is correct. He said he wanted to 'win back the punter to racing' — —

Hon. C. A. Furletti — Especially the young ones!

Hon. R. M. HALLAM — They were the minister's words, not mine. He actually wanted the younger ones, and the females as well. He wanted the punter back. If that is a tad ironic, let us recall who the minister is. He is Robert Hulls. Isn't that the same minister who in opposition did everything possible to vilify the then Premier for his support of the successful tenderer to operate the casino licence?

Hon. C. A. Furletti — One and the same.

Hon. R. M. HALLAM — The same bloke! He criticised the coalition for its reliance on the gambling dollar, yet here he is in his next life advocating that the government should try to win the punter for the racing industry. What rotten double standards!

The government keeps telling us that machine numbers are the critical factor. If that is so why does New South Wales apparently have so few problems by comparison? It has four times the number of machines.

Hon. C. A. Furletti — How many?

Hon. R. M. HALLAM — New South Wales has, I think, about 100 000 machines. I acknowledge that New South Wales has a few more potential players. However, I will be grandiose in my assumptions relating to machine numbers — perhaps it is only 2½ times as many. I will even toss you for double. So if New South Wales has double the machines on a per capita basis, how come there are so few problems in New South Wales? How come the issue of the problem gambler is not nearly as controversial across the Murray?

Why did the previous Labor government anticipate there would be between 40 000 and 45 000 machines in Victoria? If 27 500 is now the be-all and end-all, how come Labor was talking about 40 000 and 45 000 when it last occupied the Treasury benches? The opposition is entitled to ask whether this discovery of the critical nature of aggregate numbers is a new phenomenon or a cynical political exercise.

I shall ask another more basic question. If a break in play is such a valid weapon against the poor problem gambler, why did Labor decide to deliberately discriminate between the country and metropolitan areas? If the strategy is valid, why did Labor deliberately decide to draw a line around the metropolitan region? I note that a venue in the metropolitan area can apply for a 24-hour licence but a country venue cannot. Why will the strategy not work, irrespective of location? Does that not acknowledge the ease with which a player could avoid a break in play by

simply shifting to a venue nearby? Is that the explanation? No, it is not.

Again, forgive me for my cynicism, but Mr Bracks said the decision not to ban 24-hour operations in Melbourne venues was a determination to avoid a direct advantage to Crown Casino.

I have a number of texts to support my claim. I refer to an article in the *Bendigo Advertiser* of 2 March about the Premier's statement on gaming machines. It states:

> He said the government would not ban 24-hour venues in Melbourne because this would allow Crown Casino to obtain a monopoly.

The Minister for Gaming in the other place was even more helpful because in the Cranbourne *News* of 16 March last he is quoted as having said:

> … a ban on 24-hour venues in metropolitan areas, such as the ban introduced to country Victoria, would only help line the pockets of Crown Casino.
>
> 'We didn't want to create a windfall monopoly for Crown', he said.
>
> 'It would massively increase the value of Crown without them doing anything', he said.

The community is told that is why the discrimination occurred. Let the record show that the government accepted an amendment to the bill moved by the Independent member for Gippsland West in the other place under the guise of correcting a loophole, which effectively means that venues in Melbourne can now retain or gain 24-hour licences only by demonstrating a net social and economic benefit. In other words, a change of play can occur only if a benefit is demonstrated.

What has changed? Nothing, I suggest, other than the ownership of Crown Casino. Lloyd Williams and Ron Walker, who were painted as arch villains by the government when in opposition, have gone, only to be replaced by PBL — in other words, by the same Mr Packer who has been courted by the Bracks team. I recall the publicity that surrounded the role of former Senator Graham Richardson — Little Richo — who won his reputation for doing a crunch on the numbers across the Labor Party factions.

It was public knowledge at the time that everybody's little mate, Little Richo, acted as middleman for the new casino owners in the early days of the Bracks government. Now it is fair to ask: is it a coincidence that the policy to avoid a monopoly advantage to Crown Casino has since been diluted? Is that a coincidence? God forgive me for being so cynical, but the government says the bill is about responsible gambling and the protection of those who cannot control their urge to speculate. Enough said!

My conclusion about the first strategy, which is a restriction of access, is that it can best be described as marginal and more correctly described as cynical, but it will not fix anything, let alone the problem of the pathological urge to gamble. As I said earlier, I admit that the measure will be seen as the Bracks government doing something. It will have no impact on the problem gambler, but it will surely inconvenience the gaming patron who does not constitute a problem and who, Labor says, therefore should be accommodated.

It will create enormous difficulties for the VCGA. The bill means that for the first time a minister of the Crown will be directly involved in the location of an individual EGM. When I first heard that I thought it was madness, and I stand by that assessment. What I have seen since reinforces my concern about the inappropriateness of the strategy.

The second strategy is the change in role for the VCGA. Now the government is trying to have two bob each way. In one context the change in the role of the VCGA represents a responsibility granted, whereas in other instances responsibilities are overtly removed from the VCGA stable. It is an interesting mix.

In the first place, the authority is to lose the responsibility for determining the number of EGMs at Crown Casino. During the committee stage the opposition will chase an explanation from the minister because the bill makes a fundamental change to the role of the VCGA and the responsibility of government. What does the second-reading speech say about that? Absolutely nothing! The opposition will seek an explanation as to why the VCGA is apparently not to be trusted with that responsibility. I can guess at the rationale, but for the record I will explain what has happened, at least on the surface — and I am happy to be corrected.

At the moment the 2500 machines in the casino are a condition of the casino licence issued by the VCGA in its primary role of issuing that licence; it is the body established to do precisely that. That function has been changed so that in future, Parliament will determine the number of machines to be located in the casino. I guess the rationale is that any future proposed change in machine numbers would have to be ratified by Parliament, which apparently is preferable to having the expert independent body established to supervise the industry make that decision.

I presume we are invited to believe that the government sees Parliament as being safer from undue influence or the prospect of corruption. I am entitled to speculate because the second-reading speech is silent on that matter. Why are we not entitled to assume the opposite? I know for a fact that the VCGA would not budge on repeated requests for an increase in the number of gaming machines at Crown Casino. I know full well that the VCGA withstood enormous pressure from the operators of Crown Casino to increase the number of machines.

Maybe we are entitled to the conjecture that here is a chance for the Bracks government to do a deal for its new mate in the way in which the number of machines at the casino has been overtly changed; the responsibility has been taken from the independent body established to determine the number and placed in the hands of the executive. The government has politicised the process. If I were to use the same tactics and logic used repeatedly by the Attorney-General when he was in opposition I would shout from the rooftops that the Premier is jumping at the chance to do a deal for his mate. I invite the government to convince me and the Victorian community that that is not the case and to explain in detail why the policy has been so substantially and inexplicably changed.

The second change in the responsibility of the VCGA is the removal of its role to conduct research — at least this time the community has been given grounds for the change — because the government regards the VCGA's role in that regard as inappropriate. I will return to that in detail because I challenge that assumption.

The third change is the re-establishment of the authority's responsibility to supervise contracts between operators on the one hand and the venues on the other hand. The old section 68 is being reintroduced. I will return to that aspect later. That change is fundamental and inherently inconsistent with the argument put by the government about the responsibility of the VCGA. One is expected to presume the authority cannot be trusted: the government removes two of the authority's responsibilities but then returns one to it.

I turn to a simple feature of the bill that amends the stated objects of the VCGA. A major change is that proposed new section 140(c) includes a new objective, namely:

> … fostering responsible gambling in casinos in order to —
>
> (i) minimise harm caused by problem gambling; and
>
> (ii) accommodate those who gamble without harming themselves or others.

That is extraordinary. My first comment to the minister is that there are no definitions contained in the new objective of 'responsible gambling', 'harm', 'problem gambling' and 'accommodate'. I put the government on notice that I shall be seeking some detailed responses about those definitions. At the end of my contribution I will give the minister a list of those terms we seek to have defined. That is consistent with the opposition's attempt to establish its bona fides and responsible reaction.

The bill removes the expression 'promotion of tourism, employment and economic development' from the objects of the Victorian Casino and Gaming Authority (VCGA). The second-reading speech states that the role of the promotion of tourism, employment and economic development is at odds with the authority's regulatory function. That is the claimed rationale for removing it. I have two comments in response to that. Firstly, who gave the authority that role in the first place? If it is now inappropriate to have the object of promoting tourism, employment and economic development in the game plan for the authority, where did it come from? It is amazing. It was written by a former Labor government when in office. Here is some more new-found wisdom. There has now apparently been a change of heart and a relatively new phenomenon of inappropriateness.

Secondly, the real hang-up is with the word 'promote'. Labor in opposition not only vilified the former Premier, the Honourable Jeff Kennett, for his claimed role as the promoter and spruiker of the industry, but it used the object of the authority as evidence that the VCGA was promoting gaming. Rob Hulls, the present Attorney-General, went around the countryside saying, 'Here is the inappropriate object of the authority. It is not meant to be promoting gaming'. They got away with it. The press ran it again and again. It is incredibly misguided.

What is wrong with the organisation established to oversee the rollout of electronic gaming machines being required to keep a weather eye in that process on tourism, employment and economic development? The promotion of gaming was never the role of the authority; it was the determination of the allocation and location of machines. In the context of that determination the authority was to take account of tourism, employment and economic development. The only reason this shift in the objectives has been pursued by the Labor government is that it was able to get away with a shoddy message in opposition. It convinced the

community that the authority was out there promoting gaming — and of course it was not. It was logical to give that game plan to the authority. In any event the game plan was devised by Labor in government. Even the Labor Party thought it was appropriate at the time.

The deletion of the expression now is more about semantics, window-dressing, perceptions, and politics at its absolutely crudest, because Labor is now being driven by the need to appear to be following up or attempting to justify earlier criticisms. I understand that it is nice to have some warm and cuddly objects attributed to the authority. But the real question is: what impact would that change have on the problem gambler? That is the issue specified in the title of the bill. The government cannot walk around it. It nominated what the bill was about. Yet it has not attempted to even isolate or define the issue that it is attempting to address in the body of the bill.

The bill removes the authority's responsibility for research into gambling issues. Again may I be forgiven for my cynicism when I ask: who gave it that responsibility? Who decided it would be appropriate for an independent body, the Victorian Casino and Gaming Authority, to be responsible for research? Let the world understand it was not me. It was Labor in government that determined the research should be undertaken by the authority. Why the change of heart? Has the authority's performance not been up to scratch? Is that what the imputation is? To run that line one would face issue with every commentator across the Western world, because the Victorian Casino and Gaming Authority has an enormous reputation in research. It has respect worldwide. Yet the government says not only should that be discontinued, but it is inappropriate for the authority to have that responsibility. It would be insulting to suggest that the performance has not been up to scratch. Any unbiased observer would conclude that on the basis of the authority's proven track record it has fulfilled its responsibility. The decision cannot have been taken based on its performance.

Can it be because of its lack of independence? Perhaps that is the imputation here. From the proximity of the minister's seat I had a chance to observe the independence of the Victorian Casino and Gaming Authority. Whatever else it could be accused of, a lack of independence was not one. My experience was that not only was it independent, but it was fiercely independent. The independence of the authority did not show favour. That also includes its relationship with the minister. The complaints I received about the authority were that it was too bureaucratic, too careful, and too non-commercial, certainly not the criticism that it was not independent.

I am not persuaded by comments in the explanation memorandum on clause 24 about the independence of the panel. It states:

> Subclause (3) provides that the members of the Gambling Research Panel will be remunerated directly from the Community Support Fund.

Here is the explanation I wanted to refer to:

> This will ensure the independence of the members of the panel both from government and the Victorian Casino and Gaming Authority.

If the independence of the Victorian Casino and Gaming Authority needed to be determined, apparently all one had to do was to make sure the members of the authority were remunerated from the Community Support Fund. That is the logic the government is asking us to rely on in another contest. I ask: aren't the members of the new panel to be appointed by Governor in Council after recommendation by the minister? Is that not exactly the same process that has been followed since the inception of the Victorian Casino and Gaming Authority? How could it be possible that the issue of independence has determined that the government should remove the responsibility of research from the authority?

I am happy to have this point on the record, and I will mark it up for all to see. My contention is that by giving a new body a restrictive responsibility — and in this case the restriction is based on the role in relation to research — there is a tendency for the panel to ultimately become less independent than the authority. I suspect that over time the panel will tend to keep a weather eye on its own existence, protection and continuity and have that reflected in its research, agenda and findings.

I suggest that we are going in the wrong direction, if the question of independence was the issue that drove the government to determine a shift in responsibility of the authority. All this talk about independence is missing the point. I go back to the thesis of the bill which is predicated on the distinction between on the one hand the problem gambler who must be protected and on the other hand the gambler who does not have a problem and must be accommodated.

Independence from government is not the key ingredient; it is the recognition of the complexity of motivation that applies across the range of patronage. I acknowledge some players may be driven by the urge to speculate; some may be enticed by the vision of instant wealth. I note the perversity in that the concept of instant wealth is more likely to be attractive to the person who cannot afford to be involved, and to that

degree the industry is insidious. However, I make the point again that the problem gambler represents but a very small percentage of the industry, as is generally acknowledged across the chamber and by the authority. That is why I get so frustrated with knee-jerk, make-believe legislation.

It is acknowledged that the biggest percentage of patrons are driven by entertainment; some might be there because of boredom or loneliness. I am also concerned that some people are there because of the security offered. A sad message is being delivered to the community because a number of patrons say they go to the casino and other electronic gaming venues not only because they are treated with respect but also because they know they will not be hit behind the ear, which might happen at some other venues.

I was amazed to see the results of the research undertaken by the Victorian Casino and Gaming Authority which highlighted the extent to which female members of the community in particular are attracted to venues by their security. They are treated respectfully at the door of the venue and they know that if they go there suffering from the effects of alcohol or they misbehave they will be asked to leave. They see almost a patron saint in a recognisable uniform strategically located around the floor of the venue. Patrons know they will be safe. Why does the bill not refer to the acknowledged fact that the vast majority of people go to those venues for the entertainment?

What this all underscores is the complexity of the motivational factors, including that the factors may change for individual punters or patrons over time. The question I come back to again and again is whether a new research body is better placed to determine that distinction, which is not even enunciated in the bill.

I note that the VCGA has already addressed the central issue of problem gambling. I refer members opposite to page 35 of the most recent 1998–99 report of the Victorian Casino and Gaming Authority where under the heading, 'Identify the social and economic impacts of gambling' there is a subheading 'Outputs' and a further subheading 'Research — development of 1998–99 research program'. The report states that the 1998–99 research program includes:

> … the development of a survey instrument to accurately measure the prevalence of problem gambling in the Victorian context …

At least give me the assurance as a concerned member of the chamber and the Victorian community that the new panel will take advantage of work already being done. We will have a lovely argument about who is more appropriately located and qualified to do the research, but at least give me an assurance that work of world standard already done by the authority will be employed by the new panel.

I refer honourable members to appendix 5 at page 87 of the report, which goes to the research scoping matrix and refers to the research base and comprehensive data related to, among other things, the nature and impact of problem gambling. Let us not start from scratch in a mad desire to bury everything that has taken place in the past.

I make the point that politics is driving the decision, and I see no other justification for the changes in the responsibility of the authority than for the government to be able to say it is doing something and is therefore attempting to justify its critical stance in opposition.

My concern, which I am happy to put on the record, is that in making no attempt to define the problem gambler, the person we say we are trying to isolate and protect, the new panel and the government run the gravest of risks in assuming the very thing they say they are setting out to prove. I would hate to be able in time to come to say, 'I told you so'.

Any question mark that the government has over the VCGA's independence is inconsistent with the acceptance of the amendment from the honourable member for Mildura in another place, which has the effect of locating the authority between the operators and the venue operators in the contractual relationship. Earlier I mentioned that the amendment moved by the Independent member for Mildura has the effect of reinstating section 68, which established the role formerly held by the authority — that much is clear.

The amendment ensures that no contract between the operator and the venue shall receive an elephant stamp by the authority unless it meets a number of guidelines. It provides for the reinstatement of section 68, with one minor exception. Primarily it applies a test of harsh and unconscionable.

One of the other issues I invite the minister to respond to is what constitutes harsh and unconscionable. If we do not attempt a definition we know only too well it will be immediately challenged in the courts — it will take no time at all. A dictum from the government is needed to provide at least an indication of what is intended to be captured.

The opposition does not oppose a provision which states that there shall be a ban on clauses that are harsh and unconscionable. It would be unthinkable that we should allow contracts that are harsh and

unconscionable. The authority had that responsibility before it was deleted in approximately 1996. If one looks at the circumstances under which it was deleted one gets a quite different message from the one the government would have us take on board today.

The argument was that it was inappropriate for a government instrumentality, in this case a big brother figure, to stand between parties in a commercial relationship. We are told that now the operators take advantage of small venue operators and apparently that issue has risen only since the deletion of section 68. I do not believe that, but in any event the opposition does not oppose the amendment. It acknowledges that the bill is window-dressing and the government is doing something, but it is important that what constitutes harsh and unconscionable be outlined by the government in its response to avoid the most protracted action before the courts of the land.

The third strategy I turn to is the involvement of local government. This is the next round or chapter of the government's attempt to protect those who cannot protect themselves.

The government says local government should be involved in the process. The opposition believes that is window-dressing. I can put my hand on my heart and say I am a supporter of local government. I was proud to be the first Minister for Local Government under the Kennett administration. I am a fierce supporter of local government. I do not believe this new-found responsibility about the location of electronic gaming machines is other than a poisoned chalice. Those honourable members who have determined to support the measure should think through the issue because it is not all upside.

I remember sitting in the corner of the chamber when the National Party was not in coalition and a former Labor minister and Leader of the House, the Honourable Evan Walker, a person of great standing and status and a firm friend, said to me that it was inappropriate for councils to be involved in the location of brothels. He said, in effect, that if you are a real supporter of local government you should not be fooled into running its line because someone has to take a deliberate decision and consider the big picture outcomes. If those decisions are left to individual councils they will say, 'This is a great idea, but not in our backyard'. Bad outcomes will occur.

Under the guise of consultation local government will be involved in locating electronic gaming machines. It is a stupid decision. It will be counterproductive and those who have some experience in local government will recognise there is no advantage in a purely parochial view on those issues.

Some may say that the Victorian Casino and Gaming Authority is not bound by the submissions of councils, but if that is the case why offer them involvement in the process, unless the government wants a scapegoat or a wicket-keeper. Local government would do well to think through the issues.

Local government is being offered patronage under a strange guise. The worst feature of the bill is that for the first time state and local government politicians will be involved in the location of electronic gaming machines. That is silly and opens the door to the perception of favouritism and corruption, even if it does not prove to be the case. I said that at the time when the details of the bill were first announced and local government representatives said they did not enjoy my comments, but I am being realistic. Until now electronic gaming machines have been located on the commercial decisions of the operator. Although members of the government may not like the outcomes there are no claims of insider knowledge or corruption. The Labor government and local government will come to rue the day that the process was changed.

The fourth strategy is the provision of information to players. The opposition supports the strategy because it is part of the opposition's policy. The provision of information to players should include the rate of odds on payouts and the details of the individual player's play, so that the determination to punt is an informed choice. As I said earlier, that was a central plank of the coalition's policy at the last election and is endorsed by the industry. Much of the information presumably captured by the amendments is already available in the marketplace. What is assumed is that the player is uninformed, stupid and gullible, which is a dangerous assumption. Information is not a panacea, but it is a step in the right direction and gives some protection for the problem gambler.

The last strategy refers to the regulations to introduce advertising standards. Again the opposition does not oppose the strategy because it is part of the partnership's policy. The opposition said that in government it would abolish advertising that promotes the use of electronic gaming machines or casino table games. The policy is clear and measurable. The codes of conduct introduced during the Kennett administration were a benchmark for the nation and went a fair way to achieving the objectives of avoiding glamorising the industry. The codes were effective so the battle about advertising standards has largely been won. I know the major players will readily support the

initiatives taken in this instance. Although the codes of conduct introduced by the former administration were measurable I do not believe the commitments of the Labor government are. The government says it will ensure truth in advertising in the gambling industry. That is unbelievable. It is naive of those giving the commitment and those accepting it. It underscores the luxury of being in opposition. The Labor government must now determine truth in advertising. I wish it good luck.

The opposition will not oppose the bill because its proposals are like motherhood. The opposition will not do anything that is seen as being inconsistent with responsible gambling policies. The opposition does not oppose the objectives, but believes the strategies designed to achieve those objectives are inappropriate and are unlikely to have the effect we would all wish. The opposition's challenges are directed at administrative issues, which is why it has resisted all calls to sponsor amendments. It would rather seek commitments on the government's practical application of the changes introduced.

I advise the government that opposition members who will contribute to the debate, particularly members of the policy committee, will address specific features of the bill and focus on specific management issues. To ensure the opposition's bona fides, I repeat again that it is the opposition's desire to be constructive and to acknowledge the many stakeholders and those who are genuinely concerned about the industry. However, the opposition does not believe the application of the strategies will produce the outcomes attributed to them.

As a demonstration of the opposition's bona fides I have already indicated the areas that will be pursued. The opposition could have grandstanded and mimicked Labor's cynical stance in opposition. I refer particularly to the now Attorney-General. It is an opportunity to sink the slipper in. It is a golden opportunity for some payback. The opposition despairs at the futility and impracticality of the strategies that are centred around the tacit assumption that poor people should not be allowed to gamble. That is what the bill says and the opposition does not support that. It acknowledges that the general purpose of the bill is supportable. The bill warrants a responsible response and on that basis the opposition will not oppose it.

Hon. D. G. HADDEN (Ballarat) — I support the Gambling Legislation (Responsible Gambling) Bill, the purposes of which set out the minimum framework for regulating the state's gambling industry. Clause 3 achieves responsible gambling by restricting the number of gaming machines at the Melbourne Casino to 2500. Clause 13 imposes regional caps on gaming machines and limits 24-hour gaming venues with bans in regional Victoria. Clause 19 gives local councils a say in the placement of gaming machines in areas, and clause 5 compels gaming operators at the Melbourne Casino and gaming venues and gaming machine manufacturers to give players meaningful information. Clause 1(g) gives power to impose limits on advertising in relation to gambling.

The bill also sets up an independent power to oversee research into gambling matters and strengthens the independence of the Victorian Casino and Gaming Authority. It reinstates former section 68 of the Gaming Machine Control Act.

Clause 4 amends the objects of the authority and talks about fostering responsible gambling in order to:

(i) minimise harm caused by problem gambling; and

(ii) accommodate those who gamble without harming themselves or others.

The bill restricts the number of gaming machines at the Melbourne Casino to 2500 and restricts the number of machines throughout the state to 27 500. The state has 560 gaming venues. Section 12 of the Gaming Machine Control Act gives the Minister for Gaming the power by ministerial direction to determine the number of machines outside the Melbourne Casino.

The bill implements regions and sets regional caps. That Bracks Labor policy was taken to the election last September. The authority has 60 days in which to set a cap. The conditions and requirements on regional limits and the setting of caps, which must take into account certain matters, are set out in division 2 of the bill. One requirement is the existing ministerial direction and the statewide cap of 27 500 gaming machines. A consultation paper currently invites the community to express its views about the criteria to be used in determining the cap on gaming machines.

The bill limits the jurisdiction of the Supreme Court to prevent appeals against the authority in matters relating to the enforcement of regional caps. Clause 28 alters or varies section 85 of the Constitution Act 1975 in that regard.

The ban on 24-hour gaming venues in regional Victoria is an important part of the bill which arose from consultation with the community leading up to the last state election. I was part of that community consultation together with the Minister for Finance in another place. The clear message from the community at those forums in rural and regional Victoria was that they were

concerned about the impact of gambling on their communities.

The bill contains the further requirement that no new 24-hour gaming venue will operate from the date of the introduction of the new legislation. There is a limit on the venues so that they cannot operate more than 20 continuous hours without a 4-hour break. An existing venue can continue to open for 24 hours until its licence expires. Upon licence renewal, the limit of no more than 20 continuous hours of operation without a 4-hour break will apply. Currently, about 12 regional venues have some form of 24-hour operation.

Clause 12, which refers to metropolitan Melbourne, says that all new applications and renewals seeking 24-hour operation must make submissions to the Victorian Casino and Gaming Authority on the net economic and social benefits. Those submissions must take into account the impact on the surrounding municipal districts in which those gaming machines are placed.

Clause 13 prohibits 24-hour operation, which mirrors what is known as the Davies amendment in the other place. That should be supported for the obvious reason that it gives the gambler a psychological break in time. I do not believe for one moment that in that 4-hour period a gambler would look for another venue, certainly not in country Victoria. It would give staff and operators of the venues time to restore their energies and faculties and clean their venues. Perhaps after having a good sleep they may have a different attitude towards continuous gambling.

Division 4 of the bill refers to the impact of gaming on the community and imposes various requirements on municipal councils so that local councils are informed of all applications for new machines. Local councils will submit their views to the authority on the social and economic impact on their communities. The authority must consider local council views when determining applications.

Proposed section 27(4B) states that:

> The authority is not required to give reasons for its decision to make or refuse to make an amendment …

that is, to a venue operator's licence.

Hon. R. M. Hallam — As a practising lawyer do you agree with that?

Hon. D. G. HADDEN — An aggrieved person has the right to apply to the Supreme Court to review that process.

I will take the house through a short history of the matter. In the early months of 1992 there was much excitement among members of the Kirner Labor government, the Parliament, the media and the community about gambling machines. Gambling was about to hit the decks, so to speak. The general expectation in the community at that stage was one of excitement. Gambling would enhance lifestyles and give people something to do in their spare time; it would be another recreational pursuit. Employment opportunities would be available in the hospitality and building industries. Gaming machine venues would be constructed, expanded and refurbished. One of the major themes apart from the boost to the local and state economy was that it would keep gambling revenue within the state — south of the border — and revenue would not be lost to New South Wales or Queensland.

I give credit where it is due. Never let it be said that I do not give credit where it is due. It was the Kennett government in June 1993 that placed a 12-month moratorium on the issuing of new gaming machine licences. I am advised that gambling revenue in Victoria equates to about $920 per head per annum. I will refer to certain statistics relating to some of the 78 municipalities in this state.

Total net gaming expenditure in the City of Monash is $97.36 million, or $601 per head; in the City of Melbourne, $66.3 million, or $1487 per head; and in the City of Greater Dandenong, $85 million, or $647 per head. I turn now to rural and regional Victoria. Total net gaming expenditure in the City of Ballarat is $39.4 million, or $490 per head; in the Shire of Hepburn, of which I am a resident, $2.7 million, or $196 per head; in the Shire of Macedon Ranges, which is also in my electorate, $ 6.2 million, or $177 per head. Just think where just a fraction of that revenue — not all of it — could go if it was directed into other areas. If those amounts are spent on gambling they are not going towards the basic necessities of life. They are not going on rent or mortgage payments; on the maintenance of children if one has dependent children; on food or drink; or on clothing and general recreational hobbies.

In Ballarat, over the past seven years gaming machine numbers have tripled from 225 machines in five venues in 1992 to 639 machines in 16 venues in 1999. Yet 64 per cent of the adult working population of Ballarat earn less than $20 800 a year. In the 1998–99 financial year, $39.4 million, or $490 per head, was received from gaming machines in the City of Ballarat alone. Less than one-third of that amount was returned to Ballarat via the Community Support Fund.

Some $60 million from the fund has been used to establish services for problem gamblers over the past seven years. It has created a 24-hour telephone advice line, known as G-Line, provided Breakeven counselling programs and been directed towards media and public education campaigns. An enormous sum of money goes towards addressing a problem that has been created by gambling as an enhanced lifestyle activity. The enormous social cost from problem gambling is identified by those statistics. The cost of the gambling counselling services and of establishing and maintaining gambling services is absolutely enormous, especially in rural and regional Victoria.

Although it can be viewed as either a good or a bad thing, problem gambling in my electorate draws together local churches, local councils, welfare agencies and various other community and volunteer groups to alleviate some of the social costs. There is also the social cost associated with crime. That is an offshoot of problem gambling committed by the problem gambler to support the habit.

It does not matter whether it is a drug or gambling habit. I have not worked out which is worse, but from my experience as a practising solicitor in the Ballarat district prior to being elected to this place I know that they are as bad as each other in imposing social costs on the community.

Clause 29 of the bill, which is referred to as 'the Savage amendment', inserts the old section 68 of the Gaming Machine Control Act 1991, which was removed by the Kennett government in 1997. This is an important amendment. It provides that the authority must not approve a relevant contract if in the opinion of the authority the contract is harsh and unconscionable, is not in the public interest, jeopardises the integrity and conduct of gaming, does not promote the purposes of the act, or is in breach of the act.

The house would be aware of anecdotal evidence of the impact of gambling on Asian communities. While Asian people comprise only 4 per cent of the Victorian community, they represent 60 per cent of casino gamblers, according to research undertaken by the authority.

The statistics relating to the total net expenditure on gaming venues according to local government areas as at June last year are interesting yet alarming. The City of Ballarat figures for 1992–93 were $8.8 million and for 1998–99, $39.4 million. That is a huge increase over those seven years. In the Shire of Hepburn it was zero in 1992–93 and, seven years later, in 1998–99 it was $2.7 million. In the Shire of Macedon Ranges it was zero in 1992–93 and in 1998–99 it was $6.25 million.

The total net expenditure in the local government areas from 1992 to 1999 was as follows: $180.4 million for the Ballarat City Council area; $13.3 million for the Hepburn Shire Council area; and $19 million for the Macedon Ranges Shire Council area. Enormous sums of money from the communities went into gambling. That certainly needs to be monitored and regulated to achieve responsible gambling.

The Purple Sage Project is a partnership project involving the Victorian Women's Trust, the Stegley Foundation, the Brotherhood of St Laurence, the People Together Project, the Victorian Local Governance Association and YWCA Victoria. It put out a document that carries the heading 'From the wisdom of the people — the Purple Sage Project'. I will refer to some relevant pages from the chapter entitled 'Gambling: an addicted state?' Page 56 refers to research that was conducted. It states:

> In 1998, at the request of the federal Treasurer, the Productivity Commission commenced an extensive inquiry into Australian gambling. Its draft report, published in 1999 … found that:
>
> Australia has 21 per cent of the world's electronic gaming machines;
>
> an estimated 330 000 problem gamblers lost an average of $12 000 a year;
>
> about 52 per cent said they had borrowed money and not paid it back;
>
> 36 per cent had sold property to raise money to bet;
>
> 43 per cent said they sometimes went without food to pay for their addiction …
>
> young people are significantly more highly represented, and in 10 years, women had gone from hardly featuring as gamblers to being 50 per cent of problem gamblers.

Page 58 of the publication contains the following statement:

> The Productivity Commission confirmed a geographic concentration of poker machines in lower income areas as unique to Victoria. There is a form of economic apartheid …

I have been pleased to speak in support of the Gambling Legislation (Responsible Gambling) Bill. I commend the bill to the house.

Hon. ANDREW BRIDESON (Waverley) — The Honourable Roger Hallam has outlined the opposition's stand on the Gambling Legislation (Responsible Gambling) Bill, which is that it does not oppose the legislation but intends to go into committee to ask for

responses to some relevant and pertinent questions about the proposed legislation.

The Honourable Dianne Hadden has gone through in detail the purposes of the bill, so there is no need for me to repeat them. At the outset I say that the bill is really nothing more than a window-dressing exercise. The Honourable Roger Hallam has already referred to that but I would like to take it a little further. Perhaps the major reason for the introduction of the bill is to implement several aspects of the gaming policy that the Australian Labor Party took to the last election, and to attempt to satisfy the anti-gambling lobby.

The proposed legislation could be described as populist legislation, because the government is trying to give the impression to the public that it is really addressing a perceived growing social problem that has been created by the introduction of electronic gaming machines. It needs to be reiterated that it was the previous ALP government which changed the entertainment industry forever — and I use the words 'entertainment industry' because the majority of people who use electronic gaming machines do so as a form of responsible entertainment — and which implemented the Casino Control Act and the Gaming Machine Control Act.

A great deal of insight can be gained from reading the debates of the times to see what the ALP was on about. On numerous occasions it was looking at implementing somewhere between 35 000 to 40 000 plus gaming machines. I think a statement to that effect was even made in a second-reading speech. David White, a former member of this place and a former minister, stated on the record on several occasions in answers to questions or interjections that in a mature market there would be 40 000 gaming machines.

Many in the community would argue that the bill does not go far enough. That illustrates just how much of a window-dressing exercise its introduction is. Kenneth Davidson, a journalist who is known to all honourable members, in an article in the *Age* of 28 February states:

> A government concerned to protect the interests of its citizens, rather than the profits of the duopoly —

which, I might add, was also created by the former government —

> would do three things immediately: scrap the casino and gaming authority; set up a gaming licences reduction board — just as Victoria once had — to cut back on excessive hotel licences; and force the duopoly to spread the reduced number of machines more evenly throughout the state.
>
> In the longer term, venues should be able to acquire pokies directly.

I do not necessarily agree with what Kenneth Davidson says, but it is important to have that on the record.

Earlier this year the eighth Australasian gaming and casinos convention was held at Surfers Paradise. At that important conference all the issues we are discussing today were discussed, and a paper was presented by a Professor Jan McMillan, the executive director of the Australian Institute for Gambling Research. In her paper she notes that there were some quite high expectations of gambling reform in Victoria, and states:

> … the practicalities of implementing these reforms are questionable.

That really sums up what the opposition is on about today. It believes that the practical implications of a lot of the proposals contained in the legislation are questionable. However, it agrees with the general thrust that Parliament needs to address the problems associated with gambling. That was all highlighted in second-reading debates that took place in 1991.

Professor McMillan also states in her paper:

> Simply lifting tax rates that are applied to gaming operators' revenues won't solve problem gambling, although it will knock out a few of the more marginal operators. More advertising to sway problem gamblers, as some consultants argued, doesn't drill down into the psyche of compulsive machine players.

That adds to the points made by the Honourable Roger Hallam. The Honourable Dianne Hadden referred to a couple of groups, which included the Victorian Local Governance Association. If it had its way the number of gaming machines would reduce by 5000 over the next five years. Mike Hill, the association's secretary, has stated that on the public record. The Interchurch Gambling Task Force, which has also been quoted today, would reduce the number of gaming machines by a considerable number — from 27 500 to 15 000. Those are just some of the views of community groups that believe the government is not going far enough.

If the government were fair dinkum it would approach problem gambling by reducing the number of electronic gaming machines at the casino and elsewhere around the state. It would cut gambling hours not only at the casino but at all venues in metropolitan Melbourne. It would go further than the bill and give local governments the power of veto over the number of machines in their regions or municipal districts.

If it were really fair dinkum it would reduce other forms of gambling as well. It would put a limit on the amount a person could spend on Tattslotto, cut the number of greyhound meetings and other race meetings and so on.

It could also create an equal playing field for venue operators, which would address the problems with the caps that are placed on the operators and associated problems with the duopoly. As I said, the Labor government set up the duopoly. If it were serious the government would also address the very serious and emerging issues surrounding Internet gaming.

Will the government go that far? I do not think so. If it were fair dinkum about gambling problems, it would take draconian measures. Why does it not go that far? The answer is very simple: it was explained earlier. The government is reliant on the tax take.

I noticed in yesterday's budget that the gaming industry faces further taxes. Each gaming machine will have a tax of $333.33 imposed on it. That will give the new government an extra $10 million which, by the way, will be used to fund the two other problem areas — drugs and alcohol. If the government were fair dinkum it would take the gaming machine tax and hypothecate it to help problem gamblers instead of directing it into other problem areas.

In discussions I have had with gaming operators I have discovered that note-accepting machines are perhaps one reason people are gambling more. Why has the government not outlawed or attempted to cut back the increasing use of machines that accept bank notes?

I put on the record that I do not necessarily agree with some of those approaches. However, if the government were fair dinkum it would address those issues rather than just fiddling at the edges and creating the problems that will develop as a result of the changes in the bill.

It is important for Parliament to understand the enormous size of the gaming industry. According to the Australian Bureau of Statistics (ABS) gambling expenditure as a proportion of household disposable income nearly doubled from 1.7 per cent in 1982–83 to 3.2 per cent in 1997–98. Although the statistics are Australia wide, most of the growth has occurred in Victoria, Queensland and South Australia following the introduction of casinos and the growth of electronic gaming machines.

The gambling industry is now one of Australia's major industries. According to the ABS, in June 1998, 7072 businesses were involved in the provision of gambling services. That is an increase of 9 per cent since 1995. The numbers of clubs, pubs and taverns in the three-year period to June 1998 increased by 12 per cent to 2408. The 7072 businesses I referred to had a total income from gambling of more than $11 billion in the year 1997–98. That is a 42 per cent increase in gambling income since 1994–95. Poker or gaming machines were the major source of gambling income in 1997–98, accounting for $6 billion or 58 per cent of gambling income.

It is worth noting that the increase in income from poker or gaming machines did not appear to occur at the expense of other forms of gambling. Gambling per se has increased across Australian society. As the previous opposition speaker said, the government has made no attempt to curtail gambling or to even aim for responsible gambling in other areas. In Victoria, according to the Australian Bureau of Statistics, the gambling takings per head of adult population were: for poker or gaming machines, $493.30; casino, $214; racing, $124.90; and lotteries, pools, Kino and other associated games, $88.80. The total was $921 per head.

New South Wales surpassed that and total gambling expenditure per head was $963. In Queensland it was $694 per head and in the Australian Capital Territory $797. The Australian average was $818.

I said previously that gambling is a great source of revenue for the government. It is not hard to work out that governments gain 33⅓ per cent in revenue from electronic gaming machines. Previous speakers have put on record the amount of money the Victorian government received from gaming.

In December 1997 the Victorian Casino and Gaming Authority issued a summary of findings of its 1996–97 research program. It is worth reading the report and noting the effect of gaming in the Victorian context. New gaming gross state product is equivalent to about 2 per cent of the total Victorian GSP. Flow-on expenditure from the new gaming industry is $1.2 billion to suppliers, contractors and construction companies. New gaming taxes generated state government recurrent expenditure of nearly $0.3 billion. Multiplier effects are caused by stimulating general consumption from the increased recurrent government expenditure, and so the report goes on.

The point I am trying to make is that gambling is an enormous and legitimate industry, but the government is just fiddling at the edges. I do not believe the government will achieve the outcomes it is hoping to achieve. In recent months I have had the pleasure of travelling around Victoria. I visited the East Gippsland district.

Hon. W. R. Baxter — And Benalla.

Hon. ANDREW BRIDESON — Yes, as Mr Baxter says, I also visited Benalla and Ballarat. I visited gaming venues in my electorate. At the

micro-economic level the number of jobs and the amount of pleasure, as well as the increased economic activity, in all those areas is of paramount importance.

The Bairnsdale Returned and Services League club opened in December last and has invested between $3 million and $4 million in its venue. That would not have occurred except for the introduction of electronic gaming machines. An interesting feature of that club is that it gains more income from its restaurants than from gaming. It employs about 35 to 40 people who would not otherwise be employed in Bairnsdale, not to mention the cleaners, gardeners and other associated staff employed there. That venue purchases all its supplies from local businesses; the greengrocers, butchers, and others flourish as a result of the RSL. The people of Bairnsdale now have a world-class venue for all forms of entertainment.

One of the most important things I was told there was that much of the Bairnsdale RSL's trade comes from Melbourne and other parts of Victoria. People who previously would have driven for another couple of hours to the New South Wales gaming venues now travel only to Bairnsdale. The second-reading debate on the introduction of the original legislation in 1991 disclosed that a major reason the Australian Labor Party government passed the Casino Control Act was to harness an outflowing economy back into the Victorian economy.

A young parliamentary intern assigned to my office has conducted a survey of gaming venues and operators in my electorate. She says 393 people are employed in the 11 venues that have returned the questionnaire or survey form. Probably those people did not have jobs in the area prior to the introduction of gaming machines.

The amount of capital investment in the venues is incredible. In the week before Easter I visited the Mulgrave Country Club and was amazed at the improvements made to the club through gaming machine revenue. The emphasis at the club is not just on gaming machines; it provides patrons with the opportunity to play golf, squash, tennis, bowls and cards. It has become a real hub of social activity.

The club has been able to generate profit for return to its local community and the club. The club acknowledges that a handful of problem gamblers frequent the club, but the staff members know how to look after them. They can provide counselling or perhaps even a friendly tap on the shoulder and say, 'Don't you think you have been at the machines for too long?'. All the literature about problem gambling is displayed there.

One purpose of the bill is to provide information to those who frequent gambling venues. However, it is unnecessary; it is window-dressing because all the venues I have visited abide by the code of ethics established by the industry operators. Parts of the bill are unnecessary.

I acknowledge that gaming is a sensitive issue and I am sure no opposition member would disagree with me. The Honourable Roger Hallam said gambling is part of the Australian psyche. I refer honourable members to the 1991 contribution of Mr President — then on the opposition back benches as the Honourable Bruce Chamberlain — during the second-reading debate on the original legislation. He made a good contribution about the history of gaming not only in Victoria but throughout the world. I will not take the house through the contribution, but I encourage all honourable members to refer to Mr President's interesting speech made on 17 September 1991.

He talked about gambling in ancient Egypt and said hieroglyphics had been found there in recent times to show that the ancient Egyptians gambled. He referred to the use of animal knucklebones similar to what our kids use in their games of jacks. He spoke about gambling with the First Fleet's arrival in Australia. I remind honourable members that we all have a bit of a flutter on the Melbourne Cup. The book referred to in 1991 by the Honourable Bruce Chamberlain is called *Two Flies up A Wall* by Peter Charlton. It is in the parliamentary library and I recommend that interested honourable members read it; it is good value.

The Honourable Dianne Hadden spoke about a small number of problem gamblers. I refer to some of the research conducted to demonstrate that the bill caters for only a small percentage of the Australian population. The Productivity Commission estimates that 1 per cent of Australians fall into the category of problem gambler. It would be helpful for the community if the government could define who or what it believes to be a problem gambler; and, perhaps more importantly, how the government can generally assist the problem gambler.

When surfing the World Wide Web the other night to find information for the debate I came across an article entitled 'Compulsive gambling: odds are it's a growing problem' from the Mayo Clinic in the United States of America. It states:

> Most people who wager don't have a problem. But a minority — an estimated 1 per cent to 2 per cent of the general population — become compulsive gamblers.

Although that statistic is about Americans, it could be translated to the Australian population. The report further states:

> People in this group lose control of their betting, often with serious and sometimes fatal consequences.

I will not dwell too much on that because I know the Honourable John Ross will spend a substantial amount of time during his contribution to the debate talking about addiction and associated problems.

I also came across a research paper of Susan Moore and Keis Ohtsuka of the Victoria University of Technology entitled 'Gambling activities of young Australians: developing a model of behaviour'. In the summary of their research, which is about young people, they suggest that:

> … gambling is a frequent, normative, and approved activity among the young, and can be quite well predicted by a rational decision-making model of behaviour, although non-rational factors such as personality and cognitive bias do contribute to the prediction.

The important sentences are as follows:

> Problem gambling is relatively rare, in a statistical sense. The implications of these results depend on social policy decisions about how much gambling is excessive in any society, and to what extent we should discourage the young …

That is relevant research and I look forward to hearing Dr Ross's contribution about that.

I turn to some of the issues that are specific to the bill. Many aspects of the Gambling Regulations (Responsible Gambling) Bill are not defined. The opposition invites the minister to define what he means by responsible gambling. The opposition has been pretty fair about this. When we received our briefing from the advisers a couple of weeks ago we put the minister on notice about that. The big question is: will the legislation improve problem gambling? The second question is: will it actually reduce harm? From my reading I do not believe the bill addresses those issues.

I turn to the removal of the objects from the 1991 act which were introduced by the last Labor government. The purpose of the Gaming Machine Control Act 1991 was to promote tourism, employment and economic development generally in the state. That object has now been removed.

The second-reading speech, which was read in this place at the time by the Honourable David White, a former gaming minister, states:

> … Victorians will be able to enjoy playing a variety of games in venues within their own state, and the tourism and hospitality industries will be stimulated, providing employment opportunities for many.
>
> Hotels and clubs will no doubt adapt and update their premises to take advantage of machines. This will provide stimulus to the building trades, not just big companies but also small local operations throughout the state. It will have a great impact on confidence in Victoria.

They were the reasons that object was put in the bill. Why is the government not facing the reality that that is what occurred and what will continue to occur in Victoria, whether the object is there or not? It is just merely window-dressing to satisfy an effective anti-gambling lobby.

I turn to the limit on machine numbers. Again, this is just window-dressing. The Honourable Roger Hallam spoke about the ceiling on the number of gaming machines in the state. I have a copy of the ministerial direction which was signed off by Roger M. Hallam, MLC, Minister for Finance and Minister for Gaming, dated 4 April 1997. The ministerial direction specifically states:

> … the maximum number of gaming machines permitted in the state to be available for gaming in all venues licensed under the Gaming Machine Control Act, other than the Melbourne Casino, is 27 500.

Why does the bill have to reinterpret that? It is just window-dressing. There is no need for that to occur.

A real problem exists with the caps. Interestingly, the Productivity Commission has picked up the problem that will be created by not only the existing number of caps but by the placing of caps on machines in the regions. The Productivity Commission says on page 37 of its summary of the report:

> … the concept of caps and the levels at which they are set are contentious issues. In the commission's view, supply restrictions can only be justified to the extent that they can reduce social costs sufficiently to warrant any adverse impacts on recreational consumers …
>
> … once demand pressures mount there will be incentives on operators and gamblers for the more intensive use of machines, which could exacerbate problem gambling.

We have also heard that machine intensity in Victoria is much greater than in New South Wales where caps do not apply. I do not believe the cap that was implemented by the former government and the regional caps that will be implemented by the proposed legislation will have any drastic impact on problem gambling.

Another issue that the bill does not address and the government should pick up has been related to me by numerous gaming venue operators. Not just one or two,

but practically every second gaming operator I spoke with had a problem, particularly in country Victoria where there are perhaps not as many gaming machines, and also at some of the smaller gaming venues in the Melbourne metropolitan area. Pressure is put on gaming venue operators to push people through their machines in order to raise the net revenue per machine because the operators, Tattersalls and Tabcorp, have to derive maximum benefit from their machines to satisfy the shareholders. We do not have any complaints with that — that is a general run-of-the-mill situation. Private businesses have to receive a return on their investments; they have to satisfy their shareholders. The cap has put pressure on the venue operators to advertise in order to get the dollar through the machine, which is contrary to responsible gambling.

To survive a gaming machine operator has to ensure that about $2000 a day is pushed through the machine. Venue operators have signed a contract that states the operator can remove the machine from the venue if the net revenue per machine is in the lowest take for the state — there are five categories of machine value — and the machine falls in the bottom category for a certain period. The loss of machines creates enormous problems, particularly for the smaller golf clubs. Many clubs have put in considerable capital investment. They have bank overdrafts on which they are paying high interest rates. However, their capacity to repay has been reduced because they have lost machines. This is a real-life issue facing many operators. I would like the government to address that sort of issue rather than introduce a lot of the window-dressing that has occurred.

I have been told by a venue operator that to keep machines in their venues, they have gone out and borrowed money to feed into the machines, which seems to be a crazy thing to do.

That sort of action resulted from the statewide cap on the number of machines. Why was a cap put on? The answer was simple — a decision was made based on community expectation. There were too many problems being created by the electronic gaming machines. I accept that that was why the decision was made — but it created a problem that was not considered at the time. The point I am trying to make is that the legislation will have some unintended outcomes.

I now turn to the restricted number of hours that venues will be able to operate as a result of the legislation. If the government were fair dinkum it would have a level playing field and would reduce the operating hours statewide. In Ballarat members of the committee spoke to gaming venue operators. The Honourable Dianne Hadden informed the house that a reduction from 24 hours to 20 hours of operation for gaming venues in Ballarat would result in people going home. However, the venue operators told us that if a venue closes at midnight and another venue down the road, perhaps at the trotting club, is open until 1 a.m. and another venue further down the road closes at 4.00 a.m., people go from one venue to the other. In metropolitan Melbourne and in rural Victoria where there are numbers of venues, I am sure operators will come up with a formula whereby they can stagger their hours so that gamblers will do the rounds of each venue. The result will be 24-hour gambling, but not at the one venue.

It is interesting to note that the Productivity Commission said that restricting venue opening times will probably have few positive social effects. The Productivity Commission report is being bandied about by many people who say it is the greatest thing since sliced bread in trying to implement responsible gambling activities. The report reveals that most problem gamblers do not gamble every day of the week or for extremely long hours. Controlling the hours of opening, 18 hours a day on 6 days of the week, for example, would probably lead only to some minor rearrangement of the activity of the problem gamblers.

I asked a 24-hour gaming venue operator in the province I represent, ‘Do people gamble at 4.00 a.m.?’. I certainly would not, and I am sure colleagues here certainly would not do that. I was quite surprised to hear there is a large number of factory shift workers in the south-eastern suburbs of Melbourne. Those shift workers, including nurses and transport workers, regularly call in at 4.00 a.m. for social activity. Their days are just readjusted and they usually finish off with breakfast before going home to resume their daily activities. The restriction of the hours of operation of gaming venues will impact on only a small area of the community.

An area of major concern to me is clause 8 in division 2, which gives the minister power to determine regions in the state, because we do not know what a region is. The minister’s advisers have been put on notice that opposition members seek a definition of a region. Local government is also involved because it has the power to undertake economic and social impact studies that can be presented to the Victorian Casino and Gaming Authority (VCGA) about the opening of new venues or alterations to a licence, and so on. I am concerned about both those issues.

For the first time the process in Victoria is open to politicisation. Politics, at whatever level, should be at

arm's length from any decisions about the placement of gaming machines or the establishment of regions. As the Honourable Roger Hallam said, it can leave politicians open to graft and corruption, or to accusations of graft and corruption.

In his second-reading speech of 10 September 1991, the then Minister for Gaming, the Honourable David White, said:

> The government has undertaken to adopt fully the recommendations of a report prepared by Arthur Andersen and Co. which laid down the technical and regulatory standards for the establishment of an industry which would satisfy the community demand for honesty and integrity.

I do not think anybody in the community today would doubt that Victoria has one of the cleanest gaming industries in the world, but I am concerned at the possibility that politicians can be open to graft and corruption.

While doing some research for my contribution to the debate on the bill I came across the contribution of the then member for Kew, later the Attorney-General, Jan Wade, in the debate in the other place. It is interesting to put on the record that the Queensland Criminal Justice Commission conducted an investigation into concerns about and regulations for gaming machine. It considered the criminal involvement, graft and corruption in the gaming industry, and a number of examples were cited of money being paid to the Australian Labor Party by an organisation involved in the production of gaming machines. The evidence given to that commission was uncontested, just as it was not contested when it was put in the other place.

During 1980 three donations totalling $30 000 were made by the gaming company to an account connected with the then opposition leader in Queensland, Mr Ed Casey. It appears that $20 000 of that amount was paid into an account of the Queensland branch of the ALP but $10 000 has never been traced. Furthermore, between January and March 1982 the gaming machine manufacturing company made four payments totalling $40 000 to the polling organisation Australian National Opinion Polls and all honourable members know that ANOP was a Labor front headed by one Rod Cameron, so the ALP received a fair whack of that.

The New South Wales gaming squad's Task Force Two alleged that the money was a disguised donation to the Victorian ALP. The Queensland commission said that there appeared to be no compelling reasons to doubt the allegation. It is important to have that on the record, given the vitriol that the Kennett government suffered from the opposition about our mates and so on — when we were clean.

No evidence exists of any illegal activity. Where is the royal commission into the tendering process? There is no evidence of illegal activities of members of the opposition, but there is evidence that the Labor Party is open to graft and corruption.

The bill proposes the dismantling of the independent research unit of the Victorian Casino and Gaming Authority and its replacement with a gambling research panel. It is an unnecessary waste of taxpayers' money.

Hon. C. A. Furletti — It is setting up your own committee.

Hon. ANDREW BRIDESON — Yes. Members constituting the panel should be appointed by Parliament to ensure they are cleanskins. I am concerned that the appointments to the panel will be political. I ask the minister to indicate during the committee stage the process for the selection of the independent research unit. One of the reasons the government is moving down this track is because it believes the research arm of the VCGA is not independent. Mr Hallam indicated how independent it really is. I place on the record that the research conducted by the VCGA is independent research. It is not research done by the panel for the panel to give advice to the government. The research unit tendered out its research projects so that the research was conducted by Australia's best researchers.

I turn to give details of some of the companies and people who conducted the research for the VCGA. A project entitled 'Gaming — comparative history and analysis, framework for evaluation and summary of 1998–99 findings' was undertaken by the Australian Institute for Gambling Research. The second stage of that research was given to the Social and Economic Research Centre at the University of Queensland.

A project to develop a problem gambler measurement instrument was awarded to Flinders Technologies Pty Ltd. A project to conduct an inquiry into the evaluation and further use of existing data sets was conducted by Geospend. Continuing surveys of community gambling patterns and perceptions were conducted by Roy Morgan Research Ltd. A project to research the economic impact of gaming was conducted by the National Institute of Economic and Industry Research. That has been completed and the final report was released on 27 March.

A club and hotel industry gaming impact study was conducted by Market Solutions (Australia) Pty Ltd. A

tender to research the impact of the expansion of gaming on the tourism, entertainment and leisure industries was awarded to a consortium from the University of Western Sydney, the Royal Melbourne Institute of Technology and the University of Technology, Sydney. They are all quality research institutes. Almost all the research conducted by the VCGA is totally independent.

Other speakers will address planning issues, but one of the issues drawn to my attention by visiting venue operators is that they do not believe local councillors are sufficiently independent or sufficiently informed about the gaming industry and will therefore not be able to base their decisions on facts. It is believed they are already biased against the gaming industry. I am not sure how those issues will be addressed. Perhaps venue operators and their mates will stand for local government. I cannot see a way around it.

I am concerned about the retrospectivity provisions, which I know Mr Furletti will address. Victoria has an honest and dynamic gaming industry. I hope it remains that way. The industry contributes positive economic outcomes to the community. I acknowledge there are some negative social impacts. It is incumbent on Parliaments throughout Australia to ensure a balance is achieved between assisting those who need help and enabling the honest citizens and the industry to survive. The legislation will have long-term unintended detrimental effects on the community and I am sure that before the year is out it will have to be amended.

Hon. R. F. SMITH (Chelsea) — I support this timely and urgent bill that will introduce much-needed reforms in the gaming industry and is another example of the Bracks Labor government delivering on its election promises. The measures in the bill will ensure a secure and better-balanced approach to gaming and will better protect the community from its adverse effects.

The government is not opposed to gambling or the gaming industry. Gambling is here to stay. I like a punt myself. I have a bet on the horses during the Spring Racing Carnival and on the golf — and sometimes I back myself. I used to bet on the cricket but I have changed my mind on that. This is not a wowser's bill but the government recognises the detrimental effect gaming has on many people in society. Some people say that only a small number of people are affected but the evidence is to the contrary. A significant number of problem gamblers exist. I do not believe people can argue that the government should not look after them.

There has been a staggering increase in the amount of money gambled during the past eight or nine years. In 1992, when the Kennett government came to power, $112 million was gambled through electronic gaming machines. In 1998–99 that figure had grown to a staggering $1.5 billion. In 1998–99 almost $204 million was gambled on electronic gaming machines in Chelsea Province: $85.5 million in the City of Greater Dandenong, $70 million in the City of Kingston and $48.3 million in the City of Frankston. The figures on a per capita basis are: $647 in the City of Greater Dandenong, $527 in the City of Kingston and $435 in the City of Frankston. It would be naive to suggest that that amount of gambling does not have a detrimental effect on other parts of society. There is a growth industry in pawn shops around gaming venues. That is not something to be proud of and it is no accident that charities have suffered significant declines in funding.

The bill includes measures to freeze the number of electronic gaming machines throughout Victoria. Currently there are 2500 machines at Crown Casino and 27 500 machines in 560 gaming venues across Victoria. I have heard people speak against the number of machines that currently exist, and make the point that there should be no more machines in Victoria.

I argued strongly in the Labor Party some years ago under the previous government not only about the number of machines but their location. I argued against hotels having access to the machines because they would clearly be detrimental. I said the machines should be located in golf, football, yachting and bowls clubs. Clearly a significant benefit would flow to those communities. A classic example is the Amstel Golf Club in Cranbourne which has, with the advent of gaming machines, improved its facilities significantly and is about to build a new 36-hole golf course. It is clearly a major benefit for its members and the community rather than the pubs having gaming machines in isolation where money disappears out of the mainstream.

The argument at the time was that Victoria was in a recession and if hotels did not have the machines they would go out of business. My view was that I would always find somewhere to buy a beer, and it was more important to ensure that society received a better return from gaming machines than that. I was not successful in arguing my point.

Under section 12 of the Gaming Machine Control Act the Minister for Gaming will by ministerial direction determine the number of machines outside the Melbourne Casino. Honourable members opposite said the government should not be involved and there should not be ministerial direction. Mr Hallam earlier suggested that hard decisions should be made by

leaders and if one does not take responsibility other people will make a mess of it. I am not sure what Mr Hallam was on about. The government will take control of this issue. The casino already has the ability to operate 2500 machines and through the Victorian Casino and Gaming Authority will now be limited to that number. That is a sensible and rational measure.

The bill also includes regional caps. Regions will be set by the relevant minister. Honourable members opposite have asserted that it is undemocratic to discriminate against regional Victoria by having 24-hour facilities in the city but not in the country. The Minister for Gaming conducted at least five regional community meetings on the issue and received significant support for the legislation. The government is responding to the wishes of regional Victoria. I know the opposition has a problem with that but it will have a bigger problem after today. The government intends to ban or limit 24-hour operations of those facilities in regional Victoria. There is clear evidence that those communities do not want gaming machines because they are doing too much damage to the regions. I cannot understand why opposition members do not agree with or accept that position.

Hon. C. A. Furletti — Explain it.

Hon. R. F. SMITH — I do not know whether you were listening, Mr Furletti, but for your benefit, the regions have told us that they do not want them. The Minister for Gaming conducted a significant number of regional visits and listened to the community. Now the government has delivered. Councils will have a greater say about venues and the number of machines in their municipalities. I know the opposition will struggle with the concept of local government having a much greater say, but the government believes it is appropriate and, more importantly, so does local government. It will ensure a more sensible and logical outcome for those areas.

The bill also includes the proposal to better educate and inform gamblers in a number of ways, such as how much money they are spending, how long they have been at the venue and what odds they have been winning against those insidious machines.

Hon. C. A. Furletti — About 80 per cent of Victorians can exercise their democratic right.

Hon. R. F. SMITH — People are conned.

Hon. K. M. Smith — People go back because they want to.

Hon. R. F. SMITH — The legislation is addressing a significant problem. In 1992 a total of $112 million was spent through the machines and last year $1.5 billion was spent. It is time to support the change. This is good legislation and deserves the support of the house. I commend the bill to the house.

Hon. K. M. SMITH (South Eastern) — It is a pleasure to follow Bob Smith because he gives the opposition so much ammunition. The Gambling Legislation (Responsible Gambling) Bill is nothing more than a political and cynical exercise by the government. During the last election the Labor Party conducted a scaremongering campaign and spoke of problem gambling. The Labor Party supported Tim Costello running around the countryside scaring the pants off people about problem gambling. The government thinks it has a mandate to introduce this legislation. It has no mandate and does not have the right to govern in its own right. Mr Smith quoted a figure of $1.5 billion. That was collected in gambling taxes, but includes all wagering and Tattslotto. He cannot say it all comes from money being put into gaming machines.

When in government the opposition had the best gambling response to problem gamblers of any other state. Since 1992 more than $60 million has been poured into providing support and help for people who consider themselves to be problem gamblers.

Labor Party members talk about problem gamblers, but they cannot even give the house a definition to explain what a problem gambler is. They will have the opportunity of doing so. Mr Hallam has already said he will ask the government to define exactly what a problem gambler is. I suggest government members should think of something — Mr Bob Smith could not come up with it.

The government is introducing some strange regulations. Mr Smith said the Labor Party imposed a cap of 27 500 machines. The former coalition government had the cap on for some three or four years, so it is nothing new that the lot opposite have invented. Labor did not put the cap on the number of machines that are able to be operated in the casino. That was also applied by the previous government. It is not being applied by this legislation. In fact, Labor Party members were the ones who wanted to bring 40 000 to 45 000 poker machines into Victoria. Honourable members opposite, like Dianne Hadden, can look up their records and hang their heads in shame because they are part of the Labor Party that wanted to inundate Victoria with poker machines. It was just by luck that the Liberal and National parties got into government;

they did not allow that many poker machines and restricted the number.

It is laughable for the Labor Party to say it will restrict the number of gaming machines in the Melbourne casino. The number of machines in the casino are tied in with the agreement that enables it to operate. The Victorian Casino and Gaming Authority has always had control and held a very tight rein on that. Mr Smith said the government intends to put that control back into the hands of the responsible minister by way of legislation. In all the time that the Kennett government was in power, there was never a sniff of corruption in any way, shape or form associated with gaming in this state.

Before the last state election the Labor Party had Rob Hulls running around the countryside talking about the casino, corruption in government, documentation that he was going to table and a royal commission the Labor Party would establish as soon as it got into power. Not only did you lot have no evidence but you had no guts to tell the people of Victoria that you had no evidence to do it. You lied to the people of Victoria, as you have always done; you lied to the people about Victoria and what was the best government this state has ever seen.

Under the previous government there was never a sniff of corruption. I can already start to smell the stench of corruption with the Labor government. Mr Brideson mentioned the money that came from Queensland and how it filtered down into the Victorian division of the Australian Labor Party. We know about your $10 000 and where you got it from!

What Labor is doing with this legislation is opening up the floodgates to brown paper bag deliveries. I am talking about someone walking in the door and putting a paper bag inside, perhaps behind one's desk when one goes off to the toilet. We know how it works, because you lot have been doing it for years. The stench of corruption is here now, and you people just love it. You should be ashamed of yourselves.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Mr Ken Smith, without assistance.

Hon. K. M. SMITH — Not only are you opening up the opportunities for corruption of the Labor government and its mates, you are also opening up the opportunities for corruption in local government by giving municipal councils the power to say yea or nay on whether poker machine venues should go ahead. I am referring to Labor Party mates in councils like the corrupt councils that were thrown out before — like Richmond. We know about the legislation required to get rid of the corrupt councils, yet Labor is allowing such councils the opportunity again to be able to get their hands into the developers' pockets to get through quick approvals. That is a shame. You should not be doing it, but you are and you are doing it by legislation.

The government has introduced this measure on the basis that it will be the best legislation there is. However, it is only opening up the floodgates to corruption and will not in any way improve what is the very best system of gambling that exists anywhere in this country and probably around the world. Labor members have access to Commonwealth Parliamentary Association tours. I did my CPA tour looking at gambling around the world. After talking to ministers responsible for gaming and police chiefs from around the world, I know they were very much aware of our legislation and the way we had made our gambling industry in Victoria corruption free. You people opposite put some of that legislation in place; I do not take that way from you. You put an independent group of people in as a barrier between the politicians and the operators who wanted to go ahead with such venues. Those people were part of what is now the Victorian Casino and Gaming Authority. They were appointed because there is a need for the government to be at arm's length from such operations. However, what the Labor Party is doing with this legislation is knocking down that wall and opening the door to opportunities for corruption. I do not like that here in Victoria. We have a clean industry.

When I visited people in South Africa and Zimbabwe — they are not too good over there now; the gambling is now on people's lives rather than on poker machines — different mini-casinos, or what we would call poker machine venues, were being established around the country on the basis that they would make some money because people could come over the border very quickly. However, that system was full of corruption. I talked to the relevant officials about our system in Victoria. In fact, while I was over there I rang Victoria and got our legislation sent over to them. They have now set up their gaming venues in the same way we did in Victoria, and their venues are now corruption free. It is so important that we do not allow our venues to go backwards. Unfortunately, the Labor Party is doing that with the legislation now before the house.

The opposition could oppose the legislation, but it will not do so. It will support the bill. But I warn honourable members opposite that we are going to pursue you and find every corrupt action you are involved in. We will know about all the paper bags of money that you get, because people talk. So just do not put yourselves in the

position to be picked off — and I promise that you will be picked off. We will pursue you as far as we possibly can.

Mr Bob Smith talked about Minister Pandazopoulos consulting. He had five meetings throughout Victoria on which he made decisions about this bill. Mr Smith said the former coalition government introduced 24-hour gaming trading and the Labor Party was cutting it back to 20 hours in rural and country areas. The Labor Party's legislation did not bring in that change. That was introduced by an amendment moved by Susan Davies, the honourable member for Gippsland West in another place. The Labor Party never thought about it so its members should not try to lie to us in this place about the way the legislation was put together. The amendment was introduced by an Independent, but there was collusion between her and the Labor government. I have no doubt about that. Government members tell the house it is part of their party's legislation; it is not and never will be, and the record of proceedings in the other house shows it was not Labor's idea.

Mr Bob Smith advocated that poker machines should be allowed only in clubs. Why should that be the case? Why not in hotels? Hoteliers employ people, spend money to improve their venues and are prepared to put their money out in the community. Mr Bob Smith knows, as I know, that hoteliers around Victoria are the best touch for local sporting clubs and organisations; and they have to get their money from somewhere. It is not only clubs that put back into the community; hotel owners also put back.

The Victorian division of the Australian Hotels Association (AHA) has addressed responsible alcohol consumption well and supports legislation to control gambling. That is what the government wants, what the hoteliers want and what the opposition wants — and that is what is in front of us today. That is why the opposition will not oppose the bill and will allow it to go through. However, as I have already warned government members, the opposition will pursue them.

The government has now put the big touch on the casino and other operators. The budget documents handed down yesterday reveal that the government is touching them for a third of their takings from poker machines. That will come out of the pockets of the gamblers Mr Smith is so worried about. On top of that, for every machine they have installed the operators will have to pay $333.33 year in, year out. It will cost Crown Casino about $800 000 a year to pay off that touch. Mr Smith should consider where it will get the money from. It will not pluck it out of the air; it will pluck it out of the pockets of gamblers; and will probably also have to cut down returns.

What about the clubs, pubs and the TAB that will all have to pay tax? The government will take $4.6 million a year from each operator of clubs with machines. Where does Mr Smith think that money will come from? It will come out of the pockets of gamblers. Gamblers will receive lower returns, and in turn that may mean people will gamble more. Mr Smith might not like going into clubs and pubs and putting a few bucks into machines, but a lot of people who are in front of machines at the moment like doing it because it provides them with a social life. It allows them an opportunity to meet people; and as Mr Hallam said, people feel safe in the venues. Mr Smith and his government colleagues are just taking more money out of the pockets of gamblers.

Although the bill is about responsible gaming and looking after the problem gamblers, who are yet to be defined, the government will not put the money it receives towards problem gambling; instead it will put it towards problem drinking or the drug problem. If the government were fair dinkum it would put in another $10 million. The previous government had put in $60 million!

Hon. R. F. Smith — How did you define who the problem gamblers were?

Hon. K. M. SMITH — I have not defined who the problem gamblers are, Mr Smith. It is up to you, your ministers and their advisers to do that today. Wrap your mind around that.

The opposition does not oppose the legislation. However, it has made me put up my antennas and think that government members cannot be trusted. They are corruptible and will be corrupted. The opposition will be waiting to tell the people of Victoria just what the lot on the other side is up to. In government or out, they cannot be trusted.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak on the Gambling Legislation (Responsible Gambling) Bill. I have listened to the contributions of Mr Ken Smith and other members from both sides.

The bill tackles some of the problems facing people who are addicted to gambling. As has been mentioned, casino licences were introduced under the Kirner government to try to boost the economy and encourage more tourists to come to Melbourne. However, after many years of operation, casinos, poker machines and

so on are becoming one of the biggest problems in Victoria.

Since Crown Casino first opened in its temporary location at the World Trade Centre prior to moving to its Southbank building some members of the Victorian community have had problems because they cannot control their betting habits. One of the problems is that once such people get into the casino they stay there for as long as they can. Even though they may think, 'I will be here for one or two hours' they may stay there for much longer.

I remember that when the casino had just opened parents left their little children in the backs of cars in cold or hot weather because they did not think they would stay too long. But people with gambling problems cannot stop once they start betting — they just go on and on. Often they cannot remember the time and keep playing to try to win back what they have lost. That is a common occurrence.

I do not want to talk about just the bad side of gambling. There are some good things about it, too. For example, gambling venues bring tourists to Victoria, provide entertainment and provide somewhere for people to go with friends to have social drinks and chats, and so on. The government is not trying to say that everything will be heavenly now, but it is trying to stop people who cannot control themselves from overdoing things when they get into casinos or other venues.

Currently the casino and clubs are open 24 hours a day. They have lights flashing and music playing, and people often do not know the time because no clocks are visible. The availability of automatic teller machines enables people to withdraw money at any time, and some develop a gambling habit. No matter what time of the day you go to the casino — even at 2.00 a.m. or 3.00 a.m. — you will see people everywhere. Many people go there every day and stay for 10 or 20 hours. Some look silly because they sit on chairs with their eyes closed, but they are still betting because they think they can win back what they have lost. The problem is that they do not win; they become too excited and keep losing their money.

I have been to social functions at the casino on a few occasions. Sometimes politicians are invited to the casino for public functions, and I attend if I am invited. However, I always place only a small bet because I do not want to become an addict. I have seen many people who have arrived there early stay until early in the morning. Some people stay there for 20 hours. They do not go home. They eat and rest there.

Gambling has become a social problem in Victoria. Not only that, but people involved in gambling have to do something else to make money so they can keep going to the casino. Often they try to sell drugs or become gang organisers. Not long ago a television program showed a guy from Sydney who had lost $90 million in 12 months at the Sydney casino. People spend all that dirty money in the casino, and others cannot afford to go there. A person who is working earns wages and cannot afford to go there every day to sit for an hour or two and spend thousands of dollars. People have to do something to make money to spend on gambling in casinos.

Some unemployed people are using their children's family allowances, money paid by the commonwealth government to support the children. Instead of spending all the money for food the parents spend it on their habits. I know in many cases when the parents have gambling problems the kids have no-one to look after them. The kids have no money to buy food because the parents spend it all, so the children are living very harshly. Some of them refuse to go to school because they do not feel like going to school to study. Many young kids are staying at home; they play on the street when the parents are playing at the casino.

Councils and communities have raised awareness of the problem in the Victorian community. Many reports have been produced in the past on the subject. There are many stories and many articles have been published in the local and daily newspapers. Everywhere we hear of problems linked to the casino. People are cheating, making false credit cards, borrowing money and not returning it and doing all sorts of things. They are cheating other people out of their money and spending it on gambling.

One of the things the Labor Party wants to do is reduce the problem, but it cannot close everything down. If there is money, people will find somewhere to spend it. Some of the clubs that have gaming machines are social clubs that depend on the money they get from gambling. Therefore the Labor government can only try to reduce the number of hours places open. Instead of people spending 24 hours sitting at poker machines, they will go home if a place closes for 4 hours. Some will try to go to other clubs at midnight. When a place closes they think, 'Okay, it's too early to go home,' and they find somewhere else. If they go somewhere that is always open, they say, 'I will just stay another 10 minutes' and they end up staying a long time. The government is trying to get places to close down for 4 hours so people are not running the business 24 hours a day.

Two or three months ago I went to the Adelaide casino, which runs until only 3 or 4 o'clock in the morning, so if people want to come back they have to come back in the next few hours.

Hon. C. A. Furletti — Did you win?

Hon. S. M. NGUYEN — I did not bet. I went there to see how they run the business. The people had to go home. I cannot remember the exact time but it was not until 3 or 4 o'clock in the morning that they had to close down the business, so many people left. They were told that it was 10 minutes before closing and no-one was allowed to come through the door. People had to go home to their kids or to sleep ready for work the next day. It is an attempt to stop people from staying there for long periods.

The effects of poker machines should be examined. I see many lonely people at poker machine clubs. They have nothing to do and go there for entertainment. Those who stay too long have problems. They cannot win; they keep losing money. Even if they go to the 1 or 2-cent machines, if they stay there for 2 or 3 hours they keep losing. I remember that the Crown Casino used to send a bus to somewhere like Springvale to invite the Indochinese to visit its site.

Hon. C. A. Furletti — Not only the Indochinese. They do it with the Italian community — with all communities.

Hon. S. M. NGUYEN — I agree. It is not only for Indochinese; other communities and clubs are involved as well. The people are given $10 vouchers, but when they go to the casino they will spend more money. That is how the casino tries to attract customers. Signs pointing to the casino used to be everywhere in the city. Everywhere you went you saw directions to the casino. I think the government had to change that.

We were talking about the community losing money. I know the government set aside money from the Community Support Fund to support those who suffer because of the casino. However, the funds did not go directly to benefit the community. They went to the Premier's department.

Hon. R. M. Hallam — They went where?

Hon. S. M. NGUYEN — To the Premier's department. The Community Support Fund money went to the Premier's department.

Hon. R. M. Hallam — Are you suggesting it did not go to the community?

Hon. S. M. NGUYEN — Yes, it goes to the community, to the people who suffer because of gambling, but the funding did not do too well. I would like to see that sort of thing checked to help those in the community who need those funds. The previous government, for example, spent the money to build an aquatic centre.

Hon. R. M. Hallam — So you are suggesting that was not a help to the community?

Hon. S. M. NGUYEN — The money should go to the people who are suffering rather than to someone else. It should go direct to the families for things such as financial counselling, accommodation and looking after the poor kids because their parents cannot look after them. Those are the sorts of things that should be looked at, rather than spending the money on something else.

The report prepared by the Victoria University of Technology on the impact of problem gambling on local councils refers to gambling problems for citizens of the cities of Brimbank, Greater Dandenong, Maribyrnong and Moreland. It says many people in those communities have gambling problems and lose a lot of money. Maribyrnong has the highest unemployment levels in Melbourne, with many low-income earners as ratepayers.

The government has tried to reduce the number of gaming machines and the hours when venues can be open. It aims to give more power to local government so that it may consult with venues about gambling and gaming machines and become involved in the licensing of new clubs. I commend the bill to the house.

Hon. G. B. ASHMAN (Koonung) — The Gambling Legislation (Responsible Gambling) Bill is presented as the delivery of Labor's election commitment towards more responsible gambling. I am not sure it achieves that objective. Although it has some problems with the bill, the opposition supports it.

I shall address a couple of issues about local venues and the economic impact of gambling establishments, and comment on local government's involvement in the preparation of the legislation. The objectives in the second-reading speech state that the legislation will secure a better balanced approach to gambling and will better protect the community from the adverse effects of gambling. Does the bill achieve those outcomes? I think not. It makes a number of amendments that confuse the marketplace rather than providing a clearer working environment for gaming operators and players.

The legislation continues the cap on the number of machines at Melbourne's Crown Casino at 2500. It continues the hotel-club split, and establishes metropolitan and regional divisions. It introduces regional caps, with which I have some difficulty, and 4-hour breaks from gambling in every 24 hours. That will only create confusion in the marketplace.

When the bill was first mooted the opposition commenced a quite detailed consultative process. I have been part of a number of opposition excursion parties to regional Victoria. Opposition members canvassed views throughout the state and found that the information gathered has been useful; the same could be said about a number of visits we made to metropolitan venues. The government should address the issues raised by members of the community — for example, how is a region to be defined or determined; what will be its basis? Will it be based on area or population, on particular groupings of towns, or a commonality of interest? The government's proposal is rather vague and will only confuse the marketplace.

People in provincial and rural Victoria have asked opposition members whether they are considered to be in a region; will a provincial city be a region; and what will be the mechanism for determining the regions? Once a region is determined who will determine the number of machines to be allocated to each region? If machines are to be moved from within a region to an adjoining region or to Melbourne, what will the process be?

A large number of club and hotel venues throughout Victoria have invested heavily to expand not just their gaming rooms but also their meal and associated facilities. As we visited different venues it was not unusual for us to have proprietors or managers talk about investing between $100 000 and more than $5 million to improve their venues. Many argue that they rely on continued access to gaming machines to service business loans and their local communities.

For the first time the Minister for Gaming will be personally involved in the placement of gaming machines. The minister will determine what the regions will be and the number of machines to be allocated to each region or venue. As part of the process, local government is being introduced as a player. Although local government does not have a veto over a gaming venue, it will have a significant influence in determining the outcome of a venue's application, whether it be for a new venue or an extension to an existing venue.

A number of people have asked the opposition working party: 'What does the requirement that we submit an economic benefits statement in support of a new or extended venue actually mean; what do we have to say; do we include an economic overview of the region; do we talk about only what we believe our venue will generate in employment and throughput; do we talk about what it will generate for businesses that supply our venue; do we have to take into account the retail activity of the district; what will the criteria be?'. Nobody is clear about what must necessarily be included in a gambling venue's net economic and social impact statement, as stipulated in the second-reading speech.

As we moved around it was interesting to note the level of support shown for gaming machines, particularly from the smaller venues and the gaming venues in small towns. Early in our discussions it became apparent that the gaming venue had become the focus for a large amount of social activity in the town. People who had not been active within that community were now coming out. It was particularly evident that women were taking advantage of the improved facilities available through the gaming venues. In almost every instance the club or hotel had been upgraded and was now presenting a comfortable environment in which women and older people felt safe and secure. They were prepared to visit the venue through the day or during the evening because they were aware they could get a good meal at a reasonable price. They could have a cup of coffee and some alcoholic beverages if they wished, and they could also play the gaming machines.

At a number of venues the operators told us some players would spend 5 minutes on the machine and 5 minutes chatting to one another; then back to the machines, another 5 minutes playing, another 5 minutes chat and a cup of coffee. Tatts and Tabcorp are probably not terribly enthusiastic about that style of gaming, but it has become a social activity. People who were not mixing in their local communities before now use the gaming venue as the opportunity to do so. Most towns we visited had a bowling club and a football club. However, those clubs are not always all-embracing to all people. Not everybody wants to be part of the culture associated with some footy clubs.

There are many criticisms made about gaming machines but there are some real positives. Responsible gambling means you allow people who can gamble and use those machines to make sensible decisions for themselves. They are in control of their own destinies. I am not disputing that there are some problem gamblers out there, but how do you identify that problem gambler? Is it on the number of games they play? Is it

the amount of money they play with or the time they spend in the venue?

As we moved about we were told a number of stories about incidents that occurred at the venues. One that particularly sticks in my mind involved a woman who appeared at a country venue and played consistently over a number of weeks. She was observed increasingly putting more money through the machine. The venue operator, being a responsible operator, invited her to come and have a cup of coffee to discuss the problem. The discussion came around to the volume she was putting through the machine and her response was, 'I have just settled my husband's will. He was an absolute bastard; I hated him. I just sold his house and I reckon it is fair for me to put it all through the machine, and if I win from the machine I have won it; it is my money'. Is she a problem gambler? I do not know. It was her choice. She had made a clear and conscious decision on what she was doing.

We are putting an obligation on the venue operators to provide responsible gambling facilities and to identify problem gamblers. To some families $20 might be a problem; yet $2000 might not be a problem for another person. Kerry Packer could turn up and put in $2 million. That would not be a problem for him, and the impact of spending that amount of money would not be the same as spending $20 may be for someone else. How do you identify those people? What is the problem? The minister may like to come back, because the venue operator would love to know how to pick the problem gambler as he or she walks through the door.

A number of people had self-excluded themselves from some of the venues we visited, and that is a good mechanism. A number of questions arise from the legislation. We know the Labor Party went to the election saying it would come up with responsible gambling legislation. It has focused on gaming machines. It is not telling us about the TAB, Tattslotto, or betting on the horses or football. We were given evidence about a person putting $5000 on a small country Tattslotto agency in one day. Is that a problem gambler? Was it a syndicate putting the money on? I do not know; they do not know. People bet substantial sums of money on horses, footy, and Tattslotto. Should we try to identify those people?

It is acceptable to go to a Tattslotto agency but it is not acceptable to go to a poker machine venue. There is a double standard there that we should not be asked to tolerate.

As I indicated, the opposition has a number of concerns. We are aware of the employment opportunities that have been presented through gambling, not just in staff for gaming rooms; every venue we visited had employed additional staff for the hospitality side of the business, whether it was the golf club, a hotel or a racing club. We were also told of the increased turnover for the local butcher, the dry grocery suppliers, and all those ancillary businesses that provide the venues with consumables.

I am mindful of the time so I will expedite my contribution so we can go to a reasonable break. The opposition wants the minister to comment on how the regions are to be formed, what will constitute the regions and what the criteria will be. How will the regional caps be determined for the number of machines? If machines have to be moved as a result of regional caps, what are the contractual obligations to the operators? What happens to the contractual obligations the venue operators have to their banks if a number of the machines are moved, given that most of the venues have levels of debt they are required to service?

An assessment would need to be made of how the businesses can be supported if the machines are to be moved out. Will it be in a region where the first venue whose contract comes up for renewal will lose all of its machines, or will the government move around and take 10 per cent of the machines from every venue? It must be explained in clear and precise terms how a formula is to be arrived at that is satisfactory to all operators.

The minister might also address the loss of goodwill for the businesses if they lose their machines. Many businesses are multimillion dollar businesses with multimillion dollar goodwill values that have been gained because the venues have gaming licences.

I look forward to the government's response. I am aware of the need to adjourn for dinner and will conclude on that note.

Sitting suspended 6.32 p.m. until 8.03 p.m.

Hon. JENNY MIKAKOS (Jika Jika) — I have much pleasure in supporting the Gambling Legislation (Responsible Gambling) Bill. As the Premier outlined in the Labor Party's pre-election policy on gambling, the goal of the government should be to regulate the industry so that it remains viable yet focused on protecting the best interests of the community. The tough interventionist approach adopted in the bill is long called for. I am sure most Victorians would welcome the bill's speedy passage.

The electorate of Jika Jika has a particularly high incidence of problem gambling, and the bill will be welcomed in my electorate. The mayor of the City of Darebin, which takes in the electorate of Jika Jika, was quoted in the Preston *Post Times* of 24 November 1999 as saying that areas such as Darebin are oversaturated with gaming machines.

Earlier in the debate the Honourable Gerard Ashman spoke of his concerns about the introduction of regional caps on the numbers of machines. I warmly welcome the introduction of the caps and I certainly hope they will have a positive impact in my electorate.
Mr Ashman expressed various concerns about the criteria for establishing regional caps. As the honourable member would be aware, the minister has undertaken extensive consultation and he will be determining the criteria, taking into account comments that are submitted to him as part of the consultation process. Criteria such as unemployment rates in the area and expenditure per capita would be taken into consideration. Caps based on such criteria will result in a much-needed reduction in the number of electronic gaming machines. It will be beneficial to electorates such as Jika Jika Province.

I will focus my comments on the bill on the impact that it will have in Jika Jika Province and the problems being faced by my constituents. The electorate of Jika Jika is an economically disadvantaged area yet it remains one of the highest spending regions for electronic gaming in Victoria. The cities of Darebin and Whittlesea, which comprise a significant proportion of the electorate, ranked fourth and seventh respectively in gaming expenditure per capita during 1998–99.

The cities of Yarra and Banyule also ranked in the top 50 per cent — 23 and 26 respectively. I am sure Mr Furletti would be interested to know about the impact of gambling on the City of Banyule.

An unfortunate phenomenon has been that the widespread use of electronic gaming machines in the state has been concentrated in the less affluent communities. I refer to a Victorian Women's Trust pamphlet 'Trust women for ideas', which refers to the problems experienced by people in disadvantaged areas. I also refer to a study by the Department of Human Services entitled 'Client and service analysis report no. 5 — analysis of clients presenting to breakeven problem gambling services between July 1, 1998 to June 30, 1999'. The report is of great interest to me because the Breakeven problem gambling service is based in Heidelberg, which is adjacent to my electorate. The report found that between July 1998 and June 1999 more than 55 per cent of its clients had annual salaries of under $20 799, placing them in the three lowest income brackets.

In an August 1999 speech entitled 'The Australian experience of problem gambling: opium of the people or of governments?', the Rev. Tim Costello referred to research conducted by the Inter-Church Gambling Taskforce, which was submitted as part of its submission to the Productivity Commission inquiry into gambling. It was the view of the taskforce that electronic gaming machines were being deliberately targeted in areas of high unemployment and low income, such as Jika Jika Province. Of the 78 local government areas in Victoria the cities of Darebin, Whittlesea and Banyule, which are in Jika Jika, account for nearly 10 per cent of the state's $1.9 million gambling revenue. A further staggering statistic is that more than 7 per cent — 40 out of 560 venues — of electronic gaming venues in Victoria are located in those cities, with 1054 machines being located in the City of Darebin alone.

That is a staggering statistic. As I said earlier, a number of my constituents have low incomes or are dependent on some form of social security. My electorate has high unemployment, yet it has a staggeringly high number of electronic gaming machines with a significant per capita income being spent on gambling.

I refer briefly to the problem experienced by women gamblers. The Department of Human Services report entitled *Playing for Time* examined the impact of gambling on women. It identified that women gamblers are taking up gambling as an escape rather than as a leisure time activity, which is why gambling is potentially a dangerous activity for many Victorian women. Many women seek to escape the loneliness of being at home on their own and it is for that reason the Victorian Women's Trust paper entitled 'Trust women for ideas' identified the proportion of female problem gamblers in the population increasing from 14 per cent in 1991 to 40 per cent in 1999. In addition, women who are problem gamblers are more likely to have lower incomes than their male counterparts. In fact, 63 per cent of the new female problem gamblers interviewed were in the lowest income bracket of under $399 a week; while only 37 per cent of the new male problem gamblers fell into that category. That information is on page 4 of the Department of Human Services report no. 5.

It is for those reasons that I warmly welcome the bill. I hope the measures it introduces will have a significant impact on lowering the number of electronic gaming machines in my electorate. I have no difficulty with the concept of regional caps that will be introduced by this

measure because they will have the effect of moving a significant number of machines from less affluent suburbs to more affluent suburbs. Perhaps then members of the opposition who are such staunch proponents of electronic gaming will have a different view.

As I said earlier, the regional caps will be set by the Victorian Casino and Gaming Authority following criteria established by the minister that will be based on the consultation which he has already undertaken.

An article in the *Journal* of 14 March reports that Mr Olexander launched for discussion and comment the responsible gaming consultation paper. Obviously Mr Olexander believes the consultation process undertaken by the government is worthy and is one that members of his electorate should participate in. I know members of the government have similarly encouraged their constituents to participate in that consultation process. I look forward to the minister developing the criteria and announcing the regional caps in due course.

I was staggered to hear some of the comments of members of the opposition, particularly the approach taken by Mr Hallam, who effectively said that the government should not interfere in the lives of Victorians. That is a head-in-the-sand approach. It is probably the same approach he will take on drugs and many other issues. There are serious problems in society that cannot be ignored. The majority of Victorians and Australians recognise that gambling and drugs are huge problems in our society. Gambling affects many families. Mental illness, work problems and the financial disadvantage suffered by many members of the community deserve government intervention. The bill will assist those issues in a sensible way.

Mr Hallam argued that the government should take the same approach that it takes to electronic gaming machines to the racing industry and other forms of gaming. A 1999 Productivity Commission report identified poker machines as being more of a problem because of the high tempo of gambling which leads to high spending rates by poker machine players.

Hon. R. M. Hallam — Are you arguing that the bill applies only to gaming machine players?

Hon. JENNY MIKAKOS — The Productivity Commission report identified gaming machines as an insipid form of gaming and as far more problematic. The bill takes a unique approach to the problems associated with electronic gaming machines.

Hon. R. M. Hallam — If you seek to quote me you should take the trouble to get it right.

Hon. JENNY MIKAKOS — Mr Hallam, even your federal counterparts acknowledge that electronic gaming machines have had a significant effect on the community.

Hon. R. M. Hallam — The bill is not restricted to electronic gaming machines.

Hon. JENNY MIKAKOS — The bill provides a mechanism for capping the number of gaming machines, which will have a significant effect on the number of machines in certain regions of Victoria. It also introduces a limitation on 24-hour gaming.

I welcome the bill; it will have a significant impact in my electorate. I look forward to the announcement of regional caps and to increased counselling services being established in my electorate, because it has a significant number of problem gamblers.

Hon. C. A. Furletti — Is that the solution? The bill says nothing about the problem of gambling.

Hon. JENNY MIKAKOS — It is one step in the process. The funds for counselling services will be provided through the Community Support Fund. Current support for counselling services are inadequate and additional services should be provided in the northern suburbs. That is one part of the process, but the bill takes a measured approach in addressing the problem of gambling particularly in electorates such as Jika Jika Province. I commend the bill to the house and wish it a speedy passage.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to contribute to the Gambling Legislation (Responsible Gambling) Bill and put on the record that the opposition does not oppose it. It would be difficult to oppose the bill because clause 6 includes:

> (f) fostering responsible gambling in order to —
>
> (i) minimise harm caused by problem gambling; and
>
> (ii) accommodate those who gamble without harming themselves or others.

Notwithstanding the grave difficulties in defining those terms, the point I make is that I believe the bill is far more a political document than any genuine response or pursuit of the aims that it articulates. It is much more a continuation of the carefully orchestrated and misleading program of misinformation that had been the hallmark of the opposition during the term of the

Kennett government, particularly in relation to the Victorian casino and gaming industry.

Over the seven years of the Kennett government Victorians were subjected to the constant carping of the Labor Party that Victoria had been subjugated into a casino and gaming culture. The truth is that the Kennett government inherited the entire casino and gaming infrastructure from the Kirner government. Its only sin, if there were a sin, was its success in developing a nationally competitive industry while at the same time responding in a genuine way to the issue of problem gambling. I say at the outset that Victoria outstripped the nation in scale and at the same time developed one of the most comprehensive and effective systems anywhere for dealing with problem gambling.

To put the debate into context, I shall briefly recap the history of the development of the industry, in particular, the resistance of the Liberal Party to the expansion of gambling and gaming facilities in Victoria, which is legendary. Throughout his entire term in office Sir Henry Bolte vehemently opposed the prospect of either a casino or poker machines. The Hamer government only once flirted with the idea of a casino proposed by Federal Hotels in 1979.

Shortly after his election as Premier, John Cain appointed former Federal Court judge, Xavier Connor, QC, to inquire into whether casinos should be established in Victoria. John Cain accepted the advice of the inquiry that a casino should not be established in Victoria. Nevertheless, by August 1990 Victoria was in such a serious economic decline that John Cain was forced to resign. That provided the opportunity for the Kirner government to conceptualise and further investigate the possibility of establishing a gambling and gaming industry of grave proportions in Victoria.

It was the Kirner government that enabled the Totalisator Agency Board (TAB) to conceptualise and pilot the idea of gambling parlours in the central business district. The rush for revenue from gambling by the Labor Party during its dying days was nothing short of breathtaking. It took only one year from the demise of John Cain for the Kirner government to provide for two gaming operators in the state with a proposed statewide limit of 45 000 machines, 2400 of which would be located in at least one casino in the Melbourne central business district.

In reality, electronic gaming machines (EGMs) began operating in Victoria in April 1992 with a ministerial directive by the Labor Party minister Tom Roper for 10 000 machines. That directive was revised upwards by the minister in September 1992 with a doubling of the cap to 20 000 machines.

The Labor Party authorised the first 20 000 electronic gaming machines in Victoria within a six-month period in 1992. There was no further variation in the number of gaming machines by the coalition for another three years until August 1995 when Minister Storey allowed another 5000 machines. Minister Hallam determined the current cap of 27 500 in June 1996.

It is instructive in the history of the development of electronic gaming machines to compare the numbers of gaming machines in other jurisdictions in relation to their populations. The most recent figures produced by the Productivity Commission show that New South Wales had 98 172 machines, representing 20.6 EGMs per thousand people; the Australian Capital Territory, 5013, representing 21 EGMs per thousand; Queensland, 29 256, representing 11.5 EGMs per thousand; South Australia, 12 149, representing 10.7 EGMs per thousand; Tasmania, 1393, representing 3.9 EGMs per thousand; and the Northern Territory, 644, representing 4.9 EGMs per thousand. It is instructive to compare those figures with Victoria, which had 27 111 machines, representing 7.7 EGMs per thousand people. To simplify the situation and put it beyond question, it is possible to construct a descending list of the number of electronic gaming machines per thousand head of adult population: the ACT has 21; New South Wales, 20.6; Queensland, 11.7; South Australia 10.7; and Victoria, 7.7. It is at the bottom of the cluster of mainland states, apart from Western Australia where EGMs are banned outside the Burswood Casino. The only jurisdictions with lower numbers of machines than Victoria are the Northern Territory at 4.7 EGMs per thousand and Tasmania at 3.9. Far and away the most logical way of looking at the distribution of gaming machines throughout the nation is to view Victoria, Northern Territory and Tasmania as a cluster at the bottom of the list.

Argument has been advanced that the Kennett government received large windfall revenues and thus developed an unreasonable dependency on gambling taxes. The truth is that Australia was caught up in a worldwide preoccupation with the implementation of gambling as a new form of recreation with the added benefit of revenue generation. Faced with the existence of the casino in Hobart and plans throughout Australia for increases in electronic gaming machines and the establishment of new casinos, there was little choice for the Victorian government but to proceed along the path it did.

I acknowledge that Joan Kirner to some extent was faced with Hobson's choice in these matters. Is anyone seriously suggesting that Victoria could have stood in splendid isolation from developments that were occurring across the nation and not been involved with a worldwide phenomenon that was emerging at the time? However, it should never be forgotten that when it was elected to government in 1982 the Cain government derived more than $202 million of its revenue from gambling. That represented about 10 per cent of the state taxation revenue in that year.

Over the past eight years the gambling industry has matured and, as the Honourable Roger Hallam indicated, a table in budget paper no. 2 shows that this financial year the Bracks government will derive more than $1.2 billion in gambling taxes, which represents about 16.2 per cent of state taxation.

When those revenues are put into perspective it can be seen that all sources of taxation, including payroll tax and stamp duty, have benefited from transfers to gambling taxes to the tune of something less than 1 cent of all state taxes per year from 1992 until now. There have been substantial community benefits as a result of those transfers. I do not have time to detail the extent of the benefits, but the Victorian Casino and Gaming Authority has described the community facilities resulting from the providers of gaming machines in Victoria in a research document it issued in October 1997.

I shall recap the major headings. As of 30 June 1997 the benefits have been: to the arts, $25.1 million; to tourism, $8.6 million; to sport and recreation, $56.1 million; to community services, $54 million — the entire page relating to community services is dominated by grants given for the prevention of problem gambling and education and rehabilitation services; to youth affairs, $18.3 million; and to drug rehabilitation and education, $69.8 million. I think I have made my point. Nevertheless, I direct honourable members' attention to that document if they want to get any sense of the community benefits that have flowed to Victoria from gambling revenue.

I now place on the record the history of development of the responses to problem gambling in this state. I begin by declaring a past pecuniary association with the Addiction Research Institute of Victoria from July 1991 until shortly before entering Parliament in 1996 when I was director of the institute. I also declare a continuing interest as a member of the institute's Research Ethics Committee, and a non-pecuniary interest as a former member of the board of management and erstwhile president of the Bentleigh Bayside Community Health Centre.

The idea for an addiction research institute was advanced at the 1982 Autumn School of Studies on Alcohol and Drugs and was established on 3 June 1987, when Sir Edward Dunlop launched the Addiction Research Institute of Victoria at St Vincent's Hospital. That embryonic organisation was mainly concerned with illicit drugs but had broad aims that included the issue of addiction to legal substances, gambling and credit cards. Let me emphasise that that was the very year in which the Kirner government had effectively laid the foundations for the casino and the introduction of electronic gaming machines throughout the state. The Kirner government made no provision whatsoever for responding to the issue of problem gambling.

There can be no doubt that problem gambling is an expression of a genuine form of addiction. The activity also has very positive aspects. Let me say as president of the Bentleigh Bayside Community Health Centre, which serves a significant ageing population within its boundaries, I know that one of the most crippling issues for people living in the community is social isolation. The ability for elderly people to go to the local Returned and Services League club — even without needing to know anyone — with their $1 coins and interact with those gaming machines in a perfectly healthy way should be commended rather than condemned.

The report of a research study of problem gambling conducted by the Australian Institute for Gambling Research — a pre-eminent body in this country — for the Victorian Casino and Gaming Authority states:

> … The only definition of problem gambling that has been detailed in the literature, 'pathological gambling', remains the focus of significant academic argument and is couched in language that is not compatible with the Australian attitudes and social perspectives on gambling.
>
> … [it is] likely to prove over-inclusive and inaccurate when used in the Australian context.
>
> … The South Oaks Gambling Screen … is the only international measure with acceptable reliability and validity …

The truth is that people drift into addiction to gambling and problem gambling in an absolutely chaotic way. It is often preceded by a windfall gain from gambling. When I say 'windfall gain' I mean a sum of money that is significant in relation to the individual's total income, which is something like three or six months' salary won at a gaming machine which gives an individual the wherewithal to establish the addiction. So it is very

much a matter of chance in many instances as to the individuals who will become dependent.

Nevertheless, the Addiction Research Institute was able to raise funds from non-government sources — in fact, from a Golden Opportunity ball in October 1993 — with the assistance of a large number of patrons to seed the establishment of G-Line, which was the first point of contact for problem gamblers in this state. It was also instrumental in driving the agenda for the creation of the Breakeven program. In fact, I was on the minister's advisory committee at the time. The Breakeven program has since developed into a statewide network of counselling and treatment services for problem gambling that is second to no other such network anywhere in the country.

Because of the short history of funding in this area of problem gambling it is possible to examine the aggregate contributions that jurisdictions across Australia have made to problem gambling in recent years. In New South Wales total funding for problem gambling and education services from the inception of the Casino Community Benefit Fund in September 1995 until last year was $13 million. In Victoria, from 1993 until now some $39.4 million has been expended, with a forward commitment of $21 million for the third triennium.

That is to say that in excess of $60 million has been committed. Victoria really broke the ground in the area of responses to problem gambling, and other jurisdictions followed. Victoria has outstripped its nearest rival, New South Wales, by better than $4 to $1 on the basis of their respective adult populations. Victoria is still delivering G-line telephone counselling services for Victoria, Tasmania and South Australia.

Let the record show that the bill is another chapter in a cruel hoax perpetrated on the Victorian community by the Australian Labor Party. I repudiate any suggestion that the Kennett government did not take its responsibilities with respect to gambling, particularly problem gambling, seriously. The opposition does not oppose the bill.

Hon. C. A. FURLETTI (Templestowe) — As has been said by previous speakers, the opposition does not oppose the bill. However, it also does not support it because of the incredible inadequacies and confusion the opposition believes will follow its passage.

Although the history of gaming in the state has been outlined by a number of speakers before me, it is important to understand the climate in which gaming was introduced as a legal pastime in the state. An editorial in the *Herald Sun* of 21 February 1991 states:

> What this state needs is fundamental reform. Reform to unburden the business sector — enlightened changes to outdated work practices, including crippling penalty rates. There needs to be less taxation — not more as exampled by Victoria's tax on industry superannuation. The awful albatross called Workcare should be finally removed from the back of business. Government spending needs to be dramatically reined in — a very difficult ambition for a Premier so closely allied with Trades Hall radicals.

There is a touch of deja vu about that. It indicates that the condition the state was in in 1991 was such that the Premier at the time, Joan Kirner, decided the only way to address the $33 billion debt that had accumulated over time was to introduce gaming machines and legalise casinos. The comment in the editorial sums it all up. It states:

> The Premier seems to be staking the survival of her government on gambling.

That was a telling comment in early 1991. What has happened since then is history. The introduction of gambling did not save the Cain–Kirner government because disasters pursued it until the October 1992 election, when voters saw that the hole had been dug so deep that had the Kirner government not been ousted Victorians would have been paying for its mistakes for the rest of their lives.

However, the introduction of gaming had its effects. As has been stated by the Honourable Roger Hallam and Dr John Ross, the whole infrastructure of casinos and gaming machines in Victoria was established by the previous Labor government, something government members seem to have forgotten. I have never heard so much drivel as I heard tonight from government members. They should accept that their predecessors set up a good system because they set up an independent body to control and administer gaming.

I will refer to some of the second-reading speeches of the day. It was vital for the integrity of the Victorian gaming industry for the regulation of gaming to be totally divorced from government and from politics. On 28 August 1991 during a committee debate in the other place, the then Attorney-General, the Honourable Jim Kennan, is reported as stating:

> … a gaming licence is granted by an independent commission and not by a political party.

The report later states:

> It is undesirable that this issue —

which was the amendments to gaming licences —

be decided by political parties.

The questions of probity that were raised in those days were absolutely vital. As I have said previously in this place, I was involved from an early stage in my other life as a lawyer in one of the earliest applications for a venue operator's licence. It was a fascinating exercise to follow through the probity requirements for anybody wishing to become engaged in the gaming industry.

The political interference element came up again in this place, when in September of the same year the Honourable David White, the then Minister for Gaming, was reported as saying:

> I do not want to see circumstances arise where a suggestion can be made that politicians can be got at. It is important that the system is seen as being beyond reproach …

That is the type of attitude and philosophy that existed on the other side of the house when Labor was last in government. That was the basis for the establishment of a gaming industry in Victoria back in 1991. Despite that the successors to that government act as if the Kennett government introduced gaming. I applaud the government of the day for its actions and for having the foresight to establish the pristine system with which I have been involved and which established itself as one of the better systems in the world.

On the issue of the gaming operators, I refer to a speech made by the Honourable David White in a debate on 18 September 1991 in which he referred to the high regard in which Tatts and Tabcorp were held. He referred to the possibility of a mature market with upwards of 40 000 machines and the fact that the government had decided the Totalisator Agency Board and Tattersalls should be the operators. Mr White goes on to state:

> Those organisations are experienced in the allocation of gambling facilities. They both have excellent reputations in the allocation of gambling facilities. Because gambling is a fashion industry and fashion and tastes change it is important the two credible gambling organisations in the state have the responsibility as operators otherwise one could have dislocation in the racing industry, as has occurred in the United States of America.

That is an admirable consciousness — a consciousness of intent to keep away from any element of a risk of corruption, graft or impropriety.

It goes without saying that every speaker on this side of the house supports the main thrust of the bill — that is, responsible gaming, assistance for those who need assistance because they have problems, seeking to minimise the harm that occurs to such people while at the same time allowing those who want to utilise the facilities in place to do so as they wish, and thereby bringing into play the liberty of the individual, which is what the Liberal Party is all about. I point out that the bill does not achieve those objectives.

I will explain to the house why that is the case. It goes without saying that in industries such as gaming it is absolutely essential to have a balanced approach. To achieve that it is necessary to protect the minority of users of the product who suffer from addiction in whatever ways society can. However, as other speakers have indicated, that is not restricted to those who use the casino or electronic gaming machines. If the approach is to be serious, it should be across the board and should apply to all other fields of gambling including racing, bingo, Tattslotto or whatever. Anybody who has a problem because of betting or a particular form of gambling deserves as much recognition and assistance as someone addicted to gaming machines.

Unfortunately, the bill appears to have been introduced in a particular form. That concerns me because, as has been alluded to by other speakers, it appears to have been introduced very much for political motives rather than to achieve the objectives stated by government speakers and as outlined in the second-reading speech.

The Honourable Roger Hallam alluded to the very serious problems and hypocrisy evident in the fact that the former opposition gaming spokesman, who is now the Minister for Racing, is vigorously promoting the racing industry. Not only that; he promotes it to young people.

I have a 17-year-old son who is very much taken by that type of promotion and the glitter and glamour of racing. He loves it. I do not hold him back from it; I think that is terrific. However, he does not need to have racing promoted as the Minister for Racing is doing. If the government is intent upon minimising the harm of gaming, the minister has to start doing it where it begins, and that is at the point of promotion. That is the substance of my argument with government members in this place.

However, I will restrict my comments to gaming machines because that is what the bill is about. Honourable members will recall that, having decided to legalise gaming machines in Victoria, the Kirner government set a limit of 40 000 machines. It considered that that would be adequate to satisfy demand in about five years when the industry matured. Those machines were to be divided on a fifty–fifty basis between pubs and clubs. People are still to determine why that occurred. Distribution of the

machines was divided; 80 per cent in the city and 20 per cent in the country. A duopoly was established with Tattersalls and the Totalisator Agency Board. It is interesting that both operators were granted multimillion dollar businesses at no cost. The businesses were given to them by a Labor government that had bankrupted the state.

After its election the Kennett government wanted to see something positive. By 1994 Tabcorp had been floated. I am sure honourable members will recall the $609 million that was recovered from the float of Tabcorp. The return from the float was very much depressed, as honourable members will also recall, by the comments of the Leader of the Opposition at that time. However, the float recovered some value and a duopoly was established.

In 1996 the Kennett government was able to claw back from Tattersalls the equivalent of $420 million over 16 years. That amount would have been written off had the government not been able to convince Tattersalls that it was in its interests to contribute to the state coffers. As I said, the infrastructure that was set up was absolutely beyond reproach. As I have said previously, and as the Honourable John Ross said, we support that infrastructure entirely.

Once the bill was passed, the then gaming minister, Tom Roper, in April 1992 gave a ministerial directive pursuant to the Gaming Machine Control Act for the release of 10 000 machines. I place on record that at that stage it was anticipated that 10 000 machines would be allocated to the Victorian community during about an 18-month period. Some 10 000 machines were allocated in April 1992 and another 10 000 machines in September 1992. In fewer than six months Victoria was flooded with 20 000 electronic gaming machines. Since that date the Kennett government has released 7500 additional machines, less than one-third of those released by the Labor government.

In December 1995 when concern arose about the number of machines in the marketplace, the coalition announced that it would cap those machines at 27 500 pending research by the independent regulatory research body, the Victorian Casino and Gaming Authority. That position remained until December 1997 when the Kennett government confirmed that the cap of 27 500 machines was to remain until 2000. I put on record that the pre-election gaming policy of the Liberal–National opposition was that that cap was to remain until 2010. That election promise has not been matched by the government in any way, shape or form.

The original Labor government's bill was introduced into the Assembly and allowed to lie over until the spring sittings of 1991. When it was debated, the government introduced 133 amendments, 17 pages of which were delivered the day before the debate took place.

The contribution of the Liberal opposition at that time needs to be read to be believed. I urge honourable members to revisit the debate on the Gaming Machine Control Act because at the end of the day the legislation received bipartisan support. The contributions by the government and the opposition were indicative of the manner in which this place could and should continue to work. I urge honourable members to do some research to satisfy themselves how legislation should be prepared and dealt with. That is the way it should have been done with the bill now before the house.

The current bill reflects shoddy workmanship. It has been very poorly drafted and hastily compiled. Honourable members can read through it and see the problems. There are glaring errors in its drafting. My concern is that it is so vague and imprecise that it could throw the industry into a state of confusion. I have no doubt that it will erode confidence in the industry and thereby harm further investment. I am concerned that it will undermine the stability that currently exists in this huge industry. If I were a gambling man I would probably put a bet on the fact that it will increase the cost of applications for any sort of licences and extend the processing time that has already been plagued with lengthy delays.

The gaming industry is one of the biggest industries in Victoria. It is a multibillion-dollar industry which will add $2 billion a year to the goods and services tax revenue. It employs more than 20 000 Victorians, and when initially developed in Victoria between 1992 and 1996 it created more than 34 000 jobs. The industry contributes more than 16 per cent to the state budget, and that amount will increase with the additional impost on operators as outlined in the budget presented yesterday in the other place. The gaming industry is a source of hundreds of millions of dollars that is used to assist the Victorian community in its infrastructure.

The opposition deplores the fact that the government failed to take the time to fully consult as broadly as possible before introducing this inappropriate bill. It was introduced before full consultation on its discussion paper had taken place. Amendments were moved in the other place by Independent members, but if one were cynical one would suspect collusion may have been involved. No reference was made to the effect of the old section 68 contracts when the bill was

introduced into the other house with unacceptable haste and without any reference in the discussion paper to certain legislative provisions. The haste with which the government acted to meet its election promise has led, as I have said in this house in relation to other legislation, to poor legislation.

The opposition is concerned about the bill because it lacks precise definitions, technical accuracy and practical focus and endangers the effects of the act. In the briefing that members of the opposition's policy committee engaged in with the government's advisers we made it clear we were concerned about a large number of interactive issues. The opposition has no intention of ambushing the government. I make it clear to the minister that the advisers were put on notice about issues to be raised during the committee stage. The opposition hopes it will receive the appropriate responses.

The Honourable Roger Hallam has not only analysed the bill but has fully dissected its purposes. From his unique position of having had first-hand knowledge and experience in the past few years as the responsible minister, he has been able to tell the house that the five proposed strategies will not work. It is difficult to understand how strategies can work if you do not understand the problem that is sought to be resolved.

Although we may talk about problem gamblers, gaming and people who suffer harm and perhaps do harm to others, and although we quote statistics until they come out our ears, there is no tangible element in the bill that we can grasp and say, 'This is what we are seeking to redress'.

Gambling is a serious problem. In no way do I seek to understate the problem for a minority of gamblers; that minority, in itself, is difficult to understand. The opposition is concerned about why changes are being made to the powers and rights of the Victorian Casino and Gaming Authority. That authority has been functioning in an exemplary fashion for more than seven years. The Honourable Roger Hallam should know about its operations because he dealt with it on almost a daily basis. The structure established for the gaming industry was good. A significant arm's length situation existed between the government, the players and a strong, independent VCGA. Why would something that is functioning so well be changed? Because of my legal background I fear that when that sort of thing happens I become somewhat suspicious. The opposition will raise those issues with the minister and, I hope, get a proper response.

The other element of concern for the opposition is the retrospective element that now permeates much of the government's legislation. In this bill the opposition is concerned about the retrospective provisions because, as I said, the bill deals with a multibillion-dollar industry that can easily be damaged and harmed. The industry travels on confidence; the introduction of some of the amendments proposed in the bill may lead to the main players getting cold feet. Undoubtedly the bill will have an impact on Victoria.

When seeking to understand what the bill purports to do I returned to one of my old legal books on statutory interpretations. It is worth putting on the record that book's definition of retrospectivity. It says that if legislation involves retrospectivity it means that at a past date the law is taken to have been that which it is not. Retrospective legislation affects rights by changing them with effect prior to the commencement of the amending act. The bill contains four or five provisions that do not say the bill will take effect from a particular date but that the bill and its far more burdensome provisions will affect all applications made before the commencement of the bill even though they have not yet been determined.

From the information received by the policy committee, up to possibly $100 million worth of development in the gaming industry stands to be prejudiced by the introduction of the bill. The opposition does not support that aspect. It does not challenge the government's powers to so act, but it urges that such an action should be taken only in exceptional cases, whereas the government is almost daily introducing legislation that has serious retrospective effects.

The difficulty in coming to grips with the bill is in trying to identify the problem that it seeks to address. The purposes of the bill are identified in clause 1 and have been dissected by the Honourable Roger Hallam. The changed objects of the VCGA were not included in the purposes clause of the bill. The VCGA was given new purposes for harm minimisation and accommodating players.

If they were the major objectives they should have been introduced as part of the purpose of the bill. The opposition does not believe, as clearly enunciated by the Honourable Roger Hallam, that the mere reduction of the numbers of machines, venues and trading hours, and the moving of machines around the state will address the declared objective of the bill — that is, helping people with a gambling problem.

Opposition members are concerned about the necessity to enshrine in legislation a provision limiting the

number of electronic gaming machines in the casino. The Honourable Roger Hallam discussed the question at great length. It is in the casino's conditions of licence, so why would it need to be put into legislation unless a situation existed where one could come back to the Parliament and perhaps with the right approach ensure the legislation is changed to accommodate an application for a increase in machines? During the committee stage I hope some of those issues will be addressed.

Section 60 and the following sections of the Casino Control Act clearly set out the powers of the Victorian Casino and Gaming Authority in the provision of the number and the type of gaming machines. Why would legislation be introduced to cap the number of electronic gaming machines and not the number of roulette or baccarat tables?

Hon. R. M. Hallam — The denomination of the machines is not covered.

Hon. C. A. FURLETTI — Not even the denomination of machines. What is the purpose? The opposition will pursue that. I hope the purpose is not to politicise the control of the number of gaming machines at the casino.

The opposition has serious difficulty with the provision that introduce regional caps and the consequences that flow from regional caps. As I said, the system introduced by the Kirner government for the Victorian Casino and Gaming Authority to operate as an arms-length body — an independent authority between the players in the gambling industry and the government — was exemplary. We support that. I understand that the minister will choose the regions which will be declared, and he will have sole ministerial discretion on the declaration of regions. The minister will set criteria for each of those regions. He will then say to the VCGA, 'When you have an application, you will determine the application on the basis of this criteria'. If that is not political interference of the highest order, perhaps I should not be here. It is the first time since the introduction of the 1991 legislation that there has been this degree of direct political involvement in the allocation of machines in regions. That is an area we will need to follow through.

Another element is the involvement of municipal councils — that is, regional authorities. As expressed by the Honourable Roger Hallam and other honourable members, there is a concern that rather than having common controls and regulations statewide, the bill will localise it to an extent that we will go back to the old days of not what you know, but who you know. If an increase in the numbers of machines is needed, one only has to know the right people to do it. The logical progression is if you have a little brown bag that might help you to get it a little quicker. The opposition does not want that sort of suggestion being made. We do not need the industry to be exposed to that sort of allegation.

Also of concern to opposition members is how the machines that are removed will be balanced because of the cap allocated by the minister. The opposition wants to know the mechanics of how it will work. That issue will also be followed through in the committee stage.

The clarity of the bill leaves a lot to be desired. Some of the inconsistencies that appear may or may not be intentional — for example, clauses 12, 17 and 20 refer to net economic and social benefit or impact, while clauses 19, 22 and 23 refer simply to economic impact. Those are two areas of submissions that can be made by an applicant or by the responsible authority. It may be an intentional omission, I do not know. If it is intentional it creates two sets of submissions based in different parameters, which the Victorian Casino and Gaming Authority is obliged to analyse, and that could give rise to serious problems.

The meaning of economic and social impact is of concern to the opposition. It will be pursuing the matter in committee because there is no definition in the bill of economic and social impact. We propose to deliver a list of words, meanings and expressions to the minister so that he can provide us with definitions. The bill and the second-reading speech do not assist in the understanding of the definition of economic and social impact. It is clear the meaning is intended to have some sort of social benefit or effect.

I refer to a legal opinion from one of Victoria's senior silks. It states that a provision along the lines of that intended will need to be amended because it is essential that anything which is so vague must be had regard to within the purposes of the act. He suggests:

> … the experience of the Planning and Environment Act of 1987, which gave statutory expression to concepts of social and economic effects in town planning, supports the need for some guiding provision. In that case there was considerable doubt as to the scope of statutory provisions … with the result that in February 1990 — over two years after the act commenced — the Minister for Planning published guidelines for dealing with social, economic and environmental effects.

In producing something of that nature, it is important for the government to refer to that type of interpretation and put it in the bill. It should not go back and reinvent the wheel. The opposition will raise a number of issues

in the committee stage, including that of procedural fairness in terms of the submissions that can be placed.

I refer to the provisions of the Productivity Commission's report on Australia's gambling industries. Honourable members have heard the statistics and other sections quoted. However, nobody has referred to what I consider to be the most significant chapter of the report. Chapter 6 deals exclusively with problem gambling. We have been talking about what we will do with problem gambling, but very few people have suggested or offered an explanation of what problem gambling is.

The Honourable Roger Hallam provided a financial definition of problem gambling from which he could work during his contribution to this serious debate. The Productivity Commission came up with some 15 definitions of problem gambling.

There are tests for determining what is problem gambling and for measuring the social and economic cost of gambling. The Productivity Commission produced three huge volumes as its very lengthy report. It referred to the harm indicator, which involves asking a series of questions to determine what constitutes the harm.

The commission referred also to the point I am seeking to make, which is that there is an enormous amount of confusion about the terminology used. For example, at page 6.39 the term 'compulsive gambler' is used. Outside Australia people use the South Oaks Gambling Screen or the DSM-IV test which is about pathological gamblers, a term avoided in Australia. People scoring three or four on the SOGS test are described as problem gamblers. In Australia people who are getting help from counselling agencies for their gambling are labelled problem gamblers. Not only is it difficult to identify what a problem gambler is, but numerous tests with variable terminology are used, so drawing comparisons is extremely difficult.

Given that the document has been available since 1999, one would think government members would have had a look at it and sought to work from the report to facilitate the application of the bill. Obviously they have not. The government has looked at the report, picked out some of the significant words, and thrown them into the bill to make it even more confusing. Words are changed, so that 'compulsive' becomes 'excessive', which was not used before. Why is the established seven-year-old term 'compulsive' changed by throwing in a new one?

Hon. D. McL. Davis interjected.

Hon. C. A. FURLETTI — As the Honourable David Davis says, it will establish a lawyers' picnic because every element of it, including the provisions for the reintroduction of section 68, will create confusion and the need for dire interpretation of almost every section of the act because of the need for interpretation of most of the terms used.

The opposition hopes that in the committee stage it will be provided with at least some thread of understanding about what the government intends to do so that those who have to work with the measure may have some direction about the road to take when advising people who fall within the ambit of its operation.

The reintroduction of section 68 is nonsense. It is clearly intended to be a sop to the Victorian clubs' group. It is clearly a broad reproduction of the 1991 section 68, which was removed because it was realised that it was more in the interests of the parties who were contracting together to reach their own conclusion than had been intended. If there were harshness or unconscionability redress could be sought under the law as it existed under the Trade Practices Act, the Fair Trading Act and other commercial acts.

The other significant issue is that there is no power of sanction in the 1991 act. I note that the bill does not introduce a power of sanction. I further note, as part of the shortcomings of the bill, that the previous section 19(3)(a) of the Gaming Machine Control Act, which provided for the agreement to be made available, has been abolished. How will the Victorian Casino and Gaming Casino Authority monitor and approve a document unless it is presented to it?

The bill has flaws that must be corrected. The government's intent is admirable, and I agree that problem gambling must be addressed. Instead of supporting an initiative from the commonwealth government, which was raised a couple of weeks ago, and putting up its hand as a responsible government concerned with gambling, when the commonwealth government asked for a mandatory 12-month moratorium on Internet gaming, which is the greatest threat in that area, what did the Victorian government do? It said, 'No, thank you — we will do our own thing'. An article in the *Age* of 24 July last year says it all: 'Click a mouse and lose a house'. That is the latest threat to problem gamblers in Victoria, but the government will not face up to that and simply say, 'Yes, we will do something positive'. Instead it has introduced the political nonsense of the bill to pacify people and satisfy its political commitment without giving consideration to its long-term effects. Although I

commend the bill to the house, I do so with reservations.

Hon. D. McL. DAVIS (East Yarra) — I shall contribute to the debate and in doing so make the point that the Liberal–National partnership does not oppose the bill. I will not make a lengthy or extensive contribution, and in following the contributions of the Honourables Roger Hallam and Carlo Furletti I not will discuss the detail and scope of the bill on which they have made a number of detailed points. They have made the clear point that the partnership does not oppose the aim of the bill, which is to deal with problem gambling. It is an issue across society and certainly in my constituency and elsewhere in Victoria.

Although members of the opposition do not oppose the aims of the bill, it is confusing and has serious flaws. Significant questions that have been flagged will be addressed in the committee stage, when members of the opposition hope to be provided with answers that reassure us on a number of matters.

I know Mr Hallam and Mr Furletti will follow the committee stage closely. We are concerned that proper answers have not been provided, and at this stage I am far from reassured on a number of matters.

To reinforce my point about gambling in society I draw on a recent survey undertaken by the City of Boroondara which found there was concern about the effects of gambling. People want action taken. They are less clear about what specific action needs to be taken, but nonetheless there is a general concern across the community about the impact of gambling. It is a concern I share, and I believe most honourable members of the partnership share that view.

I make the point that the bill does not achieve the aims it sets out to achieve. The reasons have been put clearly by Mr Furletti. The government is confused and unclear about how a number of the aims and objectives will be implemented. It is confused about the mechanisms and procedures that will operate. I have concerns about the definition of a region. I note a number of submissions have been received about how it should be defined. It is significant to people in my electorate, because the definition of a region could well affect the number of electronic gaming machines that appear in the City of Boroondara, the City of Whitehorse and East Yarra Province that I and my colleague Mr Birrell represent.

I base my concerns on matters that I have raised in the house previously during the adjournment debate — including last year — for the attention of the Minister for Sport and Recreation. I am far from satisfied with the answers I have received. They do not satisfy the concerns I have about the intent of the government and the focus of the legislation.

In particular I raise the comments of the then Leader of the Opposition, now the Premier, when he launched the Labor Party's gambling policy in Bendigo. I have flagged concerns with the policy on a number of occasions and the direction in which it is heading. I have read the comment of the then Leader of the Opposition made on 6 September last year to the house previously. It is significant because they are stark words. A transcript of the comment states:

> So we'll have a cap, yes, 27 500, but our cap will extend to each region, so that in Bendigo, for example, where Bob Cameron and Jacinta Allan are, that they will know that there's not an over-saturation of gaming machines after a full social and economic impact study.
>
> So you only have to note that in Bendigo, for every 150 people, there's a gaming machine in Bendigo; in the Premier's own electorate —

he was referring to the electorate of the former Premier, the Honourable Jeff Kennett —

> for 600 people, there is one gaming machine. Now it's out of Kilter, out of balance. We'll bring gaming into balance in Victoria.

The targeting of one specific electorate goes to the bona fides of the government. It is an attempt to punish — to make a case or a point. I am far from reassured about the minister's response because he will have enormous discretion in defining a region and in the operation of and the procedures and mechanisms in the act. I am far from reassured there will not be deliberate steps that will have predetermined outcomes.

I note the City of Boroondara has made a number of points in its latest bulletin under the heading 'Concerns about proposed gaming laws'. The concerns I have are not mine alone but reflect the views of a wide-ranging group of people in East Yarra Province. It is far from clear how the bill will interact with the dry-area laws that affect the City of Boroondara and the City of Whitehorse. It is far from clear how an area designated as requiring more gaming machines will obtain those machines while at the same time maintain its democratic rights. It is far from clear how the legislative steps will be introduced regarding more liquor outlets. It is unclear to me how those factors will interact.

I am concerned by the statements made by the then Leader of the Opposition, now the Premier, in Bendigo on 6 September last year and the veracity of some of the statements made during the past four or five years

by members of the current government. If one accepts that regional caps will mean fewer gaming machines in some areas, the gaming machines that are removed — that seems to be the effect of what has been said by government members — will be on the loose, as it were, or unaccounted for. Those legal machines will have no home to go to. In that context there will be enormous pressures to find regions that have lower numbers of machines.

There will be enormous pressures not just on municipalities such as the City of Boroondara, which the Premier has flagged as an area that he considers does not have sufficient machines, but also on certain rural areas. One can define a region with no machines; certain municipalities do not have gaming machines. Given that gaming machines are released from one region and the total number of machines is under the 27 500 cap, those machines will be looking for homes. It is not clear where they will be heading. However, I and the people in municipalities that have a lower number of machines for a variety of reasons are concerned that those machines may find their way into their municipalities. There may be some manipulation of the regional caps, or the development of caps in a way that would be less transparent than would be desirable.

I have driven around parts of my electorate, as have some of my constituents, and viewed sites people have mentioned to me would be possible suitable sites for gaming machine venues. They include the Iris Buffet in High Street, Glen Iris; the old nursery on the corner of High Street and Albion Road; a large vacant block on the corner of High Street and Mont Iris Avenue, which may be attractive to an entrepreneur; and Smorgy's in Warrigal Road, Burwood, may apply for a licence. I trust that the opposition will receive the sorts of commitments it needs during the committee stage. The Wattle Park Golf Club is another potential site. The Burwood Bowling Club, just off Warrigal Road, near Highbury Road, is another likely site. The area along the Burwood Highway between High Street Road and Elder Road has many potential sites.

None of those sites has been established as a licensing site. However, they are the sort of sites that have been raised with me by constituents as potential venues for gaming machines. It is far from clear whether those sorts of sites will be the subjects of applications for venue licences. I know under the legislation local councils will have the opportunity to make representations on behalf of their communities. However, it is not clear what role adjacent or distant councils will have in the setting of regional caps or whether they will be able to make submissions on specific applications. The legislation is far from clear on some of those points. Some distant councils may be able to comment on applications.

That may have some effect but it is not clear to me how much of it will work. Many of my constituents have raised this issue with me. Many people have contacted my office expressing concern because of comments I and others have made on this issue in recent newspaper articles.

I place on public record the issues that surround the bill and its implementation. It is far from clear to me that the government has the best interests of the community at heart, or that the mechanics and aims of the bill will work towards the best community outcome, no matter what intention the government has. The bill has been well elucidated by Mr Hallam and Mr Furletti. It is important to place on the record the contribution of Dr Ross about the previous government's strong commitment to detailed research into areas surrounding problem gambling, the behaviour of gamblers and ways of dealing with that to minimise the social impact of gambling on the community.

The government has not recognised the enormous contribution made over the past four to five years. Victoria has in many ways been a world leader in detailed, careful and well-developed research to examine the impact of gambling and how it can be minimised. I have had discussions with people about the health impact of gambling but there is more scope for useful research, which Dr Ross could detail further.

I hope the opposition obtains the commitments and clarifications that are required during the committee stage and that my concerns are not borne out over time. Parliament will no doubt revisit some of the measures in the bill over the next three to four years when the government begins to grapple with its ill-conceived aspects.

The PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority of members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

CHINESE MEDICINE REGISTRATION BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Second reading

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

That this bill be now read a second time.

The Chinese Medicine Registration Bill establishes a comprehensive system of regulation of the practice of Chinese medicine and the dispensing of Chinese herbs.

The purposes of the Chinese Medicine Registration Bill are to minimise the community's exposure to the health risks associated with the practice of this form of complementary medicine and to promote consumer choice in access to health care options.

The review of the practice of Chinese medicine was commenced in 1995, resulting in the publication of the report *Towards A Safer Choice — the Practice of Traditional Chinese Medicine in Australia*. Since then, a ministerial advisory committee has advised on required changes to legislation. The final report of the committee was published in July 1998 and recommended that Chinese medicine should be regulated in the same way as other registered health care professions.

The prime concern of the government is to ensure that the practice of Chinese medicine is safe to the public. This requires that:

the training of primary care practitioners be of a high standard;

there be mechanisms for establishing and enforcing clinical standards of practice;

the public and other health care practitioners are easily able to identify those who are well qualified; and

consumers have access to effective mechanisms for dealing with any complaints that may arise in relation to their Chinese medicine treatment.

The commonwealth and state health ministers agreed that Victoria should take the lead in establishing a model of regulation. An extensive consultation process since 1995 has demonstrated considerable support for this initiative, and a recognition that the time has come to regulate in the public interest this growing area of complementary medicines. This legislation will provide a model for other jurisdictions around the world to follow; Victoria should be proud that this act establishes world best practice.

The practice of Chinese medicine includes a range of modalities, including Chinese herbal medicine, acupuncture and Chinese herbal dispensing. There is no intention to regulate every aspect of the practice, such as Chinese therapeutic massage, food therapy or exercise therapy, but simply to ensure that those aspects of the practice which present significant risks to the public are regulated and that those who provide such services are properly qualified.

The provisions of this bill establish a Chinese Medicine Registration Board with the power to register suitably qualified practitioners in one or more of the three divisions of registration:

Chinese herbal medicine;

acupuncture;

Chinese herbal dispensing.

The bill also includes amendments to the Drugs Poisons and Controlled Substances Act to establish a new schedule of Chinese herbs. The provisions will allow access by qualified endorsed Chinese medicine practitioners and Chinese herbal dispensers to herbs that have therapeutic properties but are considered potentially toxic and dangerous unless prepared, prescribed and supplied correctly. Medical practitioners and pharmacists will also be able to have access to these herbs if their own registration board is satisfied that they have satisfactorily completed a course of study or training which qualifies them to do so.

There are professional level courses in Chinese medicine provided by several Victorian universities and by accredited private providers. In preparing this legislative proposal to enable the establishment of minimum qualifications and practice standards, the

Department of Human Services has worked closely with the department of education, which has responsibility for accrediting higher education courses offered by private providers. The Chinese Medicine Registration Board will have a role in approving such courses for the purposes of registration of their graduates.

There are other traditions of acupuncture which have derived from the Chinese tradition, such as Japanese acupuncture. It is intended that the board will have responsibility for registering practitioners from any of these traditions who are not registered under another health practitioner registration act. In such instances, the prime concern of the board should be to ensure that these practitioners are safe and competent to practise within their own tradition of acupuncture, without requiring an understanding of the full body of Chinese medicine knowledge.

It is not, however, intended that the board will regulate the practice of veterinary acupuncturists. This role should continue to reside with the Veterinary Practitioners Registration Board. Registered veterinary practitioners should not be considered to be in breach of the Chinese Medicine Registration Act for using the title veterinary acupuncturist on condition that they treat only animals and operate within the requirements of the Veterinary Practice Act 1997.

There are also unregistered practitioners who practise other types of herbal medicine. These provisions are not intended to prevent, for example, Western herbalists from practising within their tradition and using the term ‘herbalism’ or ‘herbalist’ to describe their practice. They should not be required to register with the new board unless they wish to adopt the protected titles or hold themselves out as being qualified to practise Chinese medicine.

There are many registered health practitioners such as medical practitioners, nurses, chiropractors and physiotherapists who are adopting Chinese medicine modalities, particularly acupuncture. The bill provides for amendments to the relevant registration acts to exempt these practitioners from the requirement to register with the Chinese Medicine Registration Board in order to use protected titles, if they have satisfactorily completed a course of study or training which, in the opinion of their own board, qualifies them to practise Chinese medicine.

The legislation is also not intended to regulate unregistered practitioners of other forms of complementary medicine, except where they make claims to be qualified to practise Chinese medicine, or where they wish to prescribe and dispense Chinese herbs which have been included in schedule 1 of the poisons list under the Drugs, Poisons and Controlled Substances Act.

The new Chinese Medicine Registration Board is to have nine members — six Chinese medicine practitioners, a lawyer and two persons who are not Chinese medicine practitioners.

The board will be an incorporated body and independent of government. It will be responsible for assessing and approving appropriate qualifications which lead to registration. The board will be responsible for the registration of Chinese medicine practitioners and Chinese herbal dispensers, and for investigations into the professional conduct of practitioners who have been registered by it.

The bill includes a comprehensive outline of what constitutes unprofessional conduct and contains wide-ranging disciplinary powers for the protection of the public. It enshrines the board’s ability to promulgate codes of practice to enhance the best quality provision of Chinese medicine.

There are herbal dispensers who may choose not to register with the board if they do not wish to use the protected title ‘Chinese herbal dispenser’ or dispense Chinese herbs that have been included in schedule 1 of the poisons list in the Drugs, Poisons and Controlled Substances Act. Such practitioners are free to carry on their business without seeking registration.

The amendments to the Drugs, Poisons and Controlled Substances Act are intended to provide controls at the point where Chinese herbal medicines containing scheduled herbs are supplied to patients or supplied by one registered practitioner to another registered practitioner. It does not regulate the activities of importers and wholesalers of scheduled Chinese herbs. The board will have the power to issue codes of practice in relation to the preparation, storage, labelling, prescribing and issuing to patients of Chinese herbal substances, including scheduled herbs.

The bill makes it an offence for anyone who is not a registered Chinese medicine practitioner or Chinese herbal dispenser to use titles which suggest that they are registered in any of the divisions of the register when they are not. Such title protection is the established method by which the government can protect the public from unregistered people practising Chinese medicine.

A further measure to enhance public safety is the board’s ability to issue and publish codes of practice. These codes may outline what is acceptable Chinese

herbal medicine, acupuncture and Chinese herbal dispensing practice. Codes of practice are intended to provide guidance to practitioners about the standards recommended by the board relating to the practice of Chinese medicine. They will be developed in consultation with registered practitioners and may be considered by the board in investigating possible misconduct.

Where an unregistered person breaches the scheduling requirements of the Drugs, Poisons and Controlled Substances Act, investigation and, if necessary, prosecution of such breaches will rest with the Drugs and Poisons Unit of the Department of Human Services. Where a registered practitioner breaches such requirements, the board and the department will determine their respective responsibilities.

Stringent advertising provisions are included in the bill to further facilitate protection of the public. The bill also creates a power for the board to prepare guidelines for minimum acceptable standards for advertising Chinese medicine services.

The bill observes Victoria's obligations under the national agreements on mutual recognition and competition policy.

Development of this bill has involved an extensive process of consultation and discussion. The Chinese medicine profession, consumer groups, the various health practitioner registration boards and other professional associations have been most helpful and constructive in the shaping of this comprehensive model of Chinese medicine regulation. We are also grateful to the Australian Chinese community and the state administration of traditional Chinese medicine of the People's Republic of China for their assistance and support in formulating the legislative proposals.

I commend the bill to the house.

Debate adjourned on motion of Hon. R. A. BEST (North Western).

Debate adjourned until next day.

GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL

Committed.

Committee

Clause 1

Hon. R. M. HALLAM (Western) — In an attempt to accommodate the committee process and also to demonstrate that the opposition was determined to be responsible in reacting to this bill, I gave the Minister for Sport and Recreation, who is responsible for the bill in this place, a list of the definitions we seek which go to the major issues canvassed by the bill. They include the term 'responsible gambling', which appears in the title and in clauses 4, 6 and 27; 'problem gambling', which appears in clauses 4, 6, 25 and 27; 'harm', which appears in clauses 4, 6, 25 and 27; and 'accommodate', which appears in clauses 4, 6 and 27.

In addition, the opposition sought some clarification of the term 'net social and economic benefit or impact', which appears in clauses 12, 17, 19, 20, 22(1) and (2), 23 and 25; 'well-being of the community', which appears in clauses 19, 20, 22(1) and (2) and 23; 'impact on surrounding districts', which appears in clauses 12 and 22(1); an explanation as to why 'compulsive' was replaced with 'excessive' in clause 24 and why 'compulsive gamblers' was replaced with 'gamble to problem levels', also in clause 24; and what constitutes 'harsh and unconscionable', which appears in clause 29.

I invite the minister to clarify those terms to the extent that he is able.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that I can accommodate Mr Hallam with the definitions. If he would allow me to refer to each of them, I will clarify them.

Hon. R. M. Hallam — Thank you.

Hon. J. M. MADDEN — I have received advice in relation to the expressions 'responsible gambling', 'harm', 'accommodate' and 'problem gambling'. The insertion of 'responsible gambling', which refers to the terms 'harm' and 'problem gambling', as a new object of the Victorian Casino and Gaming Authority under the Gaming Machine Control Act and the Casino Control Act does not mean that the new initiatives other than those proposed in the legislation will be carried out. The definition has been inserted for the authority to use in exercising its functions and powers.

The interpretation of each of those terms will depend on the context of the particular function being addressed at the time. It would therefore be too prescriptive to attempt to define such terms in the bill. It would also be inappropriate for me to pre-empt future decisions of the Victorian Casino and Gaming Authority by attempting to define the terms here. However, the authority may

have regard to experts in the field of problem gambling to advise it on those terms.

Again I have received advice in relation to the meaning of the terms 'net economic and social benefit', 'impact', 'wellbeing of the community' and 'surrounding districts'. I am advised that the criteria the Victorian Casino and Gaming Authority will look at for this test will be reflected in the new application forms. Before the criteria are determined consultation will take place with the gaming operators and peak gaming bodies. I am advised that it would also be inappropriate for me to pre-empt future decisions of the Victorian Casino and Gaming Authority by attempting to define those terms here.

I am advised that the use of the term 'excessive' to replace the word 'compulsive' has the effect of broadening the scope of programs that may be undertaken to help gamblers. I am advised that 'compulsive' describes a psychiatric problem whereas 'excessive' is a broader term. Currently programs funded by the Community Support Fund are limited by the words of the statute to exclude those who do harm to themselves. Accordingly, more people will be able to be assisted by Community Support Fund programs.

In relation to the definition 'gamble to problem levels', being a replacement for the term 'compulsive gamblers', I am advised that a person who gambles to problem levels may have a psychiatric problem, but the broader term will also include other persons for whom gambling causes difficulties. Accordingly, the amendment will broaden the range of persons able to be assisted by Community Support Fund programs.

In relation to the definition 'harsh and unconscionable', I am advised that it would be too prescriptive to define such a term in the bill by attempting to list every possible situation that may arise in future. It is impossible to predict or anticipate all of those situations, and providing a list of them would inevitably mean that significant situations would be omitted. Those terms have deliberately not been defined so that they may be interpreted in the context of individual situations that will arise in future.

I am advised that although the terms are used in other legislation they are used there in different contexts and it would be dangerous to try to define them here by referring to those other unrelated contexts. It would also be inappropriate for me to pre-empt future decisions of the Victorian Casino and Gaming Authority by attempting to define those terms here.

Hon. R. M. HALLAM (Western) — I thank the minister for his attempt at clarifying some of the terminology used.

The CHAIRMAN — Order! If Mr Hallam is not satisfied with the answer, perhaps we can work through the bill. Both members are allowed to speak.

Hon. R. M. HALLAM — Mr Chairman, I am happy to be guided by your ruling. I was trying to accommodate the committee by getting rid of most of the issues together rather than taking them separately. I repeat that the minister has responded to my request, and I genuinely thank him for that. I suspect he will not be surprised to hear that I am disappointed at the extent to which the issue of clarification has been deliberately left for others to determine. I suspect that rather than provide clarification he has provided a Pandora's box for the lawyers of tomorrow.

I make the point in passing, and I will not press the point, that the first three issues on which the opposition sought clarification are those contained in the absolute pivotal point — the genesis of the bill, if you like — where we read about the fostering of responsible gambling in order to minimise harm caused by problem gambling and to accommodate those who gamble without harm to themselves. As I said at the time, I understand that the concepts are difficult and that the issues are complex. However, I made the point again and again during the second-reading debate that the bill not just invites but requires the administrators of the bill to draw a distinction between a problem gambler who is entitled to protection and a gambler who is not a problem gambler and is therefore entitled to accommodation.

Although I understand the difficulty — and I said so at the time — these are not issues that can be dismissed by florid rhetoric. The discussion is about new objects of the Victorian Casino and Gaming Authority and about new functions and powers of the research panel. I am therefore disappointed that the opposition will not be given the chance to investigate whether there is compliance with the new provisions and a lower rate of success.

In respect of the term 'net social and economic benefit or impact', I say that there is a secondary issue surrounding the use of the word 'net' in some contexts and not in others. I would have thought that in that context the government would be very appreciative of the opportunity to elucidate whether the word 'net' has been overtly deleted in some contexts, or whether it was simply an oversight. If it is an oversight a simple comment to that effect by the minister will not have the

courts of the land roaring off on a wild goose chase to read something into the bill that may not be intended.

I can go through the clauses if you like, Mr Chairman, but I make the point that in respect of the term: 'net social and economic benefit or impact', under clause 12 we are talking about an applicant being required to submit in respect of — —

Hon. T. C. Theophanous — On a point of order, Mr Chairman, I am trying to understand the process that is being employed given that, as I understand it, the minister was prepared to and has made a statement under clause 1 of the bill. The normal process would be for there to be no further debate on the minister's statement under clause 1. If honourable members want to raise other issues, normally they are dealt with under specific clauses of the legislation.

What is tantamount to another second-reading debate over the broad aspects of the bill seems to be taking place. If that is the case I am as happy as other members to enter the debate. However, I seek clarification from you, Mr Chairman, as to the course you intend to follow at this stage of the bill.

Hon. Bill Forwood — On the point of order, Mr Chairman, it is disappointing that Mr Theophanous was not here for the beginning of the debate when it was made perfectly clear that the government had come to the opposition to ascertain what information was required. The information was made available in detailed form and the opportunity was given to the minister to satisfy those inquiries under clause 1. It was all about trying to find an easy way through.

The opposition is happy to accommodate Mr Theophanous if that is the route he wishes to take. However, the opposition has made a genuine attempt to seek clarification. Other members of the government have sought, albeit not perhaps satisfactorily, to satisfy that request, and I suggest the committee debate continues.

The CHAIRMAN — It is my clear understanding that the government and the opposition attempted to facilitate the committee process. I will allow Mr Hallam to complete his remarks. If there is no satisfaction, the chamber will need to go through the bill clause by clause.

Hon. R. M. HALLAM — By way of facilitation — that was the word I was looking for earlier — I was simply making the point that I am disappointed that the government has not been able to elucidate the net social and economic benefits. The committee is not considering some ephemeral concoction; it is considering the conditions that apply to an applicant or to a council making a submission to the authority. The Victorian Casino and Gaming Authority cannot grant an application unless the particular test, included in clause 20, is met.

Clause 22 provides that the VCGA is unable to amend the venue operators licence unless it is satisfied that the net social and economic benefit or impact has been met. It also goes to the rules by which the Gambling Research Panel must commission and monitor research. I make the point again. These are not issues of passing moment; they go to the very nub of the current debate in the chamber. Not only is the opposition disappointed in that context; it realises that the minister's response may have raised more questions than answers.

For instance, if the committee is speaking about net social and economic benefit — leave aside the question of whether the committee should be looking for some consistency in language — can it at least get an expression from the minister as to whether the purpose of that phrase shall be read consistently with the purposes of the act? That would be a major breakthrough on an issue which the opposition suspects will finish up in the courts of the land. That would be a help.

The CHAIRMAN — Order! I cannot ascertain whether the Honourable Roger Hallam has received satisfaction. I see no other option than to ask if any member wishes to move through the clauses.

Hon. C. A. FURLETTI (Templestowe) — Before addressing the issue directly, may I say that although it is probably impossible to draft legislation that is always totally precise and unambiguous, it is nevertheless the obligation of Parliament to strive to produce legislation that is as intelligible as possible. The time restraints that are sometimes imposed prevent members from doing that, but as legislators we have a duty to ensure that the legislation enacted reflects as accurately as possible the intention of Parliament. Those intentions should be expressed as clearly as possible.

As I said in my second-reading contribution, the bill fails dismally in that regard. The definitions, which are very clear, specific terms of great import in the interpretation of the bill, have been sidelined. The minister's response indicates that the government intends to delegate to the courts — indeed, if the committee is to accept the minister's answers, to the Victoria Casino and Gaming Authority — the legislative duty of Parliament. Is it to give to the courts and to the VCGA the right to interpret legislation?

It is an absolute abrogation of duty and confuses the principle of the separation of powers upon which the Westminster system works. It is the obligation of this place to present legislation that is legible and intelligible to allow those who work with it to interpret it accurately.

The committee has heard from the minister a total abrogation of the rights of Parliament. I for one would hate to have to interpret the legislation. I am sure the minister does not appreciate what he has said. For example, to consider that the term harsh and unconscionable in a contract should be interpreted differently every time the matter arises is nonsense! I can understand the minister meaning that each contract presented has to be looked at to see whether it is harsh and unconscionable. That is accurate and accepted. However, there cannot be a change of meaning each time a contract is presented. That is just one example. I suggest that the minister seek a further explanation. The opposition does not mind whether the committee stays here all night. The purpose of the exercise is to obtain a definition in a general form. If not, the opposition would be happy to have progress reported.

In respect of clause 1, currently the licence condition for the number of electronic gaming machines at the casino is limited to 2500. Can the minister explain why the licence is restricted to electronic gaming machines, as identified, rather than other games and gaming equipment at the casino?

Hon. T. C. THEOPHANOUS (Jika Jika) — I shall make a couple of comments and then I shall seek leave to sit at the table.

Hon. Bill Forwood — Make your comments, then seek leave.

Hon. T. C. THEOPHANOUS — I understand that the definitions of 'harsh' and 'unconscionable', which have been raised as a concern by the honourable member would apply as they apply in all other cases — they would be applied consistently. The only difference is that they will be applied in each circumstance and each circumstance will be different. In each particular case one cannot prejudge whether something is harsh or not. For example, one would have to apply the test of harshness. If it is harsh it would be deemed to be harsh but one could not say in advance — —

Hon. C. A. Furletti — Harsh is harsh is harsh. Something cannot be half harsh or semi-harsh. It says 'harsh'.

Hon. T. C. THEOPHANOUS — I understand the point Mr Furletti is making but one cannot tell in advance whether in a particular case that will be the situation. You have to apply the special class.

Hon. C. A. Furletti — You apply it to the document. 'Harsh' means 'harsh'.

Hon. T. C. THEOPHANOUS — Of course it does; I think we are saying the same thing. It would be applied in a consistent way but in accordance with the individual circumstances. Obviously the test of harshness would be the same in all circumstances: in a particular example something may test what is 'harsh', but in another example it may not.

Hon. C. A. Furletti — That is the something; 'harsh' remains, the something may or may not be.

Hon. T. C. THEOPHANOUS — I do not think anybody is disagreeing with you, Mr Furletti. The definitions are there for the purpose of — —

Hon. C. A. Furletti — That's the problem, there are no definitions.

Hon. T. C. THEOPHANOUS — Words like that are there to be applied in a way that is consistently within the normal meaning of those words. There is no suggestion they would be applied in any other way. There is no issue about that. I was happy to try to allow the process to occur where issues were raised under clause 1.

Hon. Bill Forwood — That's big of you.

Hon. T. C. THEOPHANOUS — The trouble, Mr Forwood, is that when Mr Hallam was on his feet he referred to a number of issues under different clauses. I am happy to deal with them under clause 1.

Hon. R. M. Hallam — It is the same term used in various clauses. I was trying to facilitate the committee.

Hon. T. C. THEOPHANOUS — We don't care which of the two processes you employ to get through what we have to get through tonight.

Hon. Bill Forwood — We accommodated your request.

Hon. T. C. THEOPHANOUS — In doing that, the minister presented a set of statements to try to accommodate your concerns. We have no problem if you want to go through each of those in turn or under clause 1, but I understand a whole series of points was being raised by Mr Hallam about various clauses and parts of the bill. I do not understand, so how could the minister answer?

Hon. R. M. Hallam — I gave you a running sheet.

Hon. T. C. THEOPHANOUS — I have seen the sheet; it refers to a huge number of clauses.

Hon. R. M. Hallam — The same term is in all clauses. We can accommodate you if you want to deal with each individually.

Hon. T. C. THEOPHANOUS — I am relaxed whichever way it is done. It makes no difference, but the Chairman has ruled and asked that clauses be dealt with through the committee stage. It is possible to look at, for example, clause 4 on your sheet, Mr Hallam, where you raise the question of responsible gambling. It also applies to clauses 6 and 27. It can be dealt with in that way. The way Mr Hallam raised the issue concerned a whole series of questions.

Hon. Bill Forwood — By agreement.

Hon. T. C. THEOPHANOUS — He got to his feet and then tried to say, 'I do not like this or that'. I could not make head nor tail of it; how could you expect the minister to respond reasonably? If you want to ask the questions one at a time, maybe we can do that.

Hon. Bill Forwood — We will.

Hon. T. C. THEOPHANOUS — Having made that contribution, I seek leave to sit at the table.

Hon. Bill Forwood — Leave is granted.

The CHAIRMAN — Order! Mr Hallam raised the issue of attempting to facilitate the committee. Is he happy with the process or does he wish to proceed — —

Hon. Bill Forwood — On a point of order, Mr Chairman, Mr Furletti asked a question on clause 1. I ask the minister to answer it.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Can I ask Mr Furletti to put his final question after his dissertation some time ago?

Hon. C. A. FURLETTI (Templestowe) — My question was about clause 1(a), which relates, in turn, to clause 3. It is appropriate to deal with it in one question: as clause 3 caps the number of electronic gaming machines at the Melbourne casino and embeds that cap in statute, what is the reason for doing so? Why is it restricted to electronic gaming machines and not to other forms of gaming at the casino?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 1(a) restricts the number of gaming machines at the Melbourne casino.

Hon. C. A. Furletti — Why not other forms? Why restrict it to electronic gaming machines and not to other types of machines or configurations of machines?

Hon. R. M. HALLAM (Western) — While the minister is seeking clarification I may be able to help. The licence under which the Melbourne casino operates has, as conditions, the number of gaming machines and number of table games. Mr Furletti is seeking clarification on why the clause simply sets out to restrict the number of gaming machines at the casino and makes no mention of, for example, the table games.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the principle behind the bill is in relation to restricting gambling on gaming machines.

Hon. C. A. FURLETTI (Templestowe) — The bill is the Gambling Legislation (Responsible Gambling) Bill. Clearly it has a far broader range than just electronic gaming machines. I direct the attention of the minister to section 60 of the Casino Control Act, which refers to approval of games and rules for games; to section 61 with respect to the number of games to be available; to section 62 dealing with approval of gaming equipment, and so on.

Given that there is that range of gambling conducted at the casino, why does the clause relate specifically to electronic gaming machines? What differentiates electronic gaming machines from other forms of gambling at the casino?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the main purpose of the bill is to address various issues relating to gaming machines, not other forms of gambling.

Hon. R. M. Hallam — Where does it say that?

Hon. C. A. FURLETTI (Templestowe) — Mr Chairman, clause 3 is directed to an amendment to the Casino Control Act, which has a far broader range of gambling than electronic gaming machines.

The CHAIRMAN — Order! Is Mr Furletti referring to clause 3?

Hon. C. A. FURLETTI — I am referring to clause 3 because it is interlinked with clause 1(a). Clause 1(a) is a summary of clause 3.

Hon. J. M. Madden — On a point of order, Mr Chairman, if opposition members want to run through clause 1, which covers preliminary issues, I can do that. However, if they want to jump back and forth across the bill there is a process to be followed. What do honourable members prefer to do: stick to the process and run through the bill, or just run through the explanatory memorandum? The government could clarify some of the issues raised by the opposition because some are fairly obvious in terms of what the bill is trying to address. I understand opposition members may have difficulties with some of the definitions and I am happy to take those up clause by clause. But if honourable members want to move through the explanatory memorandum I can do that. That may clarify for opposition members the intention and purpose of the bill.

The CHAIRMAN — Order! We have tried most methods this evening. I am still in the hands of the committee.

Hon. C. A. FURLETTI — I am happy to go to clause 3.

Clause agreed to.

Clause 2

Hon. R. M. HALLAM (Western) — I will make another attempt to facilitate the operation of the committee by referring the minister to clause 2(2), which goes to the date of operation. That impacts on a whole range of complications relating to transitional arrangements, of which I am sure the government is well aware. I can leave it until clause 23, which goes to some parts of that transition process. However, if the government is prepared to put on the record how that transition arrangement shall be administered, perhaps we can cut through to the cusp of the argument.

A whole raft of applications are in process and a whole range of venues are being developed. There is perhaps $100 million worth of investment sitting on the line with applicants who have already achieved a planning permit and secured a liquor licence permit, and who are now being told because of the ramifications of the bill they are likely to face a further challenge from local government.

With all those applications in transit the government needs to make a commitment as to how they will be treated. If we got the right sort of commitment from government we could put the transition arrangements to one side. However, if we do not get the commitment I am looking for here, I put the committee on inquiry that we shall go into each clause that applies to transition arrangements until we have the sort of undertaking we are looking for. I invite the minister to give us some outline of how the transition arrangements will be administered.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 2 provides that all provisions of the act, except those relating to 24-hour gaming, will commence on the day after the bill receives royal assent. The provisions relating to 24-hour gaming are deemed to have come into operation on the day the bill was made publicly available — that is, the day of the second-reading of the bill in Parliament. That means the authority will take into account the net economic and social benefit for every application made on or after that day for a new or renewed approval of premises where it is desired to conduct 24-hour gaming.

The honourable member raised transition arrangements. I am advised that if a person already has an appropriate liquor licence, he or she would have already been eligible to apply to the Victorian Casino and Gaming Authority for a premises approval and should have done so. I am advised there is always an element of commercial risk in a decision to buy land or begin construction, because obtaining all the necessary approvals is by no means a formality. The approvals currently required for a gaming venue are a liquor licence, any necessary planning permit, a premises approval and a venue operator licence. Any individual or company that proceeds to invest in buildings without getting the appropriate permits or licences is doing so at some risk.

Many are concerned at council influence over the Victorian Casino and Gaming Authority decision-making process. It must be understood that council does not have a right of veto over any application; it can only make a submission on a form approved by the VCGA. Venues that have not submitted their application for a gaming licence on the advice of other interested parties should consider whether that advice was in fact correct. It is well known that all applications will be considered by the law of the day. Any persons or companies wanting their applications to be considered under the existing laws should have submitted their applications immediately.

The argument that the legislation will result in a loss of investment is tenuous in that for new venues to get all their machines, other venues will have to lose machines. In many cases those venues would previously have made significant investments to attract those machines in the first place. Our policy for the introduction of responsible legislation was known at the

time of the last election. It formed a major plank in our election to government and was certainly well known by the community.

Hon. R. M. HALLAM (Western) — On the basis of that response I will reserve my right to take the issue further in respect of clause 23. I read into what the minister has said that an application on foot at the time of this debate, which is determined by the authority before the bill receives royal assent and therefore becomes law, shall go through under the old rules. Those whose application is determined after the bill receives royal assent will have the law applied as at 2 March.

I presume the minister would acknowledge that we are making an incredibly unfair process applicable to that transition timing. I reserve my right to take that issue further in respect of clause 23, but it goes without saying that I am bitterly disappointed with the minister's response.

Clause agreed to.

Clause 3

Hon. C. A. FURLETTI (Templestowe) — I again put the question I asked before. I advise the minister that I am capable of reading the English language and am aware that this is intended to restrict the number of gaming machines at the Melbourne casino to 2500. My question is — I will seek to put it a different way — what was the government's intention in capping the number of electronic gaming machines rather than other forms of gaming, given that the act relates to responsible gambling and is not restricted to gaming machines and that the clause amends the Casino Control Act when there is a specific act that controls gaming machines in Victoria — namely, the Gaming Machine Control Act — to which the opposition will refer subsequently? The question is: why restrict it to electronic gaming? What was the government's rationale for restricting it to electronic gaming machines rather than other forms of gaming?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it deals with gaming machines and they will be capped because they are the major cause of problem gaming.

Hon. R. M. HALLAM (Western) — That is a very interesting insight into the proposed law of the land, because that is the first time we have heard in a debate that has taken all day that the bill should be restricted to the impact of electronic gaming machines on problem gambling. That is inconsistent with almost everything else that has been said both in and around the bill. If Mr Furletti is relaxed about that I want to raise a different issue. I invite the minister to explain to the committee why the government deemed it necessary to replace the system that controls the number of gaming machines at the Melbourne casino. It is a matter of record that the number of 2500 was previously a condition of licence issued by the independent Victorian Casino and Gaming Authority. Through this amendment the government has resolved to place that number in legislation.

I made the point during the currency of the second-reading speech that this fundamental change has ramifications beyond the immediacy of the issue. I said then that it was amazing that such a substantive change should go unmentioned in the minister's second-reading speech. I invite the minister to advise the committee of why the government resolved to quite deliberately change the basis on which the number of machines to be located at the Melbourne casino should be changed and shifted from a licence condition to a clause in a statute of the land.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that currently the government has the power to set a cap on machine numbers outside the casino, and it is consistent with that power for the government to also have the power to set the cap for machine numbers at the casino so that it may regulate the overall number of machines in the gaming industry.

Clause agreed to.

Clause 4

Hon. C. A. FURLETTI (Templestowe) — Clause 4 amends the objects of the Victorian Casino and Gaming Authority by amending section 140 of the Casino Control Act. Clause 27 makes similar amendments to the Gaming Machine Control Act in terms of the responsibility of the authority to foster responsible gambling, and so on. Matters could be expedited by dealing with the two clauses together, but I hesitate to ask, given the recent determination.

If the minister is happy to consider that, my initial question is: given that the existing objects of the Victorian Casino and Gaming Authority — the promotion of tourism and employment and economic development generally in the state — were repealed by the substitution of the provisions set out in clause 4(c), why has the government removed from one of its major instrumentalities the fundamental object of seeking to improve as best one can the economic benefit of the state and an increase in employment and economic

development generally throughout the state? What is the government's rationale for removing that object?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the new responsible gaming object is being added to reflect the new — —

Hon. C. A. Furletti — I am asking about the repeal of the old one.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The new responsible gaming object is being added to reflect the new regulations that may be under the Casino Control Act dealing with the provision of player information on gaming machines about restrictions on advertising. The object of promotion of tourism, employment and economic development generally in the state is being removed so that the authority may concentrate on its other true regulatory objects and be seen as truly independent from the government. The promotion of tourism, employment and economic development generally in the state remains as a purpose of the act that the minister may still take into account in exercising powers in relation to gambling. It is only removed as a factor for the authority to consider.

Hon. C. A. FURLETTI (Templestowe) — I fail to understand why the government, whose predecessor put the object in the Victorian Casino Control Act — —

Hon. Bill Forwood — You mean the Kirner government?

Hon. C. A. FURLETTI — Yes. This is Kirner government legislation. The three objects have been put in to ensure that the management and operation of casinos remains free from criminal influence and exploitation, as set out in section 140(a). Section 140(b) ensures that gaming and betting in casinos is conducted honestly; and section 140(c), which is being repealed, promotes tourism, employment and economic development generally in the state. I ask the question because that object fits quite comfortably with the following object, which is fostering responsible gaming. There is no inconsistency. I ask the minister to explain why that is the case and why he now sees this as being some sort of a false or unnecessary object for the Victorian Casino Gaming Authority.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have answered that question.

Clause agreed to.

Clause 5

Hon. C. A. FURLETTI (Templestowe) — Clause 5(ba) refers to the provision to players of gaming machines in a casino of information relevant to gaming. What does the government envisage that relevant information to be?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 5 amends the Casino Control Act to allow regulations to be made about the provision of player information on gaming machines. I am advised that the consultation paper on responsible gaming seeks comment on what should be the content of the regulation specifying what information should be provided to players of the gaming machine.

Hon. C. A. FURLETTI (Templestowe) — If the relevant information is yet to be determined then I ask the minister to confirm that to be the case, and if that is so I also ask for a time frame within which that will be determined.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the regulations are yet to be determined. They will be determined by the minister once he has considered the submissions relating to the discussion papers.

Hon. BILL FORWOOD (Templestowe) — What is the mechanism by which such information will be made available to players at the casino?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that is yet to be determined.

Hon. C. A. FURLETTI (Templestowe) — I refer the committee to clause 30, the regulation-making power.

Hon. J. M. Madden — On a point of order, Mr Chairman, I am relatively new to this chamber, but I understand there is a process that operates in committee of working through each clause of the bill. It is disturbing when opposition members feel obliged to jump from clause to clause. I understand there is an interrelationship between some clauses, but if honourable members opposite are going to jump from clause to clause the committee will be here all night.

Hon. C. A. FURLETTI — On the point of order, Mr Chairman, the minister is catching the disease, generally associated with Mr Theophanous, of premature evaluation. The minister should have waited until I finished my question before jumping up and taking a point of order. I was about to ask the minister what the difference is between the two clauses.

Mr Chairman, if you rule in favour of the minister, when the committee discusses clause 30 I will not be able to refer to clause 5. I am asking the minister about advertising and why there is a provision in the Gaming Machine Control Act and not in the Casino Control Act.

The CHAIRMAN — Order! The minister is technically correct, but in working through the bill the committee needs to have some leniency with the interrelationships between clauses. I will allow Mr Furletti to continue, and I hope there is continuing goodwill.

Hon. C. A. FURLETTI — Proposed section 159(1)(ua) of the Gaming Machine Control Act refers to advertising relating to gaming. Why is there a regulation power with respect to advertising in the Gaming Machine Control Act but not with respect to the casino?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 5 refers to gaming machines at the casino. Proposed section 159(1)(ua) inserted by clause 30 refers to gaming machines outside the casino. The Casino Control Act already contains a regulation-making power about casino advertising.

Clause agreed to.

Clause 6

Hon. C. A. FURLETTI (Templestowe) — Proposed new section 140 inserted by clause 4 amends the objects of the Victorian Casino and Gaming Authority. Section 1 of the Gaming Machine Control Act retains as a purpose of the act to establish a system for the regulation, supervision and control of gaming machines and gaming equipment with the aim of:

(e) promoting tourism, employment and economic development generally in the State.

The aim of promoting tourism, employment and economic development remains in the Gaming Machine Control Act but the same object has been removed from the objects of the Victorian Casino and Gaming Authority. Which part of the system of management will achieve the objects set out in section 1(e) of the Gaming Machine Control Act?

Hon. J. M. Madden — On a point of order, Mr Chairman, I understood the committee was discussing the bill clause by clause. Mr Furletti is referring to a section of another act. The committee is discussing clause 6 of the bill.

The CHAIRMAN — Order! I ask Mr Furletti to alter the wording of his inquiry.

Hon. C. A. FURLETTI — One of the aims of the Gaming Machine Control Act is promoting tourism, employment and economic development generally in the state. When the amendment to the aims of the Victorian Casino and Gaming Authority are adopted by the committee, which part of the system that regulates gaming in the state will work towards achieving the aims set out in the Gaming Machine Control Act?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the new responsible gaming object is being added to reflect the new regulations made under the Casino Control Act about the provision of electronic gaming machines and the restrictions on advertising. The object of promoting tourism, employment and economic development generally in the state is being removed so the authority may concentrate on its regulatory objects and is seen as truly independent of the government.

The promotion of tourism, employment and economic development generally in the state remains a purpose of the Gaming Machine Control Act so that the minister may still take into account the exercise of powers in relation to gambling — that is, it is only removed as a factor for the authority to consider.

Hon. C. A. FURLETTI (Templestowe) — I fear I have not made myself clear. The purpose of the Gaming Machine Control Act, among other things, is to establish the aims of ensuring that gambling on gaming machines is conducted honestly; that the management of gaming machines and equipment is free from criminal influence or exploitation; and for the regulation of the use of gaming machines in casinos and other approved venues.

Those significant aims were managed, regulated and controlled by the independent Victorian Casino and Gaming Authority. A further aim was the promotion of tourism, employment and economic development generally in the state. Those same provisions are reflected in the Casino Control Act.

The objectives set out for the Victorian Casino and Gaming Authority are reflected in that act. My point is that given that the last objective has been repealed in both the Casino Control Act and the Gaming Machine Control Act — I refer to the objective of the Victorian Casino and Gaming Authority to promote tourism and so on — and the Victorian Casino and Gaming Authority was the body that administered those aims and objectives, which body, if any, will fulfil or work

towards fulfilling that particular aim under the Gaming Machine Control Act?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the functions of the minister under the Gaming Machine Control Act may take into account tourism, employment and economic development in firstly, the making of the ministerial directions under section 12; secondly, taxation provisions; and thirdly, the making of regulations.

Clause agreed to; clause 7 agreed to.

Clause 8

Hon. R. M. HALLAM (Western) — Clause 8 concerns the new provision relating to the establishment of regional limits on gaming machines. The opposition has already canvassed that issue and registered concerns about the policy. I am more interested in getting responses from the government about the way those regional limits will be administered. I remind the committee that there is a statewide ceiling and the prospect of the minister establishing at some time in the future the first regional limits. I require from the government a commitment that the machines described under the regional limits shall at all times aggregate the state limits — in other words, when the minister establishes the first regional limit can the opposition have an assurance from government that the rest of the state shall constitute another region with both those regions therefore accommodating the statewide limit?

As it stands, there is a substantial hole. The way the opposition reads it there is nothing to prevent the minister from establishing a regional limit that is substantially less than the statewide limit and to use the establishment of regions as a mechanism by which the statewide limit can be dramatically reduced without reference to anyone else. The government has gone to great lengths to protect itself against any claim in respect of that. The opposition does not want the establishment of regional limits to be a backdoor way of effectively reducing the statewide limit without reference to the Parliament.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is the intention of the government not to reduce the overall cap.

Hon. R. M. HALLAM (Western) — I genuinely thank the minister for his response in that circumstance. I refer the minister to the issue of compensation and remind the committee that proposed section 12AB states:

> No compensation is payable by the Crown in respect of any direction given or anything done under or arising out of any direction given by the authority under —

this section. A deliberate decision and feature of the law is to protect the Crown against any claim in respect of the imposition of regional caps. Will the minister explain why the same protection was not provided to the operators who may under the impositions of regional caps be required to amend contracts they already have with individual venue operators? I know concern has been expressed to the government. The operators are saying that maybe they will have the protection of the direction from government being considered a force majeure, but if the government were determined to provide protection for the Crown why was not the same protection provided to the operators who are caught up in exactly the same circumstances?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it would be irresponsible for the government to commit unlimited public money to the payment of compensation for actions taken in respect of regional caps.

Hon. ANDREW BRIDESON (Waverley) — I refer the minister to proposed new section 12AA(1)(a) where the minister is to determine regions. What processes will be involved in determining those regions? Furthermore, in proposed new section 12AA(1)(b) in respect of those regions that have been determined, what criteria will the authority use in determining the maximum permissible number of gaming machines in that region?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the criteria will be determined by the minister after submissions in relation to the discussion paper.

Hon. K. M. SMITH (South Eastern) — Regional caps will be extremely important for developers and others who are planning to install machines. Will the regions and the caps be publicly disclosed at regular intervals so that people can plan what they will do and where the machines will go? Will the regions be publicly known and will people know how many machines are permissible in each particular region?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the regions and the caps will be published in the *Government Gazette*.

Hon. K. M. SMITH (South Eastern) — Will that be on a regular basis? How often will they be looked at, judged and published?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the authority may review the regional caps as often as it sees fit, but it will be required to do so at least every five years.

Hon. C. A. FURLETTI (Templestowe) — Given the minister's very broad discretion in determining criteria under proposed section 12AA(1)(b), with whom does the minister intend to consult to determine those criteria, and what processes are intended to be used?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the minister has already consulted about the setting of the regions and the criteria for the regional caps via his discussion paper. He is currently considering the submissions received and will then make the relevant decisions.

Clause agreed to; clause 9 agreed to.

Clause 10

Hon. C. A. FURLETTI (Templestowe) — Will the minister explain how the mechanics of proposed section 27(2AA) will work in respect of the gaming operator requesting the authority to propose an amendment?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Clause 10 sets out the process by which the gaming operators will implement regional caps. They are given a power to apply to the authority under section 27 of the Gaming Machine Control Act for amendment of the conditions of the gaming venue licence to vary the number of gaming machines permitted by the licence. The gaming operator may make such an application only if it is genuinely required to implement a regional cap. The authority may then propose the amendment and may decide to make it. If it does make the amendment it must be satisfied that any regional cap will not be exceeded.

If a contract with Tabcorp or Tattersalls to supply machines to a venue operator does not allow Tabcorp or Tattersalls to remove a number of machines in response, under a direction from the authority regarding regional limits, Tabcorp and Tattersalls will be able to apply to the authority for amendment of the venue operator's licence to vary the number of gaming machines permitted by the licence.

Again I am advised — as I have been throughout the discussion on this clause — that the purpose of the provision states that if the authority does make the amendment it must be satisfied that any regional cap will not be exceeded. It is to avoid any temporary rise during the implementation period for a regional cap in the number of gaming machines in a region which would bring the number over that regional cap.

Hon. K. M. SMITH (South Eastern) — The opposition is asking whether operators will be able to go back to the minister and ask him to put in place some new regulations that would allow them to be in breach of contract with the people to whom they are supplying machines. The government intends to legislate that they may well be in breach of contract. Is that what is planned? Will any compensation be payable to the operators, Tattersalls or Tabcorp, for that breach of contract, and will the government support the operators?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 10 provides a mechanism for gaming operators to implement regional caps, which is separate from their contractual provisions. The bill does not provide for compensation to be paid.

Clause agreed to; clause 11 agreed to.

Clause 12

Hon. R. M. HALLAM (Western) — I regret having to do this, but I go back to some of the definitions that I invited the minister to address in the context of discussing clause 1.

The bill employs the term 'net economic and social benefit' for the first time in clause 12. The term is used in the context that an application for approval of premises must, among other things, be accompanied by a submission on the net economic and social benefit that will accrue to the community of the municipal district in which the premises are located.

The clause relates to applications for the approval of premises. I ask the minister to give the chamber some idea of what the government believes should be covered in a submission on net economic and social benefit. In an attempt to assist, I remind the minister that the government had the advantage of receiving advice from a senior silk about the application of those terms, which included the strong recommendation that an additional clause be included in the bill to provide as follows:

> In considering the net economic and social benefit, or the net economic and social impact, of an application, proposal or amendment under this act, the authority must have regard to the purposes of the act.

When we commenced the discussion in the context of clause 1, I was trying to ascertain from the minister whether the government is at least prepared to

acknowledge that the terminology implied in the act will be 'have regard to the purposes of the act'.

That would be a major breakthrough. I invite the minister to comment on the issue.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the criteria the Victorian Casino and Gaming Authority will look at in relation to the test will be reflected in the new application forms. Before those criteria are determined, there will be consultation with the gaming operators and peak gaming bodies.

Hon. R. M. HALLAM (Western) — I thank the minister for his response. I am not sure where it takes us, but I thank him for it anyway.

I seek further clarification on what constitutes 'surrounding municipal districts'. I refer the minister to proposed section 12(3A)(d), which states that in respect of the net economic and social benefit that will accrue to the community of the municipal district — we talked about that earlier — the impact of the proposal for approval on surrounding municipal districts should be taken into account. I am intrigued about how there could be more than one surrounding municipal district, and I seek clarification as to what that means in everyday terms.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it relates to abutting municipal districts.

Clause agreed to; clauses 13 to 18 agreed to.

Clause 19

Hon. C. A. FURLETTI (Templestowe) — Clause 19 addresses a number of the issues that the Honourable Roger Hallam has already raised. My concern is about timing and how strictly the time limits that are referred to in proposed section 12CA will be adhered to.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Clause 19 inserts proposed section 12CA into the Gaming Machine Control Act. The proposed section enables a municipal council to make a submission to the authority regarding an application for approval of gaming premises located in its municipal district. The submission must address the net economic and social impact of the proposal for approval on the wellbeing of the community of the municipal district. The submission must be made within 28 days after the receipt of a copy of the application from the applicant. The authority is required to consider the submission. Previously, the authority did not have the power to take into account local government views on the net economic and social impact that a new gaming premises is expected to have on its community.

Hon. C. A. FURLETTI (Templestowe) — I am aware that the minister earlier made reference to the relationship between the responsible authority and the Victorian Casino and Gaming Authority. Can the minister give an indication of how much weight the VCGA will give to submissions made to it by the responsible authority?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it would be given an opportunity to make a submission addressing the economic and social impact of the machines on the wellbeing of the community of the municipal district. The applicant may also make a submission to the authority on these matters. Without wishing to pre-empt the authority's consideration of these matters, it would appear that the weight given to the submissions will depend on the relevance of the information submitted and how well it is substantiated.

Hon. K. M. SMITH (South Eastern) — Minister, are you saying that after a council planning approval has been granted, a building approval has been granted for the building to go up, and approvals have been granted by Liquor Licensing Victoria for the premises, the building has to be built before an application is made for the council to go and approve the premises? Are you saying that the council has a second bite at the cherry, and that although it has already given approval on a lot of matters leading up to the application before it gives approval for the machines to go in the matter has to go back to the council for it to address the economic and social impact of the proposal? In other words, the council has a second bite of the cherry before it can give approval?

A developer may have gone through planning, liquor control, building approvals and all those sorts of things. He may have spent $5 million, $10 million or $20 million on developing a site for machines to be wheeled into, yet still have to go back to the council for it to say yea or nay? Is that the way it is; and is it fair?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the liquor licensing and planning process would be required first, and that this process would be next.

Hon. K. M. SMITH (South Eastern) — So is the building permit application processed when the building is completed and the developers are looking

for their certificate at the end? To get approval for the machines to be put in do they then have to go back to the council?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that applicants can receive the approval based on plans, not on practical completion.

Hon. C. A. FURLETTI (Templestowe) — Minister, given that submissions are made by the responsible authority to the VCGA, are there any procedures by which the VCGA will provide to the applicant an opportunity to be made aware of the submissions, to respond to the submissions and to make the applicant take appropriate action in respect of the submissions?

Hon. R. M. Hallam — Procedural fairness, in other words.

Hon. C. A. FURLETTI — Yes.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the authority will be able to consider the applicant's views on the economic and social impact issues.

Hon. C. A. FURLETTI (Templestowe) — I do not want to drag this out any more than I have to, but I would very much appreciate a response to the question I asked, which was: will the applicant have access to the submission made by the authority and have the opportunity to respond?

Hon. Bill Forwood — As a matter of procedural fairness?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that would be up to the authority, but that it would be required to act in accordance with procedural fairness principles.

Hon. R. M. Hallam — Okay.

Clause agreed to; clauses 20 and 21 agreed to.

Clause 22

Hon. R. M. HALLAM (Western) — I am aware that in respect of clause 22 the government received a submission from the same senior Queen's Counsel I quoted earlier in respect of relatively minor changes in the number of gaming machines permitted in an approved venue.

Why did the government not listen to the argument put forward by that silk on the basis of de minimis non curat lex? That would avoid the government getting involved in issues of minimal significance. I think it was explained to the government that it would be very simple to avoid an increase in the number of machines in a particular venue by stealth through the imposition of a time limit. The point was made — it seems to the opposition to be absolutely practical — that the provision requires the lodgment of a major submission in respect of the economic and social impacts of the proposed amendment where in fact the increase sought may be a single machine. In those circumstances why is the government determined not to accept the advice the opposition knows it received in respect of changes of a relatively minor nature?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government is not aware of such an opinion. However, clause 22 applies to any increase in machine numbers.

Hon. R. M. HALLAM (Western) — The opposition knows that it applies to any increase in machine numbers. That is why it was attracted by the argument that there should at least be some attempt to accommodate relatively minor changes in numbers. The government will effectively bring the entire industry to a standstill. However, if the government does not recall that advice I wonder why the opposition is better advised than the government.

Clause agreed to.

Clause 23

Hon. R. M. HALLAM (Western) — I notice the committee is back to dealing with transitional provisions. I make another belated attempt to have the government clarify the way applications in process will be treated during the transition. Clause 23 refers to an application for approval of premises that is made to the authority but not determined before the commencement of the division — which is the change in the law — and an amendment of the condition of a venue operator's licence that is proposed but not decided before the commencements of the division.

Earlier I described to the minister that it will be a matter of potluck whether the application has been completed before the government determines the fate of the bill. The opposition understands how the bill becomes the law of the land and that it is within the government's gift to determine the point at which the bill becomes law.

Is the opposition to understand that that process will determine the ultimate fate of an application which has been received before the change in law but which has

not been determined by the authority, or will the government send a message to the applicants that they will be treated fairly on the question of whether their applications have been processed by the authority? The opposition is looking for some sign to the commercial world that the government will not make fish of one and fowl of the other and that their fate will not depend on when the government has determined the bill becomes law. I hope that is clear enough.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government's policy as reflected in the bill is that all applications considered by the authority after the commencement of the act will be subject to the new laws.

Hon. R. M. HALLAM (Western) — Thank you, Minister. May I have clarification about what 'considered' means in the context in which you just used it? To me 'consider' may mean that an application has been received. I want to know whether we are talking about applications that have been processed and determined or whether they have simply been received by the authority.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised it is 'determined'.

Hon. R. M. HALLAM (Western) — Thank you. I have one final query about clause 23. Can the minister advise whether a decision made by the authority on those issues is appealable?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised yes — to the Supreme Court on a question of law.

Clause agreed to.

Clause 24

Hon. C. A. FURLETTI (Templestowe) — I refer to clause 24(2)(c) and refer to the substitution of the words 'gamble to problem levels' for the words 'are compulsive gamblers'. Will the minister advise who will determine problem levels?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that a person who gambles to problem levels may have a psychiatric problem, but this broader term will also include other persons for whom gambling causes difficulties. Accordingly the amendment will broaden the range of persons able to be assisted by Community Support Fund programs.

Hon. C. A. FURLETTI (Templestowe) — At the risk of being repetitious, I suspect that compulsive gamblers are those with psychological problems, as I think the minister said earlier. I think that is a correct interpretation. Who will decide what a problem level is?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it will be the experts who run the various assistance programs.

Hon. C. A. FURLETTI (Templestowe) — To whom will the gambling research panel answer?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that because the panel's members are appointed by the Governor in Council they can be dismissed by the Governor in Council.

Hon. G. B. ASHMAN (Koonung) — Subclause (2)(b) substitutes 'excessive' for 'compulsive'. I ask the minister to define excessive in the context of the clause.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the use of the term 'excessive' to replace 'compulsive' has the effect of broadening the scope of programs that may be undertaken to help gamblers. 'Compulsive' describes a psychiatric problem whereas 'excessive' is a broader term. Currently, programs funded by the Community Support Fund are limited by the words of the statute and must exclude those who do harm to themselves. Accordingly, more people will be able to be assisted by the Community Support Fund programs.

Hon. G. B. ASHMAN (Koonung) — I thank the minister for that response but I am still at a loss to understand the definition of 'excessive'. The minister has explained the range of programs that might be involved but how do we determine the level of excessive gambling? We need the definition of 'excessive'.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the judgment will be made by various experts on problem gambling on a case-by-case basis.

Hon. C. A. FURLETTI (Templestowe) — To return to my question, I ask the minister to whom the panel answers. I appreciate that the panel is to be appointed at ministerial direction by the Governor in Council and I assume its members would be dismissed in the same way. But to whom does the panel answer in terms of its research, inquiries and direction? If I can offer some assistance, I assume it would be the Minister for Gaming. I ask for confirmation.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the panel is independent, but that it must liaise with the Minister for Gaming in relation to its research plan. Under proposed section 138M it must also table an annual report in Parliament.

Clause agreed to; clauses 25 to 28 agreed to.

Clause 29

Hon. C. A. FURLETTI (Templestowe) — Proposed section 68 relates to the contract between the gaming operator and the venue operator. Is it intended that proposed section 68 apply to contracts that are on foot?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the provision is not to be retrospective.

Hon. C. A. FURLETTI (Templestowe) — Given that section 19(3) of the Gaming Machine Control Act previously required the contracts to be submitted with an application, and given the repeal of that section, what procedures are envisaged for the making available of the contracts to the Victorian Casino and Gaming Authority for its approval?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the gaming operators will be expected to submit the proposed contracts to the authority for approval.

Hon. C. A. FURLETTI (Templestowe) — What sanctions are proposed if an applicant and an operator, a gaming operator and venue operator, enter into a contract that is not so approved?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised there are no sanctions specified. However, an unapproved contract may be unenforceable.

Hon. C. A. FURLETTI (Templestowe) — Is the decision of the authority based on its opinion as to harshness and so forth appealable to anyone?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the legislation does not provide for any specific appeal rights.

Clause agreed to; clauses 30 to 31 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That this bill be now read a third time.

I thank opposition members for their contributions — the Honourables Roger Hallam, Andrew Brideson, Ken Smith, Gerald Ashman, John Ross, Carlo Furletti and David Davis. I also thank government members for their contributions — the Honourables Dianne Hadden, Bob Smith, Sang Nguyen and Jenny Mikakos.

The PRESIDENT — Order! I am of the opinion that the third reading is required to be passed by an absolute majority of the whole of the upper house. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I invite honourable members in favour of the bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Adjournment

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

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

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Planning: foreshore development

Hon. ANDREA COOTE (Monash) — I raise with the Minister for Sport and Recreation, representing the Minister for Planning in another place, a proposal by the developers Mirvac for a major redevelopment at Beacon Cove on Port Phillip Bay in the electorate of Monash Province. In their pamphlet on the final stage of Beacon Cove, the developers state:

> The Beacon Cove stage 2 proposal provides a feasible and cost-effective means of retaining access to Princes Pier in a manner compatible with the desire for public use and access.

In reality that means a significant development of the site. As the Swallow Street Beacon Cove Residents Association points out, there will be an additional 796 households, a 20-storey apartment tower, a 9-storey apartment block on the existing Princes Pier, the first intrusive residential development into Port Phillip Bay and an increase of traffic in the vicinity of approximately 2000 movements per day.

I have received letters, faxes and emails from concerned constituents who are incensed at the new development proposal and the lack of government intervention. The responsibility for the development rests not with the City of Port Phillip but with the Minister for Planning.

Mirvac proposed a 20-storey tower, to which the constituents of the City of Port Phillip are opposed. They have great difficulty with the siting, design, height, detailing and bulk of the second stage. They believe the interim height controls introduced by the Minister for Planning apply to the whole of the City of Port Phillip, including Beacon Cove. Minister Thwaites said in a press release of 21 December 1999 that key initiatives in the state's planning agenda include interim height protection for the foreshore of Port Phillip Bay to stop Gold Coast style developments.

The Mirvac development is 20 storeys high. I call on the Minister for Planning to reassure the residents of Beacon Cove that the development will not proceed in its present unacceptable form.

Sport: safety

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter with the Minister for Sport and Recreation, who is also Minister for Youth Affairs. Over recent years parents have become increasingly worried about injuries to their children while playing sport. All honourable members know and appreciate the qualities that sports instil in young people. Sport plays an important part in the development of young people. Can the minister advise the house what the government is doing to encourage safety in sport and participation in organised sport in Victoria?

Planning: foreshore development

Hon. P. A. KATSAMBANIS (Monash) — I also raise the issue of the proposed development of stage 2 of Beacon Cove in my electorate of Monash Province. As has been pointed out by my colleague the Honourable Andrea Coote, the development has been proposed by Mirvac and is now in the hands of the Minister for Planning, who has chosen to act as the responsible planning authority for the development.

I too have been inundated with faxes, letters, emails and telephone calls from concerned residents, who fear that the proposed 20-storey tower and the accompanying proposed development on Princes Pier itself would have a detrimental impact on the local area and current residents of the area. Those inquiries have highlighted concerns about increased traffic flows, lack of open space, the size, height and bulk of the proposed development and air and noise pollution issues.

It is clear that the development is opposed by the local council, the City of Port Phillip, which resolved at its meeting on 1 May to make a submission to the minister opposing the development in its current form. I express concern about the rhetoric of the minister and the government that they support the return of all planning decisions to local government. In this case the minister has decided to act as the planning authority, despite the City of Port Phillip having requested that he refer the matter to the council for determination after public consultation. On 21 December 1999, in launching the State Planning Agenda — A Sensible Balance, the minister in his press release states that he will introduce:

> Guidelines to limit ministerial intervention in planning that require the planning minister to publicly release written reasons for any intervention.

In a media release of 2 February the minister states:

> Community consultation and participation is essential in shaping the future direction for planning in Victoria. It is the role of councils to facilitate this involvement.

Further, in a press release of 25 February the minister states:

> For the first time in seven years the government is listening to local municipalities. Victorians now have a voice in the planning of their streets, suburbs and towns. We are providing an important forum for local councils to voice the planning concerns of their communities …

Given all the rhetoric, I now call on the minister to take immediate steps to implement his own policy by publishing in full his reasons for intervening in the matter and acting as the planning authority. I also call on him to agree to the request of the City of Port Phillip to refer the matter to it as a referral authority to determine the issue after full and proper public consultation. Only by acting in this way can the minister ensure that the views and concerns expressed by the local residents will be fully considered.

Budget: small business

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to the issue I raised with her in question time today. On page 325 of budget paper no. 3 a table showing the output group costs for small business has four columns. They are the 1999–2000 budget, a revised one for the same year, the budget for the next year and a variation column. Some notes suggest that the first two columns incorporate the transfer of responsibilities under machinery of government changes. The fourth column shows the variation between budgets for this year and next year, between 1999–2000 and 2000–01. In her response during question time, the minister suggested it was policy changes that led to the diminution in funds made available under this output group. Is she therefore suggesting that the variation shown in the fourth column is not between apples and apples, and that the budget papers are incorrect?

Responses

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Bill Forwood referred to variation in the table on page 325 of budget paper no. 3. I do not have those papers in front of me but I am prepared to get back to him on this and explain the detail. My understanding is that there was a transfer of authority in the Office of Regulation Reform and the policy branch of the department, and also the corporate affairs component. I will get back to the honourable member on the detail of that table as soon as I have had an opportunity to consider it.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Andrea Coote asked about the Mirvac Beacon Cove Princes Pier proposal. I will refer the matter to the Minister for Planning in the other house.

The Honourable Sang Nguyen raised the issue of safety in sport. I remind all honourable members of their opportunities to bring to the attention of their constituents the 2000 Sport Safety Equipment Program, which is part of the Vichealth strategy. I know many honourable members are on the board of Vichealth, an organisation that continues to do wonderful work. Guidelines and application forms are available for that program, and the applications close on 16 June. I encourage honourable members, if they consider it appropriate, to recommend the program to sporting groups or organisations that might be seeking funding for sport safety equipment for a particular program.

The Honourable Peter Katsambanis also raised the Mirvac Beacon Cove Princes Pier proposal. I will refer the matter to the Minister for Planning in the other place.

Motion agreed to.

House adjourned at 12.21 a.m. (Thursday) until Tuesday, 9 May.

QUESTIONS ON NOTICE

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

Tuesday, 2 May 2000

Premier: VCOSS land tax proposal

263. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Does the Government support the Victorian Council of Social Services policy (as presented to the Government in the VCOSS Budget submission) for the reintroduction of land tax for all residential properties bought after 1 July 2000.

ANSWER:

I am informed that:

We have received the VCOSS Submission along with many others. Receiving the VCOSS Submission does not in any way imply any support for its contents.

Premier: VCOSS wealth transfer tax proposal

264. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Affairs (for the Honourable the Premier): Does the Government support the Victorian Council of Social Services policy (as presented to the Government in the VCOSS Budget submission) for the Premier to raise and support open discussion on the merits of jointly introducing consistent wealth transfer tax measures across Australia.

ANSWER:

I am informed that:

We have received the VCOSS Submission along with many others. Receiving the VCOSS Submission does not in any way imply any support for its contents.

Health: community health centre boards advertisement

265. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) Is the Minister aware of the advertisement in the *Herald Sun* on 5 February 2000 on Community Health Centre boards.

(b) Did the Minister or his personal staff approve the advertisement.

(c) Does the Minister approve of the explicit reference, in a taxpayer-funded advertisement, to "the Labor Government".

(d) Will future advertisements by the Department explicitly mention the political allegiance of the government.

ANSWER:

Though the Minister is aware that an advertisement was placed in the *Age* and *Herald Sun* on the 5 February 2000 followed by advertisements in local and culturally and linguistically diverse newspapers, the Minister did not specifically sight or approve the advertisement.

It is not required practice that advertisements be approved at Ministerial level.

Health: drug dependency treatment services

266. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In respect of each Department of Human Services Region:

(a) What is the name and location of each non-government agency that was funded to provide treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(b) How much was paid to each non-government agency that was funded to provide treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(c) How many places were obtained for the funding provided to each non-government agency to provide treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(d) What was the range and average waiting time (in days) for persons suffering from drug dependency where illicit drugs were involved to be assessed for treatment and rehabilitation for each funded non-government agency for the months of November and December 1999 and January and February 2000.

(e) What was the range and average waiting time (in days) between persons being assessed and being admitted to a program for the treatment of drug dependency where illicit drugs were involved for each funded non-government agency for the months of November and December 1999 and January and February 2000.

ANSWER:

a) All agencies are funded to provide services by means of treatment or rehabilitation for drug dependent persons where illicit drugs are involved. The names and locations of agencies providing drug treatment services in Victoria can be found on the Internet at the Better Health Channel web site at www.betterhealth.vic.gov.au.

b) In 1998-1999 the sum of $34.8 Million was spent on funding 71 drug treatment agencies or consortiums to provide treatment and rehabilitation within the Barwon South West, Eastern Metropolitan, Gippsland, Grampians, Hume, Loddon Mallee, Northern Metropolitan, South Metropolitan, Western Metropolitan Region catchment areas, as well as Statewide. In 1999-2000 the sum of $27.8 Million been spent to date (31 March 2000) on funding 77 drug treatment agencies or consortiums.

c) There were 41,000 episodes of care purchased for the funding provided to these agencies in 1998/99 and during 1999/2000 a total of 17,125 episodes of care had been delivered to December.

d) Waiting times are surveyed for the number of working days between first contact with the agency to commencement of treatment, hence specific details on the time between contact and assessment and assessment and treatment are not available.

e) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending December 1999 is as follows:

- Community Residential Drug Withdrawal, range 4 – 13.5 days, average 8.2 days.
- Home Based Withdrawal, range 0 – 5 days, average 2.4 days.
- Outpatient Withdrawal, range 0 – 5 days, average 2.6 days.
- Rural Withdrawal, range 0 – 10 days, average 3.8 days.
- Residential Rehabilitation, range 0 – 140 days, average 23.4 days.
- Counselling, range 0 – 21 days, average 5.1 days.
- Specialist Methadone Program, 0 – 15 days, average 4.0 days.
- Supported Accommodation, 0 – 12 days, average 3.7 days.

Health: drug dependency treatment services

267. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In respect of each Department of Human Services Region:

(a) What is the name and location of each government agency that received special purpose (drug) funding to provide treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(b) How much was paid to each government agency that received special purpose (drug) funding to provide treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(c) How many places were obtained for the special purpose (drug) funding for the treatment and rehabilitation of drug dependent persons where illicit drugs were involved in each government agency in 1998–99 and in 1999–2000 to date.

(d) What was the range and average waiting time (in days) for persons suffering from drug dependency where illicit drugs were involved to be assessed for treatment and rehabilitation for each government agency that received special purpose (drug) funding to provide such services, in the months of November and December 1999 and January and February 2000.

(e) What was the range and average waiting time (in days) between persons being assessed and being admitted for the treatment of drug dependency where illicit drugs were involved for each government agency that received specific funding to provide such services, in the months of November and December 1999 and January and February 2000.

ANSWER:

No special purpose (drug) funding is provided to agencies, hence the answer to this question is the same as the answer to question number 266.

Health: drug dependency treatment services

268. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In respect of each Department of Human Services Region:

(a) What is the name and location of each non-government agency that was funded to provide residential treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(b) How much was paid to each non-government agency to provide residential treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(c) How many places were obtained for the funding at each non-government agency to provide residential treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(d) What was the range and average waiting time (in days) for persons suffering from drug dependency where illicit drugs were involved to be assessed for residential treatment and rehabilitation for each non-government agency that received funding to provide such services in the months of November and December 1999 and January and February 2000.

(e) What was the range and average waiting time (in days) between persons being assessed and being admitted for residential treatment of drug dependency where illicit drugs are involved for each non-government agency that received funding to provide such services, in the months of November and December 1999 and January and February 2000.

(f) What was the average length of stay (in days) between persons being admitted for residential treatment of drug dependency where illicit drugs were involved and later being separated from residential treatment for each funded non-government agency for the 1999 calendar year.

ANSWER:

a) There are 10 agencies or consortiums funded to provide residential services for the treatment or rehabilitation for drug dependant persons where illicit drugs are involved. The names and locations of agencies providing drug treatment services in Victoria can be found on the Internet at the Better Health Channel Website at www.betterhealth.vic.gov.au.

b) In 1998-1999 the sum of $8.4 Million was spent on funding these drug treatment agencies or consortiums to provide treatment and rehabilitation within the Barwon South West, Eastern Metropolitan, Gippsland, Grampians, Hume, Loddon Mallee, Northern Metropolitan, South Metropolitan, Western Metropolitan Region catchment areas. In 1999-2000 the sum of $7.3 Million has to date been spent on funding 10 drug treatment agencies or consortiums.

c) There were 4,800 episodes of care purchased for the funding provided to these agencies in 1998/99 and a total of 4,800 episodes of care were funded in 1999/2000, of which 2,130 had been delivered to December.

d) Waiting times are surveyed for the number of working days between first contact with the agency to commencement of treatment, hence specific details on the time between contact and assessment and assessment and treatment are not available.

e) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending December 1999 is as follows:

- Community Residential Drug Withdrawal, range 4 – 13.5 days, average 8.2 days.
- Residential Rehabilitation, range 0 – 140 days, average 23.4 days.

f) The average length of stay for residential drug withdrawal services is 6 days for general services and 10 days for youth-specific services. The average length of stay for residential rehabilitation services is 3 months.

Health: drug dependency treatment services

269. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In respect of each Department of Human Services Region:

(a) What is the name and location of each government agency that received special purpose (drug) funding to provide residential treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(b) How much was paid to each government agency that received special purpose (drug) funding to provide residential treatment and rehabilitation services for drug dependent persons where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(c) How many places were obtained for the funding provided at each government agency to provide residential treatment and rehabilitation services for persons suffering drug dependency where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(d) How many places were obtained for the funding provided at each government agency to provide residential treatment and rehabilitation services for persons suffering drug dependency where illicit drugs were involved in 1998–99 and in 1999–2000 to date.

(e) What was the range and average waiting time (in days) between persons being assessed and being admitted for residential treatment drug dependency where illicit drugs were involved for each government agency that received special purpose (drug) funding to provide such services, in the months of November and December 1999 and January and February 2000.

(f) What was the average length of stay (in days) between persons being admitted for residential treatment for drug dependency where illicit drugs are involved and later being separated from residential treatment for each government agency that received special purpose (drug) funding to provide such services in 1999.

ANSWER:

No special purpose (drug) funding is provided to agencies, hence the answer to this question is the same as the answer to question number 268.

Health: drug dependency treatment services waiting list

270. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide "waiting list" data for each of the past five three monthly periods (quarters) from December 1998 until December 1999 in respect of government and non-government agencies that received government funding for services for the treatment of drug dependency where illicit drugs were involved, specifying in particular, the ranges and average waiting times (in days) to obtain access to the following services: (i) community residential withdrawal; (ii) home-based withdrawal; (iii) outpatient withdrawal; (iv) rural withdrawal; (v) residential rehabilitation; (vi) counselling, consultancy; (vii) specialist methadone; and (viii) supported accommodation.

ANSWER:

a) The drug treatment services program does not survey data in relation to 'waiting lists', but instead surveys waiting times, namely, the number of working days between first contact with the agency to commencement of treatment.

b) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending December 1998 is as follows:

- Community Residential Drug Withdrawal, range 4 – 14 days, average 8 days.
- Home Based Withdrawal, range 0 – 5 days, average 2 days.
- Outpatient Withdrawal, range 1 – 5 days, average 2 days.
- Rural Withdrawal, range 0 – 7 days, average 3 days.
- Residential Rehabilitation, range 0 – 130 days, average 11 days.
- Counselling, range 1 – 42 days, average 8 days.
- Specialist Methadone Program, 1 – 20 days, average 6 days.
- Supported Accommodation, 0 – 140 days, average 13 days.

c) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending March 1999 is as follows:

- Community Residential Drug Withdrawal, range 3 – 13 days, average 9 days.
- Home Based Withdrawal, range 0 – 15 days, average 5 days.
- Outpatient Withdrawal, range 0 – 7 days, average 3 days.
- Rural Withdrawal, range 0 – 10 days, average 2 days.
- Residential Rehabilitation, range 0 – 60 days, average 19 days.
- Counselling, range 0 – 40 days, average 6 days.
- Specialist Methadone Program, 4 – 12 days, average 7 days.
- Supported Accommodation, 0 – 120 days, average 28 days.

d) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending June 1999 is as follows:

- Community Residential Drug Withdrawal, range 5 – 19 days, average 10 days.
- Home Based Withdrawal, range 0 – 10 days, average 3 days.
- Outpatient Withdrawal, range 0 – 10 days, average 3 days.
- Rural Withdrawal, range 0 – 28 days, average 5 days.
- Residential Rehabilitation, range 0 – 60 days, average 12 days.
- Counselling, range 0 – 23 days, average 5 days.
- Specialist Methadone Program, 5 – 10 days, average 8 days.
- Supported Accommodation, 0 – 60 days, average 12 days.

e) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending September 1999 is as follows:

- Community Residential Drug Withdrawal, range 5 – 15 days, average 9 days.
- Home Based Withdrawal, range 1 – 7 days, average 3 days.
- Outpatient Withdrawal, range 1 – 5 days, average 3 days.
- Rural Withdrawal, range 0 – 5 days, average 3 days.
- Residential Rehabilitation, range 0 – 40 days, average 20 days.
- Counselling, range 0 – 20 days, average 5 days.
- Specialist Methadone Program, 3 – 15 days, average 7 days.
- Supported Accommodation, 0 – 80 days, average 18 days.

f) Waiting times for treatment are collected quarterly, the range and average waiting times from first contact with the agency to commencement of treatment for the quarter ending December 1999 is as follows:

- Community Residential Drug Withdrawal, range 4 – 14 days, average 8 days.
- Home Based Withdrawal, range 0 – 5 days, average 2 days.
- Outpatient Withdrawal, range 0 – 5 days, average 3 days.
- Rural Withdrawal, range 0 – 10 days, average 4 days.
- Residential Rehabilitation, range 0 – 140 days, average 23 days.
- Counselling, range 0 – 21 days, average 5 days.
- Specialist Methadone Program, 0 – 15 days, average 4 days.
- Supported Accommodation, 0 – 12 days, average 4 days.

Environment and Conservation: confrontations in forests

271. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What does the Government intend to do to arrest violent confrontations in the forests.

ANSWER:

I am informed that:

The behaviour of various parties in events leading up to and including a widely publicised incident in East Gippsland was unacceptable and the Minister has publicly condemned the violence.

In addition, the Minister has personally met with all parties to discuss how such incidents might be avoided in the future. Discussion are continuing over the development of a possible protocol for protest activity.

With respect to alleged violence in the Otways the Minister convened a meeting of all relevant parties which was facilitated by independent professionals. All parties agreed to adopt a no violence approach until the 31st May 2000 which is the end of the logging season.

The Police have provided a very professional level of policing activity in relation to forest protests and have worked closely with all parties to ensure individual rights are protected.

Environment and Conservation: funding for negative social and economic impact

272. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the question raised by the Victorian Association of Forest Industries (VAFI), is the Government prepared to make significant additional funding available to address the situation where in order to address environmental protection requirements, there is a negative social and economic impact on certain sections of the community.

ANSWER:

I am informed that:

As part of the Regional Forest Agreement process, the Victorian and Commonwealth Governments increased the Forest Industry Structural Adjustment Funding by $10.05 million. In addition, the Victorian Government has committed an extra $20 million over the next 3 years to support a range of forest initiatives in regional Victoria.

Environment and Conservation: structural adjustment funds

273. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the question raised by the Victorian Association of Forest Industries (VAFI) and given that there is significant downsizing in the timber industry, will the Government be approaching the Commonwealth to make significant additional structural adjustment funds available, given that Tasmania and New South Wales have received substantial funding from the Commonwealth for the regional forest agreements.

ANSWER:

I am informed that:

To support the further development of Victoria's timber industry, the West Victoria and Gippsland Regional Forest Agreements which were signed on 31 March 2000 contained an increase by the Victorian and Commonwealth Governments for forest industry structural adjustment funding of $10.05 million, making a total of $42.6 million.

The Victorian Government has committed an additional $20 million to support a range of forest development initiatives that will increase job opportunities and contribute to wealth creation in rural and regional Victoria. These measures will be introduced over the next three years.

Energy and Resources: Nemmco market notices

274. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: What standard procedures are employed by the Government to monitor the market notices issued by Nemmco.

ANSWER:

I am informed that:

NEMMCO provides its market notices of Low Reserve and Lack of Reserve conditions to participants in the national electricity market, including VENCorp in Victoria, who engage in regular contact with the Government.

In the event of an LOR/LRC condition notice being released, NEMMCO will advise VENCorp in accordance with protocols under the *National Electricity Code*. VENCorp will in turn advise the Victorian Government. Advice from VENCorp is typically more detailed and tailored for Government use than NEMMCO's market notices.

Energy and Resources: Nemmco market notices

275. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: Which department is responsible for monitoring the market notices issued by Nemmco.

ANSWER:

I am informed that:

NEMMCO provides its market notices of Low Reserve and Lack of Reserve conditions to participants in the national electricity market, including VENCorp in Victoria, who engage in regular contact with the Government.

The Government department responsible for contact with VENCorp and NEMMCO is the Department of Treasury and Finance.

Energy and Resources: Nemmco market notices

276. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: Were the standard procedures employed to monitor the market notices issued by Nemmco enhanced in any way as a direct result of the industrial problems recently encountered by Yallourn Energy.

ANSWER:

I am informed that:

NEMMCO provides its market notices of Low Reserve and Lack of Reserve conditions to participants in the national electricity market, including VENCorp in Victoria, who engage in regular contact with the Government.

In the event of an LOR/LRC condition notice being released, NEMMCO will advise VENCorp in accordance with protocols under the *National Electricity Code*. VENCorp will in turn advise the Victorian Government. Advice from VENCorp is typically more detailed and tailored for Government use than NEMMCO's market notices

It is through this communication channel, rather than the Market Notices per se, that the Government is informed of threats to the security of the Victorian electricity supply. During the dispute, daily reports on status of demand and supply forecasts were prepared by VENCorp.

Energy and Resources: Nemmco market notices

277. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources:

(a) What advice did the Government receive from the department responsible for monitoring the market notices issued by Nemmco as to the supply/demand complications arising from the industrial problems recently encountered by Yallourn Energy.

(b) On what date/s was this advice received.

(c) What was the nature of this advice.

(d) What action was taken by Government in response to any such advice.

ANSWER:

I am informed that:

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: advice from Nemmco

278. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: Did the Government seek advice from Nemmco at any time between, and including, 11 January 2000 and 10 February 2000; if so, what was the date of any request and what was the date and nature of any response.

ANSWER:

I am informed that:

NEMMCO provides its market notices of Low Reserve and Lack of Reserve conditions to participants in the national electricity market, including VENCorp in Victoria, who engage in regular contact with the Government.

In the event of an LOR/LRC condition notice being released, NEMMCO will advise VENCorp in accordance with protocols under the *National Electricity Code*. VENCorp will in turn advise Government, as occurred during the period 11 January to 10 February 2000.

It is through this communication channel, rather than the Market Notices per se, that the Victorian Government is informed of threats to the security of Victorian electricity supply.

Energy and Resources: Nemmco market notices

279. THE HON. C. A. STRONG — To ask the Honourable the Minister for Energy and Resources:

(a) Were Nemmco market notices ID No. 3915 of 16:00:66 dated 01/02/2000, ID No. 3917 of 16:33:17 dated 01/02/2000 and ID No. 3918 of 16:46:09 dated 01/02/2000 received by the government.

(b) What departmental response did these notices evoke.

(c) To whom was any response directed.

(d) What was the resultant government action from any response and when and by whom was any such action taken.

ANSWER:

I am informed that:

The Department of Treasury and Finance obtained the NEMMCO Market Notices ID No. 3915, ID No. 3917 and ID No. 3918, and noted that these are referenced to Eastern Standard Time.

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: Nemmco market notices

280. THE HON. C. A. STRONG — To ask the Honourable the Minister for Energy and Resources:

(a) Were Nemmco market notices ID No. 3925 of 12:39:03 dated 02/02/2000, ID No. 3926 of 12:53:24 dated 02/02/2000 and ID No. 3929 of 16:39:46 dated 02/02/2000 received by the government.

(b) What departmental response did these notices evoke.

(c) To whom was any response directed.

(d) What was the resultant government action from any response and when and by whom was any such action taken.

ANSWER:

I am informed that:

The Department of Treasury and Finance obtained the NEMMCO Market Notices ID No. 3925, ID No. 3926 and ID No. 3929, and noted that these are referenced to Eastern Standard Time and that Notice 3929 was cancelled at 1700 (EST).

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: Nemmco market notices

281. THE HON. C. A. STRONG — To ask the Honourable the Minister for Energy and Resources:

(a) Were Nemmco market notices ID No. 3941 of 20:47:00 dated 02/02/2000, ID No. 3943 of 21:10:39 dated 02/02/2000 and ID No. 3944 of 21:19:48 dated 02/02/2000 received by the government.

(b) What departmental response did these notices evoke.

(c) To whom was any response directed.

(d) What was the resultant government action from any response and when and by whom was any such action taken.

ANSWER:

I am informed that:

The Department of Treasury and Finance obtained NEMMCO Market Notices ID No. 3941, ID No. 3943 and ID No. 3944, and noted that these are referenced to Eastern Standard Time.

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: Nemmco market notices

282. THE HON. C. A. STRONG — To ask the Honourable the Minister for Energy and Resources:

(a) Were Nemmco market notices ID No. 3949 of 08:13:25 dated 03/02/2000 and ID No. 3948 of 08:14:23 dated 03/02/2000 received by the government.

(b) What departmental response did these notices evoke.

(c) To whom was any response directed.

(d) What was the resultant government action from any response and when and by whom was any such action taken.

ANSWER:

I am informed that:

The Department of Treasury and Finance obtained NEMMCO Market Notices ID No. 3941, ID No. 3943 and ID No. 3944, and noted that these are referenced to Eastern Standard Time.

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: Nemmco market notices

283. THE HON. C. A. STRONG — To ask the Honourable the Minister for Energy and Resources:

(a) Was Nemmco market notice ID No. 3961 of 13:26:07 dated 03/02/2000 received by the government.

(b) What departmental response did this notice evoke.

(c) What was the resultant government action from any such response.

ANSWER:

I am informed that:

The Department of Treasury and Finance obtained NEMMCO Market Notice ID No. 3961, and noted that it is referenced to Eastern Standard Time.

The Government was informed of electricity supply issues by the Department of Treasury and Finance throughout the period during which industrial problems existed at Yallourn Energy.

The Government took such action as was required based on the advice that it received.

Energy and Resources: electricity — Yallourn dispute

284. THE HON. P. R. DAVIS — To ask the Honourable the Minister for Energy and Resources: In the context of the Yallourn Energy industrial dispute, what steps did the government take to ensure the readiness of Nemmco, VenCorp and the State Government to be able to manage electricity shortages during the 1999–2000 summer period.

ANSWER:

I am informed that:

The Government undertook an internal review of the emergency protocol arrangements established by the previous Government. In addition, regular meetings of the Demand Reduction Committee (DRC) were held ahead of Y2K issues, involving an industry review of reduction notices and demand reduction procedures. These meetings included NEMMCO and VENCorp.

Environment and Conservation: regional forest agreements

285. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): With reference to the *Age* article entitled, "*No, Minister – not good enough*", by Claire Miller on Thursday, 2 March 2000 and questions that have been put by the Victorian Associated Forest Industries (VAFI), what steps have been taken to address the significant social and economic dislocation which will result from current regional forest agreement proposals for Gippsland and the West.

ANSWER:

I am informed that:

To ensure that community views about the Gippsland and West Victoria Regional Forest Agreements were properly addressed, the Minister established independent panels for each RFA region to receive submissions and conduct public hearings. More than 1,400 submissions were received by the two RFA regional panels and more than 100 individuals and organisations made presentations at the public hearings. Social and economic issues raised in the panel reports were then considered in finalising the RFA agreements.

In addition a major package of support was announced to increase structural adjustment and industry development funding together with substantially increased redundancy provisions for affected workers. A further $20 million was provided to generate employment opportunities in regional Victoria to ensure that there is a no net job loss outcome arising from the RFAs. The Government believes that the Gippsland and West Victoria RFAs signed by the Premier and Prime Minister on 31 March 2000 provide an appropriate balance between the environmental, social and economic values of the forests in these regions.

Environment and Conservation: regional forest agreements

286. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the questions from the VAFI regarding the signing of the final two regional forest agreements, will the minister and the Premier guarantee that there will be no further reductions in sustainable yield in these or other RFA areas and, if such a guarantee is unable to be given, what other steps does the government intend to take to give industry the confidence to invest.

ANSWER:

I am informed that:

The RFA agreements provide a high level of assurance to the industry of a continuing reliable supply of timber resources. Sustainable yields are subject to periodic review in accordance with the *Forests Act 1958*.

Environment and Conservation: timber industry plan

287. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the question from the VAFI regarding the proposed Timber Industry Plan, how will the government ensure that the plan addresses cross portfolio issues, and what expertise will it tap into to ensure a quality result which meets industry needs.

ANSWER:

I am informed that:

The development of the Forest and Forest Industries Plan will be overseen by a new Forest Industry Council. The Council is an important initiative of this Government and will bring together key stakeholders to support development of the Plan. The Government is committed to proper consultation with the relevant parties and an integrated approach to the timber industry in Victoria will be an important element of the Plan. The membership and terms of reference for the Council will include the requirement to liaise with all relevant forestry and timber industry stakeholders when the Forest and Forest Industries Plan is developed.

Expertise from all relevant sectors involved in the timber industry will be sought including foresters, industry economists and relevant Government departments.

Environment and Conservation: regional forest agreements

288. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Once the final two regional forest agreements are signed, what steps will the government take to promote the outcomes to the community and ensure there is ongoing community support for sustainable forest management, including timber harvesting.

ANSWER:

I am informed that:

The Government is committed to sustainable forest management in Victoria and the RFA outcomes. The Government is also committed to improved consultation processes to involve and inform the community in sustainable forest management issues. The Department of Natural Resources will be conducting forums as required to inform the community about the RFA outcomes and to address specific issues over sustainable timber harvesting from State forests. Reporting on the implementation of the RFAs is a key requirement of all RFAs. Reports will be prepared and made publicly available as part of the required 5 yearly review of progress towards implementation of the RFA.

The Government is committed to the preparation of a Forest and Forest Industry Plan that will provide the framework for the timber industry in the State to further invest in value-adding within the context of sustainable forest management. The Plan will be developed in consultation with industry and community stakeholders.

Post Compulsory Education, Training and Employment: Paul Keating and Northern Melbourne Institute of TAFE

290. THE HON. R. H. BOWDEN — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment):

(a) What countries and cities have been visited by the Honourable Paul Keating, former Prime Minister of Australia, in relation to the agreement with the Northern Melbourne Institute of TAFE since August 1999.

(b) In addition to the $20,000 per annum retainer provided, what are the total travel and accommodation costs incurred to date by Mr Keating on behalf of the Northern Melbourne Institute of TAFE since August 1999.

(c) How many overseas promotional meetings, training meetings and/or high level representations have been held since Mr Keating's August 1999 appointment.

(d) How many overseas students have come to Victoria to study as a direct result of Mr Keating's efforts, and from which countries.

ANSWER:

I am informed as follows:

(a) The Honourable Paul Keating has not visited any countries on behalf of the Northern Melbourne Institute of TAFE since August 1999. However, Mr Keating has visited Melbourne on one occasion.

(b) Since August 1999, the Institute has incurred total travel costs of $1,562 (airfares) and accommodation costs of $466.10 for Mr Keating. Mr Keating travelled to Melbourne to visit Institute campuses and attend an Industry sponsors evening on 24 November 1999.

(c) Nil.

(d) It is impossible for the Institute to identify the number of overseas students who have come to Victoria as a direct result of Mr Keating's efforts.

Health: designated union contacts

294. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister Industrial Relations (for the Honourable the Minister for Health): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

(i) The Department of Human Services has employed the following staff or consultants acting as a designated contact point on policy matters.

- An officer is currently Acting Industrial Liaison Officer, on a part-time basis, within the Department of Human Services. (The position is currently being fill on full time on-going basis). This officer is paid within the salary range of VPS5.

- A consultant Industrial Liaison Officer has been appointed. This officer is engaged on a consultancy agreement and is remunerated in the VPS4 or lower end of the VPS5 range.

(ii) The following services are provided by the staff and consultants

- The ILO, within the Department of Human Services, has responsibility to liaise and undertake negotiations will all unions, other employee representatives, staff and line management on industrial relations issues;

- The consultant Industrial Liaison Officer's role is to provide for the co-ordination, consultation, convention and agreement with all unions on significant industrial relations issues on behalf of the State.

(iii) An officer has held the position of part-time Acting Industrial Liaison Officer since 31 December 1999.

The consultant Industrial Liaison Officer occupies a similar role which commenced in 1998.

The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about union membership from staff and consultants engaged by the Department.

Energy and Resources: designated union contacts

297. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

I am informed that:

(i) An Industrial Liaison Officer has been employed by the Department of Natural Resources and Environment within the VPS Band 4 salary range.

(ii) The duties of this position require the occupant to liaise and undertake negotiations with unions, other employee representatives, staff and line managers on industrial relations issues.

(iii) The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about union membership from its employees.

State and Regional Development: designated union contacts

298. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister assisting the Minister for State and Regional Development: Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

State and Regional Development: designated union contacts

300. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Community Services: designated union contacts

305. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

(i) The Department of Human Services has employed the following staff or consultants acting as a designated contact point on policy matters.

- An officer is currently Acting Industrial Liaison Officer, on a part-time basis, within the Department of Human Services. (The position is currently being fill on full time on-going basis). This officer is paid within the salary range of VPS5.

- A consultant Industrial Liaison Officer has been appointed. This officer is engaged on a consultancy agreement and is remunerated in the VPS4 or lower end of the VPS5 range.

(ii) The following services are provided by the staff and consultants

- The ILO, within the Department of Human Services, has responsibility to liaise and undertake negotiations will all unions, other employee representatives, staff and line management on industrial relations issues;

- The consultant Industrial Liaison Officer's role is to provide for the co-ordination, consultation, convention and agreement with all unions on significant industrial relations issues on behalf of the State.

(iii) An officer has held the position of part-time Acting Industrial Liaison Officer since 31 December 1999.

The consultant Industrial Liaison Officer occupies a similar role which commenced in 1998.

The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about union membership from staff and consultants engaged by the Department.

Education: designated union contacts

306. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

I am informed as follows:

Please refer to the response given to the Legislative Assembly Question 120, a copy of which is attached.

Legislative Assembly

Question No. 120

MR WILSON — To ask the Honourable the Minister for Education —

1. Does the Minister's Department employ either staff (whether casual, full or part time) or consultants whose duties or contracts have included, or currently include, acting as a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council or the Australian Council of Trade Unions.

2. If so, provide the name of each such employee or consultant and at what annual salary or annual contracted rate each is employed.

3. Which union(s) does each such employee or contractor have responsibility for.

4. As at 31 December 1999, how many staff were employed in the above capacity by — (a) the Minister's Department; and (b) all statutory authorities or Government business enterprises responsible to the Minister's Department.

5. Of those employees, how many were members of each specified union.

Reply:

The Honourable the Minister for Education: I am informed as follows:

1. Since the change of Government, the Department of Education Employment and Training has established formal and informal consultation mechanisms with the education sector unions covering both professional and industrial issues. Given the size of the Department's workforce and the number of unions which cover the workforce the Department has always had a unit with responsibility for managing industrial relations matters, including formal negotiations and consultation with unions.

2. Within the Employee Relations Branch of the Department, the Manager, Industrial Relations, has been appointed as the Department's interim Industrial Liaison Officer. The occupant of this position is paid within the salary range of Executive Officer Level 3.

3. The duties of the position of Manager, Industrial Relations include liaison and negotiations with unions, other employee representatives, staff and line managers on industrial relations issues.

4. The Department has not employed a person to specifically undertake the duties set out in the Member for Bennettswood's question. As indicated earlier those duties form part of the role of the Manager, Industrial Relations.

5. The Victorian Public Service is an equal employment opportunity employer and does not seek information about union membership from its employees.

Women's Affairs: designated union contacts

309. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

I am informed that:

No staff with the above duties are employed by the Office of Women's Policy

Industrial Relations: designated union contacts

310. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations: Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Agriculture: designated union contacts

313. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions

does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

I am informed that:

(i) An Industrial Liaison Officer has been employed by the Department of Natural Resources and Environment within the VPS Band 4 salary range.

(ii) The duties of this position require the occupant to liaise and undertake negotiations with unions, other employee representatives, staff and line managers on industrial relations issues.

(iii) The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about (union membership from its employees.

Aboriginal Affairs: designated union contacts

314. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aboriginal Affairs): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

(i) The Department of Human Services has employed the following staff or consultants acting as a designated contact point on policy matters.

- An officer is currently Acting Industrial Liaison Officer, on a part-time basis, within the Department of Human Services. (The position is currently being fill on full time on-going basis). This officer is paid within the salary range of VPS5.

- A consultant Industrial Liaison Officer has been appointed. This officer is engaged on a consultancy agreement and is remunerated in the VPS4 or lower end of the VPS5 range.

(ii) The following services are provided by the staff and consultants

- The ILO, within the Department of Human Services, has responsibility to liaise and undertake negotiations will all unions, other employee representatives, staff and line management on industrial relations issues;

- The consultant Industrial Liaison Officer's role is to provide for the co-ordination, consultation, convention and agreement with all unions on significant industrial relations issues on behalf of the State.

(iii) An officer has held the position of part-time Acting Industrial Liaison Officer since 31 December 1999.

The consultant Industrial Liaison Officer occupies a similar role which commenced in 1998.

The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about union membership from staff and consultants engaged by the Department.

Manufacturing Industry: designated union contacts

316. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for the Manufacturing Industry): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Racing: designated union contacts

317. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Sport and Recreation: designated union contacts

319. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility;

and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Major Projects and Tourism: designated union contacts

322. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Housing: designated union contacts

324. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

(i) The Department of Human Services has employed the following staff or consultants acting as a designated contact point on policy matters.

- An officer is currently Acting Industrial Liaison Officer, on a part-time basis, within the Department of Human Services. (The position is currently being fill on full time on-going basis). This officer is paid within the salary range of VPS5.

- A consultant Industrial Liaison Officer has been appointed. This officer is engaged on a consultancy agreement and is remunerated in the VPS4 or lower end of the VPS5 range.

(ii) The following services are provided by the staff and consultants

- The ILO, within the Department of Human Services, has responsibility to liaise and undertake negotiations will all unions, other employee representatives, staff and line management on industrial relations issues;

- The consultant Industrial Liaison Officer's role is to provide for the co-ordination, consultation, convention and agreement with all unions on significant industrial relations issues on behalf of the State.

(iii) An officer has held the position of part-time Acting Industrial Liaison Officer since 31 December 1999.

The consultant Industrial Liaison Officer occupies a similar role which commenced in 1998.

The Victorian Public Service is an Equal Employment Opportunity Employer and does not seek information about union membership from staff and consultants engaged by the Department.

Small Business: designated union contacts

325. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business: Does the Minister's Department have full time, part time, casual employees or consultants whose duties or contracts have included or currently include being a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council (VTHC) or the Australian Council of Trade Unions (ACTU); if so — (i) what is the name of each employee or consultant and at what annual salary or annual contracted rate is each employed; (ii) for which unions does each employee or consultant have responsibility; and (iii) how many of those employees were employed and estimated to be members of a union as at 31 December 1999.

ANSWER:

The Department of State and Regional Development has an officer acting in the position of Industrial Liaison Officer pending an appointment being made to this position. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Arts: Film Victoria funding

327. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Arts): What total funding will be provided to Film Victoria in each of 1999–2000, 2000–01 and 2001–02 and what additional commitment does this represent for each year.

ANSWER:

I am informed that the following Table and Notes outline projected funding arrangements for the Film Victoria business unit of Cinemedia until 2002/2003, and include Labor's budget initiatives:

Film Victoria Operational Budget	1999/2000	2000/2001	2001/2002	2002/2003
Existing Budget	3,050,000	3,050,000	3,050,000	3,050,000
Additional Funding	400,000			
Labor Policy Initiatives *	200,000	300,000	400,000	400,000
TOTAL	**3,650,000**	**3,350,000**	**3,450,000**	**3,450,000**
Increase in budget	*600,000*	*300,000*	*400,000*	*400,000*

NOTES:

Please note that Film Victoria is one of the business units within Cinemedia. The above figures do not include funding for other Cinemedia initiatives which further the development of the film and television industry. Some of these include:

Cinemedia Screen Culture provides financial support for a diverse range of organisations, events and initiatives that promote the growth of Victoria's screen culture community. Some of these include the Melbourne International Film Festival, Open Channel, Australian Film Institute, Cinema Papers and the St Kilda Film Festival as well as screen forums and conferences.

The Melbourne Film Office, an arm of Cinemedia, markets the Victorian film and television industry nationally and internationally. Cinemedia Screen Education invites discussion and understanding of screen culture through education forums for various audiences including Victorian media teachers. The Cinemedia Access Collection is Australia's largest film, video and multimedia lending collection. The Collection is available on-line throughout Victoria and across Australia.

Since the new Government took office, the Board of Cinemedia has allocated an additional $500,000 to film and television production in Victoria. This allocation adds an additional $400,000 to the Film Victoria Budget for the year 1999/2000.

Arts: funding submissions

328. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Arts):

(a) How many departmental officer hours will be provided in each of 1999–2000, 2000–01, 2001–02 and 2002–2003, for localised administrative support to arts organisations in regional Victoria to assist with the drafting or writing of funding submissions.

(b) Will this assistance be extended to metropolitan arts organisations or individuals; if not, why not.

ANSWER:

I am informed that:

Advice to prospective applicants from throughout Victoria on funding programs and the submission writing process is an integrated and continuous part of Arts Victoria's role. Industry Briefing Sessions were presented recently by Arts Victoria in Melbourne, Bairnsdale and Ararat. Direct funding is available to assist regional groups to build administrative skills and resources through the Regional Arts Development program.

By virtue of their proximity to Arts Victoria and other peak organisations, metropolitan groups have more immediate access to this type of service and advice.

Arts: exhibitions in regional Victoria

329. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Arts):

(a) What additional funding will be provided in each of 1999–2000, 2000–01, 2001–02 and 2002–03, to enable National Gallery of Victoria exhibitions to tour regional Victoria.

(b) What will be the benchmark(s) used in determining whether or not a particular regional centre has access to a National Gallery of Victoria exhibition.

ANSWER:

I am informed that in response to Part (a). of your question that:

No additional funding has been provided to the NGV to tour exhibitions in regional Victoria in 1999-2000, 2000-2001, 2001-2002 or 2002-2003.

As part of the Gallery's relocation program a total of over 200 works have been placed on long term loan at the following locations:

Ararat	Horsham	Museum of Modern Art
Ballarat	Mildura	Monash
Bendigo	McClelland Gallery	Morwell
Geelong	Castlemaine	Sale

The National Gallery of Victoria has also generated corporate sponsorship to enable it to tour a Nolan Wimmera Series Exhibition to Horsham, Ballarat, Geelong, Bendigo, Benalla, Heide and the Victorian Arts Centre during 1999-2000 and 2000-2001. An Australian landscapes exhibition will tour to Albury, Ian Potter Museum, Mornington Peninsula, Latrobe Valley, and Gippsland, and a Contemporary Jewellery Exhibition is being prepared for the Waverley Gallery and the Geelong Art Gallery

The Public Galleries Association of Victoria is seeking funding to expand travelling exhibition programs throughout Victoria.

In addition to the above, the National Gallery of Victoria has obtained approximately $100,000 from Arts Victoria for indemnification insurance for loans to 12 regional and metropolitan galleries.

In response to Part (b). of your question, I am informed that:

In choosing venues for exhibitions travelling to regional areas the National Gallery considered the following factors:

- requests by regional galleries to host exhibitions
- ability of regional galleries to meet costs, if any
- security of gallery spaces, and temperature and humidity controls where necessary
- if a sponsor is involved what are its requirements in terms of touring venues
- when did a regional gallery last receive a touring exhibition from the NGV
- capacity of a regional gallery to provide curatorial support, if necessary

The NGV has a firm policy of assisting regional galleries to the best of its ability.

Arts: regional cinemas plan

330. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Arts):

(a) What is the furthest number of kilometres that any Victorian should be from a cinema under the regional cinemas plan.

(b) How many cinemas are expected to return to regional and rural Victorian cities or towns that do not presently have such a facility.

(c) How will the Government facilitate the commercial viability of any new cinemas.

ANSWER:

I am informed that

The Government has committed to increasing access to cinemas for people in regional Victoria. A proposal to deliver on this commitment has been developed and includes the following initiatives:

- To hold a regional cinemas conference;
- To appoint a regional cinemas liaison officer to advise on establishing new cinemas and;
- To establish a regional cinemas fund to upgrade facilities through matching funding with local government.

The Government's agency, Cinemedia operates the Cinemedia Access Collection which currently provides film and videos for hire for a minimal fee to all Victorians through their local libraries.

In 1997/98, a Regional Film Festival Program was created which provided the opportunity for regional film festivals to be established or for exiting programs to be extended.

It is anticipated that these initiatives, together with existing programs and services, will assist Government in devising strategies which will best support its commitment to regional access to cinemas.

Education: student representation on higher education governing bodies

331. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What maximum percentage of student representation on each Victorian higher education institution's governing body will apply.

ANSWER:

I am informed as follows:

The question you have asked more directly relates to the responsibilities of the Minister for Post Compulsory Education, Training and Employment. The question needs to be redirected to that Minister.

Education: Victorian courses directory funding

332. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education):

(a) What funding will be allocated to establishing the Victorian Courses Directory for young people in each of 1999–2000, 2000–01, 2001–02 and 2002–03.

(b) What amount of sponsorship will be sought from industry for Victorian Courses Directory for young people in each of 1999–2000, 2000–01, 2001–02 and 2002–03

(c) Will existing directories guiding potential workforce entrants and those initiating career changes continue to be published

ANSWER:

I am informed as follows:

The question you have asked more directly relates to the responsibilities of the Minister for Post Compulsory Education, Training and Employment. The question needs to be redirected to that Minister.

Housing: public housing waiting list

333. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What was the waiting list for public housing in the Victoria Region and the Eastern Metropolitan Region as at 30 June 1999, 30 September 1999 and 30 November 1999, respectively.

ANSWER:

Public Housing Waiting List for Victoria and Eastern Metro Region

	Jun-99	Sep-99	Nov-99
Eastern Metro Region	5,875	5,888	5,948
Total Victoria	45,934	43,484	42,617

Note : Public housing includes the Rental General Stock and Movable Units programs

Health: cost of public holidays

334. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What was the total cost to the minister's departmental or portfolio budget of the three additional public holidays gazetted for Christmas Day 1999, Boxing Day 1999 and New Years Day 2000.

ANSWER:

The Government gazetted two, not three, additional public holidays to allow Victorian families to celebrate the new millennium: Boxing Day, Sunday 26 December 1999 and New Years Day, Saturday 1 January 2000. No additional public holiday was gazetted for Christmas Day by this Government. The previous Government gazetted Tuesday 28 December 1999 as a substitute holiday for the Christmas Day Saturday.

The Government decided to declare the two public holidays in a special, one-off arrangement in recognition of the unique nature of the new millennium. This decision was consistent with the approach taken by every other state in Australia and allowed Victorian families to enjoy the new millennium celebrations in the same way as families in every other part of Australia.

Negotiations were commenced under the previous Government on special payments for employees required to work during the millennium New Year's celebrations prior to the declaration of the additional two public holidays.

Health: ministerial appointments

338. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide you with a response to this questions would unreasonably divert the resources of the department.

Should you wish to ask a more specific question on this matter, I will endeavour to provide you with a response.

Energy and Resources: ministerial appointments

341. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources:

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed that:

The time and resources required to provide you with a response to this question would unreasonably divert the resources of the department.

Should you wish to ask a more specific question on this matter, I will endeavour to provide you with a response.

State and Regional Development: ministerial appointments

343. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Community Services: ministerial appointments

347. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Education: ministerial appointments

348. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed as follows:

Please refer to the response provided to the Legislative Assembly Question No. 155, a copy of which is attached.

Legislative Assembly

Question No. 155

MR WILSON — To ask the Honourable the Minister for Education —

1. What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

2. What expressions of interest and selection processes were used in each such case.

3. What date was each such person appointed and on what date does his or her office expire.

4. What daily or half day sitting fees and other remuneration is expected to be paid in 1999–2000 to each such appointee.

5. Have any changes been made to remuneration arrangements for any such appointees since their appointment; if so what are the details.

Reply:

The Honourable the Minister for Education: I am informed as follows:

To provide the information requested would require an inordinate amount of time and resources which are not available. Mr Wilson may wish to submit a more focused and specific question on the matter.

Environment and Conservation: ministerial appointments

350. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed that:

The time and resources required to provide you with a response to this questions would unreasonably divert the resources of the department.

Should you wish to ask a more specific question on this matter, I will endeavour to provide you with a response.

Women's Affairs: ministerial appointments

351. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed that:

The time and resources required to provide you with a response to this question would unreasonably divert the resources of the department.

Should you wish to ask a more specific question on this matter, I will endeavour to provide you with a response.

Industrial Relations: ministerial appointments

352. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations:

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Agriculture: ministerial appointments

354. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed that:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Aboriginal Affairs: ministerial appointments

355. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aboriginal Affairs):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Manufacturing Industry: ministerial appointments

357. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Racing: ministerial appointments

358. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Post Compulsory Education, Training and Employment: ministerial appointments

359. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment):

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) (Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

I am informed as follows:

To provide the information requested would require an inordinate amount of time and resources which are not available. The Hon. P A Katsambanis may wish to submit a more focussed and specific question on these matters.

Sport and Recreation: ministerial appointments

360. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation:

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Small Business: ministerial appointments

364. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business:

(a) What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

(b) What expression of interest and selection processes were used in each case.

(c) What date was each person appointed and on what date does his or her office expire.

(d) What daily or half day sitting fees and other remuneration is expected to be paid in each case in 1999–2000.

(e) Have any changes been made to remuneration arrangements for any appointees since initial appointment; if so, what.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Health: environmental health

366. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) What additional funding has been or will be provided in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to enable an increase in inspection of food transport vehicles.

(b) Will the cities of Whitehorse and Monash, respectively, receive any specific additional funding to enable the employment of additional Environmental Health Officers; if so, how much in each year.

(c) What targets have been or will be set for 'adequate inspections' of food transport vehicles in each year.

(d) How many food transport vehicles were registered in Victoria as at 30 June 1999.

ANSWER:

(a) None. The inspection of registered food premises and food vehicles is carried out by authorised officers employed by or contracted by each individual Local Government Authority. The funding for the inspection of food transport vehicles is generated solely, or in part, from the registration fees set by Local Government for food premises and food vehicles within their municipality. Some municipalities choose to subsidise their inspection costs from their general rate revenue rather than apply full cost recovery.

(b) No. The determination to employ Environmental Health Officers to carry out the role of authorised officers under Health legislation is a decision for Local Government. The cities of Whitehorse and Monash would employ a specific number or type of staff to carry out any municipal function after considering their local community needs based on best value principles in providing a quality, transparent service.

(c) The Food Act 1984 specifies a minimum of one inspection per year as part of the registration process for food premises and food vehicles. Each municipality would consider the risks associated with the operation of a specific type of food transport vehicle in determining its inspection schedule. For example, vehicles transporting highly perishable foods may be inspected more frequently than vehicles transporting shelf stable,

pre packaged foods. The Department of Human Services, together with the Municipal Association of Victoria and the Australian Institute of Environmental Health (Victorian branch) is developing benchmarks for the range of administrative duties carried out by Local Government under the Food Act 1984.

Other food transport vehicles, such as those transporting meat and dairy food products are regulated by the Victorian Meat Authority (VMA) and the Victorian Dairy Industry Authority (VDIA) respectively.

Meat transport food vehicles are inspected and licensed annually. Bulk dairy food transport vehicles, such as milk tankers, are inspected twice yearly.

(d) Zero. The Food Act 1984 currently exempts food transport vehicles from the requirement to be registered by Local Government. With proposed food safety legislative reform, the exemption would be removed.

Local Government: environmental health

367. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government):

(a) What additional funding has been or will be provided in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to enable an increase in inspection of food transport vehicles.

(b) Will the cities of Whitehorse and Monash, respectively, receive any specific additional funding to enable the employment of additional Environmental Health Officers; if so, how much in each year.

(c) What targets have been or will be set for 'adequate inspections' of food transport vehicles in each year.

(d) How many food transport vehicles were registered in Victoria as at 30 June 1999.

ANSWER:

The subject of the question, namely, inspection of food transport vehicles, is a matter that is within the portfolio responsibility of the Hon. John Thwaites Minister for Health. As a result, I am unable to provide the answer.

Health: Royal Dental Hospital waiting list

368. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) How many Victorians were on the Royal Dental Hospital waiting list for treatment at 30 June 1999, 30 September 1999, 30 October 1999 and 30 November 1999.

(b) How many of those persons resided in postcode areas 3125, 3128, 3130, 3149 and 3151 at each of the above dates.

ANSWER:

(a) The number of Victorians on the waiting list for dental treatment at the Royal Dental Hospital at 30 June 1999 was 29,405, at 30 September 1999 was 29,214, at 30 October 1999 was 29,245 and at 30 November 1999 was 29,510.

(b) The number of those persons residing in postcode areas 3125, 3128, 3130, 3149 and 3151 at each of the above dates is as follows:

Postcode	3125	3128	3130	3149	3151
30 June 1999	109	121	185	132	61
30 September 1999	107	127	183	134	59
30 October 1999	112	136	166	134	56
30 November 1999	113	144	166	136	65

Community Services: disability services programs

370. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) How many occupied effective full time places were there in disability services' day programs as at 30 November 1998, 30 September 1999 and 30 November 1999.

(b) How many Futures for Young Adults clients were there at each of those dates.

(c) How many carer households — (i) were provided with a break through respite services between 1 July 1998 and 30 November 1998 and (ii) 1 July and 30 November 1999.

ANSWER:

(a) The number of occupied full time places in Disability Services' day programs is collected on a half yearly basis. At 31 December 1998 there were 5,478 occupied places. At 30 June 1999 there were 5,652 and at 31 December 1999 there were 5,880.

(b) At 30 November 1998 there were 1,833 Futures for Young Adults clients. At 30 September 1999 and 30 November 1999 there were 2,483 clients. Futures for Young Adults clients enter the program as part of a cohort on 1 January each year. These clients will have turned 18 years before 31 December during the previous year, and will have met Futures for Young Adults eligibility requirements.

(c) Please note that available data for respite is also for the months July to December, not July to November as requested. Disability Services service providers are requested to provide data on a six monthly basis as part of their contractual agreements.

(i) 4,162 carer households were provided with a break between 1 July 1998 and 31 December 1998.

(ii) 6,326 carer households were provided with a break between 1 July 1999 and 31 December 1999.

Post Compulsory Education, Training and Employment: permanent employment

371. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post-Compulsory Education, Training and Employment):

(a) What funding will be made available in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to promote permanent employment instead of contract and casual employment in the Victorian public sector.

(b) How many positions in each department will be altered to full time.

(c) What additional costs will be incurred by this change in each of those years in respect of — (i) annual leave; (ii) long service leave, (iii) superannuation; and (iv) other benefits.

ANSWER:

I am informed as follows:

At this time it is not possible to provide specific data on numbers of positions which will be altered to full time. This information will become apparent as departments and agencies progress through their workforce planning and budgetary processes. Similarly, the matter of specific budget allocations for the current and future financial years cannot be specified.

It is expected that for the current financial year, departments and agencies will be able to manage changes to their staffing profiles within their existing budget allocations. Any requests for additional funding would be dealt with as part of the normal budgetary processes in future financial years on a department by department basis.

Premier: permanent employment

372. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier):

(a) What funding will be made available in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to promote permanent employment instead of contract and casual employment in the Victorian public sector.

(b) How many positions in each department will be altered to full time.

(c) What additional costs will be incurred by this change in each of those years in respect of — (i) annual leave; (ii) long service leave; (iii) superannuation; and (iv) other benefits.

ANSWER:

I am informed that:

At this time it is not possible to provide specific data on numbers of positions which will be altered to full time. This information will become apparent as departments and agencies progress through their workforce planning and budgetary processes. Similarly, the matter of specific budget allocations for the current and future financial years cannot be specified.

It is expected that for the current financial year, departments and agencies will be able to manage changes to their staffing profiles within their existing budget allocations. Any requests for additional funding would be dealt with as part of the normal budgetary processes in future financial years on a department by department basis.

Environment and Conservation: ocean outfalls

374. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

(a) What funding has or will be provided in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to assist each coastal management or water authority to dispose of sewage currently disposed through ocean outfalls through on-land treatment or high quality tertiary treatment.

(b) What date has been set as a target to eliminate each of the 14 current Victorian ocean outfalls and what is the expected cost of eliminating each outfall.

(c) What scientific definition applies to the term ‘high quality tertiary treatment’ and which reference bodies were consulted in the formulation of this definition.

(d) What funding has or will be provided to each of the Victorian water authorities in each of those years to encourage the re-use of treated water where appropriate.

(e) Have any targets been set in each of those years for water re-use for each Victorian water authority; if so, what are they.

(f) Will irrigators in the Numurkah, Swan Hill/Lockington and Mildura areas benefit from any such targets; if so, how.

ANSWER:

I am informed that:

(a) The move to land disposal or tertiary treatment will be a progressive process managed by EPA in its review of licenses and the implementation of best practice technology. Given the progressive management towards land disposal of tertiary treatment, at this stage no specific funding has been set aside to eliminate ocean outfalls.

(b) EPA is reviewing the State Environment Protection Policy "Waters of Victoria". This review will provide a mechanism to formally introduce a new statutory framework for managing sewage in Victoria and the setting of targets for implementing Government policy re coastal discharges.

(c) EPA's publication 473 'Managing Sewage Discharges to Inland Waters' which involved consultation with the water industry and NRE, provides a description of high quality tertiary treatment. This description, while designed for inland water discharges, is indicative of what could be applied to marine discharges..

(d) A project to review private sector reuse is being funded at Barwon Water as part of the Government's 'Water for Growth' program. The project will examine pricing, contracts between the Authority and reuse customers and use of the distribution infrastructure. This project will assist in developing a statewide model to deal with wastewater reuse. It will identify any impediments, articulate the principles and policy for re-use projects and assist in establishing a basis for assessment of potential costs and future funding requirements.

(e) By the end of 2002 there are expected to be 170 water authority Sewage Treatment Plants (STP) (including the metro area). Of these, 104 have been set targets in their licences for full reuse of the effluent. Three have specific targets for partial reuse (Wangaratta and Benalla at 50% and Pakenham at 90%). The remainder have qualitative requirements to maximise reuse and discussions are continuing over the setting of targets for about 20 STPs.

(f) Mildura and Numurkah Water Authorities already fully reuse their effluent, mostly on their own land, and Swan Hill operates evaporative ponds. Irrigators are able to negotiate access to effluent with the relevant water authorities.

State and Regional Development: ocean outfalls

375. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) What funding has or will be provided in each of the years 1999–2000, 2000–01, 2001–02 and 2002–03 to assist each coastal management or water authority to dispose of sewage currently disposed through ocean outfalls through on-land treatment or high quality tertiary treatment.

(b) What date has been set as a target to eliminate each of the 14 current Victorian ocean outfalls and what is the expected cost of eliminating each outfall.

(c) What scientific definition applies to the term 'high quality tertiary treatment' and which reference bodies were consulted in the formulation of this definition.

(d) What funding has or will be provided to each of the Victorian water authorities in each of those years to encourage the re-use of treated water where appropriate.

(e) Have any targets been set in each of those years for water re-use for each Victorian water authority; if so, what are they.

(f) Will irrigators in the Numurkah, Swan Hill/Lockington and Mildura areas benefit from any such targets; if so, how.

ANSWER:

This Question is identical to Question No. 374 which the Honourable Member directed to my colleague, the Honourable the Minister for Environment and Conservation. As my colleague is the Minister responsible for this matter, I refer the Honourable Member to the reply to Question No. 374.

Energy and Resources: cost of public holidays

376. THE HON. PHILIP DAVIS — To ask the Honourable the Minister for Energy and Resources: What was the total cost to the Minister's departmental portfolio budget of the three additional public holidays gazetted for Christmas Day, Boxing Day and New Years Day, 1999–2000.

ANSWER:

I am informed that:

The Government gazetted two, not three, additional public holidays to allow Victorian families to celebrate the new millennium: Boxing Day, Sunday 26 December 1999 and New Years Day, Saturday 1 January 2000. No additional public holiday was gazetted for Christmas Day by this Government. The previous Government gazetted Tuesday 28 December 1999 as a substitute holiday for the Christmas Day Saturday.

The Government decided to declare the two public holidays in a special, one-off arrangement in recognition of the unique nature of the new millennium. This decision was consistent with the approach taken by every other state in Australia and allowed Victorian families to enjoy the new millennium celebrations in the same way as families in every other part of Australia.

Negotiations were commenced under the previous Government on special payments for employees required to work during the millennium New Year's celebrations prior to the declaration of the additional two public holidays.

Energy and Resources: advice from Nemmco

377. THE HON. PHILIP DAVIS — To ask the Honourable the Minister for Energy and Resources: In relation to the Yallourn Energy industrial dispute, did the Government write to Nemmco seeking information for the period 11 January 2000 to 10 February 2000; if so, will the Minister provide a copy of that correspondence and any response.

ANSWER:

I am informed that:

NEMMCO provides its market notices of Low Reserve and Lack of Reserve conditions to participants in the national electricity market, including VENCorp in Victoria, who engage in regular contact with the Government.

In the event of an LOR/LRC condition notice being released, NEMMCO will advise VENCorp in accordance with protocols under the *National Electricity Code*. VENCorp will in turn advise the Victorian Government. Advice from VENCorp is typically more detailed and tailored for Government use than NEMMCO's market notices. It is through this communication channel that the Government is informed of threats to the security of Victorian electricity supply.

Sport and Recreation: lawn bowls centre

379. THE HON. P. R. HALL — To ask the Honourable the Minister for Sport and Recreation: In respect to the proposal to establish an international lawn bowls centre in Melbourne:

(a) What sites have been considered for this facility.

(b) What additional criteria have the international body controlling lawn bowls recently set.

(c) What sites are currently being considered.

ANSWER:

I am informed that:

a) Seven Expressions of Interest from four consortiums were lodged and the sites for consideration were:

- RHL Sparks Reserve, Box Hill
- John Cain Reserve, Northcote
- Glen Iris Bowling Club and adjoining land
- Doncaster Bowls Club

b) Following the Kuala Lumpur Commonwealth Games, the Commonwealth Games Federation and the international bowling federation agreed on the need for an increased number of greens to that proposed in the original Melbourne bid. These criteria were set out in the Expression of Interest invitation.

c) The current sites under consideration are RHL Sparks Reserve, Box Hill and John Cain Reserve, Northcote.

State and Regional Development: Multimedia Victoria policies

380. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Further to the answer to Question on Notice No. 163 given in this House on 29 February 2000 regarding policies currently promulgated by Multimedia Victoria, what are those policies and where can details of those policies be obtained.

ANSWER:

The Victorian Government has general 'best practice' guidelines on information security issues, including guidelines on third party access to information. The guidelines are designed for use by Departments to formulate their own policies.

These guidelines can be accessed from Multimedia Victoria's website, under the "Government" section of that site.

Small Business: review of business regulations

381. THE HON. W. I. SMITH — To ask the Honourable the Minister for Small Business: What process has been initiated to ensure the ongoing review of business regulations.

ANSWER:

The Government will continue with the industry sector review program which enables business to identify Commonwealth, State and Local Government regulatory impediments and to develop alternative approaches that improve the efficiency and competitiveness of their industry. By simultaneously promoting reform across these various tiers of government, a review seeks to improve an industry's regulatory environment to enable further investment and employment growth.

The strategic audit of Victorian industry will provide useful information on the magnitude of regulatory impediments for a range of sectors and assist the Government in identifying those industry sectors that may benefit from a regulatory review.

As part of the audit, the Government recently announced a strategic audit of the textiles, clothing, footwear and leather industry. A sectoral review to complement the strategic audit is currently being planned by the Office of

Regulation Reform (ORR). The ORR will continue to review regulations across all sectors in conjunction with the industry audit.

In addition to the industry sector review program, this Government is committed to national competition policy and to the introduction of further improvements to the regulatory impact statement process.

These broad initiatives should ensure the ongoing review of business regulations and the development of better regulations to encourage business investment and employment growth in the Victorian economy.

Small Business: Retail Tenancies Reform Act review

382. THE HON. W. I. SMITH — To ask the Honourable the Minister for Small Business:

(a) When will the operation and adequacy of the Retail Tenancies Reform Act 1998 be reviewed.

(b) What process will be followed in this review.

(c) Who will conduct the review.

(d) Which organisations will be represented.

ANSWER:

The Government is committed to reviewing the operation and adequacy of the *Retail Tenancies Reform Act* 1998, in conjunction with key stakeholders. The review will be undertaken in the latter part of this year and will involve thorough consultation with all key stakeholders and provide opportunities for public comments. The panel to undertake the review will be determined and announced later in the year. The views of all interested organisations will be taken into account in the progress of the review, particularly the interests and concerns of small business.

Small Business: regulation impact assessment

383. THE HON. W. I. SMITH — To ask the Honourable the Minister for Small Business: In relation to the establishment of an effective system of regulation impact assessment:

(a) Which individuals and organisations will be consulted.

(b) When is this to be commenced.

(c) How will the effectiveness of the system be assessed.

ANSWER:

The Government is committed to reducing the costs of regulation on business and improving the regulatory environment for the benefit of the whole community.

The Government is establishing an internal system to consider whole of government regulation review and reform and will assess opportunities to reduce the cost of regulation to business and the general community while still meeting the specific policy objectives of the regulation. This will include an examination of best practice arrangements in other jurisdictions and consultation with stakeholders at appropriate times.

Small Business: Essential Services Commission

384. THE HON. W. I. SMITH — To ask the Honourable the Minister for Small Business: What procedures have been commenced to provide protection to small business through the Essential Services Commission.

ANSWER:

The Government's election commitments include the establishment of an Essential Services Commission (ESC). The ESC will have jurisdiction over essential services, including gas, electricity and water. Its key objective will be to ensure the provision of high quality, reliable, safe utility services to consumers, including small business. The Government will consult widely before legislation is considered.

State and Regional Development: unemployment

385. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) Which communities have been identified as "hard hit" for the purposes of targeting unemployment.

(b) What initiatives have been established to target unemployment.

ANSWER:

Responsibility for identifying rates of unemployment and initiatives to target unemployment rests with my colleague, the Honourable Minister for Post Compulsory Education, Training and Employment.

State and Regional Development: Victoria industry plan

386. THE HON. W. I. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the establishment of a comprehensive Victoria Industry Plan:

(a) What actions has the Government taken to implement the Plan.

(b) When will this policy be implemented.

(c) Which individuals and organisations will be involved in consultations.

ANSWER:

On 30 March 2000, the Bracks Government announced a major plan – the Strategic Audit of Victorian Industry – to identify opportunities for growth and job creation in industries vital to the State's future prosperity.

The Strategic Audit will help identify the major strengths and challenges in Victorian industry, and assist government and industry plan strategies for future growth.

The Strategic Audit is expected to be completed in the second half of this year. This will provide the basis for the development of industry plans which will address the particular circumstances of identified sectors.

The Strategic Audit will include widespread consultation with key stakeholders in Victoria's industry sectors, including major employers, local government, unions and the community. Industry Reference Groups will be established to provide strategic input and leadership to each industry audit.

Community Services: preschool participation rate

393. THE HON. K. M. SMITH — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) What was the participation rate for four year old preschool children in 1999.

(b) What is the participation rate for four year old preschool children in 2000.

(c) How many children whose parents/guardians were holders of Health Care cards attended four-year-old preschool in 1999 and how many are attending in 2000.

ANSWER:

(a) The participation rate for four year old preschool children in 1999 was 91.8%.

(b) The participation rate for four year old preschool children for 2000, based upon enrolments in February is 95.8%, an increase of 3.6%.

(c) In 1999, 17,097 (28.2%) four year children whose parents held Health Care Cards attended preschool. In 2000, 16,998 (28.3%) four year old children whose parents held Health Care Cards attended preschool. Although the actual number of Health Care Card Holders has dropped by 99, it is important to clarify that the actual participation rate for Health Care Card has risen slightly (0.1%). The drop in numbers in real terms is a result of a reducing demographic of four year olds in Victoria.

Women's Affairs: New Solutions for Victoria's Women

395. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): In relation to the election promise to "encourage the advertising industry to provide diverse and positive advertising portrayals of women and encourage the fashion industry to promote fashion models and clothing in many different sizes" according to the New Solutions For Victoria's Women policy released during the 1999 State Election:

(a) How does the Government define "diverse and positive advertising portrayals of women".

(b) How does the Government plan to "encourage" the industry to relax its notions on appropriate model sizes.

(c) To date, what has been done to "encourage" an outcome on this front.

ANSWER:

I am informed that:

The media and the advertising and fashion industries have a critical role to play in how women are viewed in society and how they view themselves. While the Government does not have the capacity to directly regulate the media or the fashion industry, it can and will seek to play a major role in ensuring a more positive and representative portrayal of women.

The Office of Women's Policy will commence a major research project to consider media portrayal of women and the portrayal of women in the fashion industry in the next few months. As part of the research, women, women's organisations, media bodies, advertisers and fashion organisations will be asked to contribute their ideas about the portrayal of women.

The specific questions of what type of role models are needed and how the Government can encourage a changed approach to appropriate model sizes will be addressed as part of the consultations and the research project.

Women's Affairs: New Solutions for Victoria's Women

396. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): In relation to the election promise to "develop tighter legislative controls to ensure positive media representation of women" according to the New Solutions for Victoria's Women policy released during the 1999 State Election:

(a) What legislation has been proposed.

(b) How will results of positive representation be measured.

(c) When will the legislation be in place.

ANSWER:

I am informed that:

The media and the advertising and fashion industries have a critical role to play in how women are viewed in society and how they view themselves. While the Government does not have the capacity to directly regulate the media or the fashion industry, it can and will seek to play a major role in ensuring a more positive and representative portrayal of women.

The Office of Women's Policy will commence a major research project to consider media portrayal of women and the portrayal of women in the fashion industry in the next few months. As part of the research, women, women's organisations, media bodies, advertisers and fashion organisations will be asked to contribute their ideas about the portrayal of women.

The recent Windsor Smith billboard campaign highlighted the need for a review of the current lack of regulation for the advertising industry, particularly billboards. However, the specific questions of how the government should regulate the media and advertising industry will be addressed as part of the consultations and the research project.

Women's Affairs: New Solutions for Victoria's Women

397. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): In relation to the election promise to "encourage the Australian Broadcasting Authority and the Australian Press Council to examine media portrayal of women in leadership positions, including those in politics, with a view to ensuring that women are not subject to gender stereotyping" according to the New Solutions for Victoria's Women policy released during the 1999 State Election:

(a) Have the Australian Broadcasting Authority and/or the Australian Press Council been approached to examine this issue.

(b) How does the Minister measure gender stereotyping.

(c) Will the result of the examination be made public.

(d) When does the Minister envisage that this process will be set in place.

ANSWER:

I am informed that:

The media and the advertising and fashion industries have a critical role to play in how women are viewed in society and how they view themselves. While the Government does not have the capacity to directly regulate the media or the fashion industry, it can and will seek to play a major role in ensuring a more positive and representative portrayal of women.

The Office of Women's Policy will commence a major research project to consider media portrayal of women and the portrayal of women in the fashion industry in the next few months. As part of the research, women, women's organisations, media bodies, advertisers and fashion organisations will be asked to contribute their ideas about the portrayal of women.

The research project will encompass discussions with the Commonwealth Government and the Australian Broadcasting Authority and Australian Press Council to consider new ways of defining and representing women leaders so that young women and girls can grow up in a society where women leaders are respected and celebrated rather than denigrated.

Environment and Conservation: risk assessment — national parks

398. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In respect of each of the following National and State Parks — Agnes Falls Scenic Reserve, Albert Park, Alfred National Park, Alfred Nicholas Memorial Gardens, Alpine National Park, Angahook–Lorne State Park, Arthurs Seat State Park, Aura Vale Lake Park, Banksia Park, Barmah State Park, Baw Baw National Park, Bay of Islands Coastal Park, Beechworth Historic Park, Big Desert Wilderness, Birrarung Park, Braeside Park, Brimbank Park, Brisbane Ranges National Park, Buchan Caves Reserve, Bunurong Marine Park, Bunyip State Park, Burrowa–Pine Mountain National Park, Bushy Park Wetlands, Candlebark Park, Cape Conran Coastal Park, Cape Liptrap Coastal Park, Cape Nelson State Park, Cape Otway Lightstation, Cape Schanck Lighthouse Reserve, Cardinia Reservoir Park, Carlisle State Park, Castlemaine–Chewton Historic Reserve, Cathedral Range State Park, Cheetham Wetlands, Chiltern Box–Ironbark National Park, Churchill National Park, Collins Settlement Historic Site, Coolart Wetlands and Homestead, Coopracambra National Park, Crawford River Regional Park, Croajingolong National Park, Dandenong Ranges National Park, Discovery Bay Coastal Park, Enfield State Park, Errinundra National Park, French Island National Park, Gabo Island, George Tindale Memorial Gardens, Grampians National Park, Hattah–Kulkyne National Park, Hawkstowe Park, Hepburn Regional Park, Herring Island Environmental Park, Holey Plains State Park, Horseshoe Bend Farm, Jack Smith Lake, State Game Reserve, Jells Park, Kamarooka State Park, Kara Kara State Park, Kinglake National Park, Koomba Park, Kooyoora State Park, Lake Albacutya Regional Park, Lake Eildon National Park, Langi Ghiran State Park, Langwarrin Flora and Fauna Reserve, Leaghur State Park, Lerderderg State Park, Lind National Park, Little Desert National Park, Longridge Park Camp, Lower Glenelg National Park, Lysterfield Lake Park, Macedon Regional Park, Maldon Historic Area, Maribyrnong River, Maroondah Reservoir Park, Melba Gully State Park, Mitchell River National Park, Moondarra State Park, Mornington Peninsula National Park, Morwell National Park, Mount Alexander Regional Park, Mount Arapiles State Park, Mount Buangor State Park, Mount Buffalo National Park, Mount Eccles National Park, Mount Granya State Park, Mount Lawson State Park, Mount Napier State Park, Mount Richmond National Park, Mount Samaria State Park, Mount Worth State Park, Murray–Kulkyne National Park, Murray–Sunset National Park, National Rhododendron Gardens, Nooramunga and Corner Inlet Marine and Coastal Parks, Nortons Park, Nyerimilang Heritage Park, Organ Pipes National Park, Otway National Park, Paddys Ranges State Park, Patterson River, Pettys Orchard, Pipemakers Park, Point Cook Coastal Park, Port Campbell National Park, Port Phillip Bay, Reef Hills Park, Rosebud Foreshore Reserve, Serendip Sanctuary, Shallow Inlet Marine and Coastal Park, Shepherds Bush, Silvan Reservoir Park, Snowy River National Park, Sorrento Pier, St Kilda Pier, State Coal Mine, Steiglitz Historic Park, Sugarloaf Reservoir Park, Sweeneys Flat, Tarago Reservoir Park, Tarra Bulga National Park, Terrick Terrick State Park, The Lakes National Park, Tower Hill State Game Reserve, Tyers Park, Upper Goulburn Historic Area, Upper Yarra Reservoir Park, Warby Range State Park, Warrandyte State Park, Wattle Park, Werribee Gorge State Park, Werribee Park, Westerfolds Park, Westernport Bay, Westgate Park, Whipstick State Park, Whroo Historic Reserve, William Ricketts Sanctuary, Wilsons Promontory National Park, Woodlands Historic Park, Wyperfeld National Park, Yan Yean Reservoir Park, Yarra Bend Park, Yarra Flats Park, Yarra Ranges National Park, Yarra River and You Yangs Regional Park —

(a) When and by whom was the last risk assessment done on structures within those sites.

(b) Were any of the structures assessed as high risk or a "critical structure"; if so — (i) what are the names of the high risk and/or critical structures; and (ii) which high risk structures or critical structures are closed to public access and when will such closed structures be re-opened.

ANSWER:

I am informed that:

(a) All elevated structures (lookouts, pedestrian bridges, boardwalks, stairs, etc more than 1 metre high) in the parks listed above, as well as in the Corringle Foreshore Reserve, Turtons Creek Scenic Reserve, Redcliffs Scenic Reserve and Bobs Park Berwick were inventoried and assessed for risk and condition between December 1997 and May 1998.

Structural engineering inspections and geotechnical assessments were carried out by consultants Sinclair Knight Merz and Coffey Partners in relation to 550 high use structures, and detailed condition reports for the remaining 603 structures were carried out by Parks Victoria rangers. Monitoring of condition is now carried out by rangers on a regular basis, and follow up structural and geotechnical inspections occur on an on-going basis. Where funding is not immediately available for repair or renewal, structures may be closed at any time for public safety.

(b) Approximately 20% of structures fit the category of 'high risk' (which is based on significant fall height, high level of use, and/or poor condition). Monitoring frequency and maintenance programs reflect risk ratings.

108 structures were classed as 'critical' after risk and structural assessment, due to their failure to meet current standards. All but 5 of these have now been permanently repaired, replaced or removed. Two of these structures, the West Kiewa Logging Road vehicle bridge in the Alpine National Park and the Phantom Falls Track footbridge in the Angahook-Lorne State Park, are open having been made safe with interim repairs completed, pending resolution of design, specification and siting issues for total replacement. Once these issues are resolved, these two structures will most likely be closed during re-construction.

Another bridge on the West Kiewa Logging Road was lost in a flood and has not yet been replaced. Works are about to begin at O'Shannessy bridge, Yarra Ranges National Park and the Candlebark Cabin footbridge at Lake Eildon National Park is closed pending repair by the leaseholder.

All critical structures are expected to be open by next peak use season.

Energy and Resources: ALP fundraising dinner

400. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources: Was the attendance of her Chief of Staff, Ms Robyn McLeod, at the $1,000 a head ALP fundraising dinner held late last year paid for by a company.

ANSWER:

I am informed that:

No public funding was spent on the attendance of my Chief of Staff at a private ALP function in December 1999.

All Company payments for this function were paid directly to the ALP. All costs associated with this function were met directly by the ALP. Therefore, no Company directly paid for the attendance of my Chief of Staff at said function.

As no public interest matter is involved in my Chief of Staff's attendance at a private function I do not intend to respond further on this matter.

Environment and Conservation: water quality — lake

406. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

(a) What is the most recent study of water quality in the Lake, by whom was it made and what are the results.

(b) What is the most recent study of the qualities of the sediment and/or silt in the Lake, by whom was it made and what are the results.

(c) What plans does the Government have for improving the water quality of the Lake.

(d) What plans does the Government have for dealing with silting problems in the Lake.

(e) What plans does the Government have to support the beautification of the banks of the Lake.

(f) What plans does the Government have to support the improvement of facilities surrounding the Lake.

(g) What advice does the Government have in relation to water quality in the creeks and drains flowing into the Lake.

ANSWER:

I am informed that:

As the Lake about which the information was requested was not named, the Minister is unable to answer the question.

Education: Connecting Victoria — computer to child ratios

416. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): In relation to the Minister's statement 'Connecting Victoria', that the department will assist schools to properly resource the information technology needs of all their students and local communities', what computer to child ratio is sought by the Minister by 1 June 2001, 2002 and 2003, respectively.

ANSWER:

I am informed as follows:

The target State average curriculum computer to student ratio is 1:5 by 30 June 2000, however, the current ratio of 1:4.65 has surpassed this. There are still 604 schools with ratios above the target ratio. The Government is committed to ensuring that the target ratio is achieved in these schools.

Targets for future years are yet to be determined.

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