PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

23 November 2000

(extract from Book 7)

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

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

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

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, Andrea Coote G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and G. W. Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, G. W. Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

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

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

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

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

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

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

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

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

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

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, P. R. Hall, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:
The Hon. M. M. GOULD

Deputy Leader of the Government:
The Hon. G. W. JENNINGS

Leader of the Opposition:
The Hon. M. A. BIRRELL

Deputy Leader of the Opposition:
The Hon. BILL FORWOOD

Leader of the National Party:
The Hon. R. M. HALLAM

Deputy Leader of the National Party:
The Hon. P. R. HALL

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

THURSDAY, 23 NOVEMBER 2000

QUESTIONS ON NOTICE

WEDNESDAY, 22 NOVEMBER 2000

CONTENTS

Thursday, 23 November 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.04 a.m. and read the prayer.

SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL

Introduction and first reading

Received from Assembly.

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

VICTORIAN QUALIFICATIONS AUTHORITY BILL

Introduction and first reading

Received from Assembly.

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

TEMPORARY CHAIRMAN OF COMMITTEES

The PRESIDENT laid on table warrant nominating the Honourable R. H. Bowden to act as a Temporary Chairman of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

PARLIAMENTARY DEPARTMENTS

Annual reports

Hon. B. W. BISHOP (North Western) presented reports for 1999–2000 of:

Department of the Legislative Council
Department of the Parliamentary Library
Department of Parliamentary Debates
Department of Parliamentary Services

Laid on table.

PAPERS

Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Minister for Environment and Conservation's report of 22 November 2000 of receipt of the 1999–2000 report.

Austin and Repatriation Medical Centre — Report, 1999–2000 (two papers).

Australian Food Industry Science Centre — Minister for Agriculture's report of failure to submit 1999–2000 report to him within the prescribed period and the reasons therefor.

Bethlehem Hospital Incorporated — Report, 1999–2000 (two papers).

Catchment Management Council — Report, 1999–2000.

Consumer and Business Affairs — Report of Director on Operations of Fair Trading Act, 1999–2000.

Corangamite Catchment Management Authority — Report, 1999–2000.

East Gippsland Catchment Management Authority — Report, 1999–2000.

Glenelg Hopkins Catchment Management Authority — Report, 1999–2000.

Goulburn Broken Catchment Management Authority — Report, 1999–2000.

Health Promotion Foundation — Report, 1999–2000.

Housing Guarantee Fund Limited — Report, 1999–2000.

Inner and Eastern Health Care Network — Report, 1999–2000 (two papers).

Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 1999–2000.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment 7 of the Building Code of Australia, 1996.

Legal Ombudsman's Office — Report, 1999–2000.

Mallee Catchment Management Authority — Report, 1999–2000.

Melbourne Parks and Waterways — Minister for Environment and Conservation's report of failure to submit 1999–2000 report to her within the prescribed period and the reasons therefor.

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2000 and 22 November 2000.

Murray Valley Citrus Marketing Board — Minister for Agriculture's report of failure to submit 1999–2000 report to him within the prescribed period and the reasons therefor.

Murray Valley Wine Grape Industry Development Committee — Minister for Agriculture's report of 22 November 2000 of receipt of the 1999–2000 report.

North Central Catchment Management Authority — Report, 1999–2000.

North East Catchment Management Authority — Report, 1999–2000.

Northern Victorian Fresh Tomato Industry Development Committee — Minister for Agriculture's report of failure to submit 1999–2000 report to him within the prescribed period and the reasons therefor.

North Western Health Care Network — Report, 1999–2000.

Peninsula Health Care Network — Report, 1999–2000.

Port Phillip and Westernport Catchment and Land Protection Board — Report, 1999–2000.

Southern Health Care Network — Report, 1999–2000.

West Gippsland Catchment Management Authority — Report, 1999–2000.

Wimmera Catchment Management Authority — Report, 1999–2000.

Women's and Children's Health Care Network — Report, 1999–2000.

Yarra Bend Park Trust — Minister for Environment and Conservation's report of 22 November 2000 of receipt of the 1999–2000 report.

AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed from 22 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. J. M. McQUILTEN (Ballarat) — I begin by saying that I have an interest in the wine industry, as everyone knows, so I declare that I have a pecuniary interest in this debate.

I remind honourable members of the remarks of the minister in the other house, and I thank Mr Stoney for his comments last night and his support of the bill.

I will deal with a broader area and cover a number of things that have happened in that industry over the past 10 to 15 years. As many honourable members, such as my colleague from North Western Province, know, in agricultural industries we tend to live in times of boom or bust. I recall that from 1988 to 1990 grape vines were being pulled out of vineyards, and people were being paid to do that in South Australia and northern Victoria. Nowadays if you drive around country Victoria you will see enormous numbers of vines being planted. They are being planted by the hundreds of hectares, so it would appear that there is an enormous boom going on.

I know there is great support for the wine industry through investment, but I want to sound a note of caution. One of the reasons for the boom in investment is the potential to create and sell a product — I think that is great — and that tax-effective investment schemes tend to be organised for people with high incomes who are enamoured of the so-called sexiness of the wine industry and the lure of large returns.

The enormous investment in country Victoria is great, but there are some dangers around the corner. The main danger around the corner is that if we do not continue to expand our export market we will be in real trouble in the wine industry.

In 1993, when I was in Canberra, the wine industry was under attack by the Labor Party, which was intent on increasing the tax on wine. Our industry had not been active with the Labor Party because it had assumed the Liberal Party would win that election and had not done the lobbying. We had Treasurer Dawkins and the bureaucrats in Canberra having a go at the wine industry.

It was quite obvious seven years ago that there was a lack of understanding of the wine industry and its importance not only to the economy but also to regional tourism. That government had not factored in the reality that approximately 90 per cent of all wine produced in Australia at that time was produced by three companies, and the other 10 per cent or so was produced by 900 small wineries. Those 900 small wineries were in fact a major generator of regional development and tourism. Since then there has been a learning process in Australia generally, in Canberra and in Victoria, about the importance of the wine industry, not only to exports and the general economic situation but also to regional tourism. My warning is that we have to be vigilant to really push our export potential, because we stand to lose a great deal.

On a recent trip to China with my colleagues from the other side of the house we saw an enormous potential in that country, probably over the next 5 or 10 years to expand Victoria's market and to be clever about it. In the past two months I have been working with the Victorian wine industry to try to organise a strategy to promote Victorian wines in China with a targeted focus,

as opposed to the broad, scatter-gun approach that has been taken in the past.

I will leave my contribution to the debate there. Ours is a wonderful industry. It has enormous potential, but there are some danger signs, and we have to be vigilant and chase exports extremely hard.

Hon. B. W. BISHOP (North Western) — I find the Agricultural Industry Development (Amendment) Bill a fascinating piece of legislation. This sort of situation is quite typical of agriculture nowadays as it goes through the transition of moving away from government price support and recommendations on pricing. I know — Mr McQuilten touched on this as well — it is difficult to put these changes through industries and have them agreed to across the industries. But nowadays most agricultural industries are moving away from government regulation towards industry-managed systems. I shall give a couple of examples before I get to the particular provisions of the bill.

One of the best examples is the Grain Elevators Board of Victoria. The former government privatised that board and moved it into industry hands. It became Vicgrain. Years ago when it was a statutory authority the government had a large impact on the setting of the fees the board charged growers for storage and handling. Of course when the functions of the board were moved into the industry's hands by the privatisation process, the industry was in charge of its own destiny and its own fee setting. The board has since had a much better management of such things than it had when it was a statutory authority. History notes that Vicgrain moved on and merged with Graincorp, which is a sign of the times in the grain industry. So, rather than having, if you like, full government control, the industry is now industry controlled.

The second example is the story of V/Line Freight, which not many years ago was part of the state transport authority. In Victoria I can remember — and I am sure Mr Baxter can — that the Victorian Farmers Federation used to negotiate freight rates on behalf of the owners of the grain, which were generally the wheat board and the barley board — a very strange method.

During my time at the Australian Wheat Board with Mr Clinton Condon as the chairman and Mr Bob Cracknell as the state manager I can recall being part of a delegation to see the then Minister for Transport, the Honourable Tom Roper, to discuss freight rates for the product the board owned but for which another organisation set the rates.

The Honourable Phil Davis would recall that period from his time with the Victorian Farmers Federation. V/Line Freight was privatised as Freight Victoria and is now Freight Australia. The owners of the grain, predominantly the Australian Wheat Board and the Australian Barley Board, will negotiate their freight rates with producers and road users. Rather than government control of agricultural services the industry is now taking control and it is being taken out of government hands.

The bill removes controls on the wine grape, fresh tomato, strawberry and emu industries. The emu industry took off without having a market. It is unfortunate that it captured the imagination of many people but did not have a market. It has suffered substantially since. Although that has nothing to do with the bill, it is an interesting side issue.

The bill repeals a number of provisions in accordance with the recommendations of the national competition policy review and arrangements that operate between Victoria and New South Wales. Some of the people I represent have concerns about these issues, but in my discussions I have noted that people generally understand that agricultural industries need to change to meet the conditions of the world today.

The bill removes the powers of committees to recommend prices to be paid by processors to producers. It repeals the provisions that allow committees to set the terms and conditions of those payments. It removes provisions relating to the power of committees to settle disputes and act as agents to purchase equipment, machinery, fertiliser and other goods that may be required to produce a particular agricultural product.

The bill includes provisions covering the method of voting under the principal act. It may allow large producers in some industries to have multiple votes. I know that has caused concerns among certain producers, and those concerns have been raised with me, particularly by the wine grape growers. The second-reading speech makes it clear that the industry will decide how many votes a producer has. The briefing I have had suggests it is more than likely that there will be a cap of five votes per unit — if it goes that far. At present the wine industry has one vote per producer. Larger producers have said that it would be fairer and not unreasonable if they had more than one vote because they produce a lot more grapes than other producers. The industry will have to sort that out, and I am sure it will. The tomato industry has now one vote per hectare and citrus is proposing a vote based on area.

There is no consistency across agricultural industries; perhaps that could be managed better. It may be that different industries require different voting systems. However, it is up to the industry to determine what it wants for each segment of the industry.

I note that proxies will be allowed. Concerns have been expressed about that. In agropolitics and in industry there are concerns about the use of proxy votes. I trust the industry will be able to work through those concerns. Although I know the intent of the bill, in researching my contribution to the debate I learnt that, particularly in regard to voting, the industry will put forward its policy and the general manager of the department will apply the policy. But the bill makes no mention of that process. The minister and the department should keep a close eye on that. I invite the minister to comment on that matter in closing the debate.

I refer to the difficult issue of fixing prices between processors and producers, which has gone through a number of stages. The first stage related to concerns about the power of large producers. I will use the wine industry as an example. It is said that large wineries have power over the market. The Honourable John McQuilten referred to this issue and the number of small producers in the wine industry. That was why price fixing took place in the industry. The matter has gone from government control, to government decree and is now in industry hands.

A number of people in the wine industry will be disappointed about the repeal of provisions concerning the recommending of pricing powers. It is a challenge for the industry. The industry is growing rapidly and has a worldwide reputation. The Honourable John McQuilten, who is a skilled vigneron, referred to expanding export markets. I am sure Australian wine will continue to be sought after because of its quality and reasonable price. It is a challenge for the processors, the wineries and the producers of wine grapes to make it work. They will have to work together to ensure that it does work. I make the point that it is their industry, so they will have the opportunity to work through these issues.

The second-reading speech refers in a patronising way to the pricing issue. It states:

> In regard to the order establishing the Murray Valley Wine Grape Industry Negotiating Committee, the NCP review found that recommended prices do not have a significant effect on actual prices and do not provide price stability to growers. The review concluded that, while the setting of recommended prices was not operating to restrict competition, the negotiating committee process had the potential to restrict competition and the parties involved were at risk of breaching the Trade Practices Act 1974.

That is nonsense. They are having two bob each way. I take my hat off to the negotiating committees, because they did a great job in the transitional period considering the situation agricultural industries were in. They played an intelligent and practical role. I commend them for their work. They bridged the gap we have always had and probably always will have between producers and processors. They did a terrific job at a time when the wine industry grew rapidly. I do not believe the process restricted competition. I believe it created great stability in the industry at a time when it was growing rapidly, a time when the industry could have got away from the people who were involved in it.

I commend those negotiating committees because they have done a great job. In the expanding industries, such as the wine industry, a shakeout is occurring, and it is important to have stability, particularly at that stage. Victoria's domestic and international markets are still growing. In the wine industry there has been a catch of breath in relation to expansion at this time. I refer the house to a recent briefing I attended on the Deakin project, which is an expansion of the irrigation area in Sunraysia. The consultants made the point that the project viability and the availability of water could not be clarified until the government made up its mind whether it will enter the irrigation water market in relation to the Snowy River. They also said that while the project still has growth potential it has now been tempered by a real drive for quality and that now it is becoming a quality-driven market. It is geared towards a producer having to provide the right varieties for the particular processor to make the right product. It is important not only to have the right varieties but also to have the right agronomic practices to produce the right quality of grape plus the variety to ensure that that quality goes into the bottle or the cask as it heads to either the domestic or international market.

In my discussions with growers and the winery I learnt that the fellow with an abundance of sultanas will no longer be able to expect the winery to take them. That probably will not happen in the future. There will be no price fixing or price recommendations. This is an opportunity for the wine industry to adopt a code of practice that can pick up some of those issues. It is an opportunity to move into quality assurance programs to assist that quality delivery which will benefit the whole industry.

The biggest opportunity involves contract systems which have already begun and which will grow substantially in the future. Eventually contracts will

drive the whole system for most industries, particularly the wine industry. Particular care in all industries must be taken in the testing systems on delivery. Difficulties have been experienced, which is generally the case no matter what product, be it the grain industry or other industries. During the last grape season concern was expressed about the testing of the base product that was delivered to the winery. If there is to be a successful contract program and a code of practice there must be accountable testing programs in place so that everyone can be satisfied about the future.

I believe the new system can work well, but it will require goodwill on all sides. The processors, the wineries, and the producer should all carry out market analysis. We should have an even better informed industry which will benefit everybody. We must encourage a well-informed industry so that it can compete in today's world.

Many issues in the bill I find fascinating, such as orders that can be made to establish committees, and levy compulsory charges on agricultural producers. The research area ultimately flows from that. I am a supporter of research in any industry, particularly the agricultural industry, but it must be properly directed, assessed and accountable. Pest and disease control is important. Honourable members have raised the issue of fire blight, which shows the importance of disease and pest control because we are an island. Market promotion and other related activities are important.

I note with interest the changing direction to the structure of research. It is almost a 180 degree change of how resources are gained, applied and reported. In the past the money was raised through a levy, a decision was made on where the money would be spent and then it was reported. That has been standard practice in agriculture for some time. The question has been raised whether that sits well with section 90 of the Australian constitution. Some examples are tobacco, wine and petrol. Tobacco was the initial case where that matter was raised. The new process will involve reporting to the industry on what research is required for pest disease control or market promotion or other matters. It will be laid out before the industry how that can be done, when it will be done, how much it will cost and what levies will be required, and then with the agreement of the industry those levies will be implemented. That is how I understand the new system will work. I have no problem with that.

Earlier this year Dr Prue McMichael of the Dried Fruits Research and Development Council reported to a meeting in Mildura on what that process would be. It is a strong reporting process, accountable and transparent; it is a good move and will create a much better informed industry. Flexibility is now available for a number of projects operating in one industry. It is a good idea that each area may require some specific research requirements.

As I understand it, if one project is completed under budget and another is over budget, a committee will have the flexibility of being able to transfer those funds among the projects in that particular industry. That is a sensible way to ensure the success of projects. I also hope flexibility will exist in market promotion. It is a difficult area because some producers go for the domestic market while others go for the export market. It is difficult to pick where the market research should be; should it be geared across the lot or how should it be approached? I hope some flexibility will also exist with research on market promotion.

This fascinating bill gives honourable members an idea of the journey that agriculture has taken over a number of years. It allows industries to step away from direct government support, at times of their own volition and at other times encouraged or pushed under the national competition policy.

I know there are a number of difficult issues involved in the process, but this process can work well, but it must have the goodwill of the whole industry to ensure that it does. In Victoria's agricultural industries, the producers and the processors cannot exist without each other so they must work together. The bill is an opportunity for us to ensure that we take up the challenge. The bill will certainly give our industries a boost. I urge the minister and the department to keep a close eye on the operations of the bill and its effect on Victorian industries and processors. The National Party will be watching closely as those processes evolve. I wish the bill and the industries it administers and represents all the best as the new systems are established.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to support the Agricultural Industry Development (Amendment) Bill. The Bracks government is keen to look at rural issues, especially those affecting farmers. It is important to develop more opportunities for farmers, processors and producers in agricultural industries. The bill will help to grow those industries, especially the wine industry.

The Australian wine industry, in particular in Victoria, has grown enormously in the past few years. However, it is important to consider what the government can do to promote further growth and to give Victorian consumers the best prices.

The bill amends the Agricultural Industry Development Act to repeal provisions for negotiating committees and statutory pricing and dispute-resolution arrangements; repeal the powers of a committee to act as a purchasing agent; require that the reasons for the retention of financial reserves collected through compulsory charges on producers be published in the annual report of a committee; address advice from the Victorian Government Solicitor that current provisions in the act to impose compulsory charges on producers may be invalid under section 90 of the commonwealth constitution; enable the basis of voting to be specified in orders made under the act; and amend the definition of 'producer' to enable any person, including a processor, who produces a commodity for his or her own use to be covered by orders made under the act.

The aim of the bill is to assist industry and give it more opportunities for further growth. The bill will enable Victorian producers of any agricultural commodity to request that a statutory committee be established to collect and administer compulsory charges from producers for research, market promotion, pest and disease control and related activities.

The bill also provides for the establishment of negotiating committees to recommend prices for agricultural commodities and to fix or recommend terms and conditions of payment. To achieve that end the government funded a review by independent consultants KPMG Management Consulting. Studies were undertaken to see how the government can improve the industry and assist farmers and producers. The review found that recommended prices do not have a significant effect on actual prices.

The past few years have seen a growth in tourism in Victoria. Many producers have invited tourists to their establishments to see how they make wines, to provide information and to encourage tourists from Victoria and overseas. I like to visit wineries when I have the opportunity to go out to the country. I encourage my friends and international tourists to visit Victorian wineries, which is a new experience for many overseas visitors. Tourists are impressed with the wineries and with the information provided by the government that enables them to find out when festivals or special events are scheduled so that they can choose the best times to visit.

The industry is not just a matter of people growing grapes and making wine; it has become a big industry. Not only are good wines sold in the domestic market but our wines are now being sold in Asian markets. Many people from Asian countries are starting to drink Australian wines because they believe we produce the best wines in the world. Australia's wines are of a very high standard and people in Asian countries love to try them.

I have travelled overseas many times and visited many stores to look for wines to accompany a dinner. Overseas guests always ask me which is the best wine. It is not easy to get a good bottle of wine in some Asian countries. In Japan or China the wine is good, but in countries like Cambodia, Thailand and Vietnam few good wines are available. There is a big demand for Australian wines overseas.

Many overseas people used to drink beer, cognac or whisky, but now they are drinking wine. Australian wines should be marketed in those countries. I am not sure how the wine industry can tap into those markets more quickly to meet the demands of overseas consumers.

There is the potential for many things to be done to help growers as well as processors tap into the overseas market. Today or tomorrow and on the weekend a wine industry exhibition will be on display in Melbourne, so it is a good time to speak on this bill.

It is important for farmers that research be conducted and that well-organised studies take place before they go ahead with operations. The bill provides for that research to help the agricultural industry. Currently many university institutions need more funding and support to enable further studies to be undertaken. I have visited many research institutions and have found that they have very good facilities and scientists. They are in a position to work with the agriculture industry to improve it so that it is better organised and people have the opportunity of expanding their businesses.

The minister's second-reading speech refers to providing for a voting system. That is a very good system, and people should be encouraged to participate in the voting and make contributions about things they want to see in the industry to meet the needs of farmers. It is important that all sectors of the industry become involved in, participate more and be part of the decision-making process. By attending meetings they will be able to choose people whom they want to represent them and ask for certain things to be done. The Victorian government will work with its New South Wales counterpart to deliver services to farmers living near the River Murray.

This is a good bill. The Bracks government is keen to work with farmers, producers, and other people involved in the agricultural industry. It is keen to see businesses in country Victoria expand and will

encourage research institutions to have more interest in the agricultural industry. This is one step forward. I would like to see farmers become more involved in the organisations and have a say by participating in the voting system because it will help the industry to expand. 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 the Honourables Graeme Stoney, John McQuilten, Barry Bishop and Sang Nguyen for their contributions to the debate. I will also clarify a matter the Honourable Barry Bishop raised during his speech. The honourable member referred to the process for the making, continuation, amendment and revocation of orders. The process for the making of orders is set out in section 4 and in section 5(1) to (3) of the principal act and those provisions will not be changed by this bill; they will remain as they are. I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TERTIARY EDUCATION (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. P. A. KATSAMBANIS (Monash) — The supporters of human rights and freedom of association view the sad history of voluntary student unionism in Australia and in Victoria as a fact that legislatures as well as university administrations, unfortunately too often, only pay lip-service to those important and axiomatic ideals in our democracy.

The fact that freedom of association is part of the panoply of human rights was recognised in article 20 of the Universal Declaration of Human Rights. Freedom is something people the world over strive for — freedom of choice, freedom of religion, freedom from tyranny and freedom of association. Yet for too long that freedom has been largely denied to a section of Australia's community — that is, tertiary students.

This bill simply continues the sad and dark history. It indicates to the public at large that fundamental freedoms are unfortunately treated by legislatures as pawns that can be played off against political expediency and by university administrators for administrative efficiency.

Unfortunately, the bill is just one more of those sad chapters. Again a bill has been introduced to Parliament that enshrines the concept that to obtain a tertiary education students must first pay a compulsory levy for non-academic, and therefore non-education-specific, services and that means students will not get a full and complete choice on whether they join a student association. Furthermore, it provides that even if they choose not to join a student association their fees will still be applied or paid to that association.

The bill amends the voluntary student unionism provisions introduced in 1994 into the Tertiary Education Act. Those provisions were not ideal but they were one very small step forward. As I said at the outset, it is not enough for students to be given a choice about whether to join an association when their fees are compulsorily acquired and they are forced to pay a compulsory levy for ancillary services that are not crucial, critical and in many ways not at all associated with the purpose of being at university — that is, to gain an education and a university degree.

I do not argue that student organisations do not provide valuable services to their members — sometimes the majority and sometimes the minority of those members. I do not argue that student associations have not provided representation for students or a portion of students — sometimes when it has been required.

However, society does not compel people to join an organisation just because it provides a valuable service. For example, just as Rotary and the Returned and Services League provide valuable services for their members, as do any number of the thousands of voluntary organisations in the community, so might a student union if it were responsive to its members' needs. However, just as compulsory membership is not forced with Rotary, the RSL, a football club, a church or any other organisation and at least lip-service is paid to the concept of freedom of association in respect of membership of trade unions, so it should be with student associations of any variety.

For a long time governments have ignored the fundamental rights of students to choose freely whether to belong to an association and whether to pay a compulsory non-academic fee. For ease of university administration and efficiency mainly, university administrators have conspired with governments to ensure that any legislation introducing even limited choice is effectively emasculated before it can get off the ground. That administrative efficiency and the needs of university administrators seem to override the fundamental freedoms that students and others in society should have. It is a great shame and brings no credit to this house or legislatures across the country, except in Western Australia, which having chosen to take a different path and to affirm the fundamental principles of liberty and human rights and place them at the forefront of its legislative regime on student associations and voluntary student unionism should be commended and every other legislature stands in shame.

Over the years student associations have changed a lot. Throughout the 1970s and 1980s they were considered to be radical organisations, dedicated to — dare I say it — political causes, many of which were at the extreme left wing of the political spectrum. That is not a crime in itself; people have the right to hold views, no matter how different from those of others or repugnant to some sections or even a vast majority of a population. But when those organisations gave no choice but compulsorily acquired funds of students and forced them to join an association as a precondition to entry the university, their actions were reprehensible because they painted every student with the same radical brush.

I refer to a small but powerful booklet entitled *Compulsory Student Unions — Australia's Forgotten Closed Shop*, a 1987 publication of the Australian Institute for Public Policy. At pages 42 and 43 it states about the Australian Union of Students:

> The power of AUS, for all its bash merchants, could have been dissolved virtually overnight if governments and university administrators had acted to make the decision of any student to become a part of it voluntary.
>
> …
>
> What was required was not any suppression or any fresh coercion, but simply a removal of coercive power from a body which had no entitlement to it.
>
> …
>
> It is interesting to consider whether or not the establishment — the governments and university administrations who continued to force students to support AUS — ever wondered or cared what students thought of them and what kind of an image of their own values they were projecting to students at large. Why the establishment seemed so unwilling to permit freedom of association for students either, on individual campuses or nationally (and the one necessarily implied the other), remains a mystery to many …

Those comments might appear to those opposite to be from people on the Liberal side of politics but those three excerpts are from an article entitled 'Extremists and vice-chancellors', written by the current Labor member for Melbourne Ports in the federal parliament, Michael Danby.

It is interesting to read Michael Danby's comments and his then commitment to what he calls 'freedom of association' in 1987, a long time after he finished on university campuses. Unfortunately, recently he chose to vote in the federal parliament against a bill introducing voluntary student unionism on Australia's university campuses. Like many others in legislatures across Australia, he seems to have put political expediency way ahead of what he knows to be right, as do many people on both ends of the political spectrum. That is sad but it simply highlights the conniving and duplicitous nature of many people when it comes to voluntary unionism, especially voluntary student unionism.

I continue to make the point that I found the levying of a compulsory non-academic fee reprehensible as a student being forced to join an organisation. That is an important point when considering what student unions or associations have become today. They are no longer the radical beasts of the 1970s and 1980s; in the main they no longer contain the bash merchants, to quote Michael Danby. Today those organisations claim they are focused on providing services for students. Having become service-oriented they claim they are providing services that are responsive to the student population with items like cafeterias, health centres, counselling, all sorts of good valuable services. They provide child care in some instances and sporting facilities in others. They provide pubs and all sorts of things that are apparently of benefit and interest to the student population at large.

Although those services might be valuable they should not be a precondition to receiving an education. The core service of a university is the provision of tertiary education. That is what students are there for. If students are forced to pay compulsory non-academic fees, it is axiomatic that that money goes to non-academic pursuits. It does not go to any part of their studies and does not assist their education in any way. Students are forced to buy ancillary services. They are forced to buy into the cafeteria and all the other services provided as a precondition of attending that university.

In the real world, outside the halls of academia, that is called third-line forcing. It is outlawed by the Trade Practices Act and the Australian Competition and Consumer Commission. If somebody buys a car, he does not have to buy a particular form of insurance; he can take out insurance with whomever he wants. If someone goes to McDonalds and buys a burger, they might offer fries but there is no compulsion to buy the fries. If there were compulsion at McDonalds, the ACCC and Professor Fels would ride in and make sure it was removed.

However, when it comes to university campuses that is all forgotten. Universities are not subject to the Trade Practices Act in any meaningful way. The universities continue to use the legislative power we give them in the bills we continue to pass to levy compulsory non-academic fees forcing students to buy services they might or might not need and might or might not find valuable. If the services were valuable and students really valued them, they would be prepared to take up those services when they were offered voluntarily and would not have to be forced to join or to pay a fee. That is the hypocrisy that is unfortunately perpetuated by passing today's bill

Although the bill supposedly gives students a choice, in practice when the bill reaches the universities, the vice-chancellors and university administrators will make it practically impossible for students to have a real choice. Even if students have the choice of ticking a box to say they do not want to be a member of the union, they will still have to pay the fee.

Honourable members on the other side will probably tell us that student unions are analogous to local government. Last time I looked there were only three tiers of government in Australia — federal, state and local. I have not seen it written anywhere that there is a fourth tier of government called student unionism or student association. Honourable members opposite continue to peddle that line to hide the hypocrisy of forcing students to buy something they do not need.

If student associations were truly responsive, they would not worry about voluntary unionism at all. I have made this point ever since I was a student activist. If student unionism and the services the unions provided were voluntary, I would be the first to join. I enjoyed my campus life but I objected to not being given a choice. I objected to the denial of the fundamental principle of human rights and decency, of giving people a choice rather than levying compulsory fees and forcing students to take up compulsory membership or, as it is couched in the bill, 'automatic membership'. That is simply a cute, non-controversial way of saying compulsory membership.

In my negotiations on the bill I have spoken with many groups including organisations such as the Victorian Liberal Students Association and the Australian Liberal Students Federation. I also spoke to the National Union of Students. I was actively involved in the dying days of the Australian Union of Students and the formative years of the National Union of Students and I was surprised to note that the people I dealt with when discussing the bill, especially Charlie Heuston and Jenny Ferris, were significantly different to the sort of student politicians and activists that I encountered in my time at university. It would be fair to say that during our discussions we discovered that at the end of the day we probably have a lot more in common than we thought at the outset.

I do not care what those associations spend their money on once they are made voluntary. I do not care about a long list of services that are supposedly for the benefit of students. If someone voluntarily joins any organisation as a member, he gets a choice about where that body's money is spent and can vote on that. We found that we had common ground on those aspects. I know I will not agree on the voluntary aspect with the people on the left side of the politics but I make the point that during our discussions we found more common ground than we expected. It was quite instructive as to how well people from different sides of the political fence can interact and discuss things and find that although they have points of difference they also have plenty of points of mutual interest and common ground.

The debate on student unionism will not go away. This bill is another sad chapter in a fight started in the 1970s by people like Robert Clark, the honourable member for Box Hill in the other place, and people like Julian Glyun, Michael Kroger and Paul Shaloub. That fight was continued by my generation of Liberal students through people like Gerard Wheeler, Joanna Doyle, Anthony Smith, Julian Sheezel, Liz O'Leary and Alastair MacGibbon. In the 1990s the fight was continued by many other people like Michael O'Brien, Scott Ryan, Nick Tolley, Justin Owen, Nathalie Samia and Tom Robertson.

Today many people, including Melissa Cross, Renee Prestt, Scott Pearce, Bridgett Penny, Chris Bland and others on university campuses are fighting the good fight and supporting the fundamental principle that the vast majority of Australians hold dear — that is, that freedom of association is an inherent fundamental human right. It is not a political plaything and not

something that should be used by legislators or university administrators to suit their political or administrative needs. It should be above petty politics and enshrined in law.

The many thousands of students and former students who have fought and will continue to fight for voluntary unionism will not rest until that fundamental principle is enshrined in law.

Hon. P. R. HALL (Gippsland) — The Tertiary Education (Amendment) Bill is not long or complicated. It has two simple purposes: to repeal certain provisions relating to voluntary student unionism; and to make further provisions about fees and charges.

The bill raises important issues and gives the house a forum to discuss personal views on such important issues as freedom of association, as did the Honourable Peter Katsambanis. Honourable members hold different views about such important principles. I respect the views of the Honourable Peter Katsambanis, which he expressed so eloquently and well in his contribution to the debate, and I look forward to government members expressing their opinions on the bill. Without prejudging the debate, the National Party's view will be somewhere in between those expressed by Mr Katsambanis and to be expressed later by Mr Theophanous.

The act restricts the governing body of a tertiary institution from using compulsory non-academic fees for purposes other than those extensively listed in section 12F(3) of the Tertiary Education Act. The government and student organisations would like activities not in the list included in the act. A means of expanding the list for which non-compulsory academic fees can be used is to abolish the provision, which the bill does. In effect, it removes any restrictions on how a governing body may decide to use compulsory non-academic fees, although the use of the fees must be to the benefit of students.

Another significant principle is the change from what is essentially an opt-in provision, which is the current status of membership of a student organisation in section 12D, to becoming an opt-out provision. In other words, under the present provisions students are not members of student organisations unless they opt to do so. The bill means students will be members of student organisations unless they opt out — that is, if they specifically choose not to be members. The change to that provision is significant.

The next change to the act to be effected by clause 5 relates to the reporting of the use of compulsory non-academic fees. The National Party believes the bill will lead to greater accountability from governing bodies of institutions on how they use the fees. The bill was amended in the other place and I will later refer to each Legislative Assembly amendment.

When it first saw the bill the National Party consulted with every Victorian university and every technical and further education institute in Victoria. It spoke with the National Union of Students and the Victorian TAFE Students and Apprentices Network. The party also received correspondence from the University of Melbourne Postgraduate Association. It has consulted as widely as possible. During consultations all involved organisations supported the general principles contained in the legislation.

However, two important issues were raised during the consultations that were the catalysts for the amendments moved by the National Party in the other place. The first principle concerned voluntary membership of student organisations. The view among governing bodies of institutions and student organisations was unanimous, that provisions should be included for people who are conscientious objectors and for people not to have to join a student organisation. The Victorian TAFE Students and Apprentices Network expressed that view in a letter to me, which states in part:

> Voluntary membership is not an issue.
>
> Students organisations already have voluntary provisions (opt-out clauses) in their constitutions.

The University of Melbourne Postgraduate Association expressed a similar view. In a letter dated 25 September to the honourable member for Rodney in the other place, Noel Maughan, who handled the bill for the National Party there, the association states:

> Students will not be forced to be a members of student organisations. If the Tertiary Education (Amendment) Bill is passed, students will still be able to opt out of student organisation membership if they wish. This is because the legally binding constitutions of student organisations will still include opt-out provisions.

Letters from both student organisations and verbal confirmation from the National Union of Students indicate that student organisations have no problems with an opt-out provision being in place for people enrolling in tertiary institution courses.

The other important matter that arose during the consultations, particularly with the student organisations, was about the use of compulsory

non-academic fees. Section 12I(1) requires the governing bodies of tertiary institutions to produce statements about the use of compulsory fees and to make those statements freely available to student organisations, all students who attended the institutions and to the public. Those statements must be audited.

Anecdotal evidence received by the National Party during its consultations was that that was not occurring as well as it should. In some cases students had difficulty in obtaining audited statements about the use of compulsory non-academic fees. Consequently, the National Party moved an amendment in the other house to address that issue. The National Party is grateful for the consultations with and feedback from institutions and student organisations because it enabled the party to improve the bill greatly through amendments adopted in the Legislative Assembly.

Another amendment in the other place replaced existing section 12D, which concerned membership of a student organisation not being compulsory. The proposed new section provides for students to opt in or to select to become members of student organisations, but they will not automatically be included as members of such organisations through their payment of non-academic fees.

Proposed section 12D, inserted by clause 4, essentially enshrines in legislation the principle of people being able to opt out of membership of a student organisation if that is their choice. That is exactly what the student organisations have been requesting, as was said earlier. Correspondence from student organisations says that the constitutions of student organisations already have opt-out provisions. That may or may not be the case. I have no reason to disbelieve that, and that view was expressed by two student organisations, but without having the opportunity to study every constitution of each student organisation I have no way of knowing whether that opt-out provision is available for all students in all institutions. Be that as it may, clause 4 will mean that the governing body of an institution has a legal obligation to make students aware of the opt-out provision at the time of their enrolment.

Clause 4 is a National Party amendment. It was moved by the honourable member for Rodney in another place and accepted by the government. I thank government members for their acceptance of the amendment, because it is important to ensure that people who enrol in universities have enshrined in legislation their basic right of choice as to whether they join student organisations. It will become a requirement of all governing bodies of tertiary institutions to provide that choice. Student organisations agree with it, and the feedback I have had from the student organisations since the amendment was proposed has been positive.

I want to make sure it is put on the record that it was the National Party that put forward the amendment that was accepted by the government. The National Party believes the amendment strengthens the bill and strengthens the right of anyone who has a conscientious objection to being a member of a student organisation not to be a member.

Clause 5 replaces section 12I(1) of the principal act. It states:

> The governing body of a post-secondary education institution must ensure that the institution's annual report under the Financial Management Act 1994 that is submitted to the minister includes a statement about compulsory non-academic fees, subscriptions and charges payable in the preceding financial year.

As I foreshadowed, the proposed new subsection requires that a statement about the use of compulsory non-academic fees be included in the annual report of the institution. Currently the requirement is that it be made available as a separate document. The legislation will ensure it becomes part of the annual report. Anecdotal evidence suggests that in the past it was difficult to obtain a copy of that information, and its inclusion in the annual report will mean it will be readily available for all to see, including members of Parliament, when the annual reports are presented.

Once again the student organisations are supportive of the amendment. It will enable them to keep a better eye on how the governing bodies of their institutions are expending funds. I repeat that I am pleased to say that this National Party amendment was accepted by the government. Everyone I have spoken to agrees it is a positive initiative that strengthens and improves the act.

I refer now to issues raised in the second-reading speech, which states that responsibility for use of compulsory non-academic fees rests with the governing body, which is true, and that the common practice has been that the institutions in major part arrange for student organisations to provide a number of services that are funded through those fees, which is also the case. I would be the first to recognise that student organisations play an important service role in their institutions. However, some services provided by the institutions and others are contracted out. Provision of services on campus for tertiary students is important. A combination of the institutions, outside contractors and student organisations collectively provides the services.

The second-reading speech refers to section 12F(3) of the principal act, which restricts the activities on which

compulsory fees can be spent. One of the main objectives the government wants to achieve with the bill is to enable a greater number of activities to be funded from the fees, so long as they are for the benefit of the students. In the second-reading speech the government suggested two ways of doing it — repealing section 12F(3) or expanding it through a regulatory impact statement and regulation process, which would enable other activities to be added to the provision.

Given that the bill repeals section 12F(3), what is now happening with the regulation process that could have achieved the same objective? The department's web site has on it a regulatory impact statement for the introduction of tertiary education regulations that add certain activities to section 12F(3). Has this now become redundant, or will some other process now be followed with the proposed regulation which would essentially achieve the same purpose as the amending bill? I would appreciate a response to that, perhaps when the minister is concluding the debate.

I conclude by saying that the National Party is now pleased to support the bill. It does so because it believes its amendments have made it a better bill. It has enshrined some important principles in the legislation. It has made the use of compulsory fees more accountable, and I am pleased that the National Party has the support of the institutions and the student organisations for its amendments that now form part of the bill. With those comments I signal the National Party's support for the legislation.

Hon. T. C. THEOPHANOUS (Jika Jika) — I welcome the legislation. As one of those who opposed the previous legislation that introduced so-called voluntary student unionism — an unfortunate term — I am pleased to see this proposed legislation come before the house. It comes in an amended form, the government having accepted a number of amendments in the Legislative Assembly, particularly those proposed by the National Party to which the Honourable Peter Hall referred.

The bill comes to this place having gone through an extensive consultation process and the processes of Parliament, given the requirement to obtain agreement from the opposition parties for legislation to be passed.

Hon. P. R. Hall — Is that the only reason you accepted them?

Hon. T. C. THEOPHANOUS — As with all these things, negotiations take place, and I am pleased those negotiations resulted in a bill we can all accept.

However, I want to make a point about some of the principles dealt with in the bill, which has two major elements. Firstly, it removes the provision governing an institution requiring membership of student unions.

The second is to remove restrictions on services which the institution can decide are of direct benefit to students.

It is important to contrast the present position with what the process will be if the bill is passed in its current form. An institution will be able to make a set of decisions about, firstly, whether it will have a compulsory fee structure. That will be decided by the council of the university. It is not a decision that is left to a student body. It is a university decision.

Once that decision has been made, compulsory fees will be charged. However, an opt-out provision gives students the opportunity to say they do not want to be members of the student organisation. If individual students take up that offer, they will not be members of the student body but can continue to enjoy all of the services that the compulsory levy encompasses. My understanding is that between 90 per cent and 95 per cent of funds are for student services and a very small percentage is for the administration of the student body.

It could be argued that the only right that is lost as a result of a decision to opt out of being a member of the organisation would be the right to vote for membership of that organisation or the governing body of that organisation in each case.

It is important to put on the record the level of support that the measure has from the institutions themselves. I will demonstrate some of that support today. The support is widespread. Professor David Robinson, the vice-chancellor of Monash University and chairman of the Victorian Vice-Chancellors Committee, states:

> My personal view is that the university community, under the overall governance of council and management of the vice-chancellor, is best placed to make decisions about its own activities whether these are related to academic matters, finances and infrastructure or the provision of services. Any bill which is consistent with this position would I believe be the best way forward, and certainly would have my support.

Professor Jarlath Ronayne, vice-chancellor of Victoria University of Technology, states:

> In these circumstances, I cannot but recommend that members of Parliament on all sides of politics support the bill which will not make membership of student organisations compulsory, but will simply remove the imposition by government of a constraint on university councils' prerogatives. This seems to be consistent with the principle frequently expounded by members from the traditional 'coalition' parties that, in general, the authority to make

determinations should rest with the most vocal jurisdiction possible.

Professor David James, vice-chancellor of the University of Ballarat, states:

I write in support of the move to repeal the voluntary student unionism legislation. Student associations play an extremely important part in the total experience, which university students undergo.

…

We believe that the VSU legislation was an unnecessary infringement on the right of universities to manage their affairs. We welcome the move to repeal the legislation and urge bipartisan support for this move.

Professor David Beanland, the recently retired vice-chancellor of RMIT University, states:

Student organisations are a vital component of campus life providing services and representation at all levels of decision making. They play a key role in assisting and supporting new students particularly from overseas and rural areas.

The point about rural areas is an important one because many of the support services that are offered and sustained by student organisations provide support for students from rural Victoria coming into an environment which is in many cases unfamiliar to them and where support from those organisations and the capacity to mix with people is something that is fostered and promoted as a result of the existence of such organisations.

Professor Sally Walker, acting vice-chancellor of the University of Melbourne, states:

In March 1999, with one dissent, the University of Melbourne's council resolved to support the Australian Vice-Chancellors Committee's policy on membership of student associations and to reject the then proposed legislative amendments to the Higher Education Funding Act in 1998. Accordingly, the University of Melbourne welcomes the 2000 bill and the position it adopts on voluntary student unionism.

The one dissenting voice may well have been the representative of government on the Melbourne University council, but I am not certain of that. However, it is the case that under the previous government there were representatives from government on those university councils.

Professor Geoff Wilson, vice-chancellor of Deakin University, states:

To concentrate on voluntary or compulsory student unionism is unhelpful. We are not talking about a union in the commonly understood sense, but an association of students coming together principally for the purpose of providing services to all students.

Professor Michael Osborne, the vice-chancellor of La Trobe University, said in relation to the voluntary student unionism provisions of the Tertiary Education Act:

As you are aware, this university is wholly supportive of this course of action and stands ready to provide any assistance that it can.

He was referring to supporting the concept of amending that legislation.

Robert Sadler, the chief executive officer of Chisholm Institute of TAFE, referring to non-academic fees, states:

… Chisholm institute, as Victoria's largest TAFE institute, supports the legislation.

So one can get a sense from all of those vice-chancellors who have written and supported the legislation that this measure has very broad support among Victoria's tertiary institutions. It has certainly been something that has been a long time in arriving.

I will remind the house of the value of student organisations. These organisations have been in place for a very long period. I believe the student organisation at Melbourne University has been there since 1884. I can well remember my time at La Trobe University where the student unions and student organisations each year were involved in elections and all sorts of activities.

Hon. W. I. Smith interjected.

Hon. T. C. THEOPHANOUS — I am not sure that that is where I learnt my politics, Ms Smith. I think that may well have been inculcated in me by my father somewhat before that through his experiences in working in factories in Melbourne and being part of the metal workers union.

It was a process and experience that, as a student and later as an academic, I did not always agree with. Sometimes we were frustrated, and we thought some of the union's actions were over the top or were not necessarily what we wanted done.

Taking a step back, I now take the view that it was part of the mix of experiences of being a student. You advocate political views passionately. My speeches were made in the agora of La Trobe University. Articles were written for the student newspaper. I remember an article I wrote about the United States using the facility at Pine Gap to spy on Greece. At the time I felt passionate about it. I might make a different speech now, but it was part of the milieu of politics. I

know at La Trobe University the student paper often contained academic articles. I remember making a contribution about the theoretical structure used to understand politics as advocated by Jurgan Habermas.

Hon. W. I. Smith — I suppose it was read with great interest!

Hon. T. C. THEOPHANOUS — I am sure it was read by many people with great interest. During my time at university Jurgan Habermas was very important. He had written a number of books and people got excited about his view of the world being the way to change the world.

The point I make is that that sort of thing is part of what it means to go to university. Having a strong organisation for students that is run by students, within certain parameters accepted by the university, is an important part of the culture. It is an important part of maintaining democracy.

Mr Katsambanis referred to this matter in his contribution to the debate. Again taking a step back one could say that Mr Katsambanis at least had the right to put his point of view within the structure that then existed. He could join a student organisation; he could argue political points of view and run for office if he wanted. He could demonstrate, as I know he did on several occasions. It is part of the experience of going to university. I do not think Mr Katsambanis's experience was diminished by his paying compulsory union fees. In fact it was probably enhanced. It gave him an opportunity to put his point of view and to join organisations he thought were worth fighting for because the student union had the funds and capacity to influence services that were able to be put in place.

One of the amendments made by the bill relates to activities now undertaken not being prescribed but being given to university councils. It would be ridiculous for an external authority, for example, to decide that student newspapers were not of benefit. Clearly they are of benefit from a number of perspectives, but I note two that come to mind: first, as a means of communication between students about university or institute activities; and secondly, as valuable experience for those directly involved in preparing reports, writing articles and making judgments about how best to prepare information that will be of interest to a diverse client group. Many people who found their way into politics cut their teeth writing articles for and expressing views in student newspapers at university.

I refer to decisions being localised, which is very important. It is an important principle in government and is sometimes referred to as the principle of subsidiarity, which means that decisions should be made, wherever possible, at the local level. That principle has been important in developing the European Community and more recently in extending the arrangements of the European Community. It is a principle on which Australia's federation is based — that states should have certain powers and perform certain functions because they are closer to the people than the national government.

It is clearly the responsibility of university councils to make judgments about what is educationally beneficial. They are in the best position to make those decisions and to work out how those activities should be managed. But it is important to recognise that the legislation has an important function in devolving some responsibilities to the local level.

I refer to the notion of student unionism. It is a problem that has plagued the debate. The terms 'student unionism' or 'voluntary student unionism' have caused considerable confusion about student organisations on tertiary campuses and what may be termed industrial unions. They are different kettles of fish. The current wording of the act probably contributes to the confusion by including references to student unionism. Professor Geoff Wilson, vice-chancellor of Deakin University, states:

> To concentrate on voluntary or compulsory student unionism is unhelpful. We are not talking about a union in the commonly understood sense, but an association of students coming together principally for the purpose of providing services to all students.

That point has been made on a number of occasions. It was made by the vice-chancellors in 1994 when the previous legislation was introduced. The spokesperson at the time, Professor Osborne, said it was important to bring home to the minister that universities found the legislation repugnant. He went on to say:

> … a big part of the problem was a misunderstanding. A student union was not a trade union, but was really a guild or an association of students. Ninety-nine per cent of a union's activities were cultural, sporting or covered activities such as housing, dental health, counselling, as well as promoting theatre and activities like debating clubs.

All those activities are a worthwhile part of the learning process at university for the development of a learning culture. They are also part of the very foundation of democracy. In tertiary institutions many of those issues are debated and find expression. That is where minds are formed and the idea that people in the community

have a right to express themselves and should be able to express themselves democratically is played out daily.

I am pleased to support the legislation, which will restore the capacity of universities and student organisations to assist in providing services to students and promote the fundamental principle of devolution of power back to the local level as well as the fundamental power of democracy in tertiary institutions and the broader community.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Peter Katsambanis, Peter Hall and Theo Theophanous for their contributions. The Honourable Peter Hall referred to clause 3 and section 12F(3) of the principal act. The list to which he referred will now be repealed and as such will no longer be prescribed after the passage of the bill. It is no longer relevant. I hope that clarifies the issue for the honourable member.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 15 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. G. B. ASHMAN (Koonung) — Over the past 25 years City Link has been one of the most significant projects in the state. It is now nearing completion and represents some $2.1 billion-worth of private sector investment in infrastructure. The project would not have proceeded without private sector involvement. It is one of the most visionary projects that has been undertaken in the history of the state. Many would say it rivals the Snowy Mountains hydro-electric scheme in its scope and vision.

It is unfortunate there is no similar project on the horizon because there is a wealth of knowledge within the companies involved in the construction of City Link. Although the companies are selling their technology and expertise offshore one would have hoped by now there would have been some local projects for them with which to continue.

At its peak more than 10 000 jobs were created by the City Link project. We know the government now intends to extend the Eastern Freeway and create various additional work in the short term, and we hope there will be a positive announcement about the Scoresby freeway. Those projects will take up some of the work force from City Link. A major criticism of the government is that it has not had the vision to announce major projects to keep the construction industry fully occupied and to keep the expertise and the skills within the state. That is an indictment of the government. As the museum and Federation Square projects draw to a close there are no projects to provide jobs for workers from those projects.

The Melbourne City Link Authority was established in 1994 and has had a short six-year history. It is worth reflecting on the fact that a project of the scale of City Link was begun and completed within a six-year time frame. Had it been a government project it is likely it would have been spread over 10 or 15 years from conception to final operation.

The Burnley Tunnel is the last phase of the project and will open in the coming weeks. Everybody is well aware of the difficulties the consortium experienced with the tunnel. There was a period when it would have potentially been one of the most expensive car washes in the world, but those problems have been resolved and traffic will be flowing freely and safely through that tunnel within a few weeks.

The engineering problems encountered were complex. It is a credit to the engineering teams who devised the techniques to stop the tunnel floating to the surface or filling with water. It is difficult terrain for drilling in that it is almost slurry at 300 or so metres below the Yarra River. Tying down the tunnel was complex and costly and required creative engineering to achieve the outcomes.

The tolling system is a credit to the design team. Although difficulties were experienced in the early stages — there are still a few operational problems — it is a sophisticated system, which uses technology that will be exported to the world. City Link is one of the few toll roads in the world that does not have tolling stations. Part of the tolling process requires a

sophisticated traffic management system with a central control room to view every section of the tollway. Therefore no incident can occur on the tollway without being instantly recorded back to control.

That adds to the safety and efficiency of the system. In some areas it presents privacy concerns to some people, but I believe with past legislation incorporated into the bill those issues are well covered and the consumer is protected.

If I had a criticism of the tolling system it would not be of the system but of the customer service Transurban is currently offering. It leaves a lot to be desired. The customer service centre has all the hallmarks of having been designed by a group of engineers who in the past have not needed to be customer or market focused. I am appalled at the prospect of the closing of the two customer centres that have been in existence since the tollway opened. The Tooronga Road centre closed in July and the Bulla Road centre will close in the coming weeks. Only one drive-up customer centre, in South Melbourne, will remain. As I understand it, Transurban is looking at cutting back the operation of that centre to 14 hours a day. It will operate from 6.00 a.m. to 8.00 p.m. The freeway operates 24 hours a day, and there is a need for people to be able to purchase late passes 24 hours a day.

Transurban needs to contemplate a more effective rollout of passes through convenience stores, newsagents and service stations. This must be done in a way that allows for cash purchases. The rollout of day passes through service stations, particularly Shell, is for credit or direct debit cards only. The system does not accept cash payments. It might surprise Transurban engineers to know that a large number of people in the community do not have credit or debit cards and conduct their lives with cash. Those people need to be accommodated by the system. Only minor changes on Transurban's part would be required, and it would make the system more user-friendly and clearly indicate that Transurban is getting its public relations and marketing in order.

The bill facilitates the wind-up of the Melbourne City Link Authority. I note the efficient way the staff and the board of the authority have conducted the process. It has not always been an easy task for them, and a number of controversial issues have arisen along the way. The staff have worked through those issues and managed the consultation process well. They have responded to most of the community concerns and have delivered a great project on time.

I thank John Laurie, the chairman of the authority, and board members Tony Darvall, Barry Ireland, Ann Keddie and Alan Notley. They have worked their way through an enormous project with significant engineering problems and complex financial components. They have worked through the planning issues and delivered a brilliant project to the state.

Other amendments in the bill relate to stolen e-tags. The bill removes the requirement for a full audit trail to be retained by the authority as police attempt to track stolen e-tags. Between 20 and 30 stolen e-tags a day are subject to this process. Initially opposition members were concerned about the removal of the audit trail in the belief that removal could be abused. We have been assured that that cannot occur. The audit trail will continue to be retained for matters involving serious criminal issues and when investigations are under way. It is only on stolen e-tags that the audit trail requirements are being eased.

A further change provided for in the bill that will impinge on service centres involves the day pass. The bill allows for an extension of time for the purchase of a late day pass. Previously the pass was available only until noon of the day following use of the tollway. That arrangement was not practical in circumstances where motorists used the freeway in the evening, arrived at a destination or continued through the city to a western or eastern Victorian destination, arrived early in the morning and then had only 6 or 7 hours in which to obtain a late pass. The bill allows the operators to extend the time available to purchase late passes. I believe a late pass should be available for at least 24 hours after use of the tollway. Transurban will have discretion, and I hope it is used sensibly and is focused on customer service.

I turn to the issue of changing vehicle registrations recorded on e-tags. The Transurban telephone service is not one of the most friendly customer service centres I have encountered, and I am not alone in my experiences with it. The service would do well to understand that it is dealing with customers and not people trying to avoid tolls. I wondered what offence I had committed when I sought to change the registration number of a vehicle recorded on my e-tag. I was given the third degree when requested to identify myself — and I can understand why it is important to identify the person ringing in. I was driving to the city and had changed vehicles the previous day. As I was about to hit the tollway I realised the e-tag was in the other car. I rang from my mobile phone, identified myself and gave my address. The operator asked me the number of my e-tag, to which I replied that I had no idea because it was stuck on the windscreen of the other vehicle. I was

asked my PIN. I do not recall getting a PIN; perhaps I did when I opened the letter some 12 months ago.

I said, 'Here are three other registration numbers that I know are on the tag'. The person replied, 'That is fine. That is correct. But can you prove who you are?'. I asked, 'What do you want me to do?'. The person replied, 'Give us your PIN number'. That went on for probably the best part of 20 minutes, by which stage I had arrived at Toorak Road from Dandenong and the beep was imminent. We eventually negotiated our way through it, after which I thought to myself, 'How stupid; I wonder if this is the sort of problem people in general have when ringing in to make simple changes to the registration numbers on their tags?'.

Hon. W. R. Baxter — No doubt you will know your PIN number next time.

Hon. G. B. ASHMAN — I still do not know my PIN number, I must confess. I do know my date of birth. It must be fairly common for motorists to want to change their registration numbers on the tag while they are driving. The people in the system need to understand the nature of the business they are in. As I said earlier, I suspect that much of the system was designed by an engineer without much marketing experience and who was therefore not focused on the service aspect. I hope my constructive criticism is taken in the way it is intended and that the people concerned take some action to make life a little easier for users.

The bill also provides for changes in relation to infringements. It extends the period in which Transurban can opt for warning letters to be sent to those who use the system without having bought the appropriate day passes or e-tags, which is a sensible measure. That marketing issue needs to be addressed.

The opposition would like the government to report on the number of fines that are incurred in the system, whether they be for late payment, non-use of e-tags, or for other matters. It wonders if it is possible for one line to be included in possibly the annual report of the Department of Infrastructure to give some indication of the level of offences that are occurring in the system.

The amendment also provides for the authorisation of the tolling and management system to be used to identify vehicles that are carrying dangerous goods or inappropriate loads on the system. That is a significant safety issue, and the opposition welcomes the amendment.

As I said at the outset, the project was visionary, and it has been delivered in a brilliant fashion by all those involved. Although some hiccups have occurred along the way, Victoria now has a world-class freeway lining the south-east, the west and the north-west of Melbourne which will serve people for many years. With those few comments I indicate that the opposition does not oppose the bill.

Hon. B. W. BISHOP (North Western) — I am pleased to speak on the City Link (Miscellaneous Amendments) Bill, which is a machinery measure to tidy up processes associated with the Melbourne City Link Authority and various land systems and to bring documents together. It certainly has the support of the National Party.

I commend the officers National Party members dealt with during the briefing process. They were very good; they supplied excellent documentation and had the answers to all the questions put to them. I thank them very much for their assistance.

Although I did not personally know the people on the board and the officers of the Melbourne City Link Authority, I thank them on behalf of the National Party. I know that Mr Baxter, who dealt closely with them during his time as minister, would also like to make some comments about them. I commend the board and the officers on a job well done.

As I said, the bill provides the machinery to wind up the authority and to transfer the remaining functions to the relevant government departments, the timing of which is to be fixed. National Party members have no problem with that, because it will obviously happen at different times, and responsibilities will be allocated as the process proceeds. That is a fair and sensible way to go about it and it is an efficient way to manage the remaining business of the authority.

The introduction of the bill was no surprise to most of us. When the construction was completed it became apparent that the construction provisions would be repealed. That came as no surprise; nor did the fact that any surplus land would revert to being railway and ports areas. I noted from the briefing that some surplus land will be returned to the control of the Olympic Park Trust, with some technical twists, about which I was quite interested.

The bill also provides for the reprint and publication of the agreements. That was recommended by the audit review of the government contracts committee, which went through the processes. As all honourable members would know — no-one better than Mr Baxter — provisions relating to land acquisition, planning scheme amendments, authorisation of construction, construction land management, and site security are

now redundant. Those issues have long past and will be tidied up by the bill. The legislation will enable the amended agreements and variations to be certified so they can be used in evidence. It is hoped that will not happen in the future, but the provision is there if required. It also provides for the printing of consolidated versions of the act when it is reprinted.

It is interesting to note — I again commend the officers who conducted the briefing — that Transurban's options to request the enforcement agency to send out warning letters will be extended until 1 July 2001 and the capacity to send invoices for unpaid bills will be retained indefinitely. If not for the amendment both options would have expired on 31 December this year. The bill also enables owner nomination of the driver in toll debt collection. It already applies to toll fines, which is a feature of other legislation that has been dealt with from time to time in this house.

The bill also exempts police from keeping full audit trails when investigating lost and stolen e-tags. Having been a farmer since way back I have often caused hilarity in the party room by calling e-tags ear tags! Today I will do my best to call them e-tags. I was surprised to read in the briefing notes that 20 or 30 times a day police look for lost or stolen e-tags used on the City Link. The protection and audit trails were put in because they were necessary for particular investigations. That process has been reviewed and it will now be easier for police to do investigatory work involving e-tags. It also enables Transurban's tolling and traffic management systems to detect and manage any breach of laws relating to the transport of dangerous goods.

Some time ago Transurban was kind enough to invite National Party members to view its processes. The company was hospitable, and like many others I was most impressed by the traffic management processes visible on the screens. People know exactly what is going on at any part of the tunnels or roadways, and that gives them a great opportunity to manage the process. It is state-of-the-art technology, and they showed that they could pick up whatever was going through the tunnels at the time. As I said, the technology would enable Transurban to report any dangerous goods being transported in the tunnels or on the roads to the appropriate enforcement agency. That is a practical solution. No-one could object to it considering the huge problems dangerous chemicals can cause, particularly in tunnels.

Mr Ashman mentioned a subject that is dear to the hearts of many in the National Party, and that is day passes. We have conducted a number of negotiations with Transurban on this issue. Currently late day passes can be bought until midday on the day following the travel, but sometimes the lack of flexibility makes things a bit difficult. The bill will enable the deadline to be extended if that needs to be done. Extending the deadline would make it substantially easier for country people.

The National Party's women's executive has always shown great interest in enabling people to get into or through the city from country areas. It suggested that the round-trip option be available at all times with a limit of perhaps three days turnaround. The round-trip passes should not be confined to weekends. The women's executive also believes the $25 annual account charge needs to be discussed. All these requests and others made by the executive are fair and reasonable. They are not matters that are covered by the bill, but I raise them in the debate. The National Party is following up those issues with Transurban. I have no doubt that as technology improves over time, as we have seen it do in so many fields, and Transurban has more capacity, the company will be able to meet the flexibility required by our people.

This is mainly a machinery bill, but it provides for better management. I am pleased to see City Link working well. It is great for country Victoria. I am a great supporter of City Link. One of the best things about it for country people is that if they do not use it, they do not pay. That is the best thing about it for the people we represent in rural and regional Victoria. I can remember as if it were yesterday the debate about the City Link tolls in this house. This system is far better than the Labor Party plan, which was to impose a petrol levy so that everyone would pay, without having any choice about the matter, despite the fact that some country people might never have used City Link.

I can remember the difficult times members on this side of the house had supporting City Link, particularly in rural areas. We supported it because we could see its worth. I can remember the honourable member for Mildura in the other place being quite critical of City Link, without always having his facts right. That was a great pity, because it caused a loss of confidence in this great roadway among some country people. My office contacted Transurban at that time and it sent up a very competent representative, a young lady who did a particularly good job. She travelled around the whole area I represent and provided excellent information to chambers of commerce and councils. She tried to meet everyone, and I put on the record our thanks for the information provided to our people.

We copped a constant barrage of criticism of City Link from the present member for Bendigo East in the other place. I suspect that cost the party politically, but I also suspect leadership often pays a price in this world of populist politics.

That is all behind us now, and we can be proud of having such a world-class roadway that gives us access to the city. When it is finished it will be much better accepted by the people we represent in regional and rural Victoria. The people in country Victoria think it is great. They want some changes to day pass arrangements, but they believe City Link will be even better when it is completed. People will be able to come into the city or slip past it with ease, and they will appreciate that.

In conclusion, I commend former Ministers Baxter and Craige for their involvement with City Link. I was fortunate enough to be on the bill committee with a number of other honourable members when we went through the complicated issues raised by the principal act. The house has heard a number of things about committee stages. If my estimation is right, the committee stage on the City Link legislation lasted 18 hours. As is an opposition's right, the then opposition went through that bill in detail. It went to the extent of asking former Minister Baxter who changed the light bulbs on the lights along the City Link freeway. That sort of detail was professionally provided by him without too many visits to the advisers' box. It was a complex issue, but the former minister showed great professionalism.

I wish this bill well. It has the support of the National Party. We are proud to see such a world-class roadway servicing the city of Melbourne for the use of all Victorians but paid for only by those who use it.

Hon. S. M. NGUYEN (Melbourne West) — I welcome the opportunity to speak on the Melbourne City Link (Miscellaneous Amendments) Bill. This legislation is a chance to show the Liberal Party the principles of road use. There are many important points in the bill. The government has tried to ensure that the City Link processes are more accountable to road users.

The main purposes of the bill are to provide for the winding up of the Melbourne City Link Authority and the repeal of the Melbourne City Link Authority Act. The bill will repeal redundant provisions of the Melbourne City Link Act, amend tolling, privacy and land provisions, and enable the reprinting of authorised copies of the two concession deeds and the integration and facilitation agreement. The last purpose of the bill is to provide for the return of surplus land to other users.

As I said, there are many changes in the bill. Firstly, it deals with changes to the privacy and toll collection provisions of the principal act. It also implements the recommendations of the report of the audit review of government contracts. It is important that the government is accountable to the community for what it is spending and the financial transactions relating to Melbourne City Link.

The Labor Party believes City Link plays an important role for metropolitan and country road users. We saw the need for Melbourne to build City Link to ease traffic flow and reduce the time and cost of travelling from one place to another. It is important that commercial traffic use City Link to deliver goods.

City Link is an important road for people who drive to and from work in and around the city. When honourable members think carefully about it, they will recognise that City Link has become an important part of Melbourne's life. There are differences between the parties on City Link. The National Party says that if country residents do not regularly use City Link they should not have to pay a levy, whereas the Liberal Party would like to see it used more often.

Many members of the community cannot afford to use City Link. The toll is expensive for some working-class people, university students and others who do not have enough money to pay high petrol prices as well as the City Link toll. More people should be encouraged to use City Link. Many motorists use local roads to avoid paying the toll; they say they cannot afford it.

Educated people who can read English generally read the daily newspapers. They know what is happening, but people who do not understand much English and do not read the daily newspapers do not know what is going on. Sometimes they drive onto City Link and later have to pay the toll, but were unaware a toll applied to certain parts of that freeway. Many drivers do not have e-tags on their vehicles. People often ask me, 'How do I buy an e-tag?'. They do not know how to use City Link and do not know on which parts of it a toll is to be paid.

A constituent who came to my office said some people had been charged thousands of dollars because they incurred fines for non-payment of the toll, but they had not known about it. One person said she was fined 13 times for not paying the toll and had been shocked when she received a summons amounting to several thousand dollars. I wrote to the responsible authorities

to try to clarify the confusion and I spoke to other authorities on her behalf. A statutory declaration prepared by my constituent states, in part:

> On the 12 of July 2000 I received an infringement notice for 'Drive vehicle in a toll zone when that vehicle is not registered in respect of that toll zone, with the relevant corporation'.
>
> The infringement notice was for an offence logged on 20 June 2000. Upon receipt of this first notice I ceased to use the southern link between Punt Road and Swan Street and purchased an e-tag.
>
> The delay of 22 days from when the first notice arrived meant that I was unaware that I was using that particular section of the road in breach of the toll conditions. I began using the southern link on advice from a friend who suggested that it would reduce my journey time.

My constituent approached City Link and explained the circumstances. She then received correspondence from Senior Constable Dowell. Her statutory declaration further states:

> On 26 August 2000 I received 13 letters for the attached fines from Civic Compliance Victoria, advising me that the due date for payment of the fines had been extended until 30 December 1999.
>
> Based on the 13 letters I assumed that there had been a typing error and the 1999 ought to have read 2000. However, I have since received final notices for the fines along with additional costs.

In other words, an error was made in that the letter had '1999' instead of '2000' on it and extra fines were imposed because of the error.

My constituent received 13 letters, but she had not been aware she was doing anything illegal by travelling on the southern link without paying the toll. She knew nothing about it until she received an infringement notice. She is expected to pay large fines because of that mistake. My constituent said she was unaware of the tolls. Had she known, she would not have used the southern link or would have bought an e-tag. That is just one example of a person who does not understand the laws governing City Link.

I am talking not of one person; I am talking about many thousands of people who are having problems getting information. It is very important that City Link is made accessible so people do not end up having to pay thousands of dollars in fines because they do not understand how the system works.

Many communities of people with non-English-speaking backgrounds experience problems obtaining local information. Few ethnic newspapers write about City Link or advertise it. It is therefore important to ensure that information is available. It is important for the future, and there always will be a future because City Link will be there forever. Therefore it has to become more workable, more affordable and more accessible. It is important for the government to monitor the uses of City Link to determine changes, the effects or benefits of any changes, and to inform and involve communities affected by any decisions made about City Link.

The bill also deals with controlling the transport of dangerous goods. Members of my community, which is close to the Burnley Tunnel, tried to stop the transport of dangerous goods through the tunnel. That is one important point. The bill also provides for information about e-tags and investigations in the event of their being lost or stolen and then used illegally. It is very important to protect holders of e-tags. The bill also provides for information relating to agreements between the government and City Link to be made available to the public.

In conclusion, the bill is very good for Victorian road users, considering all the information it makes available to the community. I support the bill.

Hon. G. R. CRAIGE (Central Highlands) — Honourable members have already heard that the purpose of the Melbourne City Link Miscellaneous (Amendment) Bill is to wind up the Melbourne City Link Authority and to put in place the process to repeal the Melbourne City Link Authority Act.

It is appropriate that the legislation comes before the house now and certainly for the functions the authority currently carries out to be transferred to other agencies within the government's jurisdiction. One has only to bear in mind that many of those who worked for the authority came from Vicroads, which is well placed to manage those final processes whether they be outstanding claims or whatever. Clearly well-qualified departments within government will be able to handle any outstanding matters.

I support the government's intention to wind up the Melbourne City Link Authority in an orderly way. It was always expected that the authority would wind up. There was some talk from ministers in the previous government that perhaps the authority would be around for some 30 or 40 years, while others had the view that it would complete its task and wind up. It is good to see that the latter will take place. I make one point, however, that no time has been set for that, and that issue was raised in the other place.

I would like to extend my personal thanks and those of the Liberal Party to the people who were involved in the City Link project. It has been a difficult project with many processes such as the interface between government and private sectors, road authorities, planning departments and Transurban. It has been a major engineering project, not only for road users but also for cyclists. They now have a fantastic bicycle track, paid for by Transurban, on the northern side of the Yarra which takes them right into the city. I used to go on the southern site of the Yarra, cross a bridge — —

A government member interjected.

Hon. G. R. CRAIGE — Come with me some day. I do not know whether you would keep up with me though! It is good to see that there have been spin-offs in other areas, not only for road users. Transurban has built a great facility.

Not everyone knows that many thousands of small issues have been involved concerning traffic controls and liaison with private sector organisations over tennis, football, road closures, interchanges and the intermixing of traffic. Numerous issues were involved in the whole process, and they received little publicity.

I place on record my thanks, and I am sure those of the Liberal Party, to Kim Edwards and his staff at Transurban, to all the staff at the Transfield Obayashi joint venture, to all the workers involved in the project and to the contractors and subcontractors. They can hold their heads high that they were involved in one of the most significant engineering projects this country has seen.

I certainly extend thanks to the board and to John Laurie for his leadership. I know Bill Baxter will probably say something more about that. John has been one of those people I will always remember, no matter what I do or where I go to from politics. His leadership and stewardship of that board has been nothing but absolutely superb and he deserves all our support.

I also extend thanks to the members of the board, who have already been mentioned, to the office of the independent reviewer, to Dr Max Lay — what a great engineer, he is — one of the leading engineers in this state. Max has had a most difficult job and has done it professionally. I thank him very much.

I thank the staff of the authority and place on record my personal thanks to Richard Parker, the chief executive. It was a difficult job with a lot of ups and downs, and I thank him for the way he carried out his task. We did not always agree on issues — Richard knows that — but we tended to resolve them. I thank him very much for his enthusiasm and willingness to get the job done.

Ken Mathers was always by Richard's side on the engineering issues — and we had to go through many issues. I thank Ken as an engineer who was always involved at the grass roots looking for solutions, working with Vicroads, the authority and Transurban, trying to look for resolutions to the many problems with which they were confronted. I thank Dr Alf Smith who always attended the meetings. I always thought he was there to make sure they did the right thing and that we tended to do the right thing as well. I thank him for his persistence in some of the legal matters. I am sure no-one could have done it as well as he did in some of those meetings. I record my personal thanks for his diligence and responsibility in holding the position that he held within the authority. I thank him ever so much.

Glen Davis helped enormously with the introduction of the taxi system. If it had not been for Glen and his tireless work we would not have reached the successful outcome that we did. I thank Mary Baker, whose job was to smooth out the rough patches. She had a very tiresome and difficult task. On behalf of the Liberal Party I thank all the other staff of the authority for their work. I wish all the staff well, no matter where they end up after the authority winds up. I also wish Transurban much success in one of the most significant projects this country has ever seen.

I would also like to place on record the work of the Honourable Bill Baxter in the early stages of the project. It was a difficult job and he did it in an excellent fashion. Bill left us with a legacy of which I think we can all be very proud. I do not think many people really understand the personal heartache and effort he put into the project to ensure it came to fruition. Victoria owes him a great debt of gratitude for his tireless work in getting this project, which will benefit the state, up and running. The Liberal Party does not oppose the legislation.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.03 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Fuel: prices

Hon. PHILIP DAVIS (Gippsland) — Will the Minister for Small Business confirm that the Victorian government will not consider adopting the Queensland approach of rebating to motorists 8 cents per litre of fuel of goods and services tax revenue?

Hon. M. R. THOMSON (Minister for Small Business) — I have stated repeatedly in this place that fuel pricing is a matter for the federal government, and I have also stated in this house the windfall gain the federal government has received from the fuel excise since the change to the taxation regime. I reiterate that the government has clearly put the view to the federal government that it should freeze the excise consumer price index in February and not pass it on to motorists. The government continues to maintain that the appropriate policy setting on fuel pricing remains the responsibility of the federal government.

Hon. Philip Davis — On a point of order, Mr President, the minister has not answered question, which was whether she will confirm that the Victorian government will not consider adopting the Queensland approach of rebating to motorists 8 cents per litre of fuel of goods and services tax revenue. That was not addressed at all in the minister's response.

Hon. M. R. THOMSON — On the point of order, Mr President, I believe I have answered the question; nor am I the Treasurer of the government. This matter is his responsibility. I have answered the question about the government's position on the excise and fuel pricing.

Honourable members interjecting.

The PRESIDENT — Order! I do not believe the minister addressed the question in her answer before the point of order was taken. However, her response indicating that it is a responsibility for the Treasurer is reasonable.

Electricity: supply

Hon. KAYE DARVENIZA (Melbourne West) — I ask the Minister for Energy and Resources what measures the Bracks government has taken to enable the management of peak electricity demand conditions during the summer?

Hon. C. C. BROAD (Minister for Energy and Resources) — The Victorian government and I as the responsible minister are pleased to advise that initiatives by the Bracks government will lead to up to 200 megawatts of additional supply during the peak summer period. The National Electricity Market Management Company has taken into account in its forecast released today more than 100 megawatts on the demand side, which is not something it has previously done. As a result of the work undertaken by the task force investigating the security of electricity supply, the government believes the additional capacity will be up to 200 megawatts.

It is important to note that the contribution that will make to capacity is equivalent to around an additional medium-scale generator. It represents a long-term increase in Victoria's reserve capacity of up to 40 per cent. The measures essentially involve some users reducing their electricity demands during peak times. Importantly, that has been achieved at no cost to electricity customers because they are commercial arrangements between business customers and their retail suppliers. As I said, the initiatives come from the work of the Bracks government's task force established earlier this year. Clearly, they will be important to the overall reliability of the electricity system. The project team, however, is not stopping there. It will continue to work with the market and the government is confident additional demand-side initiatives will be confirmed as a result of the ongoing work of the task force.

I say in conclusion that the demand-management initiatives are being undertaken in conjunction with the Bracks government's continuing sustainable energy campaign to promote energy efficiency and cost savings for business and domestic consumers through the Sustainable Energy Authority's Energy Smart Living campaign.

Industrial relations: rail dispute

Hon. M. A. BIRRELL (East Yarra) — I ask the Minister for Industrial Relations what action she personally took to stop the union snap strikes that have crippled country rail services over the last 24 hours?

Hon. M. M. GOULD (Minister for Industrial Relations) — If the opposition had supported a certain piece of legislation in this session of Parliament it would have been able to use that in mediation forums when industrial — —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. M. M. GOULD — The Bracks government welcomes the resolution to the dispute that occurred with EDI rail and the work force. That dispute was over redundancies. I note that the parties have agreed to adhere to the industrial dispute settlement procedure. My office was involved in speaking with the company and the unions concerned. The government is alarmed at the fact that the dispute arose in the first place and that Victorian citizens were stranded without a guarantee of transportation home.

The parties in this dispute are covered under a federal award and they have gone to the Australian Industrial Relations Commission to resolve this dispute.

As I said, the difficulty has been that the commission is underresourced, which has made it hard for it to conduct hearings. The government is happy that the dispute has been resolved. The matter is before the commission, where it belongs under the Workplace Relations Act.

Fishing: quotas

Hon. P. R. HALL (Gippsland) — I again refer to the Minister for Energy and Resources her decision last week to introduce a system of individual transferable quotas into the Victorian rock lobster and giant crab fisheries.

Given her failure to respond to this matter during the debate on the Fisheries (Amendment) Bill yesterday, I now ask whether it is true that the body of expertise under the act, the Commercial Rock Lobster Fishery Committee, having taken expert scientific and enforcement advice, and examining all the evidence in detail over many months, did not recommend the introduction of a quota system?

Hon. C. C. BROAD (Minister for Energy and Resources) — This is a very important matter, particularly for the committee and the people it directly affects. During the third-reading debate on the Fisheries (Amendment) Bill I did not go into those issues because they were not matters that were subject to the bill. That should not in any way be taken as a reflection on the importance I place on those matters.

The honourable member will be aware that both this government and the previous government have given a great deal of consideration to these matters and that there are a range of opinions out there. The opinions continue to be hotly tested by some participants in the industry. However, it is the case that in my consultations and in response to the various studies undertaken there is a recognition and acceptance of the need to take action to ensure the fisheries are sustainable in the future.

Regarding the advice from the Commercial Rock Lobster Fishery Committee, which the honourable member has asked about and which he referred to in his contribution during the second-reading debate on the Fisheries (Amendment) Bill, he accurately stated that the committee in its advice distinguished between the eastern and western zones and supported this form of management in the western zone but not in the eastern zone. Those matters have been weighed up in the final decision that I as the responsible minister have taken.

Sport: sponsorship

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Sport and Recreation inform the house how he is assisting sporting bodies in understanding and managing sponsorship issues?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Honourable members would appreciate that in recent decades sponsorship has become an increasingly important component of sport and recreation industries, whether at the elite or grassroots level, and that the search for sponsorship has become vital and integral to the funding and growth of the sector.

As the significance of sponsorship has grown the need to understand it and maximise its potential has greatly increased. As a result during the 1990s there has been an expansion in the quality and range of studies examining this issue. The results from the studies have been distilled and summarised in a booklet produced by Sport and Recreation Victoria. Honourable members will note that there is no photograph of the minister in it. The booklet outlines the level and breadth of sport sponsorship and identifies the major sponsor groups behind sport in Australia.

The booklet is part of the Sport and Recreation Victoria business information series, which I launched last week at a combined meeting of the state sporting associations held at the Melbourne Cricket Ground. One research project quoted in the document *Business Sponsorship of Sport* undertaken by the Sport and Recreation Ministers Council values direct monetary sponsorship in 1997 at $282 million.

The research collected reinforces a number of elements of sponsorship that we tend to know anecdotally, but when presented in the document clearly and precisely will be integral information on sport sponsorship. I will provide examples. Sport sponsorship is heavily weighted towards the elite end of sport, and many appreciate that; significant sponsorship is limited to a relatively small number of sports; sponsors prefer men's sport and established sports; car manufacturers, brewers, food providers and sports shoe and sports goods manufacturers are major sponsors of sporting events; larger businesses, those with 200 employees or more, provide the bulk of sport sponsorship, comprising around 62 per cent of the total. Interestingly, as the Minister for Small Business is aware, small business provides approximately 20 per cent of the sports sponsorship dollar. That is aimed mainly at the local area and assists grassroots sport and recreation.

The document suggests that communicating with potential customers may not be the chief objective of sponsorship. The general goal of image enhancement is the main reason companies sponsor sport. The greatest potential for future sport sponsorship, according to the document, is apparently with medium-sized firms, particularly in the information technology and telecommunication industries.

I recommend the booklet to sporting organisations that wish to obtain a more global picture of the current state of sport sponsorship and the implications for seeking future sponsorship arrangements.

Fundraising: review

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Consumer Affairs inform the house of the progress regarding the government's review of the Fundraising Appeals Act?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I am pleased to announce that the government has released a discussion paper on the review of the Fundraising Appeals Act. Concern has been expressed both in this place and outside relating to bogus fundraisers who are able to use loopholes in the act. The government's intention is to cut off those loopholes.

One of the issues not canvassed in today's press report is the need to make it easier for small volunteer organisations to raise funds. It is an indication of the way the opposition conducted business when in government that it failed to consult with smaller organisations about legislation. If it did so, it could have avoided making the mistake of drafting cumbersome legislation that organisations have had to live with.

The opposition has raised with me exactly those issues on behalf of organisations in their electorates. The discussion paper is about options available to ease the burden for small voluntary organisations, organisations that are vital to the communities in which they operate. The options will be available for consultation to enable them to participate and have input into the final legislation.

Workcover: small business

Hon. W. I. SMITH (Silvan) — I refer the Minister for Small Business to the November edition of the Victorian Automobile Chamber of Commerce magazine, which refers to Workcover incentives for small business and states:

> … the government has said it will provide incentives to assist with training and the implementation of improved practices for small business operators.

What are the incentives and when will they be available to small business?

Hon. M. R. THOMSON (Minister for Small Business) — I have said before that the Minister for Workcover, the Victorian Workcover Authority and my department have been working on developing a package for small business to encourage it to have a proper health and safety regime. Consultations have taken place with a number of bodies on the release of that package, and I would expect an announcement to be made shortly.

Industrial relations: outworkers

Hon. D. G. HADDEN (Ballarat) — Is the Minister for Industrial Relations aware of a long-running test case in the Federal Court of Australia involving outworkers, and if so what does it demonstrate about the adequacy of Victoria's current industrial relations arrangements?

Hon. M. M. GOULD (Minister for Industrial Relations) — I am aware of the current test case being conducted before the Federal Court of Australia involving Victorian outworkers. The Textile Clothing and Footwear Union of Australia is currently undertaking eight federal test cases on the underpayment of wages on behalf of outworkers. The union is currently involved in mediation with some of the companies in an effort to assist in those cases. The court process is lengthy and expensive. The claims were lodged in court in May this year on behalf of workers who have not received payment of or have been underpaid their wages.

I shall not go into the matters in detail. It is important to understand that the workers, who have been pursuing their claims for a number of years, have had difficulty in trying to obtain their entitlements. The case before the court has been continuing for more than six months. We know the conditions under which these people work for anything up to 12 or 18 hours a day and the small wages they receive. The court case is about how often and whether they should be paid.

The Leader of the Opposition when in government wanted self-regulation by industry, which resulted in exploitation of Victorian workers. It is inappropriate for that to happen. Our workers, honest women and children, are working extended hours in unacceptable conditions. When he was the minister the present Leader of the Opposition did nothing about looking

after outworkers, nor did he enforce or protect child labour laws. Because he did not act on those issues these young people have continued to work in outrageous conditions.

Peter Reith's Workplace Relations Act does nothing to protect workers. It gives them few rights, if any. There are no inspectors who are authorised to ensure compliance and make certain that reasonable measures are taken. Until recently I was optimistic about achieving a bipartisan approach and support to look after such workers, but I am not so optimistic now about the opposition's future support to ensure that such workers are no longer disadvantaged.

In a newspaper article yesterday, Pamela Curr, the coordinator of the Fair Wear campaign, reported on a meeting she had with the Leader of the Opposition on the subject of outworkers. He was given first-hand evidence of their exploitation. For the opposition to fail to do something about outworkers' conditions would be an act of unmitigated bastardry.

The government will be investigating all possible ways to assist outworkers. It will be using whatever means it can to ensure they are adequately looked after, although the opposition is not keen on doing so.

State Netball and Hockey Centre

Hon. C. A. FURLETTI (Templestowe) — I address my question to the Minister for Sport and Recreation. I am informed that the new State Netball and Hockey Centre in Royal Park is all but completed. I am further informed that, despite negotiations which have been ongoing for more than 18 months, agreement has not yet been reached on acceptable terms for the use of the facilities between the trustees and the netball and hockey associations. Does the minister intend to intervene to bring those negotiations to a rapid and favourable conclusion in time for the facilities to be used early next year for the commencement of the new sports season, or is it intended that those facilities remain empty and unused until resolution of the agreement?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The State Netball and Hockey Centre is a fantastic facility that will no doubt be opened shortly. I am aware of the issues relating to the arrangements being put in place for the management of the facility. I am confident of a negotiated outcome and expect that outcome to be reached shortly.

Youth: initiatives conference

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Youth Affairs inform the house how he is supporting youth sector initiatives?

Hon. J. M. MADDEN (Minister for Youth Affairs) — This morning I gave the opening address at a conference entitled 'Risky business — exploring options for young people at risk'.

Honourable members interjecting.

Hon. J. M. MADDEN — It does not surprise me that for seven years the opposition ignored young people, and when I want to do something for young people they ignore that.

The PRESIDENT — Order! This is the last question, and I suggest the house allow the minister to be heard in silence.

Hon. J. M. MADDEN — The conference I had the good fortune to open today was convened by the Centre for Adolescent Health, RMIT University and the Victorian Aboriginal Health Service with the support of Vichealth and the Victorian government.

Honourable members interjecting.

Hon. J. M. MADDEN — It does not surprise me members of the opposition interrupt because they ignored young people's issues when they were in government, and they are still ignoring them.

The purpose of the conference was to expand the traditional boundaries for discussing young people at risk, to provide opportunities to highlight common concerns, to enhance understanding and the knowledge base and, most importantly — this is one of the great things to come out of the environment created by the Bracks government as opposed to the competitive environment imposed on the youth sector by the former government — to encourage and facilitate the development of partnerships and collaborations and the sharing of knowledge and information throughout the sector.

Today the organisers confirmed that more than 200 people from across Victoria and interstate attended the conference, including young people, youth workers and managers and academics. I congratulate the organisers on focusing on youth participation, in particular the involvement of young people in the conference as organisers, panel members and presenters. I am pleased to inform the house that the conference is an excellent example of the constructive

work that arises from the genuine willingness facilitated by the government to cooperatively progress issues of this nature.

The PRESIDENT — Order! The time for questions without notice has expired.

Hon. R. A. Best — Mr President, on a point or order, I seek clarification from the Chair. On Tuesday afternoon during the second reading of the Nurses (Amendment) Bill I pointed out that what was being presented as a second-reading speech was exactly the same as the one read in the Legislative Assembly. However, the Legislative Assembly substantially amended the bill and the government's amendments, which made major changes to the structure of the bill, were not reflected in the second-reading speech read in this place.

This morning the house debated the Tertiary Education (Amendment) Bill. I noticed that in the second-reading speech for that bill almost one page referred to the amendments that had been made after the debate in the other house.

Mr President, given that the second-reading speech clearly does not refer to the intent of the bill, is it appropriate to continue with the debate this afternoon? Today the Australian Medical Association contacted me seeking assurances that components of the second-reading speech that indicated that the Nurses Board of Victoria may consult with certain groups to get an understanding of the changes to be made and the certification of registration of nurse practitioners is now totally irrelevant to the bill because of the government's amendments in the other house. That has led to some confusion in the community, and I seek a ruling from you, Mr President.

The PRESIDENT — Order! Before calling the Leader of the Government I state the general proposition that previously the house has had occasion to draw attention to similar situations where this has happened and where a second-reading speech sent to the Legislative Council does not take into account amendments made in the Legislative Assembly. It is an unacceptable practice and the government has moved to fix it. The house is entitled to have before it a speech that matches the bill before the house.

Having said that, I seek from the Leader of the Government a statement as to whether the amendments made in the Legislative Assembly have affected the content of the second-reading speech, particularly in light of the comments made by Mr Best about certain aspects. Does the minister want to take advice on the matter?

Hon. M. M. Gould — On the point of order, Mr President, I have been advised on the matter and I mentioned it to the honourable member. I have also spoken to other honourable members about the issue because a point of order was raised during my delivery of the second-reading speech. Amendments were made in the other place that are not reflected in the second-reading speech. However, they do not reflect on every other clause in the bill and it was not necessary to change the second-reading speech. Amendments had been made, but there was no requirement to include them in the second-reading speech.

Honourable members interjecting.

Hon. M. M. Gould — It is relevant to the bill and it is relevant to creating a special class for nurses. I have checked the second-reading speech, and I have had the appropriate minister's department check it. I have been advised that there is no need to change the second-reading speech, and I believe there is no point of order.

The PRESIDENT — Order! It is not necessary for the second-reading speech to report on the amendments passed in another place. The message to the house is in the form of the bill. However, if something in the second-reading speech is inaccurate as a result of the amendments passed by the Legislative Assembly, that is a grave discourtesy to this house. I understand the minister has assured the house there are no mistakes in the second-reading speech and that it matches the bill presented to the house. If the honourable member has a different view on that I suggest it is pursued when debate resumes on the bill. The minister might also care to get some further advice and have someone from the department talk to Mr Best to see if the matter can be resolved. The house reserves its position.

QUESTIONS ON NOTICE

Answers

Hon. C. A. FURLETTI (Templestowe) — I seek an explanation about some questions on notice that have not been answered. I direct my query to the Minister for Small Business. It concerns questions 1128 and 1190. I also direct the attention of the Minister for Sport and Recreation to answers to questions 1178, 1179, 1180 and 1185.

The PRESIDENT — Order! Has Mr Furletti written to the ministers?

Hon. C. A. Furletti — I have, Sir.

Hon. M. R. THOMSON (Minister for Small Business) — The questions are directed to other ministers, and I am following them up. I will attempt to get them to the honourable member as soon as possible.

Honourable members interjecting.

Hon. M. R. THOMSON — The questions were directed to ministers in the other house. They are being chased up and I will endeavour to get responses for the honourable member as soon as possible.

Hon. Bill Forwood — On a point of order, Mr President, I thank the minister for her comments on the issue, but as honourable members know the end of the session is rapidly approaching. The opposition is looking for a commitment from the minister that the questions for which answers are required inside the 30-day rule will be answered before the house rises for the year.

The PRESIDENT — Order! The most the house can request of the minister is that she urge her colleague to supply the information to the house before it rises. No other Parliament that I am aware of has that rule, which works in the interests of public information. If the minister undertakes to vigorously pursue the matter with her colleague, that is the best I can do.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I give the honourable member an assurance that I will undertake to seek those answers urgently from the relevant minister.

MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed.

Hon. W. R. BAXTER (North Eastern) — I shall contribute briefly to the debate because I would not feel comfortable letting the bill go through without making a comment, bearing in mind that one provision of the bill will wind up the Melbourne City Link Authority.

I was fortunate to have been the minister responsible for introducing the legislation that established the Melbourne City Link Authority in 1994. I place on the record my appreciation and that of the house generally, of the former government, of I think this government, and particularly of my National Party colleagues and the dedication and skill of the authority on the massive task it undertook in reaching agreement with the private contractors, in having the concession deed drawn up, in seeing the legislation pass through the house and then seeing the mighty project come virtually to fruition.

It is somewhat disappointing and unfortunate that one or two engineering technical difficulties with the Burnley Tunnel are still confronting us; nevertheless, the way the project has been delivered is nothing short of startling. I do not think any of us who contemplated the project in the early 1990s could have envisaged that a freeway could be put through the centre of Melbourne — as it virtually has been — with so little disruption. It is an extraordinary achievement that the road infrastructure network has been completed with so little disruption.

How easy it is to forget what it was like before. How many of us who now travel along the eight-lane Tullamarine Freeway remember that only a few years ago the freeway had only four lanes and was congested, difficult and dangerous? We now have a road that carries traffic freely and easily and is an absolute delight to use.

Another point to bear in mind is that, despite all the dire predictions of the People's Republic of Moreland and others that the sky would fall in, it has not at all. I say in response to the earlier comments by Mr Nguyen what I have always said — that it is an optional road. There is no compulsion to use the road system; it is a matter of choice. If you do not want to use it, you do not have to. There are plenty of alternative routes. But if you wish to, particularly in peak hour in the interests of time and cost, the option is there.

Back in March during debate on another amending bill I took the opportunity to pay tribute to the excellent professional staff of the authority. I endorse those remarks, but I will not recapitulate them. I now want to particularly thank members of the board. When I, in collaboration with cabinet colleagues and others, looked around for appropriate personnel to appoint to the board, we set out to appoint a board with a wide range of skills that might properly have dealt with engineering — obviously, as it is an engineering project — and also with legal matters, bearing in mind we had a concession deed that was trailblazing; it had never been done in this state before and had not been done in too many places in the world. We clearly needed people with skills and backgrounds in accounting and in the management of large organisations.

I think we were very fortunate that Mr John Laurie, the then managing director of the Maunsell group, an

international engineering firm, was prepared to retire from his position with Maunsells to take on the chairmanship of the board. As has already been noted by Mr Craige, John Laurie has done an outstanding job in guiding the project to fruition.

Hon. R. M. Hallam — It was an inspired choice.

Hon. W. R. BAXTER — Thank you, Mr Hallam; that was well put. It has turned out to be an inspired choice. I interviewed a number of prospective chairmen of the board. I do not know, but I have no reason to think that if we had chosen any of the other candidates it would have been a different result. Nevertheless, Mr Laurie turned out to be an inspired choice.

Mr Tony Darvall, who was a partner in one of Melbourne's largest legal firms, again brought to the table the sort of rigour and expertise we needed on the legal side. Mr Alan Notley, who came to the board with a background in managing large businesses and an accountancy discipline, and who I subsequently appointed as chairman of the Victorian Channels Authority, is also a man of extraordinary dedication and skill.

Mr Barry Ireland, another engineer, who had come from the Snowy Mountains Engineering Corporation and who was subsequently appointed by a ministerial colleague to a water board in rural Victoria, brought a rigour to the board in terms of double checking the engineering and putting his imprimatur on the work being undertaken.

They were the first appointments to the board. There was a fifth vacancy, to which was subsequently appointed Ms Ann Keddie, who came from an architectural urban planning background. Ms Keddie brought another skill, nonetheless an appropriate one, to the board.

Fortunately and fortuitously, each of the board members has been able to serve for the entire length of the authority's existence. That in itself has turned out to be a tremendous benefit. I must say, bearing in mind what I read in newspapers about what some people in the corporate sector receive in remuneration, that the board members were modestly rewarded and, I note from the current annual report, do not appear to have received a pay rise in the six years they have been there. To that extent they were making quite a contribution to our community. I place on record my appreciation of the board's work and the very sound advice they gave me in my term as minister and, as Mr Craige has noted, subsequent to my departure from the ministry.

I also endorse the remarks about the independent reviewer, Dr Max Lay. Victoria is fortunate to have had available to it the skills of a man such as Max Lay as an independent reviewer, formerly as a senior Vicroads director and as chairman of the Royal Automobile Club of Victoria. Max fits my definition of a boffin. I do not say that disrespectfully; he is an extraordinary talent. We were fortunate that he was prepared to give up his then career to take on the position of independent reviewer. It has been no easy task; it is a very onerous responsibility to sign off on engineering works that are at leading edge. Of course he was not doing it on his own; he had consultants and other expert advisers working with him. Nevertheless, at the end of the day it was his name on the bottom line, and Dr Lay deserves the thanks of us all.

I am very proud of the City Link project. I feel privileged to have been the minister who was there at the beginning and I am grateful that I am still a member of Parliament as the project is coming to fruition.

I cannot resist responding to Mr Ashman's difficulty with the call centre by saying that yes, there probably are a few hiccups. But since I have had an e-tag I have changed my car registration three times and have had no problem at all. I have been met with only the greatest courtesy by the persons on the other end of the telephone. I simply want to say that although there is the odd hiccup, by and large the project is going extremely well.

Melbourne had a reputation as being the most livable city in the world. Thank goodness this project was undertaken — or that reputation may well have been put under some threat.

Hon. G. D. ROMANES (Melbourne) — As previous speakers have said, the Melbourne City Link (Miscellaneous Amendments) Bill is a largely machinery measure to improve the Melbourne City Link Act and bring it up to date to reflect the post-construction phase of the project by repealing redundant provisions. The bill also provides for the winding up of the Melbourne City Link Authority by repealing the Melbourne City Link Authority Act 1994, the reprinting of authorised copies of the two concession deeds and the integration and facilitation agreement, and the return of surplus land to other uses. The bill also continues the election commitment of the Bracks Labor government to make the tolling regime inherited from the former Kennett government fairer.

First I will deal with the changes to the tolling and privacy provisions. The new tolling provisions address fairness by providing more time for motorists to

become accustomed to the tolling system. Today honourable members have heard that Mr Craige and Mr Baxter played a role in bringing the project to fruition, and that is acknowledged. It should be acknowledged also that the current Minister for Transport in the other place also played an important role in finding ways to modify the excessively punitive tolling regime the Labor government inherited that is so abhorrent to the people of Victoria. Previously the house has dealt with legislation that provided for day passes and a reduction from $100 to $25 of the first four fines for motorists found to be in breach of the act. Much has been done by the government to address the excessive tolling regime it inherited.

The bill provides that a system of warning letters instead of fines can continue to be used for a further six months, taking the system through from the end of this year to 1 July 2001. That system will be used when for the first time a motorist uses City Link in breach of tolling requirements. The bill also gives Transurban the option to request the state to send on its behalf toll invoices instead of fines. That option will be extended indefinitely and allows further variations to the tolling regime. Earlier Mr Bishop suggested that he and his National Party colleagues would like to see further variations to the tolling regime to make the system fairer for people around the state.

The bill amends section 73 of the act by allowing the deadline for purchasing late day passes to be extended by regulation to later the following day. That is a major step forward to making the tolling system much more user friendly. Other provisions under the heading of tolling and privacy have been canvassed by other speakers in the debate.

I refer to revenue from tolling fines, which was raised by the honourable member for Mordialloc during debate in the other place. He suggested that the government is due for a windfall in revenue from fines for breaches of the tolling system. I am advised that although it is too early to assess how much will be collected in the long term, currently the spending on tolling enforcement exceeds the revenue from fines, so there will be no windfall. The reasons for that include the provision that the first four fines will be $25, rising to $100 only for subsequent offences. In addition, the administration costs of sending caution notes to first offenders are the same as those for sending infringement notices, but no fines are imposed. If the legislation passed by the former government were maintained, the warning letters would instead have resulted in people paying $100 fines from the time the tolling started in April. The bill will result in revenue being forgone.

It should be clearly understood that the tolling system was inherited by the government and that that regime limits the flexibility of government in making changes. The revenue from fines will go into the consolidated fund and its allocation will be determined through the normal budget process. It is not earmarked or hypothecated for any particular purpose.

The honourable member for Mordialloc also suggested that it would be open for the government to reduce tolls by paying the revenue from fines directly to Transurban. The government does not have that option. Firstly, as I said, currently there is no surplus; and secondly, the government is not free to determine unilaterally to reduce the level of tolls. The City Link concession deed sets out how much Transurban can charge in tolls, and the government has undertaken to honour the contracts it inherited.

As honourable members are also aware, the former government went to some lengths to bind future governments to the City Link concession deed to prevent the former government's successors from making unilateral changes. Any changes such as those that have been made over the past year have had the concurrence of both Transurban and the government.

The bill also deals with amendments to various acts that govern the use of land. Under the Crown Land (Reserves) Act land was reserved for use during the construction phase of the project, which is now coming to an end. The Melbourne City Link Authority became the committee of management. Construction licences were provided to Transurban to carry out the project. The government was prohibited from disposing of the assets Transurban had built except by agreement. On completion of construction — the phase we are coming into — Transurban is entitled to a grant of a lease of land needed to operate City Link. Therefore, the bill must provide for the disposal of surplus land by revoking the reservations that go beyond that parcel of land.

The honourable member for Mordialloc also asked where the surplus land might be. I am advised that the answer to that question is still being worked out as the Melbourne City Link Authority and Transurban collaborate in preparing detailed survey plans of City Link. Honourable members are aware that Transurban will have first call on the land needed for the operation of City Link.

The bill clarifies the fact that the standard procedure under the Crown Land (Reserves) Act 1978 may be used to revoke any remaining reservations once the land provisions of the Melbourne City Link Act have

been repealed. The bill provides for those legal processes. The bulk of the land will be leased to Transurban and the amount of surplus is small. As a result of that process, land will be returned to Olympic Park, to a range of other public authorities and to the Crown. The railways, the port of Melbourne, Melbourne Parks and Waterways and Vicroads will have some land returned to them. Some parcels adjoining local parks may be incorporated into those parks. Some of the land may be suitable for development and in that case it will be sold through the Victorian Government Property Group in the normal way.

I hope in the process of sorting out the parcels of land some of the issues that have not yet been resolved with other parties, such as councils adjoining City Link, will be addressed. I am mindful of the ongoing question that the Moreland City Council has about the commitment given by Transurban during the project to provide funding for substantial landscaping of 10 sites along City Link to a standard beyond that left by Baulderstone Hornibrook. I understand those projects represent a cost of about $450 000. The council was assured some years ago after the contract was signed off with the construction company that those parcels of land would be developed to an improved standard. This is a very important period for the tidying up of matters such as land reuse.

Earlier in the debate the Honourable Geoff Craige asked about the winding up of the Melbourne City Link Authority under the provisions of the bill and when it would happen. I am advised that the intention is for that to happen some time in the first half of 2001. At that point the authority's various rights and obligations under clause 39 will be transferred to the state department that will take on the roles and responsibilities of the Melbourne City Link Authority.

In the 1999–2000 annual report the minister thanked the members of the Melbourne City Link Authority. Honourable members in this chamber have passed on their thanks and recognition for the work done by the authority, which will be repealed under clause 38.

One of the important provisions in the bill provides for the publication of consolidated versions of the City Link agreements. Three agreements are ratified by the principal act. One is the Melbourne City Link agreement, which grants the concession to Transurban to build, own, operate and transfer City Link. That is schedule 1 of the act. There is an extension agreement, which grants the concession to own and operate the Exhibition Street extension built and delivered by the state. That agreement is schedule 6 of the act. The third agreement is the integration and facilitation agreement, which deals with the coordination of the operation and management of City Link and the Exhibition Street extension.

The bill allows for amendments and variations by a procedure. It acknowledges that it has been very difficult for the public to gain access to the details of the Melbourne City Link Act and its various attached agreements. People have not been able to access clear and up-to-date information and there was not the openness to the community this government would like to see about the project.

The Melbourne City Link Act takes up only a small portion of the large document I have in my hands. The bulk of the document relates to the other agreements and attachments. There have been 12 amending deeds to the Melbourne City Link agreement, 2 changes to the extension agreement and 5 changes to the integration and facilitation agreement; yet under law those changes have not been able to be incorporated into the publication of the act by the government printer. Members would appreciate how confusing it must be for someone to read the City Link act without having the updated amendments in the back. Clause 8 provides two new sections. One allows the government printer to reprint the up-to-date agreements whenever the principal act is reprinted and the other provides that the reprint is admissible as evidence in the courts.

I shall make a few comments about the repeal of the redundant provisions. Substantial sections of the Melbourne City Link Act will be repealed by the bill. As I said, that is being done to bring the legislation up to date in this largely post-construction phase. The repealing of the provisions implements a recommendation of the audit review of government contracts conducted by Professor Bill Russell and his team. The recommendation was that redundant construction provisions of the Melbourne City Link Act be repealed from the end of construction. It is important to look further at the analysis Professor Russell did in the audit review. He put forward a number of principal findings and discussed the benefits and disadvantages of the project.

On 7 July the *Age* ran an article entitled 'Kennett: the scorecard'. In that article Bill Russell states:

> Credit is needed where credit is due. Critics of privatisation must come to terms with the fact that it produced some significant benefits.
>
> On the other hand, the audit review also documents the Kennett government's disregard for social and environmental issues, its contempt for democratic and open governance

> structures, and, more interestingly, its capacity for commercial and managerial ineptitude.
>
> The commercial ineptitude on the government side that gave City Link the concession fee structure it has, that negotiated so poor a contract for automated ticketing, and that led hospital privatisation to the Supreme Court is breathtaking. The Kennett government's willingness to commit billions of dollars without serious economic assessments records a fundamental incompetence and arrogance of astonishing proportions.

If that is applied to the City Link contracts case study in the audit review, a range of benefits, non-benefits and issues are raised. Professor Russell outlined a number of benefits. He generally endorsed the open approach, with the concession deeds being attached to the act and the disclosure of contract documents and contractual arrangements. However, he queried the need for the government to go as far as it did in introducing enabling legislation that prevailed over existing state laws. He compared that with the approach in New South Wales, where there was more generic legislation. He recommended the repeal of a number of the provisions.

He drew attention to the fact that Victoria has seen the completion of a large and complex project. Nobody will deny that. He said it was substantially completed on time — and all within a short time — and met the obligations of linking three major freeways. Professor Russell also said that the way the Melbourne City Link project was established was a benefit because it transferred most construction risks to the private sector. The benefit of that can be seen in the ongoing delays in the opening of the Burnley Tunnel.

He also cites as a probable economic benefit the travel times, lowering of congestion and reductions in fuel consumption. I live close to City Link. Professor Russell is cautious in his use of the word 'probable', and I agree with him. He says the scope is difficult to assess. I contend that the jury is still out on whether the saving in travel times and the levels of congestion experienced in some parts of City Link are sufficient to warrant the costs of the project.

On the other side of the ledger are the non-benefits, issues and concerns that remain. Professor Russell says there was no publicly available prior economic or financial evaluation to support the chosen methodology for the project or to assess the outcome of the benefits. On page 90 of his report he states that there was no publicly available study comparing alternatives for public or private delivery of the project and in fact there were wide fluctuations in the net present value ascribed to the City Link project by various economic studies.

Reference was also made to that issue in the Auditor-General's 1996 report. It noted that the claimed savings to be made by City Link were estimated as $3.7 billion but were later downgraded to $254 million. There is concern that the contract negotiations appear, according to the Auditor-General's report, to have been concluded in advance of the final and transparent assessment of the economics of the project.

Major questions have been raised about the financial benefits of the project, the fees and the potential additional revenues to the state contingent on commercial performance above a certain level. At the end of the project those potential amounts may not even cover the $346 million or 14.7 per cent of the funding for the project provided by the government.

It is important that the government and Parliament learn the lessons from such a major and costly project. The audit review of contracts makes certain recommendations. The government has adopted the recommendation on the repeal of redundant provisions. The audit also recommended that there be a comprehensive, independent, post-implementation review of overall outcomes. They should include environmental, financial, social and other outcomes and their effect on the transport system. It says that a suitable time for that would be in five years.

There is also the lesson of avoiding contractual obligations that impact on the government's discretion to develop alternative or competing strategic transport policies. The government has been locked out of making decisions about freight being transported directly to the airport because of the City Link project.

One of the most important recommendations of the audit review of contracts is that there should be a comprehensive study of the environmental impact of the project as constructed. Reference is made to the fact that the environment effects statement failed to identify the impact of tolling on traffic diverting from the freeway. It focused only on reductions in traffic that could be expected from the construction of City Link.

The effects of City Link on the local community environment around the project have been noted. In its rush to deliver, the former government failed to understand people's aversion to the new taxes it imposed, particularly on the people who live in the north-west of Melbourne who because of the time involved are not able to choose to take other major highways or freeways into the city as country people may do.

The community has noted considerable diversions off City Link — the formerly free Tullamarine Freeway — into local streets and arterial roads. Extraordinary traffic congestion occurs in some areas. I am aware of the estimate of the City of Moonee Valley of traffic diversions amounting to an increase of 37 per cent. That is accompanied by an enormous amount of noise and air pollution that affect the local communities. There is a need for a study of the environmental impact of the project. The problem of traffic diverting from the freeway to avoid tolls must be addressed. Various options should be investigated.

The audit review of contracts also recommended that the government give consideration to assigning certain regulatory powers over City Link to an independent regulator, which powers would be reviewed regularly, as happens in the privatised electricity industry. That would ensure a proper balance of commercial and public interests.

The bill is machinery legislation. It updates the Melbourne City Link Act to make it relevant and to reflect the project's present post-construction phase. It is also concerned with tolling and privacy matters. The bill is designed to provide greater fairness and flexibility. The government has taken the opportunity to look further at the excessive tolls and ways the burden they impose on people in the community can be addressed.

Speaking of fairness, I indicate that the idea of fairness applies not only to tolling on City Link but to all aspects of the community. As honourable members were enjoying your hospitality at the dinner last night, Mr President, over fine wine and food and good conversation, I was thinking about the debate in the chamber the previous day. I felt some personal shame that members of Parliament in this chamber, particularly of the opposition, had blocked attempts to provide fair working conditions for the most vulnerable workers in the community. While considering issues of fairness last night I could not help thinking about the outworkers who at the same time were probably sitting at their machines earning around $2 an hour.

This bill seeks to provide a fairer tolling regime for the people of Victoria. It also attempts to tidy up many other aspects of legislation applying to Melbourne City Link. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank honourable members for their contributions to the second-reading debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAS INDUSTRY ACTS (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The principal purpose of this bill is to amend the Gas Industry Act 1994 to facilitate the introduction of competition in the Victorian retail gas market. The bill also contains amendments to the Gas Safety Act 1997, designed to improve the operation of that act, and consequential amendments to the Building Act 1993, the Dangerous Goods Act 1985 and the Office of the Regulator-General Act 1994.

The bill represents a further step towards the scheduled introduction of a fully competitive retail market in the Victorian gas industry. At present, medium and large customers are able to choose their gas retailer. Full retail competition means that domestic and small business customers will also be able to choose between gas retailers. In practical terms this means that customers will have the ability to respond to competitive offers for gas supply made to them by the incumbent gas retailers and by new retailers. It will be for customers to take up those market offers if and when they choose to do so. Under the arrangements implemented by the bill, where customers take no action they will continue to be supplied by their existing supplier. These supply arrangements will be subject to new regulatory protections as to price and terms and conditions of supply. These protections are similar to the consumer safety net provisions introduced for the electricity industry by amendments made in the last session of Parliament to the Electricity Industry Act 1993.

While the introduction of a fully competitive market is consistent with the government's objectives for the gas industry, the government is concerned that the protections afforded by the competitive market may not be adequate, particularly in the initial stages of the market's development. The principal reason is that it is likely to take some time for customers to become adequately informed about the choices available to them and how those choices can be exercised.

In order to achieve the government's objectives, while at the same time recognising that the competitive market for domestic and small business customers may take time to develop, the bill contains a range of protection measures. These are set out in part 2 of the bill. As referred to earlier, they include the introduction of a comprehensive consumer safety net comprising mandatory standing offers for gas supply, delivery of community service obligations and provision of minimum customer rights. They also include a reserve power for the government to regulate retail prices. This power operates in the same way as the equivalent power introduced in the electricity industry by the Electricity Industry Acts (Amendment) Act 2000. The rationale for the power, and the circumstances in which the government might use it, are outlined in detail in the second-reading speech for that act and it is unnecessary to repeat them here.

The bill provides that the reserve pricing power, and a number of other elements of the consumer safety net, will lapse on 31 August 2004. In the lead-up to that date it is the government's intention that the Office of the Regulator-General will be given a reference to review the way in which competition is impacting on Victorian domestic and small business customers, and to advise the government on whether there is a need to extend these protections beyond 2004.

Part 2 of the bill also contains provisions dealing with the timetable for retail competition. Under the original timetable contained in the Gas Industry Act customers who consume more than 5000 gigajoules of gas per annum would have become contestable on 1 September 2000. The government made an announcement on 29 June 2000 that there would be a partial deferral of contestability for this customer tranche and that the threshold consumption level to apply from 1 September 2000 would be 10 000 gigajoules rather than 5000 gigajoules. This was necessary because the assessed cost of metering required to allow competition in the 5000–10 000 gigajoules tranche of the market was considered prohibitive at that time. The government indicated in the announcement that the Gas Industry Act would be amended to provide for this deferral and this is now provided for in the bill. The amendment is deemed to take effect from 1 September 2000. The provisions contained in the bill will allow the threshold to be reduced back to 5000 gigajoules prior to 1 September 2001 if the government subsequently considers that metering costs are acceptable and adequate protections are in place.

While the bill retains 1 September 2001 as the date for the introduction of full retail competition, it includes a power, exercisable by order in council, to restrict gas retailers from selling gas to particular customers or classes of customers after that date. This provision will enable the government to make a further assessment of the market's state of readiness for full retail competition prior to 1 September 2001. It is possible that there will be a need for competition to be introduced in stages to different segments of the market. This could occur, for example, because of constraints imposed by the technical and market systems required for customer transfers. The power included in the bill will allow the government to deal with this contingency.

Part 2 of the bill also makes provision for additional functions to be performed by Vencorp in relation to retail competition and for the recovery of Vencorp's costs of carrying out those functions. The Office of the Regulator-General will need to approve Vencorp's cost recovery arrangements as being reasonable and it is anticipated that costs associated with retail competition will only commence to be recovered as retail competition is implemented.

Part 3 of the bill contains miscellaneous amendments to the Gas Safety Act 1997. These amendments are intended to improve the technical operation of the act, further specify the functions of the Office of Gas Safety and clarify the powers of the office in relation to the auditing and monitoring of safety procedures and installations. In addition, the bill provides for the issuing of on-the-spot fines, or infringement notices, in respect of certain prescribed offences. These amendments reflect the government's commitment to promoting enhanced safety outcomes.

Part 4 of the bill amends the Building Act 1993 to authorise the Office of Gas Safety to bring proceedings under the relevant sections of part 12A of the Building Act without the need to obtain the Plumbing Industry Commission's authorisation. Part 4 also contains consequential amendments to the Dangerous Goods Act 1985 and the Office of the Regulator-General Act 1984.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. W. I. Smith.

Debate adjourned until next day.

SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL

Second reading

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

That this bill be now read a second time.

The primary purpose of this bill is to introduce legislation to implement a beneficiary choice program that will provide members and beneficiaries of the State Superannuation Fund with additional choice regarding the manner in which their entitlements are paid. The program will provide these individuals with the same options that are currently available to members of public sector schemes in most Australian states.

The boards of the Government Superannuation Office and the Emergency Services Superannuation Scheme will implement the beneficiary choice program. The program is entirely voluntary and independent financial advice will be available to members and beneficiaries to assist them consider the offer.

The beneficiary choice program will provide:

existing State Superannuation Fund pensioners with a one-off opportunity to commute 50 per cent or 100 per cent of their pensions to a lump sum;

current members of the State Superannuation Fund with the option of commuting 100 per cent of their pension entitlements to a lump sum as those benefits become payable, rather than the existing maximum of 50 per cent;

existing and future deferred benefit members with the opportunity to convert their deferred benefit entitlement to a lump sum to be rolled over into a complying fund of their choice; and

former State Superannuation Fund pensioners whose pensions are administered by the Emergency Services Superannuation Board with a one-off opportunity to commute 50 per cent or all of their pensions to a lump sum.

The one-off offer will be made to approximately 54 000 pensioners and 50 000 deferred beneficiaries. The ongoing change in fund rules will apply to approximately 73 000 existing members.

The beneficiary choice program will provide members and beneficiaries with a new level of choice and will place them on a par with their interstate and commonwealth colleagues. The program should also reduce the State Superannuation Fund's unfunded liability and provide some flexibility in terms of the government's future outlays on superannuation.

The factors used to calculate the lump sums on offer under the program are set out in existing legislation and are those currently used for retiring members who choose to commute part of their pension. There is no enhancement or reduction of benefits, rather the program provides additional choice in terms of the mechanism by which benefits are paid.

Implementation of the program will require the establishment of a new scheme within the State Superannuation Fund. The new scheme will be established under the State Superannuation Act 1988. The sole purpose of the new scheme will be to facilitate the one-off commutations under the program and it will thus have a limited life span.

The program will be funded from moneys already allocated by the state to the State Superannuation Fund and currently invested in short-term liquid assets. Sufficient assets will be transferred to the State Superannuation Fund from the fully funded Emergency Services Superannuation Scheme to fund lump sums associated with pensioners whose pensions are administered by the Emergency Services Superannuation Board.

The government recognises that the decision whether or not to take up the offer will depend entirely upon the individual's own personal financial circumstances. The independent financial advice, to be provided under the supervision of the Department of Treasury and Finance, will ensure all beneficiaries and pensioners make a fully informed decision.

The one-off offer is expected to be made to existing pensioners in February 2001 and to existing deferred beneficiaries in April 2001. Individuals will be given three months to consider the offer. All lump sum payments are expected to be made in the first quarter of 2001–02. The ongoing changes to fund rules will apply from 1 July 2001. Appropriate transitional provisions will apply for members exiting the fund prior to that date.

In addition to the beneficiary choice program, this bill also allows former State Superannuation Fund disability pensioners who elected to take ill-health lump sum benefits to be reinstated as disability pensioners.

Under section 76 of the State Superannuation Act 1988, if an employing authority is informed by the board of the Government Superannuation Office that the health of a disability pensioner would enable him or her to perform duties for which the pensioner is suited by education, training or experience, then the employing authority must ensure the pensioner is appointed to the first vacancy.

In 1996, the Department of Education, Employment and Training introduced the New Start program, an initiative to return disability pensioners to employment in positions in purported compliance with its obligations under section 76 of the State Superannuation Act 1988.

The positions offered under the New Start program were special positions created to accommodate the particular individuals and were generally for twelve months duration. Afterwards it was incumbent upon the disability pensioner to secure employment.

Rather than accepting employment under the New Start program, many disability pensioners opted to receive an ill-health lump sum benefit under the State Superannuation Act. The ill-health lump sum was an amount substantially less than the present value of their ongoing disability pensions. It appears that many individuals were concerned that their pension would be cancelled at the end of the 12-month term of employment and they would be left with only a resignation benefit, which is a lesser benefit than the ill-health lump sum benefit they elected to take.

In 1997 and 1999, in two separate hearings before the Victorian Civil and Administrative Appeals Tribunal, challenges to the New Start program were upheld. The tribunal made it clear that employment under the program did not comply with section 76 of the act because it was not mainstream employment.

As a result, disability pensioners who had accepted employment under the New Start program had their pensions reinstated. To ensure that equity prevails, this bill provides former disability pensioners who took an ill-health benefit, in preference to participation in the New Start program, the option of being reinstated as a disability pensioner. The bill grants the board of the Government Superannuation Office the power to reinstate these individuals as disability pensioners, provided the board is satisfied that their election to receive the ill-health benefit was materially influenced by the structure of the New Start program.

The amendments require reinstated members to repay the ill-health lump sum benefit plus interest after taking into account the amount of disability pension they would have received if they had continued as a pensioner and any other moneys received by them in the course of gainful employment after leaving the fund.

This bill also allows the Emergency Services Superannuation Board to establish spouse accounts for its members.

Spouse accounts are attractive to members because a tax rebate exists for superannuation contributions made on behalf of a low-income or a non-working spouse.

The Emergency Services Superannuation Scheme is the only superannuation arrangement in the state with an accumulation scheme component that is not able to offer spouse accounts. All former public sector accumulation schemes such as Vicsuper and Health Super now offer spouse accounts. Public sector schemes in Queensland and Tasmania also offer spouse accounts.

Spouse accounts are considered to be beneficial in the context of the Emergency Services Superannuation Scheme, as 90 per cent of its membership comprises male members most of whom have a non-working or low income-generating spouse. Through its existing accumulation scheme, ESSPLAN, the Emergency Services Superannuation Board will easily accommodate the creation and administration of spouse accounts in a cost-effective manner.

The establishment of spouse accounts at the Emergency Services Superannuation Scheme does not create any risk for the government. The accounts will be fully funded by the employees themselves. The government sees this initiative as a positive move for the members of the Emergency Services Superannuation Scheme.

The bill also makes two miscellaneous amendments relating to minor administrative matters.

Amendments are being made to the Constitution Act Amendment Act 1958 to correct an anomaly which has recently come to light, relating to the superannuation entitlements of members of the police force and certain other public servants who become members of Parliament and return to their former employment after leaving Parliament. The amendments ensure that members of schemes governed by the State Employees Retirement Benefits Act 1979, the Transport Superannuation Act 1988 and the Emergency Services Superannuation Act 1986 who become members of Parliament and subsequently return to public sector employment, are treated no differently from their

colleagues in schemes governed by the State Superannuation Act 1988.

The bill also brings into operation an order in council relating to 'Specified Standards for the Preservation of Superannuation Benefits'. This order, which was to come into operation on 1 July 1999, did not come into operation until it was gazetted on 20 July 2000.

In conclusion, this bill allows for the implementation of the beneficiary choice program that will provide additional choice for approximately 180 000 members and beneficiaries of the state's remaining public sector superannuation schemes. The program will provide these individuals with the same choice that is available for their public sector interstate counterparts. The program is entirely voluntary and provides affected members and beneficiaries with more latitude to manage their own financial affairs. Independent financial advice will be provided to all those who receive an offer to ensure fully informed decision making occurs.

The government is pleased to be able to make this opportunity available to recipients of the state's pensions and deferred benefit entitlements.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. W. I. Smith.

Debate adjourned until next day.

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation) Hon. M. M. Gould (Minister for Industrial Relations) — I move:

> That this bill be now read a second time.

The government has a continuing commitment to the quality of curriculum and assessment programs and services for all the years of schooling, from preparatory year to the last year of secondary schooling, year 12.

An effective school system is one that will establish in the early years a firm foundation of the knowledge, skills, attitudes and values necessary for further learning, with a particular emphasis on high standards in literacy and numeracy. There is a clear expectation that schools will actively pursue early intervention strategies for students identified as at risk.

In the secondary years schools play a crucial role in ensuring that all students have access to a broad general education while providing courses that are likely to fully engage their interests and keep open a full range of career options and pathways. A study of the disciplines that help shape and reshape our humanity are essential as a preparation for engaging with an increasingly complex society. The study of history, literature, mathematics and science are, for example, key components of a quality secondary education. Broad vocational learning is also important in these years, with access to specific knowledge and understanding of the world of work and the development of skills in enterprise and innovation.

Students need to develop positive attitudes towards vocational education and training, further education, employment and lifelong learning. They need to be confident, creative and productive users of new technologies, particularly information technologies, and understand the impact of those technologies on society.

When students reach the end of their schooling, they should have the knowledge and skills to take up roles as active and informed citizens, family members and workers. As young people making their way in a world in which the rate of social and economic change is unprecedented they will need to be flexible and adaptive in the way they apply their knowledge and skill, and be ready to renew their knowledge and acquire new skills throughout their lives.

As described in the *National Goals for Schooling in Australia in the 21st Century*:

> Australia's future depends upon each citizen having the necessary knowledge, understanding, skills and values for a productive and rewarding life in an educated, just and open society. High-quality schooling is central to achieving this vision.

That is why this government initiated two substantial reviews into education as one of its first initiatives. Commissioned by the Minister for Education, the review of public education, *Public Education — The Next Generation*, addressed the big questions in education and the challenges the next generation of young Victorians will face. And my colleague Minister Kosky established a review of post-compulsory education and training pathways in Victoria. That review examined issues of the breadth and nature of educational pathways for students in the post-compulsory years of schooling.

Not surprisingly their findings complemented each other and whilst this bill arises out of the recommendations of the review of post-compulsory

education and training pathways in Victoria it provides a vehicle to address some key questions raised in *Public Education — The Next Generation*.

The bill will establish the Victorian Curriculum and Assessment Authority, and repeal the present Board of Studies Act. The purpose of the Victorian Curriculum and Assessment Authority is to provide leadership and expert support to schools by developing and implementing curriculum and assessment that will meet the needs of all students and respond to the changing expectations of parents, employers and the wider community. The broad objectives of the Victorian Curriculum and Assessment Authority are:

(a) to develop high-quality curriculum and assessment products and services for courses normally undertaken in, or designed to be undertaken in schools in the years from the preparatory year to year 12 including courses leading to the issue of the VCE and other post-compulsory courses;

(b) to develop courses normally undertaken in, or designed to be undertaken in the school years 11 and 12, including courses leading to the issue of the VCE that will prepare students for successful transition to employment, tertiary education, vocational education and training and further education; and

(c) to provide linkages that will facilitate movement between courses.

The major functions of the Victorian Curriculum and Assessment Authority include the development of policies, criteria and standards for school courses and the development, approval and evaluation of the curriculum and assessment procedures for accredited courses for schools, and the development, approval and evaluation of courses for other school years. The authority will strengthen primary and early secondary curriculum and assessment and ensure its alignment with senior secondary courses. It will also monitor patterns of participation and the quality of outcomes for school students and build stronger connections with courses in vocational education and training. It will be responsive to research findings on participation and successful transition for school students and will provide information and advice on school education.

The authority will have continuing responsibility for the VCE and the conduct of assessments for the VCE and other schools sector courses that may be approved from time to time.

The authority will report directly to the Minister for Education and its board members will be chosen for their individual expertise and capacity to contribute to the improvement of quality of school education at all levels.

The authority will make a strong contribution to high-quality schooling for all young people, and the provision of a more effective range of pathways to further education, vocational education, training and employment. It will improve the opportunities for many Victorians with poor participation in employment, education and training

In carrying out its curriculum development, approval, evaluation and assessment functions the authority will liaise closely with the Office of Schools, the proposed Victorian Qualifications Authority, the State Training Board (and its proposed successor, the Victorian Learning and Employment Skills Commission), the non-government schools sectors, TAFE and tertiary institutions, parents and employers, local communities and networks, and the national training system.

I commend the bill to the house.

Debate adjourned on motion of
Hon. ANDREW BRIDESON (Waverley).

Debate adjourned until next day.

VICTORIAN QUALIFICATIONS AUTHORITY BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation) Hon M. M. Gould (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

The bill provides for the establishment of a Victorian Qualifications Authority that will be responsible for the accreditation and certification of all post-compulsory education and training with the exception of higher education in Victoria. It will also be responsible for ensuring the quality control of post-compulsory education and training qualifications and standards.

The broad objectives of the Victorian Qualifications Authority are:

(a) to develop and monitor standards for education and training normally undertaken in, or designed to be undertaken in the years after year 10;

(b) to ensure and support appropriate linkages between qualifications; and

(c) to facilitate procedures which make it easier for people to re-enter education and training and acquire qualifications throughout their lives.

The government has decided to establish the Victorian Qualifications Authority in response to the findings of the ministerial review of post-compulsory education and training pathways in Victoria.

The bill also implements a further recommendation of the review. It provides for the restructure of the State Training Board to form the Victorian Learning and Employment Skills Commission. The restructure involves adding new functions for the commission and a revised membership to assist it perform its new functions. The establishment of the commission reflects the need for a stronger policy advice role in the area of post-compulsory education and training and employment. The commission will assume the current functions of the State Training Board (except the functions of accrediting courses, recognising qualifications, issuing certificates and registering providers — all of which will be transferred to the Victorian Qualifications Authority) and will take on additional functions to provide key advice to the government on post-compulsory education and training employment. The responsibility will include the provision of advice on the development and implementation of policy frameworks for post-compulsory education and training and employment in Victoria to ensure the needs of industry, the community and individuals are met.

After extensive research and consultation across Victoria, the review found that there is a need for a more holistic and cross-sectoral approach to post-compulsory education and training in Victoria.

It found that the pathways and links between post-compulsory education and training qualifications were often unclear and that individuals and industry have difficulty understanding the qualifications and the relationships between different qualifications. It described how a qualifications market has developed in post-compulsory education and training in Victoria with providers offering international and commercially developed qualifications despite there being no coherent way to assess, provide quality assurance checks and recognise these qualifications within current state and nationally developed accreditation and recognition frameworks.

The Victorian Qualifications Authority will contribute to the new model for pathways for students and achievement of the government's aims for a more student-centred, cross-sectoral, collaborative approach to post-compulsory education and training.

The development of this legislation recognises the need for the creation of a single qualifications body that can establish and monitor standards for the post-compulsory education and training qualifications that are provided for Victorians, and to ensure and support appropriate linkages between qualifications. It acknowledges the need to make it easier for people to re-enter education and training and acquire qualifications throughout their lives.

The establishment of the Victorian Qualifications Authority will ensure public integrity and recognition of post-compulsory education and training qualifications and will assist individuals in the community and industry to understand the levels and standards of each qualification and the relationship between the different qualifications. This will mean that it will be easier for Victorians to navigate their way around the education, training and employment systems and maximise their opportunities, access and achievements. It will make it easier for people to progress through the system and to have their education and training achievements and skills recognised.

The Victorian Qualifications Authority will be the only Victorian accreditation, certification and registration authority for qualifications that involve or have a comparable or higher status to courses normally undertaken in years 11 and 12, the Victorian Certificate of Education (VCE), vocational education and training or further education.

The Victorian Qualifications Authority will report to the Minister for Post Compulsory Education, Training and Employment. It will be responsible for the following matters.

Developing policies, criteria and standards for the recognition of qualifications, the accreditation of courses for the purposes of a qualification, and the recognition of providers. These matters are to be consistent, where appropriate, with any relevant national standards.

It will be responsible for recognising qualifications, including qualifications arising from nationally endorsed training packages, accrediting courses for the purpose of a qualification, and recognising providers of qualifications consistent, where appropriate, with any relevant national standards.

It will receive advice from the proposed Victorian Curriculum and Assessment Authority on secondary education, qualifications and courses; and from the State Training Board and its proposed successor, the Victorian Learning and Employment Skills Commission, on vocational education and training, qualifications and courses; and from the Adult, Community and Further Education Board on further education, qualifications and courses.

It will issue qualifications or will delegate this to providers or authorities for the courses it has accredited or the qualifications it has recognised.

It will commission relevant bodies to develop or modify courses.

It will establish and maintain quality assurance policies and mechanisms for all qualifications issued under its authority or under the authority of its delegates.

It will develop linkages between qualifications and courses and support articulation between them.

It will monitor and receive information on the patterns of participation and outcomes of accredited courses, and recognised qualifications.

The authority will take over the accreditation, certification, registration and recognition functions of the Board of Studies, the Adult, Community and Further Education Board and the State Training Board, and its proposed successor the Victorian Learning and Employment Skills Commission.

It will have close links with the proposed Victorian Curriculum and Assessment Authority, the Adult, Community and Further Education Board and the Victorian Learning and Employment Skills Commission.

The authority will receive advice from the Victorian Curriculum and Assessment Authority on secondary school education, from the Adult, Community and Further Education Board on further education and from the Victorian Learning and Employment Skills Commission on vocational education and training. In particular it will consult with these and other relevant authorities on formal linkages between qualifications or parts of qualifications The relationships between these bodies will be vital to the Victorian Qualifications Authority achieving its objectives.

The valued role of industry in developing training packages and courses will continue. Similarly, the further education sector will continue to develop further education courses.

The Victorian Qualifications Authority will be established as a body corporate with powers commonly exercised by body corporates. It will be an agent of the Crown and will be required to act within the state government policy framework and be subject to the directions of the minister which may be given generally or on specific matters. The authority will be subject to the Financial Management Act 1994 and will be required to report annually to Parliament.

The bill contains provisions designed to ensure the smooth transition of the appropriate functions from the three boards — the Board of Studies, the Adult, Community and Further Education Board and the State Training Board — to the Victorian Qualifications Authority.

I commend the bill to the house.

Debate adjourned on motion of
Hon. ANDREW BRIDESON (Waverley).

Debate adjourned until next day.

DISTINGUISHED VISITORS

The DEPUTY PRESIDENT — Order! It is with great pleasure that I take this opportunity to recognise and welcome to the gallery the delegation from the Standing Committee of the Jiangsu People's Congress led by the Honourable Mr Cao Hongming, Vice-Chairman of the Standing Committee of the Jiangsu People's Congress, and a particular welcome to Madam Qi-Xinhua, who looked after us when we were over there. We welcome you to our Parliament and hope your stay is beneficial.

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL and VICTORIAN QUALIFICATIONS AUTHORITY BILL

Concurrent debate

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

> That this house authorises and requires the Honourable the President to permit the second-reading debate on the Victorian Curriculum and Assessment Authority Bill and the Victorian Qualifications Authority Bill to be taken concurrently.

Motion agreed to.

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

Second reading

Debate resumed from 21 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. B. C. BOARDMAN (Chelsea) — The Country Fire Authority (Amendment) Bill allows me and the opposition to express support for and acknowledgment of the exemplary work of all members of the Country Fire Authority (CFA) — not only the volunteers but the able and well supported full-time staff. I say that sincerely but note with a degree of cynicism and suspicion some of the contributions on the bill by government members. For some time there has been a dispute in the CFA with the United Firefighters Union (UFU) about elements of what has occurred with the enterprise bargaining agreement process which has been the subject of both public and parliamentary debate.

Honourable members would remember that in December last year I moved a motion in the house requesting the government to demonstrate some leadership and to take a proactive stance on this issue. At that stage honourable members will recall that the response from the government was lukewarm, to say the least. In fact, it did nothing to address the problem or the issue, and the industrial disputes in the Country Fire Authority worsened.

I note with suspicion and cynicism the contributions of government members in the other place, because many of them have come forward and offered their support and congratulations to the volunteer staff of the CFA. In times past, when support from the government and a leadership role was necessary, they were deafeningly silent.

Primarily the bill was developed to split the role of the chairman and the chief executive officer of the CFA. Currently that role is held by Mr Len Foster, and it is anticipated and was earmarked by the Minister for Police and Emergency Services that Mr Foster will continue in one of those new split roles, possibly as the part-time chairman. Under the auspices of the bill the chairman will be able to have a secondary position of employment and will have some quite definite powers of authority when chairing the CFA board. The CFA chief executive officer stand-alone position will be full time and will have a number of powers conferred by clause 9.

I express my disappointment with the government, and in particular the minister, for not taking on board the sound and reasonable amendments moved by the National Party in the lower house. The amendments were designed to give board members of the authority the power and recognition they deserve in running that important statutory body.

Clause 9 inserts proposed section 16A in the principal act. Subsection (1) states:

> The Authority must, with the approval of the Minister, appoint a person as Chief Executive Officer of the Authority.

The National Party put up a reasonable amendment. It suggested that instead of 'with the approval of the minister', the clause should state 'after consultation with the minister'. That would allow the board to choose who it thought would be the most qualified and the most well-regarded and respected person to run the authority. However, by rejecting the amendment the minister yet again demonstrated his grab for power, the frenzied nature of his desire for control and his need to unjustifiably interfere in a body for which he is minister. The minister wants to have control over the authority so that he can put his man or woman in the position, potentially creating yet another job for a Labor hack.

I seek guidance from the minister in the chamber as to who might potentially replace Mr Foster in the role of chief executive officer. I seek an assurance from the minister that whoever that replacement may be, the person will be impartial, independent and well qualified to serve on that important public statutory body.

I turn to the 1999–2000 annual report of the Country Fire Authority. Earlier I referred to the dispute between the United Firefighters Union and the Country Fire Authority, to which not one government member referred in the debate. In his chairman's report Len Foster provides a good summation of the issue. He states:

> The CFA and the United Firefighters Union continued to be in dispute over the enterprise bargaining agreement negotiations for the whole year. These negotiations were difficult for all members of CFA and represented a major deflection from achieving core objectives. The industrial environment within CFA is unique because of the cultural mix of career firefighters and volunteers.

I will not undermine the 313 full-time career firefighters who as of 30 June served on the Country Fire Authority, a number which is increasing. They are all dedicated and committed individuals who serve the authority with great distinction. However, I seek advice from the government about its policy platform with

regard to the 64 340 volunteers currently in the Country Fire Authority. For too long the government has not been proactive in trying to seek solutions and recommendations on how to solve this complicated issue.

The chairman also referred to the unique mix of volunteer and career firefighters and the industrial relations climate. More than 95 per cent of the workload of the CFA and the work force that undertakes that workload is voluntary. That must be acknowledged and those members must be praised.

However, the government, through its silence over the past 12 months, has not given any real indication of how it will adjust its policy and provide definite support for the many volunteers affected by the outlandish and at times completely unjustified actions of the militant union. Further, in complete contrast the last sentence of the chairman's report is worth noting:

> The continuing support of the Victorian Urban Fire Brigade's Association and the Victorian Rural Fire Brigade's Association and their senior personnel is acknowledged and very much appreciated.

That is not the case with the United Firefighters Union, which is a militant, active, membership-based organisation with very close links to the Victorian Trades Hall Council. Both the urban and rural fire brigades associations, which represent volunteers, have a proactive and cooperative working environment with the board of the CFA. Their goals and priorities are not to increase membership and provide funds for trades hall which are then contributed to ALP election campaigns. Their goal is to represent the membership that makes up the vast majority of the CFA's overall membership to try to improve their conditions, training and operational efficiency. That is what associations such as the Victorian Urban Fire Brigade's Association and the Victorian Rural Fire Brigade's Association should be like. They set a good standard to the UFU, the motives of which have at times been questionable.

Unfortunately this year we have seen the demise of community support facilitators in the CFA, a position created under the previous government, and one that was full time in various locations throughout the state. The position enabled CFA brigades to work cooperatively and in partnership with the community in fire prevention programs, education services and public relations. The CFA acknowledged the position as being of incredible value, and it was a position that was highly respected by the community. However, the government decided, perhaps because it was ideologically driven, or perhaps because the union was opposed to community support facilitators because they could not be signed up as members, to split the role and create a dual role that does not have the same level of influence or operational efficiency.

At page 17 of the report under the heading 'Output: development of community education, self-reliance and safety programs', the report states:

> CFA's community support facilitators have been integral in developing and assisting brigades with their community education activities as well as supporting brigades in recruitment and performance monitoring.

I am sure honourable members would acknowledge the value and contribution those individuals make. The report further states:

> Community support facilitators and brigades have consolidated the success of previous community initiatives and introduced a number of innovative and informative programs. These have increased community awareness of the risks they face and preventative action they can take, and are fostering increasing individual and communal responsibility for risk management.

Considering what the CFA says in its own report and what other members of the organisation and various sectors of the community are saying, is it not absurd to split those valuable roles and have them cease to exist? That does not make sense. The Victorian opposition parties represented community support facilitators and the communities with which they sought to work and sought to provide solutions in Parliament to give them a fair go.

The government was hoodwinked by the UFU. Its ideologically driven motives were inefficient and disastrous when trying to improve community relations. However, I shall give it the benefit of the doubt and hope the facilities and links do not erode under the new proposals. I put the government on notice that the opposition will closely monitor the position to ensure that the links with the community remain strong.

I refer to page 27 of the 1999–2000 CFA annual report under the heading 'Service delivery standards', which states:

> CFA's service delivery standards (SDS) have been in the spotlight for the past two years. Except during the period of the works bans imposed by the United Firefighters Union, CFA has maintained compliance with its SDS at or about the 90% level …

Honourable members would rightly acknowledge that that is an impressive figure. However, the UFU imposed disastrous and unjustified bans, such as not allowing volunteers to work on appliances and even threatening intimidation and violence at certain career fire stations.

Hon. K. M. Smith interjected.

Hon. B. C. BOARDMAN — As my colleague the Honourable Ken Smith reminds me, there was denigration and a lack of trust between various volunteers and career firefighters, none of which was conducive to providing an essential public service. That action was totally ignored — once again — by the minister and the government, and no solutions were forthcoming.

I am sure my colleague Mr Smith and other colleagues in this chamber will elaborate on that. Page 27 of the annual report also states that the total number of calls by CFA brigades increased from 23 220 in 1995–96 to 52 559 in 1999–2000. It is amazingly impressive that the turnout rate under the service delivery standards is about 90 per cent. That is certainly testament to the fine workers and volunteers of the organisation and their valuable contribution to the community with fire prevention programs and firefighting activities.

The one notable government policy direction with the Country Fire Authority is the injection of additional funds, and the opposition welcomes that. It welcomes the additional resources and hopes the commitments the minister has flagged are honoured. However, the government has also placed some burdens on the Country Fire Authority which have to be acknowledged. For example, the Workcover expenses of the Country Fire Authority for 1999–2000 were $775 000. For the 2000–01 budget sector the Workcover impost will increase to $1.4 million.

Hon. K. M. Smith — That is ludicrous.

Hon. B. C. BOARDMAN — It will double. That is the respect the government has for that vital public body. It has increased its expenses through bad management, bad policy, and non-reflective priorities of the responsible ministers.

Overall the application of the bill is basic and administrative. I seek an explanation from the responsible minister of clause 9 and proposed section 16C, which relates to the delegation powers of the chief executive officer. It provides:

> The Chief Executive Officer may, by instrument, delegate to any person by name or to the holder of an office or position approved by the Authority, any responsibility, power, authority, duty or function conferred … under this Act or the regulations.

The CEO might have the power to declare total fire ban days or to make general recommendations on operational decisions, matters that are quite clearly the responsibility of the chief fire officer. That creates a degree of alarm. I seek an explanation from the minister about the level of delegation and how the responsibilities will be monitored to ensure there is no crossover between the administrative duties of the chief executive officer and the operational duties of the chief fire officer.

The opposition does not oppose the bill. It places on record its tremendous appreciation to all members of the Country Fire Authority — all the volunteers, all the full-time staff and all the support staff for the superb, exemplary and dedicated service they provide to the state of Victoria. The opposition will definitely continue to support them and to represent their needs and will ensure that the government does likewise to its maximum ability by reverting the devastating, unjustified and completely outlandish workplace restrictions and bans imposed by the United Firefighters Union which had a demonstrably negative effect on all members of that very important public body.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to comment on the Country Fire Authority (Amendment) Bill. Before doing so I acknowledge the excellent contribution made by my colleague the Honourable Cameron Boardman and recognise that he has had an ongoing interest in the CFA and has moved motions to demonstrate that interest in the past. His contribution was important and valuable.

The bill is fairly simple. Its main purpose is to separate the role of the chairman of the CFA board from that of the chief executive officer. It also transfers some functions from the role of the chairman to that of the CEO and deals with situations of conflict of interest of members of the authority. The bill provides for a part-time chairman to be appointed, which the National Party believes is appropriate, and a full-time CEO. The National Party is very supportive of that principle and believes it will make for an appropriate governance model for the Country Fire Authority.

I register the party's total support for the army of CFA volunteers who, over a number of recent management and operative issues, have expressed some concern about the direction of the authority. It is fair to say that some volunteer members are demonstrating a degree of disillusionment about where the organisation is heading. That disillusionment has been illustrated by some of the issues my colleague just spoke about, such as the requirement for minimum skilling within the CFA. That has caused some angst among some volunteer members and has led to some resignations. The dispute over the enterprise bargaining agreement with the United Firefighters Union has also created disillusionment among some of the volunteer members.

The issues are rightly noted in the annual report of the Country Fire Authority as needing to be addressed.

From the National Party's point of view it is absolutely essential that the Parliament and the Victorian public, who rely so greatly on the CFA, stand up and support the volunteer members at every opportunity. That is why both the National and Liberal parties were extremely disappointed that the government, with the support of the Independents, refused to support the fairly minor amendments moved in the Legislative Assembly when the bill was debated there.

The amendments expressed the direct wishes of the volunteers whom the National and Liberal parties were prepared to support. It is greatly disappointing that the government members and the Independents were not prepared to stand up and support the many volunteers in the Country Fire Authority. It is a great disappointment that the amendments were not agreed to, and I will talk about that later in my contribution. Before doing so I will talk a little about the CFA and volunteerism in general in the community.

No-one would dispute the fact that Victoria is extremely well served by volunteers. In addition to the Country Fire Authority, it has the State Emergency Service, the Red Cross, St John Ambulance, the Australian Volunteer Coast Guard, a multitude of service clubs, tens of thousands of personal carers, and people who serve on various other voluntary committees — the list is endless. If we were required to pay for the services freely provided by those volunteers, it would cost this state billions of dollars each year. The first thing we need to recognise is that the CFA is one of those extremely important volunteer organisations in our community for which we should have the utmost admiration and respect.

In my opening remarks I used the term an 'army of volunteers' to refer to Country Fire Authority membership. I think that is an appropriate term given that the volunteer force of the CFA is 64 340, according to its 1999–2000 annual report. That is an extremely significant number. If we add the 838 career staff, we find that more than 65 000 people are actively involved in the operations of the CFA in Victoria. As I said, we have an army of volunteers.

The CFA itself has a world-class reputation as a firefighting and emergency response organisation. The skills of its members are very diverse; they are not restricted to the control of wildfires but cover a range of areas. In the section headed 'CFA profile' the annual report lists some of the services the CFA provides. They include wildfire suppression, structural fire suppression, transport-related fire suppression, road accident rescue, hazardous materials transportation and storage incidents, technical rescue, forest industry brigades, industrial accident response, and other emergency activities including storm and flood assistance. The CFA also provides technical services including building code-related inspections and post-incident investigation, fire safety input into fire prevention and land use planning at a municipal level, and community awareness, education and safety programs.

The CFA performs a vast range of different functions. A further function is the twice-yearly inspection of the fire extinguishers in my electorate office. I willingly pay the CFA to service those fire extinguishers. We need to remind ourselves of the little things that the CFA members do as a group but which go unnoticed.

The skills and expertise of CFA members have been demonstrated beyond our state boundaries. I am sure honourable members will recall the magnificent job Victorian firefighters did in responding to the recent bushfires in New South Wales. Once again many of our volunteers went across the border to assist their New South Wales peers combat the significant fires experienced in that state. Earlier this year a number of CFA volunteers and fire service officers from Parks Victoria spent some time in the United States assisting with fires burning there. Again they returned with an outstanding reputation for what they were able to offer in assisting with the combating of those fires. The skills of our volunteer fire and career firefighters are extremely diverse.

We need to put on the record the fact that we appreciate the dangers involved in the job firefighters perform. It can be a very hazardous job and there is no more graphic demonstration of that than the Linton bushfires where on 2 December 1998 five volunteer firefighters lost their lives. That was a tragedy and no-one can promise that it will never happen again, but we still have 64 000 people voluntarily putting their lives at risk trying to protect the lives and property of others. For that the members of the CFA have my greatest respect.

We should also respect those people who have suffered loss of life because of their involvement in the CFA. A memorial service is held every year for deceased firefighters, and this year's will be held at St Mary's Cathedral in Sale next Sunday at 12.30 p.m. I have an invitation but unfortunately I cannot attend because of a personal commitment. That is the sort of thing that I would hope the community at large would support to give due recognition to the families of deceased firefighters.

Given my general views about the CFA and the great respect I have for its members, it is enormously disappointing that some of the minor amendments requested by the volunteers themselves were rejected by government and Independent members of this Parliament. National Party members were prepared to stand up in support of the volunteers. We demonstrated our support by moving the amendments in the Legislative Assembly.

In respect of our moving those amendments I received a letter from Mr Alex Hooper of Heyfield. He is a former CFA board member and a person I go to for advice on matters associated with the CFA and the general issue of fires. I respect his views greatly. In his letter of 19 November Mr Hooper states:

> I wish to thank you, your party and colleagues for the efforts made in the Assembly to have the CFA amendment bill 2000 as presented amended to ensure the CFA board retains its ability to manage the affairs of the authority and appoint a chief executive officer or other employees without undue political direction. This would have enabled our volunteer representatives to continue to make a worthwhile input into decisions vital to the welfare of our rural communities. It is of concern that the Independents did not support their constituents' interests.
>
> The statements made by the minister (reported in *Hansard*) are nothing but political humbug without any foundation. The simple facts are:
>
> > The amendments as proposed by the National Party would have retained the right of the authority board to select and appoint a chief executive officer. This is as the board requested and expected, as the incumbent of the position will be a board employee.
> >
> > Under the present CFA act the minister has no right or input into the appointment of a board employee, or influence on his/her functions. The minister's right of approval only applies to the appointment of the executive chairman and board members who are then required to carry out their functions as laid down by the CFA act.

The letter expresses extreme disappointment that government and Independent members refused to accept reasonable requests made by a significant number of volunteers. In his concluding comments Mr Hooper states:

> … we request you to continue your efforts to have the National Party amendments included when the bill is before the Legislative Council.
>
> I firmly believe that if the bill is amended in the Council it will be in the best interests of all Victorians and rural volunteers, thus reducing the increasing political influence on the direction of Country Fire Authority management that is causing such public concern as is indicated in the media.

I agree entirely with those remarks and with the sentiments expressed by Mr Hooper. The volunteers want to retain some sense of ownership of their own organisation. Volunteers form the bulk of the CFA; the ratio of volunteers to paid staff is in the order of 80 to 1. The volunteers have made simple requests which they believe would make only a subtle difference to the appointment of the chief executive officer but an important difference to the volunteer members.

That is why the National Party is extremely disappointed and is so keen to continue in this chamber with the amendments it moved in the other place. It is a sad reflection on how the government manages the business of Parliament that if I were to move those amendments today the amended bill would not be returned to the other place before it concluded its business for the sessional period at about 5.00 p.m. today. That means this house is being denied the right to debate and pass amendments that I believe reflect the wishes of the vast majority of people who make up the CFA. The task of the house is being short-circuited; it is being prevented from doing its job.

As I said, if the amendments were moved today, the Legislative Assembly would not receive the amended bill this sessional period and it would be held over until some time next year — or, more likely, be withdrawn because the government and Independents in the other place have already expressed the view that they will not support the National Party amendments designed to help the 64 000 CFA volunteers. It gets to me that the government is not prepared to support the volunteers or that the amendments cannot be moved in this place without fear that the bill will be pulled by the government in the other place.

I did not want to leave the issue uncapped. I spoke to both associations that make up the CFA and said, 'The call is yours. I want to move the amendments, but if you want to get the bill through you must realise that my amendments may lead to the government imperilling its passage and it will not proceed'. I wanted to go for it, as did the volunteers, but we also wanted the bill to be passed because it contains important principles associated with the separation of powers between the chief executive officer and the board chairman.

I asked the Victorian Rural Fire Brigades Association (VRFBA) and the Victorian Urban Fire Brigades Association to express their views to me in writing. I did not like what they were asking me to do, but I abide by their wishes. Bob MacDonald, VRFBA executive officer, in a letter dated 22 November, states:

> I am advised to inform you that this association does not wish to pursue the proposed amendments to the above bill in the upper house.
>
> It is the view of our office-bearers that the intent of the bill is more important than the issue of whether the minister has the ultimate decision on who is appointed as chief executive officer or not.
>
> It is our understanding that the minister has indicated his intention to 'pull' the bill should he not have the right to approve the appointment and we believe that would be not in the best interests of the CFA.
>
> Thank you for your interest in the matter and we look forward to working with you in the future on other issues.

The Victorian Urban Fire Brigades Association's letter dated 22 November and signed by its secretary, Peter Davis, states:

> In confirmation of our telephone conversation the association is of the view that the changes to the CFA Act as proposed by the government are necessary. It is our view that the responsibilities of the position of executive chairman have become too demanding for one person to perform effectively.
>
> Whilst we preferred the wording of the amendments as proposed by the National Party to that included in the proposed legislation, we do not wish to imperil the principles of the legislation. We agree to the amendments not being pursued rather than have the government withdraw the proposed legislation.

It is clear that both associations support their volunteer members in that their first preference is to have the amendments moved by the National Party in the other place put forward in this place today, but they are in the awful position, as is the National Party, that they want the bill to pass because it is important to separate the powers of the chairman and the CEO.

The National Party is in a no-win situation because of the abysmal management of government business through Parliament. The government has brought on the debate at 4.35 p.m. when the curtain will descend on Legislative Assembly business in 25 minutes. If the bill is amended here, it will not pass and the government will withdraw it. It is a sell-out by the government and the Independents of their volunteer CFA constituents. The National Party will tell every volunteer that the government, supported by the Independent members of Parliament, decided to prevent the enactment of their requests. My party will write to every brigade across country Victoria and tell them the government was not prepared to support them in this instance. The National Party is greatly disappointed it cannot proceed with the amendments it tested in the Legislative Assembly. That reflects poorly on the government.

The National Party does not oppose the bill because it contains an important principle that needs to be passed for more effective operation of the CFA, but I repeat that it is a great disappointment that the bill will pass this afternoon not entirely in accord with the direct wishes of the men and women who volunteer their time and put their lives at risk to serve and protect Victorians. In that regard the government has let them down.

Honourable Members — Hear, hear!

Hon. K. M. SMITH (South Eastern) — I have pleasure in contributing to the debate on the Country Fire Authority (Amendment) Bill. I have listened to my colleagues, the Honourables Cameron Boardman and Peter Hall, raise issues of concern to them. I, too, am concerned about the bill. I agree that the Country Fire Authority needs a chief executive officer and it is proper practice to have a CEO in an organisation as large as the CFA. I have no argument about that. My argument is that the minister will be the person who will appoint the CEO. One can see the appointment becoming political on the basis that the new CEO will be in a position where he or she may be able to support the United Firefighters Union (UFU) in its takeover of the membership of the CFA. I am deeply concerned about that because everybody knows how the ALP works — that is, it puts people in positions of power then the ministers use those positions to do things for mates, usually from the Trades Hall Council, who are then expected to keep in line with what ministers want.

Mr Hall was not certain about the number of volunteers in the CFA. During the debate I heard 66 000, then 65 000, 64 000 and then 63 000. I can confirm that a large number of members have resigned from the CFA since the UFU made its push to try to take over its membership. My concern is that the CFA may well get a new CEO who will push through the UFU's control. The 66 000 or 63 000 volunteers are good people; they are prepared to put their lives on the line for their communities. Until now they have had a reasonably good association with Len Foster, the chairman, just as I have had a good association with him. I am concerned about the control being exerted by the minister. The CFA is building an empire of paid staff. Unfortunately, their employment has absorbed much of the resources that could have been put into equipment for volunteers on the ground.

While talking about 'on the ground', CFA firefighters do not even have the right type of work boots to fight different fires. They are deprived of the equipment because sufficient financial resources are not being allocated to it.

As members we have to concern ourselves with that because those people are volunteers; they are putting their lives on the line. They are needed to protect each and every one of us in the rural area, to protect Victoria and its assets during this coming summer. Even though Victoria has had a considerable amount of rain in the past 12 months, the grass will now grow much faster and will be a far more dangerous fire hazard as it gets longer and drier. The volunteer members are the ones who will be out there fighting the fires.

Members of the Country Fire Authority are extremely concerned about what appears to be a decline in the equipment the CFA provides to its members. The members, themselves volunteers, appreciate that the CFA, its chairman and the board have to work with the government of the day. However, the position of the chief fire officer (CFO) has been diminished. That role has been taken away from him. The man who is the most experienced firefighter anywhere in Victoria and probably one of the greatest CFOs anywhere around Australia is not in a position to make decisions even about whether a day of acute fire danger should be declared or what particular areas are in danger. That decision is made and declared by the chief executive officer. He may do it in conjunction with the CFO, but from now on it may well be the CEO of the CFA who will be making decisions about days of acute fire danger. From what I have been able to read in the bill he will be able to do it without consultation with the chief fire officer, and that concerns me a great deal.

It is disappointing that in the past the chief fire officer has been placed in a position of accepting responsibility for what were at times poor decisions, particularly about equipment and the training of fire officers, that he did not make. The CFO is the one who has to take the brunt of claims of neglect or of not allocating funds to the right places, yet he is unable to make the decisions. At the moment those decisions are made by the chairman of the board; if the bill is passed they will be made by the chief executive officer and will be passed down through the ranks to the chief fire officer.

Without doubt Victoria has the best volunteer fire brigade anywhere in the world, as evidenced by our firefighters being called to fight fires in countries such as America. They will move between states; they will volunteer their lives try to help others, not just within their own communities, yet the minister will appoint the person who will control those volunteers. That has to be of great concern to all of us.

As Mr Hall said a few moments ago, the government and the Independents in the other house would not accept the amendments moved by the National Party that would most certainly have been supported by the Liberal Party. It annoys me that the three Independents are not prepared to support their volunteers. Of course one of the worst of them that I see is the honourable member for Gippsland West in another place, who is a person who will go along to meetings of volunteer firefighters, be nice to them and say she will do everything for them but do bugger-all for them — we can use that word now that Toyota is using it. She does bugger-all for them. She does not care for the volunteer brigade. We know that, and that is most unfortunate. The other two probably have some sort of appreciation for what the CFA does but unfortunately not Susan Davies, the honourable member for Gippsland West. She does not support the CFA.

Hon. J. M. Madden — On a point of order, Mr Acting President, although I appreciate that the honourable member is speaking broadly to the debate, I would ask him to reconsider his remarks about honourable members in the other place who are unable to defend themselves in this place.

Hon. K. M. SMITH — On the point of order, Mr Acting President, I understand the debate to be wide ranging. I know factually that Susan Davies stood as an Independent with the government in not allowing the amendments to go through in the other house, and in doing so she has shown that she does not support the CFA volunteers.

Hon. B. C. Boardman — On a point of order, Mr Acting President, my colleague Mr Smith has not made any reference to Ms Davies's individual character. He has made reference to her attendance and subsequent comments to meetings of the Country Fire Authority. He has not impugned or referred negatively to her character. His comment is totally within the confines of the debate.

Hon. J. M. Madden — Further on the point of order, Mr Acting President, I appreciate the honourable member's remarks, but I believe the terminology used by Mr Smith, although probably considered to be a colloquialism that is used liberally these days in the commercial world and advertisements, is still offensive.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Mr Smith has been using colourful language. He was describing in a colourful way the actions of Ms Davies, not her character. Mr Smith should return to the bill. There is no point of order.

Hon. K. M. SMITH — Thank you for that ruling, Mr Acting President. I know the fine work the

volunteers do. I genuinely have concerns that their rights will be eroded by an appointment made by a minister who is ideologically bound by the trade union movement, who is controlled by the troglodytes from the Trades Hall Council, who is a man who has no compunction in making decisions that are unpopular in order to gain his ends, as honourable members saw from his apparent involvement in the appointments of deputy commissioners of police. We know he tried to influence the decisions that were being made then, and I have no doubt he will involve himself in the appointment of the chief executive officer. He has said that quite openly. We know it will be a mate — it could even be someone like Peter Marshall of the United Firefighters Union. Wouldn't that be awful! But it is possible that that person could be appointed.

In conclusion, the ALP minister wants his new CEO, who will have more control than the CFO of the CFA, and the volunteers of the CFA will get SFA in the decision making that may affect their lives!

Hon. D. G. HADDEN (Ballarat) — I support the Country Fire Authority (Amendment) Bill. It is an important bill, the purpose of which is to provide for the appointment of a part-time chairman and full-time chief executive officer and to deal with situations of conflict of interest.

The Country Fire Authority Act is the principal act. It established the Country Fire Authority as a statutory authority with a constitution and powers as set out in that act. It established a Country Fire Authority (CFA), consisting of 12 members, being a full-time chairman, who was also the chief executive officer (CEO), a part-time deputy chair and representatives of the Minister for Natural Resources and Environment, as the portfolio was then known, and the urban and rural fire brigades associations, the Insurance Council of Australia and the Municipal Association of Victoria. That is set out in sections 6A and 7 of the principal act.

In 1994 the Public Bodies Review Committee reported on the Metropolitan Fire Brigades Board and recommended that the positions of president and chief executive officer be separated. That recommendation was in accordance with recent developments in corporate practice in our commercial climate and to improve accountability and review arrangements within that board to ensure that the setting of policy and implementation of policy were not the responsibility of one principal officer. That change was implemented by the Metropolitan Fire Brigades Board by amendment to its legislation in 1997, and it has worked well since then. The bill before the house proposes that a similar model be introduced for the Country Fire Authority.

The separation of the roles of chairman and chief executive officer is one of the tenets of the bill. It favours the Australian model for good corporate governance, which is to separate the roles of chairman and chief executive officer, except in limited circumstances. The separation of the roles of chairman and CEO provides appropriate checks and balances in the corporate structure. It also provides an environment of openness and transparency.

Clause 1 sets out the purpose of the bill, which is to provide for the appointment of a part-time chairman and a full-time CEO and to provide for conflict-of-interest situations.

Clause 8 deals with conflicts of interest of authority members and provides that each member present at a meeting 'must, before the matter is considered, declare any direct or indirect pecuniary interest that he or she has in the matter'. It goes on to provide that the chairman must cause the declaration to be tabled at the meeting and recorded in the minutes of the meeting and that the member who has a conflict of interest must not be present during deliberations on the matter unless a full declaration of the interest has been made and the authority directs otherwise. It also provides that he or she is not entitled to vote on the matter.

Importantly, subsection (5) says that if a member votes in contravention of the previous conflict provisions his or her vote must be disallowed. Subsection (6) states that a member is not to be regarded as having a conflict of interest 'if the goods or services are, or are to be, available to members of the public on the same terms and conditions' or where the individual's interest in the contract is minor and the member has a beneficial interest not exceeding $2000 or 1 per cent of the total nominal amount of the beneficial interest. It is desirable to ensure that all dealings with the Country Fire Authority are carried out in a manner which is open to scrutiny, is above board and does not allow preference to any one member by virtue of his or her position. These provisions, which form part of proposed section 11A, are similar to the equivalent provisions in the Metropolitan Fire Brigades Act 1958.

The powers of the chief executive officer are more particularly contained in clause 9, which introduces proposed section 16A, which provides that the authority must, with the approval of the minister, appoint a person as chief executive officer of the authority, and that the CEO holds the office for a period not exceeding five years. That person is responsible for the authority and the carrying out of its functions and must comply with the directions of the authority.

Proposed section 16C provides for the delegation of powers of the chief executive officer. It provides for the delegation of any responsibility, power, authority, duty or function conferred on the chief executive officer under the act or the regulations, except the power of delegation.

Sections 6A and 7 of the principal act deal with accountability of the Country Fire Authority. Section 6A states:

> (1) The Authority is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.

Subsection (2) says:

> The Minister may from time to time give written directions to the authority.

Section 7 of the principal act states:

> The Authority shall consist of twelve members appointed by the Governor in Council of whom —
>
> (aa) one shall be appointed by the Governor in Council to be chairman of the Authority.

As the legislative powers currently stand, the chairman is also the CEO and is appointed by the Governor in Council through the minister.

This bill will separate the role of the chairman, who will become part time, from the role of the chief executive officer, who will become full time. That amendment will give the authority a degree of autonomy and improved efficiency, particularly in light of the increase over the past few years in its workload, of which honourable members are aware. Clause 9 also makes consequential amendments. Clause 13 inserts transitional provisions dealing with the transfer of the functions of the chairman to the CEO.

I have had an opportunity of perusing the Country Fire Authority's annual report for 1999–2000, which sets out a history of the authority and the major bushfires in 1926, 1939 and 1944. It also sets out the fact that over the past 55 years the CFA has evolved from informal beginnings to become one of the world's largest volunteer-based emergency services.

It is also strongly supported, as all honourable members know, by our local communities, especially our local rural communities. Its very fine traditions will no doubt continue with the support of all of us. A total of 1229 brigades make up the CFA, with 143 groups, 701 community fireguard groups and 20 forest industry brigades. The CFA people are made up of 838 career staff and 53 718 rural volunteers, but there has been a reduction of 3.7 per cent compared with the previous 12 months. That certainly concerns me as a rural resident. In contrast, there has been an increase of 4 per cent in urban volunteers, bringing the number to 10 622 over the past 12 months. That gives a total of 64 340 volunteers, which is an overall reduction of 2.5 per cent over the previous 12 months.

Those volunteers and career staff attended a total of 31 352 incidents in that 1999–2000 12-month period, and the total number of brigade turnouts was 52 559. Those figures speak for the commitment and enormous effort CFA volunteers give to their communities.

The Country Fire Authority is a fine community service organisation. The volunteers who comprise the CFA are fine people in the community who always give of their best. They provide not only personal service, but also a number of services relating to fire management, emergency services, education of the community and, particularly, education of the young on fire safety. In my research into the history of the CFA I noted the number of major fires that have occurred since 1851. I will refer to some of those fires which caused loss of life, stock and property in the community, which totally relies on the CFA volunteers.

The Ash Wednesday fires of February 1983 involved loss of life of 47 people, and the loss of more than 27 000 stock and 2000 homes. At the time I was at home with my parents at Wonga Park. I was in my final year of law and economics studies at Monash University. My sister was working in administration at the CFA region 13 Lilydale office, so we were all on duty that day. My mother and I were sandwich-makers and had to ferry the sandwiches to the Lilydale fire-free zone where the women, men and trucks came for respite. The fires were devastating.

A significant fire occurred in my electorate in January 1985 at Maryborough, Avoca and Little River, when three people lost their lives, 182 homes were destroyed and 46 000 stock were lost. In January 1997 significant fires broke out in the Dandenong Ranges, Creswick, Heathcote, Teddywaddy and Goughs Bay; three people lost their lives, and 41 houses and one CFA fire tanker was destroyed. I recall that fire because I was returning home from the Clunes public pool with my daughter and as we approached Creswick I could see the flames above the forest. As there are only two roads into Creswick from Clunes I was petrified. The fire was on the Melbourne road and I believe it was deliberately lit. It was absolutely frightening. The CFA volunteers did a fantastic job.

I recall the tragic fires at Linton in December 1998 very well, when five CFA firefighters from the Geelong West brigade lost their lives. It occurred in the Golden Plains shire in the southern part of my electorate. The fire destroyed 780 hectares and one CFA tanker. The fires are not pleasant things to recall but occasionally we need a jolt in reality. The CFA is a magnificent organisation comprised of magnificent people. I am always there to support them financially or physically in my electorate. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — I am pleased to join the debate on the Country Fire Authority (Amendment) Bill with my National Party colleague the Honourable Peter Hall and my Liberal colleagues the Honourables Cameron Boardman and Ken Smith, who all gave great presentations on their strong support for the Country Fire Authority and its wonderful volunteers. The CFA volunteers do a wonderful job freely, as the Honourable Ken Smith said.

The National Party will not oppose the bill. It is a small but important bill because it introduces fundamental structural change to the organisation. The main purpose of the bill is to amend the principal act to provide for the appointment of a chief executive officer and a separate part-time chairman. It also makes provision for conflicts of interest. The amendments reflect the modern-day business practice of having a chief executive officer who controls the day-to-day running of the authority and a chairman who is the spokesperson of the board and, with his board members, develops authority policy. It is important that the workload is shared. The authority has 11 part-time members and the current chairman is Len Foster, whom I have met on a number of occasions. I congratulate him on the wonderful work he does because he contributes strongly to the volunteers and to the fire brigade as a whole.

In 1994 the parliamentary Public Bodies Review Committee conducted an inquiry into the Metropolitan Fire Brigades Board and recommended that the board be restructured with one recommendation being that the role of the president of the board and the chief executive officer be separated. The changes to the structure of the Metropolitan Fire Brigades Board occurred in 1997, and by all accounts the structure is working well, so there is an appropriate model for the CFA to follow.

The CFA annual report indicates that it has 64 340 volunteers. Over the past 10 years I have had a lot to do with the CFA in my electorate and throughout country Victoria as a councillor of the then Shire of Shepparton, a commissioner and a member of Parliament. I have had the honour to hand over keys for new and upgraded fire trucks. Small brigades are happy to receive a second-hand truck that is usually better than the one they previously had. They look after their trucks well because they understand the importance of well-maintained trucks that can be ready day or night.

The volunteers I have met have earned the respect of the community. We understand the work they do. I have attended many annual awards nights, which recognise the long-term commitment and dedication of volunteers and the organisation. Family members of the volunteers are also recognised, which is important, because we should also value their work. They take great pride in what they do and the service they provide for the community.

Volunteers come from all walks of life. When I was a councillor with the then Shire of Shepparton, the chief executive officer, Mr Ian Martin, was a volunteer and he used to have a pager on his belt so he could be notified of a fire. He would go to the fire if he was able to get away from his busy schedule.

Hon. P. R. Hall — Would he leave the council meeting?

Hon. E. J. POWELL — He would if someone could take his place, but that was not always possible. He was committed to the CFA and if he was not able to attend he made sure there were sufficient volunteers. Councillors were always kept abreast of the fires in the community. My electorate officer, Diane Bethell, joined the Wunghnu fire brigade two years ago, after a recruiting drive by the captain of the brigade because a lot of the volunteers were leaving the district or the brigade. I am proud to say that about half of the core firefighters in that brigade are women.

One is Colleen Hodges, a third lieutenant. Women are not only on boards and authorities; they also go out and fight fires. My electorate officer and Colleen obtained their heavy vehicle licences. They have to be multiskilled. They are required to get their heavy vehicle driver licences so that if somebody becomes incapacitated, is sick on the job or whatever they have to take over. It is important when fighting fires that CFA volunteers have confidence in the skills of their colleagues.

The Honourable Peter Hall referred to the skills volunteers obtain, such as first aid, driver training, map-reading, personal protection and wildfire behaviour, to name but a few. They must have minimum skills training because not only do they have to fight fires in their own districts but, if there is a large

fire elsewhere, such as the Linton fires where five people lost their lives, they must be prepared to go. When they volunteer they are not only protecting their own communities; they are often asked to protect the homes and livelihoods of those in other parts of Victoria.

People working side by side with volunteers must have confidence and security knowing that the person working beside them is skilled and has the expertise required because at some stage they might have to rely heavily on them. I have much respect for the work volunteers undertake.

In the late 1980s my family and I were on Ulupna Island when a major fire broke out. We were told by the police to go to the river. We were in the river for about 3 hours. We then drove our vehicles laden with camping gear to the beach to be more secure. It is frightening to have a fire raging around one and seeing it at its worst. This experience gave me the utmost respect for volunteer firefighters who attend such incidents. The heat is intense and there is also the unpredictability of the fire. The fire we experienced moved across the river and onto our side of the island. We did not know how we would be affected because of its unpredictable nature, the choking smoke, the smell and the heat. Members of my family and I were dehydrated for a number of days after because the temperature during the fire was around 45 degrees. In some cases firefighters spend days at a time in such conditions with a minimum amount of sleep.

Firefighters do not only fight fires; they are called upon to deal with other incidents. The Honourable Dianne Hadden provided several examples in her contribution. My electorate officer has told me about several incidents she has had to attend that did not involve firefighting. One accident involved two trucks, one was a B-double and the other carried cattle. One truck had rolled over and several cattle were injured. My electorate officer was called out at 11.20 p.m., worked for 5 hours and then turned up at the office to work the next day. She did a full day's work without telling me at first, but at the end of the day she said why she was yawning so much. That is the type of commitment CFA members have.

My electorate officer was also called to a caravan fire at 3.20 a.m. and worked for 2 hours attending that fire. She has been called out to attend other incidents, such as paddock fires and so on, and has come into work the next day. That is the type of work volunteers do.

Hon. P. R. Hall — We should give them a day off!

Hon. E. J. POWELL — She deserved a day off. If only I had known it then. I have the highest respect for the work she and all CFA volunteers do. The brigades encourage young people to join as juniors and train them as the fire fighters of the future. It is important to bring them into the brigades and teach them the skills of firefighting. One of the skills is being a good citizen. They learn to compete in competitions throughout Victoria and learn the skill of rolling out the hoses and so on. It is a game, but they learn the skills through those games. They can join a brigade at 11 years of age and become a senior at 16 years of age. At that age they can then attend fires, which they often do. My electorate officer has a daughter, Lynda, who is a junior in the local brigade, together with four others.

Opposition members have spoken about union involvement. Volunteers do not want political interference or the unions making decisions for them. Volunteers understand the industry and want to make their own decisions with minimum union involvement. Many members I have spoken to are frustrated by union involvement when there is no need for it. Volunteers do not want to be part of a union; they are volunteers and deserve to run their own brigades.

The National Party amendments introduced into the other place were important. I congratulate the Honourable Peter Hall and the honourable member for Shepparton in another place for the work they did in preparing the amendments. They consulted widely with the brigades, organisations and boards. They have much passion for volunteers. One can understand the disappointment expressed by Mr Hall that the government would not support the volunteers and their interests. It is a shame because the government and the Independents could have shown support for the wonderful work that volunteers undertake. The amendments were not over the top. They would have made the bill more workable by allowing volunteers to have some input into the decision-making process of their organisation. I condemn the government and the Independents for not supporting the National Party amendments in the other place. As Mr Hall said in his contribution, we now cannot introduce the amendments in this place because they will endanger the bill.

I shall read two letters that were sent to Mr Hall. The first is from Bob MacDonald, the executive officer of the Victorian Rural Fire Brigades Association. The letter of 22 November states:

> I am advised to inform you that this association does not wish to pursue the proposed amendments to the above bill in the upper house.

> It is the view of our office-bearers that the intent of the bill is more important than the issue of whether the minister has the ultimate decision on who was appointed as chief executive officer or not.
>
> It is our understanding the minister has indicated his intention to 'pull' the bill should he not have the right to approve the appointment, and we believe this would be not in the best interests of the CFA.

The second letter sent to Mr Hall is from Mr Peter Davis, secretary of the Victorian Urban Fire Brigades Association. That letter, also dated 22 November, states:

> In confirmation of our telephone conversation, the association is of the view that the changes to the CFA act as proposed by the government are necessary. It is our view that the responsibilities of the position of executive chairman have become too demanding for one person to perform effectively.
>
> Whilst we preferred the wording of the amendments as proposed by the National Party to that included in the proposed legislation, we do not wish to imperil the principles of the legislation. We agree to the amendments not being pursued rather than have the government withdraw the proposed legislation.

The National Party is disappointed that it cannot support volunteers in the way they have asked. Tomorrow I will have the honour of attending the opening of the CFA district mechanical workshop in Shepparton that will carry out maintenance and repairs on fire trucks and ambulances for the area. The workshop will be opened by Mr Len Foster, Chairman of the CFA. We have been trying to bring forward the project for some time for the whole Shepparton area.

The National Party supports the CFA volunteers and their families, and on their behalf I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

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

> That this bill be now read a third time.

I thank the Honourables Cameron Boardman, Peter Hall, Ken Smith, Dianne Hadden and Jeanette Powell for their contributions to the debate.

In response to the matter raised by the Honourable Cameron Boardman about the power of the chief executive officer, I indicate that the CEO would take over some of the current functions of the chairman that require urgent attention, such as the declaration of a fire danger period, and also machinery functions such as making disciplinary charges.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 21 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. ANDREW BRIDESON (Waverley) — I am pleased to speak on the Gambling Legislation (Miscellaneous Amendments) Bill. During its time in opposition, the government continually bagged the Kennett government for its perceived promotion of gaming and gambling. It bagged the former government for its perceived closeness to certain people, some of Melbourne's best and brightest businessmen who were subjected to the most vitriolic tirades of abuse from cowards' castle in the Legislative Assembly, despite the lack of hard facts and evidence. Even a Senate inquiry could not get a hearing off the ground into matters raised by the then opposition.

The former opposition also tried to create the perception that the Kennett government was too reliant on the gambling dollar, that it had created the so-called problem gambler and that it did not do anything for such people. That is seen to be false when one looks at the facts. Between 1993 and 1999 more than $60 million from the Community Support Fund was committed to the problems surrounding gamblers, and appropriate and necessary services were put in place to help them. Some $1.66 million was spent each year on the prevention of gambling through education programs. That is not to mention the funding the Kennett government put back into the community via the Community Support Fund. Those funds were derived from gambling.

Substantial support was provided for the arts, tourism and sporting and recreational facilities throughout Victoria. Some of those buildings are great monuments to Victoria, and Victorians benefit from them. They include the Melbourne Exhibition Centre, redevelopments of Albert Park, the State Library of Victoria and the National Gallery of Victoria, and the

construction of the new museum in Carlton Gardens, which was recently opened by the Bracks government. Those buildings resulted from Kennett government initiatives.

It is also good to reflect on the fact that the term 'gambling-led recovery' was invented by the Kirner Labor government. When one looks at the legislation in place today, which regulates the gambling, gaming wagering and lottery industries, one notes that the Gaming Machines Control Act was promulgated in 1991 during the dying days of the Kirner government. The Casino Control Act of 1991 was also promulgated by the Kirner government. Let us not forget that the current government, out of necessity, is reliant on the gambling dollar. The recently passed legislation in this chamber is an example of another gambling outlet for the community in the form of footy tipping.

I turn to the recently released financial report for the state of Victoria presented by the Treasurer and the Minister for Finance, which was tabled in this house in October. The report shows just how reliant the government is on gambling revenue. The report states:

> Gambling taxes increased by $112 million or 8 per cent to $1520 million in 1999–2000 …

It further states:

> Gaming machine revenue growth ($113 million or 13.7 per cent) was due to the more intensive use of machines during 1999–2000, since the ceiling of 27 500 machines had effectively been reached during 1998–99.

The report further states that the more intensive use was achieved by the capacity of operators to shift machines around from one venue to another, from less profitable venues to more profitable venues, and the continued installation of note-accepting machines.

Prior to the last election the government went to the electorate saying that it would reduce gambling, reduce the number of problem gamblers, and many other things. One would have thought if it were genuine in coming to grips with the problem of gambling the government would be doing something to try to reduce it.

In my contribution to the debate on the last gambling bill I asked why the government had not attacked the problem mentioned in the report and done something about the note-accepting machines and about the transfer of machines from one area to another where profits might be better. The bill does nothing to reduce gambling. It is nothing more than a cosmetic bill, and much of it is administrative in nature.

I turn to the purpose of the bill, which is clearly and succinctly set out in clause 1. The main purpose of the bill is to amend five acts — the Gaming Machine Control Act, the Gaming and Betting Act, the Casino Control Act, the Gaming No. 2 Act and the Interactive Gaming (Player Protection) Act. It will require the Victorian Casino and Gaming Authority to hold public meetings on certain matters and give reasons for certain decisions. It will allow the authority to divulge certain information and exchange certain information with other enforcement and regulatory agencies. It will allow for an approval of premises under the Gaming Machine Control Act to be granted before the applicant has obtained any liquor approvals.

The opposition does not oppose the bill and is generally supportive of any legislation that will lead to responsible gaming activities. When one reads the policies of both the government and the opposition that were announced prior to the election, one notes a number of similarities between the policies.

However, I advise that the opposition has several queries about aspects of the bill. It has already advised the minister that it wants the house to go into committee and has advised the clauses on which it will seek answers and clarification.

The bill provides for the conduct of open hearings on a range of matters. That is set out in clause 21, which amends the Gaming Machine Control Act; clause 33, which amends the Gaming and Betting Act; clause 49, which amends the Casino Control Act; clause 58, which amends the Interactive Gaming (Player Protection) Act; and clause 64, which amends the Gaming No. 2 Act. The second-reading speech states in part:

> … These hearings will allow the public to be present whilst submissions and evidence are taken from the parties, persons with a statutory right to be heard and witnesses required by the authority.

Clause 21 details the matters that will be heard in public. They are: applications for approvals for premises for gaming; applications for venue operators licences; amendments to venue operators licences, which will vary the days or dates on which 24-hour gaming is permitted and will add a new condition to specify days or dates on which 24-hour gaming is permitted; approvals of gaming machine types and games under section 69 of the principal act, the Gaming Machine Control Act; withdrawals of approvals of the same under section 70 of the same act; approvals to install linked jackpot arrangements; and the making of rules under section 78 of that act.

Clause 49 deals with public hearings in relation to the Casino Control Act. The matters that will be able to be heard in public under that provision will be: the granting of casino licences; amendments of conditions of casino licences; definitions or redefinitions of boundaries of casinos; and the giving or varying of directions about the days and times of operation of casinos under section 65 of the act.

All the other clauses I have mentioned are essentially identical in nature. In fact, the way it is constructed it amends five acts in seriatim — is that the correct terminology? I am trying to get a little Latin into some of the debates.

I put the minister on notice that during the committee stage the opposition will want to know why the declaration of regional limits on gaming machines will not be the subject of a public hearing and why the conferral by the authority of a gaming operator's licence will also not be the subject of a public hearing. The opposition wants to know details about the whole process of conducting public hearings.

I again refer to the second-reading speech, which states:

> The authority will also be required to provide written reasons for its decisions.

The opposition believes that is a sensible approach. It is clearly set out in clauses 21, 35, 50 and 59. Again, the phraseology in all those clauses is very similar.

I move to the various parts of the bill that come under the title of 'Secrecy'. The second-reading speech states:

> The bill also relaxes unnecessarily restrictive secrecy provisions in gaming legislation. The Victorian Casino and Gaming Authority will be able to release a broad range of regulatory information …

It gives the following examples:

> the names of licensed persons and their associates;
>
> licence expiry dates;
>
> information that applications have been received from industry participants;
>
> applications which the authority has approved or refused;
>
> the results of disciplinary action and gambling expenditure data aggregated by local government area.

During the briefing with the minister's representative and advisers the Honourable Carlo Furletti raised the pertinent point that perhaps secrecy was the wrong title for the clause and that perhaps a better title would be disclosure. I am sure Mr Furletti will elaborate on that issue in his contribution. I reiterate that the opposition does not oppose the clause and welcomes the fact that there will be a little more openness in the hearing and decision-making phases of the process.

Clauses 24, 32, 52 and 62 enable the Victorian Casino and Gaming Authority to exchange information with other law enforcement and regulatory agencies by way of a memorandum of understanding. If one looks at the clauses one will find that they contain the same phraseology throughout. The opposition is satisfied that the appropriate safeguards are in place to protect information that is of both a private and confidential nature.

Clause 4, which relates to the approval of premises, will effectively make it easier for applicants to go through the process of gaining a licence. The opposition welcomes that measure; it will certainly ease the burden on many applicants when applying for such approval. I will not spend much time on clause 30 because the Honourables Carlo Furletti and Roger Hallam will go into it in some detail. It relates to the increases in commission and taxes about which the opposition will raise some queries in the committee stage.

I think I have essentially covered the main provisions of the bill. Probably a good test of gambling legislation introduced by the government is to ask: as a result of the bill will there be less gambling and less gambling taxation? In this instance I think the answer would be a resounding no in both cases. There will certainly be no reduction in problem gambling.

I suppose the legislation will result in an increase in two things. There will be a burgeoning hearing industry, which I imagine will involve substantial costs in setting up hearing rooms and everything else that goes along with hearings. There will be just as much or maybe more reliance by the state on gambling taxes than occurred under the previous Kennett government. I reiterate that the opposition does not oppose the legislation and will seek some answers in the committee stage.

Hon. R. M. HALLAM (Western) — The Gambling Legislation (Miscellaneous Amendments) Bill is an omnibus bill designed to deliver something of a grab bag of commitments set out in the document entitled 'Australian Labor Party — responsible gaming — Labor's balanced approach for the gaming industry'. Later in my contribution I will deal with some of the specific of those commitments.

Members of the National Party have resolved not to oppose the bill, even though we are of the opinion that the effects are more cosmetic than structural. We

acknowledge that politics is about perceptions. I will not bore the house with a repeat of the background of the commitments given by Labor, particularly those offered from the security of opposition.

I will take just a moment or two to remind the house of the double standards demonstrated in the bill. Labor went to great lengths to denigrate the industry and vilify the key players. It complained incessantly and bitterly that the Kennett government's position was too close to the industry and that it was too reliant on the gaming dollar. Let us consider what has happened in the first 12 months of a Labor government.

Firstly, the government introduced a brand-new form of gambling on the Australian Football League competition, and the Honourable Andrew Brideson spoke about that. We have a brand-new tax on electronic gaming machines. I will address that at length because it is unique. The government has just snipped a cool $10.5 million off Tattersalls, apparently to compensate for its gratuitous removal of the 10-cent ticket levy. The government has enthusiastically embraced the concept of a national lottery, presumably in pursuit of additional tax revenue. Now the government is pursuing the concept of national pooling for totalisators on racing — again unashamedly chasing an additional dollar. The bill ups the ante on the sports betting tote; it increases the commission percentage from 20 per cent to 25 per cent and thereby increases, at least potentially, the yield to government. The details of that yield will be chased during the committee stage. To top all that off, the government's own documentation indicates that it expects the gambling dollar to increase at the rate of about double the underlying rate of inflation. That is the real picture.

Then we hear the hyperbole and the rhetoric. The government is able to say that it has been promoting responsible gambling, that the Victorian Casino and Gaming Authority has been divorced from the promotion of tourism, that we now have a new gaming research panel and that that the function has been removed from the VCGA. The imputation is that that is in the best interests of responsible gambling. Now there will be regional caps in an effort to protect what are described as oversupplied communities. Now local councils will be involved in the location of electronic gaming machines — won't that be a ton of fun! Again, all in the name of the pursuit of responsible gambling. There will be reduced hours and better information for players. In other words, there will be a much more responsible industry.

Yet, in all of that, the government itself expects that gaming tax will increase as a result of the proposed legislation. The bit that really got to me and really underscored the double standards was the comment in the budget papers. Current budget paper 2 brought in by a Labor administration states at page 133:

> In future years revenue growth is expected to be lower than in recent years as the market enters a mature phase —

'mature' — isn't that cute! —

> and gambling expenditure as a share of household disposable income approaches that in New South Wales.

So on the one hand Labor is holding out the great expectation that the gaming industry will become more responsible, and that somehow the accusation that the previous government was too heavily reliant on the gaming dollar will be addressed, and in the next breath it admits that under its administration it expects that the yield from that industry will increase at about double the underlying rate of inflation. I suggest that it is not as likely to be a more responsible industry as it is to be a more lucrative industry for the government.

My point is not to criticise the government in its pursuit of responsible gaming — in fact the National Party supports that concept. The rotten double standards are what I find difficult to let pass without at least some criticism. I will not get too carried away about what the bill is expected to achieve, because quite simply Labor has not got too carried away about what the bill is expected to achieve. When I consider the comments in the budget documents about the maturity of the industry and the expectation that Victoria will follow New South Wales in the percentage of household disposable income directed to gaming, I cannot believe it is the same Labor Party we heard from so often when it was in opposition.

I refer to the initiatives in the bill. The first relates to the operation of the Victorian Casino and Gaming Authority. We are told that the procedures of the authority will be opened up. Many of the formal hearings will be conducted in the open and under the gaze of the public. Applications such as those for venue operator licences, premises approvals and bingo centre operator licences and in respect of trading hours will presumably now be held in public, although we note that the authority will retain a discretion to close those processes if it is deemed appropriate in the interests of justice. I am happy to put on the record that that is a good thing, and the National Party supports that initiative — giving credit where it is due.

Secondly, we learn that the Victorian Casino and Gaming Authority will be required to give written reasons for decisions where those processes are held in

public and when it is requested to do so by an interested person. Again I give credit where it is due — that also is a welcome initiative and is supported.

Thirdly in respect of the VCGA we learn that much more regulatory information will be released so that details such as the names, dates, number of applications and details of the applications that have been approved and refused will become public information and aggregated expenditure data will be released in the context of local government areas. I note the very appropriate codicil, which is that that data will be aggregated down to a minimum of three venues, so it will protect the sensitivities of individual operators. The National Party has no argument with that at all and in fact supports it.

However, as an aside, I ask: why would the government do that only for electronic gaming machines (EGMs)? Has the government concluded that it has effectively convinced the public that electronic gaming machines are the only dangerous form of gaming? Can it be concluded that the rest of the industry is benign? If the aggregated data on electronic gaming machines is to be published, why is the same not done for the TAB and bingo? What is it about EGMs that makes them so special? I suspect that those questions highlight the double standards of the government more than anything else I could say.

In another initiative in the bill honourable members learn that the Victorian Casino and Gaming Authority will be able to exchange information with other agencies. We note that that is within appropriate safeguards. Members of the National Party see that as a good thing and are happy to support it.

We then learn that the VCGA is to get greater authority over the time penalty where it has determined that a special employee's licence should be cancelled. The authority will now be able to rule at that time that the special employee shall not apply for a reinstatement of that licence for a period of up to four years. Again, we have no argument with that. We note that the VCGA is to get greater authority over the conduct of associates of licensees. Again, no argument.

Then we see an initiative that is very welcome indeed. It was mentioned earlier but this may be the most important aspect of this bill. It is the provision which allows for a short-term licence to be endorsed to prevent that licence lapsing — for example, in the circumstance of the untimely death of a current licensee. That is logical and National Party members certainly support it. By and large, in respect of the authority we acknowledge that the processes are likely to be more open and flexible and on that basis we are happy to give the bill the thumbs up.

We note that the bill allows an intending venue operator to apply for and gain premises approval before gaining either a liquor licence or planning approval. That is an another important initiative which is certainly supported. As a previous Minister for Gaming, I regret that I was unable to deliver this during the currency of my ministry. The change is absolutely logical. The current system is crazy. The rules require that for a person to get a licence to conduct gaming he must first get a licence to dispense liquor and the appropriate planning approvals. Only once a person has a liquor licence and planning approval can he apply for a licence to conduct gaming. That leads to a whole range of horrible complications. Firstly, it means that someone who is putting an enormous investment on the line must do so in anticipation of the process. It means that the process must be extended and perhaps doubled. It means that the process must duplicate a similar process if in a different context. It is crazy stuff — bureaucracy at its worst.

The process also has another effect. It means that the applicant can be accused of not putting all his cards on the table. The community is inclined to conclude that this process is designed to protect the applicant and not require him or her to come clean about the fact that the applicant is promoting the prospect of going into gaming when it is the system which says, 'Do not even bother putting your hat into the ring until you have your liquor licence; then and only then will we talk to you about gaming'. Given that the processes are very similar, it is no wonder that people got very confused and frustrated. This is a good initiative. In my view, still more could be done to further streamline the application process without a risk to anyone and certainly without a risk to the public. However, I acknowledge that this is a good start and I support it, as does the National Party.

The bill contains procedural initiatives which remove an ambiguity in the ability to carry forward tax losses under the Interactive Gaming Act and National Party members support them. Then there is the extension of the period under which appeals might be lodged. We have no problem with that, either.

However, the National Party does have some problems with the bill. The minister's second-reading speech states that the bill will amend the Gaming and Betting Act. I will quote the second-reading speech directly. The change is:

> … to increase the maximum deduction rate for totalisators for racing and sports betting competitions from 20 per cent to 25 per cent.

The explanation is that:

> This will give Tabcorp the same commercial flexibility as the New South Wales TAB and enable it to pool funds with other Australian wagering operators.

Apart from the obvious comment of, 'Here we go again, here is a very, very direct initiative to increase the tax revenue to the state', I want to take up the way in which that increase has been explained. The second-reading speech tells about a quarter of the story. I know there is a range of sensitivities here. I know about the government's sensitivity to the obvious conclusion we are entitled to draw — that is, that this is a search for additional tax revenue. However, if honourable members examine the sections of the principal act that this relates to, they will see there is a little bit missing. That increase from 20 per cent to 25 per cent applies to three sections of the Gaming and Betting Act: sections 44(1), 73(1) and 76.

I have no argument at all with the application of that increase to the first two sections. They effectively deliver what the government says it is trying to achieve — that is, they provide Tabcorp with commercial flexibility. Section 44(1) of the Gaming and Betting Act refers to commissions on wagering. The second-reading speech explains that the existing 20 per cent is to be increased to 25 per cent. There is no problem there because section 44(2) provides that while the 20 per cent represents the actual maximum for any particular event, the permit-holder cannot over the course of a financial year exceed 16 per cent of the amount so invested. Moving from 20 per cent to 25 per cent simply allows the operator of the totalisator a bit more room to manoeuvre. At the end of the year the operator must demonstrate that commission no greater than 16 per cent has been taken from the pool. The same circumstance prevails in section 73. Clearly all that is happening there is that for an individual event the operator has greater room to manoeuvre.

I shall explain how it works. The rules say that over the course of a year commission shall be no greater than 16 per cent. It is that 16 per cent that provides the return to the racing industry, the government and the operator. Under the rules laid down in the legislation the shares of that 16 per cent are: 35 per cent to the racing industry, 28.2 per cent to government tax and, on my calculations, 36.8 per cent to the operator.

Section 76 does not deal with flexibility, or if it is described in that context the description is misleading. Why did the second-reading speech not explain the difference between the application of the first two provisions and the third, given that in the third there is no saver or yearly maximum? A shift from 20 per cent to 25 per cent in that case means the yield must be that much greater to the operator when talking about a totalisator on a special event.

Also in that context, given that the government will get 28.2 per cent of the commission, the 28.2 per cent will be of a greater share. By definition the yield to government will be greater. Why did the second-reading speech not mention that fact? How come the opposition had to ferret it out? Does it not have a familiar ring? Here we go again! The government has been caught out by what it does not say rather than by what it does say. The government has demonstrated its memory — but I am getting sick of it.

It is a clear attempt to minimise the bill's effects. I look forward to the minister's explanation, because the second-reading speech is not silent; it is misleading. It says the provisions will give Tabcorp the same commercial flexibility as New South Wales. That may happen because the commission rates in New South Wales — and, I suspect, in other states — are also 25 per cent. To that degree I give ground, but it does not mention the secondary effect, in that it provides an increased flow of taxation to the Victorian government.

I would not mind that were it not for the mealy-mouthed comments the house continues to hear from the government about the reliance of the former government on the gaming dollar. Here it is again — the government is caught like a boy with his hand in the cookie jar! It is clear that the process is designed to reap a greater tax stream. The National Party will push the government on those issues when the bill goes into the committee stage.

I also put the government on notice that I am interested in the initiatives outlined in the document that is apparently the genesis of the bill. To put it into context, this is the fifth gaming bill the house has dealt with in this sessional period. The house is entitled to presume, 12 months down the track and after five bills have been introduced in this sessional period alone, that the end of the agenda may have been reached.

I read through the initiatives the ALP announced in advance of the last election. I could mount an argument on whether it has delivered on some of them because they are subjective, but two are not and they stand out like a sore thumb because they have not been met. During the committee stage I will ask the minister why those two promises have not been delivered on and whether Victorians can expect legislation in the future

to deliver on those two promises, which state that a Labor government will 'outlaw inappropriate political involvement with the gambling industry' and 'insist on better disclosure of political donations by owners and operators'.

I am most interested in those commitments. They employ specific terminology, yet the house has not heard a whisper about those commitments since the ALP came to power.

I simply put the government on notice that the opposition will look for answers. Those issues will be chased during the committee stage.

Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Sessional orders

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

GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to add my contribution to the debate on the bill. I congratulate the Honourables Andrew Brideson and Roger Hallam on their enlightening contributions to the debate.

The Liberal Party does not oppose the bill, but for reasons similar to those enunciated by the Honourable Roger Hallam it does not support all the provisions in the bill. As with the National Party, the Liberal Party supports and endorses a number of the changes introduced by the bill, but it, too, is very much concerned about how the bill highlights the hypocrisy of the government. The use of the words 'double standard' by the Honourable Roger Hallam did not overstate the situation.

Debate on the bill in another place was guillotined, thus preventing a full examination of and appropriate contributions on the bill. If nothing else that reinforces the function and purpose of this chamber in allowing the opposition to conduct an analysis and review, which the government does not want in the other place. I foreshadow that during the committee stage the opposition will closely examine clauses 21, 30 and 33, to which I will refer later.

I briefly refer to the government's Gambling Legislation (Responsible Gambling) Act passed in this place last May. It introduced in a number of different areas of gaming ministerial control and discretion that in the view of the Liberal Party was somewhat excessive. It is referred to as responsible gambling legislation, and it empowered the minister to declare regions and impose regional limits on the number of electronic gaming machines and established a gambling research panel. Honourable members will recall that at the time the government was not able, throughout the lengthy committee stage, to respond to numerous queries and concerns that identified difficulties the government's proposals would encounter.

It is interesting that six months down the track nothing has been seen in that regard. I suspect the government is coming to realise that the pre-election promises it sought to implement six months ago will not be quite as simple and easy to implement as it would like. Similarly, it has done nothing to establish the gambling research panel, and the change to the 24-hour gaming provisions has been proven to be somewhat of a non-event. Indeed, at this stage the government has not only endorsed the existing cap but has given assurances that it is committed to retaining the previous Liberal government figure of 27 500 electronic gaming machines. So with all its hoo-ha and seven years of criticism of the previous regime, the government is simply reshuffling electronic gaming machines throughout Victoria.

As previous speakers said, instead of curtailing or limiting gambling as the ALP promised during its pre-election commitment, the government has opened up new avenues for the less capable members of the community to engage in gaming. Last week the Public Lotteries Bill was introduced and duly passed to allow Victorians to engage in footy tipping. The Minister for Gaming in the other place stated that footy tipping was a benign form of gaming. What is happening now was earlier alluded to by the Honourable Roger Hallam; in seeking to justify its addiction to the revenue from

gaming the government is using different terminology to justify the implementation of its policy. It is dramatically different terminology from the rhetoric used prior to the last election.

Not only that, it is introducing new avenues of gaming that will give punters lesser returns. I notice the minister representing the Minister for Gaming is in the house. Earlier when I asked him a question he said he does not gamble on sport. The government has introduced a gaming regime where punters receive only 60 per cent of returns, when the marketplace already has regimes where punters receive 80 per cent from Tabcorp or more than 100 per cent from the CUB competition in the form of trade lottery. That is the double standard and the hypocrisy of the Labor government today.

Victorians are entitled to ask why that backflip has taken place in such a short time. At the risk of repeating what the Honourable Roger Hallam has already put on record, I suggest that the reason is very simple. The government is experiencing huge increases in revenue from gaming. It is the same party that criticised the Kennett government for its introduction of gaming and its promotion of and involvement in any form of gaming. The government is now so dependent on that revenue that it is desperate not only to retain the current level but to increase it. That is reflected in the more than $1.5 billion of revenue — which is increasing — in this year's budget papers. Electronic gaming machines alone returned to the government an extra $113 million or 13.7 per cent last year. Not only is the government hooked on the gaming industry, it seeks to milk the gaming industry for everything it is worth.

At the risk of repeating myself, in the debate on the Public Lotteries Bill the opposition was finally able to elicit from the government that there was a shift of $10.12 million from Tattersalls into the government coffers. The government sought to hide that fact. It took 6 hours of committee to eventually get an admission from the government that that was the case. When it was found out, government members said Tattersalls took it laying down and accepted it without a word in writing or without any agreement. The government received $10 million in additional taxes. I guess in the future honourable members will find out what Tattersalls will receive in return, if anything. The opposition must take what the government has said at face value, but time will tell.

Next week the government expects the new gaming machine levy legislation to pass. That will raise another $10 million from the industry. As already mentioned, 27 500 machines exist, with 13 750 each to Tatts and Tabcorp. In addition to those machines there are 2500 in the casino. Those three operators will be paying the government an additional $10 million a year by way of additional taxes. I am concerned that the government's policy is dramatically politicising gambling in the state. The degree of ministerial control and discretion is a matter that should concern anyone in the gaming industry.

Hon. R. M. Hallam — And most of all, the minister.

Hon. C. A. FURLETTI — Of course we agree. I promise the government that the opposition will monitor in detail the way in which the minister is exposing himself. It concerns me that the Victorian Casino and Gaming Authority has in effect been demoted. I have always had the highest regard for the VCGA and its personnel. However, because of the timing of the changes, the government is creating the perception that the personnel are government appointments, which of itself derogates of quality and, I am sure, the integrity of the appointees and of course the authority. Such things should be done in a timely manner to ensure that the perception of the community is that the VCGA was, remains and will continue to be an independent buffer between the government and the gaming industry. I fear that the government may have done irreparable damage in that regard.

Some of the amendments that have been introduced were not intended, but the move started with the responsible gaming legislation that was passed in May to which I referred earlier. It repeated itself dramatically in the Public Lotteries Bill, with which the house dealt last week, and it repeats itself in the legislation before the house.

What is the reason? The government cannot keep its sticky fingers out of the jar and it wants ministerial control. And so the minister has control, be it by the determination of lottery licences, the conditions imposed on licences, disciplinary action, or penalties arising from breaches. That is all without any right of review or appeal other than in the extraordinary cases discussed earlier. That is a denial of justice or fairness. There is no right of intervention by the Supreme Court, which again is a total politicisation.

The bill further strengthens the stranglehold of the government on gambling in Victoria. Without going through all the areas in which it does so I refer in particular to the significant area of enforcement. The minister has absolute and total control in appointing as an enforcement agency any individual or organisation that the minister in his discretion wishes to appoint.

It is total politicisation. I fear not only for the industry; the minister may also be putting himself in a dangerous situation.

The bill has been analysed carefully and accurately by the Honourable Roger Hallam. In the committee stage I will spend some time raising the concerns I have with the bill.

Hon. G. W. JENNINGS (Melbourne) — I support the Gambling Legislation (Miscellaneous Amendments) Bill which is designed to amend a number of pieces of legislation dealing with the gambling and gaming industry in Victoria. It is one of a number of bills on the notice paper dealing with the government's intention to properly regulate and control the industry and provide the appropriate level of scrutiny of its administration.

I am not at liberty to discuss some of the other bills on the notice paper because I do not wish to breach the rules of anticipation, but they form part of a package of measures that the Minister for Gaming has diligently worked on over the past year. He has delivered to the Parliament what he believes is an integrated and related package of issues that will reform and make significant adjustments to the gaming industry.

The bill has three principal purposes and a number of subsidiary ones relating to the tax regime. The principal purposes are designed to allow for community consultation in an open hearing process that the Victorian Casino and Gaming Authority will be undertaking in its decision-making processes. The minister in his second-reading speech alluded to a number of those where the authority would be required to conduct open hearings. It will include hearings such as applications for an operator's licence, for premises approval processes, for bingo centre licences, 24 hour gaming issues and amendments to the casino licence conditions.

The Labor Party provided an undertaking to Victorians at the last election that if elected it would provide greater opportunities for the community to be consulted on these matters and to allow for some degree of transparency and accountability in the way in which the authority would go about those decision-making processes. Those matters are included in this measure.

Within that regime obviously there will be a number of elements that will require some degree of confidentiality about commercial activities and the personal interests of a number of applicants seeking licences or to operate gaming facilities in the state. There are provisions consistent with freedom of information legislation to allow the authority to exercise some discretion to hear matters in camera. But although the minister has attempted to ensure a degree of transparency, he has not done it at the absolute cost of commercial and confidential matters being available within the domain of those seeking to apply for licences under the terms of the act.

Currently gaming legislation does not require the authority to give reasons for its decisions. Under the proposed legislation the authority will provide written reasons for its decisions. That will apply when individuals affected by the authority's decisions request them or when decisions are determined in public.

An interesting phrase in the minister's second-reading speech is that the bill 'relaxes unnecessarily restrictive secrecy provisions'. That is a very discrete and diplomatic way of exposing to a greater degree of public scrutiny information that may be held by the Victorian Casino and Gaming Authority to provide for the release of certain information that has previously been withheld from the public domain. That may be a somewhat innocuous piece of information, such as the names of licensed persons and their associates, the expiry dates of licences, applications that the authority has approved or refused, the results of any disciplinary action that the authority may have imposed upon licensees, or the release of gambling expenditure data collected by local government. Honourable members will agree that that is useful information in considering the effects that gambling and gambling-related issues may have on communities across the metropolitan area and rural Victoria.

Another primary purpose of the legislation is to ensure that gaming premises applications will be determined prior to consideration of liquor licensing arrangements or planning permits for buildings. That means a developer will not have to endure the pain and suffering of satisfying all other planning permit or licensing arrangements and then fall short at the last hurdle in obtaining a gambling licence.

The minister in his second-reading speech outlined measures to strengthen probity and enforcement provisions in the act and provide the authority with certain powers in its capacity to scrutinise the activities of operators, to cancel a special employee's licence, to set a maximum period of four years to prevent an employee from rejoining the industry, to provide a licensing regime for those responsible for testing gaming machines, and to provide a certified roll of suppliers that will come under the watchful eye and scrutiny of the Victorian Casino and Gaming Authority. It also allows the authority to make decisions that

would impact on the capacity of associates of a licensee to operate in the gaming industry and provide for undertakings to be given about their future conduct. The minister can then apply certain sanctions if those undertakings are not met.

The Victorian Casino and Gaming Authority will have power to scrutinise contracts that may be entered into by the operator of the casino, in this case Crown Casino, and examine contract arrangements to ensure contracts are undertaken with some degree of honesty and legal behaviour. The authority maintains the power that already exists to terminate contracts that it believes to be unfit for the proper conduct of the casino.

In conclusion, I refer to the taxing provisions in the bill which reflect the desire to maintain the existing regime of guaranteeing a certain take for punters in the gaming industry. It will allow for some flexibility regarding the variation of the shandy for the punters but the floor is being maintained. That is my understanding of the intent of the provisions regarding the taxing regime. Those measures gel well in the bill and satisfy the undertakings given by the minister. I commend the bill to the house.

Sitting suspended 6.33 p.m. until 8.07 p.m.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. R. M. HALLAM (Western) — I go to the generic issue I raised with the Minister for Sport and Recreation regarding the commitments that I presume were the genesis of the bill. I gave the minister notice of the questions I intended to raise during the committee considerations.

I quoted from the document entitled 'Australian Labor Party — responsible gaming — Labor's balanced approach for the gaming industry'. I instanced that it is arguable in the legislative suite that the Bracks government brought before Parliament this year that many of the outlined commitments have been addressed.

I made that point because some of the commitments were subjective and some were even ephemeral. However, two in the list had been clearly omitted, and I put the minister on inquiry that I would be asking why that was the case. I cited the two specific commitments I was interested in, and they are, firstly:

> Outlaw —

that is the word used —

> inappropriate political involvement with the gambling industry …

That came to be known as the Ron Walker clause when the sides were reversed. The second commitment was:

> Insist —

that is the word used —

> on better disclosure of political donations by owners and operators.

They are fundamental commitments in absolutely discrete terms. Why have those two commitments not been included in any of the amendments currently before the chamber?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the best possible ways to deliver those policy commitments are still under consideration.

Hon. R. M. HALLAM (Western) — I am sure they are still under consideration. Can I take it from the minister's response that the chamber can expect to see specific legislation to outlaw — I use the word advisedly — inappropriate political involvement with the gambling industry?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the government will fulfil those commitments across the term of this government.

Hon. R. M. HALLAM (Western) — I take it from the minister's response that the house can expect to see a bill coming before the chamber to specifically outlaw political involvement with the gambling industry?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I previously mentioned, the best ways in which those issues might or not might be delivered are still being considered. They will certainly be delivered when consideration has been given to the way in which they can be delivered in the appropriate format. Hence the method by which they will be delivered is part of those considerations.

Hon. R. M. HALLAM (Western) — I thought we had gone beyond that point. I thought I heard the

minister say that legislation would be introduced to deliver those commitments during the currency of the current Parliament. Do we have a retraction from the minister?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — No, it was certainly not a retraction. However, I am advised that the best method by which that will be implemented is still under consideration.

Hon. R. M. HALLAM (Western) — I am a bit bemused by that response, because I would have thought that the word 'outlaw', which is used in the Labor documentation, made the charter pretty clear. I will leave that to one side. I take it from what the minister — —

Hon. J. M. McQuilten interjected.

Hon. R. M. HALLAM — I beg your pardon?

The CHAIRMAN — Order!

Hon. R. M. HALLAM — I am sorry, Mr Chairman, I had some help. I would like to know what it was.

Hon. J. M. McQuilten — All right, Mr Hallam, I withdraw.

Hon. R. M. HALLAM — I am not sure I wanted you to withdraw. I would have preferred to have it on the record.

Hon. C. A. Furletti — What did he say?

Hon. R. M. HALLAM — I am not sure what he said.

Hon. Andrew Brideson — What do you think he said?

Hon. R. M. HALLAM — It would be a bit naughty to speculate.

The CHAIRMAN — Order! There will be no speculation. Mr Hallam will proceed.

Hon. R. M. HALLAM — It would not be helpful to the committee's cause to speculate, so on that basis I shall move on.

The second commitment was that of insisting — the minister's words, not mine — on better disclosure of political donations by owners and operators. Is there to be a bill before the chamber to deliver that commitment?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Again, I am advised that those items are still under consideration as to the best possible way that that policy commitment can be delivered.

Hon. R. M. HALLAM (Western) — I understand where the minister is coming from, but he should also understand why I am interested in the commitment that was given and the reason for its framing. Given that the government has not yet determined how to deliver on that commitment, will the minister advise the chamber whether in the interim there has been any political donation by owners and operators to the Labor Party?

Hon. T. C. Theophanous — On a point of order, Mr Chairman, I understand that the committee is examining clause 2, the commencement of the bill. The tradition in this house is that debate on clause 2 provides an opportunity for the minister to make a series of statements about the bill and to make some general statements to answer questions that may have been raised during the second-reading debate and to illustrate the direction the government is taking. It is not and has never been seen as an opportunity for an ongoing debate that is similar to the second-reading debate or a question and answer session on general government policy.

I ask you, Mr Chairman, to rule on the commencement clause, if it is to be referred to by opposition members. I can recall clearly when we were in opposition and were not allowed to raise issues on the commencement clause because that was regarded as the exclusive province of the minister to issue a statement. If we wanted to raise issues we had to do so in the context of subsequent clauses and directly relate our comments to those clauses. Mr Chairman, I ask for your guidance and direction in this matter.

Hon. R. M. HALLAM — On the point of order, Mr Chairman, in a roundabout way I agree with the honourable member. What he is saying is that clause 2 is generally acknowledged by the committee as being for the minister to respond to issues brought before the house in the second-reading debate. If the honourable member had bothered to attend he would have noted that this is precisely the issue about which I put the minister on notice. I said that I intended to raise it during the committee stage, and it was specific.

I agree with the Honourable Theo Theophanous to the extent that the minister chose not to respond. It is on that basis that I have raised the issue I referred to during the second-reading debate. I believe I am entitled to ask whether there is some specific reason for the government excluding two fundamental commitments

given to the people of Victoria in anticipation of the last election, in view of the fact that they are specifically excluded from the suite of legislation currently before the chamber.

I agree with Mr Theophanous because what he does is highlight the extent to which the minister has dodged the opportunity to respond to specific issues raised in the second-reading debate.

Hon. T. C. Theophanous — Further on the point of order, Mr Chairman, I am pleased that the Honourable Roger Hallam has agreed with me about the nature of the commencement clause. My point was that traditionally in this chamber it has not been seen as an opportunity for the opposition to go into a series of debates. The purpose of the committee stage is for honourable members to direct their comments to specific clauses of the bill. It is not an opportunity for a question and answer session on government policy.

This is an important ruling because it will set the tone for debates in the future. I ask you, Mr Chairman, to consider this set of issues carefully. I ask you to reflect on the fact that I can recall not being allowed to speak at all on clause 2 when the Labor Party was in opposition.

I understand you, Sir, have given some leeway that was not afforded to the previous opposition, but this should not be seen as an opportunity to go on and on in a question and answer session. I ask you, Mr Chairman, to rule that clause 2 be put, and that the Honourable Roger Hallam should raise the issues he wishes to raise as each clause is dealt with.

The CHAIRMAN — Order! On the point of order — it was an excellent debate on the point — it is quite clear that the rules of this place require that the member speaking on a commencement clause must raise only issues that relate to the provisions of the commencement clause. That is quite a strong rule of this chamber. I invite Mr Hallam, if he wishes, to relate his question to that area. There is no doubt that the opportunity to debate matters in general that relate to the bill is during the second-reading debate.

Hon. R. M. HALLAM — I thank you for your ruling, Mr Chairman. I simply make the point, then, that the minister deliberately and quite overtly chose to avoid the issue I raised in the second-reading debate. I understand the protocols of this place better than Mr Theophanous gives me credit for.

I sought to understand the intention of the government within the parameters of the bill. I raised the matter, as I believe I am absolutely entitled to do, during the second-reading debate hoping the minister would deign to respond. He chose not to. I bow to your ruling, Mr Chairman, but I believe it will be obvious to anyone who reads the record of the debate that the government was not prepared to face a fundamental issue on the legislation.

The CHAIRMAN — Order! Mr Hallam is quite right in saying that he raised those issues, and if the minister chooses to respond, that is up to him. However, the next step is that Mr Hallam needs to relate his points to the clauses in the bill as the committee stage continues.

Hon. R. M. HALLAM — Let the record show that that ruling might cost us some time. If we are going to go by the rule book, which I understand, and Mr Theophanous is going to rely on precedent in the way he has, I put the government on notice that I shall revert to exactly the same rule book. If Mr Theophanous wishes to be here this time tomorrow, he is going about it in a very appropriate way.

Hon. J. M. Madden — On a point of order, Mr Chairman, I do not believe you gave me the opportunity to present what I wanted to say on clause 2. My point of order relates to my belief that you opened the committee stage by going straight to the Honourable Roger Hallam, and I did not get an opportunity to respond. I would like to respond on clause 2 at this point, not having had the opportunity to do so at the appropriate point.

The CHAIRMAN — Order! With leave of the committee, the minister will have that opportunity.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In response to a number of issues raised during the second-reading debate by Mr Hallam and other honourable members I would like to put a number of matters on the record. I hope that will address some of the issues on which Mr Hallam has requested a response.

The bill builds on steps already taken to introduce responsible gaming initiatives and objectives into gaming legislation and establishes new processes for community consultation and input into decisions of the Victorian Casino and Gaming Authority. It fills identified gaps in gaming legislation in relation to the monitoring and disciplining of associates and relieves some unnecessary regulatory burdens on licences.

The provisions that allow for open hearings permit the public to observe the decision-making processes of the authority. The detail of how the authority will go about conducting those hearings will be a matter for it to

determine. The Gaming and Betting Act gives the authority power to determine such matters.

Clause 21 and other equivalent clauses of the bill provide lists of the regular items of business of the authority that must be heard in public. I will say that again for Mr Hallam's benefit. They must be heard in public. Clause 33, which amends the Gaming and Betting Act, allows the authority to hear applications under that act in public at its discretion. I will say that again for Mr Hallam. It will be at the authority's discretion.

Hon. R. M. Hallam — Thank you.

Hon. J. M. MADDEN — However, if such applications are made, being applications under the Gaming and Betting Act for gaming and wagering licences, the authority is given power to hear them in public in relation to one-off matters, which cannot always be anticipated — such as the declaration of regional limits. The bill does not require them to be heard in public because they are not part of the authority's regular business, but as they arise the authority may consider, as it has always been able to, whether each particular matter should be heard in public.

The bill provides for the release of gambling expenditure data in relation to gaming venues, aggregated by municipal district. A qualification is placed on the release of such statistical information. Gaming expenditure data for all approved venues in a municipal district must be aggregated. If a municipal district has fewer than three venues, the data in respect of the venues in that district must be aggregated with that of an adjoining district or districts. The intention is that the data is in respect of at least three venues.

Over the past year such data has been released and all the relevant municipal districts were identified. It is intended to identify the districts in all cases so that the data is meaningful. The amendment focuses on the release of gambling machine expenditure, because gambling research has isolated that form of gambling as the type most likely — again I say, most likely — to cause problem gambling.

In relation to the minister's role of being able to approve a body or a person as an enforcement agency with whom the authority may enter into a memorandum of understanding, it is desirable that the minister have that option. It means that as the need arises in relation to matters which the minister identifies or which the authority refers to the minister, the minister may address a need for the exchange of information under gambling legislation. That will ensure that the authority may then proceed to obtain all information it needs from a particular enforcement agency, if the minister agrees that that is necessary. In all other cases the authority will be free to decide with which agencies it will exchange information.

An amendment to the Gaming and Betting Act increases from 20 per cent to 25 per cent the maximum rate of commission that may be deducted from the amounts invested in racing and sports betting totalisators.

Mr Hallam's suggestion in the second-reading debate was misleading because it did not specify the taxation ramifications of the amendment in relation to sports betting. I draw attention to the part of the speech which introduced and which characterised the amendment as a taxation amendment by stating two taxation amendments are made by the bill.

The speech also stated that in respect of sports betting totalisators the amount of commission that may be deducted in a financial year is 20 per cent and that the amendment will raise it to 25 per cent. Depending on how Tabcorp structures its returns, it is possible Tabcorp will get increased revenue from the amendments.

This would in turn result in increased revenue for government. It is therefore not possible to predict the exact level of any such increase. However, the government is happy to consult with Tabcorp and see what information it is able to provide about the costings of the amendment.

Notwithstanding that the maximum commission that may be deducted from a racing totalisator in respect of an event is increased, the amount the licensee may deduct as commission in a financial year remains at 16 per cent.

The increase in the commission rate will allow Tabcorp to pool funds with other Australian wagering operators. The advantages of the pooling are twofold: larger pools will be more robust and will have a greater capacity to take larger bets and national pooling will also create the opportunity for larger prizes.

The average percentage commission deduction for all forms of sports bet should not significantly alter from the current 20 per cent rate. If it does not significantly alter to the detriment of the punters the government will reconsider this arrangement; however, it will take into account the benefits for the state and for punters of having stronger and larger national betting pools.

Hon. R. M. HALLAM (Western) — I say thank you to the minister. That response was precisely what I had anticipated. Given that the minister did not respond to the call on clause 2 it was on that basis that I rose to register a protest. I suggest that the minister has just destroyed the point of order taken by Mr Theophanous.

Hon. T. C. Theophanous — On the question, I cannot allow that comment to go by without making some comment about it.

Hon. R. A. Best — Is it a point of order or a discussion?

Hon. T. C. Theophanous — Was his?

The CHAIRMAN — Order! Is it a point of order?

Hon. T. C. Theophanous — It is a point of order, Mr Chairman. It relates to the way in which clause 2 should be dealt with in the chamber. I put it to you, Mr Chairman, that the procedure in future for clause 2 discussions should be that the minister uses it as an opportunity to answer questions that have been raised in the second-reading debate, and there should be no ongoing debate as was happening when I came into the chamber with Mr Hallam seeking to use or abuse the opportunity offered under clause 2 in the way he was, in a question and answer session, which is inappropriate.

The minister's providing a statement to the committee, as he just did, is the correct procedure. I ask you, Mr Chairman, to indicate that that is the appropriate procedure for dealing with clause 2.

Hon. R. M. HALLAM — Further on the point of order, Mr Chairman, and by way of clarification, I have no challenge with anything Mr Theophanous has put to the committee.

Hon. T. C. Theophanous — Good.

Hon. R. M. HALLAM — Thank you. My problem is that the minister had not taken up the opportunity offered him. It fell to me to invite the minister to take up the very opportunity that Mr Theophanous is suggesting should be a matter of process. I am glad that is out of the way!

The CHAIRMAN — Order! Thank you Mr Hallam. That is the way the committee should work its way through the process. The other issue is that at the beginning of the committee stage the minister should make it absolutely clear that he wishes to make some comments on clause 2. We can ensure that happens in the future.

Clause agreed to; clause 3 agreed to.

Clause 4

Hon. C. A. FURLETTI (Templestowe) — I direct the minister's attention to the reference to clause 4 in the second-reading speech. When I first saw the clause I considered it to be appropriate and was fully supportive of it, given my experience in my former life with gaming applications. It was not until I read the comments by the Minister for Gaming in the second-reading debate in the other place that I became concerned. There is a serious contradiction between the manner in which the clause was presented in the second-reading speech, which was effectively that applicants would not have to spend time and money on applications because the amendment provided that they could apply for gaming venue operators licences before they applied for liquor or club licences under the Racing Act. As I read the second-reading speech, which introduced the bill, the clause is for the benefit of applicants.

Although quoting is inappropriate, I will paraphrase the response of the Minister for Gaming to the second-reading debate because I appreciate that I am not permitted to quote from it. The minister said that one of the reforms in the bill related to there being little opportunity to argue with councils about whether a premises was to be a gaming venue. He went on to say that if local people wanted to argue about the impact of a venue the council is hamstrung. He further made comment along the lines that the bill would have the effect of getting out into the open the facts and circumstances of a prospective gaming venue, as compared with a pub or community venue.

On reading the minister's comments it becomes obvious that the clause is not intended to assist applicants but rather to put in their path barriers and to open the path to local council objections and the like which came up in debate on the Gambling Legislation (Responsible Gambling) Bill to which I referred earlier in the second-reading debate. Will the minister explain the contradiction?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 4 will ease the resource burden on applicants for gaming premises approvals. They will be able to have their applications determined prior to obtaining any necessary liquor licensing and planning approvals. That means they will not have to spend time and money pursuing applications without knowing whether they will ultimately succeed in being allowed to use their premises for gaming.

Hon. C. A. FURLETTI (Templestowe) — The philosophy of gaming licenses conceived and in fact implemented by the minister's Labor predecessor government was that gaming venue licences should be linked intrinsically with liquor licences. It was something that the minister's predecessors chose to do.

Hon. T. C. Theophanous — And you supported it.

Hon. C. A. FURLETTI — We had little choice, so we implemented it. Is this intended to air gaming issues before the applicant approaches the liquor control division of the Victorian Civil and Administrative Tribunal? Is it an opportunity for people to object in the first instance to gaming applications and thereby deprive those who may consider gaming to be appropriate of the chance to make a combined application further down the track?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The statement I made earlier clarifies the fact that from the outset everyone will be aware of where the applicant is heading with his application. If he is seeking a licence for gaming, the bill will allow that to be the first port of call in a sense. Sometimes previously an applicant had to incrementally build up a range of approvals in order for people to be aware that he was heading in the direction of applying for a gaming machine licence. In a sense the amendment will enable everyone to be aware of where a potential licensee may be heading. An applicant will be able to seek the licence first and then put the other pieces into place under that umbrella.

Hon. C. A. FURLETTI (Templestowe) — The minister may not recall my initial comment, which is that I support the proposition laid out in the second-reading speech. That is what the minister has reiterated — namely, that the bill provides an avenue for a person to apply for a gaming licence without the necessity of putting the cart before the horse. I support that proposition, which is laid out in the second-reading speech.

The point I am raising is that in the third-reading debate in the other place it appeared that the Minister for Gaming opened up a whole new gamut of objection and restriction. I will paraphrase the minister. He said that all the facts would come out with applicants seeking gaming licences first instead of seeking all the approvals concurrently. The Minister for Gaming said the government's intention — I suspect it is different from what the minister has indicated here — was to provide responsible gaming measures, not to hinder good business practice. I accept that everybody has the right to object, but the government will be hindering good business practice if it opens the door unnecessarily to objection. All the government will be doing is shifting the location of where the cost and expense are incurred.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Was that a question or a statement?

Hon. C. A. FURLETTI (Templestowe) — I am asking the minister to comment on my point that all the government will be doing is shifting the location of where the cost burden will be incurred.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that is not the case. I reaffirm what I have already said on this clause. Previously potential applicants had to source a location and seek the appropriate approvals and liquor licences while sometimes not disclosing that what they would eventually be seeking was a licence for a gaming venue. This clause allows everyone to be involved at the commencement of the process — and that may well include local objectors — rather than at the end of a process that may not be able to be completed by the applicant because of objections. In that case the potential licensee or applicant would have entered into significant investment and expenditure only to find that he was not able to gain approval for a gaming licence. That, in many ways, clarifies from the earliest possible time what is or is not the case in relation to obtaining a gaming licence. Therefore, it is better business practice for any potential applicant.

Hon. C. A. FURLETTI (Templestowe) — I hear what the minister says. In the third-reading speech the minister in the other place indicated that the process would streamline things to improve efficiency. I guess time will tell. The opposition will monitor developments and await the outcome.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I request an indication of where the question mark was in that statement.

Clause agreed to; clauses 5 to 20 agreed to.

Clause 21

Hon. C. A. FURLETTI (Templestowe) — Proposed section 113 refers to the authority holding inquiries or meetings for the purpose of making a finding or determination. I emphasise the phrase in proposed section 113(2) 'relating to the following matters must be conducted in public'. What is the government's proposal about the public being heard at the public hearings?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the provisions that allow for open hearings permit the public to observe, in this instance, the decision-making processes of the authority. I repeat: the open hearings allow for observation.

Hon. C. A. FURLETTI (Templestowe) — I understood, with the openness and transparency referred to in the second-reading speech, that the public, particularly those who could be adversely affected by, for example, an application for approval of premises for gaming would be able to involve itself and would have a right to make submissions. Will the minister correct me if I am wrong?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the hearings permit the public to observe but not to make submissions publicly. They would make submissions prior to the event. Those submissions would be considered at the time of the hearing.

Hon. C. A. FURLETTI (Templestowe) — Can the minister direct me to the provisions that exist for the public to make submissions to the authority? I am trying to think of what provisions there are. The minister might direct me to them.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that any submissions made to the authority prior to the public hearing can be considered.

Hon. C. A. FURLETTI (Templestowe) — Perhaps the minister did not understand my question. I asked under what section of which act is that permitted? I am aware that under the responsible gaming legislation that was passed that councils now have a right to make submissions. If individuals are allowed to, will the minister direct me to the section and the act?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the public, via their council, may make submissions to the authority under sections 12CA and 27(2C) of the Gaming Machine Control Act in relation to applications for new premises and additional gaming machines.

Hon. C. A. FURLETTI (Templestowe) — I appreciate the minister's comment. Indeed, that was the conclusion I had reached, but the openness and transparency that was so vaunted in the second-reading speech is really a two-stage process. Firstly, the public has to convince the council that it is an appropriate submission before the authority actually gets to hear the submission; is that right?

Hon. J. M. Madden — I ask Mr Furletti to repeat the question.

Hon. C. A. FURLETTI — I am happy to, Minister. The point I was making is that the government vaunts the transparency of the legislation and the openness of the authority to the public. What I am putting to you is that the public does not have direct access to the authority.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that members of the public are free to write to the authority. If the authority considers that the written submission is relevant, it may take it into account in making decisions under gambling legislation.

Hon. ANDREW BRIDESON (Waverley) — Further to the minister's response, I can make it a little simpler. If I as an ordinary citizen wish to make an objection, what process do I follow and can I be heard by the authority?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Again, I take the committee back to my previous statements. I am advised that submissions can be made via the council, which may then make submissions to the authority under the relevant sections I have named. There may be situations where people feel the council may not have appropriately conveyed the submissions or has been convinced by them or made it known that the submissions are to be considered or represented by council, in which case I take Mr Furletti back to the other comment that members of the public are free to write to the authority. If the authority considers that the written submissions are relevant it may have them taken into account when making decisions under the gaming legislation. I suppose the potential is there for a two-pronged process rather than a two-tiered process.

Hon. C. A. FURLETTI (Templestowe) — I beg to disagree with the minister on that point on two bases. I ask the minister to direct me to the provision and act in which the authority is given the power to consider matters that come to it outside the application process. That is the first question. Perhaps the minister could deal with that before I proceed to the second question.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will ask you to rephrase 'outside the application process'. I am not sure what you meant by that.

Hon. C. A. FURLETTI (Templestowe) — A procedure for applications is set out in the Gaming Machine Control Act. I am sure that as the minister

representing the Minister for Gaming in this place the minister is aware of that procedure. There is a very detailed application procedure which involves probity and the commerciality of the premises. From my experience and from my understanding of the provision I do not believe there is an avenue for the private citizen to make representation to the authority. If that avenue exists, will the minister let me know in which section of which act I can find it?

Hon. T. C. THEOPHANOUS (Jika Jika) — I have been looking more closely at the clause and I seek to make the following point to the committee. The honourable member is asking whether there is anything in the legislation that precludes the authority from being able to consider a submission from the public.

It is a bit much for an honourable member to get up and ask a minister to say which particular parts of legislation relate to what. If honourable members have taken the trouble to read the legislation, they would not be asking questions about where in the legislation things are referred to.

The CHAIRMAN — Order! Mr Theophanous has made his point. It is the custom that during the committee stage bills are dealt with in detail, and that is what is happening tonight.

Hon. T. C. THEOPHANOUS — I want to speak on the clause like any other honourable member. Are you saying I do not have the right to speak on the clause?

The CHAIRMAN — Order! Mr Theophanous, the minister should respond to the question. If you feel you have anything to add to that you are entitled to speak. The minister has the call, Mr Theophanous.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate that Mr Furletti disagrees. There is no specific legislative provision. However, the authority has various functions under the legislation. It may inform itself as it thinks fit. At its hearings it may call such witnesses as it thinks fit. It is free to do so if it considers that would assist it.

Hon. C. A. FURLETTI (Templestowe) — So the minister is telling me that the only avenue for members of the public to be heard is for the authority to invite them or to exercise its discretion to call an objector — let's cut through the paraphernalia — or objectors as witnesses. Is that right?

Hon. T. C. Theophanous — On a point of order, Mr Chairman, I think it is important to establish the process, because I am concerned about what is taking place here. I have been involved in committee stages of bills in this chamber for many years. It is my understanding that honourable members have a right to debate issues relating to clauses, put their point of view and, if they wish, ask a question of a minister. The committee stage is not designed to provide a question and answer session with the minister. It has never been that.

Opposition members interjecting.

Hon. T. C. Theophanous — It is an opportunity for members to put a point of view in relation to particular clauses. It is also an opportunity for members to oppose or support particular clauses. It is a very important part — I am sure Mr Hallam, who has been involved in many such debates will recall — —

Hon. R. M. Hallam — And received thousands of questions from you.

Hon. T. C. Theophanous — Mr Hallam will recall, as will many others, the fact that a number of people — —

Hon. R. M. Hallam — And I never dodged one, Mr Theophanous.

Hon. T. C. Theophanous — I am not suggesting — —

Hon. R. M. Hallam — I always took the question. Why are you trying to protect your minister?

Hon. T. C. Theophanous — I am not. Will you listen for a minute! I am not trying to protect the minister. I am trying to protect my own right to be able to get up — —

Hon. R. M. Hallam — Then wait until the minister has answered.

The CHAIRMAN — Order!

Hon. T. C. Theophanous — I am trying not to raise the temperature in relation to what Mr Hallam has to say. What I am asking of you, Mr Chairman, is to advise the house whether honourable members from both sides of the chamber are able to get up during the committee stage and express a point of view with or without asking the minister a question, because that is my clear understanding of how the committee stage works. If it is the case — —

An opposition member interjected.

Hon. T. C. Theophanous — I want the Chairman to rule on it. If it is the case that it is not open to

honourable members simply to express a point of view without asking a question, that would be a significant divergence from past practices. I ask for a ruling that in fact honourable members have that right.

Hon. C. A. Furletti — On the point of order, Mr Chairman, I simply raise the fact that Mr Theophanous has a particular view that unfortunately, like so many of his views, is wrong. In committee we are required to address the inconsistencies in legislation, to clarify the points of inconsistency and to marry together the second-reading speech and the bill so that those who are subsequently interpreting the legislation give it its true and correct meaning.

What Mr Theophanous suggests is obviously incorrect. The minister, new as he is, asks me for the question when he sees that I am making a statement. I do not think he needs Mr Theophanous's protection. The point I want to stress is that the committee stage of a bill is an opportunity to make clear to those who need to read and interpret the legislation what the Parliament means.

Hon. J. M. Madden — Further on the point of order, Mr Chairman, Mr Theophanous has made a statement regarding the process of the committee. I ask you to rule on the process. Although I am inexperienced regarding parliamentary procedure compared with other honourable members, over the past 12 months I have noticed that the proceedings of committees have changed. I believe there has been a shift in the way they have been conducted. Mr Chairman, I ask you to make a ruling so that all honourable members can be clear about the process and then move on.

The CHAIRMAN — Order! The committee stage is the time for detailed consideration of the bill. For the orderly conduct of the committee the procedure should be that a member asks a question of the minister and the minister has the opportunity to respond. After that any member may speak or ask a question providing it is relevant to the clause under consideration. I will not have an honourable member ask a question of the minister and have another honourable member intercede before the minister has responded.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Regarding Mr Furletti's question, I reiterate what I said about the operation of the authority. It may inform itself as it thinks fit. It may call witnesses at its hearings as it thinks fit. I reaffirm that there are opportunities for those to make their opinion heard to the authority outside the legislative framework. To clarify the point, the authority can consider those issues at its discretion.

Hon. C. A. FURLETTI (Templestowe) — Let the record show that the hearings are conducted in public, but they are not public hearings. Is there any provision to notify any person who may be affected by the public hearings?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Again I am advised there are no specific provisions for that in the legislative framework.

Hon. C. A. FURLETTI (Templestowe) — Is the committee to understand that the much-vaunted openness and accountability in the decision-making process is a fraud?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I disagree with that statement.

Clause agreed to; clause 22 agreed to.

Clause 23

Hon. C. A. FURLETTI (Templestowe) — I note, as foreshadowed by the Honourable Andrew Brideson, the heading 'Secrecy' in clause 23 appears to be a misnomer. Given the interpretation of statutes legislation passed earlier this session, I am concerned that heading will now be taken as part of the bill.

In fact, the whole of clause 23 relates to what can be disclosed rather than to what should be kept secret. I ask the minister for clarification. When one goes through, for example, proposed section 139(3)(f)(i) to (viii) inserted by clause 23, one sees a plethora of information that can be divulged. As if that were not enough, proposed subparagraph (ix) states that the authority can divulge any other matter as outlined in (A) and (B) of that subparagraph. Does that mean what it appears to mean — that is, that the authority has liberty to disclose anything?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I missed the last part of Mr Furletti's question because he turned away as he delivered it. I ask him to repeat it. I was with him on the preamble, but on the last phrase he was addressing the jury.

Hon. C. A. FURLETTI (Templestowe) — Is the proposed section so broad that the authority has liberty to disclose almost anything it wishes to?

The CHAIRMAN — Order! The minister has the call, Mr Theophanous.

Hon. T. C. Theophanous — On a point of order, Mr Chairman, I refer you to standing order 173, which states the way in which debate is to occur during the committee stages of bills. Standing order 172 states:

> In committee of the whole Council members may speak more than once to the same question.

Standing order 173 states:

> The same order in debate shall otherwise be observed in committee of the whole Council as in the Council itself.

I put it to you, Mr Chairman, that the order for the debate is for the Chair to take one question from the government and then a member from the opposition or vice versa. In the event that a question has been asked by a member of the opposition and the minister does not immediately rise to his feet but a member of the government rises to speak, I put it to you, Mr Chairman, that under standing order 173 of the standing orders of the Legislative Council the Chairman is obliged to recognise the honourable member who is on his feet.

When I rose to my feet the minister was not on his feet answering the question. In fact he was receiving advice and he may or may not decide to respond to the question as is his prerogative in the committee stage. However, I was on my feet, and I put it to you, Mr Chairman, that under standing order 173 you have no option but to recognise me and to allow me to speak.

The CHAIRMAN — Order! I give the same ruling as before, Mr Theophanous. For the orderly conduct of the chamber, a member asks a question of the minister and the minister has the first opportunity to respond. After that point any member from either side of the chamber can speak or ask a question, providing it is relevant to the clause under consideration.

Hon. T. C. Theophanous — On a further point of order, Mr Chairman, I ask you to refer to the standing order on which you have made the ruling that the committee has to operate on the basis of a question being asked and then the minister only being able to speak. That is something new that has never occurred before.

Hon. C. A. Furletti — That is not what the Chairman said.

Hon. T. C. Theophanous — It is exactly what he said. I again refer you, Mr Chairman, to the instance that has just occurred in which I was on my feet, the minister was not on his feet, and under standing order 173 the Chair is required to recognise me. I also put it to you, Mr Chairman, that if you refuse to recognise a member who is on his feet when the minister has not risen to answer a question and you continue with this ruling, I will refer the matter to the President for further consideration.

The CHAIRMAN — Order! That is Mr Theophanous's option. Obviously the minister had risen. The minister was on his feet and preparing himself for the answer. No member shall be precluded from speaking and raising issues so long as they are relevant to the clause under consideration. The minister clearly had the call, and that has been the function and practice of this chamber for some time.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In answer to Mr Furletti's question, I am advised the authority will still be constrained by proposed section 139(3)(f)(ix). That provision is consistent with freedom of information exemption principles.

Clause agreed to; clauses 24 to 29 agreed to.

Clause 30

Hon. R. M. HALLAM (Western) — Given the hour I shall not again canvass the circumstances I canvassed during the second-reading debate. The point I make about clause 30 is that the second-reading speech is misleading. It refers to an increase in the maximum deduction rate for totalisators for racing and sports betting competitions from 20 per cent to 25 per cent.

We have subsequently established, and had the minister effectively concur, that we are talking about two fundamentally different concepts. In respect of the totalisators relating to racing, there is a maximum commission rate, which happens to be 16 per cent, therefore clause 30, which refers to two instances of that, is captured by a maximum commission. To that extent I can agree with the sentiments of the second-reading speech.

However, I cannot accept the concept portrayed in the second-reading speech about section 76 of the principal act, because there is no maximum involved. The increase from 20 per cent to 25 per cent means that there will be a shift in the taxation rate. The minister actually acknowledges that — it is a matter of definition. Why was that not mentioned in the second-reading speech?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the second-reading speech clearly distinguishes between the amendment as

it relates to wagering and as it relates to sports betting. The second-reading speech states in relation to totalisators for wagering events that the amount of commission that may be deducted in a financial year remains at 16 per cent. In the case of sports betting the current ceiling is 20 per cent. The amendment will raise it to 25 per cent.

Hon. R. M. HALLAM (Western) — With respect, all that does is reinforce the reason that prompted me to raise the question. If there is a fundamental difference in the application for totalisators for racing as opposed to sports betting, why was that difference not mentioned in the second-reading speech?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe it was distinguished in the second-reading speech.

Hon. R. M. HALLAM (Western) — Then we will beg to differ. I put on the record that I am again incensed by the proclivity of the government to mislead by gaps in the second-reading speech. What modelling was done on the revenue stream to be enjoyed by government prior to the decision to change the commission rate from 20 per cent to 25 per cent?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I have stated in earlier remarks that the government is happy to consult with Tabcorp to ascertain what information it is able to provide about the costings of the amendment.

Hon. R. M. HALLAM (Western) — I am well aware of what the minister said earlier, and in part that prompted me to raise the question. He was inviting the committee to believe the commission rate had been changed from 20 per cent to 25 per cent, and that no-one had bothered to work out what that meant in terms of revenue. Is that a fair summation of the position?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have already stated that depending on how Tabcorp structures its returns, it is possible Tabcorp will get increased revenue from the amendments. That would in turn result in increased revenue for the government, Mr Hallam.

Hon. R. M. HALLAM (Western) — I know that, Minister; it does not take us all that far. I am asking what the nature of that increase is likely to be. The minister has told the committee that no modelling was done and that apparently we are to believe the outcome is to be determined at some time somewhere down the track. I am aghast at the conclusion that one must draw with respect to that, because it effectively means that the government agreed to a change in the rate of commission and therefore the rate of tax, knowing, I hope, that it would have some impact out in the marketplace, but apparently relaxed in respect of whether that impact was positive or negative. What incentive was Tabcorp offered for a 25 per cent increase in its commission from totalisators on sports betting?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised no incentives have been offered.

Hon. R. M. HALLAM (Western) — I am pleased to have that confirmed in one respect at least, because that indicates that we have a government that is creating policy absolutely on the run. Let the record show that the bill changes the commission applicable to sports betting and that it is done in part because the government believes this will make Tattersalls more competitive and therefore it will win a bigger slice of the action.

Let the record also show that the state government enjoys a 28.2 per cent yield on the increased margin. I find it absolutely abhorrent that this change should take place without mention by the government in the second-reading speech or even in the currency of the committee stage. It means that the government is framing policy as we move. I am prepared to let it go at that.

Clause agreed to; clauses 31 and 32 agreed to.

Clause 33

Hon. C. A. FURLETTI (Templestowe) — I refer the minister to the provisions of the bill which amend each of the five acts in relation to public hearings and public meetings. In each of the clauses which affect the Gaming Machine Control Act, the Casino Control Act, the Gaming No. 2 Act, and the Interactive Gaming (Player Protection) Act — all except the Gaming and Betting Act — the terminology used with respect to the conduct of meetings in public is that the meeting ‘must’ be conducted in public.

In clause 33 the corresponding clause reads that a meeting — and it is the only word that is changed — ‘may’ be conducted in public. Can the minister explain why there is that difference in terminology?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that clause 33, which amends the Gaming and Betting Act, allows the authority to hear applications under that act in public at its discretion. However, if such applications are made,

being applications under the Gaming and Betting Act for gaming and wagering licences, the authority is given power to hear them in public.

In relation to one-off matters, which cannot always be anticipated, such as the declaration of regional limits, the bill does not require them to be heard in public because they are not part of the authority's regular business, but as they arise the authority may consider — as it has always been able to — whether each particular matter should be heard in public.

Hon. C. A. FURLETTI (Templestowe) — I take issue with the minister and point out to him something he should perhaps be aware of — that is, that the regional caps and regional limits come under the Gaming Machine Control Act. What we are dealing with is the Gaming and Betting Act, which is quite a different proposition, Minister.

I am happy for the minister to seek advice from his advisers, but the Gaming and Betting Act relates to matters other than gaming machines. Perhaps the minister might like to take some advice. My question is: why is the word 'may' used in amending the Gaming and Betting Act while the word 'must' is used when amending the other four acts?

Hon. T. C. Theophanous — On a point of order, Mr Chairman, I would like you to rule on standing order 118, which states:

> When two or more members rise to speak the President calls upon that member first observed by him…

I would like you to rule on the situation when the minister, during the course of the second-reading debate, is standing in or near the box seeking advice, and whether that constitutes a member having permission to speak.

Hon. R. M. Hallam — This wasn't during the second-reading debate!

Hon. T. C. Theophanous — The importance of this is that if you are saying that when the minister rises to seek advice from the box — —

Hon. R. M. Hallam — Why don't you give in?

Hon. T. C. Theophanous — Because he is wrong. My question, Mr Chairman, is whether you will rule on standing order 118, which refers to your needing to recognise the member first observed by you as having risen to speak.

Hon. R. M. Hallam — All that means is that he will not recognise you.

Hon. T. C. Theophanous — That is not what it says. It says:

> When two or more members rise to speak the President calls upon that member first observed by him.

My question is — —

Hon. R. M. Hallam — I wouldn't blame him for that.

Hon. T. C. Theophanous — You'll get an opportunity to debate the point of order. Why don't you listen to another point of view! I think this is a very important issue. It will affect future debates in this chamber during the committee stage, and it is important that the committee get this issue absolutely correct under the standing orders.

I seek your ruling, Mr Chairman, on whether a minister seeking advice from the box — I hope you understand what I am asking — has risen to speak. That turns to the issue of whether you can recognise another person or whether the committee simply sits around and waits while that process takes place.

The CHAIRMAN — Order! In relation to the orderly conduct of the chamber, when a question is asked by a member of the minister in the committee, the minister may need to go to the box for a briefing. In that case I would rule that the minister has the call.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to the question asked by Mr Furletti, again under the Gaming and Betting Act for gaming and wagering the authority is given the power to hear them in public. In relation to one-off matters, which cannot always be anticipated, such as the declaration of regional limits, it can at its discretion conduct a hearing in public.

Hon. C. A. FURLETTI (Templestowe) — I hear what you say, but you have not answered the question, with respect. What discretion is given to the authority under the Gaming and Betting Act, which differs from the mandatory provision, the 'must' under the other four pieces of legislation that the act covers? Please do not just read the answer out again because I will not accept it.

Hon. C. C. Broad — It is not up to you to accept it or not.

Hon. C. A. FURLETTI — This is a very significant divergence from the other provisions of the act, and I ask the minister, for the purposes of clarity, for the members of the public who have to interpret and

work under the proposed legislation, to clarify the divergence.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have clarified that. It relates to one-off matters and in this case it is at the discretion of the authority. I believe I have answered that on a number of occasions and I stand by my answer.

Hon. C. A. FURLETTI (Templestowe) — Let the record show that I do not accept that, but I will not pursue the matter.

Clause agreed to; clauses 34 to 64 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 honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

NURSES (AMENDMENT) BILL

Second reading

Debate resumed from 21 November; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. M. T. LUCKINS (Waverley) — The Nurses (Amendment) Bill makes substantial amendments to some sections of the Nurses Act and to the Drugs, Poisons and Controlled Substances Act. It proposes many reforms aimed at modernising the Nurses Act and makes changes consistent with other medical practice acts with which the house has dealt in the past five or six years.

Clause 6 introduces for nurses the protected title of nurse practitioner. Currently Victoria has more than 69 000 registered nurses in divisions 1 to 5 and the title ‘nurse practitioner’, although fairly broadly defined in the bill, will allow nurses who are considered by the Nurses Board of Victoria to have completed a set and appropriate course of study and have the relevant clinical experience in particular areas of nursing to have that title protected.

The bill amends the Drugs, Poisons and Controlled Substances Act to allow nurse practitioners to obtain, possess, sell or supply prescribed schedule 2, 3, 4 and 8 drugs and poisons. There are a number of reasons for the quite radical new provision, which gives nurses the power to prescribe drugs. One of the most telling reasons for the change and the reason the opposition is supporting the bill is that it will provide nurses who work in rural and regional parts of Victoria with the opportunity to give a greater service where medical doctors are scarce.

Clause 4 provides for registered nurses to provide satisfactory evidence to the Nurses Board of Victoria relating to professional indemnity insurance. That is consistent with the Medical Practice Act 1996. That insurance will be against civil liability in connection with the practice of nursing.

The bill provides many new safeguards for patients by strengthening the power of the board to deal with unprofessional conduct. Upon application for registration as a nurse, a person must provide information relating to criminal convictions or committals to stand trial for any indictable offences. In addition, a person must provide details of any medical negligence claims relating to his or her conduct that were settled by the practitioner or his or her employer. Clause 22 inserts new section 24 into the Nurses Act and empowers the board to investigate the professional conduct of registered nurses and to hold formal or informal hearings as required.

Clause 46 makes provision for identification cards to be provided to persons appointed to execute search warrants for the board and powers of entry, announcement of entry and other procedures for executing a warrant at the direction of the board.

The opposition believes clause 15 contains a major flaw. The clause deals with a nurse’s registration obtained by fraud, misrepresentation or with qualifications that have been withdrawn. Under clause 15 such a nurse’s registration is cancelled by the board but the opposition argues that if the registration had been granted on the basis of false information, it should be declared null and void rather than simply cancelled.

The opposition’s concern with the provision is that a nurse could potentially move into another jurisdiction and correctly and honestly claim to have been

registered by the Nurses Board of Victoria for the period prior to the cancellation notwithstanding the fact that he or she was not eligible to be registered in the first place. The opposition believes the cancellation should be retrospective and not prospective. Opposition members mentioned that point in the debate in the lower house but the government rejected the proposed amendment. The opposition will not be seeking to deal with that matter in this chamber. It simply places on the record the fact that it has a concern about the clause.

Proposed section 64B provides for the first time for the establishment of advertising guidelines. The guidelines will be based on recommendations made by the board to provide minimum standards of acceptable advertising of nurses' services. The guidelines must be published in the *Government Gazette*. The minister will have the right to appoint anyone for the board to consult with over the formulation of advertising guidelines. The guidelines must be circulated for public comment for 60 days prior to being given to the Governor in Council for approval. They must be circulated in the *Government Gazette*, in newspapers distributed throughout Victoria and in any professional publications that deal with the nursing profession.

Clause 43 deals with the membership of the Nurses Board of Victoria. I have some concerns about the prescriptive and inflexible nature of the provisions governing those who will be appointed to the board. Under clause 43 the membership of the board will consist of one registered division 1 nurse, two registered division 2 nurses in aged care, one nurse from division 3 with qualifications in psychiatric nursing, a director of nursing in a rural or regional hospital, a director of nursing in a metropolitan hospital, a charge nurse, two grade 2 clinical nurse specialists, and one nursing academic or educator.

The opposition is concerned about those provisions because they seem to be quite restrictive and by their prescriptive nature they will preclude a midwife, palliative care nurse, maternal and child health nurse, or an oncology nurse from ever being represented on the Nurses Board of Victoria.

Clause 45 is important in that it deals with the establishment of a nurse practitioner advisory committee. The new clause was introduced during the bill's committee stage in the other place following concerns raised by the Australian Medical Association, pharmacists and other medical professionals about consultation on the endorsement for nurse practitioners to prescribe drugs listed in schedules 2, 3, 4 and 8 of the Drugs, Poisons and Controlled Substances Act.

The second-reading speech of the Minister for Industrial Relations, which is the same as the second-reading speech read in the other place, does not deal with the amendments made in that house. I am concerned that that has not been the practice in the past. The Honourable Ron Best raised a point of order when the second-reading speech was being made to draw the attention of the house to the fact that it was the same as the speech delivered in the Legislative Assembly even though substantial elements of the bill had been amended during the committee stage by the Liberal Party, the National Party, the Independents and the government. The bill now before house is something of a hotchpotch and the second-reading speech does not mention the changes made to it in the lower house.

Clause 45 was introduced by the Minister for Health in the other place following representations to the effect that the nurse practitioner advisory committee must be established by statute to ensure adequate consultation with experts in the field. The medical profession was concerned that if the provision was not made by statute the nurses board would not be compelled to consult with it prior to endorsing the registration of nurse practitioners to dispense dangerous drugs.

The nurse practitioner advisory committee must include a registered medical practitioner with expertise in clinical pharmacology, a registered nurse with clinical expertise, a registered medical practitioner with clinical expertise relevant to nurse practitioners, a medical practitioner with clinical expertise in all relevant categories of nurse practitioner, an academic or educator, and a nursing academic or educator. The opposition supported the government's amendment in the other place because it believed the proposed composition of the nurse practitioner advisory committee should be balanced. Its inclusion in statute will ensure that that important committee cannot be captured by one professional body or interest group.

The bill is concerned with the paramount importance of public safety. Nurses and health care professionals, as well as institutions, have a duty of care to ensure that professional, ethical and safe treatment is available to all Victorian patients. The bill before the house is the result of amendments moved by all political parties and the Independents in the other house and provides five steps to safeguard the public.

The first is the Nurses Board of Victoria, which is reintroduced through the bill. Clause 6 inserts proposed section 8B into the Nurses Act and deals with the endorsement of registration of nurse practitioners. The board must be satisfied that an applicant for registration under divisions 1, 3 or 4 has completed a course of

study recognised by the nurse practitioner advisory committee and has the relevant clinical experience. This all happens before the nurse practitioner can be endorsed to use, sell, supply or possess schedule 2, 3, 4 and 8 drugs.

The second step in the process is the establishment of a nurse practitioner advisory committee. The committee will advise the Nurses Board of Victoria on things as diverse as the categories of nurse practitioner for which a registration for the distribution of drugs can be made; the curriculum content and standard of courses of study that provide competence for each category of nurse practitioner; the standard of clinical experience that is required; and clinical practice guidelines for practitioners who are endorsed as nurse practitioners and therefore able to prescribe and use the schedule 2, 3, 4 and 8 drugs and poisons. There is also a requirement for the ongoing education of nurse practitioners whose registration is endorsed under that category under section 8B(2).

The third step is to have consultation with the Poisons Advisory Committee that establishes the initial lists of drugs that a nurse practitioner should be authorised to possess, use and dispense.

The fourth step is that of the minister and the Department of Human Services, in consultation with the nurse practitioner advisory committee and the Poisons Advisory Committee, to ensure that the advice that the minister receives is balanced with public health and safety concerns. That is particularly important in rural areas where the bill will go some way to address the shortage of medical practitioners available, but it gives the nurses a great deal of latitude in treating and prescribing drugs for patients. We have to be absolutely positive that the nurse practitioner who is authorised to dispense those drugs is competent and authorised to do so.

The fifth safeguard in the bill relates to the regulations that will be made. This is primarily enabling legislation and the nuts and bolts will be dealt with by regulation, particularly the details provided by the Poisons Advisory Committee and the nurse practitioner advisory committee in relation to the types of medicines that may be prescribed.

Clause 52 of the bill amends sections 129, 130, 132 and 132(f) of the Drugs, Poisons and Controlled Substances Act. This will enable regulations to be made regarding unprofessional conduct of a nurse practitioner. Proposed new section 52(3)(g) refers to:

> prescribing the Schedule 2, 3, 4 or 8 poisons that a nurse practitioner or category of nurse practitioner is authorised to obtain and have in his or her possession and to use, sell or supply.

The Scrutiny of Acts and Regulations Committee (SARC), of which I am deputy chair, in commenting on the bill said the following:

> The committee notes the inclusion in the regulation making power of the new category of nurse practitioners created by the provisions in the bill.
>
> The committee considers the provision is appropriate to give effect to the purposes of the act.

The SARC will have a much wider role once the regulations are made because its regulation review subcommittee examines all regulations made in Victoria and, based on an important set of criteria, decides whether they are appropriate in all the circumstances.

Part 2, section 6 of the Subordinate Legislation Act outlines the responsibilities of the minister to ensure that proper consultation takes place prior to new regulations being introduced.

There are three main criteria and I will refer to two of them. Firstly, the minister must ensure that the proposed statutory rule does not overlap or conflict with any existing law or statutory rule. Secondly, the minister must ensure there is consultation in accordance with the guidelines with any sector of the public on which an appreciable economic or social burden may be imposed by a proposed statutory rule, so that the need for and the scope of the proposed statutory rule is considered. I would argue that for the regulations to be made under this enabling act the Minister for Health would have to conduct a regulatory impact statement.

The bill allows for the first time nurses to administer dangerous drugs that in the past have been able to be prescribed and administered only by doctors. The social implications of that are that members of the public must therefore be concerned to ensure that their health and safety are at all times at the forefront of legislators' minds.

Off the top of my head I can think of possible economic impacts on pharmacists, and in some cases doctors, who may lose some patients, as a result of the new regulations enabling nurses to take over some of the roles that previously belonged exclusively to doctors. Although an important part of the bill seeks to improve access to basic health services, particularly in regional and rural areas, pharmacists and doctors could be disadvantaged as a consequence and therefore should be free to make submissions in a regulatory impact statement to put their case.

Section 21 in part 5 of the Subordinate Legislation Act deals with disallowance procedures. The provisions of the bill are necessarily broad and, as I said, the nuts and bolts will be prescribed through regulation. Many potential problems have to be addressed and checks and balances must be available to guarantee public health and safety and to promote confidence in Victoria's health care sector.

Both the Scrutiny of Acts and Regulations Committee and its regulation review subcommittee, on which I have the honour to serve, will be absolutely vigilant when looking at the regulations to ensure that they are balanced and that they do indeed safeguard the health and safety of the public. By the time the regulations are made and the committee has the opportunity to look at them the proposals will have gone through the five-step process I mentioned earlier. The changes will have been approved by the Nurses Board of Victoria in consultation with the nurse practitioner advisory committee and the Poisons Advisory Committee.

The minister will by that stage have to be totally satisfied that the regulations will do what is required under the enabling act and be balanced against the needs of the community. If by the time the committee gets the regulations there are any concerns, particularly as a result of the regulatory impact statement process, after consulting with experts in the field it will have the opportunity to move to disallow the regulations in whole or in part or to propose amendments to them.

Clause 51 of the bill deals with penalties and offences, including protection of title. That has been consistent through all of the medical profession legislation in recent years and is designed to ensure that the title of 'nurse practitioner' will be protected and that anyone using that title without authorisation will be penalised. In this case a nurse practitioner with the new powers to administer, possess and sell any of the drugs scheduled under the Drugs, Poisons and Controlled Substances Act who does so without an appropriate permit will be liable for a penalty of up to 100 penalty units.

Clause 40 says it is an offence to allow unendorsed nurse practitioners to carry out work in an area for which they are not endorsed.

The bill deals with nurse agents, which brings me to another concern of the opposition. In the Legislative Assembly the opposition proposed an amendment stating:

> A person must not, knowing that the provision of nursing care in a particular manner is or could be detrimental to the welfare of a patient, direct her or his employee to provide nursing care in that manner.

The government rejected the amendment in the Assembly, but members of the Liberal Party still believe it is an important provision that should be considered by the minister when next he reviews the Nurses Act. It would be consistent with the Dental Practice Act, which provides that the owner of a practice, or in this case the owner of a hospital, cannot force a practitioner to carry out any duties to which the practitioner is not ethically bound or has a responsibility to perform in a certain way.

During the departmental briefing on the bill the opposition raised concerns about the level of penalties for body corporates versus individuals. We find it is quite inconsistent that body corporates and individuals are liable for the same level of penalty. The response from the Minister for Health states:

> In relation to the level of penalties for new offences for breach of the nurse practitioner provisions by corporations and individuals, I support in principle higher penalties for body corporates than for individuals. You have highlighted an inconsistency in the penalty levels adopted in the various provisions of the act, and I consider this beyond the scope of the current amendments. In response, I propose to conduct a review of all penalty levels in the Nurses Act as part of the review and updating of this and other health practitioner registration acts.

We are pleased the government has taken that on board. We look forward to having amending legislation to deal with that anomaly in the near future.

In conclusion, the bill is important. It seeks to balance the needs of people in the country and the city. It seeks to provide adequate protection for members of the public, all of whom from time to time will potentially be patients under the care of a nurse. It seeks to balance health and safety concerns.

I believe the fundamentals are basically correct, and I am pleased the government chose in the other place to make sensible amendments to ensure that proper consultation is available to the Nurses Board of Victoria from experts in the field of pharmacology and medical practice.

I look forward to seeing the regulations that come from this legislation in the Scrutiny of Acts and Regulations Committee. The committee will certainly be mindful of the impact they will have and the need for patients to be safeguarded under the regulations. On that note, I commend the bill to the house.

Hon. R. A. BEST (North Western) — The National Party supports the bill, which makes a number of changes to the Nurses Act. All honourable members would be aware of the number of reviews that have

been undertaken as part of national competition policy in relation to the many medical professions that are part of the health care services that are provided across our community.

Parliament has amended legislation relating to physiotherapists, dental practitioners, chiropractors and medical doctors. Earlier in the session Parliament amended legislation relating to Chinese medical practitioners to enable them to practise professionally. The bill amends the Nurses Act to establish the role of nurse practitioners and allow suitably qualified nurses to prescribe drugs under schedules 2,3, 4 or 8, within the meaning of the Drugs, Poisons and Controlled Substances Act. I indicate my absolute disgust that the major amendments made in the other place were not reflected in the second-reading speech read by the minister in this place.

Hon. M. M. Gould — There was nothing wrong with that. We had a discussion about it.

Hon. R. A. BEST — I do not agree. The second-reading speech read in this place did not appropriately reflect the amendments made in the other place. The departmental officers who briefed me were kind enough to acknowledge that perhaps a more suitable second-reading speech should have been made in this chamber. One of the reasons I did not pursue the issue was because of the professionalism of the officers who briefed me on the bill.

I softened my attitude because I wanted the bill to pass the chamber because it will provide vital services for rural and regional Victoria. That does not make up for one moment the sloppy handling and disrespectful attitude of the government and the minister to this chamber. The minister may justify the attitude of the government and the minister in the other place because she has carriage of the bill, but by not reflecting the amendments made in the other place in the second-reading speech the government and the minister will be judged for their sloppy, careless attitude.

I refer the minister to the second-reading speech of the Tertiary Education (Amendment) Bill, which was read in this chamber. It had an additional page to reflect the amendments that were made in the other place. That is appropriate and indicates a minister who has control of her department, who looks at the detail of the bill and ensures that what is being put before this house accurately reflects the intention of the legislation.

The amendments to the Nurses (Amendment) Bill were not just opposition amendments, but amendments made by the government and the honourable member for Mildura. They gave greater strength and rigour to the bill. They met the genuine concerns raised by interest groups about its provisions, particularly the prescription provisions. The government amendments more clearly set out the role of the Nurses Board of Victoria to clearly identify the categories of nurse practitioners.

The amendments also inserted a new clause after clause 43, which inserted proposed section 79(3) to provide that the nurses board would be required to establish an advisory committee to advise the board about the categories of nurse practitioner, the curriculum content, the clinical practice guidelines, the drugs associated with certain nurse practitioner categories and the ongoing education requirements of the nurse practitioner by category.

The government also moved to include a provision in the bill that would see people with experience and expertise in the medical and nursing field on the advisory board. A completely new clause was inserted in the bill which more accurately reflected what was required by way of scrutiny.

Concerns were raised about the ability or willingness of the nurses board to consult. In fact, the initial second-reading speech referred on two occasions to the fact that the nurses board ‘may’ consult. What the opposition wanted and what medical practitioners and organisations in the field needed was greater certainty and assurance that their concerns about prescribing rights were enshrined in the bill and that the bill would ensure that appropriate fields of medical practice were represented on the advisory committee.

In moving the amendments the minister has moved away from the second-reading speech where he said that the nurses board may consult to a position where he has established within the proposed legislation the criteria by which an advisory board will now be set up. However, the second-reading speech read by the minister in this house had nothing to say about the amendments moved in the other place.

Those amendments were substantial and they set out a whole range of criteria and categories of nurse practitioner and provided, as I said, for the establishment of the advisory board, the courses, the curriculum content, the standards, the education requirements, the drugs that can be prescribed by particular nurses and the categories of nursing practitioners. Those changes accommodate many of the concerns that people within the medical field had about insufficient control and regulation being applied to the registration of nurse practitioners.

As I said, I am extremely disappointed that the government is not prepared to change second-reading speeches between houses to produce speeches that more accurately reflect the content of bills. The way the government treats this house with complete and utter contempt is a disgrace. Not only did the government move amendments in the other place, but it was also not until I kicked up a stink that I found out what the government amendments were! It was not until I registered a protest that the Parliamentary Secretary for Human Services extended to me the courtesy of providing the proposed amendments.

The treatment the National Party has received on this bill has been not only shabby but also downright disgraceful. It has occurred at a time when the National Party is desperately supporting any initiative that will see medical services improved throughout country Victoria. Victoria needs nurse practitioners practising in rural and remote areas.

What has occurred over a long period is that there has been a problem attracting doctors to rural and remote parts of country Victoria, particularly the Mallee region of my electorate. It is an ongoing battle to attract doctors into rural Victoria.

People are amazed that in my home town of Bendigo we are 14 or 15 general practitioners short and people are struggling to get access to a general practitioner. The problem is compounded the further north one goes into the more remote areas.

The role that nurse practitioners will play in remote areas is important. An initiative was put in place by the former government, in agreement with the commonwealth, that would allow some 100 overseas-trained doctors to come into Australia under certain conditions and requirements to practise. One problem was to get through to the medical practitioner bodies the need to identify and determine the areas of need. Because it has taken so long to go through that process of trying to appoint the doctors through a program that was started more than 14 months ago, only 20 overseas doctors have been located in country Victoria.

A number of nurse practitioners are already operating in country Victoria. I put on the record my appreciation of the role the nurses in Quambatook undertake in servicing their small rural community. The notion of nurse practitioner is not new to the National Party, which has been eager for the legislation to be introduced and passed.

In October 1998 a task force was established by former Minister for Health Rob Knowles, and I have the final report of the Victorian nurse practitioner task force. I appreciate the work undertaken by those who served on the task force, particularly Dr Tom Keating for the role he played in chairing it.

The executive summary sets out the issues that were covered, and states:

> The task force examined the key issues relating to the implementation of the role identified in the proceedings of the Department of Human Services nurse practitioner workshop (September 1997) and discussed further at nurse practitioner forums (May 1999). These issues include role definition and title, educational preparation and credentialling, best practice, professional indemnity and legal liability, legislative requirements and financial considerations.
>
> It was proposed that a number of nurse practitioner models of practice examine the nurse practitioner role in terms of feasibility, safety, effectiveness, quality and cost, consistent with the evaluation framework used in the recent New South Wales nurse practitioner project. It is anticipated that these demonstration projects will provide valuable information about the nurse practitioner role in Victoria and comparable data which will be of national significance.

I am delighted to say that funding was provided for eight nurse practitioner models. Although there were some 108 submissions, the task force looked at different pilot models in different areas. Page 18 of the report states:

> In Victoria, the task force agreed that the working definition of a 'nurse practitioner' would be based on the definition used in NSW with emphasis on the interdependent nature of the role:
>
> > A nurse practitioner is a registered nurse educated for advanced practice who is an essential member of an interdependent health care team and whose role is determined by the context in which he or she practises …
>
> The task force also agreed that the framework for implementing the role of nurse practitioner in Victoria will not be based on substitution of medical care but on the development of an advanced nursing framework.

Clearly that report is the basis of the legislation before the house today. I am delighted that although the task force identified a range of criteria that would be used to establish the role of nurse practitioner in the report the Australian Medical Association (AMA) — representatives of which were on the task force committee — provided a dissenting view. The representatives dissented on clauses 24 to 29, which relate to the prescribing authorisation for nurse practitioners.

Honourable members should appreciate that in amending the bill in the other house the government

acknowledged the very appropriate arguments put by the AMA to recognise community concerns and the concerns of the profession with regard to the quality of care that will be provided to Victorians.

I put on the record my thanks and appreciation to the many people I have consulted on the issue. I wrote to the divisions of general practice in country Victoria to ask for their views on the bill. On 13 November the Nurses Board of Victoria wrote back to me and raised two issues. A letter from Leanne Raven, the chief executive of the board, states:

> The Nurses Board of Victoria generally supports the majority of clauses within the bill. However, there are two areas where it has concerns.
>
> Firstly, clause 42 pertaining to the membership of the board now includes detailed criteria relating to the nurse membership. The board is of the view that this is inflexible and its prescriptive nature will limit the functionality of the board in the future as it will result in inadequate representation for midwives, community nurses and regional clinical nurses. The titles of registered nurse and midwife are currently protected under the Nurses Act 1993 and the bill proposes to protect the title of nurse practitioner. Each of these titles should have representation through the composition of the board and the proposed criteria are inadequate in this area …

The second issue relates to the ability of the board to have informal hearing panels, and:

> … to have the power to require a nurse to undertake education when it is found that they have engaged in unprofessional conduct of a less serious nature.

I am pleased to say that in both those cases the concerns have been remedied by previous amendments.

I have had a conversation with and received a letter from Belinda Morieson of the Australian Nursing Federation. In a letter of 9 November Ms Morieson confirmed:

> … the government has consulted with ANF extensively on the formulation of this bill. We do support this bill and, in particular, the components of the bill that cover the introduction of nurse practitioners.

That view does not surprise me, but I welcome it and look forward to further discussions with Belinda Morieson on a range of other issues.

A letter from the Ballarat and District Division of General Practice reflects the concerns expressed by the AMA.

I express my extreme disappointment about the treatment shown to the house by the minister, in that I do not believe the second-reading speech provided to this place was in any way reflective of certain components of the legislation. I am aware that this is enabling legislation and therefore sets the framework of the legislation, and that most of the provisions that are required to create the structure for nurse practitioners will be brought in through regulations.

It will be up to the Scrutiny of Acts and Regulations Committee to ensure that the regulations that come before it reflect the intent and provide the safeguards and security to ensure that nurse practitioners will have the appropriate education qualifications, the course training and the ability to prescribe appropriate drugs within the different categories of nurse practitioners.

Again I express the disappointment of National Party members that amendments moved in the other place were not provided to us until we forced the government to show them. That is not the level and spirit of cooperation that I would expect, nor is it appropriate, if we are to support legislation of this nature.

As you, Mr Deputy President, and I share the electorate of North Western Province, we are mindful of the benefits the legislation can provide to many of our country communities. It will provide an opportunity of ensuring that many of the communities that are currently struggling will have a level of medical service that meets the needs of the community, and the provisions created in the legislation will provide the opportunity for nurses to become qualified so they may be able to register as nurse practitioners.

An important measure was the removal in the other place of the grandfather clause which provided for a nurse practitioner to be registered following 10 years of continual service. That assists and provides safeguards for our community with the level of health service it needs.

Finally, for Elaine Carter and the other wonderful nurse practitioners at Quambatook this is a day of celebration. When I spoke to Elaine earlier this week or last week about what we would like to see in the bill to ensure that nurse practitioners will not be exposed and be operating beyond the limits of their abilities or scope of their training, she was comforted by the fact that they would not be exposed and that the provisions in the bill meet many of the education and standards requirements for the position of nurse practitioner.

In our discussion she reinforced that even now any prescribing she does is in consultation with a neighbouring general practitioner, and is very cognisant of the fact that she has a limited scope of training and does not quite understand all the complexities of medications and the interactions that some can have

with others. The provisions in the bill are suitable and will ensure that the community has access to an appropriate standard and quality of care.

The National Party does not oppose the bill but welcomes it as a positive initiative to resolve many of the problems existing throughout country Victoria in meeting the medical and clinical needs of our communities.

Hon. KAYE DARVENIZA (Melbourne West) — It is with great pleasure that I speak on the bill. I am a nurse and have worked in nursing for many years — although I have not practised nursing for some time; in fact, I was just discussing with a colleague from the other side our time as nurses — and I served on the Victorian Nurses Council, which was the regulatory body and registration board prior to the changes in the Nurses Act, which put in place the new Nurses Board of Victoria.

Therefore it is with some interest and pleasure that I speak on the bill. Its purpose is to update the Nurses Act and to ensure a responsive and modern legislative framework to protect the public. As Mr Best said, the review of the Nurses Act was commenced under the previous government and this government's commitment under the national competition policy required that all Victorian legislation be reviewed by 2000 and any unnecessary restrictions on competition in legislation be removed.

The Nurses Act is a relatively modern piece of legislation that was passed in 1993. It contains no unnecessary competition restrictions. However, the national competition policy review provided the opportunity to review and update various other provisions in the act. A number of bills operating in the health sector were alluded to by the previous speaker.

During 1998 a discussion paper was released and a public consultation process was conducted inviting broad comments on the way the Nurses Act functioned. With the change of government the Minister for Health asked that a further review of the proposal for reform prepared by the previous government be conducted with key stakeholders. That has now been completed.

Organisations such as unions, the Australian Nursing Federation (ANF) and branches of the Health Services Union of Australia (HSUA), the Nurses Board of Victoria and the Australian Medical Association (AMA) all provided further comments before the bill was finalised by the government.

The bill goes further than the previous government's proposals. It incorporates the key recommendations of the nurse practitioner task force — a committee that was set up to advise on how to introduce the role of nurse practitioner, and again the previous speaker, Mr Best, commented on that document.

Given the hour and the number of bills still before the house, I will move on to deal with some of the bill's key features. The most important reform in the bill is the establishment of the role of the nurse practitioner. It allows suitably trained nurse practitioners to prescribe medication for patients. The nurse practitioner task force defined a nurse practitioner as clinical experts in the nursing profession with advanced training of many years clinical experience. Under the bill, the board's role will be to specify the qualifications and clinical experience necessary for advanced practice.

Clause 6 inserts new section 8B, which provides for the endorsement of registration of nurse practitioners. The Nurses Board of Victoria will have the power to endorse as nurse practitioners those nurses who have completed the required course of study and have had enough clinical experience. Two types of endorsement as nurse practitioner are created — that is, those authorised under the Drugs, Poisons and Controlled Substances Act to prescribe medication to patients and those who are not endorsed and do not have the legal right to prescribe medication.

Clause 39, one of the other main features of the bill, creates an offence for anyone who is not endorsed by the Nurses Board of Victoria as a nurse practitioner to use that title. That is the main way the nurses board can protect the public and patients from unqualified people attempting to mislead them. A person cannot hold himself or herself out to be a nurse practitioner if that person has not been endorsed by the board as a nurse practitioner.

Clause 42 sets out the new powers of the Nurses Board of Victoria, which are to determine the categories of nurse practitioner that will be endorsed and to accredit courses of study or recognise clinical experience for nurses to be endorsed as nurse practitioners. So the board must consider the two areas that could lead to a nurse being endorsed as a nurse practitioner — that is, the accredited study and clinical experience and practice.

I shall take members to the section of the bill that sets out the new definitions to be inserted into the Drugs, Poisons and Controlled Substances Act. These definitions are dealt with in clauses 48 to 52.

Hon. K. M. Smith — Do you have a pecuniary interest in this? Are you still with the nurses union?

Hon. KAYE DARVENIZA — Have you got — —

The DEPUTY PRESIDENT — Order, Mr Smith! Through the Chair, Ms Darveniza.

Hon. KAYE DARVENIZA — Through the Chair, I think Mr Smith has a particular interest in nurses! Each time I get to my feet on any bill which is in any way related to medicine or medical practice he always has a comment to make. As I have said before to Mr Smith, I am not sure whether it is an interest in the nurses' uniform or women in uniform generally that he is interested in. He always has a comment to make about nurses.

Hon. K. M. Smith — I think it is a wonderful profession.

Hon. KAYE DARVENIZA — I will pick up that interjection. It is a very fine profession, and nurses do a magnificent job. They do very difficult work often in very difficult circumstances. I will not take this opportunity to go on about the shortage of nurses the state is currently experiencing, the way the government is attempting to recruit and retain nurses or the reasons for the current position. I will not go on about that given the late hour of the day; I will stay with the bill before the house and move on.

I was talking about the amendments to the Drugs, Poisons and Controlled Substances Act which allow qualified nurse practitioners the legal right to prescribe medication. That is set out in clauses 48 to 52. The list of drugs nurse practitioners will be able to prescribe will be put into regulations under the Drugs, Poisons and Controlled Substances Act.

Hon. K. M. Smith — The doctors aren't too happy about that. You can understand that, of course.

The DEPUTY PRESIDENT — Order, Mr Smith!

Hon. KAYE DARVENIZA — In the interests of us all and the hour of the night I will be strong and not respond to Mr Smith's interjection. I will keep moving on.

The DEPUTY PRESIDENT — Order! Thank you, Ms Darveniza.

Hon. KAYE DARVENIZA — You are welcome, Mr Deputy President. I am glad it is appreciated.

Some categories of nurse practitioners will have the legal right to prescribe only a few medications while others will have a much longer list. As was alluded to by the Honourable Maree Luckins, the regulations must be formulated. The opposition has some views about that but the regulations will have to be formulated and the types of drugs that will be able to be prescribed by the many categories of nurse practitioners endorsed by the board will be set out in those regulations. As I said, some nurse practitioners will be able to prescribe only a few medications while others will have the authority to prescribe a much larger range of medications. Some nurse practitioners endorsed by the board will not have the legal right to prescribe medication. That will depend on the type of practice setting and the needs of the patients.

I shall deal with the amendments considered in the other place, which have been referred to by other speakers. I would like to put on record the house amendments proposed by the government and will quickly run through the amendments put up by the opposition and the Independents.

Four main amendments were proposed by the government during the committee stage in the other place. Without the amendments the nurses board had all the power it needed to safely endorse nurse practitioners to prescribe medication. However, the amendments were a response to the concerns raised with the government. They went to the process through which the nurses board endorses nurse practitioners to prescribe medication; the government considered the provisions should be set out in the Nurses Act. The government responded to the strongly held views put to it.

A number of amendments were made to clauses 42(2) and (3) as well as to clause 45. Clause 42(2) amends the functions of the board to give it the power to determine the categories of nurse practitioner it will endorse. I have already dealt in detail with that provision. Clause 45(1) requires the nurses board to have regard to the advice of the nurse practitioner advisory committee before endorsing any nurse practitioner to prescribe any medication for patients. Proposed section 79(3) in clause 45, which was added to the bill in the other place, requires the board to establish the nurse practitioner advisory committee to advise the board on six main matters: categories of nurse practitioner that the board will endorse to prescribe medication; the curriculum content and the standard of courses that train nurse practitioners to prescribe medication; the clinical experience required for nurse practitioners to prescribe medication; the clinical practice guidelines to ensure safe prescribing by nurse practitioners; a list of scheduled drugs that different categories of nurse practitioners will legally be able to prescribe; and the ongoing education of nurse practitioners who are able to prescribe medication.

I could go into those provisions in more detail, but given the time I will deal with the amendments that have been mentioned by opposition members.

Clause 45(2) sets out the members the nurses board must appoint to the nurse practitioner advisory committee. The amendment ensures that the board has access to the required medical, nursing and pharmacy, as well as clinical pharmacological experts before it recommends that a nurse practitioner have prescribing rights. The nurses board has the power to appoint other members as it may require to the advisory committee. The legislation specifies the minimum requirements for membership of the advisory committee which is expected to change from time to time depending on the category of nurse practitioner being considered for prescribing rights.

It is important that honourable members recognise that none of the amendments changes the commitment made by the Minister for Health in the second-reading speech in the Assembly to the proper processes under the Drugs, Poisons and Controlled Substances Act. The prescribing rights of nurse practitioners will not come into effect until regulations are made.

Finally, I will deal quickly with the amendments proposed by the opposition and Independents in the other place. A new clause 30 was proposed by Mr Doyle, the honourable member for Malvern in the other place, dealing with determinations of informal hearings. The amendment allows an informal hearing panel of the board to order that a nurse do further training and education if he or she is found guilty of unprofessional conduct that is not serious. It is a sensible amendment and is similar to those that appear in other recent health practitioner registration acts that have been before the house. The amendment was supported by the government.

Mr Doyle's other amendment removed clause 46, which allowed the board to endorse nurse practitioners who had clinical experience but had undertaken no formal course of study. The government agreed to the amendment because the board's powers under section 8B allow enough flexibility to endorse nurse practitioners without the need for any sort of grandfather clause. Again, the government supported the opposition's amendment.

The amendment moved by Russell Savage, the honourable member for Mildura in another place, was for the removal of provisions in clause 46. It required two additional nurses on the nurse practitioner advisory committee. The Nurses Board of Victoria already has the power to appoint additional nurses and other members as required. The amendment was supported by the government.

Much can be said about this important bill, which deals with the delivery of nursing services in Victoria. It contains important reforms for the nursing profession that will enhance the care of the patients. I commend the bill to the house.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to speak on the Nurses (Amendment) Bill and to put on the record that the opposition is now in a position to support it. As has already been said, the opposition had some concerns about the original draft of the bill. However, through the cooperation of the government in embracing suggestions put to it by the opposition, it is now in a position to support it.

The opposition's main concerns were in respect of the category of nurse practitioner and the prescribing of a potent range of drugs in schedules 2, 3, 4 and 8 to the Drugs, Poisons and Controlled Substances Act.

Schedule 2 substances have traditionally been supplied by pharmacists, although it is possible under certain other arrangements for non-pharmacists to be able to supply those low-level medications. Schedule 3 substances are traditionally counter prescribed by pharmacists. They can be quite potent substances and require a considerable measure of training in their over-the-counter prescription. Schedule 4 substances are restricted substances that are ordinarily available only on prescription from medical practitioners. Schedule 8 substances are drugs of addiction. They are the among the most potent drugs that are generally available in the armamentarian of therapeutics.

We are talking about substances that have traditionally been available only through pharmacists on the prescription of a medical practitioner, veterinary surgeon or dentist, although in certain circumstances the Poisons Advisory Committee has made provision for other allied health professionals such as optometrists, osteopaths, chiropractors, podiatrists, physiotherapists and Chinese medical practitioners to get such drugs in certain circumstances.

One of the opposition's main concerns was that there was sufficient training in pharmacology and therapeutics for those prescribing such a potent set of substances to do so with safety. In briefings it was made clear that prospectively the type of training would be something in the order of a masters course, which provided us with a considerable amount of assurance. However, given that a grandfather clause was included in the original draft bill, concerns were expressed. I

have to say that I am somewhat surprised that the Honourable Kaye Darveniza has tended to trivialise an issue that the opposition treated so seriously and to suggest that there is a back-door way of achieving that objective. Let me quite firmly put on the record that it is not the view of the opposition that there ought be any such back-door way of achieving that objective.

In addition, the government agreed to a five-step process to safeguard the public in the use of scheduled substances. The opposition is pleased with the inclusion of clause 45, which means that the Nurses Board of Victoria must establish a nurse practitioner advisory committee. That will have wide representation from relevant health professionals, and the opposition believes it is a considerable improvement on the first draft. That committee will also be structured so that it will not be dominated by either medical practitioners or nurses.

Another point addressed by way of amendment is that any recommendation from the nurse practitioner advisory committee must be referred to the Minister for Health and the Department of Human Services for agreement. The minister must consult the Poisons Advisory Committee, which is composed of eminent clinicians, pharmacists and other allied health professionals in order to evaluate the proposals for nurse practitioners. It has been the traditional role of the Poisons Advisory Committee to be the main authority to address issues such as making available for allied health professionals, such as optometrists, drugs that are active on the eye. There is therefore considerable safety in the fact that the Poisons Advisory Committee is well and truly versed in approving categories of drugs that may be made available to certain categories of nurse practitioners. Finally, Parliament will provide a further safeguard through the Scrutiny of Acts and Regulations Committee.

It is a great pity that those amendments needed to be dragged out of the government, as has already been stated. The concepts arose out of a ministerial task force that had wide representation. In those circumstances one would have expected that wide consultations would have occurred. However, by the time the draft bill saw the light of day it had generated considerable antipathy among medical practitioners and chemists, in particular, because it went well beyond the recommendations of the task force. So once again we see this so-called open, accountable and consultative government being dragged by the heels and succumbing to opposition amendments because the opinions of key stakeholders in the field had been ignored.

I say ‘ignored’ rather than ‘not consulted’ because it would have been well known to all of the players in this scenario that medical practitioners and pharmacists in particular would have had grave concerns about the opening up of the availability to prescribe, use and possess potent substances such as drugs of addiction.

As has already been indicated, the Nurses Act 1993 was substantially rewritten by the Kennett government, and that set the tone for the subsequent evolution of the nursing profession. In a sense, it broke the shackles of what historically had been an overbearing medical profession. That act put nursing on a far more professional basis in terms of education and university training. The restructuring of the old Victorian Nursing Council into the new body was a significant advance.

I was delighted to hear that the Honourable Kaye Darveniza was a member of the Victorian Nursing Council; she would confirm that it was headed up by a medical practitioner. So in many senses it was the Kennett government that showed the way in terms of advancing the profession of nursing.

As has already been said, this act, together with many other allied health professional registration acts, has been subject to the scrutiny of the national competition policy. I am pleased to say that the amendments to the act address Victoria’s obligations with respect to mutual recognition, and the terms and conditions of the national competition policy will be complied with.

The position of nurse practitioner, in common with many other health professions, will achieve that objective by protection of the title. I have already mentioned the concern that was generated by the proposed changes to the Drugs, Poisons and Controlled Substances regulations. I do not think anything more need be said about that.

However, there are, I believe, a number of commonwealth implications that should be put on the record. For example, I do not know to what extent the government has addressed the issue of the national Pharmaceutical Benefits Scheme, where prescriptions written by nurse practitioners may need to be charged at the full price, and I know that pharmacists are concerned at the possible aggravation that may cause when customers or patients come to have these prescriptions filled.

In the same vein I ask what arrangements the government has made in respect of Medicare payments for what one might envisage as generalist medical services delivered by nurse practitioners.

There is, of course, the issue of indemnity insurance. As with a variety of other health professionals, it is reasonable to require nurse practitioners to take out professional indemnity insurance or to otherwise demonstrate that, by way of such insurance being carried by their employers or because of the nature of their work, other arrangements have been made.

There are also changes to the nurses board membership. I think this bodes well for increasing the autonomy of the nursing profession as time passes.

The opposition acknowledges the increased emphasis given to emerging areas of need such as aged care services and psychiatric nursing and the need to recognise that influence should be brought to bear on the Nurses Board of Victoria by metropolitan, regional and rural hospitals. Nevertheless, the prescriptive nature of some of the representatives on the board seems to limit the recruitment of available talent.

The opposition recognises the wisdom of retaining a lawyer and two people who are not nurses on the board. The bill is a further step in the process commenced by the Kennett government in 1993 in recognising the contribution made by nurses to the health industry. The opposition supports the bill as amended by my parliamentary colleagues in the other place.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Maree Luckins, Ron Best, Kaye Darveniza and John Ross.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL

Second reading

Debate resumed from 21 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. E. G. STONEY (Central Highlands) — The opposition supports the Domestic (Feral and Nuisance) Animals (Amendment) Bill. Domestic animals give their owners a great deal of joy. To illustrate my point, honourable members may have noticed the change in Mr Birrell's demeanour since his family has purchased a puppy called Oscar. Mr Birrell has been noticeably happier in the past few weeks when he is in this chamber and the puppy is at home doing his jobs, which Mr Birrell does not have to clean up. From all accounts the puppy is practising his burglar-trapping skills on Mr Birrell when he sneaks in late at night!

Pet owners are renowned for their tolerance of their pets. When you visit a park you can watch owners averting their eyes as their pet dogs do their doggy do. Mr Lucas is extremely proud of his dog Watto. This will now be the second time the dog has been mentioned in this chamber!

Mascots have been introduced to retirement homes. Never have dogs been on so much clover than the mascots in retirement homes. In return, residents receive the undying affection of the house dog. They are wonderful mascots and both the dogs and the residents get considerable joy from the dogs being in the homes.

I have been trying to remember the famous line from Willie Nelson that is something like, 'Old dogs forgive you even when you make mistakes'. That probably says it all about dogs and their affection for everybody they are associated with.

However, all is not well with the pet industry in Victoria. There are some very dangerous dogs in our society with very little to recommend them. They should never be let off the chain or allowed to circulate in the community. Some dogs are just born to be hated. I remembered that Henry Lawson once described such a dog, a mongrel cattle dog, in the short story *The Loaded Dog*, and I went looking for it. I found the story, and I will quote from it because it is relevant:

> The retriever went in under the kitchen, among the piles, but, luckily for those inside, there was a vicious yellow mongrel cattle-dog sulking and nursing his nastiness under there — a sneaking, fighting, thieving canine, whom neighbours had tried for years to shoot or poison.

Mr Acting President, I think you will agree that no-one has any time for those sorts of dogs nowadays, and the bill updates the legislation to cater for such dogs.

The bill makes only minor changes to the act. Honourable members may remember that some years ago the Honourable Dick de Fegely had a lot to do with the original bill. Don't we miss Dick de Fegely on rural

issues in this house! The proposed legislation allows authorised officers to remove stray animals and establishes a process to declare dogs dangerous. It also inserts the definition of 'menacing dog' for dogs that rush at people. It provides that dogs can be declared a menace and required to be leashed.

I turn again to my old friend Lawson. Honourable members may recall that in *The Drover's Wife*, which is an absolute classic, the drover's wife was confronted by a swaggie who very sneakily inquired if the boss was around. The swaggie worked out that the boss was not there and decided to stay the night. The drover's wife, a plucky lady, got a stick and her dog, held the dog by the collar and confronted the swaggie. The story goes like this:

> 'Now you go!' she said. He looked at her and at the dog, said 'All right, Mum,' in a cringing tone, and left. She was a determined-looking woman, and Alligator's yellow eyes glared unpleasantly — besides, the dog's chawing-up apparatus greatly resembled that of the reptile he was named after.

I suppose the swagman could have gone to the local council and had the dog seized if Alligator had broken loose, but somehow I doubt it.

I found a more modern example of problems with unleashed dogs and dogs rushing at people in the *Herald Sun* of 20 March in an article headed 'Beach a canine playground'. The article quotes Port Phillip councillor, Julian Hill, as follows:

> 'On what was supposedly a dog-free beach there were at least 15 dogs', he said.

One can just imagine him saying this:

> One lady had four whippets, none of which were on leads, and two of which came and hassled my three-year-old daughter.

The bill provides for new and upgraded requirements for the sale of puppies. No longer will anyone be able to go to a market, buy a puppy on impulse and perhaps regret the fact for the rest of the dog's life. Kids have gone with their parents to Saturday morning markets, fallen in love with little pups and taken them home without any planning by the family about how they will manage the pups and perhaps without even knowing what size the pups will grow to. Families who buy puppies on a whim may end up with a problem on their hands for the rest of the dogs' lives.

Now there is a requirement that puppies cannot be sold at markets but can still be sold from domestic premises. That begs the question about farmers selling dogs and drovers selling their dogs from abattoirs. I was assured at the briefings that farmers and drovers would be catered for. Those people breed dogs for sale and value their genetics. I had in mind the Honourable Barry Bishop's dogs, Bob and Lass, which have been mentioned in this place a number of times. I know he is very proud of his dogs, but I do not know whether he sells any of the offspring. He may mention that in his contribution to the debate.

It has been a long tradition that Australian farmers breed dogs for themselves and sell them to their neighbours. It has also been a long tradition that drovers breed dogs as a sideline in the abattoirs and sell the puppies. They take pride in the genetics of the working dog breed for yard dogs, paddock dogs and what I call sooners. For the benefit of the house, a sooner is the dog that would sooner be home than out working.

Our family bred a line of finders that would work on the Alpine grazing run in the high country to help round up cattle. They would run down the gullies through the trees and so on and find and bark at the cattle. They would bark until we arrived, and it may have taken half a day to get the cattle back up on top again. My dogs were named Ring, Flirty, Bow, Tex and Lass, all of whom have now gone down in history.

The statistics on domestic pets are interesting. The Bureau of Animal Welfare figures show that in Victoria it is estimated there are 300 000 registered cats, 300 000 unregistered cats, 300 000 unowned or stray cats and 300 000 feral cats. It is a consistent figure. There are 450 000 registered dogs in the state, give or take a few.

On the Internet the 'Petnet' site shows that in Victoria people own about 920 000 dogs and 650 000 cats. The Pet Care Information and Advisory Service estimates that about 50 per cent of cats are registered and about 55 per cent of dogs are registered. That is a headache for local government. The Melbourne City Council as at 23 November said it had registered 1727 dogs and 1835 cats. In the Shire of Delatite up to 4000 dogs and 1800 cats are registered, and the shire impounded 150 dogs and 30 cats last year.

I have demonstrated that pets are popular in Victoria, and it is important to legislate on issues arising out of pets and guard dog ownership and the mix of the two. The bill upgrades the legislation, and the opposition does not oppose it.

Hon. B. W. BISHOP (North Western) — I am pleased to contribute to debate on the Domestic (Feral and Nuisance) Animals (Amendment) Bill. As the Honourable Graeme Stoney said, it is always tempting

to stray into what is now known as the dogs-on-the-back-of-utes debate. I will resist that momentarily but suspect it will be included in my contribution.

Like the Honourable Graeme Stoney I remember the agriculture bill committee of the coalition government from late 1992 to 1996 giving the tough job of sorting out the issues involving cats and dogs to the Honourable Dick de Fegely.

Mr de Fegely did a great job and provided good leadership in that particularly difficult area. He was a driving force behind the drafting of the principal act in 1994, which has been quite effective. However, most legislation requires amendment from time to time, and the Domestic (Feral and Nuisance) Animals Act has been found to be no different after being tested in the real world.

The principal act set out how municipalities through authorised officers could deal with stray dogs and cats. In the notification process the dog or cat owner had to be notified by the occupier if those dogs or cats were straying onto someone's property. Obviously if the owner could not be found the process stalled at that point.

The amendments allow an occupier or the council to seize a dog or cat if it wanders onto a property more than once without permission. The council can then issue a notice, if the owner can be found, and if the dog or cat strays onto the property again an offence occurs. If the owner cannot be found the animal can be impounded at that stage. I am pleased to note that amendment, because I know that in my office issues like this are often raised. The bill certainly gives the occupier of a dwelling an opportunity to manage stray dogs and cats.

The bill also addresses guard dogs. Honourable members have all seen guard dogs in places such as wrecking yards. Currently those dogs have their own yard or enclosure or pen prescribed, but the outside fence around the yard is not prescribed. That will also be done in the bill. It will be achieved by calling those dogs dangerous dogs, which are already subject to appropriate controls.

Mr Stoney referred to dogs that rush or chase people. I suspect that more than half the time no damage is done. I have seen dogs gallop up to people and chase them, especially kids, and it is a bit of a game. I used to have a dog called Bob and he used to race up and jump up to be caught. He was a big dog so it was a bit awkward catching him when he ran up. He certainly would not have bitten anyone. However, people can be frightened and the situation can get out of hand. The situation can become worse if a dog has a nip or two at the start of the game, which can lead to more serious activity.

If the council or the courts become aware of such activity they can declare the dog a menace so that when it is off the owner's premises it needs to be leashed or muzzled. If the dog continues to be a nuisance the rule of 'three strikes and you're out' applies — that is, two more strikes and the dog can be declared to be dangerous and further restrictions can be imposed. It is a good idea. It is not too restrictive and it is reasonable because it stops the real problem before it gets to the extreme end where it could be dangerous.

While the bill was between houses the Deputy Leader of the National Party was contacted by a gentleman named David Hynd, the president of the German Shepherd Dog Club of Victoria. The club wanted an amendment to provide exemption for the Victorian Canine Association for imported German Shepherd dogs from some restrictions. I understand that these dogs are trained overseas, and the request from the club was that they be exempt from the dangerous dog classification at training grounds and show events to allow the dogs to be unmuzzled and not leashed.

I noted in the correspondence that with regard to blood line dogs called Schutzhund dogs, all adult breeding stock imported to Australia must obtain a current Schutzhund title in their country of origin prior to export. I am advised that currently there are 10 to 12 of these dogs in Victoria, and 30 in Australia. I understand that there is some dissent from the Victorian Canine Association on this issue resulting from insurance concerns.

We understand the concern of the German Shepherd Dog Club of Victoria led by Mr Hynd, but the timing makes it impossible for any amendments to be moved now because the lower house has risen. The minister has assessed the amendments, and the National Party would be happy to pick up the issues next sessional period for Mr Hynd and his dog club.

The bill also allows authorised officers with a court order and with some assistance to enter private property and seize a dog where an offence has occurred or the dog is suspected of attacking someone. The animal must then be held until the court case outcome is known.

If an animal is in a pound the owner must pick it up and provide personal identification plus current registration information for the animal — dog or cat. If an animal is

taken out a new owner must make application for registration.

To conclude, I should mention Mr Lucas's dog, Watto, in *Hansard* again. He has received the most recognition in the Victorian Parliament of any dog, and he probably deserves those plaudits.

Talking about dogs in backs of utes has always provided some entertainment in this house. But let me talk about a serious issue. A number of honourable members suggested to me after a previous contribution in this house that I was extremely tough on our Jack Russell, Nick, and was a little scathing about his capacity and ability.

Nick is not exactly a working dog — although he thinks he is; he is very sure about that. The point is that Nick is a Jack Russell — not a sheep dog and not a cattle dog. He would be best described as a support working dog on the farm. He does not often ride in the backs of utes; he generally rides up the front in first class — perhaps behind the driver, with his head on the seat. Nick is also very good at looking after the house when everyone is away.

To put the record straight, Nick is a handy dog; he is a great support worker, particularly around the farm workshop. He is certainly not in the same category as our past working dogs — and they include Lass, Bob, Snifter — he was a good dog — and Tiger. All those dogs played an important role and at times a busy one. Nick has a self-appointed role as a handy dog.

In conclusion, the National Party supports the bill. It is a good example of a bill to tidy up legislation after it has been tested in the real world for a couple of years, which is the way legislation is often treated in this house. I commend the bill to the house.

Hon. D. G. HADDEN (Ballarat) — I speak in support of the Domestic (Feral and Nuisance) Animals (Amendment) Bill. By way of introduction I indicate that the principal act, the Domestic (Feral and Nuisance) Animals Act 1994 provides a sound framework for the management of domestic animals. The principal act addresses many community concerns, particularly in relation to dangerous dogs and irresponsible owners of domestic animals and animal businesses. These issues have been effectively managed by local government in the various electorates.

The bill proposes to simplify the control of dogs and cats on private property without permission; to enable councils to declare certain dogs to be menacing dogs; to require owners of menacing dogs to restrain their dogs adequately; to regulate domestic animal businesses conducted by councils; and to allow authorised officers to search for and seize certain dogs under a search warrant.

The bill will amend the act to improve its administration and effectiveness so that issues raised by local government can be adequately addressed and to implement the legislative proposals required under the national competition policy. The proposed amendments, which are mainly of a technical nature, will improve the clarity and effectiveness of the act and the efficient management and control of urban domesticated animals.

At the same time they will acknowledge the responsible ownership of dogs and cats, while protecting the environment and the general rights of non-animal owners, which is important and must be taken into account.

The amendments are designed to improve the operation of the principal act and include provision for a landowner or occupier to take action in association with the local council to stop unwanted animals entering private property. In addition, dogs that have received attack training will be designated as dangerous dogs and to protect the community there will be appropriate controls on the keeping of such dogs and on how they are housed and controlled. Enclosures for guard dogs while on duty will be required to be of a standard to that prescribed for their normal housing.

Currently councils can make orders regulating the presence of dogs and cats in public areas managed by those councils. The amendments will widen the scope of such regulation to include with the consent of the owner, private property which is open to the public, such as car parks at universities.

The amendments will also allow an authorised officer, with assistance and with a search warrant, to enter any premises to seize a dangerous dog where an offence relating to that dog has occurred or is suspected to have occurred, and to seize a non-dangerous dog if such a dog is found to have injured or is suspected of having injured a person.

It is proposed to deal with dogs that rush at or chase people by declaring these dogs to be 'menacing dogs' and requiring such dogs to be leashed or muzzled when outside the premises of the owner. It is important to note here that the minister's second-reading speech states that research conducted in the past two years indicates that 52 per cent of incidents reported to councils as dog attacks involve rushes and chases that resulted in no injuries to the complainants. It was also

suggested that early signs of antisocial behaviour by dogs often leads to more serious attacks later. That certainly is something all members of the community need to be vigilant about to reduce the incidence of attacks on innocent citizens.

Furthermore the bill will provide that councils may recover the cost of impounding animals and that where a court has found a person guilty of an offence under the act the court may order that the reasonable costs of impounding the animal be paid for by that person. That is appropriate.

A national competition policy review of the principal act found that exemptions for domestic animal breeders for specified animal associations and registration concessions for dogs and cats registered with those associations gave rise to a restriction in the market for canine and feline association membership. The bill removes references to specific associations so that exemptions and concessions can apply to all recognised dog and cat associations, subject to guidelines and ministerial approval. In addition, any council-run commercial enterprise such as boarding kennels will now be required to pay for registration, as does any other business.

Under the bill owners of breeds of dogs banned from importation under commonwealth laws, such as the American pit bull terrier, will not be eligible for exemptions and will not be eligible for fee reductions as a result of belonging to organisations representing those breeds.

The amendments have the support of the Municipal Association of Victoria, the local government professionals support services special interest group and the Animal Welfare Advisory Committee, which includes representatives of animal welfare organisations as well as the Australian Veterinary Association, the Victorian Canine Association and the Cat Protection Society.

The definition of a pet shop will be amended to exclude market stalls and the popular trash-and-treasure stalls at which young dogs and cats are available cheaply. Such outlets do not promote responsible ownership of dogs and cats.

The responsible pet ownership program, which currently operates in Victorian schools, teaches children and young people to handle aggressive dogs. By the end of the year the program will be operating in 800 schools. It is part of the government's commitment to introduce public awareness and education programs under the Domestic (Feral and Nuisance) Animals Act.

The act and this bill are based on the rationale that any dog, regardless of breed or type, is potentially dangerous, and nuisance and aggression are not confined to certain breeds of dogs.

I have been a responsible dog owner for most of my adult life. When I was growing up we always had what could be termed an aggressive dog. We started with an Airedale called Rodney; then a Doberman pinscher called Abraham Lincoln; and we then had a succession of three Rottweilers, Ruffy, Bree and Beau. I went on to own two German shepherds, Hogan and Kruga; and then a Rottweiler, Sheba. They have all gone on to bigger and better things. Now I am the proud owner of a cat called Tabitha who is a great rat and mouse catcher.

As a responsible owner, carer and friend of those dogs, I not only housed them properly within the perimeters of my property but also had their own separate pens within the perimeter of the property. As a responsible owner of such breeds of dogs as Dobermans and Rottweilers it is important to take precautions so that if someone falls off a fence or accidentally comes through or climbs over a gate, he or she will not be rushed at, chased, bitten, attacked or mauled by a dog on the property. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Graeme Stoney, Barry Bishop and Dianne Hadden for their contributions to the second-reading debate. I especially appreciated the quotes from and references to Henry Lawson and could have listened to many more. I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAMING ACTS (GAMING MACHINE LEVY) BILL

Second reading

Debate resumed from 15 November; motion of Hon. C. C BROAD (Minister for Energy and Resources).

Hon. D. McL. DAVIS (East Yarra) — When the Clerk inadvertently read out the wrong order of the day at this hour of the night I nearly had the opportunity to speak on an entirely different bill! I will make a number of points about the Gaming Acts (Gaming Machine Levy) Bill. It is a small bill but in essence it introduces a new tax. This is a new tax from a high-taxing government — a government that has massively increased taxes on Victorians; a government that continues to show all signs of increasing taxes. Let us be clear about it: the opposition does not oppose the bill.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! There is a great deal of conversation in the chamber and the level of it is now making it difficult for Hansard. I ask members to keep the volume of conversation at a slightly lower level.

Hon. D. McL. DAVIS — The issue of gambling taxes is discussed in the financial report of 1999–2000. Gambling taxes increased by $112 million in the year before that. It is important to place that fact on the record. Of particular interest is the shift not in gambling per se but in gaming machine revenue, which rose by $113 million or 13.7 per cent in 1999–2000. That is a significant increase in that period. It is important to note that this increase has come from a government that indicated a distaste or dislike for gambling taxes and for the use of gambling as a method of taxing the community. While many of us have mixed feelings about gaming all round, we recognise that it is an important source of revenue to the government and that many important programs are run from that revenue.

Hon. R. M. Hallam — And we are not pious about it.

Hon. D. McL. DAVIS — We are not, but we are well aware that gaming has a significant social cost in the community. While we recognise that the revenue is important for a range of reasons, it must be balanced in a sensible way.

In essence, and to be fair to the government, this bill simply follows through the election commitment the government made to introduce a levy of $333.33 on every operative gaming machine. That brings the amount to be taken in each year up to $10 million.

The revenue is hypothecated for the purposes of drug and alcohol programs. That is certainly a worthy destination for the money, but this is a very arbitrary tax. The way it is imposed is clearly arbitrary. There has been little or no consultation; in fact, I believe there was none. It is true that the levy was announced before the election, but even bills of this arbitrary nature need to be talked through with an industry before they are simply imposed. This is not a good model. It is not sensible to simply slap on a tax, as it were, in a completely arbitrary manner without reasonable consultation.

Hon. R. M. Hallam — Or any consultation.

Hon. D. McL. DAVIS — Indeed, there was no reasonable consultation in this case.

I note the point that this will have some interaction with other measures the government has put through, including the regional gaming caps. I am concerned about the impact of those caps and how they will affect a number of municipalities, not least in my electorate. I have commented on that matter in this house on a number of occasions. It will be interesting to see how the bill interacts with some of the caps.

Opposition members are grateful for the briefings we received from the government. However, it was clear in those briefings that there had been no study or analysis of the impact of this tax. It is true that there is no easy way for the owners of the machines to pass this levy on to the consumers. It appears on first analysis that they will not be able to do that.

Anyone with an elementary understanding of economics will understand in a flash that the costs will eventually be passed through in one form or another to the consumer, either through an impact on either the gaming take, the venues or other arrangements in the relationship between the owners of the machines and the clubs and pubs where they are positioned. While superficially it looks like a simple tax on the owners of machines, it will have a broader impact on clubs and pubs over the time the tax is imposed, which appears to be indefinitely. The main point to be made about the tax is what I have already said — that is, it is arbitrary and will have a broad impact. The opposition does not oppose the tax and accepts that a clear statement was made before the election by the ALP. However, the opposition has reservations about the process undertaken in the introduction of this and a number of

other gaming bills. The opposition is concerned that any changes to legislation are made in that way.

The other point to be made concerns the calculation of the levy, which is to be calculated on 30 September but paid on 15 December and 15 June. The opposition will monitor the government's further steps in the gaming area. It will observe any increase in revenue and any reliance by the government on the levy. The government has done little to achieve any of the aims it set out when in opposition to minimise the social impact of gaming. The opposition will monitor that in the future.

Hon. R. M. HALLAM (Western) — I am pleased to report that the National Party does not oppose the Gaming Acts (Gaming Machine Levy) Bill. I am also pleased to report that it has come to that position primarily on the rationale of a mandate theory. Mr Baxter will have palpitations when he hears me say that, but I have previously said in the house that just because a party mentions an issue in the lead-up to an election does not give the government, on its success at the election, carte blanche because if the mention of an initiative is to become the authority for its introduction, it should just as easily become the responsibility for its introduction.

It is clear particularly with the Bracks government that many of those commitments have turned out to be discretionary, expendable or even disposable. Now the house learns about core and non-core commitments given in advance of the election. The classic example that springs to mind is that of uniform tariff.

The National Party says that if an authority is to be derived from simply a mention of a commitment, it should also apply to the issue of responsibility. The National Party is not wedded to the concept of a mandate, but it is a good debating point.

This tax was announced specifically in the run-up to the election. Not only was the tax announced in advance, not only were the parties against whom it would be levied announced, not only was the basis of the tax announced and how it would be applied, but the amount of dollars was announced in advance. We heard the government say, 'We shall derive this amount of dollars from this tax', before it was introduced. That is unique, and I will come back to it.

The National Party acknowledges that the bill delivers on that announcement. It delivers to the absolute letter of that commitment. It is on that basis that I have reassured my colleague Mr Baxter that we should take account of the mandate.

Hon. W. R. Baxter — I am pleased to get that reassurance.

Hon. R. M. HALLAM — However, I would rush to reassure Mr Baxter even further that that does not mean we think it is a good tax.

Hon. W. R. Baxter — I am pleased with that reassurance as well.

Hon. R. M. HALLAM — In terms of fairness, this tax is at best arguable; in terms of logic, it is questionable; in terms of rationale, it is opportunistic and even punitive. There are many bases of criticism of this tax. Given all the nice, comforting things Labor was saying about being business friendly, this tax is an expedient and hypocritical raid. The persons against whom the tax is levied are also in business. The only difference is that Labor believes it has those persons in an unfriendly grip. In football parlance it would be called the squirrel grip.

Why are we critical of this tax? There are three or four bases for that criticism. The first is that it is a new tax. Forget all the gushing hyperbole and rhetoric about Victorian taxes needing to be reduced, about the need for a fair and competitive tax structure, about the need for Victoria to reduce its tax structure to become competitive with other states. This is a brand-new tax on Victorians. It is rationalised on the basis that there are only three operators who will be called on to pay it — Tattersalls, Tabcorp and Crown. I suspect the rationale is that they cannot scream because they are seen to be fair game in the eyes of the community. In other words, there is a new rationale for tax — a serves-them-right rationale and a gotcher rationale.

The irony and the unfairness of that, in my view at least, is that Labor in opposition went to great lengths to establish the view that denigrated the industry and vilified the players. Now the same party is smug in the assumption that it can get away with the new tax given that it is levied on those who have been painted as the villains and the enemies of the poor, unfortunate, misguided, compulsive, mug punter — and I will come back to that.

That is the first basis of the criticism. It is a new tax, so it is the antithesis of everything that was said in advance of the Labor Party coming to government.

My second criticism is that it is levied on the gaming industry. Perhaps better than anyone else in this chamber I remember the number of times the previous government was accused of not only being too close to the gaming industry but of being too reliant on the gaming dollar.

In the very next breath, the same Labor Party goes directly to the source it previously portrayed as the honey pot. I make the point that it cannot now offer the defence that things have changed, because it announced the tax before it came to government. It announced the tax before the election, which means it plotted at the same time as it deplored the reliance of the previous government on the gaming industry. That to me demonstrates the hypocrisy of the incoming government.

I want to make the point I was trying to make by interjection when the Honourable David Davis was elucidating before the chamber that the Kennett government was at least not pious about the revenue derived from the gaming industry. It was prepared to admit that it was a fact of life, and it is a fact of life that $1.5 billion is derived from the gaming industry in all its forms.

I remind the chamber that no-one here forces the players to participate in the industry. When in government coalition members made the point again and again that if people wanted to take part in the industry they did so under the condition that they were told up front that a share was to be directed to the public purse. When in government we went to great lengths to protect the compulsive gambler. We acknowledged that there are some in the community who cannot handle the new-found responsibility, but our assertion was that those people are a very small minority and should be acknowledged as such.

What did Labor do? It took the populist line and told the community that it generically had to be protected against the rapacious operator in the gaming industry. It told the community about the inherent weakness in the individual and that the government was at fault because it relied too heavily on those who were vulnerable in the community. That is what Labor told Victorians before coming to government. What has it told them since? It says, 'Here comes a magnificent marketing initiative called responsible gaming! Now we have a new emphasis, a new direction and new legislation. There will now be greater protection of players' rights'.

No-one in the conservative ranks opposed any of those initiatives. Indeed, much has been made of the extent to which they had already been listed on the previous government's agenda in response to an evolving industry. However, I make the point again and again that most of the changes were about perceptions; they were cosmetic rather than structural.

All of that is to highlight what Labor is saying. It states that it expects the yield from the gaming industry in 2000–01 to increase by 4.5 per cent. It takes into account an underlying inflation rate of 2.75 per cent. So the government is anticipating an increase in gaming revenue by almost twice that of the underlying inflation rate! I for one am not fooled by what I am told in the budget documents. I will quote directly from page 133 of budget paper 2 of 2000–01, which states:

> Overall, gambling tax revenue in 2000–01 is expected to fall 19 per cent to $1 235 million.

The government is telling the community that it expects gambling tax revenue this year to fall by 19 per cent. What is needed is a reconstruction of the budget document, because that aside fails to mention the set-off for the GST. A chart at page 127 shows the impact of the GST on the Victorian budget.

In the same year that gambling tax revenue is now expected to fall by 19 per cent we learn that gambling taxes in respect of the set-off for the GST are $358.2 million. Any sort of mathematician could do the sums and work out that it was not a 19 per cent reduction that we should expect but a 4.5 per cent increase — that Labor itself was expecting the yield to increase by almost $70 million.

The government is sensitive because it created the climate for that sensitivity when it went into the community and carried on about the reliance of the previous government on the gambling dollar. I would have expected we would have had something closer to honesty in respect of the intended yield. Let the record show that once the appropriate adjustments are made the revenue yield is expected to increase by 4.5 per cent rather than reduce by 19 per cent, as the community was told in the initial instance in the budget documents. After criticising the Kennett government for its reliance on the gambling dollar the first thing the current administration did was introduce a brand new tax, which will apparently yield $10 million per annum ad infinitum.

Then the community learnt of a new form of gambling completely. The state was going to get some revenue from the Australian Football League. If the predictions of the government itself are believed the increase in revenue is expected to be $20.8 million over three years. This is the same government that surreptitiously snipped Tatts for a cool $10.5 million — the equivalent of the 10-cent ticket levy. Add to that the other open-ended costs — the new supervision fee and the new audit fee — and I am not sure what impact that will have on the revenue stream. Let us not have any more doublespeak from Labor about reliance upon the gambling dollar because it is like the kid with his hand in the cookie jar.

I am reminded to point out that we are talking of the industry that is so heavily taxed the GST rules had to be amended to accommodate it. Governments at both the state and federal levels concluded it was inappropriate to apply the GST to the gambling industry. They were concerned about their revenue streams because to have put 10 per cent on the taxes already taken would have made it too unattractive.

We in this chamber have discussed this previously. There was then a charade of reducing the direct tax to compensate for that reality. It was done in a way that was politically defendable — I used the word advisedly — but the net result was that the industry was effectively exempted from the GST taxing regime. Why? It was not because there was some outbreak of benevolence but simply because no-one could justify the additional tax on this already heavily taxed industry.

If honourable members look at the industry they will notice that about $120 million goes into the Community Support Fund year on year. That is quite apart from the licence fees, the other operational taxes and the income taxes that are levied against the operators.

The budget papers indicate that Tabcorp puts in about $600 million to the revenue of the state each year, and I emphasise that point. The tax introduced by this bill finetunes that revenue by a further $10 million.

I go to the third criticism of the bill — that is, the tax was sprung on the operators. The government holds its head high on the basis that it consults with the community. It was critical of the Kennett government on the basis that it did not consult with the community. The government claims it is open, transparent and accountable. Guess what? It levied the tax without having the courtesy of advising those against whom it would be levied! Those who now pay $10 million a year read about the tax in the newspapers! It illustrates the stinking double standards.

The fourth criticism is that this is a specialty tax dedicated to drugs and alcohol abuse. Not one member of the chamber would argue the need for the direction of the revenue, but it is levied on the gaming industry. When one talks to those directly involved in the industry they ask, ‘Why pick on us? Where is the connection between the tax impost and those to whom it is directed to assist? Where is the logic?’ No wonder the operators are bewildered about this new tax imposts. Why not put a tax on EGM’s — electronic gaming machines — for homelessness.

Hon. R. A. Best — Don’t make too many suggestions!

Hon. R. M. HALLAM — The interjection is appropriate. More than anything else it indicates that the Bracks government believes the gaming industry to be the original cash cow that can be milked without effect. It believes the tax can be plucked from mid-air.

I made the point, as did the Honourable David Davis, that someone pays the piper. There is no Santa Claus; someone will have to find the money to pay it. We are told there is a defence — that is, 87 per cent of the amount bet is guaranteed as returns to players and that the punter is secure and will not pay the tax. Pull the other one! The operators are the most commercial people one can come across. Is the government trying to tell the chamber that because it thinks up some smart limitation the operators will not find a way around it? Try finding an operator who is not currently above the 87 per cent now! The provision will mean a change to the distribution process and the punter — the person the government says it wants to protect — will ultimately have to pay the $10 million.

Honourable members are told the venue operators will be secure because they have contracts with the major operators. I invite honourable members to talk to any operator about his or her contract. They will say they are petrified at what is in the contracts, which include the most extraordinary conditions. It is a monopoly of the first order. I am not the slightest convinced by the notion that the current contracts between the venue operators and the operators will protect those in the marketplace from the implications of this new tax.

If the operators cannot claw the additional $10 million back, where will they find it? They will not get it out of thin air — they will take it from the bottom line. Where will that bottom line ultimately fall? It will fall on the investors of Victoria. Someone has to pay the piper. Either the shareholders of Tabcorp or the beneficiaries of Tattersalls will ultimately pay the price. Someone will have to forgo the $10 million, so let’s drop the quaint notion that it can be picked up without having an effect on anyone.

As I said at the outset, the National Party will not oppose the tax, but it finds it just too cosy to believe. How was the $333.33 per machine originally struck? That is an interesting little aside. It was not struck at all — that is the amazing thing about it! Labor in opposition decided it would impose a new tax, and what was a good round figure to be derived from that tax — $10 million!

Hon. C. A. Furletti — It said, ‘Ten million sounds good!’.

Hon. R. M. HALLAM — Yes, 'That is a good round number, so we'll go for $10 million'. If you divide $10 million by the number of machines out in the marketplace, guess what it works out to be.

Hon. E. J. Powell — Three hundred and something?

Hon. R. M. HALLAM — Not three hundred and something — $333.33 exactly! That is how it was worked out. It would have to be a unique tax because, as I said at the outset, the stream of revenue was decided in the first place, not the tax. Labor said, 'We will pluck $10 million off this poor unsuspecting industry'.

Government members interjecting.

Hon. R. M. HALLAM — I am pleased to get the interjections. I mean 'poor' in the respect that it cannot fight back because of the grip the government has.

Hon. C. A. Furletti — On three operators.

Hon. R. M. HALLAM — On three operators with contracts written in advance.

Hon. Jenny Mikakos interjected.

Hon. R. M. HALLAM — It is interesting to get the aside from the honourable member, because if she were in private practice and invited to sit in judgment on what has just taken place, she would rebel.

Three operators have contracts written in advance that are now being changed by the unilateral action of one of the parties to the contracts. The assumption is that because they have licences that are valuable they will not be prepared to make a fuss.

How many instances can honourable members recall where the revenue was determined before the tax structure? I do not think there would be an instance in the history of the state where the actual revenue stream rather than the tax was determined first. I would love to get a few of those on the record; that would be very helpful.

If it is so easy to pluck an easy $10 million from the industry, why stop at $10 million? Twenty million is a good round figure, too. Why not make it $30 million, $40 million or $50 million?

Hon. C. A. Furletti — Hold on — $10 million a year might be better.

Hon. R. M. HALLAM — We have $10 million a year already, but why stop at $10 million? It is an interesting question that I pose to the chamber. Some pretty mercenary processes are taking place and there are some crazy double standards. However, I admit to you, Mr Deputy President, that we are in opposition — I hate it, but I admit it — to a party that won government after taking this precise issue to the electorate.

On that basis it will not be opposed. I have to say that this bill displays rotten double standards. I hope it will not be long before the Victorian community works out that it has been sold a pup.

Hon. S. M. NGUYEN (Melbourne West) — I am pleased to support the Gaming Acts (Gaming Machine Levy) Bill. During the election campaign the Bracks government promised it would introduce a levy.

Hon. C. A. Furletti — Who wrote your speech?

Hon. S. M. NGUYEN — Nobody else; I wrote it myself. The bill is about solving a social problem in the community, particularly in the City of Maribyrnong, which has a drug problem. It has been debated many times how the police, councils and other organisations can find remedies for this social problem. My electorate has many gaming machines, and in response to the Honourable Roger Hallam's comments, it has nothing to do with drugs or alcohol but with the levy.

People in the City of Maribyrnong complain every day to organisations and at council meetings about the problem and how to solve it. More programs must be put in place, and the levy will be directed towards those drug and alcohol programs in Victoria.

The government's policy was made clear to the community during the election campaign. There was no hidden agenda and everybody knew that $10 million each year is required to be levied on gaming machines to design programs to tackle the drug and alcohol problem.

The second-reading speech makes it clear how the government will tackle the issue. The tax will deliver community services. There are three operators in Victoria — Tattersalls, Tabcorp and Crown Casino. There are approximately 30 000 gaming machines in Victoria, and if one divides $10 million by 30 000 gaming machines, $333.33 per gaming machine is required.

Many people play poker machines every day, and night after night. Use of the machines can make people's lives difficult. Some people cannot control themselves and they become addicts. They sit for hours spending money, and they forget about what time they started

and what time they finished. They go on until they lose all their money, then they go home.

There are many cities in Victoria that need to be restructured to ensure members of the community are aware of how gaming machines can affect them. The bill will allow the government to collect money to provide services to the community. I am delighted to see the government taking a strong role and working with community organisations to increase funding and ensure it gets to targeted groups, such as those affected by drugs and alcohol.

I turn to the criticisms from opposition members. The consultation process has been clear and information has been put out in leaflets. The government has talked about how it will tackle the problem, and indicated that $10 million is needed from gaming machine revenue. Gaming machines can cause problems in communities.

Hon. R. M. Hallam — Then why did you bring them in?

Hon. S. M. NGUYEN — It was about time to bring them in. The amount was already set in the budget for next year. Some $10 million is needed in revenue each year, starting from the 2000–01 budget. The community is aware of the government's intention and what it will do with that money.

Hon. N. B. Lucas — Will it be $20 million next year?

Hon. S. M. NGUYEN — I cannot comment on that. It is a good bill. It is not about collecting money from the Victorian community; it is a bill to solve a problem, especially for those involved in drug and alcohol abuse. I support the bill and commend it to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (QUESTIONING OF SUSPECTS) BILL

Introduction and first reading

Received from Assembly.

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

MAGISTRATES' COURT (INFRINGEMENTS) BILL

Introduction and first reading

Received from Assembly.

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

UNIVERSITY OF MELBOURNE LAND BILL

Introduction and first reading

Received from Assembly.

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

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Council's amendments

Returned from Assembly with message agreeing to certain Council amendments and disagreeing with another amendment.

Ordered to be considered next day.

INFORMATION PRIVACY BILL

Council's amendment

Returned from Assembly with message disagreeing with Council amendment.

Ordered to be considered next day.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I raise with the Minister for Sport and Recreation, as the representative in this house of the Minister for Planning, Waverley Park. On 9 May, 29 August, 30 August and 21 November this year the Minister for Sport and Recreation indicated and later confirmed that he requested the Urban Land Corporation (ULC) to undertake some work for him in investigating the potential subdivision of Waverley Park. On 30 August the minister indicated that he had not received a response and had asked the corporation to contact him. This week, on 21 November, the minister indicated that he still had not received a reply.

I am concerned that the ULC has apparently still not undertaken what the minister requested and has not responded to him. It is now at least three months since the first request. I believe the minister responsible, the Minister for Planning, should intervene to support his colleague the Minister for Sport and Recreation.

Accordingly, I ask the Minister for Planning to investigate this matter and take the necessary action to ensure the ULC completes its investigation and provides a response to the Minister for Sport and Recreation, and ask that the minister advise me in due course of his actions.

Women: government boards and committees

Hon. E. J. POWELL (North Eastern) — I raise with the Minister for Small Business, as the representative in this house of the Minister for Women's Affairs, the participation of women on government boards and committees.

Today the Minister for Women's Affairs organised a function in the Parliament House gardens to celebrate the contribution of women to our community. I would have liked to have been there to congratulate those women, but despite being the National Party spokeswoman on women's affairs I was not invited, nor was the Liberal Party's shadow Minister for Women's Affairs, the honourable member for Prahran in the other place, Leonie Burke.

The Minister for Women's Affairs has said she is committed to increasing women's participation on government boards and committees so that the community can benefit from their skills, expertise and talents. The minister has increased the number of women on boards, but in north-eastern Victoria she has removed a number of good women from boards after they had renominated to serve.

The Wangaratta hospital board lost its president, Nanette Green, and Mary Sadler was also removed from the board. Ms Green was a commissioner with the Rural City of Wangaratta, state president of the Business and Professional Women of Victoria, president of the Wangaratta Institute of TAFE and a publisher. Mary Sadler was a councillor, and a chairperson of both the Wangaratta Red Cross and the Aged Care Services Council.

Mrs Margaret Moss was removed from the Goulburn Valley Water Board. She was a company director, a councillor, a school teacher and a member of the Northern Industry Education Board. Pauline Messenger was removed from the North East Regional Water Authority. She was a former commissioner, a former councillor and a businesswoman.

I certainly do not criticise the incoming women on those boards — I know a number of them and I know they will do a great job. However, I ask the minister: what skills, experience and talents did these women not possess and why were they sacked?

Taxis: airport fees

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Consumer Affairs and suggest she might like to raise this matter with the Minister for Transport, but I raise it with the minister as a consumer affairs matter.

The Mornington Peninsula and the electorate of Cranbourne, which is part of South Eastern Province, are a considerable distance from Tullamarine, and in a typical year many thousands of my constituents travel to and from Melbourne Airport by taxi. During the past week or so there has been considerable publicity about the possibility of a surcharge, levy or some other commercial impost on taxidrivers, or taxi consumers.

I am concerned because, like several other honourable members, I consider that airport access and the taxi industry are part of the public transport infrastructure. Since typically it costs $100 or thereabouts to go to part of my electorate by taxi from the airport, and a considerable number of passengers are involved, could the minister inform the house of what measures she is taking to ensure from a consumer affairs point of view that the travelling public in Victoria are not landed with an unnecessary cost impost on the taxi industry, which is a serious matter for many members of our community?

Workcover: court costs

Hon. R. A. BEST (North Western) — I raise an issue for the Minister assisting the Minister for Workcover. Recently I was visited by a constituent, Mr Paul Conway, who was employed by Pasta Master as factory manager. On 17 March 1991 there was an industrial accident in which unfortunately a young worker was killed. Interestingly enough, only six months earlier the Victorian Workcover Authority had passed as safe the machinery that killed the boy. However, it decided to take action against the company, which pleaded guilty.

The factory manager, Paul Conway, was subsequently charged with negligence by the authority and decided to contest the charge. He was not an office-holder of the company and has had to pay his own legal bills, which have totalled some $57 000. The trial started on 2 August and the decision was delivered 20 days later on 22 August. He was found not guilty.

Hon. R. M. Hallam — Exonerated.

Hon. R. A. BEST — Absolutely exonerated. Workcover considered it a test case, so obviously it was prepared to go to any expense to get an outcome and a conviction. I ask the minister: what avenue is available for an employee to defend himself and not be faced with such an enormous legal bill, and how can he win the case and still have to pay $57 000?

Gold discovery anniversary

Hon. ANDREA COOTE (Monash) — I raise a matter for the attention of the Minister for Energy and Resources. In October the minister explained to the house that $1 million would be allocated to celebrate the 150th anniversary of the discovery of gold in Victoria. The Country Victoria Tourism Council has been appointed as project manager of the celebration. The honourable member for Bendigo East in another place is to chair the steering committee that will oversee the project.

Hon. T. C. Theophanous — Good man!

Honourable members interjecting.

Hon. ANDREA COOTE — It is a woman. It is actually Jacinta Allan!

Honourable members interjecting.

Hon. ANDREA COOTE — In a letter of 10 November, Mr Robert Kellner, the project manager for the Country Victoria Tourism Council, says:

> In recognition of this important decision the state government through the Community Support Fund has allocated $1 million to assist in the celebration. Country Victoria Tourism Council has been appointed as project managers to be overseen by a steering committee made up of relevant stakeholders.

Earlier this evening I looked up the *Macquarie Dictionary* and discovered that what it has to say about 'stakeholder' is:

> … one who has a pecuniary interest in an enterprise, having contributed funds to it.

I ask the minister: how can the honourable member for Bendigo East possibly be considered a relevant stakeholder?

Industrial relations: disputes

Hon. R. M. HALLAM (Western) — Given her title of Minister for Industrial Relations and her repeated public commitment to secure a better industrial relations climate across Victoria through cooperation and conciliation, how does the Minister for Industrial Relations rationalise her decision to not include time lost through industrial disputation as a measure of her departmental performance?

Pest plants: regulation

Hon. J. W. G. ROSS (Higinbotham) — I raise with the Minister for Energy and Resources, representing the Minister for Environment and Conservation in the other place, a matter relating to the problem of invasive noxious weeds and exotic plants on the foreshore of Port Phillip Bay and the displacement of indigenous plant stocks. This is a real problem in my electorate. An example of such a highly invasive species is the New Zealand mirror bush, *Coprosma repens*. It is commonly found in home gardens and is freely available for sale.

I am pleased to say that my electorate has a number of local volunteers who are active in removing weeds from the foreshore. They have noted a significant increase in the number of invasive plants being sold from plant nurseries and planted in home gardens. Birds nest in these plants, pick up the seeds and spread the weeds.

The situation has become so serious that last week the Beaumaris Conservation Society carried the following motion:

> The policy of the Beaumaris Conservation Society Inc. is that there should be a state law to prohibit the sale or distribution of plants that are noxious weeds or environmental weeds and pest plants in Victoria.

I believe the Catchment and Land Protection Act 1994 may provide the necessary solution to enable the government to declare certain of the species presently being sold through plant nurseries as restricted plants. I also understand that at present no such plants have been proclaimed as restricted plants in Victoria.

I seek the assistance of the Minister for Energy and Resources in asking the Minister for Environment and Conservation to look into the question of highly invasive exotic plants being sold, quite legitimately, by plant nurseries. I ask the government to consider imposing controls on the sale of culprit species by plant nurseries.

Geelong: water sports complex

Hon. BILL FORWOOD (Templestowe) — I have an issue to raise with the Minister for Sport and Recreation. On 7 December 1999 — almost one year ago — in response to an issue raised by my colleague Mr Cover, the minister said:

> Sport and Recreation Victoria will undertake a review throughout Victoria of the options for an international rowing and canoeing venue. In reviewing those options a comparative analysis of the Geelong development and the upgrading of other facilities — for example, at Carrum, Ballarat and Nagambie — or even a new site will be considered.

One year on, would the minister care to inform the house of the result of that review?

Seal Rocks Sea Life Centre

Hon. K. M. SMITH (South Eastern) — I address my adjournment question to the Minister for Sport and Recreation representing the Minister for Major Projects and Tourism in the other place. Is the minister aware that the developers of the Seal Rocks Sea Life Centre at Cowes on Phillip Island are considering a proposal to move that internationally acclaimed centre to Kangaroo Island in South Australia because of the lack of support shown by the state government and the local member for Gippsland West in the other place, Susan Davies?

Economic Development Committee: report

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise a matter with you, Mr President, although it could also be taken up by the Leader of the Government or the Leader of the Opposition. I was advised yesterday by the Clerk that the order of the day for the consideration of the report of the Economic Development Committee on the goods and services tax would not appear on the notice paper today, and indeed it did not.

It did not appear because it was discharged pursuant to the sessional order of the Council that provides for the discharge after five days on the notice paper of orders of the day for the consideration of ministerial statements or various reports that have not been the subject of a take-note motion. That sessional order was introduced some years ago to ensure that the number of items on the notice paper would not become unwieldy.

However, now there is an inconsistency between the intention of that sessional order, which dates back many years, and the new sessional order, which was adopted for this sessional period to allow debate on motions to take note of reports tabled on Thursday mornings. The example is the anomaly created whereby the house has a number of notices of motion under the heading 'Reports for consideration' that will remain on the notice paper because of the differences in sessional orders.

Today a number of notices of motion in the name of Mr Cover, Mr Katsambanis and Dr Ross, all relating to consideration of annual or departmental reports that have been tabled in the house, are listed. However, committee reports such as the Economic Development Committee report have also been tabled in the house. That committee's chair, Mr Lucas, sought to have it considered at a later date, but that listing is automatically removed after five days.

Therefore, I ask you, Mr President, to give consideration to the issue I raise and to consult the party leaders so changes can be made to ensure the compatibility of sessional orders. Then the house can continue to operate efficiently and deal with issues.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — Mr Best raised for referral to the Minister for Workcover a matter concerning a constituent, Mr Conway from Pasta Master. He asked what avenues could be available to Mr Conway. I will pass on that query to the minister in the other place for his reply in the normal way.

Mr Hallam raised with me the issue of reporting on days lost due to industrial action. If the federal Minister for Employment, Workplace Relations and Small Business includes such statistics in his report, I may consider doing the same.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Andrea Coote raised the matter of the celebrations for the 150th anniversary of the discovery of gold in Victoria. The government is pleased to provide $1 million to support that important

community celebration, which will be administered through the Victorian Tourism Council. She referred to the community-based steering committee for support of the celebrations and specifically to the chair of the steering committee, the honourable member for Bendigo East in the other place. She referred to a definition of stakeholders, and although I acknowledge that it is one possible definition that can be given to the word 'stakeholders', many other definitions can also be given. The government's view is that as the elected representative for Bendigo East, the honourable member is the most appropriate stakeholder to chair that important steering committee.

The Honourable John Ross raised a matter for the Minister for Environment and Conservation. He requested that the minister look into the sale of highly invasive plants by plant nurseries, with a view to taking action to prevent that happening. I will refer that matter to the responsible minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Jeanette Powell referred the Minister for Women's Affairs to the significant increase in women who have been placed on boards and committees by the Bracks government, which was celebrated today. The honourable member raised concerns about women who have not been reappointed to boards in her area and sought an explanation of why they were not reappointed. I will pass that on to the minister for her response.

The Honourable Ron Bowden raised a matter that I do not believe is a consumer affairs issue, although it is a concern for anyone who travels to Tullamarine airport by taxi. I understand the matter is being negotiated now. Although I am not the minister responsible in this house, I will pass it on to the Minister for Transport.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will refer the question raised by the Honourable Neil Lucas to the Minister for Planning in the other house.

The Honourable Bill Forwood referred to the water sports facility review. As I have mentioned on a number of occasions, initially the proposal by the former government was to establish an international water complex in the Geelong region. Significant issues were raised in opposition to that project, including silting, blue-green algae development, loss of bird habitat and the impact on river levels. The council had not completed a full review of that issue. The review was looking particularly at the loss of parkland for both casual users and sporting groups. Questions were raised also about the development's priority because it would have an impact on a limited number of users. Questions were asked about the suggested economic impact of the proposed development, and significantly and most importantly, the ongoing operational costs of the proposal.

Stemming from that, as I have mentioned previously in the house, a review is being conducted into options for the development of water sports facilities across the state. The Honourable Bill Forwood mentioned that they are located in a number of regional areas, and Carrum, Nagambie, Ballarat and Geelong have all been investigated as part of the review. Consultation has been undertaken with major stakeholders, including the Victorian Rowing Association, the Victorian Canoeing Association, Parks Victoria and various site management committees. That study is currently under way and I expect it to be completed early in the new year.

I will raise the question asked by the Honourable Ken Smith about the Seal Rocks centre with the Minister for Major Projects and Tourism in the other place.

The PRESIDENT — Order! The Honourable Theo Theophanous raised the different treatment of reports and other items listed on the notice paper under, firstly, 'Reports for consideration', and secondly, 'Orders of the day'. As the honourable member pointed out, a matter that is listed as a report for consideration stays on the notice paper indefinitely whereas matters listed under the orders of the day disappear after five days, for the obvious reason of ensuring there is no accumulation of dross.

The sessional orders are a matter for the house to decide on. I am happy to write to the party leaders to point out the different treatment of those items to see whether they are minded to agree on an appropriate sessional order.

Hon. M. A. Birrell — Why act as his vehicle? He can do it himself.

The PRESIDENT — Order! The honourable member has asked me about the matter, and I am happy to pass it on to the party leaders.

Motion agreed to.

House adjourned 12.55 a.m. (Friday) until Tuesday, 28 November.

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.

Wednesday, 22 November 2000

Health: Workcover premiums — hospitals

841. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide details of the Workcover premiums for every Victorian hospital for each of the periods 1997–98, 1998–99 and 1999–2000.

ANSWER:

Attached are details of the Workcover Premiums for every Victorian hospital for each of the periods 1997-98, 1998-99 and 1999-2000. The details have been provided by the Victorian Workcover Authority (VWA).

Public Hospital Workcover Premiums
1997/98, 1998/99 and 1999/2000

	Workcover Premium		
Hospital/Network	**1997/98**	**1998/99**	**1999/2000**
Alexandra	$13,810	$12,935	$14,992
Alpine Health	$138,593	$177,144	$173,871
Austin & Repatriation Medical Centre	$1,927,141	$2,414,281	$2,772,362
Australian Hospital Care (Latrobe) Pty. Ltd.	$0	$466,797	$498,185
Bairnsdale	$196,234	$209,390	$248,514
Ballarat	$992,896	$1,062,738	$1,139,030
Barwon Health	$1,162,850	$1,657,302	$1,534,242
Beaufort & Skipton	$27,996	$35,963	$34,427
Beechworth	$166,541	$207,792	$141,503
Benalla	$77,865	$89,572	$97,613
Bendigo	$1,321,944	$1,417,855	$1,638,122
Bethlehem	$114,484	$152,151	$152,762
Boort	$17,459	$18,081	$19,246
Casterton	$31,160	$40,210	$37,165
Central Wellington	$210,264	$288,552	$215,492
Cobram	$23,245	$29,581	$31,818
Cohuna	$18,720	$18,866	$22,890
Colac	$169,668	$220,609	$176,369
Coleraine	$13,098	$16,891	$18,888
Dental Health Services Victoria	$171,727	$253,786	$337,256
Djerriwarrh	$49,755	$63,030	$63,789
Dunmunkle	$23,593	$25,846	$24,502
East Grampians	$104,250	$117,990	$124,082
East Wimmera	$45,589	$17,198	$100,583
Echuca	$100,398	$133,616	$132,054
Edenhope	$20,420	$21,997	$26,137
Far East Gippsland	$26,850	$28,145	$30,126
Gippsland Southern	$74,818	$100,913	$110,355
Goulburn Valley	$559,342	$470,325	$492,305
Hepburn	$35,448	$60,144	$52,321
Hesse	$14,398	$16,654	$16,417
Heywood	$25,630	$26,648	$30,635

Public Hospital Workcover Premiums
1997/98, 1998/99 and 1999/2000

	Workcover Premium		
Hospital/Network	**1997/98**	**1998/99**	**1999/2000**
Inglewood	$17,909	$20,288	$23,794
Inner & Eastern Health Care Network	$4,546,660	$4,697,674	$4,546,052
Kerang	$25,334	$22,971	$26,620
Kilmore	$14,940	$20,109	$18,491
KooWeeRup	$32,525	$40,403	$39,648
Kyabram	$50,066	$54,039	$69,370
Kyneton	$41,952	$48,052	$51,351
Latrobe (Old)	$805,434	$180,360	$18,086
Lorne	$8,992	$11,455	$11,442
Maldon	$29,081	$22,922	$27,200
Mallee Track	$32,350	$29,596	$34,143
Manangatang	$8,924	$9,611	$9,915
Mansfield	$50,842	$30,055	$53,695
Maryborough	$96,903	$113,740	$152,618
McIvor	$10,326	$11,553	$14,890
Mercy	$406,188	$605,940	$664,762
Mildura Base	$365,681	$348,735	$490,766
Mt. Alexander	$184,441	$210,369	$337,186
Nathalia			
North Western Health Care Network	$5,882,038	$5,628,651	$4,729,331
Numurkah	$44,518	$48,237	$56,733
Omeo	$15,752	$18,106	$18,218
Otways	$33,861	$33,478	$24,376
Peninsula Health Care Network	$921,715	$1,191,315	$1,180,713
Port Fairy	$32,901	$34,361	$39,961
Portland	$49,505	$65,987	$65,537
Robinvale	$103,208	$114,030	$152,344
Rochester & Elmore	$35,687	$48,257	$55,645
Rural North West	$27,637	$41,276	$74,253
Seymour	$65,389	$64,525	$70,997
South Gippsland	$13,265	$12,147	$14,664
South West Healthcare	$424,794	$337,819	$308,032
Southern Health Care Network	$2,933,205	$3,412,152	$3,941,159
Stawell	$65,908	$83,965	$97,909
St. Vincents	$586,091	$1,042,606	$1,055,929
Swan Hill	$117,322	$151,913	$181,797
Tallangatta	$29,260	$35,590	$49,622
Terang & Mortlake	$22,902	$22,770	$26,596
Timboon	$17,890	$26,507	$30,537
Upper Murray	$37,526	$58,734	$59,966
Wangaratta	$223,462	$285,879	$247,071
West Gippsland	$131,029	$180,692	$237,010
West Wimmera	$73,876	$132,459	$100,409
Western District	$249,554	$309,145	$288,064
Wimmera	$148,108	$167,529	$211,734
Wodonga	$181,768	$281,458	$360,663
Women's & Children's Health Care Network	$1,052,360	$1,771,588	$2,027,891
Wonthaggi	$234,695	$228,407	$274,598
Yarram	$19,892	$25,069	$23,064
Yarrawonga	$61,620	$68,350	$84,014
Yea			
	$28,441,472	**$32,273,876**	**$33,186,919**

Above figures for 1997/98 and 1998/99 are confirmed premiums for the financial year. 1999/2000 figures are confirmed premiums where available, otherwise they are the initial premium. Figures are effective as at 14 September 2000.

Housing: Port Phillip and Stonnington — closure of rooming houses

918. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): In relation to increased demands for expensive, up-market housing that have resulted in the closure of rooming houses and the pattern of gentrification occurring in the City of Port Phillip and the City of Stonnington:

(a) Has the Minister devised a policy to counter these trends.

(b) What is the content of this policy.

(c) When will it be put in place.

(d) What costs are involved.

ANSWER:

Has the Minister devised a policy to counter these trends?

The closure of rooming houses and gentrification occurring in the Cities of Port Phillip and Stonnington have progressively created severe difficulties for low-income people living in these areas and are having the very unfortunate effect of displacing many long-term residents from their homes and their local communities. The government is deeply concerned about this trend which is not only detrimental for the individuals involved but for the community as a whole.

Given our concern, the Government has developed several key policies to counter this trend.

Through the Social Housing Innovation Project (SHIP) the Government has committed an additional $94.5 million during this term, to the provision of affordable social housing. The projects arising out of this process will be developed with the active participation and input of local communities ensuring diverse and responsive housing outcomes.

In addition, the Government is in the process of developing policy aimed at promoting a more active role for local government in the provision of affordable housing. Both Stonnington and Port Phillip Councils were represented in stage one of the policy development process and we hope that they continue to play an active role in developing solutions to this difficult problem.

Finally, the Victorian Homelessness Strategy (VHS), launched in July of this year, is in the process of developing a comprehensive and coordinated response to meet the needs of people experiencing homelessness. Given the very real risk of homelessness arising from rooming house closures this is a critical plank in the government's response to the issues raised.

What is the content of this policy?

Both the Social Housing Innovations Project and the Housing and Local Government Affordable Housing Policy have a couple of fundamental aims: first, to expand the provision of affordable and appropriate housing and second, to draw upon the valuable knowledge and commitment in the community and local government sectors to achieve this outcome.

As such, the SHIP process has actively involved social housing providers and others in developing a range of possible models through which the substantial funds committed by the Government can be most effectively utilised.

The Housing and Local Government Affordable Housing Policy is also being developed in consultation with a range of stakeholders drawn from Local and State Governments. The Committee is charged with the responsibility of developing a framework that sets out clear policies and options by which a cross-section of councils can become further engaged in affordable housing solutions. Clearly such policies will need to be responsive to the diverse housing issues confronting different municipalities and the differing capacities for local government involvement.

Finally, the Victorian Homelessness Strategy is working to develop a comprehensive approach to homelessness by developing a preventative and early intervention approach to tackling homelessness, as well as improving current responses. Again, the strategy is being developed with broad sector participation achieved via the MAC and the very well attended public consultations across Victoria.

When will it be put in place?

I will be considering a series of recommendations about the expenditure of the additional monies committed by the government through the SHIP project in the coming months and will make an announcement at this time.

It is anticipated that the recommendations arising from the Local Government and Affordable Housing Policy Development process will be provided to me and other appropriate Ministers in May of next year.

The MAC for the Victorian Homelessness Strategy will be providing me with an interim report in December of this year followed by a final report in June 2001.

Although the Government recognises the urgency of addressing affordable housing issues, particularly in the areas identified and in other inner-urban locations, we are also committed to getting it right. Since the three processes outlined have been put in place, people at the coalface have told us repeatedly how relieved they are to be properly consulted. We believe that this is fundamentally important if we are to achieve lasting outcomes.

What costs are involved?

As I have outlined, the Government has committed an additional $94.5 million dollars to the provision of affordable housing. In addition, we have committed $17.2 million over 4 years to develop effective responses to homelessness. With a substantial decline in funding for public housing and an inadequate Rent Assistance program, these additional funds will be vitally important in providing secure, affordable housing for people suffering as a result of the boarding house closures and gentrification referred to.

Environment and Conservation: water authorities — Workcover premiums

1046. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In respect of Victorian Water Authorities:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Authorities on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Authorities and if there is more than one industry classification, what is the rateable remuneration of the Authorities for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Authorities provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Authorities budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed that:

The Melbourne Water Corporation is currently a self-insurer for the purposes of WorkCover and is therefore not required to pay a premium to the Victorian WorkCover Authority.

In respect of Victorian Water Authorities which comprise
Metropolitan Water Authorities, Rural Water Authorities and Regional Water Authorities:

(a) What was the WorkCover initial premium and, if known, confirmed premium for 1999-2000.

Authority	Answer	
	Initial	Confirmed
Barwon Region Water Authority	$84,628.00	Not known
Central Gippsland Region Water Authority	$89,201.00	$97,589.00
Central Highlands Region Water Authority	Not known	$384,198.00
City West Water	$96,844.00	$73,145.00
Coliban Region Water Authority	$50,590.32	Not known
East Gippsland Region Water Authority	$49,326.80	$56,373.31
First Mildura Irrigation Trust	$28,400.00	$29,000.00
Gippsland Southern Rural Water Authority	$130,801.00	Not known
Glenelg Region Water Authority	$16,683.00	$17,690.00
Goulburn Valley Region Water Authority	$173,856.81	$153,297.98
Goulburn Murray Rural Water Authority	$719,514.61	Not known
Grampians Region Water Authority	$52,081.16	Not known
Lower Murray Region Water Authority	$39,234.00	Not known
North East Region Water Authority	$59,910.74	Not known
Portland Coast Region Water Authority	$20,959.54	Not known
South East Water	$216,253.93	$153,306.45
South Gippsland Region Water Authority	$53,916.04	Not known
South West Region Water Authority	$24,676.00	$30,622.00
Sunraysia Rural Water Authority	$57,851.85	$51,251.15
Western Region Water Authority	$51,635.00	$67,494.56
Westernport Region Water Authority	$19,579.00	$17,546.00
Wimmera-Mallee Rural Water Authority	$200,886.14	$219,764.49
Yarra Valley Water	$62,442.23	Not known

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

Authority	Answer	
	Initial	Confirmed
Barwon Region Water Authority	$17,143,421.00	$17,111,575.00
Central Gippsland Region Water Authority	$7,898,676.00	$8,567,614.00
Central Highlands Region Water Authority	Not known	$8,104,753.00
City West Water	$12,748,315.00	$10,963,929.00
Coliban Region Water Authority	$2,946,182.00	$3,022,843.00
East Gippsland Region Water Authority	$2,549,073.00	$2,541,583.35

Authority	Answer	
	Initial	Confirmed
First Mildura Irrigation Trust	$1,000,000.00	Not known
Gippsland Southern Rural Water Authority	Not known	$5,062,720.00
Glenelg Region Water Authority	$1,079,978.00	$1,113,840.00
Goulburn Valley Region Water Authority	$6,768,525.00	Not known
Goulburn Murray Rural Water Authority	$28,640,737.00	Not known
Grampians Region Water Authority	$4,576,755.00	$4,495,686.00
Lower Murray Region Water Authority	$4,016,020.00	$4,017,988.00
North East Region Water Authority	$4,649,650.00	Not known
Portland Coast Region Water Authority	$894,367.75	$961,635.48
South East Water	$22,161,800.00	$25,718,900.00
South Gippsland Region Water Authority	$2,462,924.00	Not known
South West Region Water Authority	$2,540,120.00	$2,736,573.00
Sunraysia Rural Water Authority	$2,913,510.00	$2,818,855.00
Western Region Water Authority	$4,043,714.00	$4,018,251.00
Westernport Region Water Authority	$1,587,368.00	$1,598,912.00
Wimmera-Mallee Rural Water Authority	$6,028,711.00	$5,817,509.13
Yarra Valley Water	$18,841,574.00	Not known

(c) What were the WorkCover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

Authority	Answer
Barwon Region Water Authority	$5,097.00
Central Gippsland Region Water Authority	$42,892.00
Central Highlands Region Water Authority	$84,840.00
City West Water	$2,530.00
Coliban Region Water Authority	$7,120.00
East Gippsland Region Water Authority	Nil
First Mildura Irrigation Trust	$5,540.00
Gippsland Southern Rural Water Authority	$1,583.00
Glenelg Region Water Authority	Nil
Goulburn Valley Region Water Authority	$68,309.00
Goulburn Murray Rural Water Authority	$139,924.00
Grampians Region Water Authority	$180,183.00
Lower Murray Region Water Authority	$16,762.00
North East Region Water Authority	$7,500.00
Portland Coast Region Water Authority	$39,692.00
South East Water	$15,245,00
South Gippsland Region Water Authority	$1,700.00
South West Region Water Authority	$15,300.00
Sunraysia Rural Water Authority	Nil
Western Region Water Authority	$131,641.00
Westernport Region Water Authority	$2,974.00
Wimmera-Mallee Rural Water Authority	$101,619.00
Yarra Valley Water	$72,587.00

(d) What is the WorkCover initial premium for 2000-2001.

Authority	Answer
Barwon Region Water Authority	$137,986.00
Central Gippsland Region Water Authority	$101,968.00
Central Highlands Region Water Authority	$591,798.00
City West Water	$100,769.00

Authority	Answer
Coliban Region Water Authority	$100,265.17
East Gippsland Region Water Authority	$56,381.50
First Mildura Irrigation Trust	$41,800.00
Gippsland Southern Rural Water Authority	$137,165.00
Glenelg Region Water Authority	$18,172.00
Goulburn Valley Region Water Authority	$223,260.93
Goulburn Murray Rural Water Authority	$861,261.97
Grampians Region Water Authority	$84,212.53
Lower Murray Region Water Authority	$50,748.00
North East Region Water Authority	$114,067.68
Portland Coast Region Water Authority	$24,884.40
South East Water	$159,237.91
South Gippsland Region Water Authority	$63,847.08
South West Region Water Authority	$38,931.00
Sunraysia Rural Water Authority	$52,842.88
Western Region Water Authority	$86,290.00
Westernport Region Water Authority	$20,894.00
Wimmera-Mallee Rural Water Authority	$223,425.31
Yarra Valley Water	$103,455.52

(e) What is the rateable remuneration for the Authorities on the basis of which the initial premium for 2000-2001 is calculated.

Authority	Answer
Barwon Region Water Authority	$17,908,421.00
Central Gippsland Region Water Authority	$8,303,558.00
Central Highlands Region Water Authority	$9,485,350.00
City West Water	$10,451,974.00
Coliban Region Water Authority	$3,505,412.00
East Gippsland Region Water Authority	$2,797,072.00
First Mildura Irrigation Trust	$1,163,000.00
Gippsland Southern Rural Water Authority	$5,334,101.00
Glenelg Region Water Authority	$1,183,843.00
Goulburn Valley Region Water Authority	$7,000,221.00
Goulburn Murray Rural Water Authority	$29,467,324.00
Grampians Region Water Authority	$4,832,227.00
Lower Murray Region Water Authority	$4,819,224.00
North East Region Water Authority	$5,115,178.00
Portland Coast Region Water Authority	$1,012,400.00
South East Water	$23,082,400.00
South Gippsland Region Water Authority	$2,522,709.42
South West Region Water Authority	$3,048,143.00
Sunraysia Rural Water Authority	$3,247,432.00
Western Region Water Authority	$4,852,458.00
Westernport Region Water Authority	$1,675,663.00
Wimmera-Mallee Rural Water Authority	$5,829,483.00
Yarra Valley Water	$19,867,771.00

(f) What is the WorkCover industry classification or classifications of the Authorities and if there is more than one industry classification, what is the rateable remuneration of the Authorities for 2000-2001 in response of which each industry classification is applicable.

Authority	Answer	
Barwon Region Water Authority	D3701W	
Central Gippsland Region Water Authority	I6336R	$4,189,802.00
	D3701W	$1,884,256.00
	D3702X	$155,407.00
	E4136K	$1,770,517.00
	A0186K	$303,576.00
Central Highlands Region Water Authority	D3701W	$7,709,243.00
	D3702X	$724,342.00
	C2537L	$920,219.00
	L9141V	$131,546.00
City West Water	I6369K	$10,284,530.00
	D3702X	$167,444.00
Coliban Region Water Authority	D3701W	
East Gippsland Region Water Authority	D3701W	
First Mildura Irrigation Trust	D3701W	
Gippsland Southern Rural Water Authority	I6186V	$2,432,561.00
	D3701W	$1,518,988.00
	I6336R	$1,382,552.00
Glenelg Region Water Authority	D3701W	$999,181.00
	D3702X	$80,772.00
	A03047	$103,890.00
Goulburn Valley Region Water Authority	I6186V	$3,266,451.00
	D3701W	$3,234,365.00
	D3702X	$499,405.00
Goulburn Murray Rural Water Authority	D3701W	
Grampians Region Water Authority	S3701W	$2,426,233.00
	I6186V	$2,327,226.00
	D3702X	$78,768.00
Lower Murray Region Water Authority	D3701W	$4,368,884.00
	D3702X	$450,340.00
North East Region Water Authority	D3701W	$5,075,529.00
	D3702X	$39,649.00
Portland Coast Region Water Authority	D3701W	
South East Water	D3701W	$22,719,300.00
	D3702X	$363,100.00
South Gippsland Region Water Authority	D3701W	$793,842.27
	D3702X	$138,956.99
	I6186V	$1,589,910.16
South West Region Water Authority	I6336R	$1,497,962.00
	7866098	$1,550,181.00
Sunraysia Rural Water Authority	D3701W	
Western Region Water Authority	I6186V	$2,712,340.00
	E4136K	$1,069,878.00
	D3701W	$454,438.00
	D3702X	$615,802.00
Westernport Region Water Authority	D3702X	$1,022,155.00
	D3701W	$653,508.00
Wimmera-Mallee Rural Water Authority	D3701W	
Yarra Valley Water	D3701W	$16,196,136.00
	I6336R	$2,911,943.00
	D3702X	$759,692.00

(g) Did the Authorities provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

Authority	Answer	
	Date Provided	Estimate
Barwon Region Water Authority	5 June 2000	$17,908,422.00
Central Gippsland Region Water Authority	Not provided	
Central Highlands Region Water Authority	May 2000	$9,485,350.00
City West Water	April 2000	$10,451,974
Coliban Region Water Authority	28 April 2000	$3,505,412.00
East Gippsland Region Water Authority	7 April 2000	$2,797,072.00
First Mildura Irrigation Trust	July 2000	$1,163,000.00
Gippsland Southern Rural Water Authority	4 April 2000	$5,334,104.00
Glenelg Region Water Authority	5 April 2000	$1,183,843.00
Goulburn Valley Region Water Authority	28 April 2000	$7,015,881.00
Goulburn Murray Rural Water Authority	18 April 2000	$29,467,324.00
Grampians Region Water Authority	Not provided	
Lower Murray Region Water Authority	26 April 2000	$4,819,224.00
North East Region Water Authority	28 April 2000	$5,115,178.00
Portland Coast Region Water Authority	April 2000	$1,012,400.00
South East Water	3 May 2000	$23,082,400.00
South Gippsland Region Water Authority	Not provided	
South West Region Water Authority	Not provided	
Sunraysia Rural Water Authority	Yes	$3,247,432.00
Western Region Water Authority	May 2000	$4,852,458.00
Westernport Region Water Authority	14 April 2000	$1,675,663.00
Wimmera-Mallee Rural Water Authority	18 August 2000	$5,829,483.00
Yarra Valley Water	April 2000	$19,867,771.00

(h) What amount did the Authorities budget or estimate prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001.

Authority	Answer
Barwon Region Water Authority	$145,211.00
Central Gippsland Region Water Authority	$96,046.40
Central Highlands Region Water Authority	$323,067.00
City West Water	$130,000.00
Coliban Region Water Authority	$66,000.00
East Gippsland Region Water Authority	$53,662.00
First Mildura Irrigation Trust	$34,000.00
Gippsland Southern Rural Water Authority	$118,000.00
Glenelg Region Water Authority	$16,824.00
Goulburn Valley Region Water Authority	$199,100.00
Goulburn Murray Rural Water Authority	$719,515.00
Grampians Region Water Authority	Not available
Lower Murray Region Water Authority	$65,147.00
North East Region Water Authority	$92,795.00
Portland Coast Region Water Authority	$24,629.00
South East Water	$152,000.00
South Gippsland Region Water Authority	$72,185.00
South West Region Water Authority	$54,000.00
Sunraysia Rural Water Authority	$65,000.00
Western Region Water Authority	approx $83,000.00

Authority	Answer
Westernport Region Water Authority	$22,000.00
Wimmera-Mallee Rural Water Authority	$210,000.00
Yarra Valley Water	$80,000.00

Premier: Office of Public Employment— Workcover premiums

1063. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): In respect of the Office of Public Employment:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Office on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Office and if there is more than one industry classification; what is the rateable remuneration of the Office for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Office provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Office budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Office of Public Employment is not a separately reporting entity and its figures are included in those of the Department of Premier and Cabinet. To provide the information requested would require an inordinate amount of time and resources which are not available.

Treasurer: Rural Finance Corporation of Victoria — Workcover premiums

1100. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In respect of the Rural Finance Corporation of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

(a) The WorkCover initial premium for 1999-2000 was $12,759 and the 1999-2000 confirmed premium was $12,185.

(b) The rateable remuneration on the basis of which the 1999-2000 initial premium was calculated was $5,080,607 and the rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $4,976,744.

(c) There were no WorkCover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $17,229 (including GST).

(e) The rateable remuneration on the basis of which the 2000-2001 initial premium was calculated was $5,469,200.

(f) The WorkCover industry classifications and their rateable remuneration for the Rural Finance Corporation of Victoria for 2000-2001 in respect of each industry classification are:

Industry Classification		Amount
I6156F	Financiers Nec	$5,469,200

(g) The Rural Finance Corporation of Victoria provided an estimate of rateable remuneration of $5,469,200 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 10 May 2000.

(h) The Rural Finance Corporation calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $19,800.

Treasurer: Treasury Corporation of Victoria — Workcover premiums

1102. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In respect of the Treasury Corporation of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

(a) The WorkCover initial premium for 1999-2000 was $12,255 and the 1999-2000 confirmed premium was $13,128.

(b) The rateable remuneration on the basis of which the 1999-2000 initial premium was calculated was $4,480,000 and the rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $4,480,174.

(c) There were no WorkCover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $13,729.

(e) The rateable remuneration on the basis of which the 2000-2001 initial premium was calculated was $4,438,584.

(f) The WorkCover industry classifications and their rateable remuneration for the Treasury Corporation of Victoria for 2000-2001 in respect of each industry classification are:

Industry Classification		Amount
J7112W	State Government Administration	$4,438, 584

(g) The Treasury Corporation of Victoria provided an estimate of rateable remuneration of $4,438,584 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 1 May 2000.

(h) The Treasury Corporation of Victoria calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $18,000. At the time this figure was calculated, the details of premium increases due to factors outside the Treasury Corporation of Victoria's control had not been advised.

Treasurer: Victorian Funds Management Corporation — Workcover premiums

1104. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In respect of the Victorian Funds Management Corporation:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

(a) The WorkCover initial premium for 1999-2000 was $6,190 and the 1999-2000 confirmed premium was $6,131.

(b) The rateable remuneration on the basis of which the 1999-2000 initial premium was calculated was $2,074,600 and the rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $2,074,233.

(c) There were no WorkCover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $6,522.

(e) The rateable remuneration on the basis of which the 2000-2001 initial premium was calculated was $1,900,000.

(f) The WorkCover industry classifications and their rateable remuneration for the Victorian Funds Management Corporation for 2000-2001 in respect of each industry classification are:

Industry Classification		Amount
I6I72F	Services to Finance and Investment Nec	$1,900,000

(g) The Victorian Funds Management Corporation provided an estimate of rateable remuneration of $1,900,000 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 25 May 2000.

(h) The Victorian Funds Management Corporation calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $6,000. At the time this figure was calculated, the details of premium increases due to factors outside the Victorian Funds Management Corporation's control had not been advised.

Treasurer: Young Farmers Finance Council — Workcover premiums

1109. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In respect of the Young Farmers' Finance Council:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Council on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Council and if there is more than one industry classification, what is the rateable remuneration of the Council for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Council provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Council budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Young Farmers' Finance Council is not a separately reporting entity and its figures are included in those of the Rural Finance Corporation. The time and resources required to extract the relevant information requested cannot be justified on grounds of limited public interest value and inappropriate use of departmental resources.

Health: publishing consultant advertisement

1110. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In relation to the advertisement for a Publishing Consultant on page 34 of *The Age* employment section on Saturday, 9 September 2000:

(a) Why did the advertisement, that specified Johanna Verberne on 9616 7478 as a contact point, fail to state that the successful applicant would be employed or paid by the Department of Human Services.

(b) Why did that advertisement fail to include the Victorian Government crest or logo.

(c) What was the cost of this advertisement.

(d) In how many publications was this position advertised.

(e) On what dates did each other advertisement appear and what was the cost of each.

(f) What annual or monthly salary or consultancy fee applies to this position.

(g) For how long will the appointee's term be.

(h) Will the appointee be regarded as a full time permanent employee, part time employee, casual employee, consultant or contractor.

(i) Do other benefits such as provision of a motor vehicle apply to this position; if so, what is the nature and anticipated annual cost of each.

(j) Will the costs relating to this position be met by the Corporate Communications branch of the Department's Portfolio Services division; if not, which Division or Branch in Human Services or other Department or Agency will be meeting any costs associated with this position.

(k) Are those who have accepted a redundancy package from the Victorian Government prohibited from applying for this position.

(l) For what period are those who have accepted a redundancy package from the Victorian Government prohibited from applying for the advertised position.

(m) Why did the advertisement in *'The Age'* fail to state that those who have accepted a redundancy package from the Victorian Government would be prohibited from applying.

ANSWER:

(a) The role was advertised without a reference to the Department in order to attract a large, quality field of applicants following unsuccessful attempts to recruit to this area using the standard procedure for advertisements.

(b) The role was advertised without a reference to the Victorian Government in order to attract a large, quality field of applicants following unsuccessful attempts to recruit to this area using the standard procedure for advertisements.

(c) The cost of the advertisement was $2,019.11.

(d) The position was advertised in a total of two publications.

(e) The second advertisement appeared on 8 September 2000 at a cost of $864.30.

(f) The salary range for this position is $47,118 to $66,448 per annum.

(g) The position is an on-going position.

(h) The appointee will be regarded as a full-time, ongoing employee.

(i) Other benefits, such as provision of a motor vehicle, do not apply to this position.

(j) The costs relating to this position will be met by the Corporate Communications Branch of the Department's Portfolio Services Division.

(k) Those who have accepted a voluntary departure package from the Victorian government are prohibited from applying for this position for three years.

(l) Those who have accepted a voluntary departure package from the Victorian government are prohibited from applying for this position for three years.

(m) The advertisement did not include a statement regarding voluntary departure packages so that it was not identified as a Victorian Government position, with the aim of attracting a large, quality field of applicants.

Treasurer: CPSU industrial agreement

1130. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the expected cost of the recent CPSU industrial agreement for public servants in the Treasurer's department for 2000–01 and 2001–02, respectively.

ANSWER:

I am informed that:

The one-year agreement provides a 3% pay increase for all staff covered by the Agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. On average, this payment will also be 1%. In this Department, the amount is 1%.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Workcover: former Yugoslav Republic of Macedonia

1167. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover):

(a) Does the Minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Finance: former Yugoslav Republic of Macedonia

1168. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Finance):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Transport: former Yugoslav Republic of Macedonia

1174. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Treasurer: former Yugoslav Republic of Macedonia

1176. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Health: consultancies

1192. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Human Services 1999-2000 consultancy register for consultancies up to 30 June 2000 (Attachment 1). This register has been complied for the 1999/2000 Annual Report. The list contains the title and purpose of each consultancy, the contract start and end dates and the value of each consultancy.

DHS only collates consultancy information into a central register once a year to provide information for the annual report, therefore consolidated information from 1 July 2000 is not available. The Department is currently in the process of developing a central recording system that will provide up to date information.

To provide details of consultancies since 1 July 2000 would require an inordinate amount of time and resources which are not available.

[Attachment referred to in answer has been supplied to the member and a copy tabled in the parliamentary library (8 pages).]

Arts: consultancies

1202. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

I am informed that:

Two consultancy contracts have been employed in the timeframe specified.
- Root Projects Australia for the Cultural Broadband Network on 19 September 2000 with a total costing of $66,898.38; and

- Deliotte Touche Tohmatsu for a review of revenue of inner budget Arts Agencies on 25 September 2000 with an approved costing of $98,000.

Expected completion for both consultancies is by the end of November 2000.

Agriculture: consultancies

1207. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

I am informed that:

To provide the information requested would require an inordinate amount of time and resources which are not available.

Transport: consultancies

1208. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Infrastructure Annual report for details of consultancies up to 30 June 2000.

To provide the information from 1 July 2000 to present date would require an unreasonable diversion of time and resources which are not available.

Local Government: consultancies

1209. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Infrastructure Annual report for details of consultancies up to 30 June 2000.

To provide the information from 1 July 2000 to present date would require an unreasonable diversion of time and resources which are not available.

Housing and Aged Care: consultancies

1222. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Human Services 1999-2000 Annual Report for details of consultancies up to 30 June 2000.

The Department of Human Services currently does not maintain a central database of consultancy information. The Department collects consultancy information locally by divisions and regions. The information is collated annually for reporting purposes under the Financial Management Act and for inclusion in the annual report. The Department is currently in the process of developing a central recording system for consultancies.

To provide details of consultancies since 1 July 2000 would require an inordinate amount of time and resources which are not available.

Health: Ararat–Essendon Airport fixed wing air ambulance use

1233. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by fixed wing air ambulance via Essendon Airport from the municipality of Ararat Rural City in the financial year 1999–2000.

ANSWER:

To provide the information requested would require an inordinate amount of time and resources which are not available.

Health: Olympic Games functions

1236. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

(i) I attended the Olympic Games in Sydney in an official capacity between the dates of 20 September 2000 and 24 September 2000. I attended a range of functions relating to the Olympic Games in Sydney.

(ii) While at the Games I attended events as a guest of the New South Wales Government.

(iii) Travel was at my own expense. Accommodation was paid under the arrangements entered into by the previous Government.

Workcover: Olympic Games functions

1245. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I did not attend the Olympic Games in Sydney.

Finance: Olympic Games functions

1246. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Finance): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I did not attend the Olympic Games in Sydney.

Agriculture: Olympic Games functions

1252. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I am informed that:

The Minister for Agriculture did not attend any events referred to in the Question in relation to the Sydney 2000 Olympic Games.

Attorney-General: Olympic Games functions

1264. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): Will the Attorney-General provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Attorney-General attended; (ii) of whom the Attorney-General was the guest; (iii) who paid for the Attorney-General's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Sydney 2000 Olympic Games in my capacity as Minister for Manufacturing. For the response to this question please refer to the response to Question on Notice 1260.

[Hansard reference — See 16 November 2000, page 1423.]

Community Services: Olympic Games functions

1266. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria

during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Minister for Community Services did not attend the Olympic Games in Sydney.

Industrial Relations: department tenders

1277. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Industrial Relations: Given the Minister's assurance that the decision to award the consultancy to the Australian Centre for Industrial Relations Research and Training complied fully with Departmental Guidelines:

(a) On how many other occasions since the election of the Bracks government has the secretary of the department exercised a discretion to waive the normal requirement to go to public tender.

(b) What were the circumstances in each case.

(c) What procedure applies in respect of recording and reporting each such occasion under the departmental policy on purchasing.

ANSWER:

I am advised by my Department that since the election of the Bracks Government, the Secretary of the Department of State and Regional Development has waived the requirement to invite public tenders on 4 other occasions. Of these, one was a selective tender whereby the Department was exempted from the requirement to invite public tenders but required to obtain competitive quotations.

This compares with figures for 1998-99 under the previous Government. I am advised that in 1998-99, the Secretary of the former Department of State Development waived the requirement to invite public tenders on 14 occasions, 7 of which were selective tenders.

The Department's Accredited Purchasing Unit reports annually to the Victorian Government Purchasing Board on purchasing and procurement activity undertaken by the Department. This report includes the number and value of exemptions from the requirement to invite public tenders.

Housing: rooming house closures

1285. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What is the Government doing to improve the communication between local government and State government in times of housing crisis such as the closure of St Kilda's Hollywood Hotel.

ANSWER:

The Department of Human Services through the Community Programs Group and the Southern Metropolitan Region has a productive working relationship and regular dialogue with the City of Port Phillip on an ongoing basis. This productive relationship supports appropriate responses to changes in the housing market when they occur.

With regard to the change of ownership of the Hollywood Private Hotel, the Department of Human Services and the City of Port Phillip together undertook an inspection of the property.

In the meantime, the Department of Human Services provided funding to the St Kilda Community Group to employ an experienced worker for a 3 month period to assist residents to find more appropriate forms of housing. The regional office and local agencies continue working together to assist residents.

Community Services: preschool attendances

1319. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What were the numbers (not percentages) of four year old children attending pre-school in Victoria in February and September 2000.

ANSWER:

The number of four year old children enrolled to attend their first year of preschool in February 2000 was 58,846 and in August 2000 was 59,842. No data is available for September 2000.

Community Services: preschool attendances

1320. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What were the numbers (not percentages) of four-year old children of eligible Health Care Card holders attending pre-school in February and September 2000.

ANSWER:

The number of four year old children of eligible Health Care Card holders enrolled to attend their first year of preschool in February 2000 was 16,933 and in August 2000 was 18,541. No data is available for September 2000