PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

5 October 2000

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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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Thursday, 5 October 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

INTERNATIONAL WEEK OF DEAF PERSONS

The SPEAKER — Order! I wish to advise the house that in recognition of International Week of Deaf Persons and to assist with hearing impaired visitors in our gallery during question time today I have given permission for interpreters from the Victorian Deaf Society to sign proceedings during that time.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

> That the house, at its rising, adjourn until Tuesday, 24 October.

Motion agreed to.

MEMBERS STATEMENTS

Sport: funding

Mrs PEULICH (Bentleigh) — We are all still enjoying the euphoria of the successes achieved by Australians at the Sydney Olympic Games and the glory of our sporting heroes as well as those who represented Australia and did not win medals but who demonstrated outstanding achievement. One such athlete is young Andrew Martin of Bentleigh, a javelin thrower who has a long career ahead of him. Australians showed the world the strength of their volunteerism which included the help of high-level coaches, officials and members of our junior commonwealth team, who are themselves elite athletes. We also need to get behind the forthcoming Paralympics, and the torch relay which comes to Melbourne today.

As soon as the dust settles, all levels of government and sporting organisations need to quickly take stock of what has been done well so the successes can be replicated in Athens and to identify the areas of weakness where there are some improvements to make.

The most difficult thing for athletes is to access high-level international standards of coaching and facilities and the latest sport science knowledge. I was disappointed to learn some months ago that the Victorian Institute of Sport had cuts its under-18 junior track and field scholarship program altogether. I seek urgent action to have that remedied.

Craigieburn bypass

Mr HAERMEYER (Minister for Police and Emergency Services) — I support the construction of the Craigieburn bypass of the existing alignment of the Hume Freeway. The Hume Freeway currently passes close to the Craigieburn township, in fact, only metres away from houses and the school. A number of instances have occurred where trucks with noxious materials have overturned and parts of Craigieburn have had to be evacuated. That is of some concern to the local area. I am concerned that whatever alignment is chosen for the freeway does not affect the very sensitive Cooper Street or Craigieburn grasslands. The bypass is an essential piece of infrastructure for the northern suburbs.

A member for Central Highlands Province in the other place, Mr Stoney, is calling on me and the honourable member for Seymour to support the F2, the Craigieburn bypass. I advise him that we have already done so. We have been out there getting our constituents behind the road. All the absentee member for Central Highlands Province — who only last year, after seven years in Parliament, sent out a letter to the electorate introducing himself — could do was issue a press release from his office in the city.

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

Olympic Games: Wimmera athletes

Mr DELAHUNTY (Wimmera) — This being Olympics Tribute Week, on behalf of the Wimmera electorate I would like to pay tribute to Wimmera Olympic athletes Lauren Hewitt and Adrian Hatcher.

At the Olympic Games 21-year-old Lauren Hewitt, from Bangerang, who is a Commonwealth Games gold medallist, ran in the 100, 200, and 4 x 100 metre relay events; and former Wimmera powerhouse Adrian Hatcher finished 21st in the javelin event. I offer my congratulations to those athletes.

Both athletes started their careers in the Wimmera. I want to pay tribute to the Wimmera Sports Assembly and the Wimmera Sports Foundation. The Wimmera Sports Assembly has its annual dinner on 14 October, when Wimmera sports stars will be presented with their awards. These two people came through that process.

The Wimmera Sports Foundation offers cash grants to talented Wimmera athletes. Some basketball stars who have been given support are Melissa McClure of the Perth Breakers and Victorian stars Adam Weily and Jason Schubert. Since 1988 almost $24 000 has been allocated to 105 athletes. I congratulate the athletes who represented the Wimmera at the games, the Wimmera Sports Assembly, and the developers of the Wimmera Sports Foundation on their good work. Well done.

Olympic Games: Ballarat athletes

Ms OVERINGTON (Ballarat West) — I wish to place on public record a tribute to Ballarat's wonderful competitors at the 2000 Olympic Games. All put in their personal best, with medals going to Rachael Taylor, Andrew Edwards, and Rob Richards.

Competing in the men's marathon which was the last event of the games were Rod de Highden, Lee Troop and Steve Moneghetti — Lee and Steve both coming from Ballarat. Steve Moneghetti, son of Ballarat, competed in his fourth Olympic Games and once again proved that he is a hero. Tributes by the nation's leaders and the front page of the Ballarat *Courier* testify to that. A recent article states:

> No athlete, and arguably no person, has ever captured Ballarat's heart more than Moneghetti.

Last Monday the Premier stated, 'Steve Moneghetti is a great ambassador for Ballarat, Victoria and Australia. He is a true sportsman and always gives of himself both as an athlete and educator'. Steve has a passion for his sport and a passion for Ballarat. We as a community are so proud of him. Steve, I salute you, Ballarat salutes you, and we will always remember what you said after the race — 'Ballarat, Victoria, Australia, it's been a hell of a ride. I've loved every moment. It's all over. Steve Moneghetti, over and out'.

Disability services: state plan

Mr WILSON (Bennettswood) — The Minister for Community Services is currently conducting a number of forums across Victoria and metropolitan Melbourne on the future of the state disability services plan. A number of my constituents have contacted my electorate office to say that they are concerned that no forum is being conducted in either the City of Whitehorse or the City of Monash.

Those two cities have a combined population of more than 300 000 people, and it is extraordinary that such important forums have not been offered in either of those municipalities. The nearest one to my electorate will be conducted on 13 October in Caulfield. For residents of my electorate that involves either two bus or train rides. Given that I am advised that up to 18 per cent of residents of the City of Whitehorse have some disability, that is an enormous expectation to place upon those people. I place on record my great concern that the residents of Monash and Whitehorse are being excluded from the consultation process offered by the Minister for Community Services.

Olympic Games: Bendigo athletes

Ms ALLAN (Bendigo East) — Like many other members in the house today I would also like to congratulate Australia's Olympians, particularly those who come from the Bendigo region.

Kristi Harrower, a point guard and starter with the Australian Opals, received a silver medal last Saturday. Duane Cousins, who participated in the 50-kilometre walk, came 34th in 4 hours, 10 minutes and 43 seconds.

Annmaree Roberts from Heathcote, which is in the electorate of my colleague the honourable member for Seymour, competed in the shooting double trap and finished ninth. Chantelle Michelle competed in the 3-metre springboard diving and finished fourth in the synchronised event and seventh in the individual event. Jason Day competed in the rowing quad sculls and put in a magnificent effort to finish fourth overall.

Those Olympians have done a fantastic job and represented both their region and our country proudly. I know that people from the Bendigo region were proud to cheer them on. In particular, I was proud to cheer on Kristi Harrower, having competed myself against her at junior basketball level. I am pleased to say at junior basketball we beat her team on a regular basis! It was wonderful to see all those people participating. Recognition should be also given to their families, who have put in many hours of hard work, driving them to and from training, and often for country participants that training has been undertaken in Melbourne, requiring an extra commitment and additional effort. It was fantastic that not only did they participate but did so in such a wonderful way. They did the Bendigo region proud.

Swimming pools: fencing

Mr LUPTON (Knox) — With the advent of summer and the increased use of swimming pools I raise a concern about building regulation 5.13, which covers gates and fencing around swimming pools. Currently the regulations state that a gate must be in good repair so that a child cannot pass through it and also, if a fence has gaps, they should be of such a size

that a young child is prevented from slipping through. The recent death of a young child resulted from a pool gate being propped open for easy access. My concern is that that is not an offence under the regulations. Owners of pools who prop open gates are irresponsible but they do not suffer any legal consequences as a result of that action. I accept that in the case of a death they would suffer much heartache.

I bring this possible loophole to the attention of the minister, and I hope the legislation will be changed so that if a pool gate is propped open to allow access, it becomes an offence in the event of somebody being injured or drowning. In fact, to prevent such terrible incidents happening in the future it should be an offence under any circumstances.

Oceania Veterans Athletics Games

Mr TREZISE (Geelong) — Briefly, I correct the honourable member for Ballarat West: Lee Troop is a Geelong athlete, not a Ballarat athlete! In the words of the honourable member for Bentleigh, Melbourne is obviously on a wave of Olympic euphoria. The street parade through Melbourne yesterday proves that Victorians are well and truly caught up in the euphoria. We should not forget that today the Paralympic cauldron will be lit in the streets of Melbourne. In the coming months and years, Melbourne will stage events such as the grand prix, a world athletics meeting, a round of the world FINA swimming championships, and of course the Commonwealth Games in 2006. I congratulate the Bracks government on achieving the hosting of those events.

However, significant sporting events are not confined to Melbourne. In January 2002 Geelong will host the 11th Oceania Veterans Athletics Games, which is a significant athletic event attracting 300 to 400 competitors from Oceania countries. The event is being coordinated and conducted by Geelong Athletics Inc. with support from the City of Greater Geelong and Geelong Otway Tourism. Already a major spin-off for Geelong is a quality glossy brochure produced by Geelong Otway Tourism being sent to thousands of individuals and athletics clubs across the Oceania region that really showcases Geelong.

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

Rescode: Bayside

Mr THOMPSON (Sandringham) — I refer to the importance of preserving the residential amenity of the Bayside area, particularly in Sandringham. Changes have been made under a number of planning schemes that have increased the density of development. It is important from the point of view of many Sandringham residents that the amenity that reflects the foreshore, treed streetscapes and treed front yards and backyards is preserved to an optimal degree.

Under the original dual-occupancy developments, which were as of right, there were problems which were rectified by the former coalition government on issues such as overlooking and overshadowing, and further consideration of the types of landscaping that might take place.

Correspondence to my office from the Seatons of Bridge Street, Hampton, expresses concern regarding the changing face of Bridge Street. They wish to ensure that under the draft residential code, Rescode 2000, and also under amendment C2 in the City of Bayside, there is scope for individual determinations to be made to ensure there are opportunities for existing streetscapes to be preserved in the longer term.

Aged care: Macedon Ranges

Ms DUNCAN (Gisborne) — I wish to congratulate Mary Hanna, a resident of the Macedon Ranges, who participated in the equestrian events at the Olympic Games.

On another matter, two weeks ago I had the pleasure of having lunch at the local hostel for the aged, the Elms, run by the magnificent staff of the Macedon Ranges health service. I had the opportunity of seeing first hand, at least to some extent, what is involved in managing aged care facilities. The facility in this instance is home to 30 people. The environment is homey and the staff are like family to the residents. They do a fantastic job. It is apparent from the way members of the staff relate to and take care of the residents that they treat their work as a vocation, not a job.

The facility — both the Oaks nursing home and the hostel — has recently been accredited for three years through the aged care standards program. The residential aged care services offered by the Macedon Ranges health service satisfactorily attained all standards and received a commendable classification for resident lifestyle. The commendable rating came about in part due to the hostel's lifestyle enhancement program, under which residents of the Oaks, the Elms and the community participate in joint activities.

The service is currently undertaking stage 2 of its building project, which will provide bigger rooms, more ensuites and increased privacy and dignity for

residents. Currently a community appeal is running to help provide new and essential equipment for the facility. I congratulate Noel Fitzpatrick, Rhonda Bradley and their team for the great work they do in the local community. I also had the pleasure last week at being present at the Providence Aged Care hostel at Bacchus Marsh.

Paralympic Games: athletes

Dr NAPTHINE (Leader of the Opposition) — I join with other honourable members in congratulating all members of the Australian Olympic team on their performances at the recent Sydney games. I also wish to congratulate all members of the Australian Paralympic team. I do so now because today is the last day of sitting prior to the opening of the Paralympics two weeks from now. I look forward to attending the games and extend my good wishes to all members of the Paralympic team, and particularly those from Victoria, for success in their events.

PUBLIC LOTTERIES BILL

Second reading

Debate resumed from 7 September; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Government amendments circulated by Mr PANDAZOPOULOS (Minister for Gaming) pursuant to sessional orders.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until later this day.

TATTERSALL CONSULTATIONS (AMENDMENT) BILL

Second reading

Debate resumed from 4 October; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — Last night I made some introductory remarks on the bill and indicated to the house that it came about as a result of Australian Taxation Office rulings subject to previous legislation on national taxation reform passed by this Parliament. I particularly referred to the changed treatment of commissions and alterations relating to that very small component of Tattersall sales which are classified as exports. I dealt with those matters thoroughly last night. The third issue covered by the bill relates to telephone and Internet sales. Under the constitution Victoria cannot apply a tax in non-Victorian jurisdictions or to non-Victorians. The bill clarifies that matter to make it absolutely clear. The current legislation is not clear; its intent is but the drafting is not. I am advised by officials from the Department of Treasury and Finance that the bill rectifies that lack of clarity.

I shall make a number of additional remarks on the bill. I draw the attention of the house to the very broad nature of the second-reading speech made by the Treasurer.

Mr Lenders interjected.

Ms ASHER — As the parliamentary secretary indicates, it was a very interesting second-reading speech. I would have thought it was rather intemperate. If one reads *Hansard*, one will see how his speech varies from the text provided by his department. The minister should have stuck to that text.

I shall make a number of comments on the broad context in which the bill has been introduced. The Treasurer made a number of observations about Victoria and the new commonwealth–state agreements. I shall refer to changes brought in by this government under the National Taxation Reform (Consequential Provisions) Bill passed by this Parliament. The bill builds on that legislation, which gave the government power to adjust its own taxes and charges, both those introduced by regulation and those introduced by legislation, by up to 10 per cent. It is interesting to note what the government has done in handling those circumstances.

I am absolutely certain that many examples exist within government of taxes and charges that have not been increased by 10 per cent. Not all taxes and charges imposed by the Victorian government are made either by regulation or legislation. I imagine there would be hundreds of taxes and charges that do not require the scrutiny of Parliament through that process. I am absolutely certain a number of those would have been increased by less than 10 per cent. However, it is interesting to consider those taxes that have received some measure of parliamentary scrutiny to determine how the government has handled the goods and services tax in its jurisdiction.

In particular, I refer the house to the National Taxation Reform (Fees) (No. 2) Regulations which increased seven fees by 10 per cent. Those regulations were presented to Parliament during the autumn sittings. The fees related to regulations covering the Country Fire

Authority, mineral resources, petroleum, and waterways. Every one of the seven fees under those regulations was increased by 10 per cent.

The National Taxation Reform (Fees) (No. 2) Regulations, which were presented to this house this session, covers 55 fees. Given that 55 fees were being revised you would think on the law of averages that one of them would be increased by a figure less than 10 per cent. Not so. All of the 55 fees increased by 10 per cent. One wonders whether that is an attempt by the government to profiteer, or whether it is slackness or sloppiness on the part of the government. Is it taking the easy way out?

Mr Maxfield interjected.

Ms ASHER — The honourable member for Narracan is suggesting that I am a cynic — that it is a bit of slackness and sloppiness rather than profiteering. All of the 55 fees have been increased by 10 per cent. The increased fees relate to regulations covering alpine resorts, the Country Fire Authority, and court reporting. Even the fee for sampling cannabis plants and crops grown has increased by 10 per cent. Electricity safety fees have also increased by 10 per cent. The fee for a copy of a licence or a BYO permit, or part of a licence or permit, has increased by 10 per cent. The fee for the issue of a log book by Vicroads has increased by 10 per cent. I could go on, but I will not take up the time of the house by referring to all of the fees.

However, I will refer to the road safety regulations, the trade measurement legislation, the fee for the restricted terms of a houseboat licence, the fees for the transfer of a licence at Lake Eildon, the fee for a permit to dig up or damage a road under the transport roads and property regulations. The list goes on and on.

The two documents presented to Parliament reveal that 7 fees under statutory rule 39 and 55 fees under statutory rule 59 have increased by 10 per cent. I do not want to go through every issue, but I draw the attention of the house to the Plant Health and Plant Products Act for which numerous fees are outlined in the *Government Gazette* of 30 June 2000 — they just got in on time on that one. All of the fees are up by 10 per cent. Under the Cemeteries Act provision has been made to increase the fees by up to but not exceeding 10 per cent. There is a whole range of fees that the government has altered, and — surprise, surprise! — they are all up by 10 per cent. That's an easy way to operate!

As I said earlier, I am well aware of the fact that a range of fees and charges applied by departments are not required to come before Parliament. I am absolutely sure the government would not be so stupid as to apply a 10 per cent increase across the board. I am sure some fees would increase by a lesser amount. It is interesting to hear the government say it is opposed to the GST, given that almost all of its own fees — or certainly the ones that have come before this place — have increased by 10 per cent.

I turn to the financing arrangements between the states and the commonwealth. I referred earlier to the Treasurer's intemperate outburst in this house.

An honourable member interjected.

Ms ASHER — Yes, yet another one. I will clarify the date of the intemperate outburst, because his intemperate outbursts occur regularly. This one was on Thursday, 7 September. The second-reading speech distributed in the house differed somewhat from the speech the Treasurer delivered on the bill. The Treasurer should have stuck to his script, because it was provided to him by his departmental officers, I assume, and it clearly indicated that GST revenue goes to the states. I will quote from the script:

> The Victorian government is also basically no worse off as all GST payments have been returned to the states …

That comment was obviously made in relation to the alterations to the Tattersalls taxation arrangements before the house. The script goes on:

> … although in the case of Victoria GST payments are less than they should be because of adverse Commonwealth Grants Commission relativities.

That is the fact of the matter. The Treasurer is trying to argue in this place and externally, with little success, that the GST has somehow introduced some variation to commonwealth–state financial relativities and that that has disadvantaged Victoria. What the Treasurer well knows, what his script before him stated, and what he read out prior to his little outburst against the federal Treasurer, is that the Commonwealth Grants Commission has over past decades instituted a system whereby Victoria and New South Wales are disadvantaged in terms of the taxation relativities paid to other states. Horizontal fiscal equalisation has always resulted — I do not accept those arrangements for 1 minute; in fact I have argued vigorously against them — in the more populous states, Victoria and New South Wales, paying greater taxation than what they get from the system.

Over past years Lindsay Thompson as Treasurer was one of the most vigorous exponents of advocating a better deal for Victoria for the amount of tax it paid per

capita — getting more of what Victoria paid back from the commonwealth — and more recently there were no more vigorous exponents of doing that than the former Premier and former Treasurer. Honourable members will recall the vigour with which they went to Canberra and attacked federal members of their own party over such matters. It is nonsense for the Treasurer to somehow distort the argument about the commonwealth–state financing arrangements, which unfortunately have traditionally disadvantaged Victoria, and argue that that circumstance has arisen because of the GST.

I notice the honourable member for Dandenong North is in the chamber. At a recent briefing provided by the Department of Treasury and Finance through the good offices of the honourable member, which is appreciated by the opposition — —

Mr Lenders — You are going soft!

Ms ASHER — I want more briefings. The point was re-emphasised by neutral officers of the Department of Treasury and Finance that notwithstanding the fact that Victoria receives back 81 cents out of every dollar paid in GST — and there is no dispute with the figures placed before Parliament — there is no substantial difference between that circumstance and the circumstance that existed previously.

Victoria does not receive back $1 or greater amounts because it is part of a federation and the federation funding arrangements from time immemorial have disadvantaged the more populous states. The opposition will be pleased if the Treasurer wants to take up that debate with the vigour of Jeff Kennett and Alan Stockdale, and before them Lindsay Thompson and Dick Hamer. It would like him to direct his energies into a more productive stance. He should go to his new ministerial council of treasurers and put the view that Victoria should receive a better deal from commonwealth–state financing arrangements. No Victorian parliamentarian would argue against that.

For the Treasurer to argue that the GST is somehow the trigger for that financial inequity is nonsense. It is a piece of politicking he has not been particularly successful at explaining. He is arguing that the GST causes the situation. The GST does not cause it. The GST will provide the states with a source of growth funding for the first time, which is what all states have argued for a long time, whether they be Liberal, Labor or of any other complexion. The states themselves may wish to argue about when the growth funding will kick in. Although the Victorian Treasury is arguing that will not happen until 2007–08, given the number of people who have registered for an Australian business number it will be interesting to see whether the growth revenue from the GST will be higher than what at the moment the commonwealth Treasury is saying it will be.

I refer to the clear indication by the federal Minister for Employment, Workplace Relations and Small Business, the Honourable Peter Reith, that he thinks the revenues from the GST will be higher than has been officially predicted. There is no doubt that the states will benefit enormously from the GST, which is why they signed up for it. For the first time they have had their requests for access to growth funding granted.

As I said, the Victorian Treasurer is saying that changes in commonwealth–state financial relations triggered by the introduction of the GST are the cause of some sort of inequity for Victoria. That is not the case. Victoria does suffer an inequity in commonwealth–state financial arrangements, and it is acknowledged in the second-reading speech that is provided to the Treasurer by his department that that is the result of adverse Commonwealth Grants Commission relativities. It is not, as was suggested by the Treasurer in his intemperate outburst, because of anything done by the federal Treasurer.

Instead of whipping himself up into a lather in this place and in the public domain, the opposition urges the Treasurer to direct his energies to an intelligent arguing of the case in the relevant forums — and there are many — to do what key Victorian political figures have tried to do for some time — that is, to work out a better funding arrangement for Victoria from the commonwealth.

Under the GST Victorian funding is now more transparent because the figures are not obscured by people working from interstate, for example, in terms of tracing the basis of income tax. The subsidy going to other states from Victoria is now transparent — and the government's rhetoric is about transparency! As I said, the opposition hopes the Treasurer will take up the cudgels and direct his energy into putting a good case for the obtaining of a better deal for the more populous states from the commonwealth–state financing arrangements.

In conclusion, the opposition seeks two assurances from the Treasurer concerning the bill. The first assurance I seek is immediate proclamation. I know that Tattersalls has put to the Treasurer that it would like its money back and immediate proclamation would assist in that. The opposition urges the government not to delay proclamation. Because of Australian Taxation

Office changes it owes Tattersalls money and therefore the legislation should be proclaimed as soon as possible.

The second assurance I seek from the Treasurer is that Tattersalls will be paid the money owed to it in a reasonable time. As I indicated last night, the bill imposes a rigour on Tattersalls to refund money owed to the government — it is required to refund the money within seven days of proclamation — yet the government does not impose the same rigour on itself.

I accept that the government needs to verify the amounts of money owed to Tattersalls. I seek from the Treasurer an assurance that the government will pay the organisation within seven days of receiving notification of the amount and its being verified by the Department of Treasury and Finance. Governments are notoriously late in making payments. The challenge for the Treasurer will be to apply to the public sector the same rigour that is applied to the private sector and to refund the money with alacrity.

The opposition does not oppose the bill.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Tattersall Consultations (Amendment) Bill. When preparing my comments I could not help falling into what I suppose is the mistake of pining for the good old days — but only to a limited degree because I like to think of myself as forward thinking. The bill brings back thoughts of the good old days and the discussions about Tattersalls, Tabcorp and gambling issues at large.

Dare I ask whether anybody heard the C word used in the house during the government's term to date? The word 'casino' has disappeared from the language of members of the government. What about the good old days, when there would be a debate about legislation of a similar nature and the honourable member for Niddrie, now the esteemed Attorney-General, would rant and rave no end? I had the dubious honour of being the chair of the then minister's gaming committee and of following the honourable member for Niddrie in a multitude of debates over many years. We followed a set pattern. He would come in here, generate some heat and defame in round terms people such as Ron Walker and Lloyd Williams. Each discussion was led by him giving those people an absolutely unmerciful belting, with talk of mates and all sorts of things. I really pine for those days.

When the government took office by, as some would say, a sleight of hand or a soft-shoe shuffle, the honourable member for Niddrie disappeared from the portfolio that would otherwise have given him responsibility for gaming matters because the government knew then and knows still that the industry adds about $1.2 billion to the state's coffers each year. The last thing the government wanted was to put in charge of the portfolio a minister who was going to keep belting the industry as unmercifully as he had when the current government was in opposition. So I come to the debate pining to some degree for the good old days when debates on these issues generated some heat and activity in this place.

In opening I also commend the government on the content of the second-reading speech. It is a good, clinical document that I suspect was written by officers of the department. It does not reflect all the political baggage that otherwise colours so many second-reading speeches. For example, I refer to the Whistleblowers Protection Bill, which is on the notice paper to be dealt but which unfortunately, for reasons about which I am unsure although I have my suspicions, has been pushed down the list. Interesting tales are going around the house as to the reasons, including whether government members have at all times been made completely aware of the content of the proposed legislation. However, that is a discussion for another time because that bill is not to be debated this week.

I mention the proposed whistleblowers legislation to draw a comparison between its second-reading speech and the second-reading speech of the Tattersall bill. Pages of the speech on the whistleblowers bill are devoted to political commentary. That has diminished and in many ways demeaned the mechanisms by which legislation has historically been and should continue to be introduced for debate. I strongly suspect departmental officers have prepared the second-reading speech for the bill being debated and I commend them on it.

Various issues of interest arise in respect of the content of the bill. Not the least is the matter discussed by the shadow Treasurer — that is, the overall influence of the GST on Victoria's current fortunes. The Treasurer is perpetrating in the marketplace the notion that there is a nexus between on the one hand the GST and its introduction — that is, the general changes to the taxation regime in Australia — and on the other hand the amount of money that Victoria receives by way of distribution through the Commonwealth Grants Commission. The Treasurer has repeatedly and unashamedly tried to link the introduction of the GST to a purported loss of revenue to Victoria when he knows that such is not the case.

Some of the examples of that chicanery on the part of the Treasurer are absolutely breathtaking, even by his standards. Although I cannot quote from it because it was given during the current sessional period, I refer to an answer by the Treasurer on 30 August to a question asked of him about petrol prices. I paraphrase what he had the temerity to say in the course of his dissertation on the GST and fuel taxes. He said that honourable members need to understand the nature of the GST, including that this year the states would normally have received $26.5 billion in grants and franchise fees and under other tax arrangements, but would get only $24 billion from the federal government, a gap of $2.5 billion. The Treasurer's answer is breathtaking in its hypocrisy because he well knows that under the arrangements set out in the intergovernmental agreement the commonwealth tops up the difference and that the states are not suffering any loss. What he has said is absolute fiction.

The shadow Treasurer has quite properly recorded her gratitude, as do I, to the honourable member for Dandenong North, who very fairly made available to the opposition parties a briefing session on the budgetary effects of the GST. I will not go through the flip charts that the Department of Treasury and Finance produced at that time, but the documentation quite clearly spells out the facts.

Like other jurisdictions, Victoria loses no money through the introduction and application of the GST. Certainly, for a time there will be a shortfall between what is collected through the GST and what the states would otherwise have collected, but under the terms of the agreement the commonwealth will make up the difference. Over a period that gap will diminish. It has been said that in some six or seven years the position will be neutral and we will then move into the black. The amount recovered by the GST will be distributed to the states in a way that will advantage them. The corollary is that the federal government will no longer need to pay top-up amounts because no top-up will be appropriate.

Victoria's Treasurer is well aware of that, yet he is still peddling the absolute rubbish that the introduction of the GST is responsible for Victoria's loss of revenue. His comments are all the more rubbish because he has participated in debates in this chamber about the need for the relationship between the federal government and the states to be constantly reviewed because of the horizontal fiscal evaluation problems. I have not had the pleasure, as I will call it, of reading his contributions on similar topics when he was in the federal jurisdiction, where I imagine he spoke similarly but perhaps from the other end of the scale. States such as Victoria and New South Wales are being disadvantaged. That has been argued interminably.

Having mentioned the Treasurer's time in the federal Parliament it occurs to me that it might be interesting to search the records and see what he used to say on this topic when he was sitting in the lofty chambers in Canberra. I wonder whether he was so strident in his defence of this state when he was in Canberra representing the interests of the fair city of Bendigo.

Mr Lenders interjected.

Mr RYAN — I hear by way of interjection that the web site has been checked.

Mr Lenders — You should check the Liberal Party web site.

Mr RYAN — I do not know whether that would advance me very far. No, I think it would be better to do a bit of research on what was said by the Treasurer in his time in the federal Parliament. Be that as it may — —

Mr Lenders — It is on the Liberal Party web site.

Mr RYAN — It is on the Liberal web site? I have that clarification. I thank the honourable member for Dandenong North. He is doing a terrific job of assisting us in this.

There is no nexus, of course, between the introduction of the GST and the notion of Victoria being short-changed. The difference will be topped up by the federal government. It is a pity that the Treasurer seeks to colour the whole notion of taxation reform, which is something all Australians have pined for for a long time, in the way he has.

It is simply a matter of logic. New South Wales, Queensland and other Labor jurisdictions around Australia have readily signed up the intergovernmental agreements because they know very well, as do the Victorian government and the Victorian Treasurer, that the GST is a component of the overall changes that have been made to the tax system and will bring great benefits to Australia. There is simply no proper basis for the myth being put around by the Treasurer.

I turn to the specifics of the legislation and the position concerning the seven-day payment that is due by Tattersalls in the event of the passage of this legislation. The bill requires payment to be made within seven days. I take the point of the shadow Treasurer, who said there might be complications with calculations because payments are due both ways. We need to ensure that

once the payments are calculated and the figures are known they are given effect immediately. It interests me that in this legislation the government demonstrates concern to give effect to the seven-day payments when there is no consistency on the matter.

As I said, I recognise that payments will go both ways, but the government says Tattersalls will receive a windfall gain of $150 000 annually if nothing is done about it, and it is looking to proclaim the bill as soon as possible and to recover that money within seven days. It is interesting to contrast that approach with what the government did over the Control of Weapons (Amendment) Bill, which it regarded as being of great significance to Victorians. I make that contrast because that piece of legislation was the subject of an enormous beat-up by the government. As I recall in about February or March articles were written about the deficiencies in the legislation relating to knives; legislation was later introduced. I do not want to dwell on that issue because I recognise that it is not the subject of this debate, but the difference in approach is interesting.

The debate progressed and the bill was read a first time on 3 May. This all took place against a background of great fervour on the part of the government to look after Victorians' interests.

The system took its normal course. The legislation received royal assent on 14 June — more than three months ago. All we needed to do was proclaim it and it would take effect.

But what has happened? The answer is nothing, just a big political beat-up about how urgent it is and how the safety of Victorians depends on getting it passed. The Minister for Police and Emergency Services got all fluffed up in his anxiety to get it done, holding press conferences and all the rest. The bill received royal assent on 14 June — and there was no proclamation. What happened to it? Has it disappeared into the ether?

Mr Lenders — On a point of order, Madam Acting Speaker, I find the presentation by the Leader of the National Party an entertaining and good speech. Unfortunately, however, it has drifted through consideration of whistleblowers and a bill of anticipation and is now drifting towards the weapons act. I urge you to bring him gently back to the bill.

The ACTING SPEAKER (Ms Barker) — Order! I am sure the Leader of the National Party will return to the bill posthaste.

Mr RYAN — Indeed I will, Madam Acting Speaker, extremely shortly. Compare the complete beat-up over an issue that got lots of press coverage and then apparently hit the wall somewhere with the government's attitude to a bill that includes a provision for collecting another $150 000. Suddenly there will be a proclamation in seven days and we will get our money back. I believe that is a terrific comparison to make.

I refer now to the second-reading speech.

Mr Hamilton — Is it relevant?

Mr RYAN — Yes, very relevant to the bill. Earlier I was talking of the absolute hypocrisy of the Treasurer when he trumpeted his nonsense about Victoria being disadvantaged by the introduction of the GST. He had a great deal to say on that matter. However, the second-reading speech, which was probably written departmentally — that is, it seems not to have the problem of a minister sticking his or her bib into it — contains the comment:

> The Victorian government is also basically no worse off as all GST payments are being returned to the states …

Mr Lenders — On a point of order, Madam Acting Speaker, could you gently alert the Leader of the National Party to the fact that he is quoting from *Hansard*? The second-reading speech forms part of the record of the current session. When he quotes from that speech he is quoting from the *Hansard* report of the current session and is therefore in breach of standing orders.

The ACTING SPEAKER (Ms Barker) — Order! On the point of order, the Leader of the National Party is entitled to read from and quote from the second-reading speech on the bill being debated. There is no point of order.

Mr RYAN — Madam Acting Speaker, I am devastated! I was just going to make that point before you made that ruling. That is not playing fair! With respect, you are right; but the ball had bounced on my side of the net and up into the air. I had come in from the baseline and had the racquet drawn back over the shoulder when you went and called the game off. Be that as it may, you are quite right. When the honourable member for Dandenong North has been here a bit longer he will come to understand the forms of the house.

The second-reading speech says:

> The Victorian government is also basically no worse off as all GST payments are being returned to the states, although in the case of Victoria GST payments are less than they should

> be because of adverse Commonwealth Grants Commission relativities.

There it is, stated in the minister's own second-reading speech. I am sure it has been written departmentally by those excellent officers who are, to their eternal credit, apolitical. They do a terrific job and have a significant influence in the running of governments of any persuasion. We all have to be nice to those people over at the Department of Treasury and Finance.

I shall read from further on in the second-reading speech — whether or not the honourable member again attempts to take a point of order:

> Victoria will be no worse off since all GST revenues are eventually returned to the states, with the caveat that current Commonwealth Grants Commission relativities disadvantage Victoria …

There it is again. The minister's own second-reading speech gives the lie to what he has to say. I hope and trust that, in the interests of the state being able to go forward in its financial and general affairs, the Treasurer gets his mind around the fact that his statement is only a myth that he cannot transform into a fact no matter how often he trots it out. The second-reading speech he read in this house to introduce this legislation amply demonstrates his lie.

I now come to the bill itself.

Mr Hamilton — Is there a time limit on this?

Mr RYAN — No, there is no time limit. Fancy the Minister for Agriculture asking me if there is a time limit on something! Now there is a contradiction. Heavens above! In the course of question time recently, when the Minister for Agriculture was answering a question in his usual erudite manner, a government member said to me across the table, 'Every time he gets up I think of Bill McGrath'.

The bill accommodates some of the then unforeseen complications in the net impact of the GST on the taxing arrangements with Tattersalls. I emphasise unforeseen, because unlike the nonsense that the Treasurer has been trotting out, all of which is perfectly foreseen and known, that outcome was unforeseen.

A plan A/plan B situation arose. The Intergovernmental Agreement on the Reform of Commonwealth–State Financial Relations, which is generally termed the IGA, requires under subparagraph (viii) of part 2, which deals with the reform measures, that:

> The states and territories will adjust their gambling tax arrangements to take account of the impact of the GST on gambling operators.

That was part of the arrangement that underpinned the IGA.

A second element of the IGA was that it was ostensibly at least accommodated by the National Taxation Reform (Consequential Provisions) Act and the National Taxation Reform (Further Consequential Provisions) Act that were passed in advance of the application of the GST by this chamber. The pre-GST taxing arrangements are somewhat complex but the numbers are interesting to work through. In the Tattersalls sweeps under the pre-existing arrangements the player return for prizes was 60 per cent, the government take was 36 per cent and the Tattersalls administrative charge was 4 per cent, comprising the 100 per cent of player investment.

In the soccer pools the divisions were slightly different: the player return was 50 per cent, the government take was 34 per cent and the Tattersalls administration fee was 16 per cent, again making up the 100 per cent of player investment. Each category had two basic splits: the player return and the combination of the government and Tattersalls figures which make up what might loosely be termed the retained share.

Then along came the GST. One has to take into account the fact that gaming could not be exempted from the application of the GST because otherwise there would have been an enormous public outcry from all the keepers of the public conscience, let alone the keepers of the public purse. There would have been grief in the streets, so changes had to be made. The options available were limited. The simple addition of 10 per cent to the sales price — as has happened with a range of government taxes and charges, as the shadow Treasurer has read out — could not be done because that would have meant a severe risk to the golden goose as at least some of its feathers comprised issues of Tattersalls sweeps and soccer pools. There would have been hell to pay, so that was not an option.

The addition of 10 per cent GST to the turnover less the sales pool — that is, the retained share — could not be done, as even an effective 4 per cent tax penalty would have caused some damage to that same golden goose. That option was also out and had to be discounted.

As a matter of enormous political astuteness and by way of a terrific piece of sleight of hand, there was an assumption that the sales revenue less the prize pool — that is, 40 per cent — would include the GST. That was a very smart bit of operation and I commend the government for it. Therefore, Tattersalls would pay $1^{1}/_{11}$ of 40 per cent to the Australian Taxation Office,

which is a tax rate of 3.64 per cent. Working the figures back, that is the rate needed to be achieved.

The question that arises then is what reduced rate of tax does Victoria have to impose on Tattersalls to allow it to retain the original income of 4 per cent of turnover, because no-one wants that equation to be upset. The gymnastics continue. The answer is that when you work those calculations through and you deduct the 3.64 per cent from the 40 per cent figure, you end up with an adjusted figure of 32.36 per cent, or 29.46 per cent on the soccer pools. I will not go through all the applications of figures in the soccer pools environment.

Mr Lupton interjected.

Mr RYAN — Would you like me to? No, I will leave it be, because there are others who want to speak.

Assumptions are made. Given that the GST is faithfully distributed to the states — which of course it is — everybody is back in the same position and it can be demonstrated that the whole process means that gaming is exempt from the GST. Politically, that is the position the government wants to achieve, and all that was accommodated through the passage of the two earlier pieces of legislation.

However, complications arose. Firstly, there was the general discussion I have already been through over the GST versus the position with supplies to Victoria, redemption to Victoria of the complete payments to which it is entitled, the complications over horizontal fiscal equalisation, or HFE, and the Commonwealth Grants Commission and all the rest of it. Secondly, a small proportion of Tattersalls sales were taking place overseas and were therefore exempt from the GST. That led to an unanticipated windfall gain, and the original 36 per cent is now applied to overseas sweeps sales and 34 per cent will be applied to overseas soccer pools sales that might be made in the future. The unintended windfall derived from those overseas sales has been applying from 1 July; that in turn explains why the bill needs to be retrospective.

I have not read the Scrutiny of Acts and Regulations Committee report, but when I was chairing the committee we would have picked that point up. I have no doubt that under the expert chairmanship of the honourable member for Werribee it has been picked up. In fact, I am assured by the honourable member for Tullamarine, who is a member of that committee, that it has been picked up, so all credit to the committee. That explains why that element of the bill has to be introduced, notwithstanding that the whole act is about to be replaced by its companion bill, the Public Lotteries Bill. The notion underpinning that move is that when an error of this nature is discovered or disclosed the government should move immediately to address and remedy it and should not allow the position to languish. The government is quite properly looking to address the situation.

The third complication that arose was that when the IGA bills were being debated in the autumn sessional period the government was still awaiting a ruling from the Australian Taxation Office on the verification of some issues. Unfortunately, the ATO in its own inimitable fashion has further complicated matters by ruling that the turnover for GST purposes should include the agent's commission, despite the reality that the commission is retained by the agent, does not constitute part of the revenue as defined by the act and has never been included in Tattersalls revenue figures. If you look through the financial reports you will find no reference to that commission.

Nevertheless, the ruling has been made, which in turn means that the GST is levied on the total purchase price paid by the customer, including the agent's commission. The GST is therefore automatically greater, and the state taxation must be adjusted downward to preserve the status quo and the government's original commitment to revenue neutrality — again, satisfying the political dictates.

Through all of that there has been negotiation with Tattersalls to assume a standard average commission of 7.71 per cent of sales, to take $1^{1}/_{11}$ of that figure, which is 0.7 per cent, and deduct that from the earlier constructed tax rates. Tattersalls rate, which was 32.36 per cent, becomes 31.66 per cent, and the soccer pools rate, which was 29.46 per cent, becomes 28.76 per cent. The net effect of those calculations is that a greater tax revenue stream goes in the form of GST to the commonwealth and back to Victoria, and the tax stream going directly to Victoria is correspondingly reduced, so everybody's position is preserved.

Another issue arose in 1992 when a 10-cent ticket levy was introduced on all lottery products. That was part of the recovery process in which the then government was engaged. There are many new members in this place now, except for the Minister for Agriculture, who is at the table, and I go down on bended knee to him because he certainly was not one of the new members in 1992, but I came to this place in that year. I do not want to excite a flow of interjections by dwelling upon the fact that Victoria had at that time a $34 billion debt and faced a $2.5 billion recurrent deficit on the budget. Far be it from me to go down that line, suffice to say that a

number of initiatives were introduced to save Victoria from sliding off the Australian land mass and disappearing forever into Bass Strait!

One initiative among many that was part of the recovery process was the introduction of a 10-cent-ticket levy on lottery products. For constitutional reasons, that could not be applied to sales outside Victoria. As is the wont in a number of areas, in recent years sales by telephone and the Internet have increased and therefore no tickets as such have been issued. An amendment was introduced to assume a ticket had been issued and to protect agents against unfair competition from those forms of direct sales. However, the amendment did not exempt telephone and Internet sales outside the state from the 10-cent levy, thus running into the original constitutional problem. The bill specifically exempts such sales from the levy and is a handy vehicle in clarifying that point.

This legislation represents a logical and reasonable response to what were unforeseen taxation benefits derived by Tattersalls from international sales and what might be described as an unfortunate ruling by the ATO that commission charged by Tattersalls' accredited representatives be assumed to be Tattersalls income for taxation formula purposes.

While not getting carried away and supporting the bill, the National Party does not oppose it. I shall crib a bit by saying I wish the bill a speedy passage.

Mr LENDERS (Dandenong North) — I join the debate on the Tattersall Consultations (Amendment) Bill, which has been one of the better debates I have listened to so far during my time in this place. I will make some analytical comments on the contributions of the Deputy Leader of the Liberal Party and the Leader of the National Party.

I am probably starting to sound like the honourable member for Berwick, but it is interesting to discuss the nature and context of second-reading speeches, and I shall begin by doing that. I listened to the Treasurer deliver his second-reading speech some time ago; it was a combination of the written notes given to him by the department, which any minister then works on and makes into his or her own speech, and some spontaneous discussion on some of the general issues of federal–state financial relations. The assumption of both the Deputy Leader of the Liberal Party and the Leader of the National Party was that in some way or other a minister is meant to be a cipher for his or her department and simply read a prepared script.

All honourable members know and understand the importance of second-reading speeches in terms of legal interpretation when courts are trying to establish the intent of legislation and so on. They are also inherently the work of the ministers who are accountable for them to Parliament. I find it extraordinary that members opposite should think that ministers are meant to be nothing but ciphers for their departments. If that is what a minister is meant to be then the Westminster system is completely and truly lost in this state. I am pleased the Treasurer is an assertive minister who is on top of his portfolio and who puts his stamp on legislation and makes his own speeches.

Having said that, the Treasurer departed from his prepared text on a number of occasions to comment on the debate about federal–state financial relations. As any good Victorian Treasurer should, he is aggrieved that only 81 cents in the GST dollar comes back to Victoria, whereas in some other states it is a great deal more — and the worst example is the Northern Territory, which receives $5.38!

In taking on board comments made by the shadow Treasurer and the Leader of the National Party, I point out that it was perfectly legitimate for the Treasurer to advocate that it be addressed. The shadow Treasurer talked about history. Although she mentioned almost every other Premier of Victoria, she could not quite bring herself to mention John Cain, Jr, and Joan Kirner. They all sought to have the matter redressed in a truly bipartisan way, which some may call self-interest on all their parts. It was one of the good things the former government did.

The shadow Treasurer ignored the Treasurer's statement that the situation could be redressed. The Commonwealth Grants Commission is a creature of the commonwealth. Federal ministers such as Peter Costello, the Kemp brothers, Richard Alston and Peter Reith, as well as a number of senior Victorian state Liberals, are also in a position to do something about it. It was not intemperate but legitimate for the Treasurer to say it should be done. It is part of the financial debate.

The other point the Treasurer made in his second-reading speech — which the Leader of the National Party clearly has not understood or perhaps chooses not to understand because he does not want to embarrass his federal colleagues — is that it is absolute nonsense for anyone to say that every extra cent of GST revenue is a cent that goes to the Victorian government until 2007.

Mr Ryan — I didn't.

Mr LENDERS — I concede that the Leader of the National Party did not say it, but the Treasurer's point was that the federal Liberal and National parties are trying to put the blame for petrol prices on the states because they get the GST revenue. Without going into the complicated details, the Treasurer alluded to the formula for the GST revenue. As he explained, until all the adjustments are made following the Democrat–Liberal–National deal in the Senate — which reduced the original estimate of GST revenue — any increase in GST revenue until 2007 goes to the commonwealth. That is one of the Treasurer's grievances that has not been acknowledged in the debate so far.

The shadow Treasurer is in the difficult situation that all opposition members are in that she wants to be all things to all people. She is absolutely committed to arguing that the government must be fiscally prudent. She constantly admonishes the government for its alleged spending priorities and argues that it is in some way or another squandering the surplus left to it by the previous government. I am not being churlish in reminding the honourable member for Brighton that we are not talking about the Kennett government's surplus but about the blood, sweat and tears of the Victorian people that generated the surplus accumulated by the treasury. It is a social dividend — —

Mr Baillieu — Whose debt?

Mr LENDERS — It is a great privilege to be part of the Bracks Labor government, which is repaying the Bolte government debt of the 1960s and 1970s in every budget it presents.

The government is urged to be prudent and to not spend money on teachers' salaries, and it is constantly being asked where the money is coming from. But in the next breath it is admonished about passing on GST costs in Victorian rates and charges. The shadow Treasurer referred to a number of them that have gone up, and I am impressed by her research, but she cannot have it both ways. One of the major roles of the Victorian Treasurer is to safeguard the revenue and make sure it is not frittered away. That is something the government will be vigilant about, and hopefully the shadow Treasurer will be similarly vigilant if she ever becomes Treasurer.

Tattersalls is one of the great philanthropic Victorian companies that makes incredibly generous donations. It should be put on the record that Tattersalls makes donations to the Labor, Liberal and National parties annually. All parties must be wary about disadvantaging Tattersalls in relation to an underpayment to the state of $150 000. From a government perspective I need to understand whether it is the role of the opposition to be advocates for Tattersalls, a major donor to all parties, or to be advocates for the maintenance of Victorian revenue, which is something that is used for the benefit of all residents. It is a tribute to the Labor Party, which like all other parties is a recipient of Tattersalls donations, that it puts state revenue first rather than an issue affecting a major corporate donor to all political parties.

This is the fifth bill introduced by the Labor government that deals with the implementation of the GST in Victoria. I could either entertain or bore the chamber by repeating the speech I have made on other occasions about what the GST is and how it affects electorates like Dandenong North, but I think — —

Mr Stensholt interjected.

Mr LENDERS — As the honourable member for Burwood correctly says, it is very unpopular in Victoria. However, I will talk in more general terms. This is a further consequential amendment that deals with the items caught by the Tattersall Consultations Act that were treated as exports rather than internal gaming sales, which therefore means the GST applies to them. It is not a large revenue item but an ongoing adjustment.

I am slightly amused by the honourable member for Brighton, who is also the shadow Treasurer. Perhaps it is a reflection on our different electorates that she is either not familiar with Tattslotto tickets or has not often had to buy them.

Ms Beattie interjected.

Mr LENDERS — Yes, she is certainly good at numbers games. She won her preselection. Buying Tattslotto tickets is one of the most popular forms of gaming in my electorate. If I walk towards Menzies Avenue from my office I come to a large Tattslotto agency along the way.

We are familiar with Tattersalls. I am delighted the Bracks government has consistently introduced legislation to protect small punters from having their returns reduced by the GST.

The bill has bipartisan support, which is a good thing, but I make the point that this is another piece of legislation that the government has had to introduce — as all state governments have — to allow the GST to work. Given that the GST was promoted as a simple tax

system that would take the burden off small business, it is amazing that increasingly complicated adjustments have to be made to take the mounting burden off small business because of what the tax does and the paperwork it creates.

As the Leader of the National Party said, this is a transitional bill that deals with changes to the gaming regime. I risk incurring the wrath of the honourable member for Hawthorn by mentioning that the Public Lotteries Bill, which will be coming on for debate later, will make these clauses redundant. It is a piece of housekeeping legislation that needs to be supported.

The debate has been good because the house has discussed commonwealth–state financial relations, which is a prudent thing to do in debating any treasury bill. The debate has been entertaining — there has been the occasional witticism — and it has also addressed the workings of the Westminster system, because the role of the minister who controls the legislation is important. Today the house has seen evidence of one of the problems of the previous government: it was not into independent thinking. I thought it was always driven by the leader, but perhaps it was also being driven by the public service. I commend the bill to the house.

Mr ROWE (Cranbourne) — As previous speakers on this side of the house have said, the opposition does not oppose the bill, the purpose of which is to give effect to changes made necessary by the intergovernment agreement relating to the GST, and in particular Tattersall Consultations.

As other opposition members have stated, during his second-reading speech the Treasurer got off the track in commenting on the GST. However, in doing so he provided an opportunity to discuss some of the half-truths and outright lies some people have pedalled about how much GST revenue the Victorian government receives from the federal government and what its responsibilities should be in relation to that revenue.

Mr Baillieu — Was the Treasurer among those people?

Mr ROWE — The Treasurer played fast and loose with the facts, and one could say that his comments were ill informed. Of course, one cannot suggest that he did anything deliberately, because it was what he believed at the time based on information he received from others — and that reads like much of the evidence that is given in the Melbourne Magistrate's Court!

In relation to the GST tax revenue, the state government can do something about taxing a tax. On all insurance policies to which it applies, the state government has chosen to add state government stamp duty to the GST, which is an impost on the Victorian community that should not be there.

Having received 100 per cent of the revenue raised, the government could have made concessions earlier this year to those people who were caught up in the housing boom as buyers attempted to get into the housing market before the GST applied to housing. Unfortunately, some building companies found themselves in trouble and were unable to complete the contracts before 1 July, pushing some home buyers into the GST period. The state government and the Treasurer had the power to give a refund or a stamp duty rebate to those who purchased new homes in that period, because the revenue received over that period was not budgeted for. The money could easily have been returned to first home buyers. In typical Labor Party fashion, the government taxes and spends and does not provide returns when it can. The suggestion was never taken up.

This is a housekeeping bill that gives effect to a number of changes, particularly in relation to Tattersalls. I was not aware until researching the bill that Tattersalls holds licences for the sale of lottery products not only in Victoria but also in Tasmania, Australian Capital Territory and the Northern Territory. It also holds international licenses in South Africa, Fiji, the Christmas Islands, the Cook Islands and the North Mariana Islands. Tattersalls makes a great deal of export sales.

One of the purposes of the bill is to ensure that products sold interstate and overseas are not taxed. That fixes up another anomaly. It also gives effect to the provision of a refund to Tattersalls for overpaid taxes, which I am sure Tattersalls will say is an excellent boon to it. It has collected all necessary taxes, passed all taxes that were collected on to the government, and is looking forward to receiving its cheque. As in all cases, I understand the cheque is in the mail. The legislation will ensure that occurs.

Tattersalls is an interesting organisation. All aspects of its operations deserve support, particularly because Tattersalls distributes much of its profits back to the community through hospital and charity activities, which is an excellent way of ensuring hospitals such as the Royal Children's Hospital, the Royal Women's Hospital and other organisations receive some benefit from the income derived from the sale of lottery

products throughout Victoria, the rest of Australia and overseas.

George Adams, who was 16 years of age when he came to Australia, had the foresight to set up a sweepstakes, based initially in New South Wales. He purchased the Tattersalls Hotel in Sydney, along with numerous racehorses. As a result of his good fortune he established an enduring legacy from which Australians, particularly Victorians, have benefited.

I trust the bill will adjust all necessary anomalies, that taxes that have been collected will be returned and that Tattersalls will have a long and successful reign delivering sweepstakes and similar competitions to Victoria.

Mr ROBINSON (Mitcham) — As previous speakers have indicated, the Tattersall Consultations (Amendment) Bill is more or less a housekeeping bill. It brings into effect the consequential changes of ongoing alteration to the national taxation system. In that respect the bill is not controversial. It could be said that one of its effects will be to further streamline the taxation arrangements applicable to Tattersalls. Since I have been in Parliament this is the third introduction of a bill that has had some impact on the taxation arrangements or the administrative or management practices of Tattersalls. That is appropriate, given the centrality of Tattersalls to this state over the past 50 years.

The company has a long history, going back to the 19th century. The honourable member for Cranbourne correctly pointed out that George Adams founded the company in Sydney, but eventually left New South Wales and took up residence in Tasmania early in the 20th century. He remained there until the 1950s, when, in what might historically be regarded as one of the first great major event coups, the then Victorian government, led by John Cain, Sr, managed to poach Tattersalls to Melbourne, where it has remained ever since.

In that half-century Tattersalls has expanded enormously. As an earlier speaker said, it now has a substantial international presence. The company runs the South African lottery, missed out narrowly on the bid for the British lottery, and is involved in other Pacific areas.

The bill deals in some part with the export earnings of Tattersalls in that a small percentage of its sales are generated internationally. The statistic is about half of 1 per cent of $903 million. It is worth noting that Tattersalls has world leadership, as does this state, in gaming product. It is not something we tend to think about in international terms, but Tattersalls is very much at the forefront of gaming product as it currently exists and as has come into increasing favour in recent decades.

In my relatively limited travels I have been able to compare what we have here in Victoria — both Tattersalls and our racing product — with other jurisdictions, and we are miles in front. It is important in this day and age that we take advantage of those services and products where we have superiority and that we assist companies based here to export that to the world.

As a brief aside, I refer to Tabcorp's advantage in betting, wagering and gaming product. Over many years since its formation as the Totalisator Agency Board (TAB) in 1960, it has developed world leadership in this field to the point where Victoria, with its racing system, is some 40 years ahead of the United States of America in the variety and sophistication of product type.

I understand the Minister for Racing learnt this in a recent visit to California where he was entertained by the California Horse Racing Board at Hollywood Park, one of the state's premier racing facilities. It may interest the house that the Minister for Racing met and had some discussions with Bo Derek, the well-known movie star, which I understand the minister rated as a 10-out-of-10 experience! The minister was very taken with Ms Derek until the discussion got on to politics and he discovered she was even to the right of Charlton Heston on many subjects, and that is where the conversation ended.

Honourable members interjecting.

Mr ROBINSON — I think he was thinking about her as a candidate for the Law Reform Commission until the discussion got on to politics.

Honourable members interjecting.

Mr ROBINSON — I am not sure that he had eyes for the horses. In any event, the minister's recent visit demonstrated to him, and it should be evident to all honourable members, that we are world leaders in gaming and wagering product and it is important that we foster that where we can. Although the bill will not have a huge impact in the way Tattersalls conducts its international operations, it will assist the firm in streamlining further its internal taxation arrangements. It therefore serves the company well and ultimately will serve the state well. For that reason I support the bill.

Mr LUPTON (Knox) — The Tattersall Consultations (Amendment) Bill, as has been indicated, is a housekeeping bill introduced because of the change of mind of the Australian Taxation Office. I refer in particular to the Treasurer's second-reading speech, which is an example of what happens when a person goes away from the prepared script.

The Treasurer berated everyone he possibly could about the goods and services tax ripping off the states. He talked at great length about the fact that Victoria would get back only 81 cents in the dollar. It should be remembered that no honourable member, and probably not one person in Victoria, believes the funding arrangements between the commonwealth and the states are correct. We all believe we are being ripped off. However, as he is the Treasurer of Victoria he should understand the relationship between the commonwealth and the state funding arrangements.

The Treasurer's second-reading speech contradicts the arguments he put forward when not following the prepared script. The earlier ruling of the Speaker allows me to quote the second-reading speech. It states:

> The Victorian government is also basically no worse off as all GST payments are being returned to the states, although in the case of Victoria GST payments are less than they should be because of adverse Commonwealth Grants Commission relativities.

That is exactly what he said in the newspaper and in his second-reading speech. He argued unnecessarily and irresponsibly that Victoria is no worse off. He also said in his second-reading speech:

> Victoria will be no worse off since all GST revenues are eventually returned to the states, with the caveat that current Commonwealth Grants Commission relativities disadvantage Victoria …

He has said in a prepared speech that Victoria is no worse off, yet he then digressed from the prepared speech and raved and prattled about the fact that Victoria is disadvantaged. No-one in Victoria believes the funding arrangements that exist between the federal and state governments are fair and equitable. Victoria always gets dudded. He should realise that, and he as the Treasurer of Victoria should argue with the federal government about the matter.

The bill basically deals with housekeeping issues. It does three things. I will not go into great detail on the bill because the Leader of the National Party's excellent speech explained those matters that are sometimes difficult to understand. The taxation ruling alters the treatment of the commission paid for tickets; it will mean that a small percentage of lotteries in territories will be treated as overseas lotteries and therefore not subject to the GST; and it provides for a technical change to the 10 cent ticket tax.

One of the major concerns raised by previous speakers is the requirement for Tattersalls to pay an amount of approximately $150 000 to the government within seven days of the bill being given royal assent. The comparison has been made that if the state government were able to pay its bills with that sort of promptness many people would be much better off.

The bill is necessary. As I said, it deals with housekeeping matters. Tattersalls is an organisation that came to Victoria from Tasmania in the mid-1950s. It moved to the building next to the former SEC building in Flinders Street, where everyone bought their Tatts tickets. It has been very generous to the community in handing out vast sums of money, although I must admit neither my family nor I have been the recipients of any of those funds — whether from Tatts tickets, Tattslotto tickets, scratchies or anything else! I hope that particular aspect of Tattersalls changes. With a bit of luck that will happen in the future. The bill is necessary to address the matters raised by the latest ruling of the Australian Taxation Office.

Mr HAMILTON (Minister for Agriculture) — The Leader of the House has advised me that this is an appropriate time for the debate on the bill to conclude. I thank all honourable members for their contributions to the debate. It is a small but important bill. The government hopes it will have a speedy passage through its remaining stages.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Public Lotteries Bill.

TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 7 September; motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

Mr BAILLIEU (Hawthorn) — I respond on the Training and Further Education Acts (Amendment) Bill in the knowledge that in many ways it is a strange bill for the government to introduce at this time in its history because it is not a bill derived from government policy. The proposal is not referred to in the Australian Labor Party's policy documents for the last election and represents a significant change in the education sector, particularly the adult education sector. The change was not anticipated in the recent budget, so the opposition can conclude only that it had its genesis over the past few months.

The objectives of the bill are as follows. Firstly, to amend the Adult, Community and Further Education Act to provide for the establishment of new institutions to be called adult education institutions (AEIs); to establish their governing boards; and to establish the first two such institutions, Adult Multicultural Education Services (AMES) and the Centre for Adult Education (CAE).

Secondly, the bill seeks to transfer staff employed in the Department of Education, Employment and Training in the administration or provision of adult multicultural education services to AMES. The division of DEET in which those staff members are currently employed is already known as AMES.

Thirdly, the bill seeks to transfer the staff, property and liabilities of the Council of Adult Education to the new education institution known as the Centre for Adult Education, and in so doing to repeal the Council of Adult Education Act.

Although the staff of the AMES division, as it is known, will be transferred to the new institution the transfer of liabilities is not referred to in the bill. There is an obscure reference in the second-reading speech to the transfer of some liabilities. However, it is proposed that the transfer in respect of the CAE will include the transfer of staff, property and liabilities. Although the opposition will not oppose the bill it will take up some of those issues because of significant concerns I will direct to the attention of the house.

Before I turn to that, honourable members should have some understanding of the notion of adult education in Victoria and be aware that it is different from the higher level tertiary education provided at universities and institutes of technical and further education (TAFE). Adult education is learning generally undertaken by mature-age students, although that is changing and those attending classes represent a mix of ages. It is generally study undertaken to learn about a specific subject rather than to pursue a certificate or diploma. It is generally undertaken for experience, as preparation for a job, as an adjunct to a job or as preparation for some other form of learning.

Adult education classes tend to be smaller and the hours more flexible. Courses tend to be shorter and the range of subjects offered is diverse. A considerable component of community activity exists among adult education providers and different staffing arrangements are involved. Because of the shorter courses, flexible hours and smaller classes more staff are employed on a contract basis than in other areas.

The notion of an adult education institution itself is of interest. As I said, it was not foreshadowed in the government's policy statements before the election last year. People have expressed to the opposition concerns that the bill is a case of an educational institution vehicle being created to fit particular cases rather than a response to a generic need for such a vehicle and a moving on to see if things fit. There are concerns that the legislation may create institutions that have undefined futures and undefined needs and that that may present problems in the future.

The introduction of an adult education institute expands to four the major components of tertiary education and training in Victoria. Victoria already has university education at the higher education level and a technical and further education system. Under the Adult, Community and Further Education (ACFE) Board, Victoria has had Australian College of Education providers at the third level. Now the state is to have adult education institutions somewhere between those ACE providers and the TAFE colleges. That is a significant change and is worthy of a fair degree of consideration by both sides of the house and by the community.

The bill establishes the first two AEIs I mentioned. No doubt the acronym 'AEI' will join the already long list of acronyms relating to this sector — and perhaps new members of Parliament should subject themselves to a test to help them understand the complexities of the sector. I am sure that AEIs will come to be an important signpost in the future.

When looking at the proposed AEIs it is necessary to understand a little about the organisations from which staff are being transferred. I turn first to the Council of Adult Education. The council is currently a Victorian statutory authority established under the Council of Adult Education Act. It is subject to the general direction and control of the Minister for Post Compulsory Education, Training and Employment and is registered as a provider of adult education programs

under the State Training Board of Victoria. It is also a private provider of adult education services.

The council offers fee-for-service and government-supported vocational education and training programs, and continuing education programs. It is also registered by the State Training Board of Victoria to deliver some 58 accredited courses and is accredited by the Victorian Board of Studies to offer Victorian certificate of education subjects.

I am sure many honourable members will be familiar with the Council of Adult Education in the many guises in which it appears in Melbourne. It conducts a swag of courses and a reference to the frequently issued course guide gives some feel for the breadth of its activities. For example, one course is entitled 'What is happening to this house?', which might be a pointer to operations in this place. It also conducts courses in pet care, one of which is called 'How dogs work', which is an interesting notion. There are courses in English as a second language, a variety of computer courses, other language courses, office skills courses and some certificate courses in the qualification framework of accredited courses to which I referred. There are also business and investment courses.

The CAE has a long history. It has a prominent location in Flinders Street and facilities in Carlton, East Doncaster, Hampton, at the Hawthorn Secondary College campus in Hawthorn East in my electorate, Mount Waverley, Thornbury and at the Ola Cohn Centre in East Melbourne. As a former long-term neighbour of the Ola Cohn Centre I am familiar with the activities there. For the information of honourable members who do not know it, the centre is essentially a gallery and a training centre for budding artists. I recommend that honourable members who have not been there get a sandwich from Michael and Lorna at the nearby fantastic Gipps Street Cellars, take it to Darling Square and watch the CAE students at the Ola Cohn Centre learning their craft as they do their landscape work in the park. As I said, the CAE has a long and benevolent history and is a well-regarded institution in the community.

In 1999 the CAE delivered nearly 1.9 million student hours to Victorians, which is a considerable achievement. It has a budget of some $15 million. It receives annual government contributions of $6 million to $7 million and the other revenue is made up by its offering of fee-for-service courses. It has had a positive operating result, although in recent years it has had negative working capital. Although in the past few years it has maintained its enrolments, in the growing training market there is pressure to not only maintain enrolments but to increase market share, and CAE has that problem.

I turn to the essentially English-language-focused Adult Migrant Education Service, which is to be replaced by the proposed Adult Multicultural Education Services. The service was set up in 1951 and is currently based in the Department of Education, Employment and Training. Its primary aim is to provide courses in English as a second language and literacy training to enable adult migrants from non-English-speaking backgrounds to gain sufficient English language for the purpose of employment and further study. The existing service has other roles, and like the CAE has a long history and an extensive network of campuses and operations. Currently it operates campuses at Ascot Vale, Box Hill, Broadmeadows, Collingwood, Dandenong, Flagstaff, Footscray, Frankston, Geelong, Heathmont, Werribee, Springvale, St Albans, Preston, Oakleigh, Noble Park, Mount Waverley, Moreland and Lalor. Although it has a substantial operational presence as a component of the department, it has perhaps a lower profile than some other training organisations.

In partnership with TAFE colleges, the Adult Migrant Education Service offers English classes at different times of the day and night across Melbourne and Victoria under the federal adult migrant English program. In addition, it offers employment services and a range of multicultural services. In the process of doing so it has established an enviable reputation as a provider of training in those fields and one of its objectives has been to become the principal provider. It operates a virtually independent learning centre for online learning. It has developed a variety of courses, including some for the Kosovar refugees who were located in Victoria and who required training in both English and their own languages, including school model training. Those courses were conducted through the service under the guidance of the federal government.

The Adult Migrant Education Service has a strong commitment to multiculturalism, which is an important component of its operations. I note that on its web site it has a multicultural pledge, which I am delighted to support. I record that it states that:

> AMES proudly supports the Victorian government's multicultural pledge to all Victorians.

The government's pledge includes regarding the cultural diversity of the community as one of the state's greatest assets; acknowledging the equality of all people; encouraging all people in preserving, enhancing and sharing their cultural heritage; fostering the

diversity of the Victorian community; promoting policies, programs and strategies aimed at delivering culturally appropriate services to all Victorians; regarding the culture and linguistic diversity of Victorians as one of the state's greatest assets; and encouraging all Victorians to participate in all levels of public life. The pledge states that the government's commitment will be reflected in all government policies.

It is a proud pledge and I note that currently it appears on the web site as having been signed by the former Premier of Victoria and Minister for Multicultural Affairs, Jeff Kennett. Although that is perhaps just an oddity it is a reminder of the strong multicultural credentials of the Kennett government under which the service was thriving.

As I said, the service has a range of activities. I note that on 23 October the AMES annual awards will be held in Queen's Hall in this building. Among the categories of awards that will be presented is the Sir James Gobbo award for the outstanding English learner of the year. That is an appropriate tribute to a great Governor who over many years has committed himself to multicultural services and education. It is a reminder both of the role Sir James has played particularly in multicultural Victoria and of the government's churlishness in causing his term to be prematurely terminated.

The bill establishes both the new AMES and CAE bodies as adult education institutions under the Adult and Further Education Act. It does so essentially using a technical and further education college model taken from other bills. I will return to that point.

Honourable members need to understand the rationale for the proposal. The Council of Adult Education Act could have been amended and AMES could have been established in its own right under a separate act or even merged with a TAFE college.

Currently the CAE has a budget of some $15 million, which would make it a fairly small TAFE college in its own right. AMES, with a turnover of some $50 million, would be a TAFE college in its own right if that were the case. Although I appreciate that there are differences between the CAE services and the TAFE college models, the act could have been changed for the CAE.

The essential rationale for the change is to give the two bodies new governance provisions. At the moment AMES is answerable directly to the department and the minister. It has no governing board or parameters in the way that other institutions would have them. The CAE has governance provisions under its own act, but it would be fair to say that they are somewhat archaic. They have been around for a while and they represent an era when there were more specific governance provisions rather than the generic provisions that are more common today in management practice. Some of the provisions are appropriate, but we are still short of the fundamental rationale for taking these steps other than to create a vehicle to suit these two bodies rather than establishing a fourth tier for a particular purpose.

The bill makes some important changes, and I would like to walk the house through them. I will not go through every clause, but some of the governance provisions deserve attention. I will compare the bill with the models established for the CAE under the Council of Adult Education Act, for TAFE colleges under the Vocational Education and Training Act — which is essentially the model the AEIs aspire to — and the model established under the Adult, Community and Further Education Act for regional councils for adult education and the governance provisions for the ACFE board itself.

Some of the establishment provisions in the bill essentially mirror the provisions in the legislation I have just referred to. The functions of the board would now be similar and would mirror these provisions. There is some slightly different wording, but essentially they are mirror provisions. Although the powers of the board are fully spelt out in the CAE act, they would pretty much mirror the TAFE college situation. These are more generic in nature, and as such they are perhaps more appropriate.

Proposed section 49A relates to the accountability of governing boards. Although the accountability clause is essentially similar to the TAFE college model in section 27 of the Vocational Education and Training Act, there is a significant change. Section 27(1)(b) of the Vocational Education and Training Act states that a governing board must perform its functions and exercise its powers subject to:

> … any economic and social objectives established from time to time by the Government of Victoria —

I repeat, 'economic and social objectives'.

The change reflected in the bill, which will apply to adult education institutions, causes members of the opposition to wonder whether it is a change we can expect to see reflected in other pieces of legislation. Proposed section 49A(1)(b) states:

> any economic or social objectives or industrial relations policies established from time to time …

The change may seem minor, but it is a change that suggests that the board may be required to act in accordance with the government's industrial relations policies alone and not necessarily in the best interests of the economic or social objectives it determines from the policies. It is a significant change, and the opposition would like to be assured that that change will not be reflected operationally and in other pieces of legislation.

Proposed section 49B relates to the composition of the board. I remind honourable members that AMES has no governing board. Currently, the CAE's 15-person board membership comprises 1 director, 1 staff member, 1 teacher, 1 student, 1 ACFE provider, 1 ACFE board member, 5 Governor in Council appointments and 4 coopted appointments. It is proposed that the board consist of no fewer than 9 and no more than 15 persons, of whom half must be appointed by the minister, with 1 staff member where there were previously 2, 1 student, 1 director and the rest coopted persons with knowledge.

However, there is an omission from the Vocational Education and Training Act. Under section 28(2) at least half the members are required to be persons with knowledge or experience in any industry in which training is provided in the college appointed by the minister. That provision seeks to ensure that at least the people on the board are knowledgeable. The government has managed to omit that from the bill. Although half the members will be appointed by the ministers there is no requirement for those appointed by the ministers to be knowledgeable. That may not be significant, but when we move on to the term of the proposed boards of governance there is a silence. On the old CAE provision, the board of 15 persons had a term of three years.

Under the TAFE college provisions there are boards of between 9 and 15 members, and regional councils have boards of 12 members with three-year terms. There is a puzzling silence about the term of office of board members. It is also a worry that half of them are to be appointed by the minister and that the requirement for knowledge and experience is diminished.

Section 49C inserted by clause 11 concerns board vacancies and the removal of board members, and proposes changes to give the minister the power to remove board members. The previous Adult, Community and Further Education Board arrangements allowed the Governor in Council to remove board members; now the minister can remove them.

Mr Cameron — How many more clauses are there?

Mr BAILLIEU — The Minister for Local Government asks how many more clauses there are. He will be pleased to know provisions for regulation of duties, ministerial reserve powers, appointment of administrators and a variety of other matters mirror the provisions in the TAFE college model and the ACFE model.

The power of the board to determine terms and conditions of staff is similar. The opposition notes, however, that the bill contains a replication of the power to appoint and employ staff. We think that is significant and hope there is no change to the provision to allow TAFE colleges to employ staff rather than having them employed centrally, and we hope also it is a signal of their ongoing ability in both sectors to employ. Roles and duties will be similar.

Proposed section 49L inserted by clause 11 includes some pleasing provisions including the right to employ. The opposition trusts that is both an intention and a continuing intention of the government. We note, however, that proposed section 49B prevents members of Parliament from serving on either of the governing boards or on any subsequent governing board that may be instituted. That is a creeping provision about which we have had debates during discussion on governance of TAFE colleges. The opposition does not believe the provision is appropriate. Members of Parliament have served such institutions well in the past and would continue to do so. That is, however, the intent of the government. The opposition hopes and trusts it will not continue to be so.

The proposal to introduce a fourth tier into the education sector is likely to attract additional attention because it will, to some extent, divide the adult education sector. Both institutions will have a powerful funding base and a powerful voice to attract attention. Both will be under some pressure to perform and grow, perhaps to grow away from their brother and sister organisations, particularly in the ACFE field where there is a more significant community and volunteer base. Other bodies as well will push to become adult education institutions, and in that process no doubt tensions will be created.

The opposition has, as I have said, some concerns about the extending of ministerial powers over governance and the term of office of board members. We also have concerns that are particular to the two institutions.

Adult Multicultural Education Services (AMES) inherited staff employed in the past through its

relationship with the federal government's adult migrant English program (AMEP), and there are liabilities attached to those employment arrangements. The future of the liabilities and the ultimate responsibility for them remain unclear. There have in the past been disputes between the federal government and the state government as to those liabilities. In addition, AMES has a dependence on contracts coming from the AMEP through the federal Department of Immigration and Multicultural Affairs (DIMA). AMES was successful in winning contracts to conduct AMEPs in five regions over a three-year period, with a two-year option to extend. The program is worth some $25 million to AMES.

In the unlikely event that those tenders are not successful in the future AMES will have a continuing fragility, because federal funds constitute a substantial proportion of its current turnover and will continue to form a substantial part of its budget.

In addition, the current employment operations of AMES will give rise to an ambition about its future — namely, to create an employment status for itself that is not unlike that of group training companies. In that arrangement it could become a link between the adult education sector, the TAFE sector and industry. Given that the TAFE sector also has group training company ambitions which have been banged on the head so far, the employment ambitions of AMES could give rise to tensions again.

The Centre for Adult Education has a prominent location in Flinders Street and is a valuable asset. The location, however, is not necessarily well suited to the provision of adult education to the wider community because it involves more travelling. The facility is extremely well regarded, nevertheless, by current users.

As I said earlier, although the CAE has maintained its enrolments it still needs to address its market share and persistent negative working capital position. Perhaps the institutional framework proposed by the bill will give the new body the flexibility to do just that. If that is the case, the opposition would be very supportive of it.

In addition to repealing the Council of Adult Education Act, the bill also repeals the Employment Agents Act, an outstanding piece of legislation which passed through Parliament 17 years ago but parts of which have yet to be proclaimed. It is not unlike the position with the Control of Weapons Act to which the honourable member for Gippsland South referred, which is also to be proclaimed. As such, the Employment Agents Act has been ineffective and is therefore being repealed. Obviously the opposition does not oppose that.

Although the opposition has some concerns, it is not opposed to the passage of the bill. I seek assurances from the minister that she will address both operationally and in debate the issues I have raised.

Mr KILGOUR (Shepparton) — I join the debate on the Training and Further Education Acts (Amendment) Bill, and in the interests of those who wish to make a contribution I will not go into the background to it as the honourable member for Hawthorn has adequately covered it.

The National Party will not be opposing the bill. National Party members believe the provisions of all pieces of legislation should be looked at from time to time to ascertain whether changes need to be made to the structure of organisations. It is high time that both organisations referred to in the bill were restructured. The bill will provide the legislative framework for the establishment of the Centre for Adult Education, known as CAE, and Adult Multicultural Education Services, known as AMES. It will basically ensure that their structure will modernise their corporate status.

The part of the bill dealing with Adult Multicultural Education Services does not have a lot to do with rural Victoria as most of the work of AMES is done in metropolitan and outer metropolitan areas. That is not to say that in electorates like mine a lot of good work is not being done with the multicultural community to ensure that English is taught at both technical and further education (TAFE) colleges and in other institutions to give those people an opportunity to better understand the language.

Some good work has been done in Shepparton by the School of Languages, which came to Shepparton many years ago. It was involved in teaching the grandchildren of migrants from Greece, Italy and Albania who came to Australia in the 1940s and 1950s. The school did a lot of good work teaching young people the languages of their migrant grandparents to give them an understanding of the background of where their families came from.

Those involved in the restructuring of adult education must ensure that what they do is what the community requires. I have observed a change in adult education teaching in the Shepparton electorate and I still have some concerns about what is available today versus what was available in the past. In the 1960s adult education in Shepparton was operated by a group called Promotion for Adult Continuing Education, or PACE,

which for many years was chaired by Dr Harder. A group of wonderful community people supported that operation. It was run out of a former primary school and offered around 300 courses to the people of the Goulburn Valley area.

I was involved in a couple of those courses, my wife did a couple of courses and I eventually became a tutor for a public speaking course. The experience of some of those people changed the course of their lives. The courses gave people the ability to understand some of the things they had not previously understood and that continuing education gave some of them an opportunity to improve the way they lived and their job prospects.

I saw continuing education in Shepparton move away from a community-based operation towards more of an institutionally based operation. I do not suggest that the people providing that education in my electorate are not doing a good job; however, it seems a shame that there are not as many courses offered. It also seems a shame that nowhere near as many people are involved in the number of courses that people used to be involved in. Many courses offered in the past were in the areas of craft, hobbies and recreation. Today the shift has gone more towards vocational courses.

Many people in my electorate have had the opportunity to come to grips with the computer age through continuing education. The providers have done a marvellous job running courses at times that suit people who are already in the work force — for example, at weekends — to help them come to grips with computers, learn how to operate them and then to update their skills to seek promotion in jobs that require keyboard and computer skills.

Adult education has become institution based rather than community based. In the past the courses offered were less intense, more informal and more welcoming. They were held in places like old primary schools, which gave people a good feeling because many had attended those schools as children. Nowadays the courses are more academic. When adult education became a TAFE entity it was taken to a new level and a lot of community interest was taken out of it. Under the old scheme people in the community used to help organise courses and ensure that they had enough people in them. Tutors were happy to do deals and negotiate payments if there were not quite enough people to cover the cost of courses. I accepted a smaller amount to be a tutor for a 10-week course because there were only 8 or 10 people rather than the 12 people needed to run the course. Those negotiations gave many people the opportunity to do courses they would not normally have been able to do.

The old system also had great support from the rest of the community. For instance, each term the local paper, the *Shepparton News*, used to publish the complete list of adult education courses being run, and from the day of publication the phones ran hot at the PACE offices because of the number of people wanting to get into courses, whether they be woodwork, craft or any sort of learning. The change from community-based to more institution-based courses has been a loss to the community. However, the people who have been involved in the community-based courses have been extremely pleased to be given the opportunity to continue their involvement with those courses. The tutors who run the courses do an exceptionally good job and they are well operated by TAFE colleges, albeit not in the community-based format we used to have.

The new structure will make provision for the ongoing success of adult education and also migrant education, which is vital. In my electorate we have seen the Iraqi people coming into country areas. The Iraqis need to have their children taught Arabic because the bible of the Iraqi people is the Koran, which is printed in Arabic. It is important for the children of the Iraqi migrants to have an Arabic school.

That is done on Saturdays and Sundays at one of the primary schools so that the Muslim religion can be taught to those people to enable them to learn and understand the language and culture of their fathers and grandfathers. It is very important to ensure that people coming to this country from other places have an opportunity not only to learn English but to learn the mother tongue of their forefathers.

I support the bill and say that it is necessary at times to change the structure of such organisations to improve their operation in the future. I wish the bill a speedy passage.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Training and Further Educations Acts (Amendment) Bill, which moves to strengthen Victoria's adult and community education sector by providing greater flexibility and autonomy to two of the state's most valued adult education centres — that is, Adult Multicultural Education Services and the Council of Adult Education, now to be known as the Centre for Adult Education. The bill is the result of consultation with stakeholders, which is a key reason why it will be successful in taking adult education into the future and giving it a positive start.

Adult education is very important. I was in Shepparton recently to launch on behalf of the Premier the Tongan Pioneers group. A number of multicultural groups were

present and a lady from one of the Dutch groups told me that many migrants who came here as younger people are now returning to the language of their childhoods as they grow older. One area of migrant education that needs to be considered is the teaching to older people of their native languages as they begin to lose that skill. I hope that is happening and that the industry is aware of it.

Adult education is about lifelong learning. It is about the principles the Bracks government finds really important in education. These days we are told we will all change careers several times in our lifetimes whereas once if one trained as a teacher one remained that forever. Adult education fits in with that trend. The need to continue skilling and reskilling is very important. For migrants, learning English is an important part of gaining employment. Increasing literacy skills is another important area as sometimes schools miss out on properly passing on those skills to people who were not ready at the time because they were dealing with tragedies or crises in their lives.

Adult education centres also provide alternatives in the choice of venues. Universities, institutes of technical and further education (TAFE) and neighbourhood houses are all different and the more choices provided to our community the more accessible adult education becomes. The different styles offered by each of those places make people more comfortable and encourage them to become involved. From talking to representatives of the neighbourhood houses in the Seymour electorate I know many people take the computer courses, which are becoming very popular, because they are cheaper than the courses offered at TAFE colleges. Courses at neighbourhood houses provide an opportunity for people with low incomes to acquire the skills they need to move into the work force.

I refer briefly to adult education in Healesville, one of the towns in the Seymour electorate. It has a fantastic set-up with cooperation between the different centres. Swinburne TAFE has a campus at Healesville which runs a program called Yarra Valley Host. It trains young people in tourism and the service industry, which are seen as the future of the area. It also auspices the Healesville Living and Learning Centre, which provides courses to complement the TAFE courses. There is also Oonah, an Aboriginal educational centre.

They cooperate between the Oonah Learning Centre and Swinburne TAFE and share facilities and other resources. Another centre called Rivendell works with people with mental disabilities. All the organisations cooperate to provide the people of Healesville with a range of choices and the advantages they deserve.

The way adult education is delivered in smaller towns is important and in many cases it is through neighbourhood houses. Their coordination has been given a great boost lately by the Bracks government with about 10 of the neighbourhood houses getting between 5 and 15 extra hours a week. For example, Whittlesea had no hours of coordination funding and now it has 15, which will help it provide even more adult education. The legislation will help the Centre for Adult Education to face future challenges.

Being mindful of the time, I will just say that this is great legislation. All stakeholders have been consulted. It is central to growing the state, which is important to the Labor government and provides the work force with skilled and trained people, which will help to attract new industry to Victoria. It is what the Bracks government is about, and I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — I join the debate on the Training and Further Education Acts (Amendment) Bill. I have a fairly unusual background, because in the previous government I was Minister assisting the Premier on Multicultural Affairs and therefore came into regular contact with the Adult Migrant Education Service (AMES), its board and the directors of that esteemed body. As Minister for Tertiary Education and Training the Council of Adult Education (CAE) was directly responsible to my portfolio.

Given the time restrictions I want to make a few brief comments about the future of the two bodies and whether this legislation will ensure that the legacy of the past will prevail into the future. In doing so I pay tribute to the two directors of AMES with whom I have had the most contact. Firstly, Shirley Martin did an absolutely fantastic job presiding over a period of incredible growth for AMES. She was succeeded by Moira Schulze, who came from the TAFE sector and again took up the challenge. She has become a true professional in her approach to expanding the market share of AMES and assisting those who come from overseas and look to Australia as a safe haven and the country of their adoption. Such people desire to speak the lingua franca of Australia whilst retaining their own cultures and language backgrounds. AMES has served the state extremely well.

I have a concern about liabilities. A situation previously arose when I had to publicly disagree with the federal Minister for Immigration and Multicultural Affairs,

Mr Ruddock, about the liability issue for the 600 or more teachers attached to AMES. It is a cause for concern and I hope the current Minister for Post Compulsory Education, Training and Employment will not pay a high price for potential empire building when taking on a commonwealth liability. Victorian taxpayers had a real and genuine concern that if AMES had not won all five Victorian regional tenders, the situation was somewhat moot as to whether the commonwealth would pay the redundancies for teachers doing jobs for and on behalf of the commonwealth of Australia while reporting to a state minister and coming under the jurisdiction of the state government.

I would like the minister in her response to the debate to verify the liability issue of transferring the 600-plus staff to the new body. If she is just empire building why should the Victorian taxpayers pick up the bill? Nothing I have said goes against Moira Schulze's incredible efforts over the past couple of years to ensure that AMES is more than just a body that teaches English to new migrants. It now provides employment opportunities for refugees and migrants and has a holistic approach towards providing for its client base while doing a fantastic job with overseas education as well.

The Council of Adult Education has been a wonderful historical legacy for the people of Victoria. A former Governor-General of Australia, Sir Zelman Cowen, was intimately involved as a young man in ensuring that those who came back from World War II and who had been exposed to life experiences abroad, fighting in the trenches and having incredible disruptions to their lives, were able to access ongoing education to ensure they picked up skills to refocus their life ambition into new areas. Importantly, women had a key role during World War II, which got them out of the housewife syndrome and exposed them to other aspects of life. They had to pitch in to help the war effort, which they did willingly and the CAE provided Victorian women with a chance to access meaningful educational opportunities.

That was all well and good when Melbourne was the heart of the workplace and people's day-to-day activities, and at the end of the work day they were able to go to the CAE and access further education. Nowadays, as an offshoot of the CAE's initial success throughout the state including rural and metropolitan communities, neighbourhood and community houses have picked up that role to a large degree. People of all age groups, particularly those looking for lifelong learning and retirees, want to access education at the local level. They want to walk to the local community house and be able to enrol in cheap courses subsidised by the taxpayers to ensure that they enjoy a full life in their communities.

For that reason among others, the Council of Adult Education dominance of the market has been diminished, so the sector has had to reinvent itself to retain its pre-eminent status and find other markets. Status is another cause for concern because the bill sets up the Centre for Adult Education and Adult Multicultural Education Services as adult education institutes (AEIs).

The bill does not do enough to acknowledge the status of and incredible growth in the 500 or more neighbourhood houses and continuing education centres around the state, such as the one I have been to in Sale. At that centre 17 and 18-year-olds who have dropped out of the high school system are being taught the Victorian certificate of education, along with mature age students, in a wonderful environment that is conducive to study.

We need to ensure that we do not lower the morale of the staff of the 500-odd neighbourhood and community houses who are doing the same job, often providing TAFE-accredited courses to mature-age and young students, by putting the CAE and AMES above them. I would not like to see that hierarchical approach enshrined in legislation. I look to the minister to provide an assurance that this will be an evolutionary piece of legislation. I hope it will be the first in a number of measures to enhance the standing of each neighbourhood and community house by putting them on an equal footing with AMES and the CAE.

In the past, the CAE has had problems resulting from its large number of middle managers and low enrolments in a number of its courses. The financial viability of the CAE has been a problem area for ministers over a number of years. I hope the legislation is not just a way of camouflaging the CAE's financial difficulties and that the minister will ensure that the CAE is provided with sufficient ongoing funds to allow it to do its job and uphold the legacy of Sir Zelman Cowen and others who returned from World War II wanting the continuing education sector to prevail.

I hope the government will take a sensible approach to the management arrangements at the CAE. I hope the major difficulties with the management structure will be addressed to ensure that, apart from its standing in the community, the CAE has the wherewithal to do well in the future.

I support the comments made by the honourable member for Hawthorn, who gave a comprehensive analysis of the benefits and potential difficulties the legislation may contain. I commend the bill to the house. Unfortunately, ministers often do not sum up at the end of debates on legislation, but on this occasion I hope the minister will respond to my concerns.

Mr MAXFIELD (Narracan) — I support the bill, which establishes Adult Multicultural Education Services (AMES) and the Centre for Adult Education (CAE) as the first two adult education institutions. The bill deserves the house's support. I have a strong and personal attachment to matters concerning education. So often we think about our primary schools, secondary schools and universities but do not give due thought to the other education systems accessed by a wide range of people.

We all know about the state's universities — the Monash University campus in Gippsland serves my area — but governments also need to provide for people who do not have English language skills as well as those who want to attend training and further educational institutions for the first time. The bill is designed to reflect the broad range of educational needs across the community, not just those of people going on to university or other tertiary institutions. We need to focus on the needs of the entire community.

The Council of Adult Education has been operating for more than 50 years, providing many programs for generations of people. The fact that so many people now have access to adult education is a source of pride for the community. Education such as that can be used as a pathway to adult, community and further education, institutes of technical and further education, universities and private providers or as an entry to a career.

The adult education sector has seen enormous growth as it has responded to and recognised community needs. The best example of that is the development of computers. In the beginning we looked at a screen and a keyboard and wondered what it was all about. Once we started to learn about computers we realised it was easy, although when it comes to more complicated computer issues most of us struggle from time to time. The adult education sector has been at its best when providing easy courses that are short, well explained and designed, such as those for people with no knowledge of computers that show people how a computer works and how to get started.

People who undertake short courses might develop an interest or understanding which gives them the confidence to go on to further education in either technical and further education or other education sectors. Some use the experience they have gained to move into the work force. The unemployed have been able to access the work force by undertaking training courses through adult education. It has worked for them and enabled them to go on.

With the changes in society, many people have found that their previous careers have been abolished through restructures. They have had to look for new careers. The days of my father, who had the same job for 48 years, do not exist now. People have to move on to new careers and obviously education is a critical part of that move.

I refer briefly to the importance of adult education in my electorate. I have visited providers in the electorate who are providing a fantastic service. I have seen unemployed people come into the centres, develop the skills they need and go on to further education. In Moe, for example, there is a high level of unemployment. A lot of work has been put into training young people and some older people who have gone through the restructure of the former State Electricity Commission. Those people need to access further education to get out of the difficulties of being unemployed. I place on record my admiration for those who have provided that sort of service to people in my electorate who have certainly had a great need.

I now deal with the bill's restructuring of the boards of adult education institutions. The boards will consist of between 9 and 15 members, the numbers being fixed by Governor in Council order in each case. At least half will be appointed by the minister; one will be a staff member of the institution elected by the staff; one will be a student of the institution elected by the students; one will be the director of the institution; and the remainder will be coopted by the board on the basis of relevant knowledge and skills.

This will provide the boards with a mixture of input from the community, the staff and the students to give the best possible outcomes in education and education needs. We need people who are focused and who understand the concerns and problems in this sector. The bill certainly recognises that.

It is important to reflect on the services of the Adult Multicultural Education Services to our multicultural society. Many new migrants struggle to learn English skills, and some who have been here for some time still do not speak English well. AMES has been able to provide tremendous support to people who do not have English skills. It provides English language courses and

assistance in accessing training to enable people to gain English skills so they can go on to future employment and to play a better role in our society.

I commend the bill to the house. I strongly support it and urge all honourable members to support it as well.

Mr KOTSIRAS (Bulleen) — Victoria has universities, technical and further education (TAFE) institutes and adult community education (ACE) providers. Each educational area is different, yet each complements the other. Students are able to move easily from one to the next. Victoria has a seamless education system due to the good work of the former Minister for Tertiary Education and Training, the honourable member for Warrandyte. To do that he had to have good staff in the former Office of Training and Further Education. I pay tribute to Jenny Samms, who worked well in the department. I have been informed that Jenny has moved on. It is a pity, as she will be missed by the OTFE.

Victoria has more than 600 ACE providers, including neighbourhood houses and adult learning centres. ACE providers are popular because they meet the needs of individual communities and understand their needs and aspirations. Some of the ACE providers also are accredited for education and training programs.

The bill takes two major public institutions and makes major changes in the way they work and operate. Both will be renamed or rebadged as adult education institutions. Firstly, the Council of Adult Education is to be renamed the Centre for Adult Education. The former council is a well-known icon that has served the community well and provides a good standard of education. It enables adults to complete basic schooling, undertake hobby courses and learn special skills. It provides numeracy and literacy and Victorian certificate of education classes and offers over 2000 short courses.

Although the CAE has had some financial problems over the past few years, finding it difficult to go out into the marketplace and compete with others, this is not true for Adult Multicultural Education Services. The current vision statement for AMES is:

> To be the leading provider of quality English language programs and related services.

In the time I worked with AMES that is exactly what it did. AMES was established in 1951 to teach English to migrants. Today it offers accredited language and TAFE training programs and assists with employment. AMES also provides the adult migrant English program (AMEP). The AMEP helps newly arrived migrants and refugees with the learning of English. In the past AMES and CAE have provided much-needed services to Victorians.

However, it is a pity that the Office of Post Compulsory Education, Training and Employment web page still refers to AMES as the Adult Migrant Education Service, located at 250 Elizabeth Street, whereas I believe it has moved to 255 William Street. I hope the minister will ensure the information is changed.

Although I agree we should constantly examine bills to ensure they are relevant, I hope changes are not made simply for political gain. I note that proposed sections 49B and 49C deal with board membership. The minister may remove a member appointed by the minister at any time, with no reason given. Also, proposed section 49J provides that the minister may object to the appointment of a director. This might mean that the people on the board are simply there to push the views of the ALP, which I hope does not happen. I am pretty sure the minister will ensure that does not happen because she can appoint at least half of the members to the board.

In finishing I point out that the CAE and AMES have served us well. It is good that the minister has seen fit not to close the CAE despite its difficulties. I look forward to ensuring that both organisations survive in years to come.

Ms OVERINGTON (Ballarat West) — I am pleased to contribute to the debate on the Training and Further Education Acts (Amendment) Bill. The legislation will give greater flexibility and autonomy to two adult education centres. The Council of Adult Education and the Adult Migrant Education Service, both established in the late 1940s and early 1950s, have served the community and the people who have sought further education well over many years. The changes proposed in the bill will better describe their current and future roles as we move forward into the 21st century.

The proposed name change of the Council of Adult Education to the Centre for Adult Education is well chosen. The word ‘centre’ is appropriate because it portrays clearly the busy and diverse activity of the Centre for Adult Education. Students from 15 years of age to those people in their 80s and 90s seek learning and education opportunities seven days a week. The centre offers programs that provide short and intensive training through to those that provide complete vocational training.

More than 5000 students attend the centre each week, and it could be described as a centre of learning that

will continue to provide life-long learning. I am a supporter of life-long learning. To elaborate further, I was pleased to attend a function in Ballarat last week that involved Ballarat being officially launched as a city of life-long learning. That was appropriate.

Over the past 50 years Adult Multicultural Education Services and its predecessor have been providers of specialist English-language training for newly arrived migrants and refugees. The bill will establish Adult Multicultural Education Services as an adult education institute in its own right. AMES is the largest provider of specialist English-language training in Australia. It was involved in providing education services for Kosovar and East Timorese refugees when they were given temporary protection by Australia, which demonstrated its professionalism and commitment to education. The current staff will continue to be employed following the transfers. As I said earlier, the bill will create greater flexibility in education, which will ensure the ability to provide life-long learning.

Ms McCALL (Frankston) — I wish to make four short points about the bill. Firstly, I acknowledge the presence of the Minister for Post Compulsory Education, Training and Employment, who I am pleased has come into the chamber to see the passage of her bill. The opposition is delighted to see her in the chamber.

A bill with the words 'Training and Further Education' in its title will be of general interest to everyone in the community. All of us are trained and go through further education every day of our lives, and it would be negligent of us to pass each day without learning or being trained in something new.

I am delighted the bill is before the house. The opposition will not oppose the bill. I wish to place on the record an acknowledgment of the centres of training and further education, particularly those in my electorate, which do a fantastic job for the community. I also wish to pay tribute to Trish McMahon, who is the head of the Orwil Street Community Neighbourhood House in Frankston.

Her neighbourhood house currently runs 25 in-house courses, and auspices another 100 courses for different sections of the community that use the facilities to provide courses for people from non-English-speaking backgrounds, for people who are newly arrived to Australia from an English-speaking background — they, like other migrants, require a period of adjustment to a new culture and environment — and for people whose circumstances through no fault of their own have meant that they were unable to complete a formal education despite having an overwhelming need to learn.

I have one major criticism of the bill, which was also referred to by the honourable member for Hawthorn. I am one of the few members of this chamber, and perhaps in Parliament, who has had the honour and privilege of teaching both within the university sector and the technical and further education sector (TAFE); to serve on the Australian Council for Further Education board; to participate in the Council of Adult Education (CAE); and also to be part of a group of volunteers who work within the AMES community.

I am disappointed with the provision in the bill that would exclude me from serving on a board in the newly created environment simply because I am a member of Parliament, just as I would criticise not being eligible to sit on a TAFE board. We live in a community that recognises that skills, capability and experience are as valuable as the nominal positions we hold. It is disappointing that under the bill it is possible for members of Parliament to be discriminated against because of their current positions without taking into account their past contributions to the community.

However, in essence I support what the honourable member for Hawthorn and my other colleagues have said. There is no question in my mind that training and further education plays an enormous role in the community and in the upskilling of all people in the community. It would seem to me to be a pity if a bill such as this is passed for purely political purposes. I would hope the appointment of honourable members to boards would be for capability reasons rather than for political reasons. I hope we are not restructuring the system because of the past history of the CAE, which has been chequered to say the least.

I wish the bill a speedy passage. I support all the people in the sector for their outstanding and overwhelming contribution to the re-education, up-education, reskilling — or whatever you would like to call it — of the community of Victoria. I commend the bill to the house.

Ms ALLAN (Bendigo East) — I am pleased to speak on the bill. I agree with the Minister for Post Compulsory Education, Training and Employment, who in a press release distributed on 6 September heralded the legislative changes contained in the bill as a new future for adult education.

The bill is about looking to the future by updating the framework so that the adult and community education sector can meet future challenges. This is a minister

who is forward looking. She is looking to the future for the post-compulsory education providers across Victoria. The bill is important for the future. It is particularly important for the young people across Victoria to have the opportunities the minister is providing. I congratulate her on that.

The bill establishes a structure for the Centre for Adult Education (CAE) and Adult Multicultural Education Services (AMES), which are two important public institutions and contributors to post-compulsory education in Victoria. A number of honourable members have already spoken in depth about those two institutions.

I referred earlier to the importance of post-compulsory education providers in Victoria. The government is committed to increasing the number of apprenticeships and traineeships across the state. I will put in a plug and say how important that is for country Victoria.

The bill is a further indication of the constant fulfilling of election commitments by the Bracks government. During question time yesterday the Minister for Post Compulsory Education, Training and Employment spoke about fulfilling yet another government election commitment through the Youth Employment Scheme. She announced that over the next four years 2600 young people will be employed as apprentices or trainees in the public sector, 650 of whom will have opportunities opened up for them under the first stage. Those figures are fantastic.

I started my working life as a graduate in the public service and I know how important it is to know that at the end of the day when you have finished your education, whether it be at university level, a technical and further education college or whatever, the government will provide you with job opportunities.

I return to the bill. The changes are important for the government's vision of providing lifelong learning. Its policies are not just a set of words but a commitment. Opportunities must also be provided for older members of the community and institutions such as the University of the Third Age provide some of those. The bill brings together the two providers — CAE and AMES — under the one legislative umbrella, which will improve the coordination and overall planning of adult education in Victoria.

I turn now to the changes to the Council of Adult Education, which will now be known as the Centre for Adult Education. The name change signifies a more progressive image that looks to the future and fits in well with the direction in which the minister is taking post compulsory education and her commitment to it. The CAE provides an important role in helping provide a wide range of programs for people who want to catch up on education. I again refer to the experience of young people in country Victoria whose involvement in secondary education may be staggered or broken. They may leave secondary school for a number of reasons — to work in their family business or because they find school is not for them — but institutions such as the CAE enable them to catch up on the parts of their education they have missed, thereby enabling them to be more ready for work, and to more easily find jobs and enter the work force.

The provisions in the legislation that deal with changes to the Adult Migrant Education Service in the Department of Education, Employment and Training, which will become Adult Multicultural Education Services, or AMES, are important. The Adult Migrant Education Service is a relatively new institution to my experience, but it has been providing assistance to newly arrived migrants and refugees in Victoria for the past 50 years. The legislation establishes AMES as an agency in its own right as an adult education institution. It will no longer be an arm of the department.

The change requires the legislation to establish the governance framework the institution requires to carry out its daily operations. I am pleased to have spoken on the bill because it fits in well with the government's commitment in the post-compulsory education field. I congratulate the minister and commend the bill to the house.

Mrs SHARDEY (Caulfield) — In speaking on the Training and Further Education Acts (Amendment) Bill I wish to focus on the proposed change that will affect the provision of multicultural education in Victoria. The purpose of the bill focuses on the establishment of Adult Multicultural Education Services (AMES) as one of the first two adult education institutions.

The bill provides for a transfer of staff employed in the Department of Education, Employment and Training in the administration or provision of multicultural education services to AMES as an adult education institution. AMES is now to be governed by a body corporate to be known as the Board of Multicultural Education Services. Some concerns have been raised concerning the make-up of that board in relation to those members who will be appointed by the Minister for Post Compulsory Education, Training and Employment. That they will not be required to have the same qualifications or knowledge as other board members is a cause for concern.

The demand for adult migrant education services, particularly for the teaching of English to people from non-English-speaking backgrounds, has arisen in Australia because of its huge post-war program. An examination of the figures on immigration in the post-war era shows that since 1945 some 5.7 million people have come to Australia as new settlers, 3 million of whom were men and 2.7 million of whom were women. Australia's population has risen since that time from some 7 million to around 19 million.

The distribution of migrants who have come to Australia since the 1950s indicates that some 1 million migrants arrived in each of the four decades following 1950 — 1.6 million between October 1945 and 30 June 1960; 1.3 million in the 1960s; 960 000 in the 1970s; and 1.1 million in the 1980s. The highest number of settlers to arrive in any one year since World War II was 185 099 people in 1969–70, and the lowest number in any one year was 52 752 in 1975–76.

Today nearly one in four of Australia's 19 million people were born overseas. For the past three financial years New Zealand has displaced Britain as the largest source of migrants whose birthplace was in the country from which they migrated. The number of settlers who arrived in Australia between July 1998 and June 1999 totalled 84 143. They came from 150 countries — 22 per cent were born in New Zealand and 10 per cent were born in the United Kingdom. The important figures are: China, 7.3 per cent; South Africa, 6 per cent; the Philippines, 3.9 per cent ; and the former Federal Republic of Yugoslavia, 3.5 per cent.

At 30 June 1998, 23 per cent of the estimated resident population of Australia was born overseas, which is an important figure. To satisfy the demand for the teaching of English and other programs for new settlers to Australia the commonwealth set up the adult migrant English program (AMEP) to provide help for new migrants, particularly with speaking English.

As an aside, it is interesting to note that in 1949, when my parents-in-law along with the person who was to become my husband came to this country from Europe, they spoke some English but there were not services to assist them with the learning of more complicated English or with the upgrading or recognition of their skills. My father-in-law had a doctorate in economics that was not recognised in Australia. His first job was selling door to door and he finished up in his own small business. Children were, of course, expected to learn the new language at school and sometimes that was a painful process. My husband recalls being smacked frequently for not being able to pronounce the letter 'W'. Now he is quite successful, but he did not have the advantage of having special courses to attend.

Much of the funding for Victoria's AMES comes from the federal AMEP. Through the Department of Immigration and Multicultural Affairs the federal program helps new arrivals by providing more than 510 hours of basic English language and tuition to migrants and refugees from non-English-speaking countries. Each year 9 million hours of English language tuition are provided from an annual budget of about $98 million, $20 million of which finds its way to Victoria.

In 1997 the program provided tuition around Australia to nearly 40 000 clients from 89 language backgrounds. As I noted, the major countries of origin were China, Vietnam and the former Yugoslavia. In terms of the allocation across Australia, residents of New South Wales made up 49 per cent of the migrants requiring and being able to avail themselves of the services, Victorian residents comprised 30 per cent, which is also a high figure, with the remainder being distributed throughout the other states.

AMEP tuition is delivered in each state and territory by service providers. The main service provider in Victoria is AMES, which is to become Adult Multicultural Education Services. It provides a wide range of services and has 20 centres throughout Victoria. I congratulate it on its achievements. AMES in New South Wales delivers similar courses. In Victoria the courses cover a very broad spectrum. Over the years AMES has expanded its services for the individual into industry, business and international programs. It now helps individual clients with anything, including assessment of nationally accredited language and technical and further education programs, obtaining of recognition for overseas qualifications, career planning and help with entering employment. All those services are very important.

As did the honourable member for Hawthorn, I looked at the AMES web site and was delighted to see the multicultural pledge signed by the former Premier, Jeff Kennett.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

The SPEAKER — Order! I remind the house that in recognition of International Week of Deaf People, which commences next week, and to assist deaf and hearing impaired visitors in our gallery today, I have given permission for interpreters from the Victorian

Deaf Society to sign proceedings during question time today.

QUESTIONS WITHOUT NOTICE

Member for Melton: comments

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the *Hansard* record of yesterday's proceedings, which shows that the Labor member for Melton twice called Mr Ron Walker, the man the Premier appointed to chair the 2006 Commonwealth Games board — and I quote — 'a crook'. Given this extraordinary slur, will the Premier now correct the record and apologise to Mr Walker on behalf of the entire Labor government?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General!

Dr NAPTHINE — That's what he said — 'a crook'!

An honourable member interjected.

Mr BRACKS (Premier) — The question was to me, not to the honourable member for Melton.

An honourable member interjected.

Mr BRACKS — In answer to the Leader of the Opposition, I will take up the matter privately with the honourable member for Melton. This is the first time I have been made aware of those comments.

An honourable member interjected.

Mr BRACKS — I know, but I did not read *Hansard* this morning. The working relationship between the government and Mr Walker is very positive. Mr Walker heads three key government committees advising the state. The first is the 2006 Commonwealth Games organising committee; the second is the Melbourne — sorry, not 'Melbourne'; we changed that because we wanted a broader focus covering the whole of Victoria — rather the Victorian Major Events Company; and the third is the Australian Grand Prix Corporation.

In those three areas we have a good working relationship and we have significant success — —

Dr Napthine — What are you going to do about the honourable member for Melton?

Mr BRACKS — I have already said what I am going to do. I will have a discussion with the member about it.

Honourable members interjecting.

Dr Napthine — Do you stand by what you said?

Mr BRACKS — I thought the Leader of the Opposition was addressing his question to me, but if he wants to yell to the honourable member for Melton across the chamber — —

Ms Asher interjected.

Mr BRACKS — He is allowed to do that, according to the Deputy Leader of the Opposition. We have a good working relationship and I expect that to continue.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! I ask the house to come to order to allow question time to continue.

Paralympic Games: athletes

Mr VINEY (Frankston East) — I refer the Premier to the fact that the Paralympics torch was in Melbourne today and ask him to inform the house of the support the government has provided to the Victorian Paralympics athletes who will compete in Sydney.

Mr BRACKS (Premier) — I believe all members will join with me in wishing the Australian Paralympics team every success in two weeks time. There will be 54 athletes from Victoria taking part in the Australian team and covering almost every sport at the Paralympic Games.

The games in Sydney will be the 11th Paralympic Games and will be greater in scale than the 1956 Melbourne Olympic Games. That is probably surprising to most honourable members. More than 4000 athletes from 125 countries will be participating in the 11th Paralympics, and there will be two new sports, rugby and sailing, both of which will have Victorians participating in Australian teams.

As the honourable member for Frankston East mentioned, I, with many other people, had the honour today of being present when the torch came to Melbourne on its two-week journey to Sydney for the opening of the 2000 Paralympic Games at Homebush. I wish the Sydney Paralympics organising committee every success. I hope the success it has will match the success we have seen recently in the Sydney Olympic

Games, which were outstanding. I congratulate the people of Sydney, the New South Wales government and the Sydney Organising Committee of the Olympic Games on what has been a fantastic success.

I also congratulate the Victorian Institute of Sport for the support it has given to the Paralympics effort. The government will ensure that in the future it will continue that work and expand it further. Building works to provide access have also been an outstanding success. The government is committed to work that enhances access to local community recreational opportunities, and has bipartisan support for it in this house. Access works promote participation in community activities and the achievement of excellence by people with disabilities; and the big team will take the successes of those programs up to the Paralympics in Sydney.

I know Australia performed extremely well in the Olympic Games, being the fourth nation in the medals tally; but our Paralympians perform even better than that. Without putting too much expectation on those elite athletes I know they will strive to achieve their personal best. Just being there and participating in sport at an elite level is something on which they are to be congratulated. I wish them well.

An honourable member interjected.

Mr BRACKS — Yes, I will be going for a day, and the Leader of the Opposition tells me he is going, too. I am very much looking forward to it. The venue is outstanding, and I am looking forward to seeing some of our great athletes.

Just as we welcomed our Olympic heroes back yesterday, we as a government and a Parliament look forward to welcoming back our Paralympic heroes when they finish the games at Homebush. I wish them every success.

Police: Workcover premiums

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the fact that the Workcover costs of the Victoria Police have risen from $30.7 million to $48.9 million — a massive increase of 58.2 per cent — and ask if the government will now provide that additional $18 million to cover the Workcover black hole so that police operations are maintained and public safety is not placed at risk.

Mr BRACKS (Premier) — The departments, and in fact all statutory agencies and authorities, will be supplemented to cover the policy change made by this government — that is, to cover the 15 per cent increase in premiums that occurred.

Dr Napthine interjected.

Mr BRACKS — I am talking across the board.

Dr Napthine interjected.

Mr BRACKS — You have asked your question and I will get to that part of it. That supplementation will occur, as has been the policy when there is a change of rating since the previous government was in office.

Dr Napthine interjected.

Mr BRACKS — The question is being asked and asked, and I am about to answer it.

The other matter that contributes to the 58.2 per cent increase in Victoria Police premiums quoted by the Leader of the Opposition — and I will check those figures — is, as we all know, seven years of cuts to the police force. That is exactly why!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Leader of the Opposition and the Deputy Leader of the Opposition to cease interjecting. The Minister for Agriculture!

Mr BRACKS — You can correlate the Workcover claims for stress and other matters directly back to the previous government. Seven years, Mr Speaker!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I have already asked the house to come to order on a number of occasions.

Mr BRACKS — In going forward the government is ensuring that the morale of the police force and its numbers are such that the pressures and stress of work are not as great as they have been over the previous seven years.

Experience rating is the reason the premium has gone up; experience rating relates to Workcover claims and Workcover claims relate to stress — and they are the mob responsible for it!

The government is putting more resources back into the police force and a record number of graduates are going through the police academy. The government has a target, which it will meet, of 800 additional police by June 2003. It will restore the numbers of the police

force to what they should have been and restore the cuts in funding made over seven years. The claims due to stress made on the police force are caused by the cuts made by the previous government — of which the opposition leader was a cheerleader!

International Week of Deaf Persons

Mr STENSHOLT (Burwood) — As a hearing impaired member of Parliament I refer the Minister for Community Services to the fact that next week is International Week of Deaf Persons and I ask the minister to inform the house about the launch of the One Community vision for disability services.

Ms CAMPBELL (Minister for Community Services) — Sometimes people with disabilities are more constrained by social attitudes than they are by their own disabilities. In delivering an unprecedented $50 million in new programs in the last state budget the Bracks government is working to ensure that Victorian citizens with disabilities are delivered services driven by one vision of one community.

The government is driven by the new philosophy of One Community because it wants to ensure that people with disabilities are part of the community — not apart from it. One Community is a philosophy that confronts the attitudes of the wider community and upholds the rights of people with disabilities to be fully included in their own local communities.

The International Week of Deaf Persons starts on Sunday, and following my request relating to Auslan during members statements on 12 April I trust that today's inclusion of Auslan interpreters in the house is a practical demonstration of the commitment of the Bracks government and the Parliament to ensuring that the mysteries and perhaps mayhem of question time are a little better understood by many people in the community who are deaf or hearing impaired.

One Community is about not just wheelchair access but also active participation. While people with disabilities are increasingly visible in the community, the government must ensure that they are regarded as members of the community. Access does not guarantee inclusion — just ask many of the deaf people here today when they revisit this place outside of this question time.

One Community expresses the government view that the Victorian community should be inclusive and that disability should be no barrier whatsoever to participation and involvement in that community. I trust that vision is shared by everybody in the house.

One Community seeks to start to change the attitudes of all levels of government, service providers and the broader community by ensuring that people with disabilities are included, that barriers are removed and that the facilitation of partnerships with people with disabilities becomes a normal way of life.

The vision has two objectives: firstly, to ensure that people with disabilities are both valued and included members of the community; and secondly, to ensure they have maximum control of their own lives.

The Bracks government has adopted a number of strategies to ensure that Victorians work towards a far more inclusive community: firstly, the establishment of the Disability Advisory Council; secondly, the creation of a major research project on people's aspirations; thirdly, the development of the Disability Services Plan and the broad range of consultations that have become part of that; and finally, the provision of funding. Without funding a vision cannot be delivered.

The vision will work towards an inclusive Victorian community. People with disabilities should be able to enjoy the same rights, opportunities and responsibilities as any other citizen. I urge everybody in the Parliament to ensure that One Community becomes a reality and that it goes beyond question time in the Parliament today and well beyond the Paralympics.

Knives: regulation

Mr RYAN (Leader of the National Party) — Given the public statements made by the Minister for Police and Emergency Services in February this year about the need for amendments to laws controlling the use of knives and noting that the relevant legislation in the form of the Control of Weapons (Amendment) Bill received royal assent on 14 June, will the minister explain to the house why the government has not proclaimed the bill it says is so important to the safety of Victorians?

Mr HAERMEYER (Minister for Police and Emergency Services) — The government introduced tough new anti-knife legislation earlier this year and is appreciative of the fact that the opposition and the National Party supported it when it was the sort of legislation that was vigorously opposed by the previous Premier, Jeff Kennett.

However, the legislation must also be accompanied by new regulations to support it. A regulatory impact statement (RIS) is currently being analysed and is out there for discussion by members of the industry and interested parties. If the honourable member had bothered to read the *Government Gazette* he would

have known there is an RIS out there. I am happy to furnish him with a copy.

As soon as the consultation is completed the government will finalise the regulations and the bill will be proclaimed.

Schools: rural Victoria

Mr HARDMAN (Seymour) — Will the Minister for Education inform the house of the quality of education in our rural schools and of initiatives the government has taken to improve opportunities for students in country Victoria?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Seymour for his question and his continued advocacy for public education.

The Bracks government is committed to providing quality education for all students across the state, regardless of where they go to school and to what school their parents choose to send them. The government responded to specific issues faced by rural schools. It immediately put into its budget $2.5 million for shared specialist teachers for our very small rural schools.

The government believes the teacher and principals agreement which has just been concluded will address potentially serious teacher shortages in our small schools and schools across regional Victoria. However, the government knows the previous government did not understand rural Victoria and that it dismissed rural Victoria as the toenails of the state. When that government was cutting and slashing costs in education, it decided that some of the worst cuts would be inflicted — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer and the Leader of the House!

Mr Perton interjected.

Ms DELAHUNTY — Not with good news!

The SPEAKER — Order! The honourable member for Doncaster!

Ms DELAHUNTY — What the last government did to rural Victoria was to slash the funding to 44 little rural schools. Honourable members on the other side have asked me about some of those schools: ‘Can we restore rurality?’.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Ms DELAHUNTY — Forty-four little rural schools lost their rurality funding. At many of those schools kids could look out the windows and see cows and sheep; they were in the middle of farms. But the last government said, ‘No, you are not a small rural school. You will be denied this special funding’. There were complaints — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order to enable the minister to answer the question. I ask the minister to cease debating the question and come back to answering it.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Ms DELAHUNTY — When 44 schools were denied the funding complaints were of course made to the previous government, and 10 of those schools had their rurality funding reinstated. Those 10 schools were, interestingly, all in marginal, coalition-held electorates, every one of them. That left 34 little rural schools denied of their special rurality funding. Victoria now has a government which cares about education and which will restore those 34 little rural schools. They will now receive some assistance from the Bracks Labor government as part of a $528 000 commitment. The government is looking after regional Victoria; it cares about regional Victoria, and regional Victoria cares about this government.

Hospitals: ambulance bypass

Mr DOYLE (Malvern) — I refer the Minister for Health to the fact that 6400 fewer emergency patients were treated in the June quarter 2000 compared with the June quarter 1999 and ask why ambulance bypass was up a massive 285 per cent over the same period?

Mr THWAITES (Minister for Health) — I congratulate the honourable member for Malvern for getting his question up today after having made such big statements earlier in the week about asking devastating questions!

This government, unlike the previous government, has opened new beds for emergency departments, put on extra staff and is having to cope with a situation it was

left with where in some cases there are not enough nurses to treat patients. However, the government is employing more nurses. Unlike the previous government — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk! The level of interjection from the honourable members for Mordialloc, Doncaster and Caulfield makes it difficult for the Chair to hear the minister. I ask them to cease interjecting.

Mr THWAITES — This government is employing the extra nurses needed to staff the beds and, contrary to the — —

Mr Doyle — On a point of order, Mr Speaker, the minister may not have heard the preamble to the question which involved comparing the June 1999 quarter with the June 2000 quarter. The only difference between those is that he is now the minister and he was not for the same time last year. I asked him why ambulance bypass was up — —

The SPEAKER — Order! I do not uphold the point of order and I will not allow the honourable member to use a point of order to repeat his question.

Mr THWAITES — If the honourable member had read all the material he would have seen that more inpatients are now being treated in hospitals, and that is because the government is employing more nurses and opening more beds.

The SPEAKER — Order! The house is wasting its own time. I ask the Leader of the Opposition to cease interjecting.

Spring Racing Carnival

Mr ROBINSON (Mitcham) — I refer the Minister for Racing to today's official opening by the Premier of the Victorian Spring Racing Carnival and ask whether he will inform the house of the action the government is taking to keep Victoria the no. 1 state for racing?

Mr HULLS (Minister for Racing) — I am delighted to report that the 2000 Spring Racing Carnival is now up and running. I was fortunate to be at its launch this afternoon when the Premier did the honours, and it was a great a event.

This year's carnival follows an event of national and international significance, the Olympic Games, just as last year's carnival followed an event of national significance — the election of the Bracks government. The joyous mood that was around Victoria at that time was obviously captured by the racing industry, with last year's spring carnival breaking attendance records on a regular basis, not just at metropolitan tracks but in the country as well. For example, the Flemington Melbourne Cup carnival attracted an all-time record total crowd of 296 140.

The cup day crowd of just over 104 000 was the highest since 1949, and it is hoped that this year's attendance will break the record, which has stood since 1926. Last year's Caulfield Cup and the running of the Cox Plate at Moonee Valley also attracted large crowds, as did the country cups. The Geelong Cup topped the list, with an attendance of 20 426; Bendigo attracted just over 14 000 people, and Werribee, more than 10 000.

A study of the economic impact of the 1999 Spring Racing Carnival estimated that it was worth $238 million, an increase of 6.4 per cent on the previous year, and that more than 2500 jobs were created.

The spring carnival will see the opening of the $46 million grandstand at Flemington, and on Turnbull Stakes Day on Saturday I will have the pleasure as Minister for Racing of unveiling the Bart Cummings statue, which recognises his contribution to racing and his record-breaking number of Melbourne Cup winners.

While on the subject of the Melbourne and Caulfield cups, both national and international horses will be competing again this year. One of the horses competing — Evil Empire — has a name that describes the seven years of the Kennett regime. Another horse that will be running — Yippyio — describes the Premier's words on election night. The horse that sums up Mr Kennett's response to last year's election is called Blue Murder, and the horse that describes the first 12 months of the Bracks government is called Celestial Show.

There is a horse called Yes I Will, which describes the comments made by the honourable member for Malvern every time he is asked the big question. And then there is Ready to Walk, whose name describes the supporters of the Leader of the Opposition. Supporters of the Premier should be backing Magic Winner, Might and Power and Brave Chief. Supporters of the Leader of the Opposition should be backing Nowhere to Exit, In a Flurry and Media Puzzle. Others worth backing include the horse that describes the Premier's popularity, Sky Heights, and the horse that describes the entire cabinet and the government — Quality Team!

This year's will be a great carnival. The Victorian government supports not only the Spring Racing Carnival but also racing around the state. It is keen to attract an influx of young people to the racing carnival and to establish a modern racing structure for the industry. I invite everybody to join me at the races on Saturday and throughout the Spring Racing Carnival.

Schools: industrial agreement

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the government's new education policy. Now that each teacher will teach the equivalent of one fewer period each week thanks to Labor's sweetheart deal with the Australian Education Union, will the minister increase the teaching entitlement of each school to cover the shortfall she has created, or will teaching periods be shortened, making students the losers?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question about this significant and substantial agreement.

The implementation of the agreement for teachers, principals and school service officers does not require one additional staff member. Two aspects of face-to-face teaching arrangements are maintained by the agreement: the face-to-face average of 18 hours; and the face-to-face maximum of 20 hours.

Dr Napthine interjected.

Ms DELAHUNTY — Correct: that is maintained. The genius of the agreement is that it provides the flexibility that I understood the previous government wanted to give to schools. I thought it wanted to give schools and principals the flexibility to determine the ways in which their schools are run. As I said, that is what the agreement does.

The agreement does not reduce the total working hours of one teacher by 1 minute, the time a child spends in the classroom by 1 minute, or the total time for teaching and learning in schools by 1 minute. But it gives schools the flexibility — —

Dr Napthine interjected.

Ms DELAHUNTY — Yes, that is the genius of it, thank you. The agreement maintains average and maximum face-to-face teaching times and gives principals the flexibility to make staffing arrangements that best suit their schools.

What is it that the opposition stands for in education? It is against lower class sizes, performance pay and flexibility for principals in determining their staffing profiles. We know what the opposition is against, but in education what the hell is it for?

Public sector: waste cutting

Mr LONEY (Geelong North) — I refer the Treasurer to the government's commitment to cut waste in the public sector, particularly in relation to public relations activities. Will the Treasurer detail to the house the type of material the government is targeting in its waste-cutting drive?

Mr BRUMBY (Treasurer) — During the last sessional period it was revealed that the former Kennett government had wasted around $100 000 on a sloppy, self-serving and sycophantic biography of its first term. It is now with a great deal of regret that I advise the house that an even more wasteful exercise in Kennett government propaganda has come to light.

Honourable members interjecting.

Mr BRUMBY — Late in 1998, the former government produced a 36-page glossy booklet for distribution to every household in Victoria. I have the last remaining copy for reasons I will come to in a moment. Here is the booklet, called 'Walks of Life — sixth annual report 1998', which took the previous government six months to produce. In October 1998 it was due to be delivered to every Victorian household, so around 2 million copies were printed. Why is there just one copy left? After 2 million copies were printed the booklet was found to contain so many errors that every single copy was pulped — except this one. Some of the errors are on page 13, and I quote:

> … the government announced an estimated budget surplus of $7.01 billion for the financial year.

Out by a factor of 10!

Again, on page 13:

> Since 1992 payroll tax has been slashed by $1.96 billion, there has been a $1.9 billion cut to petrol and diesel franchise fees …

It goes on, littered with errors. The booklet went through government advisers, the Treasurer's office, the Premier's office and the government printer, before being published. Finally, the error was picked up by an Australia Post worker who was enveloping the copies just prior to the mail-out.

Ms Asher interjected.

Mr BRUMBY — I understand, as I said, that the former Treasurer, the former Premier and probably the

former Minister for Small Business proofread it, but it took an Australia Post worker to identify the litany of errors.

This is the most expensive 36-page book in history. The Kennett book cost $100 000, and I can reveal to the Parliament that this booklet cost the Victorian taxpayer $758 000 — all of it pulped and wasted.

It is full of rubbish. There is not a single phone contact number in it. If someone has a problem, not a single contact for a department is provided.

Talk about propaganda! One of the headings is 'Don't take it lying down'. The Victorian public will not take this shocking waste of taxpayers' money lying down. There is nothing in the booklet. The first 25 pages contain two glib references to country Victoria, and that is it. It cost $758 000, and at $758 000 it is a gold medal for waste in this state by the former Kennett government.

The Bracks government is soon to mark its first anniversary. I can tell honourable members that they will not see this sort of drivel, this sort of taxpayer-funded propaganda produced by the Bracks government. There will not be this sort of waste of public funds coming on top of the $100 000 Kennett book, which is self-serving, sloppy and sycophantic. This booklet cost $758 000, and all copies of it have been pulped, which is a shocking waste of taxpayers' money.

The SPEAKER — Order! The time set down for questions without notice has expired. A minimum number of questions has been asked and answered.

TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed.

Mrs SHARDEY (Caulfield) — When I was last speaking on the Training and Further Education Acts (Amendment) Bill I was singing the praises of Adult Multicultural Education Services (AMES). In doing so I was talking about the community charter projects and the fact that under AMES the former government had been reinvesting in multicultural communities. AMES had been taking a leading role in fulfilling the government's multicultural pledge to all Victorians. I was particularly pleased to see that this pledge was once again repeated on the current web site of AMES and referred to as something that the current government is willing to support.

A number of projects should be brought to the attention of the house under the community charter projects for AMES because they go to the heart of what AMES is about. It does not just offer English classes and training classes to new migrants, but other things as well. I refer briefly to the Afghani women's project, which is based in North Frankston. This project provides teaching in subjects like industrial sewing, baking cakes, and aromatherapy — very down-to-earth things for Afghani women to bring them in touch with the Australian community and our culture. The program is also aimed at enlightening or reaffirming Afghani culture, traditions and costumes with fashion parades and a traditional lunch to keep the women in touch with their own communities so they can be proud as Australian citizens, but also so they retain some of their own cultural heritage.

A further program called the Ethiopian volunteers training project is based in Footscray and includes settlement information, telephone skills, and clerical work — in other words, it is giving Ethiopians some training in the sorts of activities they need as citizens of this country.

The opposition is proud to note that the AMES awards 2000 are to take place in October. The first award is the Sir James Gobbo Award for the outstanding English language learner of the year. I suppose one is surprised to see that the government is continuing with this award. It is due recognition of the contribution by Sir James to multiculturalism in Victoria.

I now briefly examine the performance measures of AMES, as it is important always to assess the performance of any agency of a department. On page 34 of *2000–01 Budget Estimates* one notes that the number of annual module enrolments for 1998–99 was 28 000. The target for the following year, 1999–2000, went down slightly to 24 000 due to a decrease in immigration numbers. The figures show there was an enormous rise to 92 485 as the expected outcome for 1999–2000. The reason for this, as I have found out, is a difference in the manner of recording. Point (e) in the notes on page 38 of the document states that the increase on the 1999–2000 targets is due to the use of actual client course enrolments in previous years rather than new module enrolments. It is worth noting that there has not been a huge increase in the output; it is just a different way of counting.

In summary, while the opposition does not oppose the creation of AMES as one of the two adult education

institutions, because in a sense a separation of AMES as an agency of the department makes it an independent institution, we hope it gives it a level of independence that may end up helping it to satisfy the changing needs of those who are now coming to this country. One could express that by saying that now that the focus in migration is more towards skills migration rather than family reunion, et cetera, the needs of migrants coming to this country will be different in terms of training — in other words, those who are coming here under the skills migration program will be looking for training in English that will enable them to deal in business. They will be looking for training in computers in this country and seeking recognition of their skills, and that will be an important role for AMES.

I will finish my contribution with a few concerns that have been mentioned. The shadow minister mentioned that this legislation will create a fourth tier in education. Perhaps it is also therefore creating another bureaucratic structure. Some may say it is a bit of power building, but that remains to be seen.

There were issues mentioned by the honourable member for Warrandyte about employment entitlements. He explained that with the transfer of the federal adult migrant English program (AMEP) employees to the state AMES agency there may well be employee entitlements that have not been met. He expressed a concern that the state will now have to meet those entitlements.

There is concern about federal contracts to the five regions not being renewed. It is my understanding that the past performance in AMES has been so good that the federal government will be looking at renewing the contracts, but of course its continued performance will be something that will make that very clear.

Finally, while the opposition welcomes and does not oppose the legislation, some concerns have been expressed about the state having to meet some costs. However, the opposition hopes the new institution will flourish and provide for the needs of immigrants coming to the country in the way it was designed to do.

Mr STENSHOLT (Burwood) — I support the bill because as a member of the Bracks government I strongly support adult education. Adult education in Victoria has a long and proud history that includes the involvement of mechanics institutes halls and lending libraries and their associated classes and activities, let alone the State Library of Victoria.

Just last week I was reading the biography of John Curtin, who obtained much of his education in the reading room of the State Library of Victoria. Later, he was a member of the executive of the adult education course organised by the Australian Journalists Association, which he attended along with the young Paul Hasluck.

Over many years since 1947 the Council of Adult Education has been a major vehicle for adult education. The CAE offers an extraordinary variety of courses, including the Victorian certificate of education. I commend its work because it enables people to improve their existing skills and develop new ones.

The bill provides for a new forward-looking framework for establishing key institutions for adult education as part of the post-compulsory education sector. The bill proposes a new and updated status for the Council of Adult Education, which will now be known as the Centre for Adult Education, and establishes a structure for Adult Multicultural Education Services. AMES has also played a vital role in education.

My family appreciates educational services for people who migrate to Australia. My family has had experience in adult migrant education. When my father arrived in Australia he had to study mathematics again at night school — despite being qualified as a marine engineer in Norway. His qualifications were not recognised in Australia despite Norway having the third-largest merchant navy in the world and despite the fact that he received the highest marks in his engineering studies in Norway. Nevertheless, he went to night school for his adult education to obtain Australian qualifications. I join with the other speakers in commending AMES for providing new opportunities for people of many backgrounds. The bill also provides just transitional arrangements for staffing and governance.

I commend and congratulate the outstanding Minister for Post Compulsory Education, Training and Employment. She has performed excellent work in this ministry; much better than her predecessors of the past seven years. I commend the bill to the house.

Mr JASPER (Murray Valley) — I join the debate on the Training and Further Education Acts (Amendment) Bill and acknowledge the comment the Minister for Post Compulsory Education, Training and Employment made in her second-reading speech, that Victoria has two major public institutions whose functions relate primarily to adult education. The minister referred to the Council of Adult Education, commonly known as the CAE, and the Adult Migrant Education Service, commonly known as AMES. The

bill also refers to those organisations and proposes changes to them.

The bill will amend the Adult, Community and Further Education Act to provide for the establishment of adult education institutions and their governing boards based on the model contained in the Vocational Education and Training Act for technical and further education (TAFE) institutes. As the minister has said, the two adult education institutions will be known as Adult Multicultural Education Services and the Centre for Adult Education. The bill also gives the Governor in Council the power to establish additional adult education institutions by order in council.

I refer particularly to education provided within the Rural City of Wangaratta. There are a great range of education facilities in Wangaratta. The government schools include two secondary schools, five primary schools and a TAFE institute. Wangaratta also has neighbourhood houses, the importance of which have been referred to by previous speakers.

The importance of the CAE, which was originally established in 1947, has also been referred to by many speakers. Following the war it provided education for many people in Australia and for people from other countries who came to Australia; they were all able to use the services provided through the CAE and the multicultural education services. Following the establishment of the CAE in Wangaratta in 1947 there were moves in the late 1940s and early 1950s to establish an adult training centre in Wangaratta. I wish to put on the record the importance of the services provided by the centre at Wangaratta. It was the first of its type to be established in regional Victoria. I will provide some information to the house relating to the development of the centre. The document provided by the centre states:

> After meetings and deputations from a number of community interests, the department of education decided, in late 1961, that the old high school building in Chisholm Street would be used for a continuing education centre administered by the high school through an advisory council. A high school staff member was seconded in the position of executive officer.
>
> The centre has been operating successfully in the north-east of Victoria as a community-based provider of adult and community education since 1962.
>
> In its first year —

in 1962 —

> 105 men and 266 women enrolled in 21 courses.

Compare that with the current figure. More than 5000 people now participate in courses conducted by the centre at Wangaratta. It is also important to put on the record that the first administrator of the centre in 1962 was Mr Colin Cave. He was in charge of the centre for 10 years, and became director of the CAE in Melbourne following the 10 years of work he did in establishing the centre at Wangaratta.

Colin Cave was a visionary in the adult education world. He was creative, artistic and championed public debate on social issues. People are learning more in life today through adult education, and Colin Cave had the vision 30 years ago that continuing education was important for people after their formal schooling had ended. Unfortunately he was killed when, as the director of the Council of Adult Education, he was travelling by car to a music camp at Harrietville.

Part of the Centre for Adult and Community Education at Wangaratta was named after the late Colin Cave, and an article by Jacquie Schwind in the Wangaratta *Chronicle* of 4 March 1994 headed, 'Saluting a man of vision', states:

> Committed, dynamic, imaginative and a man with a vision were some of the words used to describe the late Colin Cave at a special ceremony at the Centre for Adult and Community Education this week.
>
> On Tuesday night about 100 people attended the official opening of the Colin Cave Gallery to celebrate the reopening of the newly renovated gallery and remember the work of Colin Cave as the founding spirit of the centre and its inaugural executive officer for the centre's first 10 years.

Mr Cave held that position prior to becoming the director of the Council of Adult Education in Melbourne. There is no doubt he was a man of vision so far as Wangaratta was concerned. From the early days of 1962 he was able to develop the centre into what it is today, providing as it does a huge range of programs in adult education.

I place on the record the support provided by the centre, and highlight some of the developments that have taken place. In 1980 accountability was transferred from the education department to the Council of Adult Education. Funding came from the regional board of technical and further education to the centre at Wangaratta. In 1984 three steps were taken to expand the geographic emphasis on the local area. Firstly, a planning and development subcommittee of the centre's committee was established. Secondly, a proposal was submitted to the ministry of education for a 12-month research project. Thirdly, application was made for a TAFE particular purpose grant for a women's access project. The needs of residents of rural communities, the aged, shift workers and women at home were identified.

In 1985 the centre published a research project on the education needs of adults and older people living in rural communities. The results of the research led to the establishment of the Bright Adult Education and King Valley Learning Exchange, which expanded the adult education being provided at the Rural City of Wangaratta and beyond into north-eastern Victoria.

From 1987 to 1990 new project areas were introduced, including distance education, learning connections, energy education and basic education. In 1993 significant growth occurred at the centre. It was successful in tendering for employment and other programs, with 40 staff being employed.

In 2000 The Centre for Adult and Community Education is a vibrant provider of a range of adult education and learning opportunities for many people. The Minister for Post Compulsory Education, Training and Employment visited Wangaratta on 25 May and indicated her support for the centre and its work in providing an extension to adult training and the important work it carries out to assist young people. A range of programs, including language and literacy, training packages, business management programs, performing arts programs and child-care services are provided.

I highlight those comments so that the house may recognise the importance of adult education being provided in country Victoria and the important range of activities provided in the Rural City of Wangaratta from the centre, which has operated successfully since 1962. The importance of the part played by the late Colin Cave as a director of the centre, the programs developed and undertaken by others who joined him, and the people who have been involved since that time should all be recognised.

The bill is a further step towards bringing together those organisations so they may operate as effectively as possible and receive appropriate government funding to allow their programs to continue.

Mr SPRY (Bellarine) — Despite the importance of the legislation to the people of Geelong and my electorate, because of the time restraints imposed on the house I will move that the debate be adjourned.

Debate adjourned on motion of Mr SPRY (Bellarine).

Debate adjourned until later this day.

PUBLIC LOTTERIES BILL

Second reading

Debate resumed from earlier this day; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Mr BAILLIEU (Hawthorn) — I respond on the Public Lotteries Bill in the knowledge that it contains one of the extracts from the government's policy kennel that keep on coming. The government's election policies are coming back to hound them. The government has had a headache with the football tipping competition policy, which it never expected to introduce but which is included in the bill.

Given the way the bill has been portrayed, honourable members could be forgiven for thinking it is about only footy tipping. That is far from the case because it represents a major change to gaming in Victoria. It repeals almost entirely the Tattersall Consultations Act 1958. The irony is that this morning honourable members debated a bill that will amend that act — that is, the bill will repeal an act that has just been amended.

The bill proposes a whole new public lotteries framework for the state of Victoria. As I said, it is not just about footy tipping. It moves the public lotteries framework from a single-provider model to a generic model and perhaps anticipates future competition law. It represents a new lottery law for the people of Victoria.

This is also an historic occasion, because Tattersalls is an institution in Victoria. It is very much a part of Victoria's fabric and is a well-regarded corporation. The repeal of the Tattersall Consultations Act symbolises a significant change in the sense that there will no longer be an act with the word 'Tattersall' in its title.

The bill will have two major impacts. The first is extraordinary, given that it has been introduced by the government. I refer to an expansion of gaming in Victoria. The government went to the election with the war cry, 'Gaming, gaming, gaming; gambling, gambling, gambling; evil, evil, evil', yet its first step into the area will provide for an expansion of gaming. That extraordinary irony will not be lost on the people of Victoria.

The second major impact of the bill will be an extension for three years of Tattersalls licence to run lotteries. That major change reverses the decision of the previous government last year when the then Treasurer advised Tattersalls their licence — which had been extended two years earlier — would be valid to 2004

and would then be subject to national competition policy.

As I said, the bill comes in the guise of being pretty much about a new footy tipping competition and a gesture towards competition policy, but that is a hollow commitment from the government. It has introduced very few bills on the basis of implementing competition policy. Where is the review of the Gaming and Betting Act, the Gaming No. 2 Act or other acts? A review under national competition policy has been undertaken of the Gaming Machine Control Act, but there are many exemptions from that policy. The bill is an expression of the government's making a hollow gesture towards competition policy.

The opposition will not oppose the bill. It has some concerns about it, including about the timing, the process, the impact and, importantly, about the nexus between the introduction of a footy tipping competition and the extension of the Tattersalls licence. There is no overt reason for that linkage. There is no need for the generic bill to be introduced in its current form at this time. There is a need only for a footy tipping competition to be put in place to satisfy the government's agenda.

It is interesting to reflect on the timing of the introduction of the bill and how it has come about. The timing is driven by the need to set up a footy tipping competition. Last year the then Kennett government rejected overtures for the introduction of such a competition. The then opposition, now the government, picked up the proposition and ran with it to the election. Earlier this year the government's dreams about a footy tipping competition fell over and little has been heard of it since. The idea had its genesis during the election campaign. It was intended that the government would use the funds generated by a footy tipping competition to save Waverley Park — to relieve the Australian Football League of the financial burden of the ground by creating another stream of income.

Recently an expression-of-interest document was released that sought to attract potential bidders. That was done in a marketplace in which there is very little time to get the competition up and running in time for next year's football season. I will return to that point. The timing of the introduction of the bill is not based on national competition policy; it is about a footy tipping competition, which could have been dealt with separately.

I turn to address why the two otherwise seemingly unconnected events are connected in the bill. Firstly I remind the house that the Tattersall Consultations Act is not the only act in the gaming area. There is a range of acts, including the Gaming and Betting Act, the Lotteries Gaming and Betting Act, the Gaming No. 2 Act, the Casino Control Act and the Interactive Gaming (Player Protection) Act. The Tattersall Consultations Act is focused very much on lotteries and, obviously, on Tattersalls.

That brings me to the history of Tattersalls. In 1881 George Adams set up the first sweeps in the Tattersalls bar in Sydney. Eventually the New South Wales public found the growth in sweeps an unattractive proposition and George Adams was basically legislated out. In the 1890s he left New South Wales for Brisbane, where a similar uprising took place. In 1897 he was lured to cash-strapped Tasmania. After he died in 1904 what we know as the George Adams Trust was set up. In 1954, as the honourable member for Mitcham reminded us earlier, John Cain, Sr, lured Tattersalls to Victoria. Tattersalls established itself here and has become a part of everyday life. Other games have been introduced, including Tattslotto in 1972 and Keno in 1988.

Currently Tattersalls has more than 350 staff and some 800 agents around Victoria and interstate — it is licensed in other states as well. I understand that Tattslotto has more than 1.5 million players, with 35 per cent playing weekly and 50 per cent playing when there is a jackpot. Tattersalls turnover in lotteries is some $900 million, and the government take on that is more than $340 million by way of duties. Previously the government took a share of the profits.

Tattersalls has a proud record for probity, administration, standards, security and community service, and particularly for its philanthropic role, of which honourable members were reminded earlier. It is worth noting what Tattersalls has done in that role.

In the past year contributions have been made to support Andrew Hoy, the Olympic equestrian; the Australian Paralympics team; Matt Welsh, a regular swimmer in my electorate and who did so well in the Olympics; the Ballarat Gift; the Kooyong Fair; the Victorian water polo team, which was supported for a successful Olympic effort; the Australian Drug Foundation; Cabrini clinical education research; Holy Trinity Anglican Church, which I know well myself; the Maroondah addictions recovery project; the Multiple Sclerosis Society; the Northern Hospital; $1 million to the Royal Children's Hospital; the Royal District Nursing Service; the Royal Melbourne Hospital; and the breast screen centre at St Vincent's Hospital. That is just a small selection from a long list of philanthropic gestures that Tattersalls has made over the years.

There is no doubt Victorians can be proud of Tattersalls, as most are. It is an institution and good corporate citizen. However, honourable members must remember that it is a commercial entity and essentially the only non-government lottery corporation in Australia. Honourable members must also bear in mind that there are two streams in the gaming world: sports betting, which is essentially in the hands of Tabcorp; and the lottery world, which is essentially in the hands of Tattersalls in Victoria.

TAB sports betting is skill based, while the other lotteries game is and has been traditionally chance based. It is a historical divide and a commercial divide. The advent of a shared poker machine market in recent years has perhaps been the only thing that has brought the two groups into some community of interest. It has certainly changed in recent years. The demographics and the infrastructures are different.

It is important to understand the background of the subject in context because the bill changes the whole act. It moves from a single provider to a generic provider, and there are other significant changes, which I will walk through in a moment. Sadly, the debate will most likely be guillotined and time constraints will prevent us from getting through the bill properly.

Clause 3 makes significant changes to the definitions. Australian Football League (AFL) footy tipping is defined, and one could be forgiven for thinking that the bill is all about footy tipping. However, the words 'footy tipping' are used only three or four times and no real detail is supplied. I note a change to the definition of 'associate'. It is basically a probity matter and the reference to relatives is removed because the bill prevents a natural person being a licensee, which is a change in itself.

Perhaps the most significant change is the introduction of a definition of 'public lottery'. That definition adds to the commonly accepted view of a lottery being a game of chance with the words 'partly of chance and partly of skill'. The insertion goes to breaking down the barrier between sports betting and lottery games. It is noteworthy because it may cause problems in the future. The definition of 'lottery' in the Gaming No. 2 Act is:

> … any scheme in which any such prizes are … determined by lot, dice or any other mode of chance.

Skill is not mentioned, so the definitions in the two documents conflict.

Part 2 introduces an interesting change by removing the capacity of under-18-year-olds to purchase lottery tickets. Under the Tattersall Consultations Act that provision applies only to scratchies. The provision will move that restriction onto lotto, the footy tipping competition and other components of the lottery division.

The enforcement of the provision is not clear. Information from the minister's adviser suggests that the enforcement will be as it is for scratchies, however no-one in the department can point to any example of enforcement on the scratchies issue. Apparently it is a matter of self-regulation, and if need be the Victorian Casino and Gaming Authority and Tattersalls might be involved.

It brings to mind the enforcement regime introduced recently in connection with the under-age purchase of cigarettes. The opposition would be concerned if that were the case. It is essentially a cosmetic change, but it is likely to produce a good deal of frustration, particularly in rural areas, where people know each other extremely well. Parents may send their children to an agency to collect tickets for Tattslotto, to swipe a card or whatever, and Mother's day and Father's day packages are products that might otherwise be purchased by young people.

Mr Ryan interjected.

Mr BAILLIEU — Yes, the honourable member for Gippsland South might miss out.

Clause 14 introduces a change that bans suppliers of lottery products from offering credit, but at the same time it endorses the practice of taking credit cards, which is another cosmetic change. It also imposes — —

Mr Pandazopoulos interjected.

Mr BAILLIEU — Yes, but it is a new practice for lotteries. It puts a heavy onus on the licensee, and heavy penalties are involved, including two years jail. That seems to be quite extraordinary when credit will be available to the player. It is just a credit-shifting arrangement.

The government has circulated amendments that seek to omit paragraphs (2)(b) and (2)(f) of clause 18. The opposition has no problem with those omissions given yesterday's briefing on the issue. Clause 19 introduces the exclusion of natural persons. There is some logic to that in the sense that if lotteries are to be provided on an ongoing basis the death of an individual might disturb that process. Clauses 24 and 25 introduce two streams of reporting on applicants — a probity stream and a commercial stream. Again, the opposition has no

problem with the provisions, although it will watch the operation in detail.

Clause 29 reduces the term of a licence from 10 years to 7 years. It has been some time since a 10-year licence expired. Licences have usually been rolled over on a five-year basis. Although it makes good copy, it is a cosmetic change. Clause 30 introduces a potential for premium payments for prospective lotteries, but the provision does not apply to the Tattersalls licence. The opposition will watch with interest to see whether a premium is applied to football tipping.

Clause 43 introduces grounds for disciplinary action. There is no obligation to conduct a competition or a product or to promote a product. A licensee remains able to warehouse a product and arguably run it to ground and therefore prevent it from being used by another competitor. That is noteworthy. The opposition will also watch that with interest, because there is no inherent obligation to persist in a product.

Clause 53 in part 4 introduces a supervision charge, which is new but essentially mirrors the poker machine supervision charge. The amount is to be determined, and we will watch that with interest.

Clause 54 introduces some significant changes to the taxing component of the bill and, indeed, is quite taxing to understand! I do not proposed to entertain the house on the matter; I will leave that to the honourable member for Gippsland South. In essence, the clause proposes to change the tax regime to a player loss tax from a turnover tax and, before that, a turnover tax plus profit share tax. Clause 54 is the essential ingredient for the tipping competition, and it ain't gonna be a great payer for the players.

Clause 57 introduces the hypothecation of funds generated, an important component.

I note that the minister's amendment produced yesterday and introduced into the house this morning meets certain government commitments. According to all the Labor Party's policy statements on footy tipping, the government's intention is to:

> … introduce a national footy tipping competition to generate revenue for sports medicine, participation programs and encouraging women in sport.

There are various similar quotes throughout Labor Party documents. Sadly, hypothecation was left out of the bill, and that was a contentious issue. It has now been picked up in the amendment.

However, there is one piece of hypothecation missing — namely, hypothecation for the AFL. In an interview on, I think, 3LO on 5 August the minister said:

> A key reason that we are actually offering this product … is that the AFL … will get money out of this …

Further, he said:

> The AFL also earns a minimum amount of income out of it as well.

And later again he said:

> … there is a guaranteed income share for the AFL.

One would have thought the hypothecation provisions in the bill would have extended to the AFL, but that is not the case. The AFL might feel concerned about that, and rightly so.

Part 5 of the bill deals with compliance and investigation. Proposed compliance arrangements are not dissimilar to other arrangements. The opposition has no problem with them.

Part 8 is important because it deals with the legacy of the Tattersall Consultations Act itself. I note in particular the deletion from that act of section 6AAA, which deals with the 10-cent ticket levy. That is a transitional provision.

More importantly, part 8 includes clause 90, which proposes an extension of time for the promoter. The promoter is, by definition, Tattersalls. It is a carry-over provision because the Tattersalls licence is current until 2004. Under the proposed legislation Tattersalls will be entitled to a licence for the conduct of its various products until 30 June 2007. That represents a three-year extension, which is extraordinary in the history of Tatts extensions.

By way of a brief history I point out that in December 1994 the licence was extended for three years from 1999 until 2002; in 1987 it was extended for two years with the foreshadowing of a competition policy review and the prospect of a change. In July 1999 the government wrote to Tattersalls and indicated that the licence would be tendered in 2004 as part of the competition review brought down in January 1988.

The bill proposes an extension of the Tattersalls licence from June 2004 until June 2007, coupled with the prospect of a premium payment. The government has seen fit to acknowledge that the extension must be worth something. I understand the lottery licence currently delivers a net profit to Tattersalls of something between $10 million and $20 million a year on a recurring basis. One would have thought that

represents some significant value into the future. The government acknowledges that fact by indicating a premium.

Extraordinarily, however, given that situation, the government has indicated in the second-reading speech that the legislation provides no guarantee of exclusivity for that extension. As a result, the premium has been almost immediately devalued. How bizarre! How stupid can the government be? It has anticipated a premium of value and then devalued it immediately by saying it does not guarantee exclusivity. The taxpayers should be concerned about that.

The premium is subject to an agreement for 2002 between the promoter — in this case Tattersalls — and the minister. That agreement has no process, no transparency, no criteria and no reference to the Auditor-General. We know nothing about it other than that the government has already devalued it. That is a serious matter raising issues of probity and transparency. The opposition will watch with interest negotiations between the minister and Tattersalls.

What is the quid for that generous quo? Where is the response to what is effectively a policy reversal and extension of the licence from 2004 to 2007? There is no apparent quid for the quo, but there is a nexus between the timing of the bill — which is premature, because there is no need for the generic bill or, on the government's own admission, for the extension until 2002 under the timing of the agreement — and the proposed footy tipping competition. That can be the only reason for the timing of the bill. The footy tipping competition is, as I said, out of the kennel. It was probably never intended to see the light of day, but it is here.

The bill has a bizarre side to it. Currently in Victoria there are already two licensed football tipping competitions. Despite the minister claiming in interviews on the subject that he wished to formalise footy tipping, there are already two licensed football tipping products. One is licensed to Carlton and United Breweries under a trade promotion.

Mr Pandazopoulos — It is a trade lottery.

Mr BAILLIEU — It is a trade promotion lottery under the Gaming and Betting Act. It has 50 000-plus players; it returns more than 100 per cent to the players; it is conducted through Victorian hotels; and it is well received. The second product is the TAB-run sports betting, Tip 8 and Tip 7, which returns more than 75 per cent to players. That competition comes under the Gaming No. 2 Act.

The minister said the bill would formalise footy tipping. The bill is introducing a third footy tipping competition under a third act, so we will have three footy tipping competitions licensed under three acts of Parliament. It is extraordinary that that is regarded as a simplification.

The genesis of the footy tipping competition needs to be understood. During the 3LO interview the minister mentioned the AFL 11 times as being the progenitor of the competition. Initially the competition was described in the policy documents as a national tipping competition. When it was drawn to the attention of the government that that would present a problem, it became an AFL competition and has been reduced as a consequence. Initially it was said to be a Waverley Park saver. That suggestion has not been proceeded with, and the minister is now walking away from suggestions that that was the initial objective.

The justification the minister gave for the bill was to legalise footy tipping, to mainstream it and to shift it. The word 'mainstream' has appeared in a number of interviews that the minister has given.

In the 3LO interview the minister said that the government was trying to formalise footy tipping. It is extraordinary to think of the bill as a formalisation of footy tipping. The minister claimed that it was a shifting product, but he has been extensively quoted as saying that there is a growing interest in this sort of sports betting. It is the growth that the minister has chased, which is in direct conflict with his claims that the bill was just formalising something that already existed. How sad is it that the mainstreaming of something that Victorians have been doing for years has been given as the justification of the bill.

Footy as Victorians know it has suffered in recent years through changes to interstate teams, the loss of standing room, the changing of grounds, the loss of the reserves and differing pricing arrangements. The one constant has been footy tipping. Footy tipping has been going on in every tin shed, office, club, pub and Parliament all around Victoria. We do not need the footy tipping competition, but the government is seeking it for its own reasons.

Representatives of the Benjeroop public hall have written to me saying that they run their own footy tipping competition which helps fund dances, balls and the like. They say:

> However, introduction of a state government-controlled footy pick competition could seriously affect our local fundraising competition.

Mr Pandazopoulos interjected.

Mr BAILLIEU — No, they are not, and it is interesting that many competitions will now be cut out by being made, in the formal sense, illegal.

However, I turn to the expression of interest (EOI) on the footy tipping competition, which is an extraordinary document in itself. The timetable introduced in the expression of interest in September anticipates a decision on the licence in December of this year. With the footy season starting in February, that EOI narrows extraordinarily the number of potential bidders. Who could get up a footy tipping competition between December and February? Very few players fall into that category. In addition, the conditions are extraordinary. The government has maintained the right to change all the conditions at its whim. The transparency of the document is also extraordinary. It contains probity requirements and states:

> Potential bidders must not contact any officers, employees, agents or advisers of the state, members of Parliament and their staff … to discuss any aspect of the bid process.

Given that this document has come at the very time the house is introducing a bill to establish the competition, that is an extraordinary restraint. The number of potential bidders has been narrowed and they are unable to discuss the legislative components of the document.

Does Victoria need another footy tipping competition formalised? The opposition suggests it probably does not. Will it work? Some would say maybe; some would say maybe not. Some would also say, 'Yes, this will be a boon for the government'. I will quote one prominent ALP celebrity, Graham Richardson, who said on Sydney radio in August, because he was so excited by Victoria's footy tipping competition:

> And I remember talking to their gaming minister, John Pandazopoulos, last year about this —

about the AFL national footy tipping competition. He went on to say:

> There'd be an end-of-season prize that'll run into megamillions, but every week there'd be a huge prize.
>
> So, I reckon this is a fantastic idea.

That is Richo. Richo has a propensity for spending time with people well known in the gaming industry.

Mr Pandazopoulos interjected.

Mr BAILLIEU — The minister says across the table that he knows something we do not know. That is an interesting comment.

I will also quote Mark Solonsch, who earlier in the year suggested the scheme would be a big loser. He is reported in the *Sunday Herald Sun* of 9 January as having said:

> … statistics showed 1 in 173 people picked all eight winners … With 1 million people playing, the payout would be $2.8 million on a $2 million take.

And in anyone's language that presents a bit of a problem. Perhaps it is not a problem if you anticipate expansion of the competition. It is a seasonal product, and Tatts agents and TAB agents all say to me, 'If you had a product like that you could not launch it every year, it would have to be consistent'. The minister has on several occasions failed to rule out the possibility of expansion of the competition into cricket, rugby or basketball. That is clearly on the agenda.

The value of the competition varies according to those quoted. Tattersalls has been quoted in the past as saying it is worth $30 million to $50 million a year, and the minister himself has put it at between $20 million and $30 million.

What type of competition are we talking about? We do not know because we do not have any details of the footy tipping competition. Will it be a stand-alone weekly competition which will just mirror the TAB competition? Will it be a tontine, which will rule people out on a weekly basis? Will it be a cumulative competition as in Sportspick? We do not know those details or the hypothecation of the competition. The amendment is in the bill, as I said, but the AFL has been left out of it. Surely if it was its idea — —

Mr Pandazopoulos interjected.

Mr BAILLIEU — The minister says you do not legislate. He said in a speech it was guaranteed. Where is the guarantee for the AFL, Minister?

The AFL was promised, but it is not in the bill and the minister has taken the trouble to add other things into the hypothecation.

I return to the extension of the Tattersalls licence. There is very little advance in this on the national competition policy. It is superficial window dressing — removing some names and introducing a new framework. However, there is a three-year extension and it is subject to a premium which is likely to be devalued, by the minister's own words, with no guarantee of exclusivity.

The prospect of a competition policy review and tender in the future is subject, by the minister's own admission, to negotiations with the New South Wales

government. As honourable members know, that state has a public lottery whose licence does not come up for tender until 2007. Those discussions have not begun and there is no obligation on New South Wales to be party to this.

We are left with only two significant changes: introducing a footy tipping competition and an adjustment to the Tattersalls licensing arrangement. The timing is artificial but the nexus is interesting and raises a lot of questions. Members of the opposition will watch carefully the conduct of the tender for the footy tipping competition, the selection of a tenderer and the dollar premium to be paid in that licence extension. The test will be who gets the footy tipping competition, how much is paid for it, how much is the premium paid for the licence extension, when it will be finalised and whether the extension will be exclusive. Members of the opposition have those questions very much in mind, and while we are not opposed to the bill we are concerned about the nexus between those events.

Mr RYAN (Leader of the National Party) — I shall make a brief contribution to the debate, bearing in mind it is about 13 minutes to 4 and that, under the sessional orders this open, honest and transparent government has installed into the running of this place, the guillotine is about to drop and therefore end further discussion on the bill at 4 o'clock this day. The issues I would otherwise canvass on behalf of the National Party I will leave in the very able hands of the Honourable Roger Hallam in another place, whose work I have in front of me. It is extensive and I am sure he will provide his usual very thorough analysis of the legislation. Therefore I shall simply make some general comments.

It is great to see this government embracing national competition policy and productivity reports and all that goes with that. It is not necessarily doing it by choice to the extent that it is doing it at all, but it really is good public policy. I have been a member of this place for eight years — those of us who have been here since 1992 are celebrating our eight-year anniversary during the course of this week — having spent seven of those years in government having to listen to the complaints and gyrations by the then opposition about national competition policy and its various influences. Therefore, it is lovely to see the change of mind being, so they say, given effect in the legislation.

I do not believe that aspect of the bill dealing with the AFL footy tipping competition is necessary. To echo the sentiments of the honourable member for Hawthorn, any number of those competitions operate around the state and the bill cannot help but impinge upon the way those competitions operate. Many people have a lot of fun engaging in footy tipping in its various forms — in my case I might say with a singular lack of success — but for many people who thoroughly enjoy it that enjoyment will be diminished by the existence of this licensed product.

It is ironic that this government, which has proclaimed much about its opposition to gaming, gambling and everything that travels with it — I spoke about that at some length earlier today during debate on the Tattersall Consultations (Amendment) Bill — is involving itself in a process of legislative intervention of a Victorian icon which has become a national icon over the last decade or so. It is a most unfortunate incursion; it is unnecessary and the government should have stayed out of it.

The government will make available to the Australian Football League through the licensing provisions a slice of the action and the AFL will have an inevitable channel of significant funding available to it with the passage of the years. My plea to the minister and the government is in relation to country football. That component of the bill which enables the AFL to take a slice of the action should take into account country football.

I understand the practical difficulties surrounding the notion of allowing country football to have direct ownership of a percentage slice, but through the distribution of funds arising from the operation of the lottery, the government has the opportunity to give country football a fair go. The Labor government claims to represent and govern for all Victorians and look after the interests of country Victorians in particular. It should be able to tell the Victorian Country Football League that the interests of country football will be accommodated.

It can be done by way of a distribution of funds from the lottery. I am not talking about hypothecations in the strict sense. However, a component of the money derived from the operation of the lottery could be devoted to the interests of country football. Alternatively, the government could use its good offices to strike an appropriate arrangement with the Australian Football League to ensure that the AFL accommodates the needs of country football in a straight-out financial sense, not in a wishy-washy, half-baked statement of intent. Victorian country football would benefit enormously from being the direct beneficiary of a stipulated amount of money that is devoted to its resources on an annualised basis.

Players from country Victoria form the backbone of the AFL competition and something like 25 per cent of the

recruits in the last season came from country Victoria. The bill presents an opportunity to support the country Victorian leagues through a revenue stream the government did not previously have. It will receive a handsome return and the involvement of the AFL would be welcome. I call upon the government to honour its commitment to country Victorians by enabling country football in particular to share in the funding arrangements available through the operation of the legislation.

Time is short and other honourable members wish to speak, but the very discussion of AFL football reminds me of the unfortunate defeat of the mighty Demons this year. Onward and upward the mighty Ds!

Mr LENDERS (Dandenong North) — I am delighted to join the debate on the Public Lotteries Bill, which deals with the national competition review and Victoria's response to it on the issue of gaming and the footy tipping competition. I will comment on the footy tipping competition in response to the honourable member for Hawthorn and the Leader of the Opposition primarily because the competition was a specific policy announcement by the Labor Party in the lead-up to the last election. Its policy outlined the setting-up of the competition and what would happen with the proceeds. It was part of Labor's commitment to funding health and sport at the community grassroots level.

It is important not to forget that this is what the footy tipping competition is primarily about. It is not a new form of gaming or lottery. Footy tipping has been in Victoria since the first European settlement and probably before then as well. It is a very Victorian piece of legislation.

How does this fit in with the national competition policy? As honourable members would be aware, the legislation outlines Victoria's response to the national competition review, which it is required to give by the end of the calendar year. The government is doing it in the way that best advantages Victoria in its new environment.

The overwhelming percentage of the national lotteries market is in Victoria and New South Wales. The bill provides for Victoria to meet its requirements under the national competition policy, extends its existing licence for a period, and positions Victoria to take over the market with a good product that can compete with other states when the New South Wales agreement comes to an end. We are able to regulate the introduction of other products into the state in the best public interest.

This is a critical and important issue and the government and the Minister for Gaming with a lot of foresight have planned these things to come into place sequentially, and to Victoria's best advantage, with all the probity checks in place. The extension of the three-year period of the existing licence honours commitments under the existing licensing agreement, taking into account what is best for Victoria's revenue. It is all part and parcel of what is going on.

As well as regulating, the legislation changes the position from one where a single entity — in this case, Tattersalls — has its own act to one where a more general act applies, so that when such a situation comes up again there will be no assumption as to who will get what. As every honourable member should, I put on the record that I am not a beneficiary of the George Adams estate, although I wish I were. When discussing public policy it is a good thing for members to disclose their interests.

Other clauses in the bill attempt to regulate the use of credit. While credit cards are not included, credit provided by individual lottery people is. We are also saying that anyone under 18 years of age cannot use any of these lottery products. They are all important provisions. The bill brings Victoria into line with national competition policy through an orderly and staged process. It means that all the necessary public interest and probity checks can be put in place by the minister and the authorities, which is important. The process is being staged in a way that advantages Victoria and does not disadvantage any of the existing arrangements.

The bill also puts in place the footy tipping competition, which, I repeat, is important to the Labor Party. The government listened to the opposition and to members of the public who said they wanted Labor to bring in initiatives in health and sport while wanting to know how the government would pay for them. Our clear policy position is to introduce the initiatives in such a way as to ensure that the funding source is clear and transparent.

The legislation means that money will be available for grassroots community sporting activities, which in my electorate will include basketball and swimming. They are discretionary activities, but health and sport are important to me as a parent who has coached a junior basketball team and to my electorate. It will be good to see Labor working in the regions and away from the centre of Melbourne, bringing sporting facilities to the grassroots.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER (Mr Lupton) — Order! Pursuant to the sessional orders, the time for the completion of the government business program has arrived.

The question is:

> That this bill be now read a second time, government amendments 1 to 4 be agreed to, the bill be read a third time, and the bill be transmitted to the Legislative Council and their concurrence desired therein.

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 1, after line 6 insert —

   "( ) to generate additional funds for grass roots sports, health, women's sports and sports medicine through the licensing of AFL footy tipping competitions; and".

2. Clause 18, lines 18 to 20, omit paragraph (b).

3. Clause 18, lines 28 and 29, omit paragraph (f).

4. Clause 57, page 38, after line 8 insert —

   "( ) It is the intention of the Parliament that amounts paid into the Consolidated Fund in respect of AFL footy tipping competitions be applied for the purposes of grass roots sport and for any one or more of the following purposes: health, women's sports and sports medicine.".

Remaining stages

Passed remaining stages.

LAND (ST KILDA SEA BATHS) BILL

Second reading

Debate resumed from 3 October; motion of Ms GARBUTT (Minister for Environment and Conservation).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CORRECTIONAL SERVICES COMMISSIONER

Metropolitan Women's Correctional Centre

Mr HAERMEYER (Minister for Police and Emergency Services) presented report on compliance with contractual obligations and prison services agreement.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

> Victorian Civil and Administrative Tribunal — Report for the year 1999–2000.

LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL

Second reading

Mr CAMERON (Minister for Local Government) — I move:

> That this bill be now read a second time.

This bill is very important for local government in Victoria. It continues the local government reforms already introduced by the Bracks government with Best Value Victoria.

Melton shire

Local government should ordinarily be made up of local elected councillors. The time has well past for

commissioners in Melton, and this bill returns Melton to normal.

We have a system of local government in Victoria, consisting of democratically elected councils. However, the Kennett government ignored this fundamental tenet of our constitution by retaining commissioners in Melton long after the restructure of Melton had been completed.

This bill gives back to the people of Melton the basic right that all other Victorians enjoy. This government does not intend to deny the voters their democratic rights any longer. The bill returns democracy to the residents of Melton.

This bill provides for the holding of a general election of councillors for the Melton shire on 13 October 2001. The commissioners will go out of office at the first meeting of the newly elected council. The commissioners' early removal from office reflects the necessity of returning democracy to all Victorians and is to occur with the agreement of the commissioners who accept the need to restore democracy at Melton at the earliest possible time. The government takes this opportunity to acknowledge the work of the commissioners for the service they have given since taking up office.

Following the election on 13 October 2001, subsequent elections will occur triennially, in line with other council elections (i.e., this term is two and a half years).

Miscellaneous amendments

The proposed bill also makes minor housekeeping amendments to the Local Government Act 1989.

I now turn to the provisions of the bill.

Clause 1 outlines the purpose of the bill — that is, to amend the Local Government Act to provide for the holding of a general election of councillors for the Melton Shire Council.

Clause 2 identifies the dates on which various sections of the bill will commence.

Clause 3 substitutes a new division 3 for divisions 3, 4 and 5 of part 12 of the Local Government Act.

Section 248 provides for the holding of a general election of councillors for the Melton shire on 13 October 2001. It provides that the council is deemed to have decided to hold triennial elections and to have complied with the act's requirements as to notice. The costs of the election are to be borne by the council.

Section 249 provides that the chief executive officer must call a meeting of the council within 14 days of the declaration of the election result.

Section 250 provides that the commissioners go out of office at the start of that meeting.

Section 251 provides that subsequent elections must be held in March in every third year. The next election will be held in March 2004.

Clause 4 amends the Local Government Act to enable the holding of the election on 13 October 2001.

Clause 5 repeals the provisions of the act pertaining to the first poll of voters and the continuing appointment of commissioners.

Clause 6 provides that, upon the first council meeting after the election on 13 October 2001, the order in council that appointed the Commissioners is revoked.

Clause 7 provides for the repeal of the Local Government (Governance and Melton) Act 1998 which is a spent act.

I commend the bill to the house.

Debate adjourned on motion of Ms BURKE (Prahran).

Debate adjourned until Thursday, 19 October.

TRANSPORT ACCIDENT (AMENDMENT) BILL

Second reading

Mr CAMERON (Minister for Workcover) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend aspects of the Transport Accident Act that:

are out of step with the TAC's current policies or community expectations;

contain anomalies that need to be rectified; or

require changes to realign the operation of the act with its original intentions.

This bill follows a comprehensive review of the act undertaken by the TAC. It will ensure that the provisions of the act remain consistent with the continued success of the transport accident scheme.

The bill contains a number of measures that will provide additional benefits to TAC claimants:

> TAC claimants who receive loss of earning capacity benefits will not have the purchasing power of their benefits eroded by the introduction of the GST. The government will alleviate the effects of GST on TAC claimants who are entitled to long-term income support by increasing the benefits payable by 4 per cent, backdated to 1 July this year. This increase is consistent with those provided to pensioners and other commonwealth social welfare recipients.
>
> The bill provides for the payment of a lump sum benefit to a surviving spouse following the death of a spouse who was responsible for the care of children. This will ensure that the same compensation will be payable — —

Honourable members interjecting.

Mr CAMERON — It is pleasing to see the support of the opposition for the measures the government has developed over the course of the year. It is lovely to see. As I was saying:

> This will ensure that the same compensation will be payable for the loss of a father or a mother regardless of their earnings. The loss of a partner is difficult enough to bear without the addition of financial strain in adequately caring for the children alone, and the government is concerned to ensure that the act no longer discriminates against full-time homemakers.
>
> The bill also extends access to TAC benefits to a cyclist who is injured in a collision with a parked vehicle while riding to or from work. Honourable members will be aware that a cyclist, such as a bicycle courier, who collides with a parked motor vehicle during the course of his or her work is eligible for Workcover benefits. However, as their respective acts currently stand, neither Workcover nor the TAC provide access to benefits for cyclists injured in a collision with a parked vehicle while on their way to or from work. That anomaly is now corrected.
>
> The bill provides additional access to counselling by a claimant's family. In 1994 counselling for family members was introduced in the event of a death in a transport accident. This is now extended to the family of a severely injured claimant to help them to cope at a very difficult time.

Honourable members interjecting.

Mr CAMERON — This is the bill in which the honourable member for Prahran totally endorses what the government intends to do! The next measure is:

> Provision is made for the first time for the reimbursement of expenses totalling up to $5000 incurred by a spouse and dependent children of a claimant in visiting their partner or parent who is a hospital patient more than 100 kilometres from their home. This benefit will be particularly helpful to the families of rural and regional claimants whose extensive injuries require specialist hospitalisation in Melbourne.

The act currently contains an anomaly that results in a claimant injured in more than one accident receiving a different level of impairment benefit depending on the order in which the accidents occur — for example, a claimant who has an accident resulting in 5 per cent impairment followed by an accident resulting in 15 per cent impairment will receive more than $11 000. If the person was impaired in similar accidents in the reverse order, he or she would receive less than $4000. The bill corrects this anomalous position.

Seriously injured TAC claimants and their families have often expressed confusion about the provisions of the act relating to home and vehicle modifications. Coverage of the costs of home and vehicle modifications is currently included in two separate areas of the act: firstly, as part of the definition of a rehabilitation service, and secondly, as part of the specific provisions of section 60. The TAC has received legal advice that section 60 only covers the modification of an existing home or vehicle of a claimant, which in many cases does not meet the needs of claimants.

The bill therefore includes a significantly expanded provision specifically covering the TAC's obligations to provide appropriate modifications of a home or vehicle. This provides for the first time that the TAC will contribute to the purchase of a vehicle where the claimant's current vehicle cannot readily be modified, and will assist a claimant to obtain modifiable accommodation where his or her current residence is unsuitable.

The bill also clarifies current requirements for modifications with a value in excess of $5000 to be subject to an agreement between the claimant and the TAC covering issues such as ownership, maintenance, insurance and subsequent modifications.

The bill requires the TAC to preserve the entitlement to loss of earning capacity benefits of a claimant who

participates in a return-to-work program but is unsuccessful in achieving a lasting return to employment. This will overcome a disincentive for seriously injured claimants to attempt a return to work that may exist under the current provisions of the act.

Two important amendments are included in the bill for the benefit of minors. First, the act will allow a minor who did not have a claim for compensation lodged on his or her behalf at the time of the accident an opportunity to lodge a claim in their own right upon reaching 18.

Secondly, the act changes the calculation of the entitlement of a minor to loss of earning capacity benefits by using a figure of 80 per cent of average weekly earnings instead of 60 per cent. This will increase the amount of this benefit payable for a minor after they turn 18.

I will now turn to some of the provisions of the bill that are designed to improve the efficiency of the scheme and maintain its viability.

The package also contains a number of measures that are designed to improve the speed and accuracy of the TAC's decision making and to minimise the need for formal appeal processes. These measures include:

reducing the time in which the TAC must accept or reject a claim for compensation from 28 to 21 days, and

removing the requirement for a claim for compensation to be accompanied by a statutory declaration. This will enable claims to be lodged electronically rather than by completing and forwarding a written form to the commission.

The bill contains some amendments that are designed to improve dispute resolution and ensure that, as much as possible, disputes can be resolved without the need for formal review by the Victorian Civil and Administrative Tribunal.

The act currently requires the TAC to conduct an informal review of a decision within 28 days after an application for review by VCAT is lodged. It can be difficult for a claimant or their representative to provide TAC with appropriate evidence within 28 days so that the commission can review its decision effectively. This results in the TAC being obliged routinely to sustain its original decision, shifting the onus for the disclosure of information associated with a review to VCAT and so increasing costs and prolonging disputes.

The bill enables TAC to use a more extensive process to conduct an informal review of decisions by allowing a longer period for the claimant to provide information. It also provides for a conference to try to resolve disputes before drawing on the resources of VCAT. If a dispute cannot be resolved informally, claimants can still proceed with a claim before VCAT.

The bill also contains measures designed to improve the determination of entitlements to impairment benefits under the act. The determination of impairment is required to take place after 18 months or upon stabilisation of the injuries, whichever occurs later. Impairment decisions represent nearly two-thirds of disputed TAC decisions, and on average take more than two years to conclude. Delays occur through extended disputation and through applications for impairment assessments being received much later after an accident than the time allowed by law for assessment.

Impairment disputes are increasingly expensive to resolve, and tend to rely on obtaining excessive numbers of medico-legal reports, with the claimant submitting to multiple examinations to determine their degree of impairment. The increasing cost of these procedures and the delays in delivering impairment benefits reduce the value of the benefit to the claimant and can hamper a claimant's recovery effort.

The number of medico-legal reports obtained in connection with impairment disputes has been growing steadily over the last three years, notwithstanding a reduction in appeals over the same period by more than half, from 1425 in 1996–97 to 696 in 1999–2000. By contrast, the number of reports obtained to determine impairment has grown from around 9400 in 1996 to 13 350 in 1999–2000.

The effect of this growth has been to drive up the cost of delivering impairment benefits to a point where it now costs more than half the total benefit — $11 million out of $20.5 million — to deliver impairment benefits to claimants. The measures contained in the bill that are designed to improve the impairment process are:

imposing a restriction on the funding of medico-legal reports, unless the reports are authorised to be obtained by the TAC. This replicates provisions in the Accident Compensation Act 1985 to ensure that the number of reports is limited to no more than a second opinion from a relevant specialist and reports from treating practitioners.

imposing a six-year time limit after an accident to make an application for an impairment determination from the commission.

making it mandatory for TAC to pay the full amount of the entitlement to impairment benefits to the claimant without a set-off of legal costs.

introducing a broader discretion to determine impairment earlier than 18 months after an accident, provided the claimant's injuries have substantially stabilised. This will enable claims for compensation for seriously injured claimants to be fast-tracked through statutory and common-law processes.

These measures will assist TAC to reduce the time taken to make an impairment decision, reduce the costs of disputes, and deliver benefits more quickly. Together with the improvements to the informal review process they will improve the speed and reduce the cost of disputation surrounding impairment reviews.

The amendments also make it clear that provisions of VCAT legislation that relate to the making of offers of compromise apply to reviews under the Transport Accident Act.

This will mean that if TAC makes an offer of compromise in relation to a review of impairment, then the applicant for the review will have to exceed the offer made or be required to meet the costs incurred by TAC after making the offer.

The VCAT legislation sought to apply these provisions when it was enacted, but it was not clear that the provisions applied in all cases as they were inconsistent with the provisions of section 79 of the Transport Accident Act, which enable VCAT to award costs at its absolute discretion. This provision will be subject to the VCAT act, in line with the original intention.

The bill contains other measures to address anomalies, and restore the original intent of the legislation. Most notable among these provisions are:

ensuring that a plaintiff's right to common-law damages is not affected if the defendant dies before the plaintiff is granted a serious injury certificate. This overcomes an observation made by the Court of Appeal in its decision in *Swanell v. Farmer*.

amending the definition of serious injury to clarify that the reference in paragraph (a) to physical injuries is confined to consideration of those injuries and not the impact of the injury on the claimant. Psychological effects and physical injuries are to be considered separately under paragraph (c), which deals explicitly with long-term mental and behavioural disturbances. This will reflect the existing understanding of the treatment of functional overlay in the determination of serious injury, as outlined in the recent decision of Wylie and Richards. This does not change the basis of the definition in the act, which remains founded upon the longstanding interpretation of the term set out in the decision Humphries and Poljak.

enabling blood alcohol and breathalyser readings lawfully taken after an accident to be used in common-law proceedings under the act. This will enable the court to be made aware of any such readings, but will retain the court's discretion in relation to the weight given to evidence of alcohol consumption.

clarifying the intent of the legislation that common-law actions in relation to motor sport accidents are not indemnified under the act.

The bill also revokes the order in council gazetted on 6 May 1993 that established the TAC as a 'reorganising body' under the State Owned Enterprises Act. This was apparently done in preparation for possible significant change to the structure of the commission in conjunction with the previous government's consideration of options for the privatisation of TAC.

In the event, the structure of the TAC was not changed. However, under the SOE act, the Treasurer is able to determine dividend payments and capital repayments to be made to the state by a reorganising body, after consultation with the body and the relevant minister. It is considered that the dividend-setting and capital-repayment arrangements under the SOE act are formulated more clearly than those under the Transport Accident Act.

Ending the status of the TAC as a reorganising body under the SOE act could on one interpretation preclude the payment of dividends and repayment of capital by the TAC. The bill therefore inserts into the Transport Accident Act 1986 specific powers to enable these payments to continue. This does not involve any change to the current dividend determination policy and administrative processes.

In conclusion to these amendments to the Transport Accident Act I make the following statements in respect of section 85 of the Constitution Act 1975 concerning the reasons why clauses 31 and 32 of the bill, which respectively alter or amend section 93 of the Transport Accident Act 1986 and insert new

sections 93A, 93B, 93C and 93D into that act, alter or vary section 85 of the Constitution Act 1975.

Clause 31 of the bill inserts new subsections in section 93 of the act to impose limited conditions on the determination of serious injury by a court, including the Supreme Court. These new subsections require that a determination of serious injury must be made on the balance of probabilities, and that the monetary thresholds and statutory maximum amounts of damages must be disregarded when making a serious injury determination.

These conditions, which have the effect of limiting the jurisdiction of the Supreme Court, are necessary to clarify the standard of proof required and the issues to be considered by the court in determining serious injury. The amendments are consistent with the requirements made of the court in respect of Workcover cases. The government believes that a consistent approach to these issues is highly desirable.

Clause 32 of the bill inserts new sections in the act that mirror provisions in the legislation covering the Workcover scheme in relation to appeals concerning serious injury.

New section 93A has the effect of permitting an appeal as of right to the Court of Appeal from a decision granting or refusing leave made on an application under section 93 of the act. Without this amendment, an appeal to the Court of Appeal from such a decision could only be made by leave of the Court of Appeal.

New section 93B requires that, on the hearing of an appeal from a decision on an application under section 93, the Court of Appeal shall decide for itself whether the injury is a serious injury on the evidence and other material before the judge who heard the application and on any other evidence which the Court of Appeal may receive under any other act or rules of court.

New section 93C requires that the reasons given by the court — which could be the Supreme Court — in deciding an application under section 93 shall not be summary reasons but shall be detailed reasons which are as extensive and complete as the court would give on the trial of an action.

The bill also contains some amendments to other acts relating to dangerous goods and to Workcover.

The first of these is a technical amendment to the Dangerous Goods Act 1985. The definition of ‘dangerous goods’ in section 3(1) of that act relies largely on the contents of a document described in the act as the transport code. The transport code has now been superseded by the Australian code for the transport of dangerous goods by road and rail, known as the ADG code.

The ADG code is the successor to the transport code, but it has been updated and was created in a different administrative environment by different bodies from those specifically referred to in the Dangerous Goods Act 1985. There does not appear to be any explicit provision, in either the Dangerous Goods Act or the ADG code, for succession from the old transport code.

To put the application of the ADG code beyond doubt, the bill removes the definition of ‘transport code’ from the Dangerous Goods Act and replaces it with a definition of the ADG code. The bill also implements other consequential amendments flowing from the adoption of the new definition.

The bill also amends the Accident Compensation Act 1985 to extend the time limit within which the Victorian Workcover Authority must determine the eligibility of certain applications for access to common law under the serious injury criteria. These applications relate to injuries occurring before 12 November 1997 — that is, so-called old common-law actions. They have nothing whatever to do with new common-law actions that utilise the access to common law reinstated by the Bracks government earlier this year.

The Accident Compensation Act set a cut-off date of 31 August 2000 for these old common-law applications to be lodged. In the six months or so leading up to that cut-off date, applications were being received at the rate of 50 or so a week. While the authority expected an increase in the rate of applications being lodged as the cut-off date drew near, possibly to the rate of 100 or so a week, there was no general indication that application lodgements would go far beyond that level.

In the event, over 2000 new applications were lodged during the last few weeks of August. The increase was not predictable given the information available to Workcover and its actuaries. This influx of pre-1997 claims applications will impose severe strains on the ability of Workcover, legal firms, medical practitioners and employers to complete all inquiries and assessments within the 120-day time period required by the act. This strain is compounded by the fact that for these additional 2000 applications, the final two weeks of that 120-day period will cover the Christmas holidays, when many employers, solicitors and medical practitioners are unavailable.

The act makes no provision for extension of the time period within which the Victorian Workcover Authority must make determinations of eligibility. The authority and the government have rigorously examined the possibility of administrative actions that would enable proper determinations to be made in respect of all these applications. It is clear that, given the demands on administrative, medical, legal and employer resources, there is no possibility of completing the process to the required standards within the time available.

The bill therefore provides for the time period for determinations in respect of applications received after 10 August and before 1 September 2000 to be extended from 120 days to 210 days. This additional time will ensure that every application is properly scrutinised so that the interests of potential claimants, employers and of the state are fully protected.

This amendment has been included in this bill as it is the only available vehicle for passage of the amendment within the necessary time.

All honourable members have an interest in supporting the financial viability and fairness of the Workcover scheme. This minor amendment will ensure that legitimate claims get the attention and support they deserve, while expedient claims are rejected.

I also make the following statement under section 85 of the Constitution Act 1975 concerning the reasons why section 19 of the Accident Compensation (Common Law and Benefits) Act 2000, as amended by this bill, alters or varies section 85 of the Constitution Act 1975.

Section 19 of the Accident Compensation (Common Law and Benefits) Act 2000 was enacted earlier this year but has yet to come into effect. It inserts a new section 134AG into the Accident Compensation Act 1985 that, as originally enacted, empowers the Governor in Council to issue orders in council, known as legal costs orders, specifying the legal costs that may be recovered by a legal practitioner acting on behalf of a worker in respect of any claim, application or proceedings under new section 134AB and prescribing or specifying any matter or thing required to give effect to the legal costs order.

Clause 43 of this bill amends section 19 of the Accident Compensation (Common Law and Benefits) Act 2000 by extending it to cover claims, applications or proceedings under section 135, 135A or 135B of the Accident Compensation Act 1985. The government believes that it is highly desirable that there is a consistent approach to the recovery of legal costs by practitioners across all common-law claims, applications and proceedings, regardless of the particular sections of the Accident Compensation Act under which those proceedings have been brought.

New section 134AG and any legal costs order made under that section will have full force and effect notwithstanding anything to the contrary in the Legal Practice Act 1996, the Supreme Court Act 1986 or the County Court Act 1958 or in any regulation, rules, order or other document made under any of those acts.

The reason for this limitation of the jurisdiction of the Supreme Court is that the government wishes to make provision for a more direct mechanism for regulating legal costs recoverable by a practitioner acting on behalf of workers in relation to the operation of the common-law provisions of the Accident Compensation Act.

With the support and assistance of the authority's board of management, the government has put in place programs to control the administrative costs of the Workcover scheme and to control, and hopefully reduce, the total costs of benefits payments by reducing the numbers and severity of workplace injuries. Control of legal costs within the Workcover scheme is another essential component of the government's overall program to minimise costs. Controlling all of Workcover's costs is the key to Victoria having a fully funded scheme that combines adequate compensation to injured workers with low employer premiums.

The core of this bill covering transport accident insurance represents a well-balanced and comprehensive range of measures that will improve the benefits available to Victorians injured in transport accidents and improve the efficiency of delivery of benefits to claimants. The bill represents further forward steps in the transport accident scheme to ensure that Victorians continue to receive increasing value from the most comprehensive transport accident insurance scheme in Australia.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 19 October.

HERITAGE (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Planning) — I move:

That this bill be now read a second time.

This bill makes a number of changes to enhance the clarity, efficiency and transparency of the administrative and decision processes in the Heritage Act 1995 which have come to notice since its enactment and to address national competition policy recommendations.

When the Heritage Act was introduced in 1995 it was designed to consolidate Victorian heritage protection provisions in a single act, and to make heritage protection processes clearer, simpler and more accessible.

In 1997 the Heritage Act was amended to correct a number of technical matters. At that time the successes of the act in providing greater clarity and streamlining of the processes, getting better participation by owners, and providing more efficient and satisfactory results for all parties were recognised. In addition, it was noted that the new provisions of the act had generated wide community interest and support.

National competition policy

During 1999–2000 an independent national competition policy review of the Heritage Act was finalised. The review concluded that the Heritage Act confers net benefits on the community and confirmed the soundness of the structure underpinning the current heritage legislation.

The review report proposed measures that could further enhance the clarity, transparency and efficiency of some of the processes established in the Heritage Act.

This bill represents the ongoing commitment to making improvements in the Heritage Act that will contribute to its effectiveness.

State heritage strategy

The Heritage Act is an important tool in the protection of Victoria's heritage, but heritage conservation and management is about much more than legislation. Earlier this year the state heritage strategy was launched. The strategy sets directions for heritage programs over the next five years. It establishes a vision for heritage that goes beyond the activities of the state Heritage Council and addresses heritage issues at a local and community level. Significantly, the strategy arises from and represents partnerships across government, business, and community sectors.

The success of the strategy will, in turn, rely on clear and effective legislation.

The bill makes a number of changes to further improve the clarity and transparency of the decision making of the executive director and the Heritage Council. Sections 32 and 42 are redrafted to more clearly state the decisions that are available to the executive director and the Heritage Council in the registration process. Sections 34 and 35 are amended to require notification and publication of all registration decisions made by the executive director. A new section is added that provides for the information that should be included in an advice under section 34. Section 73 is amended to provide for the executive director to consider the impact of permit proposals on the heritage significance of neighbouring properties.

The bill makes a number of minor adjustments: to align the timing of an owner's reporting requirements with the Heritage Council decision process (section 36) and to include the sale of part of a place or object (section 52); to provide a prescribed form for notices claiming liturgical exemption (section 65); and to allow further delegation by a responsible authority, subject to prior written consent (section 84).

The bill specifies the power of the executive director to issue permits for the use of historic shipwreck relics (section 118A) and for archaeological relics (section 126A).

The bill makes a number of amendments to the powers and obligations of inspectors. Section 151 is amended to give an inspector the power to require a person holding a permit or consent to produce that permit or consent. New sections are added specifying the conditions and requirements that must be met for an inspector to enter a registered place that is a residence. A new confidentiality section is added specifying the limits and requirements on the use of information gained by inspectors in the exercise of their powers under the act.

The bill also provides for a number of administrative matters.

Demolition by neglect

Demolition by neglect is a practice whereby a property is allowed to deteriorate to the point that it has to be demolished. The Heritage Act 1995 has adequate provisions to deal with this problem for buildings that are on the state heritage register. However, these provisions do not extend to buildings listed or classified at the local level.

A number of municipalities and individuals have expressed concerns about this gap in the legislative regime. Whilst the government is committed to finding

an appropriate response to these concerns and will monitor the situation in the interim, more consultation with local government and the community is required before a response can be finalised.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 19 October.

DUTIES BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill is a major step in implementing the government's program of reforming state taxes and builds on work commenced under the previous government. The primary purpose of the Duties Bill is to replace the current Stamps Act 1958 with simple, clear and equitable legislation drafted in contemporary language and modern style. The proposed changes will enhance the prospect of uniformity across jurisdictions, with particular emphasis given to removing double duty on cross-border transactions. The Duties Bill is the product of collaborations by the Victorian State Revenue Office with the revenue offices in New South Wales, South Australia, Tasmania and the Australian Capital Territory as part of an interjurisdictional stamps rewrite project. Other jurisdictions have been consulted on specific provisions where Australia-wide consistency is an important outcome. Duties acts have been passed by both the New South Wales and ACT parliaments, and one of the great strengths of the Duties Bill is that it is broadly based on a uniform model. That uniformity is reflected in the bill's arrangement, its underlying conceptual basis and, insofar as common taxing policies between the jurisdictions exist, in the detail of the provisions.

The proposed Duties Act is also the outcome of extensive consultations with taxpayers and their advisers over the course of its development. Comments received have been overwhelmingly supportive of the rewrite of the stamps legislation and many specific comments have been incorporated into the Duties Bill where desirable. Indeed, over the past several years amendments have been made to the Stamps Act which have implemented a number of the reforms flowing from the rewrite project. These were supported by this government during its period in opposition.

The introduction of this bill is a key part of the government's commitment to ensuring that the taxation framework in this state is fair and equitable and minimises the burden on business, not least in terms of compliance costs. The government's review of state taxes is charged with the task of making recommendations which would see a reduction in the taxation burden on business in Victoria. Bringing this rewrite project to fruition also reflects the government's commitment to ensuring that Victoria has a never-before-seen level of clarity and uniformity in state taxation legislation. The proposed Duties Act will take effect from 1 July 2001. Any changes which will be required as a result of the review of state business taxes will be introduced at a later time. In the interim, it is important that the government take all necessary steps to ensure that the current legislation is clear and reflects best practice. That is the purpose of this bill.

Some of the new features of the Duties Bill in contrast to the current law may be outlined as follows. The Duties Bill replaces all existing stamp duties with the following duties: transfer duty, including the anti-avoidance provisions known as the land-rich provisions; lease duty; hire of goods duty; mortgage duty; insurance duty on general and life policies; motor vehicle registration and transfer duty; and a limited number of general duties. In contrast to the Stamps Act which it replaces, the Duties Bill is structured in such a manner that each duty head is contained in a separate chapter. Similarly, unlike the Stamps Act, exemptions from duty are contained in the individual chapters making up the bill, rather than being obscurely hidden in a schedule to the act. The terms used throughout the proposed act are also to be found in one place and are used consistently across the whole statute.

Under the Duties Bill liability for duty on dutiable transactions arises differently from the current Stamps Act. Under the Stamps Act, in all but a small number of areas, duty is document based and liability to duty arises when documents are executed. While there has been a progressive movement over time to insert transaction-based provisions in the Stamps Act, they sat somewhat awkwardly in a statute which was based on the physical stamping of paper instruments. Under the proposed duties act, it is a transaction rather than a paper document that is liable for duty and the key date is the date that the transaction occurred. Duty is therefore not so dependent on the execution of a document, helping to overcome a significant means of avoiding or deferring the payment of duty in the past. The transaction-based conceptual underpinning of the Duties Bill is also more consistent with modern business practices. The general approach of the Duties Bill, however, is to reflect the policy underlying the

Stamps Act, rather than to introduce significant changes to the taxation base or to rates of duty. One change is that bonds, covenants and debentures have been removed from the mortgage duty tax base, thus abolishing a number of the nuisance taxes of little value to the revenue but administratively cumbersome and an impost on business.

The transfer chapter continues to impose duty on dutiable transactions such as agreements, transfers and declarations of trust. However, in line with the interests of clarity and certainty, a list of dutiable transactions is provided in the Duties Bill. The chapter also specifies those surrenders of an interest in land that would not attract duty — namely, a discharge of mortgage, a surrender of lease and a redemption of units. The party liable for duty and the taxing point in relation to a dutiable surrender of interest is also clarified.

With respect to the so-called land-rich provisions contained in chapter 3, there are a number of minor departures from the current provisions. Honourable members will recall that the land-rich provisions are designed to ensure that conveyance duty is not avoided by means of the creation of a land-rich corporate entity, the transfer of shares in which effects the same outcome as a transfer of land but in respect of which duty at the lesser marketable securities rate has been chargeable. The land-rich provisions have been strengthened progressively in the light of compliance activity. The current proposed changes are designed to further strengthen the anti-avoidance capacity of the provisions to militate against their unfair or unreasonable application, and also to bring them into line with those operating in New South Wales.

Turning to other provisions in the Duties Bill, in line with commitments made by the previous government under the *Intergovernmental Agreement on the Reform of Commonwealth–State Financial Relations*, duty on the transfer of listed marketable securities has been abolished and therefore this duty does not carry forward into the Duties Bill.

The Duties Bill also reflects the outcome of a cooperative effort between the states to simplify the mortgage provisions and substantially reduce compliance costs for taxpayers through uniform application of provisions. This major review of the mortgage provisions has been developed in close consultation with peak industry bodies. The model provisions developed by the states have received significant support from major financial and legal firms on the basis that they promote simplicity, equity and reduce compliance costs for industry and consequently for the community at large. It is anticipated that these model provisions are to be enacted by all taxing jurisdictions.

Mention has already been made of the removal of bonds, covenants and debentures from the tax base. Mortgage duty will now be imposed on advances made through the provision of funds by means of a bill facility arrangement to align the Victorian provisions with those in other jurisdictions. The Duties Bill also represents a significant advance in uniformity across the states for mortgages of assets located in more than one jurisdiction. The mortgage provisions effectively apportion duty between the Australian states and also prevent deliberate avoidance and remove the possibility of double duty resulting from different approaches. The provisions also remove the necessity of transporting mortgage documents between states for stamping and include a range of reforms which further reduce taxpayer costs. These measures together with streamlined administrative provisions ensure significant uniformity of treatment with other jurisdictions.

With regard to lease duty, a single rate of 0.6 per cent will apply, replacing the more complex arrangement whereby one rate is charged on the rental component of a lease and a different and higher amount charged on additional costs such as premium or royalties. This will represent a saving to taxpayers and will promote greater administrative efficiency.

The Duties Bill also simplifies the duty imposed on the hire of goods and provides a clear nexus for duty in order to reduce exposure to double taxation. Duty will only be paid in Victoria if the goods the subject of a hire are used solely or predominantly in Victoria. Goods which are provided incidentally to a service will be exempt from duty, and the duty ceiling for special rental agreements will be raised from $4000 — an amount that has not changed since 1981 — to $10 000. These provisions will bring Victoria into line with New South Wales.

The Duties Bill also provides a greater degree of clarity to life and general insurances. The existing Victorian life insurance provisions are more explicitly identified in the Duties Bill, and the general insurance provisions have been recast in the interests of uniformity. To avoid any exposure to double duty, premium can be apportioned between jurisdictions for duty purposes where the risk is located in more than one place or between different types of insurance.

As mentioned at the outset, this bill represents a very significant step towards the reform of state taxes. It gives Victoria modern duties legislation and creates a high degree of uniformity with other states and

territories. The Duties Bill will operate in conjunction with the Taxation Administration Act 1997. This will ensure that matters of general administration, such as penalties for non-compliance and rights of review and appeal, are common to other tax lines governed by that act. The Duties Bill is also an outcome of a very successful process of consultation with practitioners and with industry. The clarity it provides will bring greater certainty and it will reduce the compliance costs to business and the broader community. The proposed act will also be easier to administer. The Duties Bill has been a long time in preparation, and as pointed out earlier, it has been drafted in light of extensive consultation not only with affected parties but also with other jurisdictions — and in particular, with New South Wales, whose Duties Act 1997 has been the national template.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 19 October.

CRIMES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Crimes (Amendment) Bill 2000 has three objectives. First, it increases the penalty for the offence of possession of child pornography. Second, it creates an offence of sexual penetration of a child under 16. Third, it extends the definition of rape to include where a male is compelled to sexually penetrate another person with his penis.

Increasing the penalty for the offence of possession of child pornography

In recent years there has been a dramatic change in the complexion of child pornography offences. Computers enable the storage of large quantities of images. The Internet has increased access to and distribution of pornographic images, resulting in a proliferation of child pornography.

It is now possible to possess thousands of images of child pornography by storing them in a personal computer. People who previously may not have physically sought access to child pornography (although the proclivity was there), can now have anonymous access to it without having to leave their home.

The government is committed to the protection of children. The penalty for the possession of child pornography will be increased from two years imprisonment to five years imprisonment.

This increased penalty will send a clear message to those who prey on children that the government and the community will not tolerate this behaviour.

Creating one offence of sexual penetration of a child under 16

A legal loophole currently exists which can result in a person escaping conviction for the offence of sexual penetration of a child where there is uncertainty about whether the offence was committed before or after the child turned 10.

There are currently two separate offences for sexual penetration of a child — one applies where the child is under 10 and the other where the child is aged between 10 and 16. Sometimes a child cannot recall whether the offence occurred before or after they turned 10. This is particularly the case where they have been subjected to many sexual offences. If it is not known whether the child was under or over 10 years of age at the time of the offence, it will not be possible to prove the offence. This bill overcomes this problem by joining the two offences to create a new single offence of sexual penetration of a child under 16.

The existing penalty structure has been retained. Where the child is aged under 10 at the time of the offence, a maximum penalty of 25 years imprisonment applies. Where the child is aged between 10 and 16 and was under the care, supervision or authority of the offender at the time of the commission of the offence, a maximum penalty of 15 years imprisonment applies. A maximum penalty of 10 years imprisonment applies in any other circumstance.

Where an accused pleads not guilty to the offence, it will continue to be a matter for the jury to determine any issue concerning whether:

the child was under the care, supervision or authority of the accused at the time of the alleged offence; or

the child was less than 10 years of age at the time the offence is alleged to have been committed.

This amendment will close the loophole that enables sexual offenders to escape conviction for these terrible offences committed against children.

Extending of the definition of rape

It is accepted that male rape is under-reported and under-recognised worldwide. It is also acknowledged that, for a variety of reasons, it is difficult for victims of rape to report their experiences. The government is concerned to protect all victims of crime and encourages all victims of rape to come forward and seek assistance from the criminal justice system.

Whilst the traditional understanding of male rape (that is, being sexually penetrated by another person) is already provided for in the offence of rape, the extended definition of rape in this bill now provides for the situation where a man is compelled to penetrate another person against his will.

Currently, this behaviour can only be charged as the procuration of sexual penetration by threats or fraud, or indecent assault, each of which carries a maximum penalty of 10 years imprisonment. In line with all other conduct encompassed by the existing crime of rape, the conduct provided for in the extended definition of rape will also carry a maximum penalty of 25 years imprisonment.

The amendment acknowledges the invasive nature of this type of sexual assault and male victims of this type of sexual assault will now be acknowledged as true victims of rape.

This bill is evidence of the commitment of this government to ensure that the criminal law appropriately recognises all victims of crime and punishes those who commit serious offences.

I commend this bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 19 October.

WRONGS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill contains amendments to the Wrongs Act 1958 to redress the impact of the High Court's decision in *Astley v. Austrust*. It is expected that similar amendments will be made to equivalent legislation in each of the other states and territories.

The amendments are directed at part 5 of the act, which deals with apportionment of damages. In general terms, that part requires a court to reduce damages to such an extent as is just and equitable, where a plaintiff has contributed to their own loss. All other things being equal, if a plaintiff is guilty of contributory negligence, the damages they receive should be reduced proportionately. If you contributed 60 per cent to your loss, you should only be able to claim for the remaining 40 per cent.

Prior to the High Court's decision in *Astley v. Austrust*, the authoritative interpretation was that these provisions applied in cases of concurrent liability in tort and contract. The common law recognises that a person may owe a duty of care both in tort and in contract in a range of circumstances — for example, in the relationship between an employer and an employee. Similarly, a professional adviser will usually be found to be concurrently liable for negligence in tort and breach of contract.

In Astley, the High Court held that the equivalent provisions in the South Australian Wrongs Act were not applicable to actions in contract. That decision is now the authoritative interpretation of the Victorian provisions.

The High Court's decision now means that if a plaintiff can frame their claim solely in contract, their own contributory negligence will not be a factor. Although the plaintiff may have been guilty of contributory negligence, they will be entitled to recover 100 per cent of their loss.

That outcome is plainly unfair. Whilst it might be thought that the effect of this decision is limited to litigants, there is a wider negative impact. If higher damages are awarded against individuals, the result is likely to be higher insurance premiums for all.

The High Court acknowledged in its judgment that governments may wish to respond by amending the legislation.

Since the decision, the Standing Committee of Attorneys-General (SCAG) has received representations from a number of bodies calling for amendment. Those representations have come from bodies such as the law institute, the Insurance Council of Australia, the Australian Medical Association and the Law Council of Australia.

The Standing Committee of Attorneys-General resolved to address this issue and instructed the Parliamentary Counsels Committee to come up with model amendments to respond to the High Court's

decision. Each state and territory agreed at the end of July this year to introduce these amendments as soon as possible.

Consultation occurred with both the bar council and the law institute. The drafting of the amendments benefited from their valuable comments and support. This government's commitment to consultation still works, even when an amendment is urgent.

The bill before the house is a short one with only eight clauses. It is solely directed to remedying the impact of the decision in Astley.

Clause 4 of the bill inserts a new definition of 'wrong' to include a breach of contract that is concurrent with a duty of care in tort.

Clause 5 then amends the apportionment provisions to clarify that a court should reduce a plaintiff's damages arising from a wrong, if they are guilty of contributory negligence. This is the fundamental clarification contained in the bill and is intended to place Victorian litigants in the position they were in prior to the High Court's decision.

Clause 6 contains a number of consequential amendments that are required following the changes made in clauses 4 and 5.

I now wish to make a statement under section 85 of the Constitution Act 1975 as to the reasons for altering or varying the operation of that section. Clause 7 of the bill inserts a new section 27 in the principal act, which states that it is the intention of section 26, as amended by this bill, to alter or vary section 85 of the Constitution Act 1975.

Clause 7 of the bill has been included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of changes to the jurisdiction of the Supreme Court effected by section 26 of the Wrongs Act 1958, as amended by clauses 5 and 6 of this bill.

As already outlined, the purpose of these provisions is to ensure fairer outcomes where a plaintiff is guilty of contributory negligence. But for these amendments, the Supreme Court would be obliged to apply the High Court's decision in *Astley v. Austrust* and the common law. Plaintiffs would receive inequitable and unfair awards. With the passage of this bill, the Supreme Court will be required to reduce the damages recoverable — to the extent the court thinks just and equitable — having regard to the plaintiff's share in the responsibility for the damage. It is necessary to limit the jurisdiction of the Supreme Court in this way to ensure the fairer outcome to which I have referred.

Clause 8 is the other important provision in the bill. It sets out how the bill will take effect. The difficult question where a clarifying amendment is made is whether the amendment should have retrospective effect. Importantly, the government sought the views of the legal profession on this issue and they support the form of clause 8.

Clause 8 provides that the clarifying amendments made in clauses 4, 5 and 6 apply to wrongs that occurred prior to the commencement of this bill. However, the new provisions will not apply where a court has given judgment in a matter or where the parties themselves have agreed to settle a matter. This is an appropriate response and will ensure that the effect of the High Court's decision is quarantined as much as possible.

This is a short bill, but a vitally important one. It will return Victoria to a fairer system of apportioning damages where blame is shared. Other states will be making similar amendments and it is vital that Victoria does not fall out of step with the rest of Australia.

This bill continues the government's commitment to restore confidence in the Victorian legal system.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 19 October.

AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Agricultural Industry Development Act 1990 (the act) enables the making of ministerial orders to establish committees to administer compulsory charges collected from producers for research, pest and disease control, market promotion and related activities. The act also provides for negotiating committees to be established to recommend prices to be paid by processors to producers, fix or recommend terms and conditions of payment and resolve disputes between producers and processors.

During 1998, independent consultants appointed by the Victorian and New South Wales governments carried out a national competition policy (NCP) review of the act and five orders made thereunder relating to wine

grapes in the Murray Valley region, fresh tomatoes in northern Victoria, strawberries and emus. The review included two complementary orders relating to wine grapes in New South Wales districts of the Murray Valley and which were made under the Marketing of Primary Products Act of NSW.

Following extensive consultation with industry organisations, both governments have accepted and agreed to implement all recommendations of the review.

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.

The review recommended that the order establishing the Murray Valley Wine Grape Industry Negotiating Committee not be renewed when it expired and that the provisions relating to negotiating committees and pricing arrangements be removed from the Act.

The NCP review found that the four orders which established committees to administer compulsory charges on producers addressed market failure due to under-investment in research and development and promotion activities and did not restrict competition. It concluded that individual growers in the three relevant industries were unlikely to undertake research and development and promotion and that some legislated arrangement for the pooling of contributions was justified to generate a sufficient level of funds for effective research and promotion activities.

The NCP review noted that some committees have substantial unexpended revenue and that there is no formal requirement that the committees justify such retention of funds. The review recommended that the act be amended to require that reasons for the retention of substantial financial reserves be published in a committee's annual report.

The NCP review also concluded that the power of a committee to act as a purchasing agent is not directly related to the purposes of the legislation, is unrelated to market failure and should be repealed.

While not based on the findings of the NCP review, the bill responds to requests from producers in some industries to allow processors who produce agricultural commodities for their own use to have the option of being covered by orders and to provide the option of more equitable approaches to voting under the act.

The current voting system of one vote per producer means that the result can be unduly influenced by a large number of small enterprises that produce a small proportion of the total production. Given that the key objective of a committee is to increase the competitiveness of the industry and that this will largely depend on the performance of medium and large enterprises, it is arguable that these producers should have a greater proportion of voting power.

A voting system in which the number of votes cast by a producer is directly or indirectly related to the amount of charges paid by the producer would be more equitable. However, the bill provides that the basis of voting be decided by producers in the industry concerned and specified in the order.

The government acknowledges and respects the decision of the Victorian and Murray Valley Wine Grape Growers Council to retain the current system of one vote per grower for future votes by wine grape growers in the Murray Valley.

The bill also addresses legal advice to the government that the current powers of committees to impose compulsory charges may be invalid pursuant to section 90 of the commonwealth constitution, which prohibits the use of state laws to impose a duty of excise.

Currently, the scope of services provided by a committee is limited only by the functions specified in the order and funding priorities set out in its broad plan of operation. While any variation to the charge must be approved by a majority vote of producers, there is no obligation on the committee to seek formal producer approval of the details of specific projects to be undertaken and of the project costs to be met by the compulsory charge on all producers.

New accountability measures, including procedures for determining the charge for specific projects and new financial accountability procedures are needed to ensure that charges imposed by a committee relate to specific services approved by producers and do not constitute a tax on production of the commodity and therefore a duty of excise.

I now turn to the main provisions in the bill.

The bill implements the government's response to the NCP review by amending the Agricultural Industry Development Act 1990 to:

repeal all provisions relating to negotiating committees and functions of committees to recommend prices of agricultural commodities to be paid by processors to producers, fix or recommend terms and conditions of payment by processors to producers and settle disputes between processors and producers;

repeal the power for a committee to act as an agent for the purchase of equipment, machinery, planting material, fertiliser or other things used in the production of the relevant commodity;

provide that the reasons for the retention of financial reserves at the end of the financial year which amount to more than 20 per cent of the total charges collected from producers in that year must be published in the annual report of a committee.

The bill amends the definition of 'producer' to allow processors who produce agricultural commodities for their own use to have the option of being covered by the orders.

To enable the industry concerned to decide on the basis of voting under the act, the bill inserts new provisions requiring the criteria for determining the number of votes a producer may cast in voting under the act to be specified in the order, and in the case of a proposed new order, the department head's report. Criteria must be specified for voting:

in polls on whether or not an existing order is continued or a proposed new order is made; and

at general meetings of producers called to consider and vote on whether or not a committee's recommendations on an annual action plan, new projects and the transfer of money between funds are approved.

The bill inserts a number of new provisions in the act to ensure that orders imposing compulsory charges on producers for industry services are constitutionally valid.

The bill provides that a committee which proposes to impose a charge on producers in any year must prepare a recommended annual action plan, including details of each project to be funded by the compulsory charge and the reasons for the retention of financial reserves.

Recommendations on each project, including any new project proposed during the year, must include the project objectives and methodology, project duration, major activities and outputs and a budget specifying the proportion of total project costs to be funded from the compulsory charge.

Provision is made that a committee's recommendations on the annual action plan and any new projects must be provided to all producers at least 14 days before the annual general meeting of producers to consider the recommendations and must be approved by the majority of votes cast by producers present or voting by proxy at the general meeting.

To ensure greater transparency and accountability in a committee's financial transactions, provision is made that a committee must establish a project fund for each approved project and a general fund. Payments into and expenditure from a project fund must relate specifically to the approved project. Money received that does not relate to a project, money remaining in a project fund after the project has been completed and all interest received on money invested must be paid into the general fund.

Provision is made that the transfer of money between funds to cover unexpected expenditure overruns on any projects or to fund any new projects must be approved by the majority of votes cast by producers present or voting by proxy at a general meeting of producers.

Transitional provisions specify that the amended act applies to all existing and new committees and empower the minister, by notice published in the *Government Gazette*, to make consequential amendments to existing orders.

I commend the bill to the house.

Mr McARTHUR (Monbulk) — Before I move for the adjournment I seek the minister's cooperation in gaining briefings for the Liberal Party committee on the issue.

Mr Hamilton — The usual high standards will apply.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 19 October.

MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

Introduction

The house will recall that earlier this year the ministerial statement 'Pillars for balanced growth — minerals and petroleum for the 21st century' was presented. This statement represents the policy framework in which the government will administer the mineral and petroleum industries in Victoria. A key element of that policy statement was that the government would introduce amendments to the Mineral Resources Development Act 1990 to ensure it continues to provide Australia's best and most contemporary legislative framework for the development and regulation of the mineral exploration and mining industry.

The Mineral Resources Development Act 1990, which I will refer to as the MRDA, was last amended in 1993 and it is timely to consider some finetuning to ensure that it remains relevant for all stakeholders. This is particularly necessary as the legislation now applies to the large open cut brown coal mines of the Latrobe Valley (following their privatisation) as well as to the vast mineral sands resources that are being developed in the west of the state.

In particular the legislation must

provide a framework to achieve balanced economic, social and environmental outcomes;

provide appropriate and timely processes relating to mineral exploration and mining.

Considerable discussion has already occurred with key stakeholders and the general consensus is that the act does not require major amendment, although some community groups close to open cut gold mines believe that there should be specific provisions that restrict this form of mining. However, there are several areas that could be improved to achieve more streamlined and appropriate procedures and provide more certainty for the community and for industry.

A public consultation process on the proposed amendments has recently been completed to ensure that all relevant issues have been appropriately addressed. The comments received have been considered in formulating these amendments.

Key minerals industry legislative principles

The fundamental principle underlying legislation for the administration of exploration and mining for minerals in all Australian jurisdictions is that minerals are owned by the Crown. This principle has been critical to the successful development of the mining industry throughout Australia. This principle enables governments to ensure that mineral production can be undertaken on behalf of all the community.

While the MRDA provides the administrative framework within which minerals activities are to be undertaken, the act does not control the processes that lead to a decision to allow mining at a particular location. A particular mining operation can only occur if it has been granted a permit under the Planning and Environment Act 1987 or an environment effects statement has been prepared and assessed under the Environment Effects Act 1978. Either of these approaches provides the opportunity for consultation and involvement of the community before a decision is made to allow a mine to proceed. The proposed amendments to the MRDA do not attempt to alter the approval processes that are appropriately managed under the relevant environmental and planning legislation.

Exploration activities are not subject to the same approval processes as mining as they have limited environmental and social impact and are generally of short duration. Mineral exploration is a high commercial risk activity with a low probability that any particular operation will lead to the discovery of a commercial ore body (generally characterised as one chance in a 1000). Prior to the proclamation of the MRDA exploration licences in Victoria were subject to local government planning approval. This was identified as a major impediment to attracting mineral exploration in Victoria and caused unnecessary concern in communities. Experience with the MRDA processes administering exploration has not identified any major concerns regarding social or environmental impacts and it is not proposed to significantly amend provisions allowing for mineral exploration.

In line with the principles that are being applied to most contemporary legislation the proposed amendments to the MRDA are, where possible, objective based and not prescriptive. The act therefore does not prescribe any specific activity but leaves the detailed requirements for any project to be developed on a case-by-case basis. This allows proposals such as for open cut gold mining to be considered on a case-by-case basis. However, the MRDA does restrict mining activities within 100 metres of any significant place unless the consent of the landowner or approval of the minister is obtained. This is generally known as the 100-metre rule.

The purpose and objectives of the MRDA are clearly set out in the introduction to the act and these are considered to still be appropriate.

Background and general overview

The MRDA was originally proclaimed in 1991 and amendments were introduced in 1993. These further amendments streamlined processes and improved access to land for exploration and mining purposes. Exploration investment has increased by over 300 per cent since 1992. While these developments are encouraging, the globalisation of the mineral industry has intensified competition for exploration and mineral development investment. A significant factor in encouraging investment is the efficiency and certainty of the legislative framework within which the industry must operate. It is therefore necessary to provide the optimal regulatory framework for Victoria in order to maximise investment.

It is important to recognise that unlike most other areas in Australia, mining developments in Victoria have occurred and are likely to continue to occur close to settled areas. As a result the industry must manage the environmental and social impacts of mining to the standards expected in this community. Amendments are proposed to ensure that viable projects are encouraged while also safeguarding broader community and environmental interests.

The above factors represent the main rationale for the proposed amendments, the specific objectives of which are —

to ensure that claims for compensation for loss of amenity on account of mining operations are fair and equitable and do not create a significant open-ended commercial liability for mining companies;

to provide the ability to obtain compensation for mining impacts on Crown land in specified circumstances;

to improve the operation of the 100-metre rule for both the community and industry;

to make the necessary amendments to accord with the commonwealth Native Title Act 1993;

to remove unnecessary impediments to low-impact exploration activities;

to improve the general quality of applications received and provide for a more competitive system of licence application;

to provide a more open application process which will improve competition for licences;

to provide an enhanced mining register of significant license documents which is more amenable to searching by the public;

to amend the act in accordance with the recommendations of the national competition policy review of the MRDA; and

to make further administrative changes to enhance the operation of the act.

Issues

I would now like to talk to some of the key proposals in the bill.

Compensation for loss of amenity

Under the act the holders of a mining licence must negotiate with the owners or occupiers of affected private land to obtain consent for the work to be undertaken. These negotiations generally lead to an appropriate level of compensation agreed between the parties. However, where an agreement cannot be reached there is recourse to section 85 of the act, which lists what compensation is payable for and allows for compensation disputes to be heard by VCAT or the Supreme Court.

Section 85 of the act allows for compensation for loss of possession of the whole or any part of the land; damage to the surface of the land; damage to improvement; severance of the land from other land; loss of opportunity to make planned improvements and any decrease in the market value of the land. As well as compensation for these impacts, compensation is also payable for loss of amenity, including recreation and conservation values under section 85(1)(e).

Loss of amenity allows for a landowner or occupier to claim for what is often subjective loss not otherwise compensated for by the act. It also allows claims for compensation where it is claimed that adequate protection has not been achieved through the planning approvals process or by legislation such as the Environment Protection Act. It therefore provides an opportunity to claim compensation for the intangible losses that are often difficult to define.

It should be noted that when the compensation provisions were included in the MRDA it was proposed, in the relevant green and white papers, that they be closely aligned with the Land Acquisition and Compensation Act. The provisions in the MRDA relating to land purchase include a solatium of up to 10 per cent, and this aligns with the reference act. However the Land Acquisition and Compensation Act

does not include specific provisions with respect to loss of amenity. Indeed no legislation in Victoria has a similar provision.

The structure of the amenity provision means that any landowner or occupier can claim for loss of amenity even if they are a large distance from the mine. While there is some justification for some landowners and occupiers to be able to claim for loss of amenity, the nature of this provision exposes the mining industry to open-ended, potentially high-cost legal actions to which no other industry is similarly exposed. Such an open-ended liability threatens the economic survival of mining companies even though they are operating completely within the conditions of their licence and approvals.

This is seen as a major disincentive to exploration and mining investment in Victoria. It should also be added that Victoria is the only state or territory with such a specific provision for compensation for loss of amenity, and mining is the only industry that faces such a legislative provision within Victoria. In other jurisdictions and for other industries within Victoria, such an action would need to be taken under common law. The changes that are proposed do not affect the ability to raise a common-law claim against a mining company in Victoria. The act must therefore be structured so that it does not become an open-ended threat to the very existence of the industry while still providing for adequate protection for individuals who are genuinely affected by loss of amenity.

A number of options were examined including:

removing the loss of amenity provision;

limiting loss of amenity compensation to situations where the mine operates outside agreed performance standards;

limiting liability for loss of amenity to a maximum prescribed amount per claim.

The first two options were not pursued as both would result in the elimination of claims for compensation for loss of amenity. The third option, to limit the maximum claim for loss of amenity, provides protection for the industry as well as allowing for genuine claims for loss of amenity.

A maximum value of $10 000 is appropriate to compensate for the loss of amenity. This takes into account the fact that compensation for other losses and damages is not limited. It also recognises that amenity issues such as noise, dust, vibration and working hours are controlled to levels set by the government to limit health and social effects. These limits applied in Victoria are as stringent as any applied elsewhere within Australia.

The government consultation paper proposed that compensation be limited to $10 000. As expected, the mining industry sought the removal of the provision and community groups favoured retaining the provision without limiting the maximum claim. However, the government strongly believes that this proposal is the most effective means whereby open-ended liability for mining companies can be constrained while also providing for legitimate claims for loss of amenity.

Statement under section 85(5) of the Constitution Act 1975

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reason for altering or varying that section by the bill.

Clause 70 of the bill states that it is the intention of section 89(3) inserted by section 60 of the Mineral Resources Development (Amendment) bill to alter or vary section 85 of the Constitution Act 1975.

Section 89(3) provides for a limit to the amount of compensation that a court or tribunal may order to be paid for loss of amenity to $10 000.

Protection of land from long-term impacts

Provisions are proposed whereby the Crown is better able to protect itself from any unforeseen long-term environmental liability that may occur as a consequence of mining. This will principally be achieved through powers to maintain rehabilitation bond moneys beyond the life of a project to ensure that effective rehabilitation and management is achieved.

Mining often occurs on Crown land and there may be occasions when the subject land cannot be fully returned to its former or some commensurate state. Therefore, provisions are proposed (in line with the Petroleum Act 1998) whereby the minister may require that compensation be paid to the Crown (such as by purchase of the land or by a land exchange) if the land cannot be fully returned to its former or commensurate state. This is frequently the situation in the case of open cut mining and tailings dam construction. Land that cannot be fully rehabilitated will still be subject to a rehabilitation plan and a rehabilitation bond will apply to the land.

A fundamental objective of this provision is that the Crown estate will not be diminished as a result of mining on Crown land. The government recognises that

voluntary land exchanges whereby a mining company transfers to the Crown an allotment of freehold land which is equivalent to the mining land has been an effective feature of mining approvals in Victoria. The government wishes to continue to encourage this practice as a means of ensuring no net loss to the Crown, and the legislative proposals will support this option. This proposal will also provide that compensation may be payable to occupiers of Crown land (infrequent though that may be) in an equivalent manner to occupiers of private land.

It is the government's intention in the implementation of this provision that any compensation provided should, to the maximum extent practical, be to the benefit of and located close to the community within which the specific mining operation is occurring. Further, it is the government's intention that in assessing the level of appropriate compensation, consideration be given to the value of infrastructure or other facilities that the particular project will provide to the community. Examples of this might include roads or electricity supply.

Native title

This submission proposes that the MRDA is amended to ensure that it is consistent and compatible with the commonwealth Native Title Act 1993, thus ensuring that the amendments constitute a permissible future act under that act. In a general sense processes that are required and satisfied via the Native Title Act will not be duplicated under this act. Therefore, there will be no additional cost burdens on the industry or additional requirements for native title claimants or holders.

Approvals for exploration and mining

I would now like to present the key provisions that will improve the processes for approving exploration and mining approvals. Whilst the MRDA is currently well regarded in this manner, experience has demonstrated that further improvements can be made to optimise processes.

There has also been concern expressed by some community groups, particularly about the processes under the Environmental Effects Act 1978, commonly called the EES process. I must remind the house that the planning approval and EES processes that must be followed before approval to mine can be given are the responsibility of other legislation and not the MRDA.

The 100-metre rule

Firstly, I would like to discuss the 100-metre rule under section 45. This currently provides that work may not be undertaken by a licensee within 100 metres of nominated structures without the approval of the owner, occupier, relevant person or agency. The act also allows the minister to approve such work to be done (clause 46) after consulting with the Mining and Environment Advisory Committee (MEAC).

MEAC is a body comprising departmental officers, representatives of mining, farming and one person representing the environment. This process has proven to be unwieldy and of little value, particularly where a mining proposal has been through a full public consultation process under the Environmental Effects Act 1978. This EES process will fully consider all the issues that need to be considered in assessing whether ministerial agreement to work within 100 metres will be given. The requirement to consult with MEAC is therefore an unnecessary duplication of process and it is proposed that in such a case the minister does not have to consult with MEAC before considering whether to give approval for work within 100 metres.

Where a proposal to work within 100 metres of a mine has not undergone the EES process, the minister must consult with MEAC. However, MEAC is not usually able to provide effective local community consultation and comment to the minister. Consultation with the local community is desirable to ensure that all relevant issues are addressed. Therefore, it is proposed that in such a case the minister will consult with the relevant local government and affected members of the local community as an alternative to MEAC before making any decision. These changes will increase the opportunity for the community to provide input into decisions as well as improving the transparency and effectiveness of this section of the act.

I would stress that where approval for exploration or mining occurs via either of these processes, the compensation provisions of the act still apply.

Low impact exploration

Experience has demonstrated that formal work plan approval for some forms of low impact exploration represents an administrative imposition with no real value. Therefore, it is proposed that low impact exploration will be authorised by the grant of an exploration licence and not require a further work plan approval as is currently the case. Low impact exploration will be limited to exploration work that is undertaken without using mechanical equipment or mechanical tools. This is equivalent to the prospecting work that can currently take place under a miner's right without further approval. The definition of low impact exploration will also provide for further exploration

activities to be included as low impact where the Minister for Energy and Resources and the Minister for Environment and Conservation agree. It is stressed that current notification provisions and consent provisions for access to restricted Crown land are not affected. Also heritage, conservation and environmental values will not be compromised.

Other administrative and approvals reforms

Finally, I would like to talk to some other administrative reforms that are introduced by this bill.

The proposed amendments provide for a more efficient and open approval process that will require all information in support of the application to be lodged at the initial stage of making the application. Combined with the inclusion of moratorium periods whenever applications and licences cease, this will provide for a more transparent and competitive application process. Additionally the tender process when used will apply so that a successful tenderer secures the relevant licence rather than a right to lodge an application with priority.

Provisions are proposed whereby work approvals on freehold land are not frustrated where, after exercise of due diligence, relevant landowners cannot be located and therefore compensation cannot be settled. This situation is not uncommon in some goldfield areas where blocks of land may have been alienated from the Crown several decades ago and subsequently never developed. Any landowner that subsequently emerges will be entitled to compensation in the normal manner.

It is proposed to enhance the current registration system to provide a more extensive record of interests in licences granted under the act. This will simplify searches undertaken by potential investors.

A stronger penalty regime is proposed that will include in some instances a continuing daily penalty where a breach is ongoing. This is consistent with the general departmental shift towards increasing operator responsibility for compliance and is commensurate with the penalties included in the Petroleum Act 1998.

Before commending the bill to the house I wish to advise the house on a further issue of concern to some sections of the community. The government will shortly be consulting with farmers, miners and the community to determine whether the current definition of peat as a mineral is in the best interests of the overall community.

Finally, I would like to thank all members of the public and industry who have provided comments and input at various stages of the development of this bill.

I now commend the bill to the house.

Mr Perton — As shadow minister to the minister, it seems odd — —

The SPEAKER — Order! Is the honourable member debating the bill?

Mr Perton — No, on a point of order, Mr Speaker: the Mineral Resources Development Act is clearly under the authority of the Minister for Energy and Resources in the other place. It is not an act that comes within the responsibility of this minister, yet the bill is being introduced in this house. I ask that you ask the minister, Mr Speaker, to give an explanation to the house why the bill should be dealt with by this house before the appropriate minister has led the debate in her house. The bill is not a money bill; it does not require a message from the Governor. There is no reason why the bill should be introduced into this house by the minister. I ask you, by whatever authority you have as Speaker, to ask the minister to explain why the bill has been introduced into this house.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster. The practice in this Parliament has been for bills to be introduced in either house by either the responsible minister in the house of which he or she is a member or the minister answering for the responsible minister in the other chamber.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 19 October.

FISHERIES (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

The bill introduces a suite of reforms to provide for the continued improvement for management of fisheries resources through stronger enforcement provisions as well as changes to management and administrative processes.

In July, a draft Fisheries (Amendment) Bill was released for comment and I am pleased to say that the proposed bill includes a number of improvements that have been made as a result of submissions received.

The bill delivers on the government's election promise to establish a trust account for revenue from the recreational fishing licence and to create a fisheries revenue allocation committee to provide advice on expenditure from the trust account.

All revenue collected from the recreational fishing licence will be paid into the recreational fishing licence trust account and priorities for allocation of these funds will be determined by the minister based on advice from the fisheries revenue allocation committee. Funds from the trust account may only be paid out for the purposes of improving recreational fishing or to cover costs and expenses incurred in the administration of recreational fishing licences and the fisheries revenue allocation committee. The minister must provide a report to both houses of Parliament each year outlining how funds paid into the account were disbursed.

Further provisions in the bill relate to the protection of resources through enforcement. Without effective enforcement measures, fisheries resources may become depleted so that they can no longer support sustainable commercial catches or provide large numbers of recreational fishers with a source of great enjoyment. To ensure that fisheries resources remain sustainable, strong and decisive action needs to be taken against those who fish illegally.

The bill provides for court orders to be issued to prevent repeat offenders against fisheries rules from being in or on specified Victorian waters without a lawful purpose. Prevention orders will also be able to be applied in Victoria to persons who have similar orders applied against them by another state, territory or by the commonwealth.

The bill provides for several different types of notices to be issued against persons in particular enforcement situations. Retention notices may be issued against persons in situations where offences have occurred but where seizure of fish or equipment is impractical. These notices require owners not to sell fish or equipment for a certain period so that further investigations may be undertaken before it is decided whether to instigate proceedings against the person.

In situations where an aquaculture licence has lapsed or has been cancelled and as a result there is unwanted equipment or fish to be removed from public land or waters, removal notices will be able to be issued.

The bill also facilitates the issue of infringement notices against persons who exceed legal catch limits by a small amount. While it is appropriate for large-scale fisheries offences to be prosecuted through the courts, it is often not appropriate or cost effective for court proceedings to be commenced for minor breaches of recreational bag limits. In such cases an on the spot fine is usually a sufficient deterrent.

Under the Wildlife Act 1975, there are provisions that provide authorised officers and police officers with immunity from prosecution for serious specified offences. This has enabled undercover operations to be effected against illegal operators. The bill introduces similar provisions in relation to the Fisheries Act so that undercover fisheries enforcement operations may take place under written instruction given in relation to a particular case by the secretary. This would only occur after the secretary has established that the authorised officer(s) involved has the appropriate training and experience.

The bill also makes available further tools and options for management of commercial fisheries. Advances in technology now make it possible for vessel-monitoring systems to improve compliance in commercial fisheries, and Victorian legislation will now enable such systems to be considered for adoption after consultation with industry. Additionally, the bill provides the ability to allow permanent transfer of quota to take place between licence-holders in quota-managed fisheries. The bill also enables changes to classes of licences and conditions on classes of licences when giving effect to declared management plans.

The bill is presented to Parliament following extensive consultation with relevant authorities and stakeholders, and the level of support received confirms the timeliness of these reforms. I look forward to the continued development of best practice and sustainable management of our fishery resource. The bill is a significant advance towards that goal.

I commend the bill to the house

Mr Perton — Mr Speaker, you have already indicated to me that I am not allowed to raise the fact that the second reading of the bill is the responsibility of another minister — —

The SPEAKER — Order! The honourable member — —

Mr Perton — I will move that the debate be adjourned, but on the basis that — —

The SPEAKER — Order! I will not allow the honourable member for Doncaster to debate the question.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 19 October.

Remaining business postponed on motion of Ms GARBUTT (Minister for Environment and Conservation).

ADJOURNMENT

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That the house do now adjourn.

The SPEAKER — Order! Before calling the first member to speak on the adjournment debate I wish to make a statement. At the conclusion of the adjournment debate last evening, on a point of order raised by the honourable member for Monbulk, a request was made that I consider ruling on the length of time that is reasonable for a minister to respond to a matter referred to him or her by the minister at the table. During the adjournment debate if matters are referred to a minister for a response it is my view that the minister has an obligation to respond to the member concerned. The time period within which such a response must be given is entirely a matter for the minister and not something for the Chair to determine.

Police: Workcover premiums

Mr WELLS (Wantirna) — I ask that the Minister for Police and Emergency Services take immediate action to address the $18 million blow-out in the Workcover component of the police budget and seek an assurance from the Treasurer that an immediate Treasury advance will be provided to top up the police budget.

During question time today the Leader of the Opposition revealed that the increase in the police Workcover budget has blown out from $30.2 million last year to $48.4 million this year, an increase of some 59 per cent. Those figures do not equate with the government's promises to Victorians that Workcover premiums would rise by only 15 per cent. The police Workcover budget has increased by 59 per cent, the Country Fire Authority's budget has increased by 59 per cent and the metropolitan fire brigade's budget has also increased by 59 or 60 per cent. I ask the government from whom it obtained its advice that Workcover premiums have increased by only 15 per cent.

I fear that if the Minister for Police and Emergency Services does not stand up to the Treasurer and obtain the additional $18 million, community safety will be put at risk because of severe staffing cuts. In the police budget $18 million will buy 300 new recruits. The Treasurer's budget papers show that the cost of training a new recruit is $60 000 a year, so the potential for the police to put on 300 new recruits will be at risk because of the blow-out. In addition, I recently raised the issue of police stationed in snowfields areas in country Victoria who are called out late at night and the concern of police command about the overtime costs involved in such call-outs.

The Minister for Police and Emergency Services has been under pressure because of the events surrounding the World Economic Forum and there are now additional pressures about the police Workcover budget. I have given a few examples. The Workcover cost is not a one-off $18 million bill but a massive recurrent cost. I ask the minister to take immediate action. If he fails to deliver it will confirm the opposition's belief that cabinet treats him as a junior minister and does not take him seriously.

The opposition expects that the minister will come into the house during the next sitting and give an assurance — —

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

Driver licences: minimum age

Mr DELAHUNTY (Wimmera) — I raise a matter for the attention of the Minister for Transport concerning the licensing of young people under the age of 18 to drive. Many people and groups in the Wimmera and across Victoria, including councils, employment and training organisations such as WorkCo and the Wimmera Rural Training Advisory Committee, and the Wimmera Regional Youth Committee, have raised the issue with me as the National Party's spokesperson on youth affairs.

In my inaugural speech to the house I said that young people are Victoria's investment in the future and that I would bring to the attention of the government the challenges faced by country youth. I have established a youth advisory committee to assist me with initiatives to make the Wimmera even more attractive to young people.

The issue of under-age driving has been discussed with me on many occasions. Earlier this year Dr Carl Loeliger, chairman of the Wimmera Rural Training Advisory Committee, wrote to me regarding the VET in Schools program, which was conducted in the Wimmera–Mallee during 1999. The program was successful and involved more than 300 students. However, one impediment to the program was the inability of people aged under 18 to drive. Age becomes more relevant where home, school and workplaces are many kilometres apart. Parents spend many hours and dollars transporting their student children to various locations.

Currently, under certain circumstances, 16-year-olds may obtain a licence to drive tractors and large headers on public roads. The Wimmera Regional Training Advisory Committee has requested the lowering of the legal driving age to 17 years in special circumstances, and the Wimmera Regional Youth Committee has also contacted me on this topic. The committees understand many important issues must be considered before a change is made, but they believe there are benefits for our youth, including their gaining valuable experience on the roads before they can drink legally. The problem of the lack of transport would also be overcome.

The committees believe that lowering the licence age in special circumstances would open options to employment, further education and training and recreation. The Wimmera Regional Youth Committee suggests that before obtaining a licence more formal training should be undertaken covering things such as road safety, driver responsibility, responding to emergencies and vehicle maintenance.

I am aware that the former government was looking at the issue, and the Minister for Transport is aware of this request for gaining a licence. I ask him to examine the issue of lowering the licence age under special circumstances.

Police: Frankston station

Mr VINEY (Frankston East) — I seek action from the Minister for Police and Emergency Services on the vital issue of community safety in Frankston. Police numbers and community safety were vital issues at the last election and at the supplementary election in Frankston East. At that time it was revealed that the then Kennett government had abolished 13 police positions, which prompted a walkout by officers stationed at the Frankston station. I well remember a flyer distributed during the supplementary election campaign which was headed ‘Frankston’s most wanted’, referring to the 13 missing police officers.

Since the election of the Bracks Labor government it has emerged that the crisis in police numbers was even worse than was revealed at that time by the former government. I well remember also the absolute vilification last year of the current mayor of Frankston, Cr Mark Conroy, when he spoke out about the police numbers crisis. At that time the local Liberal members attacked him and he was threatened with being sacked as the then deputy mayor for doing no more than standing up for his community. Cr Conroy had been at the forefront of the community safety initiatives in Frankston and I hope that the minister is able to take action in support of the extensive community safety initiatives his council is examining.

I can reveal to the minister and the house that the former government allowed police numbers to fall perilously low in Frankston. They hid the truth. In September last year there were only 48 constables and senior constables stationed at Frankston. That was a critically low number and meant that there were no street patrols and a massive blow-out in response times. I understand that since my election the situation in Frankston East is improving. After just 12 months there are now 2 senior sergeants, 11 sergeants and 68 other officers at Frankston. Unfortunately the situation is not yet completely fixed. It will take time to train the recruits who are now at the station.

In my discussions with the local officers they have indicated that the expansion of their region to include Seaford, Langwarrin and Carrum Downs has added some extra pressures, but it has also true that the morale of the force was terribly low because of the cutbacks in police numbers made by the previous government. I am confident that the actions of the minister and the leadership of Superintendent Mick Williams at Frankston police station is beginning to improve morale.

I also seek the minister’s support of the process of restoring police services, police morale and community safety to the citizens of my electorate of Frankston East. In particular I seek action by the minister to support the initiatives of Mayor Mark Conroy and the council in developing their council’s community safety plan.

Mount Eliza Secondary College

The SPEAKER — Order! I call the honourable member for Frankston.

Dr Napthine — The real member!

Ms McCALL (Frankston) — I am the real member for Frankston. I remind the house that Cr Mark Conroy

is the Labor candidate in the seat of Dunkley in the upcoming federal election.

As the Minister for Education is unfortunately not in the house, I raise a matter for her attention through the Minister for Post Compulsory Education, Training and Employment. I refer to a lack of communication about a major building project for Mount Eliza Secondary College initiated under the previous government and the previous Minister for Education, Phil Gude. The particular major project is the development and building of a performing arts centre which would service the Mount Eliza school community and most of the community of the Mornington Peninsula.

In order for the project to proceed something called a bus turning circle must be reconstructed and reconfigured in the school grounds. The school was notified by the Minister for Education through her department that an additional cost in the region of $100 000 was required to rejig the bus turning circle to enable the children and their parents to assemble, the children to leave the school in safety and the school community to operate. One of the major problems now is silence from the minister's department. I took it upon myself to keep a record of how long it took to get a phone call back from the department. I left seven separate messages with the ministerial office and finally got a response at 1.30 on Tuesday afternoon, just before honourable members were about to come into the house at 2 o'clock. I was not in my electorate office because Parliament was about to start.

The concern I have is that the school is waiting for the money to construct the bus turning circle. The tenders are in but notification has been received from the southern region of the department that a $100 000 project is now unlikely to be funded. It means there will be no money for the bus turning circle and the school will be unable to start the major school performing arts project. I urge the minister to get some guidance from her department — either the $100 000 exists or it does not. If it does not exist, where is it? Without that money the project that has been committed to by the school cannot begin.

Children: protection services

Mr HELPER (Ripon) — I raise for the attention of the Minister for Community Services the matter of child protection workers, particularly in regional Victoria.

A number of constituents have raised with me concerns that child protection workers are suffering the legacy of the black hand of the Kennett government. The problems raised with me relate to the short-term employment contracts for workers in that very important field. All honourable members know that the entire human services sector feared privatisation under the ideologues of the previous government. Just to provide an historical reminder to members opposite, I point out that the current Leader of the Opposition was then the responsible minister.

A component of the fear campaign was to place workers on short-term contracts only and to actively phase out ongoing employment. I ask the minister to urgently wind back the regressive curse of the previous government to ensure that all possible steps are taken to employ child protection workers in permanent positions. The benefits of that will be particularly strong in regional Victoria, where improved staff morale will undoubtedly flow from such a move. It will also increase continuity for child protection clients, who are the children who are so sadly in danger. Other benefits will be the enabling of an increase in the quality of recruits and the provision of certainty to the communities in which the workers live.

Parallels can be drawn with providing ongoing employment for teachers rather than engaging them on short-term contracts. Teachers employed on an ongoing basis play a greater role in the local community by linking into it, whether through involvement with the footy club or in other ways.

During the recent debate on the Children and Young Persons (Reciprocal Arrangements) Bill the honourable member for Rodney contributed some valuable information. He pointed out that in 1997–98 there were 33 164 notifications of child abuse. Of that tragically high number, 2315 children were granted protection. Those figures serve to demonstrate the importance of staff employed under circumstances that maximise their dedication and professionalism. I urge the minister to take the steps I have asked for as a matter of urgency.

Electricity: tariffs

Ms DAVIES (Gippsland West) — I raise through the Minister for Post Compulsory Education, Training and Employment a matter for the attention of the Minister for Energy and Resources in another place. I urge the minister to take whatever positive action is necessary to ensure that rural consumers of power, whether in private homes, farms or industries, do not end up paying higher prices for electricity than city consumers as a consequence of the previous government's break-up of the electricity industry.

In announcing the end of the uniform network charges, a spokesman for the minister is quoted in an article that appeared in today's edition of the *Weekly Times* as saying:

> The Bracks government regards competition as the best way to ensure price reductions and service improvements.

An earlier article in the *Age* of 27 September states:

> A spokesman for Ms Broad said, 'Competition is the best way to ensure further price reductions and service improvements in country Victoria'.

It is patently obvious to every rural resident that there is no way there is ever going to be competition among distribution companies to provide power to rural areas with low-density populations. For this government to be repeating the previous government's competition mantra, I must say, is very unappealing.

Power prices in Victoria were held artificially lower by the previous government's winter energy concession — a common and very deceptive tactic used temporarily by the previous government. However, the fact that the cessation of the concession is occurring at the same time as the sunsetting on the uniform network charges will have a negative effect on some rural consumers. The start and end point is that equal power costs are a prerequisite to economic development and social equity in rural areas.

I urge the minister to ensure that that fact remains absolutely pre-eminent in any decision she makes on this issue.

Lake Eildon: tourism

Dr NAPTHINE (Leader of the Opposition) — I seek action from the Minister for Major Projects and Tourism in providing funds for a major campaign to promote tourism in the Lake Eildon and surrounding districts.

Recently in the company of the hardworking upper house local members Graeme Stoney and Geoff Craige I met with the Lake Eildon Tourist Operators Action Committee. The committee has some 100 members representing tourism operators and businesses in the Lake Eildon area. They are supported by the local shires of Murrindindi and Delatite. The committee advised me of the significant detrimental effect on tourism to Lake Eildon and districts from the pervasive perception in the community that there is no water in Lake Eildon.

The committee advises that Lake Eildon is currently at 40 per cent capacity, which is over 1.3 million megalitres with a surface area of more than 7300 hectares. There is 55 kilometres of water from one end of the lake to the other. There is certainly a lot of water there and much opportunity for tourism in the boating area, including the use of houseboats, and associated activities. Indeed, there is more water in Lake Eildon at only 40 per cent capacity than in the whole of Sydney Harbour.

There is a need for a campaign to make everyone aware that Lake Eildon has plenty of water and opportunities for tourism activity. A recent study commissioned by the local shires showed that up to $16 million is being lost due to the decline in tourism because of the perception that there is no water in Lake Eildon, which is absolutely untrue.

Members of the committee advised me that they had taken the matter up with their local member for Benalla on more than one occasion. Unfortunately the honourable member for Benalla, although she has met with committee members on a number of occasions, has failed abysmally to deliver any outcome. She has promised government action and response but has failed to deliver any positive outcomes.

I was reminded by the committee that the previous Kennett government provided funding for a special tourism campaign to promote tourism in East Gippsland following the major floods down there. The committee is looking for similar action by the Bracks government to assist its members — —

Ms Allen — On a point of order, Mr Speaker, the matter concerns an area that is in its fourth year of drought. I ask the Leader of the Opposition what the previous government did during the three years of the drought. It did absolutely nothing!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Tullamarine! There is no point of order. I will not allow the honourable member for Benalla or any other member to make a point in debate in the guise of taking a point of order. The Leader of the Opposition will conclude his remarks.

Dr NAPTHINE — Thank you, Mr Speaker. There is plenty of water in Lake Eildon, and the honourable member for Benalla is drowning in it — I repeat, drowning in it — because she is unable to help her local community that needs $275 000 and the government's assistance to promote a tourism campaign as the previous government did in East Gippsland when its local tourism industry was under threat from a natural disaster.

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

Macedon Ranges: tourism

Ms DUNCAN (Gisborne) — Can the Minister for Major Projects and Tourism report to the house on the action he is taking to promote tourism in Victoria, particularly in regional areas?

Dr Napthine — Like Lake Eildon.

Ms DUNCAN — Such as Lake Eildon and a number of other areas. It is important to remember that we really want to grow the whole of the state and extend the value of tourism to all of Victoria.

The importance of regional tourism to the Victorian economy is obvious, and it is of particular benefit to my electorate. Increasingly tourism is replacing other areas of endeavour and will continue to do so. Tourism is obviously a significant provider of jobs and investment, with many regions relying heavily on it to generate economic activity.

My electorate is one such area. The Macedon Ranges and the spa country offer some of the most brilliant tourist attractions to be found in Victoria.

Tourism directly and indirectly contributed $10.5 billion to the gross state product (GSP) — that is, 8.9 per cent — in the 1996–97 period. It accounted for 241 949 jobs in the state for that same period, which is 11.5 per cent of total employment.

In 1997 international tourists spent $89.5 million in regional Victoria and in 1998 domestic tourists spent $2.6 billion. Victoria receives 25 per cent of Australia's total income from international tourism. We must maintain and work on increasing that figure. It is important the government take every opportunity to promote Victoria's regions as tourist destinations.

Victoria is very fortunate. The Macedon Ranges and areas like it are only 40 minutes from Melbourne and have much to offer. We must realise the full potential of areas like Mount Macedon and Hanging Rock, the fantastic wineries, some of the best restaurants in Australia and some of the best gardens in the world. The Macedon area has fresh air, loads of wildlife, natural mineral springs and more.

I ask the minister what action the government is taking to further promote Victoria's great tourism regions and attractions, particularly areas like the Macedon Ranges.

Albury-Wodonga: palliative care

Mr PLOWMAN (Benambra) — I draw the attention of the Minister for Aged Care to a letter sent by the Albury-Wodonga Cancer Foundation to the Minister for Health. The letter, dated 20 July 2000, was referred to the Minister for Aged Care and in it the foundation expressed its extreme concern at the discontinuation of the cross-border palliative care service provided to the Albury-Wodonga community and the surrounding areas of north-eastern Victoria and southern New South Wales for the past 16 years. The letter states:

> There have been few effective cross-border programs but palliative care has been cited often as a good example of what can be achieved.
>
> It is unbelievable that this opposite action should take place at a time when both governments are pressing the issue of a cross-border common health region for the same service area.
>
> …
>
> This parochial reversion to two separate state programs is like a caricature of all the outstanding efforts that the two governments have made on cross-border issues in recent times.

I suggest that the recent times referred to in that passage were the Kennett years.

> We would ask that this matter be reconsidered and Albury-Wodonga be allowed to continue its previous model of cross-border service.

A response to that letter — hardly a satisfactory one — from the regional director of the Hume region, Department of Human Services, was received yesterday and states:

> I have been advised the Mercy Health Service at Albury decided not to renew its subcontract with the Hume Region Palliative Care Service (HRPCS) for the provision of palliative care services to the Wodonga area.

They were forced into that position, and the 16-year-old cross-border service had to stop. The director goes on:

> I trust the Albury-Wodonga Cancer Foundation will continue to be an integral component of cross-border palliative care support to both communities.

How cynical can one be! The cross-border palliative care service has ceased. How can he ask the Albury-Wodonga Cancer Foundation to continue to support this cross-border service? The response is totally cynical.

I ask the minister to review that response and renew the former service that has for 16 years provided palliative

care services across the border to both cities and both districts.

Moonee Ponds Creek: conservation

Mrs MADDIGAN (Essendon) — I raise with the Minister for Environment and Conservation the condition of Moonee Ponds Creek and seek some direction from her about how community groups involved with the creek can get further involved with the Clean Up Australia campaign.

As a number of honourable members may know, especially those whose electorates border on the Moonee Ponds Creek, that waterway has had a fairly hard time in recent years. Drainage works were done by the former Melbourne and Metropolitan Board of Works to replace stretches of the creek with concrete drains; and there have been troubles in relation to City Link. Most people will agree that the works done at the southern end and the mouth of the creek have been totally unsuccessful, and councils have recently had to try to renegotiate with Transurban to ensure it fulfils its obligations under schedule 5 of the City Link Act.

Over the past few years the creek has not received much attention from government, even though a number of approaches were made to the previous government.

A Moonee Ponds Creek coordinating committee has been set up and has been operating for the past year. It has been supported strongly by the federal member for Wills, the Honourable Kelvin Thomson. That committee is looking at improving the whole length of the creek.

I ask in particular for advice and direction from the minister about participation in Clean Up Australia. I understand that organisation is looking for some new sites in Australia that could be highlighted as part of its next campaign. Moonee Ponds Creek has been raised as one such possible area. Obviously it would be ideally suited.

I seek advice about how the local group can become involved with Clean Up Australia Day, about what advice and assistance the department can give to the coordinating committee and about the extent to which the committee can help the Moonee Ponds Creek to once again resemble a creek rather than an open drain.

The community is very keen to see the historic waterway restored. It played a vital part in the development of the western suburbs and was used as a major thoroughfare in the gold rush days. It is a significant natural asset in our area and would attract great community support along the whole of its length. As my colleague from Sunbury will know, it goes right up into her electorate and down to the far end of the electorate of Melbourne. It is important to the whole western region.

All of us would be pleased to work together to make the Moonee Ponds Creek mighty once again.

The SPEAKER — Order! The time for raising matters on the adjournment motion has expired.

Responses

Ms CAMPBELL (Minister for Community Services) — The honourable member for Ripon raised the important issue of ongoing employment for child protection workers. The previous government, as we all know only too well, decided to outsource as much work as it possibly could away from the public service and away from the direct care workers of the Department of Human Services. As a result of the Kennett government's outsourcing policy people were put on short-term contracts, and it was not uncommon for those contracts to be rolled over 2, 3, 4, 5 or 6 times.

When the Bracks government was elected to office it signalled its intention to minimise the use of fixed-term contracts not only for child protection workers but for others in the Department of Human Services because it wanted to encourage stability in our work force and a sense of security for their future. Many child protection workers were extremely dissatisfied with those short-term contracts and many left the department because of the insecurity of their employment. It takes quite a deal of time to train those workers for the in-depth work they perform.

I am pleased to advise the honourable member for Ripon that under the Bracks government and my ministry far more sophisticated recruiting techniques are in place to ensure that we recruit the best child protection workers and that we hold onto them. Most regions have changed their recruitment practices and recognise that insecurity of tenure contributes to an inappropriate turnover of the work force.

The nine regions that operate within the Department of Human Services have significantly decreased their use of fixed-term positions. However, I am still not satisfied that the issue has been addressed as thoroughly and conscientiously as it should be. Some regions have been a little more tardy than others. I am sure the honourable member for Ripon is very interested in the Grampians and Loddon–Mallee regions. I want those two regions, and all regions in the department, to be proactive in their recruiting and retention strategies.

The Grampians region still has seven workers on fixed-term contracts. I am keen to take that matter up with the regional director to ensure that ongoing employment is provided if those workers are suitable. Also, the Loddon–Mallee region has 8 CAFW1s — child and family welfare workers — in casual positions and 12 CAFW2s on fixed-term contracts. I undertake to follow up those matters not only for the honourable member for Ripon but also for other honourable members who want a stable child protection work force.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — Two issues were raised with me, the first by the Leader of the Opposition on tourism at Lake Eildon. I am pleased that the Leader of the Opposition has raised the issue because no other opposition member has done so. If the Leader of the Opposition had read *Hansard* he would be aware that on a number of occasions the honourable member for Benalla has raised issues about Lake Eildon during the adjournment debate to which I have responded.

I visited the Lake Eildon area when Labor was in opposition. Since then the Labor government has been dealing with a number of issues in the area. The key reason for creating the adventure tourism policy was because of the initiatives suggested to us by tourism operators in the Lake Eildon district. A lot of adventure tourism activities that are not necessarily dependent on the water are already occurring around the area. The operators needed a policy to be in place to promote Victoria and to promote that region as an adventure tourism destination. The government launched an adventure tourism plan at Mount Buffalo in that region.

The government has been working with the ski industry on a big campaign. Victoria has had a fantastic ski season, and when the snow melts there will be even more water in Lake Eildon. The government is marketing skiing through a cooperative marketing campaign with the ski industry by advertising in cinemas not only in Victoria but also in the Adelaide, Sydney and Brisbane markets. The advertisements talk about the 'Victoria. A whole lot moreski' campaign, which is something the honourable member for Benalla has raised in the past and to which I have responded.

The government has also increased funding for regional events by $500 000 a year, and it is supporting events in the Lake Eildon region, including the fantastic Mountain Bay Country Music Festival on Lake Eildon. The government is using events as an opportunity to brand localities.

A heck of a lot more is being done. I thank the honourable member for Benalla for raising the issue in the past — unlike the previous member for Benalla, who never raised an issue on tourism in his electorate, and he certainly never raised an issue about Lake Eildon. Yet the Leader of the Opposition is shedding crocodile tears about what the government is doing! The government has done more for regional tourism than the previous government ever did.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Glen Waverley.

Honourable members interjecting.

Mr PANDAZOPOULOS — Pinocchio knows about lies, but he is not on this side of the house.

The SPEAKER — Order! The honourable member for Mordialloc will cease interjecting.

Mr PANDAZOPOULOS — The issues raised by the Leader of the Opposition are serious because regional Victoria wants to be more of a focus for governments. It is certainly getting that focus from the current government, which is allocating more resources for tourism focused on regional Victoria, including the extra $500 000 a year solely for regional events.

The honourable member for Gisborne raised similar issues about the government's plans for tourism in Victoria and regional tourism in particular. The intrastate tourism market in Victoria represents at least 75 per cent of the state's tourism market. It is important that we do not forget that market, because Victorians need to be reminded of the great things that are always happening across the state in tourism. There are innovators in tourism across the whole state, and particularly in regional Victoria. That story needs to be sold.

I am pleased to be able to inform the honourable member that as a result of our commitment to promoting intrastate tourism, and regional tourism in particular, an exciting and valuable opportunity for Victorian tourism is about to commence this weekend. The state government has sponsored a new television program called *Explore Victoria*, short advertisements for which honourable members might have seen during the televising of the Olympic Games. *Explore Victoria* will commence this weekend on Channel 7. It is a result of a commitment by the government to provide resources to ensure that a mass market is reached via a television station to promote the great things that are happening in tourism in Victoria.

The state government via Tourism Victoria has provided sponsorship to the program, which will deliver our key policy commitment to boost tourism in regional Victoria. The return on that investment will be substantial. It is an important, attractive and cost-efficient way of delivering a very good message to the Victorian public about the great things to see around the state.

There is a broad range of attractions. The government is trying to deliver a program with a different style — an energetic and engaging program that will include less traditional segments about interesting people and attractions across Victoria that would not necessarily receive media attention. Each episode features three stories from regional Victoria and one from Melbourne, and 13 programs in the series have been funded. I encourage honourable members to start watching *Explore Victoria* at 5.30 p.m. on Saturdays, commencing 7 October. As from the eighth episode it will switch to being screened on Tuesday nights at 8.00 p.m. The program will be screened not only in Victoria but also southern New South Wales, and it will be broadcast to 30 Asian countries on Star TV — a key pay TV channel. The program is a very good way of promoting tourism in our state.

I thank the honourable member for Gisborne for raising the issue with me. So far the team from Channel 7, with the sponsorship from Tourism Victoria, has filmed programs featuring the Geelong bollards and waterfront, the Ghastly Ghost Tours in Ballarat, the mill at Malmsbury, which is a fantastic place, and many other locations.

I thank the honourable member — and so many other government members — for focusing so strongly on regional tourism. It is a shame bipartisan support is not evident from the other side of the house.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Frankston East raised concerns about policing and safety and security issues in Frankston. He was correct, because I checked the facts as he contributed to the debate. It appears the former government misled and covered up the state of policing in Frankston.

Last September the Frankston police station had 48 constables and senior constables when the then government was telling the community that the station had 60 officers. The erstwhile then deputy mayor, Cr Mark Conroy, now the mayor, drew attention to the issue. He was castigated by the former government for telling the truth.

The former government cut police numbers to ribbons — in fact, by 800 officers. Frankston police were unable to field street patrols and the response times were poor. Recently I met with police officers in Frankston. Their descriptions of what happened under the former government can be described only as lamentable. No wonder the force there suffered from poor morale!

Last week I visited Frankston with the honourable member for Frankston East. I was able to hand Cr Conroy some $50 000 to implement a community safety program for Frankston. He has been a leading light in steering the action, following an earlier $100 000 for the development of the community safety program. I was able to advise people at the time that, in contrast with the poor performance under the former government, the police profile has been upgraded so that there is now a minimum profile there.

Mr Leigh — On a point of order, Mr Speaker, is this the same Cr Conroy who is the ALP candidate for the federal seat of Dunkley?

The SPEAKER — Order! There is no point of order. As I ruled on an earlier point of order during the adjournment debate, I will not allow members to raise points of order to score points in debate.

Mr HAERMEYER — One may ask whether the honourable member for Mordialloc is the same honourable member for Mordialloc who is Peter Hore, the serial pest.

Mr Leigh — On a point of order, Mr Speaker, in all my years in this place I have never asked for a withdrawal but mistaken identity leads me to ask the minister to withdraw.

The SPEAKER — Order! Is the honourable member for Mordialloc taking offence at the remarks?

Mr Leigh — Yes and no, but given it was from the buffoon on the other side of the chamber — —

The SPEAKER — Order! I will not allow the honourable member to ridicule the point of order by continuing in the way he is attempting to do. The honourable member for Mordialloc has taken offence at the remarks of the Minister for Police and Emergency Services. I suggest the minister withdraw his remarks.

Mr HAERMEYER — Given that the honourable member for Mordialloc is deeply wounded, I am only too happy to withdraw the remark.

The government has been able to increase the profile, so we now have a minimum profile at Frankston of 68 senior constables and constables and the number of sergeants is being increased to 12. The people of Frankston are gradually starting to see the benefits of the increased police presence there. I very much congratulate both the mayor of Frankston, Cr Conroy, on the effort taken to bring these matters to the attention of both this and the previous government and the honourable member for Frankston East, who has taken a strong interest in community safety in the Frankston area.

The honourable member for Wantirna raised the issue of police Workcover premiums. He then said he fears for the safety of the community because of staff cutbacks. Where has he been!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Glen Waverley!

Mr HAERMEYER — He must have come out of the mad hatter's tea party. Over the last four years of the Kennett government the police force was cut back by 800. This government is increasing police numbers, yet he walks in here and says he fears for the safety of the community because of staff cutbacks. He is four years too late. He has the temerity to come in here and tell me to stand up to the Treasurer. When in the last four years of the Kennett government did he stand up and raise concerns about cutbacks to police numbers? How many times?

Government Members — Never!

Mr HAERMEYER — I think the members on the government benches, Sir, are correct. I checked it in *Hansard* — zip, zilch — and it has never been a concern. You have a government that is increasing police numbers and he is out there saying he fears for community safety because there are not enough police officers. He did not say that once when the Kennett government was in office.

One of the reasons why police Workcover premiums will increase this year — and the honourable member might sit down and contemplate this and eventually he might get his mind around it — is that when you have more staff, you pay more in premiums. There are more police so there are more Workcover premiums to be paid.

The other area he might contemplate is the damage to morale and the level of stress leave that the former government's cutbacks to the Victoria Police inflicted upon our fine police force. I can say that the Victoria Police will not lose out. We have guaranteed that the Victoria Police will, over four years, get 800 additional officers.

Only last week I announced with the chief commissioner a program that will see 2500 police recruited to our force over the next few years. We will achieve that target, and Workcover premiums will not in any way compromise that recruiting effort. The Victoria Police will be adequately funded. Victoria Police has never had a bigger budget, and people still resent — —

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr HAERMEYER — Members of the police force and members of the public remember the damage this lot opposite did. They still resent it, and they won't forget it.

Mr Smith interjected.

The SPEAKER — Order! The honourable member for Glen Waverley!

Ms PIKE (Minister for Aged Care) — The honourable member for Benambra raised with me an issue regarding palliative care services in the Hume region, which is a very important issue for him, and I am sure he would like to hear the response

Mr Plowman — I certainly would.

Ms PIKE — In 1998 under the previous government Victorian community-based palliative care services were tendered out. In the Hume region it was the Wangaratta District Base Hospital, working in partnership with the Ovens and King Community Health Service, who was the successful tenderer. Over time it has engaged in a number of subcontract relationships with other service providers in the whole of the Hume region to enable it to deliver services into local areas.

One of the subcontractors it worked with was the Mercy Health Service. Recently the Hume Region Palliative Care Service entered into a new subcontracting arrangement with the Wodonga Regional Health Service following an agreement with the Mercy Health Service in Albury to discontinue the service in the north-east of Victoria. Of course, the Mercy had been the subcontractor for a number of years. The Hume service made the commercial decision

to enter into the agreement with Wodonga. It was unable to have an agreement with the Mercy Health Service in the area for the delivery of palliative care services, so it made a commercial decision. It was Hume's decision — it was not a government decision — because, after all, Hume was the organisation that had tendered for and won the contract, and the subcontracting arrangements are within its responsibility.

However, the Mercy Health Service has made a public acknowledgment that the quality of the service delivery will be maintained. There will be no decline in the quality of its services, so I am confident that the decision that has been made by the Hume Region Palliative Care Service will result in the continuation of services to people in that area.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Essendon raised with me activities to restore the health of Moonee Ponds Creek. It is certainly a desire that I share, having been brought up in Pascoe Vale and having spent many hours along that creek.

Mrs Maddigan interjected.

Ms GARBUTT — Yes, and barracking for Essendon — it all went with the territory. When I was a youngster I recall that the Moonee Ponds Creek was still in quite a natural state. It had some great spots, and it was a very exciting place to be. There was a wonderful swinging bridge that you could jump on, making it move up and down. When the Tullamarine Freeway was constructed the creek was simply concreted over, becoming nothing more than a drain and losing both its health and its appeal. Therefore, I am more than keen to see it fully restored.

Two weeks ago I had a meeting with Ian Kiernan and his executive officer from Clean Up Australia, who are now involved in the Moonee Ponds Creek effort. They are interested in doing more to restore the creek and are keen to take an active leadership role. They are involved in work around the lower reaches and the mouth and are keen to extend their work up along the creek.

I understand a coordinating committee is already in place to bring together all the groups involved, including local councils, several community groups, Friends of the Moonee Ponds Creek — which has been active for a number of years — Clean Up Australia and Melbourne Water, which has extensive responsibility as well.

The government is committed to cleaning up and improving the health of Victorian rivers. It has announced its Healthy Rivers strategy, to which it has a great commitment. It has also announced the allocation of $22 million for a stormwater action plan, which will clean up our creeks, many of which, including the Moonee Ponds Creek, are part of our stormwater scheme. That project will have a major impact on the health of the creek.

I want to raise the issues with Melbourne Water and have further discussions with Clean Up Australia to make some progress on the restoration work. I will certainly seek the involvement of the honourable member for Essendon in achieving some good outcomes.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Wimmera raised for the attention of the Minister for Transport a matter concerning the licensing of young people under the age of 18 years. I shall pass the matter on to the minister, who I am sure will respond promptly.

The honourable member for Frankston raised for the attention of the Minister for Education a matter concerning a bus turning circle at an arts facility. I shall ensure the matter is directed to the minister's attention.

The honourable member for Gippsland West raised a matter about the cost of power for rural consumers compared with metropolitan users for the attention of the Minister for Energy and Resources in another place. I will also direct that matter to her attention.

Motion agreed to.

House adjourned 6.40 p.m. until Tuesday, 24 October.

QUESTIONS ON NOTICE

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

Tuesday, 3 October 2000

Women's Affairs: ministerial appointments

158. MR WILSON — To ask the Honourable the Minister for Women's Affairs —

1. What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.

2. What expressions of interest and selection processes were used in each such case.

3. What date was each such person appointed and on what date does his or her office expire.

4. What daily or half day sitting fees and other remuneration is expected to be paid in 1999–2000 to each such appointee.

5. Have any changes been made to remuneration arrangements for any such appointees since their appointment; if so what are the details.

ANSWER:

I am informed that:

The time and resources required to provide you with a response to this questions would unreasonably divert the resources of the department.

Should you wish to ask a more specific question on this matter, I will endeavour to provide you with a response.