PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 November 2000

(extract from Book 7)

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

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

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

Legislative Assembly Committees

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

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

Joint Committees

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

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

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

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

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

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

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

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

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

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret [4]	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John [3]	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

THURSDAY, 16 NOVEMBER 2000

Thursday, 16 November 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

PETITIONS

Rocklands Reservoir

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth illegal clearing of timber in Rocklands Reservoir has created large open areas which could be used by high-speed craft and for waterskiing. Prior to the illegal clearing the habitat in the reservoir created a natural limit to boat speed.

Your petitioners pray that you will take immediate action and impose a maximum speed limit of 8 knots in all areas of Rocklands Reservoir, except the existing designated waterski area located near the dam wall. The aquatic and avian habitats need protection.

And your petitioners, as in duty bound, will ever pray.

By Dr NAPTHINE (Leader of the Opposition) (191 signatures)

Tarrington: speed limits

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the concerned citizens of Tarrington in the state of Victoria sheweth our concern for the safety of residents and visitors to Tarrington. Your petitioners therefore pray that the speed limit which applies to the Hamilton Highway through Tarrington be reduced from 70 kilometres to 60 kilometres per hour and to 50 kilometres per hour through the school area during school hours.

And your petitioners, as in duty bound, will ever pray.

By Dr NAPTHINE (Leader of the Opposition) (55 signatures)

Djerriwarrh, Bacchus Marsh and Melton hospital

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of we, the undersigned citizens of Melton shire in the state of Victoria, sheweth that we seek the immediate injection of funds into Djerriwarrh, Bacchus Marsh and Melton hospital to enable its operating theatres to be upgraded thus ensuring that residents are not faced with being admitted to distant alternatives such as Ballarat Hospital which makes accessibility extremely difficult for families.

And your petitioners, as in duty bound, will ever pray.

By Mr NARDELLA (Melton) (759 signatures)

Laid on table.

AUDITOR-GENERAL

Response by Minister for Finance

Mr BATCHELOR (Minister for Transport), by leave, presented response of Minister for Finance to Auditor-General's report on ministerial portfolios, June 2000 and performance audit reports nos 61–65.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — Non-metropolitan urban water authorities: Enhancing performance and accountability — Ordered to be printed

Country Fire Authority — Report for the year 1999–2000, together with an explanation for the delay in tabling

Financial Management Act 1994 — Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Advanced Dental Technicians Qualifications Board

Dental Technicians Licensing Committee

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission.

Mental Health Act 1986 — Report of the Community Visitors for the year 1999–2000

Intellectual Disability Review Panel — Report for the year 1999–2000

Mental Health Review Board and Psychosurgery Review Board — Report for the year 1999–2000

Metropolitan Fire and Emergency Services Board — Report for the year 1999–2000, together with an explanation for the delay in tabling.

MEMBERS STATEMENTS

Preschools: volunteers

Mrs ELLIOTT (Mooroolbark) — I direct to the attention of the house the failure of the Minister for Community Services to address the workload of preschool volunteer committees of management. The level of anger of parents of preschool children can be judged by the number of petitions and the number of signatures on those petitions presented in this house by honourable members.

In 1994 there were four petitions about preschools, with a total of 351 signatures. In 1995 there were no

petitions; in 1996, no petitions; and in 1997, no petitions. In 1998 there were 6 petitions with a total of 6196 signatures; and in 1999 — the last year of the coalition government — there was 1 petition with 89 signatures. Between 1994 and 1999 a total of 10 petitions, with 6636 signatures, were presented to this house.

Since the election of the Bracks Labor government and since the current Minister for Community Services has held that office there have been 31 petitions, with a total of 20 068 signatures — an indictment of the do-nothing Bracks government.

Drugs: overseas production

Mr HOLDING (Springvale) — Many times in this house I have spoken about the problems posed in my electorate by illicit drug use. One of the most frustrating aspects of the problem is that so much of the heroin bought and sold on the streets of Springvale is sourced from overseas. I read recently that Australian police seized in Fiji $55 million worth of heroin destined for Australia that had originated in Burma.

According to the International Narcotics Control Board strategy report, Burma is the world's second-largest source of illicit opium and heroin. Since the State Law and Order Restoration Council came to power in 1989 heroin production has increased massively and has dropped only as a consequence of drought. Although I do not suggest the government in Burma is involved in heroin production, and I acknowledge that efforts have increased in recent years to phase out heroin production and trafficking among warlords and other rogue elements, more can be done to reduce heroin production in source countries. Most heroin in Burma is produced in small, mobile laboratories near the Shan states that border China and Thailand.

HIV/AIDS transmission rates and heroin use in Burma are out of control. Burma and similar countries should have a vested interest in reducing heroin use. I call on the Australian government to do more, although it does not have a good relationship with the Burmese or Afghan governments, to use its international opportunities to pressure these governments to reduce heroin and opium production in their countries and to make sure fewer drugs arrive on Australian shores.

Workcover: premiums

Mr MAUGHAN (Rodney) — I direct to the attention of the house yet another example of an outrageous increase in Workcover premiums. E. B. Mawson and Sons is a very successful third-generation family business that operates quarries and ready-mix concrete plants throughout country Victoria. The company was founded in Cohuna in 1912 by Mr E. B. Mawson and has a commitment to working in and supporting small rural communities. For that reason it has maintained its corporate headquarters in Cohuna.

The company has more than 20 workplaces throughout country Victoria covering its quarry and concrete operators. Its head office, which is 45 kilometres from its nearest quarry, houses its chairman, chief executive, company secretary and executive staff and is entirely involved in management and administration.

The company understandably vigorously objects to having its corporate office reclassified by Workcover as a quarry, but the consequent increase in premium from 0.86 per cent of payroll to 4.78 per cent of payroll — a massive increase of 455 per cent — is an outrageous increase for a long-established and highly respected major employer in country Victoria. It makes an absolute mockery of the government's claim that it cares about the welfare of the people who live and work in country Victoria.

Sunbury Primary School

Ms BEATTIE (Tullamarine) — On 27 October I had the enormous pleasure of opening the relocated Sunbury Primary School. School no. 1002 was first opened as an industrial school in 1865. My congratulations are extended to John East, Jan Brandjes, Maree Curtis, Jenny Disher and others on the school council. The energy and vision of the principal, David Cook, and the former president of the school council, Bob Saxton, were rewarded on that special day.

However, the day belonged to the students, and from the moment Matilda McEntree and Sam Jarrett assisted me with the ribbon cutting each child had a special and important part to play in the opening.

I was treated to a delightful display rivalling the Olympic Games that culminated in the students singing 'We are Australian'. I was given a tour of the school by a proud group of years 5 and 6 pupils. Commemorative T-shirts were donated by the Urban Land Corporation and each child wore one with pride.

Sunbury Primary School, with its dedicated teachers and educators, has had a fine and proud past. It now has a tremendous future with its new heritage school. Well done, Sunbury Primary School!

Planning: Mont Albert development

Mr CLARK (Box Hill) — Recently, the Victorian Civil and Administrative Tribunal (VCAT) approved a massive 103 unit development of up to five above-ground levels on a 1.2 hectare site in Whitehorse Road, Mont Albert. That approval has set a precedent for similar intensive residential developments along other major roads, not only in the City of Whitehorse but throughout Melbourne and beyond.

The development would not have been able to receive approval but for the inaction and a broken election promise of the Bracks government. In its election policy last year Labor promised to allow Whitehorse council to amend its planning scheme so that no more than one medium-density dwelling could be built for every 400 square metres of available space. However, as soon as Labor came to office the policy was jettisoned. Furthermore, despite both sides of politics proposing significant changes to residential planning rules during the election campaign last year and despite bipartisan support being offered by the opposition in November 1999 for specific interim planning protections on matters such as setbacks, overshadowing and visual bulk, the minister has failed to introduce any such interim protections, meaning that the old rules continue to apply while the government tries to sort out its new Rescode.

On top of that, in its judgment in this case VCAT brushed aside the only interim change the minister has introduced on medium-density housing — namely, requiring neighbourhood character to be considered in planning decisions. The tribunal labelled that change as merely a useful reminder and said it made no difference to the conclusion the tribunal had previously reached before the change was introduced.

The minister was quick to impose interim foreshore height controls in his electorate of Albert Park and the Premier's electorate of Williamstown. Now it is time for him to be prepared to act on behalf of the rest of the state as well.

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

Schools: Taggerty and Buxton

Ms ALLEN (Benalla) — On the weekend of 25 and 26 November I will be representing the Premier and the Minister for Education at the 125th anniversary of the Taggerty and Buxton primary schools. School no. 2544 at Taggerty was opened as a part-time school, together with school no. 1669 at Buxton, on 24 November 1875. John Kennedy Mills was the first head teacher of the two schools, and the first children to attend were from the Batchelor, Starling, Nichols, Irwin and Scott families — a total of 17 children.

In 1944 the first pupils from the Taggerty–Buxton schools to be sent to the former Alexandra Higher Elementary School, now the Alexandra Secondary College, were Adrienne Andrews, John Ure, Lorainne Hepburn, Lorna Williamson, Sheila Robertson, Margery Robertson and Jim Ure, who is now a well-known Labor Party supporter in the Seymour electorate.

In 1975 the Taggerty–Buxton schools had enrolled three children from the third generation of the Kerr family to have attended the schools. They were the grandchildren of Peter Kerr, Jr, who attended from 1893 to 1901. Three generations of the Burchall family have also attended, and the Burchalls have the longest continuous history of attendance of any family, with a Burchall child attending almost every year since the founding of the schools until 1960.

The survival of those wonderful schools is a testimony to the dedication of the families and teaching staff, who have lived in and around Taggerty and Buxton for more than 100 years.

The celebration of the magnificent milestone of 125 years is an achievement that cannot be overstated, as this was one of the many country schools the Kennett government tried to close down. Fortunately the teachers, parents and children fought valiantly to keep it open. As the honourable member for Benalla I am proud to share in their victory and celebrations.

Geelong Hospital

Mr PATERSON (South Barwon) — Several new mums — maternity patients at the Geelong Hospital — have contacted me conveying their concern about new strict limits on hospital stays that have been imposed because of the funding pressures forced on the hospital by this heartless Labor government.

New mums who have had caesarean sections are now forced to leave hospital after four nights and mothers with normal deliveries are bundled out after two nights. Previously the hospital was far more flexible. New mothers were able to leave hospital when they were better able to cope without medical and nursing care in the ward setting. The new mothers who have contacted me do not blame the hospital — it is doing its best under difficult circumstances — but they do feel let down by the Labor government, which promised so much before it came to power.

Nurses at the hospital are particularly upset at having to tell mothers they have to go home and are well aware the Labor government is to blame. It is not only affecting new mothers who are not ready to leave, it is also seriously impacting on the district nursing service, which has to take over responsibility for visiting the new mothers at home. The district nursing service has not been given any extra resources to handle the increased workload. It is about time this hypocritical government faced its responsibilities to care for the health of people in the Geelong region and matched its rhetoric with real action.

Centenary of Federation

Mr LANGUILLER (Sunshine) — In 1901 Australia federated. Then it used to believe that it had to smooth the dying pillow of Aboriginal people. We have come a long way — Mabo and Corroboree 2000 are two great examples to build on.

The centenary of Federation will be a great opportunity for this nation to settle the unfinished business with Aboriginal people. It will be an historic opportunity to take major steps towards an apology, a settlement and constitutional reform to acknowledge Aboriginal people as the traditional custodians of this land.

In 2001 we will celebrate the centenary of Federation, and in doing so we should proudly acknowledge that Australia is one of the oldest nations in the world. It will be a great opportunity to reflect on issues of reconciliation. Extraordinary traditions of social justice and access and equity were brought by Europeans who settled this land. Those traditions have the conviction and the courage to complete the unfinished business with Aboriginal people. Let us not miss this opportunity. Let us celebrate the centenary of Federation.

McIvor Health and Community Services

Mr DOYLE (Malvern) — Yesterday I had as my guests in the gallery six former board members of the McIvor Health and Community Services which runs the Heathcote hospital. Three of those people were here to get some answers because they had been sacked without any reasons. They had twice asked the Minister for Health for a meeting with him, but he refused. They wanted answers about why they had been sacked, as did the four people who have resigned in protest.

The minister said, 'We need some new faces'. What he did not point out is that four of the five people he has appointed are former board members. So much for new faces! He also said, 'This is not a job for life'. What he did not say was that one of the board members he had sacked had been on the board for less than six months. It is certainly not a job for life. Then the minister said there were questions about the financial records of the hospital and that therefore it was not inappropriate for new board members to be appointed.

What sort of accusation is that? What sort of a slur on those board members was that statement by the minister in the house yesterday? The minister owes them some answers as to why they were sacked. Was it because they had committed the terrible sin of rescuing the hospital from near collapse and building up a surplus of $1 million? He should also explain why he made those accusations in such an unfounded manner. Most of all, these people require an apology from the minister.

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

Movelle Primary School

Mr SEITZ (Keilor) — I wish to place on record my congratulations to the Movelle Primary School on being the state final winner of the special achievement award for the school's waste wise program, which is led by the environment committee and includes well-organised recycling and composting systems.

Methods of dealing with waste and litter have been included across the curriculum and the school is involved in a number of community waste and environmental activities.

I congratulate the school on achieving the award because reduction in litter and waste is important. I also congratulate the school on its efforts in starting with young people and making them aware of the need for waste minimisation, composting and recycling. Society faces a litter problem because it creates too much waste. I particularly congratulate the principal and the school committee on leading the program and receiving the award under the Ecorecycle Victoria waste-minimisation program.

The SPEAKER — Order! The honourable member for Bentleigh has 30 seconds.

Vicroads: Oakleigh South land

Mrs PEULICH (Bentleigh) — I raise a matter for the attention of the Minister for Transport and ask him to personally intervene to resolve a protracted dispute concerning the compulsory acquisition of land by Vicroads at 785 Warrigal Road, Oakleigh South.

That land contains 10 housing units. Vicroads has valued the compensation at $2000 while the units' body corporate valuation is $59 600. The residents have been waiting for some time to have the dispute settled, and I ask the minister to have it settled quickly.

The SPEAKER — Order! The time set down for members statements has expired.

GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 26 October; motion of Mr PANDAZOPOULOS (Minister for Gaming).

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

Mr BAILLIEU (Hawthorn) — The bill is another from the kennel and contains a large range of miscellaneous amendments. It reflects the difficulty the government is having in coming to grips with the promises the ALP made prior to the election and on which the government now seeks to deliver. The Liberal Party will not oppose the bill, but it is concerned particularly about the hypocrisy represented by the bill.

The Liberal Party is also concerned about the time allowed for debate on the bill. A number of honourable members wanted to contribute to it, but its truncation will prevent the house from hearing those contributions. I flag for the government's attention that the Liberal Party will closely examine the bill while it is between this and the other place and during debate in the Legislative Council. One significant amendment, with attachments, was given to the Liberal Party in only the past 24 hours, and I will deal with that shortly.

It is important for the house to understand the context in which the bill has been introduced. It needs to be viewed in light of the rhetoric of the Labor Party before the last election and with which it has occupied its time during the past three or four years.

In opposition it screamed and screamed about gambling and gaming and promises were made. The ALP said in opposition that it would reduce gambling, government dependence on gambling taxes and the number of pokies. The constant cry was that it would assist problem gamblers. In government, however, everything it has done has been cosmetic; everything has been a pretence. In Victoria Labor is the owner of gambling. In the 1950s it was Labor that brought Tattersalls to Victoria and it was Labor that subsequently brought pokies and casinos to Victoria, and it has been unable to shift the ground. As with all its Labor predecessors, the present Labor government is addicted to gambling.

What has Labor done since coming to office? After more than 12 months there are no regional caps and no methodology for introducing them. The minister has confirmed that all 27 500 pokies are to stay in place, and in some areas the number of pokies will probably increase. The government has budgeted for a massive increase in revenue from gaming and gambling taxes next year. A new form of gambling — a footy tipping competition — has been introduced and a number of cosmetic changes have been made to the operations of poker machine venues, sufficiently cosmetic not to cause a blip on the radar screen. So many exemptions have been given to 24-hour venues that the changes have made no difference. A change to restricted areas delighted the venue operators because they could change their 2 cent machines in restricted areas to better paying machines in other areas. No material change has been made.

The government killed off multilingual advertising for problem gamblers and withdrew all other problem gambling advertising. This week what has it done? It has launched a new range of problem gambling advertisements. And when did it do so? Immediately after the biggest gambling period of the year, the Spring Racing Carnival. It dropped the head of power for tourism from the Victorian Casino and Gaming Authority — fantastic — but put gambling into the same pair of pants as the tourism minister, so the Minister for Major Projects and Tourism is now promoting gambling.

It sacked members of the VCGA board and appointed members with close links to the Labor Party. It took six months to appoint the new research panel and failed to initiate any research. It increased the power of local councils to intervene in applications for new gaming venues, but ironically the councils are Labor dominated. The suggestion that they are independent is a joke and has been seen to be a joke. The ministerial power to declare regions is an extraordinary power that again undermines the independence of the process.

Above all, while it has been talking, the government has raked in the dollars. In case members need to be reminded I turn to page 14 of the 1999–2000 Auditor-General's financial report for Victoria, which states:

> Gaming machine revenue growth ($113 million or 13.7 per cent) was due to the more intensive use of machines during 1999–2000 …

That is for the previous 12 months. The report continues:

> The more intensive use was achieved by the capacity of the operators to respond to demand changes by further relocation of machines to more profitable venues, and the continued installation of bill-accepting machines.

The Auditor-General highlights a 13.7 per cent increase in poker machine revenue — but also an increase of $113 million in overall gambling revenue — in the past 12 months. However, that is not the true figure. Previously the figure included revenue generated from an offset by the cessation of the additional licences for the casino, and there is a substantial subtraction for that additional payment which has now dropped out, so gambling taxes have increased even more than they appear to have done.

The Auditor-General's financial report released this year again highlights the failure of the government to take meaningful action to match its rhetoric. The Auditor-General said of the measures the government has taken:

> … no specific studies have been undertaken to reliably assess the specific impact that these changes may have on state revenues in future periods.

At the same time the government is budgeting for a massive increase.

I have outlined the context of the changes proposed in the bill, and I will walk through those changes. The bill seeks to make similar changes to five acts: the Gaming Machine Control Act; the Gaming and Betting Act, which is basically the wagering act; the Casino Control Act, which obviously deals with the casino; the Interactive Gaming (Player Protection) Act; and the Gaming No. 2 Act, the minor gaming legislation which applies to raffles, bingo and other minor gaming operations.

The irony is that the bill makes changes to the Interactive Gaming (Player Protection) Act passed in May 1999. One would have imagined the government would have moved to proclaim that bill as soon as it came to office, given its rhetorical commitment to reduce the impact of gaming, but no, it was not proclaimed until Tuesday of this week, and now changes are being made to it.

The areas the bill seeks to change under the Gaming Machine Control Act include approval processes for premises, which will be made easier.

The bill contains several measures that will make it easier for people to apply for a licence and to operate venues. Similarly with venue operator licence changes under the Gaming Machine Control Act. One then comes to the matter of licence cancellation. When a licence is cancelled by the authority, the authority will have power to disqualify that licensee for a period of four years, and the opposition sees that as a reasonable provision.

The special employee's licence, held by people working in the gaming industry who currently have a three-year licence, will be extended to 10 years. That makes it easier in administrative terms, and it will make it easier for those already in the business and operating venues. That change applies to both the Gaming Machine Control Act and the Casino Control Act.

Other amendments relate to the suspension of a licence, the detail of what are called 'associates' and the necessity for those associates of operators and those involved in gaming to advise changes. Again, those changes are across the Gaming Machine Control Act and the Casino Control Act. The opposition sees those provisions as being fair. Other joint provisions with the Casino Control Act and the Gaming Machine Control Act run to the monitoring of those associates and minor changes to the time period that applicants have in making applications.

I now turn to a couple of amendments that will repeal provisions relating to the Menzies at Rialto site, the embarrassingly failed venture of the former Cain–Kirner government, which kicked off machine gambling in Victoria. The Menzies at Rialto no longer exists and those provisions are repealed to reflect that non-existence.

Additional amendments have been made to the Gaming Machine Control Act which go to changing the nature of testers and listing them on the official role of suppliers, and there is a further change to time periods for applications.

The most significant changes are to introduce a regime of public hearings in the gaming industry. That notion of public hearings runs across all five of the acts to which I have referred. They deal with when a public hearing can be heard — that is, when there will be a public hearing, and when there will not be — and to written statements from the authority as to its decisions and the reasons for those decisions.

In that context an inconsistency is apparent across the various acts. The opposition asks why, and it will examine that inconsistency more closely as it goes

down the track. It is important to understand the context of those public hearings — and I refer initially to clause 21 as an example. Clause 21 inserts proposed section 113 into the Gaming Machine Control Act. The clause is headed 'Public hearings' and proposed section 113(1) states:

> The Authority may hold its meetings and inquiries for the purposes of this Act in public or private.

Proposed subsection (2) states:

> An inquiry or meeting for the purposes of making a finding or a determination relating to the following matters must be conducted in public …

That sounds like a reasonable provision. However, one needs to understand that the proposed subsection contains a discretionary threshold that the inquiry is for the purposes of making a finding or a determination. In the event that the authority deems it so, a hearing need not be held, because if it is deemed it is not for that purpose or is not for the specific purpose of making a finding there is the option to not hold a public hearing, which was always the case. Whether that amounts to a positive change honourable members are yet to see.

The interesting point is that that is the provision for the Gaming Machine Control Act. A similar provision will be inserted by clause 48 into the Casino Control Act, by clause 57 into the Interactive Gaming (Player Protection) Act, and by clause 63 into the Gaming No. 2 Act. In the Gaming and Betting Act — the wagering act as it might otherwise be called — specifically in clause 32 it is not the same. The word used is not 'must', but 'may'. The opposition asks why? Why has wagering been specifically given that exemption from 'must', discretionary as it is? The opposition will pursue those questions further.

It will also pursue further the question of what public hearings can be held for. The Gaming Machine Control Act contains provisions for applications for premises and a venue operator's licence. However, for the Gaming and Betting Act the provisions apply only to applications. The Casino Control Act provides for the grant of a casino licence; any amendments; the definitions of boundaries of a casino; and any directions as to days and times that a casino may operate. The Interactive Gaming (Player Protection) Act provides for the provision of an interactive gaming licence and the Gaming No. 2 Act provides for an operator's licence or amendments to that under clauses 40 and 44.

Those changes seem benign and positive. However, it is fascinating to go through those acts and examine the powers of the authority and examine what public hearings will not be held for, which is far more revealing of the government's real agenda — to make the smoke and take the money. I will provide two examples. Under the Gaming Machine Control Act the declaration of regional limits on gaming machines by the authority will not be the subject of a public hearing. Equally, the conferral by the authority of a gaming operator's licence will not be the subject of a public hearing.

Running through some of the provisions of the Gaming Machine Control Act: section 25A defines the nominee of a licence; the transfer of a venue operator's licence is under section 26; the renewal of a venue operator's licence is under section 26A; the amendment of the conditions of that licence is under section 27; the cancellation, suspension or variation of a venue operator's licence is under section 30; and section 63 provides for applications to be listed on the roll of suppliers. That is a significant provision. There are more disciplinary actions such as the cancellation of a special employee's licence under section 51 and many other examples. That is just under the Gaming Machine Control Act.

There are also a number of significant omissions under the Casino Control Act when it comes to the power to hold a public hearing, including section 14, which gives the authority the right to declare exclusivity; section 19, giving the authority power to accept a mortgage of a casino licence; and section 20, covering the cancellation, suspension or variation of a casino licence.

I will mention only one other significant omission, and that is what is referred to as the regular investigation of the casino operator's suitability. In public terms, that is the three-year review of a casino operator's licence. Not to hold these hearings in public defeats the purpose of the bill, and that is after one accepts that the 'must' will override the discretionary powers already alluded to and that the 'may' in the Gaming and Betting Act will do likewise. There are a number of unanswered questions there.

Other provisions deal with secrecy and the divulging of information to enforcement agencies. We will wait to see how they operate, but we do not intend to oppose those provisions. They apply across all five acts.

There are a number of further provisions, and I do not intend to go through them all in this brief debate, but we will pursue them further. One item of interest is in clause 46, which amends the Casino Control Act and takes away the power of inspectors to remove people from the premises and do the preliminary charging of people who are not conducting themselves in an appropriate manner at the casino. That is a relaxation

and an easing, as is the provision dealing with the control of contracts under clause 39. That will arguably and perhaps fairly allow the casino to operate in a more administratively simple way.

There are some other minor provisions and some provisions that are yet to be tested, particularly in the Interactive Gaming (Player Protection) Act. That act has not yet operated, as it was proclaimed only two days ago. Given that the Labor Party opposed the federal government's moratorium on Internet gaming, its behaviour over this has been quite extraordinary.

Clause 55 seeks to change the carrying forward of monthly tax losses by interactive gaming operators. We will be watching the operation of that provision with care, as we will the power to determine the directions on games.

That is a quick run-through of a bill we do not have time to detail. The second-reading speech focused on the issue of public hearings, but the bill says nothing about the public hearing process. Will notice be given of public hearings? Will submissions be taken? Will there be a right to be heard? Will third parties have a right to be engaged? Those matters have yet to be detailed.

I turn now to the matter of the change in the Tabcorp take-out rates. The bill proposes three changes. Those changes got a very scant mention at the bottom of page 3 of the second-reading speech, which says:

> Two taxation amendments are made by the bill …

The first is the one we are dealing with, and the provision states:

> An amendment to the Gaming and Betting Act to increase the maximum deduction rate for totalisators for racing and sports betting competitions from 20 per cent to 25 per cent. This will give Tabcorp the same commercial flexibility as the New South Wales TAB and enable it to pool funds with other Australian wagering operators …

At a brief glance and from preliminary discussions and consultations we established that that seemed to be a reasonable provision.

Two provisions in the Gaming and Betting Act enable Tabcorp on-course in the racing industry and otherwise in wagering to average its take-out to 16 per cent over the year. There is an average take-out of 16 per cent, but along the way Tabcorp can be flexible up to 20 per cent. That gives it some product definition capacity along the way, which is reasonable. There have been talks for some time about increasing the 20 per cent flexible component to 25 per cent in order to allow Tabcorp to pool its funds nationally where the 25 per cent maximum applies. That makes sense for gaming flexibility and punters and will not otherwise affect the revenues.

However, the fact is that there is a third change that is not revealed in the second-reading speech. Nor was it revealed in the bill, because that part of the bill was left out. This change was revealed only yesterday in an amendment. I thank the Minister for Gaming for providing me with the amendment yesterday and not waiting until today. I do not intend to go into great detail now, but the amendment proposes to change section 76 of the Gaming and Betting Act. It is not about racing, it is about sports betting. The amendment changes the provision from a 20 per cent cold maximum take-out with no averaging to a 25 per cent provision. To be frank it sounds fairly tedious and boring, but it represents a tax increase and an increase in the tax take from gaming. For that to be slipped into the bill in this way is unfortunate — it should have been publicly declared and acknowledged. We will be looking at that further.

Mr Pandazopoulos interjected.

Mr BAILLIEU — The minister interjects across the table that it is not a tax increase. The operators certainly see it that way. They have already flagged that the beneficiaries of this change will be Victorian government revenues, which will increase, as will Australian Football League revenues.

Mr Pandazopoulos interjected.

Mr BAILLIEU — So the minister is now acknowledging that there will be an increase.

The DEPUTY SPEAKER — Order! The honourable member will ignore interjections and address his comments through the Chair.

Mr BAILLIEU — I take your point, Deputy Speaker, but they are irresistible interjections and they run to the fact that the revenues will increase as a result.

The operators have also said the Australian Football League will benefit, which is in direct contrast to the minister's public statements that the AFL will receive no such benefit from any operators.

The Liberal Party will not be opposing this bill. We have no problem with public hearings, but we think that is a cosmetic change. The bottom line is that it will do well by people already in the game; the burden has been eased. People who are not in the game but are trying to get into it will face a delightful bureaucracy.

We can imagine permanent public hearing rooms and a bureaucracy of those who interest themselves in such things, but there will be no material change. The government will be thrilled with the effects of this bill because it will increase revenues, despite all the rhetoric.

Punters will not really be subjected to any material change other than in the sports betting arena, where they will get less of a return. For problem gamblers the bottom line is stiff. Once again the government has not matched its actions to its pre-election rhetoric, and that is a considerable disappointment. The government came to power having screamed and screamed and screamed for three years.

Mr Nardella interjected.

Mr BAILLIEU — The honourable member for Melton is clearly acknowledging that the government's actions have not matched its rhetoric.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Gambling Legislation (Miscellaneous Amendments) Bill. I do so having listened to the excellent contribution of the honourable member for Hawthorn, who provided a careful analysis of the legislation. Just as I gave credit last night to the honourable member for Richmond and other members of the Labor Party, I give credit to the honourable member.

Since the Minister for Gaming is in the chamber I will move straight to the taxation issue. It is ironic that a gambling bill is again before the house and that the debate to follow this will be on another bill that deals with the same topic but from a different perspective. For all its rhetoric leading up to the last election, over the past 12 months the government has overseen an enormous increase in the gambling take in its coffers. As the honourable member for Hawthorn indicated, the budget papers show an increase in gaming revenue of $133 million, or 13.7 per cent. The total take from the gaming industry was about $1.5 billion, which is an enormous amount of money.

That is not to say the previous government did not derive a significant amount of money from the industry. However the contrast must be made between the way the Labor Party treats the industry in government and the way it treated the industry when it was in opposition. When it was in opposition Labor disparaged the gaming industry in the extreme; it was always the subject of criticism. The current Attorney-General was the opposition spokesman on gaming, and on such a bill as this he would have delivered a barrage of rubbish about the background of the industry and its participants, inevitably personalising his commentary. The shift in the way the Labor government now treats the industry is extraordinary.

Yesterday in response to a question from the shadow Treasurer the Premier said tax cuts of $100 million would be provided by the government in the next budget. He said they would be the first of a total cut of $400 million, which was supposed to occur by 2002–03.

Mr Lenders — Which will occur.

Mr RYAN — The honourable member for Dandenong North says, 'which will occur' although the interesting thing is that, based on the numbers, that figure is already wrong. Yesterday the minister introduced legislation dealing with taxes imposed on gaming machines.

Mr Pandazopoulos — It was the Treasurer.

Mr RYAN — It was the Treasurer, I stand corrected — but that is even better. The Minister for Gaming's correction makes the point clearly, because the Treasurer is responsible for the legislation.

Mr Lenders — It was a specific election commitment.

Mr RYAN — I am happy to take up that interjection, too. The government benchers can interject as much as they like. Indeed I encourage them to, because — —

Ms Barker — Just ignore government members and get on with it!

Mr RYAN — No. I would otherwise ignore government benches, but one of the arts of debating is to receive the interjections that are of assistance and allow to go through to the keeper those that are not. I am waiting for the honourable member for Melton to fire up; I am sure he should be able to contribute something.

Ms Barker — No, I'll sit on him.

Mr RYAN — The Treasurer has introduced legislation which will increase taxes by $10 million on the back of the gambling industry. It is a double whammy, because next year's budget is supposed to deliver $100 million in tax cuts, but the figure has already been reduced to $90 million because of bracket creep of $10 million.

Mr Hamilton interjected.

Mr RYAN — I can do anything, Keith! The bill will have a similar effect. It is not so much the manner in which the amendment to the Gaming and Betting Act has been introduced, which provides for an increase from 20 per cent to 25 per cent in three years. Rather, the demon is in the detail. When one looks at the clauses to which it relates one sees that inevitably there will be a taxation increase because of the increase in commissions.

Mr Hamilton interjected.

Mr RYAN — The minister wants to argue the toss. It is an increase in the commission, and that is not a tax. It does not provide a taxation increase to the government, but it increases the amount from which the government is able to take its 28.2 per cent in each of the three areas concerned.

Section 44 (1) in division 4 of the Gaming and Betting Act, which deals with commissions, dividends and taxes, states that in wagering events the deduction for a commission cannot exceed 20 per cent.

The amendment will increase that to 25 per cent. If it stopped there that would be fine because that of itself does not represent an increased amount that would go into the government coffers. However, section 45 of the act states that the holder of a permit must pay to the Treasurer a tax equal to 28.2 per cent of the total amount deducted under the previous section. Inevitably that will mean the government will receive an increased payment in tax because it will be taking 28.2 per cent of the commissions which will be increased to 25 per cent as opposed to the original 20 per cent. As a matter of sheer logic there will be an increase in taxation.

Part 7 of the Gaming and Betting Act deals with commissions, dividends and taxes and division 1 refers to wagering. I note that an amendment is proposed to section 73, allowing a licensee to increase commission from 20 per cent to 25 per cent. However, section 74 deals with wagering tax and again a licensee is required to pay a tax equal to 28.2 per cent of a figure which is calculated under a formula based around the initial deduction. Again, we have an increase in taxation.

Division 2 of the Gaming and Betting Act deals with approved betting competitions. The proposed amendment to section 76 will mean that the 20 per cent figure for commissions will be increased to 25 per cent. I note that in section 77(2) the licensee is required to pay to the Treasurer a tax equal to 28.2 per cent of the commission take. Again, inevitably as a matter of logic it will result in an increase in taxation payable to the government.

We started with $100 million of tax cuts. The first $10 million was due yesterday and we are now down to $90 million. I would hate to think what this will return to the government. I will be keen to see what the Auditor-General has to say about it. The National Party intends to direct the Auditor-General's attention specifically to the changes contained in the bill and more particularly to this amendment because it is important that there be transparency in the increased taxes that will be payable by Victorians, albeit through this less than subtle manner.

This is an issue that is recognised by the industry. I have some notes from Tabcorp that were made available yesterday to my colleague the Honourable Roger Hallam in another place. Tabcorp refers to what it quite rightly describes in an industry sense as being the benefits of the proposed changes. It reflects on the fact that if it is to compete properly in a national sense the changes must be sensible. They will give Tabcorp more flexibility. They will also allow it to conduct its affairs in a manner that will be better from its perspective. All of those statements are correct. Interestingly — —

Mr Hamilton interjected.

Mr RYAN — The Minister for Agriculture says that Tabcorp is not going broke. No, it certainly is not. Despite the best efforts of the current government when it was in opposition, as opposed to the way in which it is now approaching things, Tabcorp is not going broke. Indeed, in the sense of a clinical comment about the industry, leaving aside whatever people may think about gaming, wagering and gambling generally, there is no doubt that it is a highly successful industry.

The notes from Tabcorp suggest that the proposed changes will also allow Victoria to host national pools for sport betting competitions and it will directly increase tax revenue for the Victorian government and revenue distributed by the Victorian TAB joint venture. It is absolutely unarguable that this is going to increase tax.

Mr Pandazopoulos interjected.

Mr RYAN — The Minister for Gaming says that it will increase tax take but that it is not a new tax.

The DEPUTY SPEAKER — Order! The minister will have an opportunity to respond shortly.

Mr RYAN — The minister wants to say, 'Oh no, we should draw a distinction as opposed to what happened yesterday when the $10 million new tax was introduced. This is different because this is not a new

tax. Rather, this is an increase in taxation benefit to the government because of the change that is brought about in the legislation'. He would say that on the basis of the 28.2 per cent take across those three areas to which I referred is not being varied, it is the amount of money to which the 28.2 per cent applies, as I understand the logic of his argument.

The minister can argue that, although it seems a facile argument in the context of the government's statements about wanting to cut taxes by $100 million. The government made a promise of a dollar figure, irrelevant of how one might compute the amount in question. The government promised Victorians that in next year's budget it would cut taxes by $100 million. My point simply is that no matter how you want to go about calculating it in bottom-line dollar terms, the government picked up $10 million yesterday and it is going to pick up multimillions arising from these changes and the footy tipping competition to boot. The distinction made by the minister is one that does not carry any weight in the context of this general discussion.

The honourable member for Hawthorn has gone through the various changes contained in the bill. I do not intend to go through the other changes at great length. I suggest the changes proposed for the operation of the Victorian Casino and Gaming Authority will be interesting to follow to see how they take effect. The VCGA was given an absolute unmitigated flogging by the government when it was in opposition. Again, dare I say it, if the Attorney-General were back in the halcyon days dealing with a bill related to gambling we would have had chapter and verse about that sort of issue. But still, things have moved on.

The government now proposes changes that it says will introduce considerable transparency into the operation of the authority. Time will tell.

Mr Baillieu interjected.

Mr RYAN — As the honourable member for Hawthorn pointed out, a proper analysis of those changes shows, firstly, that they could well be artificial, and secondly, that a disparity prevails between the hearings on wagering issues and the other four areas within the purview of the authority. Time will tell.

An additional change requires the release of reasons for decisions, which in principle is a sensible thing to do. There are provisions to enable the disclosure of regulatory information, such as the name of licensees, the duration of licences and the like, plus the publication of gambling expenditure aggregated by municipalities — mind you, through electronic gaming machines only. The provision is sensible in that it potentially increases the availability of that information to the public at large.

The provision requiring better exchanges of information with other government agencies has much to recommend it. Additional authority is provided regarding the cancellation of special employees licences. A further provision allows the endorsement of short-term licences to prevent any lapse in the event of the death of an existing licensee. Again, that is sensible.

Intending operators will be allowed to gain premises approval before gaining the liquor licensing and planning approvals. When in government we found that the current provision caused problems for the industry. Once again the change is sensible in that it enables a proposed operator to make the applications jointly rather than having to go through the protracted procedure of getting through one gate and then having to get through another. If the provision works as it is intended to, it will ease all the burdens that go with having to carry, for example, a financial exposure.

The ambiguity about carrying forward losses from interactive gambling is removed, and the appeal lodgment period is extended from 14 to 28 days. There are several other general changes in the legislation.

The National Party does not oppose the bill. We will be interested to see how the proposals relating to the VCGA take effect. We will be particularly interested to monitor the additional tax that the government will derive from the cosmetic change from its perspective — but certainly not from an industry perspective — that increases the commissions from 23 per cent to 25 per cent.

Mr Baillieu interjected.

Mr RYAN — Yes, I think the government did try to hide it, as the honourable member for Hawthorn says. The government has now had to make that part of the legislation, so we will be interested to see how that operates.

At the end of the day the National Party will continue to monitor the way in which the government's promise of a $100 million reduction in taxation translates into reality, having regard to the inevitable taxation increases which the government is causing not only by transparently adding $10 million to its coffers — which was provided in legislation the house debated yesterday — but also by the less than subtle additions to the state's coffers through the implementation of the bill before the house.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the honourable member for Hawthorn and the Leader of the National Party for their contributions and for their support for the bill by way of not opposing it.

Obviously we have heard much rhetoric from them, which I guess is part of the role of opposition parties. I've been there and done that! But the government is implementing what it spoke about when in opposition. We are implementing those things the people wanted us to implement following our public consultation processes.

One of the main reasons honourable members on the other side are out of office is that they did not listen to people's calls for gambling reform. We undertook to say, 'We understand that gambling has exploded over the past eight years, particularly since the introduction of pokies and the casino. Let's take a step back. How do we do a stocktake of the industry and look at some of the problems? We understand that gambling is here to stay, but how do we reduce the incidence of harm and give communities more of a say?'. The public clearly told us what was needed, and that has been incorporated in the bill.

The most obvious change is the provision for open hearings. People felt that under the previous government the Casino and Gaming Authority was extremely secretive; they believed it needed to be opened up and be more transparent. As the semi-regulator — and as an independent judicial organisation — its role is without fear or favour to make decisions on the regulation and licensing of the industry in the best interests of the community. People felt hamstrung by the rules that were applied by the previous government, which effectively meant that the authority was supposed to be secretive. The act denies the VCGA the opportunity it may have desired to provide more information to the community.

Open hearings are an essential part of any good accountable process. The public should have an opportunity to attend such hearings, find out what they are all about and understand the decisions that are made. Of course, any organisation that conducts public hearings needs the opportunity to hold in-camera hearings — and for good reason. The bill prescribes the circumstances under which those hearings could be held — for example, where the authority deems a matter to be commercial in confidence or to be personal or not in the public interest.

However, such things as applications for licences under gaming acts, amendments to licence conditions, approvals of premises for gaming and 24-hour gaming issues will be heard in public. A local council will be able to put its view on behalf of its community, and local residents will be able to attend. Those items will be listed, so people will know when the hearings are on. Members of the public will be able to find out who has applied for a gaming venue and who the venue operator is, which they cannot know now. At present, people are still not entitled to know whether gaming applications for venues in their area have gone to the VCGA. Even the venue applicants do not know when the authority is supposed to hear a matter.

We are providing transparency for everyone in the community. There will be good results from that, part of which is about building an understanding of how the regulatory system works, which is needed. Brian Forest, formerly of the Administrative Appeals Tribunal, is the new chairman of the authority, and he has a great track record on such hearings. The government will encourage the VCGA to think about other ways to be more open and transparent.

One of the other key reforms in the bill stems from public comments about there being little opportunity to argue with local councils about whether a venue may be a gaming venue. Until now the applicant has been required to apply for a gaming permit once liquor and planning permits have been issued, which means there can be many venue applications at the one time. For example, there is a controversial application in Shepparton, which members can read about in the *Shepparton News*. The council can only argue against the application on planning and environmental grounds, which means it cannot argue on economic and social impact grounds. Local people want to argue about the potential impact of the venue on the community, but the council is hamstrung.

At times it has been a case of the applicants saying, 'We have our liquor licence and planning permit. We are fit and proper people. Why can't we get a gaming licence?'. The bill allows people to apply for a gaming licence first, which will have the effect of getting out into the open facts about whether a venue will be a prospective gambling venue or just a pub or a community club. That is important, because on some occasions applicants do not tell the complete truth. However, the council knows. It will say, 'What is this space on your plan? It looks like a potential gaming area'. The response might be, 'Oh, but we are not applying for a gaming area'.

As I said, now all of the facts will come out. People will know whether the applicants are applying for a gaming licence first or for them all concurrently. It is fair for the

community, fair for local government and also fair for the applicants, because a number of them are genuine. The provision will require applicants to put everything up-front and end the situation where the community wants to argue against a gaming venue but cannot because the permit being applied for is simply a planning permit.

If it were me, I would prefer to know, because the revenue I would earn from gaming might be what keeps my business viable. So let us have the argument up front and put all our cards on the table. That would be fair on all applicants before they commit various resources. Many venues are constructed and their doors are almost ready to open but the operators are still waiting for gaming permits. That is crazy for everyone. The proposed legislation will fix that anomaly.

The government's intention is to provide responsible gambling measures and to involve communities, not to hinder good business practices. The proposed legislation and amendments will streamline things to improve efficiency while protecting the public interest and maintaining responsible gambling.

Gambling has been with us for some time, and we know some provisions can be simplified. For example, having 10-year terms for employee and technician licences is better than having to renew licences every three years, so why not allow it? There are no major problems in that area, and if a problem arises licensees can lose their technician and employee licences. The government is prepared to make things more streamlined and effective for the industry if such an action does not impact in a negative way on the principles of responsible gambling.

Increasing Tabcorp's limit from 20 per cent to 25 per cent still means that for wagering products Tabcorp can retain only 16 per cent — so 84 per cent is still returned to the punters. The objective is to provide the potential for Tabcorp to increase its revenue. At present Victoria is the only state running on a 20 per cent rate on wagering while every other state offers 25 per cent. Under the legislation Tabcorp will be able to offer a sufficient pool of resources to allow both the company and the punters to get a better return. There will be no negative impact on the punter. It is an efficiency measure that allows Tabcorp to operate in the national marketplace. The government does not hide behind its policy changes when it knows there is no negative impact.

The bill is good legislation and many of the amendments are purely administrative. I thank the opposition for saying it will at least not vote against the bill, and I appreciate the contributions to the debate of opposition members. I look forward to their support in the upper house as well. I know they have said in the past they would support legislation in the upper house, but when the time came they dragged out debate for hours and hours. Such is life with an opposition-controlled upper house. Nevertheless, the government thanks them for not voting against the legislation.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

1. Clause 2, line 22, omit "55" and insert "56".

2. Clause 2, line 26, omit "55" and insert "56".

Amendments agreed to; amended clause agreed to; clauses 3 to 52 agreed to.

Clause 53

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

3. Clause 53, line 16, omit "43" and insert "44".

4. Clause 53, line 19, omit "43" and insert "44".

5. Clause 53, line 21, omit "43" and insert "44".

6. Clause 53, line 25, omit "44" and insert "45".

7. Clause 53, line 31, omit "43" and insert "45".

8. Clause 53, page 47, line 2, omit "44" and insert "45".

Mr BAILLIEU (Hawthorn) — I support those amendments. I do not have a problem with them.

Mr RYAN (Leader of the National Party) — I echo those sentiments.

The ACTING CHAIRMAN (Ms Barker) — I thank the honourable member for his valuable contribution!

Amendments agreed to; amended clause agreed to; clauses 54 to 63 agreed to.

New clause

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

9. Insert the following new clause to follow clause 29:

"**AA.** ***Increase in commissions and taxes***

In sections 44(1), 73(1) and 76 of the **Gaming and Betting Act 1994** for "20%" **substitute** "25%".

Mr BAILLIEU (Hawthorn) — I have no wish to drag out debate on the issue and have already covered most of the points I wanted to make. However, I seek some assurances from the minister in regard to one of the changes. The changes to sections 44(1) and 73(1) of the Gaming and Betting Act are essentially to do with the racing industry and, as the minister said in his summing up, reflect an increase in the maximum but not in the average change in take-out. The maximum will go from 20 per cent to 25 per cent but the average will stay at 16 per cent.

The change to section 76, however, is a straight increase and is entirely different. It has to do with the sports betting and approved betting competitions and shifts the take-out rate from 20 per cent to 25 per cent. The opposition believes that fact should have received a lot more attention both in the second-reading speech and in discussion on the bill. Given what the minister said in his summing up, I seek assurances from him that the increase to the percentage stipulated by section 76 will operate as an enabling maximum — to enable Tabcorp to average down — in the same way as the increases in sections 44(1) and 73(1) will operate.

Furthermore, I seek his assurance that punters in the approved betting competition arena will not be disadvantaged. The amendment was introduced late in the process, and the opposition has been unable to consult widely on it. It is similar to an amendment to the Public Lotteries Bill, which was essentially concealed from both the Parliament and the public, as was revealed in the other place. The opposition has expressed concerns that the amendment seems to coincide with the tender for the footy tipping competition. The opposition seeks an assurance from the minister that the amendment is not in any way related to that tender.

Mr RYAN (Leader of the National Party) — I echo the sentiments of the honourable member for Hawthorn. I also highlight the fact that the heading of the new clause states that it relates to an increase in commissions and taxes. In his response to the request for an assurance from the honourable member for Hawthorn, if nothing else I hope the minister has the good grace to acknowledge that it is in fact an increase in taxation.

Mr PANDAZOPOULOS (Minister for Gaming) — I assure the honourable member for Hawthorn that the provision has nothing to do with the footy tipping competition. It results from a request by Tabcorp. As he knows, under the previous government the legislation impacted on both wagering and sports betting. However, sports betting did not then and does not now have a yearly maximum applied to it. The advice I have been given is that sports betting is a minor product, with the main beneficiaries being in the wagering area. However, with the advantages of pooling arrangements for punters, the increase in absolute price levels will be able to compensate for that. In the end the market will decide. The government will obviously be keeping a close eye on the way Tabcorp administers sports betting.

The honourable member for Hawthorn said the amendment was introduced late, but although it was omitted from the bill itself it was referred to in the second-reading speech, so the honourable member for Hawthorn was briefed on it. There is no conspiracy.

The government was approached by Tabcorp earlier this year about the matter, but it held off until it believed Tabcorp would protect punters in relation to a change in the minimum phone bet, which was $3. The Minister for Racing supports the amendment. He has reported to the house that the change made by Tabcorp is a reasonable measure to assist its business. The government has introduced the amendment at this time because it is now satisfied with what Tabcorp has done in relation to phone betting.

Mr BAILLIEU (Hawthorn) — The opposition was not briefed on the amendment to section 76. The assumption was that the provision amended sections 44 and 73. In that regard it is a late change. I note the minister's assurance that it is not related to the footy tipping competition, but if the change was sought by Tabcorp I hope he can assure the house that it was not made to encourage Tabcorp not to participate in the footy tipping competition.

Mr PANDAZOPOULOS (Minister for Gaming) — I have no problem with that. It is merely part of the sports betting-type products Tabcorp has in the marketplace.

New clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

GAMING No. 2 (COMMUNITY BENEFIT) BILL

Second reading

Debate resumed from 26 October; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Opposition amendments circulated by Mr BAILLIEU (Hawthorn) pursuant to sessional orders.

Mr BAILLIEU (Hawthorn) — I am pleased to respond on behalf of the opposition on the Gaming No. 2 (Community Benefit) Bill. I do so noting the truncated debate we will be having, which is a reflection on the management of government business. I know a number of other honourable members who wish to speak on the bill but who will not have the opportunity to do so.

I would like to think the bill is straightforward, but it is not all that it seems. If I talk quickly I am sure I can at least reflect the character of the bill, which is essentially about bingo. It is an eyes-down bill, as the honourable member for Malvern has reminded me.

One could be excused for thinking that these were benign changes to a relatively quiet and benign industry. Unfortunately, there is a very substantial concern in the industry at the potential impact of this bill, and that needs to be addressed. That concern is reflected in clause 2, which deals with proclamation date arrangements and reflects the fact that the government is not particularly confident about the outcome of the bill as far as the industry is concerned. At least the arrangements will give the government the opportunity to get some things right.

The objectives of the bill are fivefold. They are: firstly, to provide for pooling schemes for bingo centres; secondly, to provide a new application process for what would otherwise be known as community and charitable organisations — but for the purposes of this debate we will call them the CCOs or the clubs — that are seeking declaration of status for minor gaming rights; thirdly, to allow CCOs to embrace trade promotion lotteries; fourthly, to prohibit cash prizes in amusement centres; and fifthly, and perhaps of most concern to the industry, the regulation of bingo expenses. That has created a wave of disquiet among bingo operators, and there are some genuinely concerned people.

The opposition will not oppose the bill but will express those concerns and seek to amend it in another arena to prevent political parties from being the silent beneficiaries of the pooled bingo schemes. It will also seek assurances that the industry will have an opportunity to contribute to the finalisation of the regulations and that the minister will endeavour to understand its difficulties.

The industry's view on this bill is that it is generally well disposed to the introduction of formal pooling schemes and to the administrative changes it provides for, which include changing the term of the special employee licence from 3 to 10 years, which was reflected in the previous bill and which ironically makes it easier for people to operate gaming venues. It is also quite happy that operators will not be required to have separate permits for the beneficiaries, by way of being CCOs themselves, and the operators. However, the industry is very concerned about the implications of the remarks made by the minister in his second-reading speech for the regulation of expenses.

I do not propose to do what I would otherwise have done — to read the contributions from those who have responded to our consultation. I have had wide consultation with those in the bingo industry and have received many written responses, including responses from bingo operators and clubs. I will give some examples.

I refer to the fifty-fifty breakdown of expenses proposed under the regulation changes but identified only in the second-reading speech. If that proceeds, according to one provider:

> This will break me. We will close and will go back to dancing —

which I suppose has its attractions. Another operator said:

> It is indisputable that the industry could not survive this change.

Another said:

> This will cause costs to be shifted back to permit-holders, who are the clubs who are meant to be the beneficiaries of bingo.

A representative of a very prominent bingo centre said:

> This is absurdly naive.

Another response was:

> In conclusion, anything less than a very carefully considered, realistic approach will spell disaster for an industry which is still trying to come to grips with recent changes —

and those changes have been generally supported. Another person said:

> The decline in attendance would quickly erode the revenue and the game —

and flagged closures. Another comment is:

> The fifty-fifty split of gross proceeds is found to be totally unworkable.

Another operator commented:

> The major problem is the proposed fifty-fifty split. This percentage is not possible in the present scenario if the bingo centres are to survive.

Another said:

> I assume that most bingo centre operators are committed to long leases and mortgages and have made their business plans in accordance with the current legislation.

Implicit in that is that it will threaten both the continued existence and also the financial position of the operators who have the commitments.

Another response, which goes to supporting the notion of pooling, is:

> A fifty-fifty option … would close all bingo centres.

Clearly the industry has a range of fairly dramatic concerns, because if the intention expressed in the second-reading speech proceeds there will be no bingo industry — and that would be very sad. In fact, the industry is quite desperate about this. The irony is that it would kill the benefit to the clubs, and it is the clubs through which bingo exists.

I will give a quick history of bingo. Bingo is a game based in a benevolent and benign world. Its operators refer warmly to its humble and club-based origins. Clubs operated bingo centres casually, and some still do, on a once-a-week basis. Those not operating more than seven times a week still run games in that way, with their own callers and players.

But in time the game developed some dodgy practices, which the house has been made aware of in the past. Some years ago the now federal member for Wills, who was then the honourable member for Pascoe Vale in this Parliament, raised the matter of a bingo operation involving the siphoning of funds which, to put it bluntly, seemed to have been most unreasonable and a misuse of the goodwill of the charitable organisations involved.

In the mid-1990s there was well-accepted change in an effort to clean up bingo and ensure that it had a licensing regime and that the whole operation was professional. That has been well received. In the process all employees became special employees and the CCOs were required to hold permits to be the beneficiaries. A bingo centre cannot operate other than on the basis of having a bunch of clubs involved as the beneficiaries. Operator licences were introduced, which allowed for the professional operation of bingo centres and allowed the operators to, for a maximum fee of 2 per cent of gross proceeds, run the bingo centres on behalf of the CCOs. That has also been well received.

Through industry consultation a 14 per cent maximum expense charge has been put in place with the support of bingo centres. That has operated successfully and the rate has been struck over time. In that time the return to players has steadied at around 80 per cent. But it should be acknowledged that through the 1990s the bingo centres faced an entirely different range of competition.

Poker machines, the casino and different Tattersalls products and sports-betting products were introduced. It is now a very competitive industry, both internally and with other forms of gaming. It is a much tougher and more competitive environment, and in many ways the administration of bingo is less of a minor gaming operation than it used to be. While it is still minor gaming for the players, who are not exposed to great risk, it is a big business for many of the operators.

The sad thing is that in the process there has been less attachment between the clubs and players. It has become more professional — most of the clubs are voluntary organisations and the volunteers have not been able to maintain the pace — and there has been less attachment. Some centres have gone; they could not hack the pace.

There are now around about 30 bingo centres in Victoria, mostly in the metropolitan area but also in Bendigo, Ballarat and Geelong, running 14 to 20 sessions a week, with 60 games a session at a maximum cost — it would seem — to most players of $10 to $36 a session. The clubs directly benefit from the sessions. Of course some sessions are better than others. Monday afternoon sessions are a bit of a flat time, but people are still playing and the clubs associated with those sessions are still in it. The reality is that most clubs suffer no liabilities because the operators look after them, although there are permit-holders that are clubs that also operate their own centres. A minimum of 7 clubs are needed to operate a bingo centre but up to 15 or 20 operate in some centres.

Prizes are fixed in bingo; all the prizes are advertised in advance and the bingo centre must wear the fact that if

insufficient players turn up it may turn a loss on that session. The 80 per cent return is an average because it varies from session to session.

The industry has become professionally organised by professional organisations with turnovers of up to $6 million in some centres. A couple of centres are run by clubs, associates of clubs or groups of clubs. It is tough on clubs to the extent that sessions are variable but 99 per cent of the time the dollar returns are good — the average seems to be several thousands of dollars.

I am told the total dollar return has increased although the percentage may have declined. That increase is welcome given the concentration of bingo in fewer centres. At the same time, the cost of running bingo centres has increased dramatically. De facto pooling already exists either by direct association, incorporated associations in some centres which become single permit holders or through administrative and banking agreements which are cumbersome ways of operating pooling schemes. In the process of de facto pooling all the parties share the benefits and the burdens. The provision in the bill which introduces formal schemes is welcome and supported by the industry. It is fair and sensible. Rules to protect the clubs are welcome. The opposition has some concerns, which will be taken up separately, with the provisions for the administration of the pooling scheme. It is concerned to see that smaller clubs are not forced out or intimidated by other clubs.

The industry's despair centres on the fifty-fifty proposal referred to in the second-reading speech. The minister will need to consult widely as the opposition has done. An 80 per cent player return and a 14 per cent expenditure rate leads to 6 per cent of proceeds available for community or charitable organisations. The variables are the costs to the books and the cost of running the centre. Players would adversely react to an increase in costs — that is the nature of the player — and they would adversely react to a reduction in prizes. A reduction in the player return would effectively close the centres, and it is not possible to reduce the 14 per cent expenses which have been established over time.

In the event of a fifty-fifty proposition closures are likely. A symbiotic relationship exists between the clubs and the operators. The operators cannot survive without the clubs and the clubs cannot survive without the operators; they need each other. It is not just about servicing the clubs. In 99 per cent of cases the operators have a close and warm relationship with the clubs, and that works. I urge the minister to consult on the regulation, and the opposition reserves its position on it.

The opposition has one other concern which goes to the definition of CCOs and in particular to the new clause which describes them. It stretches the definition of CCOs and the capacity to declare an organisation as a community or charitable organisation to include a person. The traditional definition of CCOs has included political parties, and that has been a reasonable provision in that it has allowed political parties and a variety of other organisations to participate in all the minor gaming activities that go on under the auspices of the Gaming No. 2 Act, including raffles. However, the application to bingo is different. It is a less direct association, there is less attachment between the clubs and the players and the introduction of a formal pooling scheme will make that lack of attachment worse. It is inappropriate for political parties to be beneficiaries, even silent beneficiaries, of the pooling schemes.

Given the opportunities that exist and the increased silence and detachment involved, the opposition seeks to propose an amendment which I understand the minister will support. I am grateful for that support given that future opportunities will increase with the advent of linked bingo. Last week, the first trial of linked bingo was held on a free basis, and I gather it was successful. The changes in the bingo arena cannot be ignored. Franchise bingo operations are already in place and their numbers are likely to increase. Following the proclamation of the interactive gaming legislation on Tuesday there is now interactive bingo. If members have any doubt that it already exists they should type out 'megabingo' and within two clicks they will be in Las Vegas and playing for $250 000 a hit. It is a worldwide scheme. It would heighten the concerns of the opposition if political parties were able to be the silent beneficiaries of such schemes. The opposition is concerned because it has happened before. I do not want to dwell on it as members of the public will recall it, but I refer to some articles written by Bill Birnbauer in 1998 which highlighted the curious circumstances of three Keilor-based organisations — —

Mr Lenders — Be very careful, Ted.

Mr BAILLIEU — The honourable member for Dandenong North is a little sensitive about this, and I can understand that. I quote in part from an article of 21 May:

> The organisations, all of which are run by Labor party members and are linked to state Keilor MP, Mr George Seitz, are not listed on Brimbank council's extensive web site of community organisations.

The organisations were the Keilor Golf and Social Club, the Keilor Environment and Conservation Society and the Keilor Civic Group.

I quote again:

> Bingo generated about $520 000 for the organisations between 1991 and 1997.

A Brimbank councillor who was president of one of those organisations is quoted as saying:

> I just chaired the meetings.

When he was told of the return he is quoted as saying:

> 'I tell you what Bill —

Bill is the journalist —

> that's bloody news to me'.

The article of 21 May continues:

> All the groups were formed at shop 1, 662 Old Calder Highway, Keilor. Two were created on the same day in September 1991, and one in November 1990. At the time, the shop was the electorate office of Mr Seitz. The people operating the groups are either related to or are associates of Mr Seitz, the MLA for Keilor since 1982.

Several articles appeared at that time and the reality was — which was not refuted — that those funds were being used for political purposes. Local community knowledge of those organisations was almost zero and even people who were listed as being involved were unaware of their activities. They were clearly not legitimate charities, nor would they have passed the test had they been properly exposed. The reality is that it did happen. The opposition does not believe it should happen again, but the pooling schemes would allow facilities like that to be available.

I cannot help but go on. When confronted, the response of the then member for Keilor was:

> I'm not into kinky sex, I'm not into wife swapping, I'm not into drug dealing. So they have nothing else to find on me.

I refer to that as reflecting my concern and, to be fair, I think in the end the Labor Party was also concerned. The then Leader of the Opposition and now Treasurer was so concerned at the time that he refused to comment! However, the matter was the cause of some disquiet among Labor Party members. I do not wish to make a judgment; honourable members should read the facts. It is commonsense to know that what was happening then should not happen again, and the amendment seeks to exclude political parties from the provision dealing with the operation of pooling schemes. I am pleased that the Minister for Gaming has accepted the amendment and I am happy to assume it was an unintended consequence.

Clause 21 relates to preventing cash prizes for amusement machines. While the visits I have paid to amusement parlours in recent weeks have been revealing, I have not yet found an amusement machine that pays cash. If there are any, the opposition is happy to facilitate the provision. Whether those machines are amusing or not is for other people to judge.

Clause 26 refers to the extension of special employees' licences, and as I said on a previous occasion, while it is consistent with the changes reflected in the Gambling Legislation (Miscellaneous Amendments) Bill, an extension from 3 years to 10 years seems extraordinarily long. The opposition will carefully watch that in operation. The opposition does not oppose the bill.

Mr RYAN (Leader of the National Party) — The National Party similarly does not oppose the proposed legislation. It is a credit to the industry that it has survived and is looking to flourish. It is in an enormously competitive environment as the gaming and gambling industry has undergone change over the past 10 years. To its credit, that aspect of the industry has evolved; it has had to change, and it has done so.

The coalition in government made legislative changes intended to best accommodate the needs of the day. The Gaming No. 2 (Community Benefit) Bill is another aspect of legislative change. As I said, it is to the credit of the industry that it is still there and that it is looking to expand with the passage of time. The industry has its own niche. Many people — and perhaps I can be forgiven for saying that perhaps the more elderly — enjoy the bingo activity, although it does have a following in the younger ranks. It is an important aspect of ensuring that people who wish to go out and have a pleasant afternoon or evening are able to have bingo as an ongoing outlet. It is interesting to contemplate, conceptually at least, the notion of what interactive gaming and the proclamation of the legislation could bring in the sense of the future operation of bingo, but time will tell.

The pooling idea contained in the legislation is a good idea and the National Party supports that concept. The party has had loud expressions of concern about the notion floated in the second-reading speech of the fifty-fifty split in the expenses. That will need careful consideration because conceptually a fifty-fifty split does not make sense. If ultimately a formula or method of application for the splitting of the pool is devised, one is always faced with the reality that different centres will have differing degrees of fixed costs. Operating costs will not be the same at some 30 locations around Victoria. The National Party does

not believe it is logically correct to say on a blanket basis that money will be split fifty-fifty. No doubt there will be a regulatory approach to that which will be very consultative and the industry will have the opportunity to put its point of view in a manner that I hope the government will be prepared to accept.

I turn now to other elements contained in the bill, including the proposed ban for all amusement machines that offer cash prizes. I have never struck any of those machines. Together with my two sons and daughter I go down every now and then to the amusement parlour at the top end of Bourke Street. We launch into those games where four cars may be lined up and we compete against each other. It is terrific fun and I am sure the Minister for Gaming is familiar with them. There are no cash prizes at the other end, which is just as well because I never win! If machines that pay cash prizes still exist, the National Party supports their banning.

The process for determining community or charitable organisations and the qualifications that go with that process will be streamlined. As the second-reading speech reflects there are some 1000 applications each year. They will now be processed on an administrative basis, although there will be an appeal process to the Victorian Casino and Gaming Authority (VCGA) in the first instance and the Supreme Court if necessary.

Again, that is a sensible amendment. There is provision for the extension of the renewal period of licences for employees from 3 to 10 years. We agree with that move being made at this juncture when experience has demonstrated that it is not an issue. The former coalition government introduced the provision with a three-year limit, which is a sensible provision. We have had the benefit of being able to see how it operates from the perspective of ensuring that the people concerned are not put to too much trouble and that the industry will not suffer from this extension to 10 years.

There are also provisions which allow the authority to exchange information with other enforcement and regulatory agencies in particular circumstances. We support that concept.

The honourable member for Hawthorn has indicated his intention to move an amendment regarding events of some years ago. The amendment will accommodate the risk, in as much as it still exists, of political parties being able to share in the benefits of the operation of bingo. The National Party will support that amendment to the bill.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the honourable member for Hawthorn and the Leader of the National Party for not opposing the bill. I also indicate at the outset that the government will be accepting the proposed amendment to be moved in committee.

When Labor came to office the former government had begun a process of looking at additional changes which the industry needed to make. Reforms undertaken by the previous government led to the rationalisation referred to by the Leader of the National Party where a number of bingo centres and operators closed, including some in my electorate. There was concern that the former government had been sitting on the matter for about nine months before Labor took office. The consultation process had begun but no direction was available to the industry.

As Labor was going through the consultation process it was committed to under its responsible gambling policy, it undertook to include in its responsible gambling consultation paper the questions raised in the submissions to the previous government. A number of questions were posed by the public and there were a number of submissions from bingo operators and licensees. The Bracks government met with the Bingo Industry Association and this bill is the result of those submissions and discussions.

Fundamentally the feedback we were getting was that charitable organisations felt the principal purpose of setting up bingo in the first place was to raise revenue for charitable and voluntary organisations. The purpose was to raise revenue but a number of charitable organisations were losing revenue because of the arrangements made for payouts. The government's view was that it should come up with something that was fairer for everyone concerned.

In contrast to the circumstances surrounding many other bills for which I am responsible, I stated that my preference was that the split after the payment of prizes between the operator and the organisation should be fifty-fifty, but that arrangement will be part of the consultation process. We have to go through a regulatory impact stage and the government will be consulting extensively with the bingo industry on that. As part of the regulatory impact stage there is a 28-day submission process and the government will consider those submissions. I thought it was important to state the preference at this stage rather than not saying what it is and leaving it to a later date. I thought it was fairer to put it out there. Members of the Liberal and National parties have said they have received a number of letters, but since my second-reading speech I have not received

one letter from a bingo operator stating a concern about it. However, obviously it is an issue so the government will consider it. In the end, operators have genuine issues. They have to cover their costs and make it worthwhile for them to be there, but the charitable organisations do not want to incur losses as a result. Some form of fair split is needed.

It is interesting that when we were going through the process it seemed that the bingo industry itself was quite political. The Victorian Casino and Gaming Authority advised me that there are more complaints about bingo than other forms of gambling. That was very surprising to me. It is not only competitive in terms of being able to run viable businesses but also in terms of what happens.

As this measure is in effect a community benefit bill about minor gaming the government decided to deal with some anomalies in amusement centres. The bill bans cash prizes in amusement centres. The industry was not entirely aware of its obligations. There was an incident in my electorate where a Timezone operator was convicted for paying cash prizes that were over the limit; cash prizes were previously allowed up to a value of $50. With this bill we are sending a clear message to amusement parlours that we are not into cash prizes and de facto gambling for minors. That is consistent with the view we have taken with the lotteries legislation which was passed recently.

The government will support the opposition's amendment. The honourable member for Hawthorn suggested another amendment affecting amusement machines which would make them more amusing. I could not accommodate him on that, although I do not know what his preference is. This is a good bill. More consultation is to be undertaken with the industry — we are very much committed to that. I thank the Liberal and National parties for not opposing the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 6 agreed to.

Clause 7

Mr BAILLIEU (Hawthorn) — I move:

1. Clause 7, page 9, after line 28 insert —

> **'26H. *Application to political parties***
>
> (1) Nothing in sections 26A to 26G applies to an organisation declared under Division 1 of Part 3 to be a community or charitable organisation which is conducted for the purposes of a political party.
>
> (2) In sections 26A, 26B and 26G, a reference to "community or charitable organisation" does not include a reference to an organisation declared under Division 1 of Part 3 to be a community or charitable organisation which is conducted for the purposes of a political party.'.

I move this amendment without wishing to extend the debate. I indicate that we do not think it is appropriate for pooling schemes to apply to any bodies other than genuine charitable and community organisations. To the extent that this shift to pooling might do that because of the definition of community or charitable organisations which includes political parties, the amendments will ensure that political parties do not have an opportunity to benefit from what would otherwise be somewhat distant pooling schemes. However, I note that the definition of community and charitable organisations in clause 15 of the bill, which will be section 12A of the act, has been stretched to include 'a person or club'. We would be particularly concerned if a person representing a political party had access to these pooling schemes.

Mr RYAN (Leader of the National Party) — The National Party supports the amendment.

Mr PANDAZOPOULOS (Minister for Gaming) — There are no objections to the amendment.

Amendment agreed to; amended clause agreed to; clauses 8 to 33 agreed to.

Reported to house with amendment.

Remaining stages

Passed remaining stages.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed from 15 November; motion of Mr BRACKS (Premier); and Dr NAPTHINE's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'.

Mrs ELLIOTT (Mooroolbark) — In supporting the reasoned amendment moved by the Leader of the Opposition I make the comment that the title of the bill should be the Unfair Employment Bill. In today's *Herald Sun* Andrew Bolt said that it must be historic for a Labor government to bring in a bill that will lose jobs.

The bill is a Trojan horse. The people pulling on the ropes are the outworkers, for whom we all feel sympathy, and I will come back to that later on. Inside, the Trojan horse is packed with trade unionists. They are the same sort of people who created such a racket outside Parliament on Monday morning that it interrupted the trade of the cafes and other businesses in Spring Street. Many people were driven away while they honked their horns and made life uncomfortable not only for people trying to work in this place but for all the business operators who were trying to trade in the vicinity.

Outworkers undoubtedly deserve our sympathy. For too long they have been exploited.

Mr Trezise — They deserve our protection.

Mrs ELLIOTT — They deserve protection and an improvement in their working conditions. The federal government has legislation on the table that would immeasurably improve the conditions of outworkers, but the federal opposition and the Democrats have not agreed to it.

This bill goes far beyond helping the cause of outworkers, and there are a raft of organisations and individuals who have let the opposition know how they feel about it. The average person running a small business is too busy grappling with Workcover premiums and business activity statements to turn his or her mind to the bill. Indeed, many small business people do not know it exists.

Honourable members have had little time to go through the bill. Its scope is enormous, comprising 176 pages and 276 clauses, as well as 35 amendments. The Leader of the National Party, who is a lawyer, has not had enough time to turn his mind to the mammoth task of reading the bill.

Earlier this week honourable members on both sides of the house attended a drinks party held by the Pharmaceutical Society of Australia. Pharmacists are concerned about the implications of the bill. Previous speakers have quoted from a letter sent to them by the Victorian Farmers Federation, which states:

> The Fair Employment Bill goes well beyond addressing the issue of appropriate minimum conditions of employment.

I received a letter from Leon and Rhonda Sherwood, who run Barrass's John Bright Motor Inn in Bright. They say:

> Any success in the passing of this bill will create extreme financial hardship, loss of jobs and loss of businesses.
>
> … The instant affect would be the 17.5 per cent increase coupled to holiday pay, which is currently not paid to casuals.
>
> Paid holidays for casual staff would be another factory of nails in our coffins.

After several readings of the bill I have been unable to determine exactly what casuals would be entitled to.

The Australian Retailers Association Victoria (ARAV) says in a letter to honourable members:

> We have assessed the Fair Employment Bill … and its effect on the retail industry.
>
> The bill, if implemented, would cause severe difficulties to many small and particularly, regional retailers.

The government has said it cares about people in regional areas and will try to improve their quality of life and prospects for employment. However, the ARAV letter is detailed, and I will refer to the impact of the bill on retailers later in my contribution.

The scope of the bill is enormous. The powers of the Fair Employment Tribunal go so far beyond those of any other industrial relations commission that it seems it will almost be a Star Chamber. It is not constituted like any other court, and yet the people appearing before it will be subject to draconian penalties if they do not agree to its decisions.

An information services officer, who could be anybody appointed by the tribunal, will have wide-reaching powers to go to any workplace, question any employee and see any records. The bill includes a strange provision that states that an officer must, as near as possible, restore the condition of the workplace to what it was before he or she entered. Does this mean they are going to cause damage when they enter?

I think about the Croydon camera shop, for instance. What would happen if so-called information services officers, who are really industrial police, were to break and enter that property? Or Marie and Arthur's milk bar in Mooroolbark? Or the bakery in the small strip shopping centre at Wonga Park? Information services officers — the industrial police — would have the absolute right to enter those premises and demand to see any records or interview any employee of these

small, owner-operated businesses that are getting on with providing jobs for small numbers of employees, earning a decent living and trying to lead a quiet life. The bill could overturn all of that.

The Victorian Employers Chamber of Commerce and Industry said the bill could result in the loss of 22 000 jobs. The Housing Industry Association said the bill could result in an increase of up to 30 per cent in the cost of houses because subcontractors, who are self-employed business people — —

Mr Robinson interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mitcham is behaving as he did yesterday. If he is going to interject I suggest he go back to his place and try to control himself.

Mrs ELLIOTT — As I was saying before the honourable member for Mitcham interrupted, the self-employed subcontractors who could be declared employees and who are the backbone of the building industry, particularly in the housing sector, could become subject to the wide-ranging provisions of the bill.

There has been speculation that the bureaucracy needed to administer the bill would cost $10 million. The Australian Retailers Association said it would result in a 25 per cent cost increase to small business. I have talked to a member of my family who runs a small manufacturing business that is heavily reliant on casual labour because the nature of the business is seasonal. She said she is still struggling to come to grips with what the bill is all about.

The opposition is asking for time for people to familiarise themselves with the impact of the bill on their businesses. They have not been given that time. The reasoned amendment is about giving business people time to understand what the bill is about. It is not just about outworkers. The bill does favours for the Labor Party and the government's union mates, who have been so evident downstairs in this place since the government came into power.

Interestingly, in the portfolio area for which I am shadow minister I rang the CEO of the Council of Intellectual Disability Agencies, who said, 'You're way ahead of me. We haven't had a chance to even look at the impact of the bill on disability agencies'. Many of the agencies employ casual and contract labour in the residential services they run. They have no idea what the impact of the bill will be.

What about preschools that employ people to mow the lawns or look after the animals — which the North Croydon preschool does — during the weekends? What about the arts companies that hire casual labour to shift scenery and work around stage sets? They have no idea what the impact of the bill will be.

Most of all I think of the match after match I attend to barrack for the Mooroolbark football club during the winter — I am its no. 1 ticket-holder — and I look at the sponsors of the club. It is a small club in the eastern suburbs that provides entertainment and healthy occupation for young people on the weekends. I look at the sponsors' boards on the railings around the ground, including my own, and see that many of them are subcontractors. They are plumbers, carpenters and electricians who take a pride in owning their own businesses and being independent. The bill could sweep them all up and make them employees, and they would lose the tax advantages they currently have because they are self-employed. I do not underrate the possibility.

My electorate is full of proud, self-employed people who this bill would allow the unions to heavy and this Star Chamber of a Fair Employment Tribunal to force into becoming employees.

An Honourable Member — You have a closed mind.

Mrs ELLIOTT — I do not have a closed mind. Lest the government typecast me, I point out that my mother was an outworker for many years. As a child I lived with a fur machine in one of the bedrooms in the family home. My mother did outwork machining furs for a Czechoslovakian refugee furrier who gave her that work so that she could stay home with her young children. The Fair Employment Bill is an anti-family bill. It will make houses much more expensive for young families — and we know how important home ownership is to the stability of families in our society.

The bill is certainly anti-employer, because employers have virtually no rights under the proposed legislation. It is anti-community because it takes away from individuals in the community the ability to make decisions for themselves. The bill is anti-worker because it will guarantee that thousands and thousands of jobs will go out of Victoria. It will throw people onto the unemployment scrap heap rather than providing jobs for them.

Finally, the bill is certainly anti-jobs. It will take meaningful jobs away from people. The government seems not to believe in the dignity of meaningful work

and being able to get a wage for it. The bill needs more time for consideration. People out there in the community have no idea what its ramifications are. They simply have not had time to be properly informed.

I support the reasoned amendment of the Leader of the Opposition, and I assume all honourable members on this side of the chamber will also support the reasoned amendment. This is a very bad bill.

Ms LINDELL (Carrum) — It gives me great pleasure to join the debate on the Fair Employment Bill, eight years after I walked among tens of thousands of other Victorian workers to protest against the former government's industrial relations legislation. It gives me some pride — —

An honourable member interjected.

Ms LINDELL — Yes, my son and my daughter were there, as well as their teachers, our friends, and many other Victorians who were totally ignored by a government whose actions brought 200 000 people into the streets of Melbourne. They were people who had not been consulted and whose award conditions had been totally dismantled. They saw a system that had operated in Victoria for 100 years dismantled by the new coalition government in two weeks. So it gives me immense pride to join the debate on the bill, just as it gave me immense pride eight years ago to join with fellow Victorian workers in marching through the streets of Melbourne.

The bill restores some minimum conditions for the most vulnerable of Victorian workers who have fallen through the obvious cracks in the federal workplace relations laws. The bill comes from the recommendations in the industrial relations task force report, which highlights the hypocrisy of the opposition's complaint that there has been no consultation. There has been considerable consultation, especially compared with the consultation that took place in 1992.

The bill deems outworkers in the textile, clothing and footwear industries to be employees and brings Victoria into line with other states — South Australia, New South Wales and Queensland — that have managed to provide minimal working conditions for outworkers. Yesterday there was considerable comment from members opposite about how the legislation was for our union mates. But outworkers are not unionised; they are not well organised at all. Overwhelmingly they are poorly skilled women with limited English skills who are exploited by those for whom they work.

Not only are the outworkers exploited, their children are exploited, too. In the numerous Senate inquiries into the employment conditions of outworkers, evidence was given of their children sitting in front of sewing machines before they go to school, attending school for 6 hours, and then coming back to sit in front of sewing machines again. These children are as young as 10 and 12. If they do not have to work on the machines, they tend their younger brothers and sisters. They have no time to do their homework; in fact, their lives are lives of misery. Their parents are totally exploited in being paid minimal working wages, with no respite in sight. The bill provides minimum conditions for those people, and it is outrageous that the opposition is attempting to vote it down.

I challenge opposition members to go into the homes of the outworkers in the south-eastern suburbs in and around Keysborough, Noble Park and Springvale — the suburbs where I grew up — and talk to them and witness first hand the conditions under which they work and live. As I said, the hypocrisy the opposition has shown in this debate has reached new depths.

One constant whine from the opposition is that the Bracks government is consulting too widely and is scared to make decisions. We have read statements in a number of press releases and heard comments by a number of whining opposition shadow ministers to the effect that, 'Heavens above, all the Labor government does is consult. It is time to make a decision'. The government has introduced the legislation after several months of consultation and after considering the recommendations of the industrial relations task force. But no, the opposition says we have not consulted widely enough! One wonders whether the opposition will ever get to the point of knowing its mind on any particular topic.

The industrial relations task force conducted many public forums in metropolitan and regional areas. Perhaps the members opposite were not in their electorates when the forums were being held.

Following the consultation process and the review of the task force's recommendations, the legislation is before us — and it is worthy of support. It is now time for the opposition to give away its protestations about wanting time for more consultation. It is obvious from the contributions yesterday and the day before that no amount of consultation will bring opposition members to a fair and reasonable position where they are prepared to offer the poorest paid and the most vulnerable workers of Victoria decent minimum conditions.

People in Carrum certainly support the bill. It is interesting in light of the many letters that have been quoted during the past couple of days that I have received only one letter in my electorate office asking for information on the bill, which I was glad to hand over. I have not heard from that constituent again, so I am assuming that the queries — —

An honourable member interjected.

Ms LINDELL — That person certainly did know about the bill. In fact, the letter came to me about two months ago — so again, the opposition is running a bit of a ruse.

An honourable member interjected.

Ms LINDELL — Sorry, I will correct that. The writer did not know about the bill but knew about the industrial relations task force recommendations, which of course predate the bill.

I urge honourable members of the opposition to support the bill. It is a good bill that results from adequate consultation in the community and will provide nothing more than minimum standards for our most vulnerable workers.

Mrs SHARDEY (Caulfield) — I support the opposition's call to adjourn the debate to give industry in particular more time look at the legislation. The bill is a large piece of legislation of some 185 pages. The reaction from major peak body groups throughout Victoria — I speak particularly on behalf of the building and housing industries — has been extraordinary. I would have thought the government would have acceded to the wishes of those bodies, if nobody else's, and allowed them extra time to consider the ramifications of this large bill.

Had there been as much consultation as we are led to believe, there would not have been the outcry there has from various industry groups. In particular VECCI (Victorian Employers Chamber of Commerce and Industry), the Housing Industry Association and the Master Builders Association claim that the legislation will cost jobs and lead to a rapid decline in investment and employment. We are talking about a loss of in excess of 22 000 jobs.

In considering some of the reactions to the legislation, it is worth looking at the comments of Des Moore, the director of the Institute for Private Enterprise. I am sure the government would welcome hearing Mr Moore's comments. He is a fine academic and certainly understands the area. He claims that Premier Bracks has plunged out of his depth into a sea of 185 pages of new Victorian employment legislation that purports to provide fair and minimum conditions for certain employees.

He claims the proposals would greatly extend the regulation of both employment and business and add a deterrent effect, leading to lower employment.

He also says:

> There are worrying parallels with the era of Premier Cain, who progressively lost control to a confrontational union movement whose headquarters is in Victoria.

Most honourable members were acutely aware of what was happening at the time and may even have stood for Parliament as a result. We well remember the disastrous effect the Labor government had on the Victorian economy.

The rationale of the proposed legislation is that the 66 per cent of Victorians employees who are covered by federal awards and agreements supposedly receive a fairer deal than those who are not. However, as Mr Moore indicates:

> … the latter do have minimum conditions incorporated in federal legislation resulting from the Kennett government's referral of the state's regulations of most employment in 1996.

He goes on to say that with the average minimum wage being 7 per cent higher than the average for employees under federal awards, those people do pretty well. He also says that, in addition, 40 per cent of them receive special rates for overtime and annual leave. The former state awarders seem to have negotiated generally satisfactory outcomes with their employers. That was apparent from the relatively minor concerns expressed — —

Mr Robinson interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mitcham is out of his place and is disorderly.

Mrs SHARDEY — As usual, he cannot help himself. The government claims it has received great support from the so-called independent task force and that it has relied heavily on the task force's recommendations in introducing the proposed legislation. I am told, however, that the recommendations were not unanimous and that there was a minority report that the government should have taken more notice of when drawing up its legislation.

People from my office spoke to both the Master Builders Association (MBA) and the Victorian

Employers Chamber of Commerce and Industry (VECCI) about the task force. Both said they were involved only in the development of the discussion paper and were excluded from further dialogue, particularly on the bill, so the government can scarcely claim it has their strong support! Indeed, the MBA members have stated that they were shocked when the bill came to their attention.

If as it claims the government has relied heavily on the task force, you would think its members would at least have been made aware of what was happening with the legislation. The two VECCI representatives on the task force felt they were outnumbered. They were significantly dissatisfied with the consultation process and believed their contributions were dismissed. They also felt broader consultation should have been undertaken to include industry employers.

The government's claim that it has endorsed and relied on the recommendations made by the task force is not the total truth. It has not considered many of the implications the bill will have for the broader community, which the industry brought to the government's attention. VECCI also disagreed with many of the recommendations in the task force report.

Mr Nardella interjected.

Mrs SHARDEY — I am quoting from remarks made to people in my office by the two organisations I consulted. It is not for you to tell me how to make my speech.

I now turn to some specific concerns of members of the building industry, which is of particular interest to me as the shadow Minister for Housing. Prior to the introduction of the GST there was increased building activity in Victoria and around Australia, and most economists understand the reason for that. Now, post-GST, there is some decline in that activity.

The industry and I believe that the proposed legislation will lead to a greater drop in the level of housing activity. That will be bad for Victoria, bad for employment and bad for the economy. Victorians will suffer under the proposed legislation.

In a press release of 14 November the Master Builders Association called for changes to the commonwealth Workplace Relations Act:

> … to cover potentially disadvantaged workers employed by subcontractors as an alternative to the Victorian government's proposed Fair Employment Bill …
>
> There are legitimate issues around the rights of employees that need to be addressed … We support coverage of disadvantaged workers, but not through a piece of state legislation that is both naive and commercially unaware.
>
> …
>
> What is especially frustrating is that the reforms which this legislation sets out to accomplish could be done so much more fairly and sensibly if only the state and commonwealth … would get together and amend the schedule 1A of the Workplace Relations Act to provide protection to the target group of potentially disadvantaged employees for whom the bill was supposedly written …
>
> Mr Welch said that master builders wholeheartedly support the concept of dealing with unscrupulous employers who exploit labour in Victoria.

The opposition has been forthcoming about the need for negotiations between the state and commonwealth on alterations to the federal legislation. That is a good and sensible alternative to the proposed legislation, which will disadvantage many. Mr Welch of the MBA went on to say:

> There is no suggestion or proof that subcontract labour is being exploited, which is the rationale of the bill.
>
> The retrospective provisions of the bill are abhorrent and contrary to good governance …

Others who have talked about the bill include members of the Housing Industry Association (HIA), which has a lot to do with my area of responsibility. The association says in its press release that the legislation:

> … could potentially destroy the housing sector's highly efficient subcontract system and result in a 30 per cent increase in new housing costs.

That is something Victorians could scarcely consider reasonable, and if it occurs I am sure voters will make their feelings known at the next election.

I conclude by quoting from an article by Neil Coulson that appeared in the *Age*. His observations go to the heart of what the bill is about. The bill is about ideology. It is part of the Labor Party's ideology that ignores good commonsense and the needs of the Victorian economy. The article states:

> The decision by the previous government to refer its industrial relations powers to the commonwealth, enabling a single piece of legislation to regulate industrial relations in Victoria, was a significant demonstration of how the existing complicated mess of state and federal regulation might be simplified.
>
> The state government now proposes to turn its back on this reform and instead reintroduce a state-based system characterised by an unprecedented degree of regulation and intrusion into business activity.

It will hardly be good for the Victorian economy. It will hardly be good for anything at all, particularly for the

housing industry and the vast number of Victorians who want to follow the Australian dream of home ownership.

Mr LENDERS (Dandenong North) — It gives me an enormous amount of pride to support the Fair Employment Bill. During my brief comments on the bill I will endeavour to outline its general parameters and address some of the furphies that have been put about this chamber over the past three days.

I declare that I am currently a member of the Australian Services Union and have been for 16 years. In a previous life I was also a member of the Liquor, Hospitality and Miscellaneous Workers Union and the Shop Distributive and Allied Employees Association. I am a unionist.

An honourable member interjected.

Mr LENDERS — Since we are getting into bogeys, I am also a member of the Fabian Society and the CPA — I do not mean the Communist Party of Australia, I mean the Commonwealth Parliamentary Association.

It has been an amazing debate based on opposition furphies. I thought we left the 1950s behind about 40 years ago, but I have heard more about reds under the bed, scare campaigns, the KGB and Nazi storm-troopers than I believed I would ever hear in this place, particularly in this chamber. I look at such progressive people as the honourable member for Glen Waverley, who must take pride in his Liberal predecessors — Alfred Deakin, Rupert Hamer, Ian Macphee and other progressive thinkers, who would probably be rolling in their graves — at least, those of them who are no longer with us — at the debate that has gone on in this place and the leap into the Dark Ages by members opposite. Other progressives like — —

Mr Holding interjected.

Mr LENDERS — I will not go so far as the honourable member for Springvale and refer to Noel Crichton-Browne as a progressive. It has been an amazing discussion. Although I have been one of the critics of the National Party, I must say that at least it has had the courage of its convictions and has said that it opposes the bill. I disagree with the National Party's position for many reasons, which I will refer to later in my contribution, but at least its members have had the courage of their convictions.

They have not been slipping and sliding around this place for three days pretending they have not made up their minds while all along trying to find the optimum excuse to engage in bad policy decision making because they are incapable of making decisions, which is what members of the Liberal Party have done. The Liberal Party has tried to claim there has been a lack of consultation as an excuse for its own internal indecisiveness and divisions and its inability to come to terms with the fact that it is in opposition and must respond to legislation. There is much rhetoric about consultation coming from the procrastinators opposite, because they are incapable of making a decision.

The parameters of the bill cover the gaps in the federal industrial relations system and expand schedule 1A minimal conditions for people not under federal awards. The bill is about filling the cracks in the federal system. It is about restoring the rights that were removed, as my colleagues on this side of the house have recounted, during the dark and rugged few days in late 1992 when without any consultation the dark hand of the Kennett government first asserted itself and ripped away the rights of Victorians. Leaving those parameters to one side, I will try to logically go through the debate that has come from the opposition benches.

We have heard about freedoms on a whole range of issues, but when the government uses state law to underpin some of those basic freedoms and rights, the other side puts forward an opposite view. On the one hand opposition members say that under no circumstances should the government legislate to put in place individual rights — that is bad because it infringes upon business — yet on the other hand it continues its eternal bleating about the government not being involved in every community decision in their electorates. They cannot have it both ways.

The honourable member for Evelyn complained bitterly about how the legislation will infringe on individual rights. She was whingeing, whining and carping, but in the next breath she complained that the government was not providing basic conditions for police in relation to overtime. There is no sense or logic — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Dandenong North is capable of making a presentation without the assistance of the honourable member for Springvale, who is out of his place and disorderly. The honourable member for Dandenong North, without assistance.

Mr LENDERS — Thank you for your protection, Honourable Acting Speaker. I have listened to the debate with much interest because it is an important

issue to a member of the Labor Party and someone who represents a working-class constituency where many people have fallen through the cracks as a result of the changes to the law during the Kennett winter. The Labor Party is trying to find a way to fix that.

I will outline the logic of the public policy process. The Labor Party believes in consultation. It went to the election on a platform of, among other things, dealing with the people who had fallen through the cracks in the system. When the Labor Party came into government it organised a summit in this chamber — the chamber in which I am now speaking and in which the ghosts of Deakin and Hamer are now horrified at what the Liberal Party opposite is doing. We flagged those issues in this chamber — —

Mr Robinson interjected.

Mr LENDERS — As the honourable member for Mitcham says, perhaps it is not the ghost of Hamer, but the living, vibrant spirit of Sir Rupert Hamer, a great man. Firstly, the Labor Party set that process in place.

Secondly, a task force went around the state. The task force was well advertised throughout Melbourne and regional areas and included representatives of both sides of the employment spectrum — the trade unions and industry — —

An Honourable Member — And an independent chair.

Mr LENDERS — And an independent chair, and it sought to consult and get opinions. But what did parliamentary Liberal Party members do? To be charitable they were probably organising the leadership, where they are having the Christmas dinner, or some other issues — —

Mr Robinson — Or pharmacy drinks.

Mr LENDERS — Or pharmacy drinks, as the honourable member for Mitcham says, to be charitable. Perhaps they deliberately boycotted it because they did not know their policy position and did not have the guts to give the government credit for trying to consult. They sit in this place whingeing, whining and carping day after day about 200, 300, 400 or whatever consultative processes they allege the government is involved in, yet on a matter on which the government seeks industry support, industry advice, and Liberal Party input, they just sit on their hands and go on strike. They are strikers, and they shirked their responsibility when they could have been consulting and getting involved in the process and coming up with decent submissions and amendments.

What I also find interesting is that they whinge, whine and carp about there being too many consultative processes, but in the next breath they say no-one has had a chance to see the bill. The thing I found most extraordinary in the three long days of listening to this debate is that almost every single industry group in this state has been consulted — not just by the government but also by Liberal Party members as they have trawled through the state looking for other people who are equally negative to talk down the state, talk down the economy and find reasons why it is not good to put in place some basic underpinning of workers' rights. The bill will assist all small businesses and workers; it is designed to level the playing field.

Members opposite should examine some of the history of this planet to see the direction in which communities have gone in areas where the state's role has been to level the playing field and give small businesses, workers, and independent contractors a chance. If the Leader of the Opposition had bothered to read some of the file of letters the Minister for Transport kindly gave him two days ago from some small businesses he would find that a lot of small businesspeople support the measure.

The reality is that the bill is a logical progression by the Labor Party on its platform. The government has taken it to and consulted the community. It is sound and solid public policy which the government is proud of and does not shirk from and which is part of our heritage. It has also been part of the heritage of the Liberal Party and all good-minded citizens since the Harvester case.

I wish the bill a speedy passage through the house and urge opposition members to put their minds to it, to not slip and slide, and to vote for it, as they should.

Mr WELLS (Wantirna) — I support the reasoned amendment moved by the Leader of the Opposition to defer the bill to allow adequate time for proper consultations to occur rather than consultations with the Labor Party's mates and union leaders — those who are writing the riding orders for the Labor Party.

I will talk about a number of issues, especially those relating to my background in the transport industry, where I was in management for many years before coming to Parliament. In that position I dealt with both company drivers and owner-drivers.

The first point is that after the Labor Party's so-called consultation it moved some new clauses. But on looking at the new clauses one will see that the government botched it. It cannot even transcribe from New Zealand or New South Wales legislation a

provision relating to access to premises being denied on religious grounds — something so simple. All it had to do was copy the New Zealand or New South Wales legislation. The honourable member for Dandenong North must be cringing, because the government got it wrong.

The Minister for Industrial Relations, the Honourable Monica Gould, was quizzed about this in the upper house, and I do not think she understands what it means. There are some religious groups in this state who because of their beliefs and freedom of association believe they should be exempted, and most industrial tribunals would respect that view. I am pleased that when those groups consulted the honourable member for Melton he was very supportive of what they believe should happen. But I have read the amendments circulated in the name of the Premier, and I plead with the honourable member for Melton to reread them, because they do not represent what they want. What the amendments provide for is completely unworkable.

Amendment 35, which proposes to insert new clause BB, deals with when access to premises may be denied on religious grounds — and I think there is reasonable bipartisan support for that. It states:

> (1) A person who holds an inspection permit may be denied access to premises if —
>
> (a) all the employees who work at the premises —
>
> (i) hold a current certificate of exemption issued under subsection (2) …

That is completely unworkable. In New South Wales and in New Zealand the employer holds a certificate of exemption — for example, Brethren employers hold the certificate of exemption. But this minister has inserted the employees in the provision. So in a situation where the Brethren employs 20 people, 10 of whom are Brethren and the other 10 of whom are non-Brethren, those non-Brethren employees will not have a certificate of exemption and the union official will have the right to enter the premises. That is not what denial on the grounds of religion is all about. I hope the Labor Party will reconsider that and have further consultation.

I refer also to a case that was notified to the honourable member for Gisborne. A company owned by the Brethren employs only Brethren workers except for one person — a non-Brethren who has a severe disability. If this legislation is passed in the way it is written, that non-Brethren will have to be sacked for the bill to apply. There has been a lack of consultation about that provision.

I believe the honourable member for Melton and the honourable member for Gisborne have acted in very good faith. But something has blocked such circumstances getting through to the minister. I reiterate that in New South Wales and New Zealand the employer — the owner of a small business — is the one who holds the certificate of exemption. But the minister has included in subclause (1)(a) ‘employees’, which puts the provision in doubt.

The clause will not work. If it went ahead, the Brethren employer would be in a position of having to employ only Brethren members, and that simply does not make any sense. In some companies half the work force are Brethren and the other half are non-Brethren. Brethren employers would not want to off-load the non-Brethren workers because they are decent, hardworking people whose rights should be respected regardless of whether they are Brethren or not.

Mr Lenders — What about the rights of the worker?

Mr WELLS — In response to the interjection, I will move away from talking about this clause to talk about the rights of the worker. As an example, I refer to the scenario where a father, mother and two sons run a small business in rural Victoria. My father had a farm machinery business in Bairnsdale. My brother was working on a forklift, when a union official drove past and saw him. The official walked in and said to my father, ‘I want to see that man’s union ticket’. My father replied, ‘We have been operating this business for 15 years. My son is not a member of the union’. The union official then said to him, ‘If he is driving a forklift I strongly suggest that you get him signed up to be a member’. I think he was asked to become a member of the Transport Workers Union. My father said to him that he would rather shut his business than be bullied into joining a trade union. That sums up what a lot of people in small business in country Victoria think about the bill.

What right does a union thug have to walk onto a site and jackboot his way through a small rural business and demand to inspect the books? If the Labor Party is so concerned about the issue, why not beef up the Workcover inspectors or another inspectorate which has the respect of small business. Workcover inspectors have every right to walk onto a site and if they are not happy about the way it works to insist on changes. However, it is uncalled for to be dictated to by a unionist. The bill is a payback to union mates. The government has already tried to unionise university campuses as a payback. Under the legislation every small business in the state would be unionised. It is

payback time for the union thugs. Small country businesses need more consultation to understand the implications of the bill.

For many years I worked in the management side of the transport industry. It was a lot of fun to get a phone call at 4.00 a.m. saying, 'Kim, you need to get down here. The Transport Workers Union have set up another picket line so we can't get to work'. The Maoris we employed did not take kindly to that and inevitably it ended in a punch-up between the TWU workers and officials and the Maoris who wanted to do their work.

In those days a small businessman was a subcontractor who decided to purchase a truck. He was responsible for getting the truck, petrol and registration. He ran his own books and would come to Mayne Nickless and offer a service and Mayne Nickless would decide whether it wanted to purchase the service or not. The small businessman was a permanent subcontractor and during the busy periods casual subcontractors were employed — for example, around Easter and September or October the transport industry would peak and casual subcontractors were employed. They would work for a number of different employers but it was their choice. The Labor Party says that in some cases these subcontractors will be deemed employees.

Under the bill, the transport industry will come to a screaming halt because the only way companies can operate is if they have only company drivers. What happens to peaks and troughs? The Labor Party falls down because it does not understand how business cycles work. Today the Australian Industry Group is calling on the government to defer the bill so a full costing and review can take place. That is sound advice.

Mr NARDELLA (Melton) — I place on the record that I have been a union member since my first job in 1977. I am proud to be a union member just like members on the other side of the chamber are proud to be members of employer organisations whose interests they represent in the house.

The unstinting support by opposition members for employer organisations shows in their hatred for the working people of Victoria who have fallen through the cracks. It shows in their consistent efforts at every opportunity to keep down the disadvantaged workers. It showed in 1992, when I was a member of the Legislative Council, with the first piece of legislation and with subsequent legislation that the then government rammed through both houses.

Fancy the hypocrisy of members on the other side of the house talking about consultation! In 1992, there was no consultation, either with the employees or employers. The only people consulted were the lawyers and Johnnie Walker. The former government demonstrated hatred and contempt for working people who do not have the conditions of other workers in Australia, in every other state — those 250 000 workers. The Liberal and National parties hate and despise them. Why do they hate and despise them? Why do they only support their mates, the employers?

I give one example brought to me 2 minutes ago by the honourable member for Sunshine. Their mates, the employers, are so terrific that, just this week, in the Sunshine electorate, 68 people have lost their jobs through a workplace closing its shop — without notification or discussion with employees or unions. These are the scumbags that the National Party and the Liberal Party support. These are the people they proudly beat their chests about and claim have to be protected — the bosses, who just before Christmas, have destroyed 68 families in Sunshine. What an outrage for the poorest and most disadvantaged workers, not just in Victoria, in Australia.

What a disgrace that they should be continually trampled upon, that they should continually be under the present regime where they do not have any rights, that they cannot legally go to the funerals of their spouses or their mothers or fathers. The honourable member for Narracan told me of his negotiations with a retailer on an enterprise bargain agreement in which when bereavement leave was being discussed the manager said, 'I don't believe in bereavement pay. I don't believe a worker should have time off to go to a funeral for his mum or dad or spouse. When my mother died I didn't go to the funeral because I was working'. That is the type of person supported by the Liberal and National parties. That is the type of person they hold in high esteem. What a disgrace.

What a disgrace that they are not prepared to support the Fair Employment Bill, which will restore fairness and balance to the employer–employee relationship. They do not believe in the balance, nor do they understand it. The only people the Liberal and National parties care about are members of the Victorian Employers Chamber of Commerce and Industry (VECCI) or the Australian Industry Group (AIG) or, even worse, the Des Moores of this world, who hate working people.

It is unbelievable that opposition members should suggest that the government negotiate with the federal government. Sit down with Peter Reith — if you want to talk about thugs — the man who called in the dogs and the security guards with balaclavas! The man who

through Patrick stevedores and illegal and dishonest company arrangements wanted to and did sack waterside workers on the sole basis that they were union members. The dispute was not about productivity or efficiency, it was because they were union members. So far as honourable members opposite are concerned if people are union members they are scum, hated, not to be supported and should lose their rights.

The bill restores those rights and restores the ability of low-paid, disadvantaged workers to control their working lives and environment. It is not that hard. The tribunal to be established under the legislation will not be a radical organisation. No Australian court, tribunal or arbitration commission is radical. What it will provide is a fair mechanism, an independent umpire, to deal with workers' problems and issues. That is what the Libs and the Nats hate. They dislike fairness. They dislike tribunals because tribunals will act against what they see as the best interests of their mates, the employers, and guess what Honourable Acting Speaker, they also make decisions against employees! That is what a fair tribunal is all about. Those decisions are made frequently, but the umpire is independent.

The arguments used by the Liberal and National parties are interesting. The same arguments would have been put forward back in the 1600s, 1700s and 1800s when slavery was discussed: 'If slavery is abolished half the people will lose their jobs, the plantations and farms will go down, the economy will be destroyed, the people will go hungry'. They are the arguments being put by the Liberal and National parties today.

The bill is not about wrecking the economy. The economic impact statement clearly indicates that 1600 jobs will be lost over 10 years. Those are not VECCI figures pulled out of a hat. Those 1600 jobs are the low-paid jobs of people who have fallen through the cracks. They are jobs that really provide unfair advantages to employers who do not deserve them. The good employers who pay their employees the correct wages and provide appropriate conditions support the bill.

Honourable members opposite should know that trade unions play a role in the marketplace — economic rationalist terminology — in maintaining fairness and competition between companies. Companies tender and contract for work. Companies that pay their workers sick leave, holiday entitlements and all the rest of it cannot compete effectively against Mr and Mrs Shonk who do not pay the correct entitlements.

That is one of the things members of the Liberal and National parties do not want to believe. If 1600 jobs go, they should go. Those people should then pick up other jobs where they will be looked after. The companies that are now under pressure from these shonks would not go out of business.

Let us talk about consultation. At every opportunity in this place I have asked honourable members whether they attended one of the task force forums in their electorates.

Mr Doyle interjected.

Mr NARDELLA — I will lecture the honourable member for Malvern! I do not think any members opposite attended those forums. They can prove me wrong by putting up their hands. There is no show of hands because the consultation process — —

Ms McCall — There weren't any.

Mr NARDELLA — The honourable member for Frankston said there was not one. Of course that is because the honourable member for Frankston and her colleagues are extremely lazy. They do not believe in consultation processes because in the past they had Chairman Jeff, who would go to their party meetings, deliver a Sermon on the Mount and tell them what to do. They are not used to and do not understand a consultative process where an independent chairperson and representatives of both employers and employees — Job Watch was represented on that committee — go out to electorates and consult with people.

I went to the one in Sunshine, where Liberal Party members, National Party members, employers, employees and other interested community groups had the opportunity to participate — and we have heard about the community groups that took the opportunity to do so. Members from the Liberal and National parties did not turn up because they were too lazy and did not believe in the process — yet they come in here and say they need more time to consult on the bill.

Members opposite are planning to run a campaign against the bill over the next few months until the start of the autumn sessional period early next year. However, because of their laziness opposition members will not get anybody to support them, other than their employer mates. Only groups like the Victorian Employers Chamber of Commerce and Industry, the Australia Industry Group and the Housing Industry Association, which say they feel threatened and fear their world will collapse around them, will support the opposition. The opposition cannot mount a campaign because of its laziness. Why else would it not make a decision to support or not support the legislation today?

If members opposite were genuine, they would propose amendments in the committee stage. I repeat: they have not done so because they are extremely lazy.

This is the worst opposition Victoria has had. Members opposite called us a bad opposition from 1992 to 1999, but they have far more members than we ever had yet they cannot sit down and work through amendments to protect the people they claim to represent. That is a disgrace. They still do not realise that they are in opposition. Although I do not agree with it, at least the National Party has done the honourable thing and come out and opposed the bill.

The Liberal Party is shameful. It is led in the other house by the Honourable Mark Birrell, an honourable member for East Yarra Province, who could not run a campaign to save himself. The only campaign the Honourable Mark Birrell will run will involve using the Liberal Party's numbers in the other place to knock off legislation that provides for a fairer industrial relations system for a quarter of a million Victorian workers. The Honourable Mark Birrell once aspired to come down to this house to challenge for the leadership — but I suppose he will take part in that from his position in the upper house!

It is extremely important that the legislation be adopted by this and the other house as speedily as possible. Throughout this debate, apart from reading from prepared notes, members of the Liberal and National parties have talked about union thugs. Many of my friends are union organisers and many of my colleagues in this house were union organisers in their previous lives, and something they are not is thugs. Union organisers are concerned about the working conditions, the livelihoods and the wages of their members. The real thugs are the Peter Reiths of this world, who tried to close down the Maritime Union of Australia.

Union organisers work for their members. They are the ones who pay them, not the Liberal Party, the National Party or the Labor Party. It is the union members themselves who pay fees and in turn require services. Who else will look after working people? It certainly will not be the Liberal Party or the National Party. Union members do not necessarily believe it will be the Labor Party, even though it is the political wing of the trade union movement. It has to be the organisers and officials, who represent the people who employ them. The need to protect working people is something that Liberal and National party members find difficult to understand.

I will comment briefly on the Brethren Fellowship. Further discussions will be held with the fellowship early next week, at its request. I understand the fellowship was to have some meetings with the Minister for Industrial Relations earlier this week. It is a matter of striking a balance and of ensuring that people who are not in the fellowship are looked after. Honourable members on this side of the house, including the minister, understand the fellowship's special situation. It has a certificate of exemption under the federal law. On that basis, I support the bill before the house.

Mr RICHARDSON (Forest Hill) — After that attack by the honourable member for Melton I feel as though I have been savaged by a dead sheep. Successive speakers from the government side have trumpeted that the legislation is all about protecting outworkers — but it is not about protecting outworkers at all. Outworkers could be adequately protected by the federal legislation that is being held up by the Labor Party and the Democrats in the Senate.

Government members interjecting.

Mr RICHARDSON — No, this legislation is all about imposing the iron fist of trade unionism on a group of people trade unions have not been able to get hold of before. That group of people are contractors and self-employed small businessmen. They are not employees and do not want to be part of the union movement.

This fact has been gnawing away at the trade union movement ever since it was established. It wanted to know how it could get its hands on that group of people and coerce them into joining a union. It did not care much which union. Then along came the idea that it could be dressed up as the unions wanting to protect a disadvantaged group of workers, the outworkers, even though they could be protected by the legislation before the federal Parliament. The union said it would get its mates, the Democrats, to block the federal legislation so that it could say the bill would not work. That would leave the way open for the Victorian Trades Hall Council to achieve its long-held ambition of gathering into its clutches those people who had so far escaped.

Nobody should be surprised that the Labor Party has that objective — after all, it is the political wing of the trade union movement. It is perfectly logical that, the Labor Party having found itself — to its great surprise — in government with the support of three Independents, who do not know which way is up, an opportunity should arise for the unions to put in place all of the things which they and the Labor Party hold dear, including compulsory unionism.

This heaven-sent opportunity came along and it was decided to dress up the idea and give it a bit of apparent legitimacy. An industrial relations task force was formed, but the Labor Party is not so silly as to form a task force without the task force knowing what advice is required. The way to achieve that is to hand-pick the people making up the task force. The chairman must be independent, so it was decided to get a Sydney university professor who would appear to be independent and only a few people would know that he was actually a fellow traveller with a pretty good record of reaching the sort of conclusion the Labor Party would let him know in advance that it wanted.

A group of like-minded travellers was gathered around him, together with a few unionists and a couple of token employer representatives, who were outnumbered and outweighed — their views would not be taken notice of anyway. It did not matter if they wrote a minority report, because it could be ignored. The task force was to run around the countryside holding public meetings and all the local unionists and the local Labor members of Parliament would turn up. Like the honourable member for Melton, they would not be game not to go!

Following the public meetings a set of recommendations would be presented that would be precisely what the government and the Trades Hall Council wanted. Everything would be nice. But the whole thing comes unstuck when the fundamental dishonesty of the government on this matter comes to the fore.

Debate interrupted pursuant to sessional orders.

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

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure on behalf of the Victorian Parliament to welcome to our gallery Mr Guntis Ulmanis, the immediate past President of the Republic of Latvia.

QUESTIONS WITHOUT NOTICE

Workcover: premiums

Dr NAPTHINE (Leader of the Opposition) — I refer the Minister for Workcover to the case of Pacific Textiles in Bendigo, whose Workcover premium bill has increased by a massive $210 000 — or 39 per cent — to almost $750 000. This increase is so large that the company is considering redundancies or closing down its Bendigo operation. Will the minister now admit that these massive Workcover increases are hurting businesses and costing Victorians jobs?

Mr CAMERON (Minister for Workcover) — The question comes as a surprise. While the opposition goes around the state constantly wanting to talk down Victorian business and saying that employment is affected, in Victoria unemployment is going down. Obviously, as Victorians, that is what we want to see.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Cranbourne!

Mr CAMERON — The Leader of the Opposition knows only too well that the scheme had to have average increases of 15 per cent across the board. As a result of the experience rating system, which he has always been welded to, the premiums of some businesses increase and others decrease. Honourable members should be aware that 29 per cent of businesses actually have a lower premium rate this financial year than last year.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! The honourable member for Mornington! I ask the house to come to order; the Chair is having difficulty hearing the minister.

Mr Cooper — So are the people in Bendigo.

The SPEAKER — Order! The honourable member for Mornington!

Mr CAMERON — The Leader of the Opposition was aware of those average increases prior to the government's legislation earlier in the year, which, as he would be aware, he supported.

The government has to ensure that it starts to turn the Workcover scheme around. The Bracks government inherited enormous unfunded liabilities. Every year massive unfunded liabilities were being added up. Businesses were paying so much, yet the scheme costs were far more. A lot of it was simply being put on the credit card to be paid another day. The government wants to turn around the unfunded liabilities and make sure that unemployment continues to go down — and that is precisely what has been happening.

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition shall cease interjecting!

East Timor: government assistance

Ms BEATTIE (Tullamarine) — I refer the Premier to Victoria's special relationship with East Timor. Will the Premier inform the house of the latest action the government has taken to assist the Timorese in the rebuilding of their nation?

Mr BRACKS (Premier) — I thank the honourable member for Tullamarine for her question and for her interest in the strong relationship that exists between Australia and Victoria, of course, and East Timor.

Yesterday I had the privilege of meeting with the foreign minister in the East Timorese transitional government, Mr Jose Ramos-Horta. In that meeting Mr Ramos-Horta stressed that the task required in East Timor now has changed from one of relief, which has been the issue to date, both in securing peace and then providing aid and support for the citizens of East Timor, to one of reconstruction and building — that is, reconstructing the community from what is almost a greenfield situation where all the services and infrastructure such as the airport, roads and rail system have pretty well been razed.

He spoke of two priorities for East Timor and the interim government and transitional cabinet. One is to capitalise on East Timor's enormous tourism potential, which as the Minister for Tourism would know can be marketed around the world, particularly ecotourism. The other is to utilise some of Victoria's expertise through Tourism Victoria to build up that tourism potential in East Timor itself.

The Victorian government has already assisted the East Timorese in the reconstruction process in three major areas. Firstly, four East Timorese trainees are currently working in the Department of Natural Resources and Environment to gain skills they can use back in East Timor. Secondly, Victoria Police has a presence in East Timor in both policing and training capacities. Thirdly, the Department of Education, Employment and Training provides assistance in teacher training.

I was also pleased to announce yesterday that the Victorian government would contribute $30 600 towards a mobile radio unit that will assist in training young people in remote communities in East Timor in communication and medical skills. That effort will be in addition to the three major areas of assistance Victoria has already offered.

Mr Ramos-Horta stressed his gratitude to Victorians and the Victorian government for their efforts to date in rebuilding and assisting rebuilding in his country. He also said he would be very keen to receive a delegation led by me as Premier comprising representatives of key builders from the construction industry, representatives of Victorian tourism and Vicroads experts in road building to ensure that some investment capability is gained in the rebuilding of East Timor.

I hope to take up that opportunity in the new year. Representatives from our construction industry have already provided support in construction techniques to both Dubai and Vietnam, and we could offer the same arrangement to East Timor. Similarly we can provide expertise from Vicroads and Tourism Victoria, as I mentioned. That would be an important next step to ensure that we are part of the reconstruction process in East Timor. The future in Timor is now about rebuilding, not about relief, and I am very happy to support those efforts.

Workcover: premiums

Mr RYAN (Leader of the National Party) — I refer the Minister for Workcover to the government's statement that Workcover premiums would rise by only 15 per cent. I ask what action the minister will now take in the case of quarrying and concrete company, E. B. Mawson and Sons of Cohuna, which despite having no claims experience and no changes to the workplace has had its administrative headquarters reclassified as a quarry, leading to a 455 per cent increase in its premium.

Mr CAMERON (Minister for Workcover) — Isn't it interesting! Over the years members of the opposition have been totally welded on to an experience rating system, and suddenly they want to do away with it. They knew at the time of the autumn sittings that there would be an average 15 per cent increase in Workcover premiums, and that is what has happened. Specifically, Mawson's payroll has gone up by 8 per cent but its Workcover premium went up by 6 per cent — in other words, a real reduction!

It may well be that the Leader of the National Party does not want that, but one would have to say that where industry groups have good experience that is what we want to see. Obviously, that has been one of the factors in the Mawson enterprise.

The Bracks government wants to see good occupational health and safety across the board. It is focused on that. I know neither the National Party nor the Liberal Party wants that, but we as a government do, as does the community.

South-western Victoria: investment

Ms OVERINGTON (Ballarat West) — I refer the Minister for State and Regional Development to recent media reports of the mini boom in the state's south-west. Will the minister inform the house of recent investments in that region and whether the local community feels confident about the economic climate in that growing region?

Mr BRUMBY (Minister for State and Regional Development) — I should say at the outset that I am aware of newspaper reports about the economic mini boom that is occurring in south-western Victoria. Things there are certainly looking up.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Polwarth to cease interjecting.

Mr Perton interjected.

The SPEAKER — Order! The house will come to order. It is wasting its own time. I ask particularly the honourable member for Doncaster to cease interjecting.

Mr BRUMBY — As I was saying, I am aware of those newspaper reports — —

Mr Spry interjected.

The SPEAKER — Order! The honourable member for Bellarine shall cease interjecting.

Honourable members interjecting.

The SPEAKER — Order! I have asked the house to come to order on a number of occasions. I have called numerous individual members. I warn the honourable member for Doncaster.

Mr BRUMBY — I refer to an article in the *Hamilton Spectator* of 4 November headed 'Mini boom challenges the Napthine perception', which states:

> A claim by member for Portland, Denis Napthine, that there was an alarming downward spiral in business confidence in rural and regional Victoria, has been challenged by business and community leaders.

The Leader of the Opposition has been running around his electorate saying, 'Things have never been so bad. We have a downward spiral', so the *Hamilton Spectator* thought, 'Is this correct?' and 'Is this helping our community?', so it asked the mayor — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Mr BRUMBY — It asked the mayor of Southern Grampians shire, Cr Howard Templeton, what he thought. He said he did not believe Hamilton was in a downward spiral. In fact, he said:

> Hamilton business as a whole is optimistic.
>
> …
>
> We are actually going through a mini boom.

The newspaper then surveyed some of the local businesses. It asked the manager of Cyclone Industries in Hamilton, James Clark, who said business confidence had never been so good in the eight years he had been in the area.

Mr Hulls interjected.

The SPEAKER — Order! The Attorney-General!

Mr BRUMBY — The newspaper wanted to comment on this, too, so it wrote an editorial headed 'Don't bash the bush'. It says:

> Denis is battling to find his way in the 'preferred premier' stakes with a single-figure rating compared with the most popular Premier ever, Steve Bracks.
>
> …
>
> Trouble is, in painting the bush as full of doom, gloom and missed opportunities, he is bashing us as well.

You know what the *Hamilton Spectator* said? It gave the Leader of the Opposition — —

Mr Perton — On a point of order, Mr Speaker, your rulings indicate that ministers should be succinct in their answers. The minister has been speaking for 5 minutes and 45 seconds. Yesterday following a dorothy dixer he had the opportunity to explain the government's achievements in IT — but that took him 2 minutes and 45 seconds.

The SPEAKER — Order! Once again the honourable member for Doncaster has taken a point of order and then proceeded to make comments that have no relevance to it. I am not prepared to uphold the point of order at this time. However, I remind the minister of the requirement for him to be succinct.

Mr BRUMBY — I guess the crunch in the editorial is this piece of advice. The editor of the *Hamilton Spectator* has this to say to the Leader of the Opposition:

> Please come and visit us in Hamilton, Denis — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Housing! I ask government benches to come to order.

Mr BRUMBY — The question is, whose electorate is Hamilton in? The Leader of the Opposition's. The editorial says:

> Please come and visit us … and get a feel of [Hamilton's] business confidence.

There is a renewed feeling of optimism and confidence in south-western Victoria. The Bracks government has invested more than $3 million in the RMIT facility in Hamilton, millions of dollars in upgrades of power for the dairy industry and dairy underpasses, and $9 million in SWARHNET (the south-west area regional health network) across the hospital system. We have recently seen a $55 million investment by the Murray–Goulburn dairy cooperative at Koroit.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to conclude his answer. He has been speaking for some 10 minutes, and even allowing for interruptions, is now entering the realm of not being succinct. I ask him to conclude his answer.

Mr Honeywood interjected.

The SPEAKER — Order! The honourable member for Wantirna!

Mr BRUMBY — The opposition hates good news, but I am delighted to advise the house today that the Bracks government will provide a further grant to procure a $5 million investment at the Dartmoor timber mill, again in the electorate of the honourable member, which will guarantee the job growth that in recent times has doubled from 70 to 140 — —

Dr Napthine interjected.

Mr BRUMBY — Not under your government, my friend — —

The SPEAKER — Order! The minister, through the Chair.

Mr BRUMBY — Under the Bracks government we are seeing strong growth and strong investment. A bit of advice for you, my friend: do some more work in your electorate and stop bashing the bush.

Nuclear-powered warships

Mr COOPER (Mornington) — I ask the Premier whether the government supports visits to Melbourne by nuclear-powered United States warships.

Mr BRACKS (Premier) — I welcome the question from the honourable member for Mornington. My answer is that we have no problem at all. In fact, I will personally visit the next nuclear warship to visit Victoria. I refer to something that — —

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Mr BRACKS — The honourable member for Mornington is, I think, referring to an article in yesterday's *Australian*, which I assume led him to ask the question. The article in the *Australian* is totally without foundation.

Mr Cooper — On a point of order, Mr Speaker, the Premier has just put into my mouth words I did not utter. I did not refer to an article in the *Australian* or any other newspaper published yesterday. I simply asked a question — and I think I have received the answer.

The SPEAKER — Order! There is no point of order.

Mr BRACKS — On the general issue of visits by United States commanders and ships to ports in Victoria, I had a telephone — —

Ms Asher interjected.

Mr BRACKS — Sorry, Mr Speaker, supplementary questions are being asked across the table.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to stop interjecting across the table.

Mr BRACKS — I had a conversation just before question time yesterday with Admiral Blair, who was visiting Melbourne. Because of the jubilee mass at Colonial Stadium and other parliamentary duties I was not able to visit my own electorate, in which — —

Dr Napthine — Perhaps you should visit your electorate more often.

Honourable members interjecting.

Mr BRACKS — That is the best gag the Leader of the Opposition has ever told. He said, 'I should go to my electorate more often' — that is a gag! Some

interjections are worth repeating; that is a gem. It was in reference to an article on that general matter that appeared in the *Australian* yesterday. It is totally inaccurate. It was rejected by the Victorian Consul-General, and it is also rejected by me. I had a discussion with Admiral Blair, who was insulted by the article, and so was I.

Rural Victoria: natural resources and environment jobs

Mr TREZISE (Geelong) — I ask the Minister for Environment and Conservation to inform the house of the measures the government is taking to provide employment opportunities in regional and rural Victoria in the areas of natural resources and environment management.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for his question. This is an area where the government is clearly demonstrating its commitment to rural and regional Victoria. It will mean more jobs in rural and regional Victoria, and I will tell the house about some of them.

The Department of Natural Resources and Environment (DNRE) and other related agencies, such as water and catchment management authorities, have recently announced a series of initiatives that will provide an additional 325 permanent employment opportunities across Victoria. More than 75 per cent of those jobs are in rural and regional Victoria. They will be provided across Victoria — approximately 30 in every one of the department's regions. The opportunities will be in a whole range of job types.

The first job I refer to is that of a community coordinator based at Swifts Creek to further assist that community. Ninety of those positions will be made available through the government's youth employment scheme, which involves trainees and apprenticeships, and 40 of them are within the DNRE and other agencies. That is 90 additional positions. That is good, isn't it? Do opposition members want to say thank you and congratulations? No. Obviously the opposition is not interested in good news.

The scheme will provide the trainee and apprenticeship opportunities in a whole range of jobs, such as doggers, catchment management officers, fisheries officers, wildlife officers, forest and fire officers — —

An honourable member interjected.

Ms GARBUTT — Yes, there is a dogger. Jobs will be created for construction and maintenance crew workers, land care and environmental officers, scientists, waste water and headworks officers and IT officers, and there will also be a range of new business and administrative positions.

Those jobs will not only help to increase the skills base of young people in rural and regional Victoria, they will also be an incentive for them to remain at home in rural communities instead of shifting to Melbourne.

DNRE is also addressing the skills progression issue in rural and regional Victoria through the employment of an additional 12 maintenance and land management crew workers. They have a vital role to play in land management. They fight fires, undertake work in national parks and are involved in weed eradication and Rabbit Buster programs. They are key positions.

There is more. A similar commitment has been given for the future by creating 174 permanent positions to undertake jobs that are currently carried out on a temporary or contract basis. So, 174 permanent positions will be created. Furthermore, in preparation for this year's fire season, DNRE has recently completed the recruitment of approximately 400 summer project firefighters. They will be engaged in fire prevention and suppression activities. Almost all that new employment will be in rural and regional Victoria.

In addition to those positions, this year Parks Victoria will employ 50 additional summer rangers throughout the national and state parks, mainly in rural and regional Victoria, with only 10 being offered in the metropolitan area.

Those great initiatives will significantly boost job opportunities throughout Victoria. They demonstrate the government's commitment to growing the whole of Victoria.

Public sector: new jobs

Ms ASHER (Brighton) — I refer the Treasurer to departmental annual reports that show that almost 2000 additional public servants have been employed in Labor's first year of office, and I ask him to inform the house of the cost to taxpayers of those additional public servants.

Mr BRUMBY (Treasurer) — I should say at the outset that the first thing the government will do is check the veracity of the claim made by the shadow Treasurer.

An honourable member interjected.

Mr BRUMBY — It is in the annual reports. Earlier this week the opposition made the claim that the total of the consultancy bill under the Bracks government had increased to in excess of that under the Kennett government. That is totally untrue.

An honourable member interjected.

Mr BRUMBY — The shadow Treasurer does not understand budget papers or annual reports and does not know how to add up.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition! The honourable member for Bentleigh!

Mr BRUMBY — The first thing we will do is check the veracity, given the track record of the shadow Treasurer in these matters. For example, the big departments, like the Department of Treasury and Finance, have reduced the costs of employing contractors and consultants by 51 per cent.

In terms of the public service, the government has put on more than a thousand new teachers in our education system. And do you know what? We promised to do it, and we are doing it! We think it is a good thing to invest in education! We have also put on more nurses. We have also put on more police. We have also put on more people in regional development to help boost jobs and investment.

So what the shadow Treasurer is saying is that she does not want to see any more teachers in schools, she does not want to see any more nurses in hospitals, and she does not want to see any more police in the community. The government has a different view about these things.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Dr Napthine interjected.

Mr BRUMBY — Don't visit Hamilton, mate. Do you need a map to get there? The ministers have been there. I think I have been there more than you have.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc and the Attorney-General!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Leader of the Opposition and the Treasurer!

I ask the Treasurer not to invite interjections across the table, and I ask the Leader of the Opposition and the Deputy Leader of the Opposition to cease interjecting. There is far too much noise emanating from the chamber.

Mr Maclellan interjected.

The SPEAKER — Order! The honourable member for Pakenham!

Mr BRUMBY — I will conclude by noting that one of the first acts of the Bracks government upon its election was to make $100 million of savings in departmental outlays. In fact, in many departments the size of the bureaucracy was reduced. If the shadow Treasurer cares to check the budget papers again she will find that those savings were made. The government is committed to honouring its election commitments to boost services in the community, to strengthen our schools, to strengthen our hospitals and to improve community safety.

I understand the shadow Treasurer was out there this morning attacking the fact that we are investing $550 million in our regional rail links. We are implementing our policies, we are doing that in services, and we are doing that in the context of a budget surplus in prospect of $591 million, which is five times larger than the last budget surplus in prospect left to us by our predecessors.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk! The Deputy Leader of the Opposition is continuing to interject. I shall warn her!

Housing: Port Melbourne estate

Mr STENSHOLT (Burwood) — I refer the Minister for Housing to the poor state of the Raglan Ingles estate in Port Melbourne and I ask: what is the latest action to regenerate this development in conjunction with the private sector?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General.

Ms PIKE (Minister for Housing) — The Raglan Ingles housing estate was built in the 1960s and consists of 64 public housing dwellings. As with many inner city public housing estates, the Raglan Ingles

estate was sadly neglected. Little was done for that estate and for the tenants who lived there. In fact the estate was badly decayed and had been that way for many years.

However, the community — the people who lived at Raglan Ingles — was strong and solid and formed a protest at the standard of their accommodation. What is more, the government responded to the tenants' call for help. In the first instance a community advisory committee was formed, which was chaired by the honourable member for Frankston East. The committee pulled together people from the local community, people from the City of Port Phillip, public tenants, people from community agencies and officers of the Department of Human Services.

In October I received the redevelopment strategy report from the committee. I am very pleased to announce to the house today that the government will back a $13 million redevelopment of the site. It is a very exciting redevelopment, because it will incorporate environmentally sustainable features, such as passive solar design, solar hot water systems, and even the use of grey water recycling. But there is more good news about the redevelopment.

The redevelopment will create at least 200 jobs, directly and indirectly, for the Victorian economy. That is terrific news for the construction industry and for the Port Melbourne community. It will be a partnership between the government, the private sector and the community. It will mean new jobs, new development, and new homes for all sorts of people, particularly low-income people in that community. This is just one of the many creative housing initiatives of the Bracks Labor government. This financial year it is investing $183 million to upgrade and redevelop existing social housing stocks. A lot of that will be on the major public housing estates so neglected by the previous government.

There is more good news for rural communities, where many of these partnership developments will be commenced. The government also has a further $165 million to acquire additional stock in areas with chronic shortages in affordable housing. So my announcement today is that there will be $13 million redevelopment of a dilapidated site for a demoralised community — and that is good news.

Schools: global budgets

Mr HONEYWOOD (Warrandyte) — My question is to the Minister for Truth in Education.

The SPEAKER — Order! The honourable member for Warrandyte will call honourable members by their correct titles.

An Honourable Member — Delete truth.

The SPEAKER — Order!

Mr HONEYWOOD — Mr Speaker, I delete the word 'truth' — the Minister for Education.

The SPEAKER — Order! Will the minister advise the Chair to whom he is addressing his question?

Mr HONEYWOOD — The Minister for Education. I refer to the minister's statement today that no school will be worse off as a result of her massive changes to the school global budget funding formula and I ask: how does the minister account for the fact that one school alone — Heathmont Secondary College — will be $127 000 worse off next year, even accounting for its $52 000 supplementary funding from her and the changes in enrolments? Do you stand by your statement today?

The SPEAKER — Order! I ask the honourable member for Warrandyte to rephrase the latter part of his question.

Mr HONEYWOOD — Does the minister stand by her statement that no school will be worse off as a result of her change in the funding formula?

Ms DELAHUNTY (Minister for Education) — I acknowledge the question from the honourable member for Warrandyte — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh and the Leader of the Opposition! I warn the honourable member for Mornington.

Ms DELAHUNTY — I also acknowledge the naked ambition of the honourable member for Warrandyte: 'I will be leader if my party wants me'. In an exclusive interview with the *Bharat Times*, Mr Honeywood said he had decided, at the tender age of 11, that politics was his career. If the honourable member wants to be the leader he has to get it right on education and stop talking it down. Not content with savaging education for the past seven years, he is still trying to undermine confidence in public education.

Even the secretary of the Secondary Principals Association of Victoria was forced to say on television today that the opposition is beating up the story. In government, he was the member — 'I'll be leader if the

party wants me, even though I only have nine votes' — who ridiculed teachers as coming from the reject bin. Now he cries crocodile tears about a change in global budgets — —

Mr Honeywood — On a point of order, Mr Speaker, I refer to the standing order on debating. The minister has not addressed the issue of Heathmont Secondary College once in her reply.

The SPEAKER — Order! I uphold the point of order raised by the honourable member for Warrandyte and I ask the minister to return to answering the question.

Ms DELAHUNTY — Principals cannot believe how well they are doing and how much money they have. However, despite the fact they have more money in their global budgets — remember that, more money — a small handful of schools need assistance now that funding has moved from averages to actuals. Each school with concerns will be assisted on a case-by-case basis and certainly Heathmont Secondary College will be assisted.

Tertiary education and training: apprentices and trainees

Mr LANGDON (Ivanhoe) — Will the Minister for Post Compulsory Education, Training and Employment inform the house of the apprenticeship and traineeship opportunities created by the government and of what assistance and support the federal Liberal government has provided in this important drive?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — Victoria has fantastic news on growth in apprenticeships and traineeships over the past 12 months. With only 24 per cent of the population, Victoria has 29 per cent of all Australian trainees and apprentices. In October there was a 23.3 per cent increase of apprentices and trainees undertaking training, compared to the same time last year. Better still, in terms of people who have completed their traineeships and apprenticeships, the number is 41 per cent higher than at the same time last year.

That is terrific news for Victoria and for young people. However, it has not happened by accident. The Bracks government has made a major contribution — an additional $40 million each year for trainees and apprentices in the system. Unfortunately, the commitment is not matched by the commonwealth government. It has not provided additional growth money since 1997 and now for the next three years it wants the same system — no additional dollars over and above what it has spent before 1997. That means more than 10 000 young Victorians will miss out on the opportunity to enter traineeships and apprenticeships. Dr Kemp is prepared to put education dollars into swimming pools and tennis courts at private schools but he is not prepared to put the money forward for 10 000 Victorians who will miss out on training opportunities.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed.

Debate adjourned on motion of Mr CAMERON (Minister for Local Government).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

> That the government business program resolution agreed to by this house on 14 November 2000 be amended by omitting the Nurses (Amendment) Bill.

Motion agreed to.

NURSES (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Mr THWAITES (Minister for Health).

Government amendments circulated by Mr THWAITES (Minister for Health) pursuant to sessional orders.

Opposition amendments circulated by Mr DOYLE (Malvern) pursuant to sessional orders.

Independent amendment circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Mr DOYLE (Malvern) — Although the Nurses (Amendment) Bill is important, I do not intend to make lengthy comments on it. I am delighted to note that the bill amends the Nurses Act to ensure that it complies with the Medical Practice Act and that several steps have been taken concerning insurance information provided to the board; complaints hearings; warrants; the appointment of a panel of experts to assist the board

in formal hearings; and the suppressing of the identity of nurses who are the subject of a formal hearing until determination. The house has debated all those matters, which are in the Medical Practice Act. They are all sensible and were agreed to in a bipartisan way, and they will add to the effect of the act.

The most important part of the bill is the institution of a new category of nurse — that is, a nurse practitioner. The bill will also amend the Drugs, Poisons and Controlled Substances Act to allow prescribing rights for nurses designated as nurse practitioners. Nurse practitioners will fall into two categories: a nurse with prescribing rights and a non-prescribing nurse practitioner who has extended practice in areas of nursing.

The Liberal Party supports the registration category of nurse practitioner. As always there will be concerns that Victoria is moving into an area where it has not trod before — that is, where nurses will in some cases be prescribing schedule 8 and schedule 4 drugs, two of the most serious categories of drugs used in the medical profession. However, the Liberal Party believes they should not be confined simply by way of very firm divisions between professions. Rather, consideration should be given to appropriate training and education. If that education and training has been satisfactorily completed and the nurse has the required clinical experience, the prescribing rights should follow.

The mechanisms for that will be the subject of some conversation during the committee stage of the bill. I am satisfied the safeguards put in place will protect the public and allow Victoria to have this exciting new category of nurse — the nurse practitioner — in a range of nursing areas, which will be useful.

I make two brief points about offences, and I thank the Minister for Health for his letter to me in response to a briefing by departmental officers on 1 November. I believe if offences appear in a bill the penalty for a body corporate should be greater than that for an individual. I believe that provision would receive bipartisan support. The minister indicated in his letter that he will examine that concern, which is a positive step. He has advised me that he will conduct a review of all the penalty levels in the Nurses Act as part of the review and updating of this and other health practitioner registration acts. That is sensible and I thank the Minister for Health for responding in that way.

The second point is covered in the third amendment, which I will refer to later. It is also covered in the subject of the minister's letter. Although I will move the amendment, I am delighted to accept the minister's assurance that those penalties will be looked at. That is a wise decision.

I also raised with the minister a matter I will again raise simply in passing. I accept the minister's explanation in his letter. The matter concerns an endorsement obtained by fraud. Clause 15 of the bill provides that if at the end of a hearing the board determines that a nurse's registration has been obtained by fraud or misrepresentation or the qualifications are fraudulent or whatever, the board must cancel the endorsement of registration of that nurse. The point I make is that does not cancel it ab initio. It does not say, as I believe it should, that the person was never a nurse; it simply cancels his or her current practising certificate. The person would still have a certificate from the board saying that he or she were registered, for instance, as a division 1 nurse.

A person who has obtained registration by fraud would not be the best person with whom one should deal in the commercial and wider world. I am concerned that such a certificate could be used to postulate the falsity that the person was at one time registered as a nurse. I understand the minister's reasons for saying that that issue will not be attacked in this legislation and I accept them. I simply raise the matter as being of some concern.

I now turn to the membership of the Nurses Board of Victoria. The bill will change the membership of the board by inserting a number of inflexible provisions which nominate certain categories of nurses as being members of the board. One example would be a psychiatric nurse or a person registered under division 3 of the register who may be employed as a director of nursing in a rural, regional or metropolitan hospital or as a charge nurse. The provision lacks flexibility. As I examine the clause it seems to me that a midwife, for instance, could never be a member of the nurses board. That seems rather odd, and it is the result of being inflexible about the categories inserted in the provision.

In addition, given that the majority of this bill is taken up with the appellation of nurse practitioner, it is strange that nurse practitioner is not included as one of the categories of people on the board. I note that nurse practitioners could well be one of the division 1 registered nurses but choosing to have a nurse practitioner would wipe out that flexibility. I will not make any further comment other than to note that I do not see the reason for changing the membership of the board from the way it was; the former board offered flexibility and expertise with a range of potential members. In this case there are two categories we may lose. Given the way this is defined, I would be

interested to know whether a midwife could ever sit on the Nurses Board of Victoria.

I do not wish to go much further, with one exception. I will not anticipate debate but I think in committee we will be discussing the introduction of safeguards. We should move into that area with some confidence. It is important that the public has confidence that if someone commences a new area of practice, the prescribing rights, the education, the qualifications, the training, the clinical experience, and the category in which they are nursing will have been carefully evaluated so the public is never put at risk. In committee we will be discussing how in good spirit we have come to agreement about how that can best be done.

Clause 6 provides for the creation of a nurse practitioner. The clause outlines what is required of a nurse in order for him or her to become a nurse practitioner. Clause 6, which will insert section 8B into the act, provides that to be endorsed the nurse must satisfy the board that he or she has satisfactorily completed a course of study and undertaken clinical experience that, in the opinion of the board, qualifies the nurse to use the title nurse practitioner. If that is the case, the board may endorse the registration of that nurse.

It is my view that we should not be too inflexible about what the two phrases 'course of study' and 'clinical study' mean. The board is well placed to determine what courses of study are required, and after how much experience, before admitting nurses to this category of practice. I would not want us to be tied down. I recognise Professor Bennett's recommendations which, in general terms, talk about masters degree level qualification. However, that may not be necessary in some cases. I believe the board could make quite minimal requirements for a course of study for a nurse with long experience of clinical practice who wants to be a nurse practitioner but does not need prescribing rights.

It is important to recognise the flexibility that the board will need to give effect to the full range of nurse practitioners covered by the provisions of the bill. That will differ from nurse to nurse and from place to place. That is what the bill is about; that is the sort of practitioner we are looking for, although it must always be underlined by public safety. I would not like to see the provisions read too narrowly so that we create a high jump bar that will be too high for many of the potential nurse practitioners, particularly those who will work in rural and regional Victoria. That is one of the reasons why the committee will later be moving to strike down the grandfather clause. I believe that is best done through a flexible arrangement under clause 6 of the bill.

Although there are constraints on the time available to debate the bill, I would not wish to minimise the importance of the bill or the step the house is taking. The important thing to recognise as we take this step is that at every moment the public interest and safety must be protected and safeguarded. I am satisfied that the bill, its conception and its philosophy do that. I am satisfied that the amendments to the legislation will provide a framework that will enable both of those worthy goals to be achieved.

In conclusion, this has been a very instructive process. Parliament is changing the membership of the board and Victoria will have a different board from now on. I place on the record my thanks to the current members of the Nurses Board of Victoria and to those who have served before. I particularly thank Professor Margaret Bennett, a person whom I admire as having the most scrupulous integrity. I thank her for her able chairmanship of that board and the work she has done with her committee that has lead to the philosophy that underpins the bill before the house.

Members of the public often view Parliament through the lens of the question time camera. They do not see the work that goes on between parties on both sides and our colleagues from Mildura, Gippsland West and Gippsland East to try to obtain an accommodation which, while it may not satisfy all of our questions and concerns, will be a way forward and will include the safeguards that we insist on. The process that has led to honourable members debating the bill in the house today has been instructive and has included members of all sides of the house.

My final comment is very important and I am sure it will be taken up during the committee stage of the bill. It is vital that as we move to prescribing rights for nurses we are very sure that the nurses board will act with propriety, fairness and balance; that the nurse practitioners advisory board will be constituted with the finest people available to offer advice to the nurses board; and that in making recommendations to the minister the advisory board will have its recommendations very carefully weighed by a body similar to that of the poisons advisory committee, which again is constituted of people with the expertise required to measure exactly what is needed to safeguard the public and at the same time provide prescribing rights to nurses.

The formulation of the regulations that will give effect to this act and allow prescribing rights for nurses is very important because the legislation does not allow disallowance of regulations by either of both houses of Parliament. The role of the Scrutiny of Acts and Regulations Committee in scrutinising the regulations brought forward under the provisions of this legislation will be crucial. I do not say that for any reason other than to underline the importance of public safety and the confidence of the public in the processes that will follow from the legislation. I place on the record that the Scrutiny of Acts and Regulations Committee will be scrutinising carefully the regulations that will give effect to those provisions. If, after the process of the nurses board, the nurse practitioners advisory board, the poisons advisory committee, and ministerial scrutiny, we were not convinced that those regulations would protect the public, then after consultation with expert groups we would argue for their disallowance at the Scrutiny of Acts and Regulations Committee. We would take such a step warily and only after wide consultation. The seriousness of what we are doing here today is such that I believe we need to have belt and braces and whatever else is needed to ensure the public is protected. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I am conscious of the fact that a number of members want to join the debate, so I will keep my remarks brief.

I endorse the comments made by the honourable member for Malvern, particularly those about the important role of the Scrutiny of Acts and Regulations Committee. It is an important safeguard in scrutinising legislation.

The government's amendments were not made available to the National Party until minutes before debate on the bill was scheduled to resume, so we were not much impressed by that. I thank the minister and the parliamentary secretary for rectifying the oversight and including the National Party in subsequent discussions. I advise the minister that the party has its own views on many of the issues and wishes to be included in any discussions on legislation.

We do not take kindly to being treated in that way, not only on this legislation but on other legislation on which we may have a different view from our Liberal Party colleagues. The National Party wishes to be consulted.

The National Party is happy to cooperate and have the legislation dealt with today, but I am disappointed that it is now 3.10 p.m. and honourable members have about 1 hour — or perhaps a little more if necessary — to debate the bill. That is not sufficient time to record the party's views and philosophies, so I express concern on that front.

This is important legislation, the main part of which amends the Nurses Act to ensure compliance with national competition policy principles. I remind the house that under the principles agreed to by all states and the commonwealth Victoria committed itself to reviewing all legislation by 2000 and where appropriate removing any restrictions on competition. The discussion paper clearly spells that out. As is the case with all national competition policy principles, legislation should not restrict competition unless it can be demonstrated, firstly, that the benefits of the restriction outweigh the costs, and secondly, that the objectives of the legislation can only be achieved by restricting competition. I will not go through the list of professions that have already been reviewed under the principles.

The National Party holds the nursing profession in high regard. It does an outstanding job under difficult circumstances, particularly in country Victoria. I welcome the recent opportunity to nominate nurses for the Nurses Care Award, which is a great way of acknowledging the contribution nurses make to the community.

The bill also deals with nurse practitioners, which is something the National Party feels strongly about. I will have more to say on that during the committee stage. The concerns of the medical profession about giving nurse practitioners prescribing rights are understandable. Sufficient checks and balances are needed to ensure that that right is not abused. The Scrutiny of Acts and Regulations Committee is a reasonable mechanism for checking that.

The legislation strengthens the powers of the Nurses Board of Victoria and changes its composition so it will comprise nine nurses with specified categories, a lawyer and two people other than nurses. I will also comment on that during the committee stage.

In the interests of brevity and so that other members will have an opportunity to express a view, I will conclude by saying that the National Party will not be opposing the bill. It has some concerns with some aspects of it, which will be dealt with in more detail when the bill goes to the upper house.

Mrs SHARDEY (Caulfield) — In my brief comments I will focus on two main areas relating to nurse practitioners, which positions are created by the bill, and aged care. The Nurses (Amendment) Bill

recognises the title 'nurse practitioner' and gives the Nurses Board of Victoria the discretion to determine the fields of practice of nurse practitioners. I would be interested to know whether the role is to apply to the important areas of dementia and aged care.

The bill requires the nurses board to determine the educational experience required for nurse practitioners in each field of practice. It also allows nurse practitioners to prescribe schedule 2, 3, 4 and 8 drugs in accordance with formulas determined by the nurses board. Some concerns have been expressed about that, but controls can be put in place to ensure security.

The bill also gives the Nurses Board of Victoria the power in their first 10 years to register nurses as nurse practitioners within the various fields based on the board's judgment of their clinical experience, with no formal training required. That has been addressed by the honourable member for Malvern, and more will be said during the committee stage.

The legislation has arisen because of the shortage of general practitioners in many small rural towns. As a result, directors of nursing and senior nursing staff have for many years provided levels of care for patients well beyond the norm, particularly in bush nursing hospitals and aged care facilities. Nurses have traditionally worked in cooperation with general practitioners, either face to face or over the phone. Nurses have always played a vital role in providing high levels of care.

The previous government identified the need for nurse practitioners, including the role they could play in a multidisciplinary approach to health care. In 1998 the nurse practitioner task force was established by the previous government to provide a framework and process for the implementation of the nurse practitioner role in the Victorian health care system. There have been consultations with the community and practitioners, as well as the implementation and evaluation of a number of nurse practitioner models of practice.

Despite the recognition by the opposition and professional medical bodies of the need for legislation in this area some concerns that should be addressed have been raised. I am hopeful that they will be addressed.

The opposition is aware that the legislation has placed enormous responsibility in the hands of the Nurses Board of Victoria in relation to determining education, training and prescribing rights. There would need to be assurance that such nurse practitioners would not be given prescribing rights without proper training and that a means is not provided to enable nurses to avoid training. If all this is taken care of, it seems there may be little need for a grandfather clause, particularly if the board has the power to require a nurse to undergo further training in a specified period.

The remarks in relation to the Scrutiny of Acts and Regulations Committee are legitimate. Those sorts of assurances are needed by the Parliament and the community.

Finally, the remarks of the honourable member for Malvern in relation to the board itself are justified, in that the categories seem to provide for inflexibility. It is a pity that has occurred, but perhaps it can be looked at again in the future.

Ms McCALL (Frankston) — My contribution to the debate on the Nurses (Amendment) Bill will also be brief in the interests of time and in view of the lateness of the hour. I place on record the contribution of the ministerial advisory committee on nursing set up by the former Minister for Health, Minister Knowles, of which I was a member for some three and a half years. In the run-up to the setting up of the nurse practitioner advisory task force directors of nursing throughout Victoria contributed their expertise and provided input. I acknowledge their hard work.

As one who does not come from the medical profession but is likely at some point in time to be at the receiving end of nursing, I place on record the concern some members of the public are expressing about what exactly a nurse practitioner will do. The opposition has no problem in acknowledging that there is a need for such a role and that in certain parts of rural and regional Victoria the need for them to have the ability to prescribe in the absence of a doctor is not unreasonable.

However, the general public will probably need some sort of exposure to education on what it means if a nurse practitioner says, 'Hello, I'm not a nurse, I'm a nurse practitioner'. What is the nurse practitioner entitled to do and what does it mean to the patient? I am fully supportive of the comments made by the honourable members for Malvern and Caulfield.

In relation to the ability of the Scrutiny of Acts and Regulations Committee to ensure that the passage of regulations and the education standards required for nurse practitioners are scrutinised carefully, we do not want to be faced with a situation in which, having recognised that there is a shortage of nurses worldwide, we are merely putting in another layer of academic nurses to the detriment of the public, who need practical nurses.

The opposition does not oppose the bill. I support the amendments standing in the name of the honourable member for Malvern, and I wish the bill a speedy passage.

Mr THWAITES (Minister for Health) — I thank all honourable members who contributed to the debate and acknowledge the cooperative way in which the various members have discussed these matters not only today but in the lead-up to the debate. Those discussions have involved members from the National Party, the Liberal Party and the Independents.

The government supports the changes that are being made today. The principal change relates to the introduction of the category of nurse practitioner. That change will enable health care services for Victorians to be more responsive and accessible. It will also lead to a greater diversity in services and increased flexibility.

Members of the community and in particular the medical profession have expressed some real concerns. Those concerns relate principally to the prescribing of pharmaceuticals, which has not previously been a role for nurses. Most of the controversy and debate has followed from that. There is an issue about how the right to prescribe will be reached. As honourable members have indicated, it will occur only after regulations made under the Drugs, Poisons and Controlled Substances Act are implemented. As honourable members have said, the regulations can be disallowed by Parliament.

Those regulations will be made by the government, and in doing so it will of course be guided by the Nurses Board of Victoria. Various provisions in the bill set out how the board will make recommendations on that.

I will consult the Poisons Advisory Committee in every case before recommending to the Governor in Council the making of regulations under the Drugs, Poisons and Controlled Substances Act to authorise a category of nurse practitioner to prescribe an identified list of drugs. The committee will advise whether the process involved in the nurses board deliberations and the range of experts is satisfactory and appropriate to support the recommendations made.

The honourable member for Malvern also raised the issue of the need for flexibility in relation to section 8B(1). I endorse those comments.

The nurses board will have a wide discretion to endorse a nurse as a nurse practitioner on the basis of that nurse's clinical experience and study. That does not imply there is a need or any statutory requirement for a particular qualification — for example, a masters degree. There may be cases where individual nurses have had many years experience in a clinical area — for example, diabetes — in which case there would not necessarily be a requirement for a postgraduate degree in that discipline.

The honourable member for Rodney raised issues on behalf of the National Party. I certainly look forward to working closely with him on a number of bills. He said the National Party may have different views from the Liberal Party on legislation, so I will be keen to work with him on those differences. A number of issues that were raised during the debate will now be addressed in the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 40 agreed to.

Clause 41

Mr THWAITES (Minister for Health) — I move:

1. Clause 41, line 29, after this line insert —

   "(ea) to determine the categories of nurse practitioner for the purposes of endorsement under section 8B;".

2. Clause 41, line 30, omit "(ea)" and insert "(eb)".

3. Clause 41, page 26, line 20, after this line insert —

   "(5) In exercising its functions under sub-section (1)(ea) and (eb) in relation to categories of nurse practitioner for which a nurse's registration can be endorsed under section 8B(2), the Board must have regard to the advice of the nurse practitioner advisory committee established under section 79.".

The amendments set out more clearly the role of the Nurses Board of Victoria in determining the categories of nurse practitioners for the purposes of their endorsement.

Mr DOYLE (Malvern) — I thank the minister for the amendments, which state what the committee will recommended in determining the categories. The amendments are sensible because they define what they are, and the Liberal Party supports them.

Amendments agreed to; amended clause agreed to; clauses 42 to 45 agreed to.

Clause 46

Mr THWAITES (Minister for Health) — I move:

4. Clause 46, line 24, after "8B" insert "(1)".

5. Clause 46, line 27, after "registration" insert "under section 8B(1)".

6. Clause 46, page 33, line 2 after "8B" insert "(1)".

These provisions relate to the grandfather clause. The bill has a grandfather clause that would allow the nurses board to recommend that a particular nurse be entitled to be a nurse practitioner without necessarily having done the requisite course of study.

The amendments will retain the grandfather provision for nurse practitioners who are not prescribing drugs but not retain it for nurse practitioners who are prescribing. The reason behind the amendments is that the introduction of prescribing by nurses is such a major change that it is appropriate for there to be courses in all cases. That is the purpose of the amendments.

Mr DOYLE (Malvern) — Although I welcome the minister's initial amendment, we will oppose these amendments because we believe the way to proceed is to omit the grandfather clause altogether. I will explain when I move the opposition's amendment why we believe it is a better course of action.

Mr THWAITES (Minister for Health) — The government accepts that the opposition's amendment would achieve the same thing, and it is prepared to accept it. Essentially, the reason for the amendments is as the shadow minister explained during the second-reading debate. A nurse who has been practising in a discipline for many years will be able to obtain the approval of the nurses board as a nurse practitioner, and that may be based on the completion of a relatively lesser course — it will not require a masters degree and it will not necessarily require the completion of a recent course — whereas someone with less clinical experience will have to undertake a broader and more detailed course.

The government therefore accepts the position the opposition will be putting in its foreshadowed amendment.

The CHAIRMAN — Order! In that case, the easiest way to proceed is for government members to vote no to the question, in which case the amendments will be lost.

Amendments negatived.

Mr DOYLE (Malvern) — I move:

1. Clause 46, omit this clause.

This is the grandfather clause described by the minister. At first glance the opposition had concerns about the clause because it appeared that it would provide prescribing rights to a nurse practitioner. I am sure that is not the government's intention. Certainly it was the thing that concerned us most immediately.

The minister's amendments would have fixed the problem, but there are a couple of further problems with the clause, one of which, as the minister said, I outlined during the second-reading debate. I believe section 8B provides sufficient flexibility to allow the mix of clinical experience and coursework to do exactly what we want.

However, there is a further reason why we thought omitting the clause in its entirety was the best way to go: it is a grandfather clause. If we accept that there are nurses who will be non-prescribing nurse practitioners because they have had sufficient clinical experience, why would we therefore say it is okay for the next 10 years but not for the 2 or 5 years or 10 years following that? In other words, if sufficient clinical experience is something that will satisfy the board that a nurse practitioner may be so designated, let's leave it that.

I have no doubt that there will be some nurses for whom that will be the case. It is also difficult having two such provisions sitting together — clause 46, the grandfather clause, which substitutes proposed new section 102, and section 8B, which deals with how one goes about becoming a nurse practitioner. I believe that is sufficiently generic and flexible to do all the things which the minister suggested in speaking to his amendments and which I suggested during the second-reading debate, without the odium that could be attracted by the grandfather clause.

Although the minister's amendments would have fixed the most pressing of those problems — that is, giving prescribing rights to nurse practitioners without requiring courses of study — the better method is to omit the clause and rely on section 8B to give nurse practitioners the registration they desire.

Mr SAVAGE (Mildura) — I am conscious of the time and have remained in my seat for that reason. I endorse the comments of the honourable member for Malvern and indicate my support for his amendment 1.

Mr MAUGHAN (Rodney) — I also endorse the comments of the honourable member for Malvern and

believe that omitting the clause is the best way of achieving the required outcome. The National Party is concerned about giving prescribing rights to nurse practitioners. As I said, I believe omitting the clause is the way to go, and I support the amendment moved by the honourable member for Malvern.

Amendment negatived; clause agreed to; clauses 47 to 52 agreed to.

New clause AA

Mr THWAITES (Minister for Health) — I move:

7. Insert the following new clause to follow clause 43 —

'AA. ***Nurse practitioner advisory committee must be established***

(1) After section 79(2) of the **Nurses Act 1993 insert** —

"(3) The Board must establish a nurse practitioner advisory committee to advise the Board about the following —

(a) the categories of nurse practitioner for which a nurse's registration may be endorsed under section 8B(2);

(b) the curriculum, content and standard of courses of study that provide competence for each category of nurse practitioner for which registration may be endorsed under section 8B(2);

(c) the content and standard of clinical experience that provide competence for each category of nurse practitioner for which registration may be endorsed under section 8B(2);

(d) the clinical practice guidelines for nurse practitioners whose registration is endorsed in a category of nurse practitioner under section 8B(2);

(e) the Schedule 2, 3, 4 and 8 poisons within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981** that nurse practitioners whose registration is endorsed in a category of nurse practitioner under section 8B(2) should be authorised to obtain and have in her or his possession and use, sell or supply under that Act;

(f) the requirements for the on-going education of nurse practitioners whose registration is endorsed in a category of nurse practitioner under section 8B(2).

(4) A nurse practitioner advisory committee may advise the Board about any other matter relating to the endorsement of registration of nurses under section 8B(2) or about nurse practitioners whose registration is endorsed under that sub-section.".

(2) At the end of section 80 of the **Nurses Act 1993 insert** —

"(2) Without limiting sub-section (1), the members of a committee appointed for the purposes of section 79(3) must include —

(a) a registered medical practitioner with expertise in clinical pharmacology;

(b) unless paragraph (c) applies —

(i) a registered nurse with clinical expertise relevant to nurse practitioners or a category of nurse practitioner;

(ii) a registered medical practitioner with clinical expertise relevant to nurse practitioners or a category of nurse practitioner;

(c) if the committee is considering a matter relating to a particular category of nurse practitioner —

(i) a registered medical practitioner with clinical expertise relevant to that category of nurse practitioner;

(ii) a registered nurse with clinical expertise relevant to that category of nurse practitioner;

(d) an academic or educator in pharmacology;

(e) a nursing academic or educator;

(f) two registered nurses with expertise relevant to nurse practitioners or a category of nurse practitioner.".

New clause AA establishes a nurse practitioner advisory committee to advise the Nurses Board of Victoria on matters referred to in proposed section 79(3) of the Nurses Act. Those matters relate to the categories of nurse practitioner, the curriculum content and standard of courses of study, the content and standard of clinical experience, the clinical practice guidelines for nurse practitioners, the schedule of poisons in the Drugs, Poisons and Controlled Substances Act that nurse practitioners whose registration is properly endorsed should be authorised to possess, and the requirements for the ongoing education of nurse practitioners.

The Nurses Board of Victoria was proposing to establish such a committee in any event to advise on all matters relating to nurse practitioners. The Australian Medical Association and members of the medical profession have raised concerns about the fact that that was not in the statute — that is, that the advisory committee was not established by statute. Accordingly, the government, after extensive consultation, has

proposed the amendment, by which the nurse practitioner advisory committee will be established.

The provisions to be added at the end of section 80 of the act establish the range of people and the expertise to be included on the advisory committee, including a registered medical practitioner with expertise in clinical pharmacology, a registered nurse with clinical expertise relevant to the categories of nurse practitioner, an academic or educator in pharmacology, a nursing academic, and additional nurses. As I said, the subsection will be added at the end of section 80 of the Nurses Act, which provides for the establishment of expert committees of the Nurses Board of Victoria. Under proposed section 79(3) the members of the committee are to be appointed by the board, and they will include a person from the board and other persons with expertise. The addition to section 80 sets out in more detail who must be included.

I emphasise that the board may wish to add additional persons to the committee who can provide it with advice or expertise. The amendment lays down only the bare minimum membership requirements of the nurse practitioners advisory committee.

Mr DOYLE (Malvern) — I agree with the minister. I foreshadow that the amendment to be moved by the honourable member for Mildura, which will remove a subclause, will be supported by the Liberal Party. The Liberal Party welcomes what it regards as a further safeguard through the formalisation of the establishment of the committees in statute.

The amendment is an excellent one because it inserts the advisory committee into the legislation and, as the minister said, the make-up of that committee is a worthwhile safeguard.

The Liberal Party did something similar when it gave optometrists prescribing rights for S4 drugs with the bipartisan support of the then opposition, now the government. The Liberal Party was dealing then with a profession that is only one part of a body of professionals and with a rather narrow range of drugs.

In this instance the committee is dealing with a wide variety of professions and range of drugs that may include schedule 2, 3, 4 or even schedule 8 drugs. There cannot be too many safeguards. In this instance the minister's amendment will ensure that a five-step process is in place.

The legislation will provide for a nurses board with proper deliberations and a nurse practitioners advisory committee will be enshrined in the legislation. As well we have the minister's assurance that the Poisons Advisory Committee will be evaluating exactly what decision the committee arrives at. Further, the advisory committee will need to approach the minister who, through the Governor in Council, will have the power to make regulations to allow prescribing.

Following that, the Scrutiny of Acts and Regulations Committee will scrutinise the regulations to ensure they are in the public interest and protect public safety. The clause adds a degree of safeguard, with the rider that the Liberal Party will support the honourable member for Mildura's new clause. The addition to the bill is welcome.

Mr MAUGHAN (Rodney) — I also support the amendment introduced by the minister. It is certainly an improvement to the bill that was initially introduced to Parliament. The nurses board cannot be compelled but is required to consult; it need not necessarily be required to take note of the information or heed the advice given.

The amendment provides a better assurance that proper advice will be given and taken. The minister, with the assurance he has now read into the record, makes the National Party feel more comfortable with the whole arrangement through consultation with the nurse practitioners advisory committee and the Poisons Advisory Committee, and the further safeguard of the Scrutiny of Acts and Regulations Committee.

Despite the fact that the legislation has been proposed on the run and that the National Party has not had an opportunity to consult with the interested groups, it is a step in the right direction. I support the amendment, but it would have been much better if we were given that information before speaking on the bill so that we could have consulted with those people who have a real interest in the matter of nurse providers.

Mr SAVAGE (Mildura) — I need some guidance from the Chair. I have an amendment to the amendment of the Minister for Health.

The CHAIRMAN — Order! The honourable member may move his amendment now.

Mr SAVAGE — I move:

> In the proposed new clause, in sub-clause (2) omit "(f) two registered nurses with expertise relevant to nurse practitioners or a category of nurse practitioner.".

I congratulate the minister on introducing the new clause, which I believe will go a long way towards solving some of the problems, and also on the statement of intent, which will be part of that process.

Mr VINEY (Frankston East) — I wish to clarify the process by which this amendment has come before the committee and the legislation now before the chamber. The process has involved extensive consultation both with various stakeholders and interested groups and within Parliament by the Independents and the Liberal and National parties, which has resulted in the further amendment moved by the honourable member for Mildura.

The amendment is designed to respond to the concern that there needs to be an assurance in the legislation that the process for prescribing rights to nurse practitioners is both thorough and complete. That assurance, together with the comments made by the minister when summing up at the end of the second-reading debate, has gone a significant way towards dealing with the concerns raised during that process of consultation.

Mr DOYLE (Malvern) — The opposition will support the amendment moved by the honourable member for Mildura. The opposition believes it is a sensible amendment to the new clause. The amendment is not intended to be seen as a slight on nurses or on their contribution to the committee. It is certainly not intended to limit their contribution to the committee because their contribution is important. The substance of the amendment moved by the honourable member for Mildura is that a balanced group of people with considerable expertise is required to make the difficult decisions about what jobs should be prescribed to particular categories of nurse practitioners. The opposition will support the amendment.

The proposals may finish up as black-letter law. The reality is that the quality of the committee will depend on the expertise of the people filling the roles described in the provisions as amended. It is particularly important that leaders in the fields of pharmacology, physiology, nursing and medicine evaluate the training and clinical experience of the nurses who will fill those roles, because they will make the difficult decisions about which categories of nurse practitioners should have access to drugs. In the end it will come down to their qualities and expertise, and it is important for public confidence and safety that they are first rate. I am sure we can be confident they will be.

Mr MAUGHAN (Rodney) — The National Party also supports the amendment moved by the honourable member for Mildura. It is important that the nurses board has flexibility, and the amendment to the new clause will allow for that. It is vital that Victorians, particularly those in country Victoria, have confidence that the qualifications and expertise of the nurse practitioners are adequate to both administer and, if necessary, prescribe drugs.

If it were not for the paucity of doctors in country Victoria the provision would not be necessary. Most parts of country Victoria are not adequately serviced by medical practitioners, even in places such as Echuca, and it is sometimes difficult to get an appointment with a medical practitioner. It is necessary, therefore, that in the more remote areas of country Victoria — I am not talking about the outback — nurse practitioners are able to provide basic medical services, which will increasingly involve both administering and prescribing drugs. Clearly, it is best for them to do that in consultation with a medical practitioner, who can advise the nurse about the interaction of various drugs, but that is not always possible. The National Party will be supporting the amendment.

Mr SAVAGE (Mildura) — The reason for the amendment is that paragraph (f) is unnecessary given that subsection (2) states the committee 'must include' those categories of people, but it does not deny the opportunity for a number of people to be included as members of the committee.

Amendment agreed to; amended new clause agreed to.

New clause A

Mr DOYLE (Malvern) — I move:

2. Insert the following new clause to follow clause 29:

'A. ***Determinations of informal hearings***

In section 41(2) of the **Nurses Act 1993**, after paragraph (c) **insert** —

"(d) that the nurse undertake further education of the kind stated in the determination and complete it within the period specified in the determination.".'.

This is a fairly simple addition and a sensible one. If there is a finding that an act engaged in is unprofessional but not of a serious nature the informal hearing panel has the power to make a number of determinations. It may insist that the nurse undergo counselling or be cautioned or reprimanded.

If the amendment were included in the act it would allow for a further useful possibility — that is, that the nurse be required to undergo a certain amount of education, so that any deficiency can be made up for by doing a short course to provide the necessary education to rectify the fault for the future. It seems a sensible provision to be included in the act and to be added to the board's armoury in the case of an informal hearing finding.

New clause agreed to.

New clause B

Mr DOYLE (Malvern) — I move:

3. Insert the following new clause to follow clause 39:

> **'B.** ***New section 63A inserted***
>
> After section 63 of the **Nurses Act 1993 insert** —
>
> "**63A.** ***Directing others to act unprofessionally***
>
> A person must not, knowing that the provision of nursing care in a particular manner is or could be detrimental to the welfare of a patient, direct her or his employee to provide nursing care in that manner.
>
> Penalty: 50 penalty units.".'.

This has been the subject of some discussion between the government and the opposition. The amendment is similar to a provision in the Dental Practice Act. While the Nurses (Amendment) Bill protects categories — in other words, people who own agencies or employers who use the wrong category of nurse to do the wrong sort of work; and I am entirely satisfied with that — there is another aspect: the patient.

The intention with the new clause is that someone should not be able to coerce an employee nurse to work in an area where, realistically — although the nurse's qualifications may be all right — the patient would be at risk because of lack of clinical experience.

For instance, I can imagine the circumstance of someone who had been registered as a division 1 nurse and who may well have worked a long and productive career of 30 years or more in the area of aged care but who then as an agency nurse is directed to work in an acute surgical or medical ward. Although the nurse's registration would suggest that that was within the nurse's capabilities, the nurse's clinical and career practice would suggest that that would not be the appropriate decision. I am not saying that that is widespread and happens often. I have proposed the new clause because I think it is important in protecting patients.

As I alluded to in my contribution to the second-reading debate, I received an assurance from the minister when I asked about other offences and whether bodies corporate should have penalty levels higher than those of individuals. The minister said he would institute a review of all penalties in the Nurses Act as well as in other health practitioner acts. I therefore understand why the government is not able to support the amendment. However, the government should be very aware of the problems the amendment seeks to redress and the fact that the public needs to be protected at all times.

Although I have moved the new clause I am happy to accede to the wishes of the minister that the matter be dealt with in a comprehensive way across this and all the other health professional acts to ensure that patients and the Victorian public are protected and that the offences are appropriate to people who breach the provisions of the act.

Mr THWAITES (Minister for Health) — As the honourable member indicated, the government will conduct that review. Accordingly, it is premature to proceed with the provision at this stage. I understand the intent of the honourable member in moving the amendment, but the government cannot support it at this stage. It will consider it as part of the review process.

New clause negatived.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRACKS (Premier); and Dr NAPTHINE's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation'.

Mrs MADDIGAN (Essendon) — I have great pleasure in joining my colleagues in supporting the Fair Employment Bill and opposing the amendment moved by the opposition to further postpone debate on the bill. I am particularly concerned about the position of outworkers in our state, and the bill will go a great way towards giving them the same sorts of conditions that other workers have access to.

I became particularly aware of the problems of outworkers when I worked at the Footscray library, an area where unfortunately a very large number of outworkers are employed. Traditionally outworkers seem to be women from non-English-speaking backgrounds. They frequently speak no English and are recent residents in Australia. They have no idea about

finding out their rights as employees, and are therefore very vulnerable to exploitation.

For many years their position has been a concern of the trade union movement, which has been working to try to get coverage for outworkers. The problem is not recent and is one of which everyone is aware. This process would finally give those vulnerable workers proper protection. It is disappointing that the opposition is trying to defer consideration of the bill to a much later date and leave outworkers to their current fate.

Mr SMITH (Glen Waverley) — I am delighted to be able to add my contribution to this bill, albeit for only one minute. The longer the bill is out in the community the more the community will understand what it is about. There is no doubt that provisions of the bill dealing with outworkers are important, but they constitute only 5 per cent of the bill. The entire remainder of the bill is anti-business.

The opposition is asking for the opportunity to ensure that businesses throughout Victoria realise the downside of the bill being allowed to pass in its entirety. The part of the bill dealing with outworkers is important, and that is not in doubt. Businesses and individual Victorians must be given the opportunity of knowing about the downside, and I therefore urge everyone to support the amendment.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time set down by sessional orders to interrupt the business of the house and put the questions before the Chair has arrived.

The house needs to deal with the reasoned amendment moved by the Leader of the Opposition. The question is:

> That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 46

Allan, Ms
Allen, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr (*Teller*)
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 4, page 8, line 2, omit "260" and insert "261".

2. Clause 4, page 8, line 14, omit "230(2)" and insert "231(2)".

3. Clause 5, page 9, lines 4 to 6, omit paragraph (d).

4. Clause 6, lines 27 to 29, omit sub-clause (2) and insert —

   "( ) The Full Bench may make an order only —

   (a) in respect of a class of natural persons each of whom has consented in writing to being included in the class for the purposes of being declared as employees; and

   (b) if the Full Bench considers that the class of persons would be more appropriately regarded as employees.".

5. Clause 6, page 10, after line 17 insert —

"(4) An order cannot be made in respect of a class of persons the rate of remuneration of each of whom exceeds $71 200 per year or that amount as indexed under section 11.

(5) An order operates prospectively from the date it is made or the later date specified in it.".

6. Clause 11, after line 20 insert —

"( ) the amount referred to in section 6(4);".

7. Clause 15, after line 15 insert —

"( ) An employer must not —

(a) enter into, or purport to enter into, a contract of employment that provides a condition of employment that is less favourable to the employee than the minimum applicable under this Part; or

(b) provide a condition of employment to an employee that is less favourable to the employee than the minimum applicable under this Part.

Penalty: 120 penalty units.".

8. Clause 16, page 17, line 6, after "months" insert "including periods of authorised leave".

9. Clause 20, page 19, line 17, omit sub-clause (6).

10. Clause 22, line 6, omit "(including annual leave loading)".

11. Clause 24, omit this clause.

12. Clause 77, after line 8 insert —

"( ) An employer must not —

(a) enter into, or purport to enter into, a contract of employment that provides a condition of employment that is less favourable to the employee than that applicable under a relevant industry sector order; or

(b) provide a condition of employment to an employee that is less favourable to the employee than that applicable under a relevant industry sector order.

Penalty: 120 penalty units.".

13. Clause 79, page 56, line 17, after "months" insert "including periods of authorised leave".

14. Clause 81, after line 28 insert —

"( ) loadings in respect of annual leave;".

15. Clause 85, line 26, omit "bound" and insert "covered".

16. Clause 85, line 28, omit "bound" and insert "covered".

17. Clause 85, page 61, line 4, omit "bound" and insert "covered".

18. Clause 157, after line 7 insert —

"( ) may be represented by —

(i) a member, officer or employee of a recognised organisation of which the party or person is a member; or

(ii) an officer or employee of a peak body to which the party or person is affiliated; or

(iii) an officer or employee of a peak body to which a recognised organisation of which the party or person is a member is affiliated; or".

19. Clause 169, line 29, omit "242" and insert "243".

20. Clause 183, line 15, omit "240" and insert "241".

21. Clause 232, line 17, omit "231" and insert "232".

22. Clause 232, page 149, line 5, omit "231" and insert "232".

23. Clause 238, line 4, omit ", other than a monetary order,".

24. Clause 249, line 29, omit "247" and insert "248".

25. Clause 251, line 24, omit "247" and insert "248".

26. Clause 252, page 159, line 3, omit "247" and insert "248".

27. Clause 252, page 159, line 6, omit "251" and insert "252".

28. Clause 255, line 23, omit "254(1)(c)" and insert "255(1)(c)".

29. Clause 259, line 31, omit "258" and insert "259".

30. Clause 259, page 163, line 8, omit "258" and insert "259".

31. Clause 263, line 28, omit "262(1)" and insert "263(1)".

32. Clause 263, page 167, line 2, omit "262(3)" and insert "263(3)".

33. Clause 268, omit this clause.

NEW CLAUSES

34. Insert the following New Clause to follow Clause 23 —

"**AA.** ***Accrual of annual leave***

Annual leave accrues on a pro-rata basis.".

35. Insert the following New Clause to follow Clause 227 —

"**BB.** ***When access to premises may be denied on religious grounds***

(1) A person who holds an inspection permit may be denied access to premises if —

(a) all the employees who work at the premises —

(i) hold a current certificate of exemption issued under sub-section (2); and

(ii) are employed by an employer who holds a current certificate of exemption issued under sub-section (2); and

(b) there are no more than 20 employees employed to work at the premises.

(2) The Tribunal may, for the purpose of sub-section (1), issue a certificate of exemption to an employee or an employer if the Tribunal is satisfied that the employee or employer is a practising member of a religious society or order whose doctrines or beliefs preclude membership of any organisation or body other than the religious society or order of which the employee or employer is a member.

(3) The Tribunal may revoke a certificate of exemption if —

(a) the employee or employer to whom it has been issued agrees; or

(b) it was issued in error; or

(c) the Tribunal is satisfied that the employee or employer has ceased to be a person eligible to be issued with the certificate.".

Remaining stages

Passed remaining stages.

HEALTH SERVICES (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

This bill concerns changes to the governance arrangements of community health centres.

The bill restores community elected representation and participation in the governance of community health centres.

The bill replaces the full appointment of board members by the Governor in Council on the recommendation of the Minister for Health with part-appointed and part-elected boards. Thus the bill fulfils the government's election commitment to restore community-elected representation and participation in the governance of community health centres.

Pursuant to the bill, community health centre boards will consist of not less than seven and not more than nine members, the elected members of which are to constitute not less than four and not more than five members of the board, and the appointed members are to constitute not less than two and not more than four members of the board. This allows that the number of elected board members will always be equal to or greater than the number of appointed board members.

The current board appointment process was introduced in August 1997 and involves public advertisement and a short listing, interview and recommendation process undertaken by a local selection panel drawn from the membership of the current board and including an independent person.

Based on the current board appointment process, board members are required to possess a range of skills and expertise that collectively include director/board of governance experience, financial/government business expertise, health industry knowledge/experience or planning and analytical skills.

A major criticism and downfall of the current board appointment process particularly pertinent to consumer and community involvement has been the reported disenfranchisement of communities from their community health centres. A common example used to highlight this concern is the reported decline in community health centre memberships as a result of the removal of their right to vote in board elections. The demise of the membership base for some community health centres appears to have reduced their capacity to involve consumers and the community in their organisation.

From their inception, community health centres have had a long history of consumer and community involvement. This ranges from empowering consumers to be active participants in their care, participation in the governing of centres as board members, fund raising and volunteer work.

Consumer and community involvement has been identified as a process that constitutes best practice in primary care. Models of service delivery, treatment or control that encourage the active participation of consumers and communities is more likely to have successful outcomes in the long term.

To assist in the implementation of this government commitment, a public consultation process was undertaken to determine a new model for restoring

elected community representation on community health centre boards.

A total of 113 written submissions were received and 29 regional consultation forums were held throughout metropolitan and rural Victoria during a two-stage process undertaken in February and May–June 2000.

A review committee chaired by Matt Viney, MP, and deputy chaired by the Honourable Glenyys Romanes, MLC, was established to oversee the second phase of the consultation and assist in the deliberation of the consultation findings. The review committee recommended boards be part elected and part appointed. The review committee included representatives of community health centre boards, community health peak bodies, local government and consumers.

The consultation demonstrated strong support for the democratisation process — with 87 submissions supporting either full or part-elected boards as a critical component of democratic participation.

The consultations also demonstrated support for the preservation of a proportion of appointed positions on boards in recognition that this will allow community health centres to actively recruit individuals with particular skills and experience that complement the mix of skills and experience obtained through the election process. Of the 87 submissions supporting the restoration of elections, 54 submissions supported part-elected part-appointed boards.

It is intended that the process of appointment of board positions by the Governor in Council on the recommendation of the minister will remain the same as the process that is currently in place.

The main components of the model contained in the bill are as follows:

(i) Community health centre boards will consist of not less than seven and not more than nine members, of whom between four and five members will be elected members and not less than two and not more than four members of the board will be appointed by Governor in Council.

(ii) A board member will hold office until the third annual general meeting after his or her election or appointment and the terms of all members will expire at the same time.

(iii) The Governor in Council will appoint members on the nomination of the minister and the minister will consult with the board before nominating a person.

(iv) A person will be eligible to vote, and nominate as a candidate for election to the board, if the person is of or over 18 years of age and lives, works or is enrolled as a student in the catchment area served by the centre, or if the person is a client of the centre. Elections will be conducted in accordance with the proposed regulations.

(v) Elected and appointed board members will have equal status and one vote each.

In addition, the bill outlines the options to fill casual vacancies. In the event of a casual vacancy in the position of an elected member, the vacancy will be filled through a countback or alternative procedure in accordance with the proposed regulations. If there is no person who is eligible and available for election through this procedure, the board will be able to coopt a person until the next annual general meeting, at which time the position can be filled by an election.

If there is a casual vacancy in the position of an appointed member, the board will be able to coopt a person until the next annual general meeting, at which time the position can be filled by appointment by the Governor in Council.

The government recognises that there may be casual vacancies over the three-year term of a board. The objective of these provisions is to give a board the flexibility to operate in the event of a casual vacancy without requiring an election or an appointment process to be undertaken more than once per year. The ability to coopt a member until the next annual general meeting achieves a balance between the need to ensure a board maintains adequate numbers of elected and appointed members and the desire to reduce the administrative burden of filling casual vacancies.

Provision has also been made for the unlikely circumstance where a community health centre is unable to obtain sufficient nominations to fill the required number of elected board positions after making all reasonable efforts (such as may be the case in some rural areas). In this event, the Governor in Council will have the power to appoint a person to fill the position until the next annual general meeting, at which time it is expected that the board will conduct an election to fill the position.

The 41 community health centres in Victoria that are gazetted under the Health Services Act 1988 will be affected by the bill. Community health centres that are

under the auspice of another organisation, such as a public or metropolitan hospital, are not registered community health centres and so will not be covered by these provisions.

The bill will come into operation on 1 April 2001. Pursuant to the transitional provisions, the newly constituted boards will assume office at the first annual general meeting after the commencement of the bill, which will be required to be scheduled in the last two weeks of October 2001.

I commend this bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 30 November.

Remaining business postponed on motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

ADJOURNMENT

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

That the house do now adjourn.

John Pierce Centre for Deaf Ministry

Ms BURKE (Prahran) — I ask the Minister for Community Services for some financial assistance from the government to help with the funding of an interpreting service and administration costs for the John Pierce Centre for Deaf Ministry in Prahran. The centre, which was based in Ripponlea from 1979 until eight years ago when it moved to Prahran, cares for the deaf in the area. The problem has been caused by funding cuts to Vicdeaf, which have resulted in its services being passed on to other centres. Vicdeaf is basically 100 per cent funded by the government and its workload has been too much for it. It has been passing the work onto voluntary groups like the John Pierce centre.

The John Pierce centre provides family services and counselling for people with deafness disabilities. Its family services are increasing all the time. The centre runs programs that teach those who are deaf the necessary life skills. Its Running a Life Skill program has expert speakers such as doctors, bankers and lawyers as representatives of areas where the deaf have problems. As we all know, businesses do not have deaf interpreting services, which would be a very large cost. The programs the centre runs are additional to the counselling and family services it provides. Some of the programs teach parents to understand the problems of deaf children and vice versa, helping hearing children understand the problems of deaf parents and teaching them sign language and communication skills.

I express concern about whether the centre will be able to continue running those services for the deaf. I ask the minister to help with the funding of some administrative services. Currently the centre has a staff officer employed on a 0.8 basis and a manager employed on a 0.4 basis. They are paid with funds raised by the community. The problem really is with the weekly counselling services and the major cost of interpreting services.

Peerless Holdings

Mr LANGUILLER (Sunshine) — I ask the Minister for Environment and Conservation to take action to ensure that the Environment Protection Authority continues to put pressure on Peerless Holdings to improve its environmental performance by using the suite of enforcement tools the EPA has under the Environment Protection Act. The Sunshine community has reached the point where it is saying that enough is enough. Urgent action is required by the company to implement plans that are long overdue for the purpose of improving the environmental concerns held by the community. Action is needed to bring about the urgent completion of the environment improvement plan which was developed in consultation with the community.

For many years this industry has been a major force in recycling waste material from the abattoir industry to produce products such as high quality fats and proteins that are used by a number of industries worldwide. This is a very significant industry in Australia. I am advised that it is valued at more than $400 million, is the second-biggest exporter of this product in the world and assists a number of other industries in the nation. It is an industry with which we will continue to work constructively.

Notwithstanding the benefits associated with the recycling industry in Australia, and the significant role played by Peerless Holdings which is located in Laverton adjacent to my electorate, the community continues to report the major problems it faces with odours and/or smells. Although we have established a process of consultation with the relevant parties, the community reports that no significant progress has been made over the past 12 months. Summer is coming and they are saying that much more needs to be done.

I understand that the EPA has done everything it can. I put on the record that the community has reported to me that the EPA has done a significant amount of work. However, it is not good enough. Perhaps we need to adopt new practices or consider the German example. Germany reviewed the practices of its entire industry and its use of technology and resolved issues of rezoning. It reviewed the entire sector, how it all happens from beginning to end, to assist the local community to enjoy what it was entitled to — that is, a good environment.

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

Central Gippsland Health Service

Mr RYAN (Leader of the National Party) — I refer the Minister for Health to matters concerning the Central Gippsland Health Service. This marvellous service was established as an amalgam of the health services which had historically been provided in Sale, Maffra and Heyfield. It resulted from an enormous amount of community consultation and the great amount of work undertaken by members of those respective communities over the past three years. It has seen the services evolve from the central Wellington health service into what is now the Central Gippsland Health Service with campuses in Sale, Maffra and Heyfield.

Earlier this year a study was undertaken by Dr Tony Cull who considered the question of service delivery by the Central Gippsland Health Service, what the requirements were within the respective communities, and how those services could be best provided. That report has been made available to the department and there has been limited and confidential access to it by the health service.

Some four or five weeks ago I led a deputation of representatives from the board to meet with the Minister for Health. We had a discussion with the minister about the issues, particularly the prospective release of the Cull report to the community. We sought some guidelines as to what the future might hold for us in the sense of being able to deliver those all-important services. A member of that deputation was Mrs Anne Webster who was then the president of the board of the Central Gippsland Health Service. Since the deputation met with the minister, she, like others across country Victoria, has been summarily sacked by the government.

This lady has spent 18 years of her life contributing selflessly to the communities of Maffra, Sale and Heyfield. She did a brilliant job as the inaugural chair of the Central Gippsland Health Service. With no further ado she has been stitched up by this government and pushed off the board for reasons which escape me. At the end of the day she would say, as do I, that the bottom line is the future of the health service and ensuring it is best able to look after the people of the Central Gippsland region.

As I understand it, it was intended that the Cull report would be made available through the department and the health service could then move on with the next phase of its planning. A time frame was established — the first week of December — at which point it was expected there would be some clarity about the future, but as I understand it there has been absolutely no advance since the day of the deputation. For reasons that escape me and senior members of the Sale–Maffra–Heyfield health community, the Cull report has not been released. Now the frustration about the ongoing delay has boiled over. This wonderful health service has waited 12 months for the government to make advances. Staff morale is down, the communities are uncertain and we need help.

Alzheimer's Awareness Week

Ms BARKER (Oakleigh) — I seek information from the Minister for Aged Care about what the government is doing and will continue to do to improve the situation for people affected by dementia.

As all honourable members are aware, this is Alzheimer's Awareness Week. My electorate of Oakleigh has a significant number of older residents and on many occasions people visit my office seeking assistance and advice when a family member has been diagnosed with dementia. Dementia is the term used to describe the symptoms of a large group of illnesses that cause a progressive decline in a person's mental functioning.

It is a broad term, and there are various forms of dementia. It is important that diagnosis is accurate. The disease is becoming increasingly common as people age, and it places a huge burden on partners and family members as they care for their loved one who is affected. In addition, a person in the early stages of dementia often experiences great anguish as he or she begins to experience a loss of capacity and a change in situation.

I am sure many other honourable members are called on to assist families of people diagnosed with dementia. The need for information and support for sufferers and their families is obvious. We must remember that

although dementia is not uncommon in older people, most older people do not get it; it is not a normal part of ageing, although it is becoming more common.

I have been very impressed with the Alzheimer's Association Victoria, and on a number of occasions I have used its web site to download copies of its important help sheets to pass on to constituents who have a family member suffering from dementia. Government must provide support, and I seek information on what the government of Victoria is doing.

Kent Park Primary School

Mr LUPTON (Knox) — I refer the Minister for Education to the Kent Park Primary School. It has been in existence for 26 years and, except for 1994 when $125 000 was spent on maintenance and 1998 when two portable buildings were provided, has not been paid much attention.

The school is in need of major refurbishment. Its facilities are antiquated and there are not enough rooms for the staff to carry out their duties in a professional manner. The school population now exceeds 450 pupils. I have raised this matter with the minister on a couple of occasions both in the house and in writing, because when a school reaches more than 450 pupils it is usually entitled to an upgrade of its facilities. The argument put by the department and endorsed by the minister has been that the figure of 450 pupils relates to the school catchment area and not to the school population.

Kent Park Primary School has a history of being a good school, and although its catchment area is restricted by main roads such as Scoresby Road, Burwood Highway and Ferntree Gully Road its popularity has meant that children are coming in from outside the catchment area and the school population now exceeds 450.

Despite repeated requests to the minister applications for additional facilities of any kind have been refused. It is apparent that the department has its head buried in the sand and is not prepared to look at the real world. I again ask the minister to look at the situation. I understand she has received numerous letters over recent weeks from the parents, as has the Premier. The parents are crying out for the upgrade of the facilities at Kent Park Primary School to bring it into the 21st century so it can maintain the excellent schooling it provides for all its students as well as the programs it is famous for.

Taxis: airport fees

Mr HELPER (Ripon) — I seek action from the Minister for Major Projects and Tourism to determine the potential impact on tourism of Melbourne Airport's decision to impose parking fees on taxis and hire cars.

As background information I indicate to honourable members that on 15 November Australia Pacific Airports, which operates Melbourne Airport, announced that it intends to introduce parking fees for taxis and hire cars in late December — so much for a process of consultation! The fees are set at a flat rate of $1.60 for taxis and $2.50 per half hour or part thereof for hire cars. The issue that arises from this announcement is the increased fares which in the case of taxis will have to be absorbed by the travelling public.

A further issue that arises from the announcement is the double dipping by the operators of Melbourne Airport. They claim the fees are needed to improve the parking infrastructure at the airport; however, infrastructure costs are recovered through airport landing fees. That begs the question of whether the airlines' landing fees will be reduced or whether the airport operators are just like the banks, which are about to charge for the use of pens in their branches.

Another issue of some concern is the differential between the cost of taxis and the cost of hire cars or limousines. In the case of hire cars, the usual pick-up takes more than half an hour by the time a driver picks up a customer, collects the baggage and walks to the vehicle. Therefore, it could be said that the cost of a hire car includes a flat $5 fee for each pick-up. Obviously the difference between $1.60 for taxis and $5 for hire cars is difficult for the hire car operators to either absorb or to pass on, either of which makes hire cars less competitive.

As I said at the outset, I ask the Minister for Major Projects and Tourism to determine the impact of the airport's decision on tourism in Victoria. What a welcome it extends to overseas and interstate visitors to arrive at an airport that sticks its hand in their pockets at every turn: a $2 fee to hire a trolley — which probably handles as well as a supermarket trolley — and a $5 parking fee for a pick-up vehicle. It is an absolute outrage!

The airport corporation should meet its obligation not only to its shareholders but also to the people of Victoria and the two industry sectors that have served the airport's customers well over many years.

Rayners Sawmill (Warburton)

Mrs FYFFE (Evelyn) — This afternoon I received several telephone calls from residents of the Upper Yarra Valley who were concerned about the news that Rayners Sawmill (Warburton) will be closing down, with a loss of about 40 to 50 jobs. Apart from the sawmill, the operators also manage a warehouse in Yarra Junction.

That will be devastating for a small community, whose members have asked me to urge the Treasurer and Minister for State and Regional Development to honour the government's commitment to govern for the whole of Victoria and give them the same level of assistance that has been given to other timber towns and timber businesses. Warburton needs urgent help from the government to avoid it reeling from this crushing blow. Its people have asked me to ask the minister to show concern and care and to provide financial assistance.

Former government: funding acknowledgment

Mr LENDERS (Dandenong North) — I raise a matter for the attention of the Minister for Environment and Conservation.

Last weekend I was down at the Cape Otway lighthouse, which is a long way from my own electorate of Dandenong North, where I did some important fact finding in the electorate of Polwarth. While I was there I inspected the telegraph station. Under the previous government the former Minister for Conservation and Environment, the Honourable Marie Tehan, put in some money to fix up this wonderful facility. That was very good — and it is a great precinct. However, I noticed a sign on the door of the telegraph station saying that the funding had been provided by the 'state Liberal government'.

I seek the minister's action on several issues. Firstly, what is the government's policy on putting the name of a political party on the door of a facility whose maintenance it funds? To my knowledge there has never been a claim by a political party, a minister or a government that has not been party political. Secondly, I seek an explanation as to the nature of the previous government, because my understanding is that it was a Liberal–National coalition government.

It may be that when the Honourable Marie Tehan went to the Cape Otway lighthouse she was somewhat preoccupied by the bitter feud going on between the Liberal and National parties over who would grab the prized seat of Polwarth. The National Party candidate, Paul Couch, a great man who unfortunately missed out on that seat, was undoubtedly being marginalised in the fight for the seat. I ask the minister to explain whether there is a policy that states that when parties are in coalition one should marginalise and exclude the other.

I know that the federal minister for education, David Kemp, throws temper tantrums when he does not get acknowledgment, so I seek from the minister, firstly, a statement of government policy on such arrangements, and secondly, advice on whether this shameful partisan process will be continued under another government? This is an important question, because earlier today the National Party said it would be voting against a bill but ended up voting on it with the Liberals.

The minister needs to address the issue. It is outrageous that a name of one political party should be on the door of such a good and worthy project when two parties — the Liberals and the Nationals — had been in coalition government since 1991. I ask the minister to stop this outrageous abuse and to explain why the honourable member for Polwarth was given favourable treatment over his National Party opponent.

Irabina early intervention program

Mr WILSON (Bennettswood) — I raise a matter for the attention of the Minister for Community Services. I have been contacted by constituents who are the parents of a child diagnosed with autism spectrum disorder. My constituents have reminded me that autism is a lifelong developmental disability that affects their son's understanding of what he sees, hears and senses. This results in problems with social relationships, communication and behaviour.

My constituents have had trouble accessing early intervention programs, but after spending a significant time on a waiting list their child has been able to attend the Irabina early intervention program in Bayswater for 2 hours a week. My constituents tell me that they have seen changes in their child in a short period, such as increased flexibility, improved gross motor function and the ability to communicate his needs more clearly. However, 2 hours a week is simply not enough, and the family must pay for additional speech and occupational therapy sessions.

I ask the minister to immediately review the funding arrangements for early intervention programs and, specifically, the Irabina program. I am aware that this matter has also been raised by the shadow Minister for Community Services, but I need to point out to the minister that despite her earlier assurances to the house, the current and proposed funding arrangements for the provision of appropriate services are inadequate.

Leeds Media

Mr HOLDING (Springvale) — I raise for the urgent attention of the Premier a matter the Auditor-General referred to in his report on the finances of Victoria for 1999–2000. I ask the Premier to immediately take all feasible action to ensure that the circumstances I am about to describe to the house can never happen again.

Page 63 of the Auditor-General's report details the manner in which the previous government awarded a three-year master agency media service (MAMS) contract to Leeds Media. The arrangement compulsorily required all budget and non-budget public sector agencies to place all media advertising through Leeds Media. That exclusive arrangement has continued for the past seven years and has resulted in Leeds Media, according to the Auditor-General's report and the Department of Premier and Cabinet, placing in excess of $400 million in government media and media-related business.

Just prior to its fall the Kennett government took the decision to extend the Leeds Media contract for another year. The Auditor-General has found that no adequate evaluation of the performance of Leeds Media was undertaken prior to the extension.

An opposition member interjected.

Mr HOLDING — That is the Auditor-General's finding, not mine or the government's. No adequate evaluation of the performance of Leeds Media was undertaken prior to this extension. In March 1996 the Auditor-General conducted another examination of the awarding of the contract to Leeds Media and made a number of findings. Procedures followed for the selection and appointment of the successful tenderer were poorly documented. There was no evidence that certain criteria that should have been major considerations in the selection process were evaluated to ensure that appropriate public sector accountability standards were met. The process failed to ensure that all prospective tenderers were treated equitably.

A lack of media industry accreditation was noted as a factor against the appointment of one of the tenderers. However, the successful tenderer was also not accredited at the time of the appointment, and the evaluation of tender submissions was undertaken solely by the former director of communications rather than by the full selection panel.

When the Premier provides further information to the house perhaps he will be able to explain which official in the Department of Premier and Cabinet was responsible for granting the extension to the contract prior to the election last year.

I hope this is the end of a very sorry tale of $400 million of public money being expended in a way that did not fully meet public sector accountability standards. It was one of the most corrupt series of decisions ever made by the former Kennett government and one of the saddest examples of maladministration and lack of public sector accountability associated with any administration anywhere in Australia. I hope the Premier can provide further information about the steps the government can take to ensure that this sorry tale can never be repeated.

Reach Youth program

Ms McCALL (Frankston) — It is great to follow the Sleaze from Springvale, isn't it?

The SPEAKER — Order! The honourable member for Frankston should address members by their correct titles.

Ms McCALL — I apologise. The honourable member for Springvale, not the Sleaze. I raise with the Premier an issue to do with the Community Support Fund. I am well aware that at the beginning of his term some 12 or so months ago the Premier agreed to a review of the Community Support Fund and the original rules under which it was set up.

During that time a large number of applications were made to the Community Support Fund under the old rules. A number of community groups and organisations throughout Victoria received letters putting them on hold; some of them heard nothing at all. One group of two Rotary clubs I refer to specifically for the Premier — the Rotary Club of Frankston and the Rotary Club of Mount Eliza — requested funding for the Reach Youth program, which is the Jimmy Stynes program. Many honourable members would be aware of the excellent work that program does in giving young people suggestions for development and leadership skills and directing them towards ways to be worthwhile and productive members of the community.

One the problems was that the clubs received a letter saying, 'Thank you. We have the fund under review. You will wait to hear'. In the interim they had to progress with running their own organisations and running the Reach Youth project through the secondary schools in the Frankston electorate. They then received a letter saying in effect, 'We have now changed the rules, and unfortunately under the new rules you are not eligible. You do not meet the criteria. Jolly hard luck'.

I wrote to the Premier and said that I thought it was a bit rich to change the goalposts on a football field halfway through the match when they had received no instructions, and that in fact they had failed under the first criteria but had heard nothing and were then told the rules had been changed and they had now failed.

This project is very important to the Frankston electorate. I urge the Premier to reconsider redirection on the basis of the new rules.

Roads: funding

Mr NARDELLA (Melton) — I seek action from the Minister for Transport to force, or encourage, the federal government to spend on Victorian roads — especially in the electorate of Melton — some of its windfall from the GST and the fuel excise that is currently going into its coffers.

There are a number of black spots along the Western Highway, especially at Leakes Road in Rockbank. It is a major problem in my electorate, and for the residents of the Rockbank township it is one the worst black spots in Victoria. Just this morning there was a major accident at Rockbank that delayed traffic for a long time.

Victorian motorists are paying the federal government 25 per cent of their petrol taxes but are receiving back only 15 per cent. The federal government is committing grand theft against Victorian motorists, particularly when one takes into account the projects the federal government should be financing.

The honourable member for Ripon and others who use the Western Highway also understand the problems that have occurred there. The Deer Park bypass, which is critical for economic development in the region, needs to be funded. The honourable member for Gisborne would certainly be aware of the safety aspect of Anthony's Cutting, which when completed — I hope as soon as possible — will assist transport and economic activity in the Ballarat region as well as in Bacchus Marsh and Gisborne.

It is imperative that the Minister for Transport make it known that road funds provided by Victorian taxpayers should be expended in Victoria, not in marginal Liberal seats elsewhere.

Responses

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Prahran raised for the attention of the Minister for Community Services a matter concerning administrative services for the John Pierce centre in Prahran. I will draw that to the minister's attention.

The honourable member for Sunshine raised for the attention of the Minister for Environment and Conservation the needed environmental improvements to Peerless Holdings. I shall pass that matter on to the minister.

The Leader of the National Party raised for the attention of the Minister for Health a matter about the Central Gippsland Health Service and the Cull report. I shall pass that matter on.

The honourable member for Oakleigh asked the Minister for Aged Care for advice on what the government is doing to help people affected by dementia. I shall refer that matter on.

The honourable member for Knox raised for the attention of the Minister of Education issues concerning Kent Park Primary School. I will pass that matter on to her.

The honourable member for Ripon raised for the attention of the Minister for Major Projects and Tourism parking fees for hire cars and taxis at Melbourne Airport and the impact of that on tourism. I will bring that to the attention of the Minister for Major Projects and Tourism.

The honourable member for Evelyn raised for the Minister for State and Regional Development concerns about Rayners Sawmill, which I will bring to the minister's attention.

The honourable member for Dandenong North raised for the attention of the Minister for Environment and Conservation the matter of the telegraph station at Cape Otway lighthouse and asked where the coalition was in relation to the sign on the door. I shall bring that to attention of the Minister for Environment and Conservation.

The honourable member for Bennettswood raised for the attention of the Minister for Community Services the matter of access to early intervention services at Irabina. I shall bring that to the minister's attention.

The honourable member for Springvale raised for the attention of the Premier the Leeds Media advertising contract and asked about the action that was needed to ensure that the events surrounding the awarding of that contract never occur again. I will draw the matter to the Premier's attention — although I am sure he has already taken action to ensure it will not happen again.

The honourable member for Frankston raised for the attention of the Premier the review of the Community Support Fund and an application by the Rotary clubs of Frankston and Mount Eliza. I will bring that matter to the attention of the Premier.

Finally, the honourable member for Melton raised for the attention of the Minister for Transport the road funding that is raised in Victoria but not returned to the state by the commonwealth government for expenditure on roads. I will bring the matter to the minister's attention.

Mr Ryan — On a point of order, Mr Speaker, this is an unmitigated disgrace. The fact that most ministers have failed to come into the house to give their responses should be noted in *Hansard*.

Earlier today as a matter of common courtesy I twice went to the Minister for Health to tell him that I would be raising a health issue during the adjournment debate so he would have an opportunity to give his version of events. I wanted him to assist the people who are dependent on health services in two areas. I went once to flag a health issue at Beechworth and once to flag a matter concerning the Central Gippsland Health Service. However, the minister has failed to come into the house to respond on either issue.

The same thing has happened with matters raised for the attention of other ministers. It is an absolute and unmitigated disgrace.

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the National Party. The practice of the house has been for the Chair to call the ministers who are in the chamber to answer matters raised on the adjournment debate. The Chair has called the Minister for Post Compulsory Education, Training and Employment and she has responded to the matters raised by honourable members.

Motion agreed to.

House adjourned 4.52 p.m.