

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**Tuesday, 19 July 2005
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Tuesday, 19 July 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Standing orders

Mr BRACKS (Premier) — By leave, I move:

That so much of standing orders be suspended today as to allow —

- (1) precedence to be given to a motion of condolence to the families of the victims of the London bombings;
- (2) at the conclusion of the consideration of the motion, the house will proceed with question time, followed by formal business and other business as set out in the notice paper.

Motion agreed to.

TERRORISM: LONDON BOMBINGS

Mr BRACKS (Premier) — By leave, I move:

That this house —

- (1) offers its deepest condolences to the families of the victims of the series of terrorist bombs on London's public transport on 7 July;
- (2) mourns Sam Ly, a young Victorian working in London who died from his injuries on Friday;
- (3) joins the people of Victoria in expressing shock and outrage at this senseless waste of life;
- (4) commends the people of London for the strength and unity they have shown in the face of such a cowardly attack; and
- (5) commits itself to not allow acts of terror such as this to undermine Victoria's tolerant, multicultural way of life.

I thank the Leader of the Opposition for granting leave, and I thank the house for agreeing to consider this matter.

From the outset I acknowledge and welcome to the gallery the representatives of many faiths who have gathered here to join us in this Parliament today to acknowledge and recognise the horrendous nature of the attacks on innocent people in London and to reaffirm our very tolerant, open, multicultural community.

I thank enormously the Zionist Council of Victoria, who are represented here, the Uniting Church, the Anglican Church, the Catholic Church, the Islamic Council of Victoria and Islamic representatives, and others who are here from the Victorian Council of Churches. I note and acknowledge the consul general of the United Kingdom who is here as well. I acknowledge all those people and thank them very much for their participation in this important condolence motion.

On behalf of the people of Victoria I offer my deepest condolences to the friends and families of the innocent people who lost their lives in the London bombings. Now in this house we all know the terrible details of this horrific and cowardly act of terrorism. At 8:50 a.m. London time on 7 July, three suicide bombers attacked the London Underground; 57 minutes later a fourth suicide bomber blew up the no. 30 bus at Tavistock Square. So far as we know at least 51 innocent people lost their lives as a result of these attacks, and the suicide bombers also lost their lives. Those who died had come to London from around the world. They included people of all faiths, among them Muslims, Jews and Christians.

Another 700 people were injured, including at least 9 Australians. One Australian is known to be among the dead — Sam Ly, a 28-year-old from Melbourne. I know that Sam Ly's family and friends are in London currently, but I acknowledge some of his colleagues who are here from the community in which he worked and operated at Monash. I thank them for coming here in support of his memory at this very difficult time.

Sam Ly was travelling on the no. 30 bus when it exploded and he never regained consciousness. Sam lived long enough for his father and girlfriend to be by his side when he died and he became the first known Australian victim of the London bombings. The loss of Sam Ly means much more than a statistic. He was an outgoing young man with a zest for life and plans for the future. Those plans, including his aspiration for travel, marriage and having a family of his own, have been taken from him just as surely as he has been taken from his family and friends.

I also indicate that the path that Sam Ly followed was one that many Victorians have followed in the past — that is, pursuing their careers and opportunities overseas, in this case in London. To be in this situation is something this house regrets. This is why as a community we must not allow this criminal act to undermine our way of life, a way of life that embraced Sam as a young refugee from Vietnam and enabled him to thrive — a way of life that we all cherish. It is why

we should remember the words that London's Chief Rabbi Jonathan Sacks said to thousands of Londoners at Trafalgar Square last Thursday:

Let all of us — Christian and Jew, Muslim and Sikh, Hindu and Buddhist, atheist and agnostic — join hands and proclaim that if anything is sacred, human life is sacred.

If there is a lesson to be learnt from the London bombings it is that eternal lesson about the value of life — that we cherish life and want to ensure that people do not get in harm's way. As the terrorist attacks on New York, Washington, Bali and Madrid demonstrate, it is a lesson that extremists refuse to heed.

I will be making a ministerial statement this week to outline Victoria's efforts to combat terrorism, but for today I will confine myself to the cost of the London attack and what it means for us as a community. It is vitally important that when we are confronted by barbarism we remember who we are, multicultural and multifaith, and the principles that bind us together: tolerance, diversity and freedom. Those are the principles that the terrorists attacked on 11 September, 12 October, 11 March and 7 July, not to mention the entrenched terrorism in Iraq and the Middle East. Just as terrorists hate tolerance we need to realise that they are more than likely to attack again. That is why we cannot allow the horror of the London bombings to shake in any way our faith in multiculturalism and tolerance.

With that in mind I would like to thank the people of many faiths in Victoria who have made public their position, made clear their condemnation of the bombings in London and reaffirmed their commitment to tolerance, openness, freedom and multiculturalism. I thank them on behalf of the Victorian community more broadly.

I would also like to sincerely thank the Islamic Council of Victoria for its prompt and emphatic condemnation of the London bombings. On the day of the attack the council's president, Malcolm Thomas, issued a statement condemning the bombings as despicable and deplorable and effectively calling the perpetrators enemies of humanity and civilisation. Waleed Aly, a member of the council's executive committee, went even further, saying that the terrorists:

... can never claim any legitimate recourse in any religion. This act is contemptible, and we pray that the guilty are brought swiftly to justice.

He went on to say:

The fact that this appears to have been carried out to coincide with the beginning of G8, a meeting designed to minimise poverty and suffering in Africa, shows the twisted nature of the minds of the people involved. As the peak Muslim body

in Victoria, we cannot denounce these terrorist actions strongly enough.

I echo those comments, and I congratulate him for making them — a welcome statement. I call on all extremists, be they anti-Semitic, anti-Muslim or anti-Christian, to heed the very words which have been uttered and to remember what Rabbi Sacks said about human life being sacred, about not indulging in religious or racial vilification and about the need to live and let live, which has been an abiding principle and something we all cherish here in Victoria and Australia and of course share with the people of the United Kingdom as well. As London has demonstrated, the suicide bombers were unsuccessful. The stock market did not fall, millions of commuters are once again riding on London's Tube and double-decker buses, and investigators are already achieving results and making arrests.

If anything, the attacks only serve to illustrate once again the resilience of London and Londoners. After all, we should remember in this house that London is a city that has survived the Great Plague of 1665, the great fire of 1666, the Blitz of 1940 and numerous terrorist attacks by the IRA. You could not have a more resilient people than the people of London.

Britain, like Australia, is a nation that will not bow to suicide bombers. That spirit of endurance which the British call the bulldog spirit — we call it the Anzac spirit — was exemplified on the day of the London attacks. Australia was scheduled on that very day, 7 July, to play England in a one-day international cricket match at Leeds in West Yorkshire. Despite the attacks, the game went on, just as in 239 days time the Commonwealth Games will go ahead.

The games will go on, because at times like this it is all the more important that we mark the things that bind us together, whether it is the history and culture of 120 years of Ashes cricket, the multicultural celebration that will be the Commonwealth Games here in Melbourne or the principles of democracy that stretch back to Federation, the Ballarat Reform League charter or the Magna Carta. At times such as this our best protection against extremism is to remain true to our core values — the values of democracy, diversity, multiculturalism and tolerance — and to be intolerant of those who would destroy or seek to destroy those values.

Before 7 July Victoria was a very tolerant, multicultural state where many ethnic and religious groups lived in harmony together. We are determined to remain tolerant and harmonious after 7 July, which is why we

should not allow our way of life to be affected by acts of terror such as the London bombings and should reaffirm the very things which we love about Australia and Victoria. I have to say that in Victoria I think we do better than anyone else in recognising the tolerant, open and multicultural community we are and in enshrining that. I am very pleased that this house is passing this motion today. I thank the many members of the faith communities who are here joining with us today for this occasion.

Mr DOYLE (Leader of the Opposition) — I join the Premier with great sadness at the necessity for another condolence motion because of the scourge of terrorism around our world. I also join him in his welcome to the interfaith representation and the United Kingdom's consul general who grace us with their presence today in the gallery.

On Thursday, 7 July, at 8.50 a.m. London time — approximately 6.00 p.m. Australian time — four coordinated explosions tore through London's transport system during a peak commuter period, killing 56 people and injuring more than 700. Three bombs went off simultaneously at 8.50 a.m. on Circle line trains 204 and 301 and Piccadilly line train 311. The final explosion was on the no. 30 double-decker bus at the Tavistock Square junction at 9.47 a.m. It appears likely the attack was carried out by extremist terrorists of the kind who were responsible for the atrocities in Madrid in March 2004, in New York in September 2001 and in Bali in October of 2002.

In the aftermath of the latest bombings it is a grim but I think pleasing irony that two of the results are exactly the opposite of what the terrorists would have hoped for. Firstly, it has united us in resolve and not divided us in fear. Secondly, the bombings have brought it home to us here in distant Australia that we are as much connected to London, New York and Madrid as we were and we feel to Bali. The latest bombings have helped us recognise and accept that we are all a part of this struggle against evil. In a sense we have all become Londoners. We are the people of Madrid. We are the people of New York. And the rest of the world was having a beer with Australians in the Sari Club in Bali on 12 October 2002. Through the tragedy of these terror attacks the world has drawn closer together, it has not been driven further apart.

The series of explosions was obviously coordinated to coincide with the first day of the 31st G8 summit in Scotland. I was horrified that this barbaric act of terrorism occurred at a time when world leaders were meeting to discuss the coming together of nations to

fight world poverty and the long-term problems of climate change and the environment. Tony Blair said:

It is important that those engaged in terrorism realise that our determination to defend our values and our way of life is greater than their determination to cause death and destruction to innocent people in a desire to impose extremism on the world.

The most cowardly aspect of these attacks is that they were deliberately aimed at the innocent: ordinary citizens — men, women and children — going about their everyday lives. One of the most powerful denunciations I heard came from the Mayor of London, Ken Livingstone, who said:

I want to say one thing to the world today. This was not a terrorist attack against the mighty and the powerful. It was not aimed at presidents or prime ministers. It was aimed at ordinary working-class Londoners; black and white, Muslim and Christian, Hindu and Jew, young and old. It was an indiscriminate attempt to slaughter irrespective of any considerations for age, for class, for religion or whatever.

The emergency response which followed the bombings was magnificent. London's emergency services — the police, the paramedics, the doctors and nurses, the firefighters and the disaster recovery teams must be the blueprint by which we prepare ourselves for the awful possibility that someday we may need to make a similar response. But terror won only the moment, not the day. Just four days later, London's transport system was back on normal schedules as much as possible. People were going to work. Businesses, shops and schools were open.

It was with great sadness that we learnt on Friday of the first Australian fatality, Sam Ly, who sustained severe injuries in the bombings. Mr Ly graduated from Monash University with a business and computing degree and followed the path of so many young Australians who travel and work in the United Kingdom. Our thoughts and sympathy are with the Ly family and his friends and with the three other Australians who remain in hospital and their families.

This attack is a reminder that terrorism is an evil that threatens all countries and all people. I have had to say in this house before, regrettably, that these attacks are not because of anything we have done but because of who we are. We must ensure that all the necessary precautions are taken in the event that Melbourne is threatened during the Commonwealth Games or any of the other great events for which we are known worldwide — the Melbourne Cup, the Australian Open and the grand prix. I welcome the Premier's announcement of his ministerial statement tomorrow. We look forward to taking part in that important debate.

Paradoxically such attacks may not occur at times of heightened security for world events like the G8 summit. They can strike at the fabric of everyday life — on the train trip to work, during the day at the office and on holiday having a good time with friends in a bar.

The bombings have also reopened the debate on the introduction of national identity cards and the role they could play in preventing such a disaster or attack. I must say that personally — I cannot speak on behalf of my party on this issue — I am not yet persuaded by any of the arguments for a universal ID card yet advanced, partly because of personal long-held beliefs on civil liberty, but more practically because in the London case it seems that the terrorists would have had any such ID cards. The London atrocity raises a new and more frightening scenario, one that we must face calmly and logically but also implacably. Until now terror came from somewhere else. Terrorists were from overseas and their targets were foreigners. The London attack was perpetrated by its own citizens on its own citizens, by people who were prepared to turn on their hosts and on their own community for reasons of radical fundamentalism. This has implications for how we guard ourselves in the future, and we should not shy away from this responsibility while recognising the tolerance and the diversity which marks our community and will continue to characterise Victoria.

In conclusion, our hearts and prayers go out to all those killed or injured by the blasts and to their families and friends. I would like to conclude with Tony Blair's words to the United Kingdom Parliament, because I do not think it can be better said:

Together we will ensure that though terrorists can kill, they will never destroy the way of life we share and which we value, and which we will defend with the strength of belief and conviction, so that it is to us and not to the terrorists that victory will belong.

Mr RYAN (Leader of The Nationals) — I rise to join with the Premier and the Leader of the Opposition in supporting this condolence motion, and I do so in circumstances where the events about which we speak bear a terrible and eerie resemblance to those that occurred in New York, in Washington, in Bali and in Spain, and where comments being made here today are of a similar ilk to those made at the time of those attacks. This was again carnage amongst the innocents, with 56 dead. More than 700 people have been injured, 22 of them seriously or critically, and 30 people are still missing. But bad as those previous events were, this time there are embellishments. Certainly there is the ongoing presence of the dead hand of al-Qaeda, either directly or through some form of crazed splinter group,

but in this instance the atrocity was perpetrated by three British nationals and one Jamaican-born Briton. It is home-grown terrorism. I suppose it is the ultimate fear of many of us. In this case we now find that Britain's own people have been responsible for perpetrating this, the worst of these nightmares we have seen for a long time.

These events evoke a complex array of emotions in all of us, and I cannot help but be angry about them. I try to rationalise why it is that these people can do these things, but despite all I have read, have listened to, have watched, have seen, have looked at and have tried to wrestle with, I cannot for the life of me understand how they can do it. You cannot help but be angry at the individuals, and more particularly at those who apparently have planned this attack. It would seem that they have fled the country and are now being sought internationally, apparently successfully in at least one case.

The London terrorist attack brings to mind the fact that we tend to use the term 'a war on terrorism'. I read an article in the *Australian* last week that disputed the use of the word 'war' in this context. Again I cannot help but think it is right. The use of that expression at least denotes some sort of rules of engagement, something in the nature of a Geneva convention and some understanding of the fact that the innocent lives lost are those of citizens who are simply going about their normal business and who ought to be exempt from the sorts of activities that this style of terrorism seems to involve.

But of course such is not the case here; it is completely the contrary. There are no rules of engagement with these people. They have no respect for human life, and indeed this whole event was perpetrated, as has been said by both the Premier and the Leader of the Opposition, in a way which was intended to cause maximum damage to people who were completely and utterly innocent.

I do not understand it. That these crazed fanatics can go about committing these barbaric acts is something that evokes enormous sympathy in all of us for the dead and the injured. Amongst them are Australians. Sam Ly, who died last week, was a young man of 28 from a background that saw his parents come here to Australia from Vietnam, I believe. He did so much for his own purposes by training and obtaining his qualification and then going on a working holiday to London. His ultimate sin was that he simply got on a train at the wrong place and at the wrong time and so was one of those involved in the tragedy that occurred when the bus blew up — and now he is dead.

Gillian Hicks had both her legs amputated as a result of the injuries she sustained. Ross Mallinson has serious head injuries; Louise Barry has neck and spinal injuries. All of them are still in hospital. There were other Australians injured, but thankfully it would appear that they are going to survive. All of these people were killed or injured simply because they got on a train or a bus to go to work. You cannot help but have enormous sympathy for them.

These events have evoked admiration for those who worked so hard to look after those so terribly injured and to deal with those who were tragically killed. They include passers-by in the street, the victims themselves, emergency service providers in all their forms, doctors, nurses, those who work in rehabilitation helping those who have been injured, and the police. What a magnificent job the police have done in carrying out their various duties throughout this investigation as well as dealing with the tragedy immediately after it occurred. You cannot help but think what it is like for those special squads who are 60 metres under the ground working in tunnels where the temperature has gone up to 60 degrees Centigrade. They are doing what has to be done to retrieve those who were killed in that appalling explosion. It must be literally hell on Earth for them.

What of Londoners? The fact that they got back onto the buses and back onto the trains was just an extraordinary effort. They observed a couple of minutes silence the other day. I suspect, looking around this chamber, that many of us have walked the streets that these people were occupying the other day. I thought the show of strength and support by those people was nothing less than remarkable. Admiration, of course, is evoked by all of this. You cannot help but be fearful. Again I suspect that most of us in this chamber, if not all of us, have travelled in those same tunnels and on those buses and been down those streets. It could have been me; it could have been any one of us here; it could have been any one of our loved ones or people whom we know. You cannot help but be fearful of these events.

Then there is the issue of people's resolve, which is important in this context. We can never ever let these people beat us. There have been some great statements made by wonderful people over the course of these past few days highlighting that fact. Tony Blair, to his great credit, led off in the first instance, but so many others have said over the course of these past few days, 'We cannot let them beat us'. It is an issue about democracy and about an attack on the way of life we lead. It is something that reflects on what is done every day in this chamber and the equivalents of this chamber

around the world. It is an assault on us, and we cannot let them beat us.

It is not only an assault on those of us who enjoy what we have and what this chamber is all about; it is also an assault on emerging nations around the world. I had the great pleasure to be part of a group that greeted the people from East Timor only a few weeks ago in the Speaker's chambers in the company of yourself, Speaker, and the President of the Council. We talked to these people and heard them celebrate their being able to see democracy flourish in their country. These are attacks on those people and the other countries around the world where democracy continues to evolve.

There is the issue of tolerance and understanding which is an imperative in this. I also welcome those different members of communities who are with us here today and the different faiths which are represented together with the consul general; it is a delight to see him as well. It goes to highlight the fact when we have these circumstances put upon us that it is an opportunity, inappropriate in many senses perhaps, but an opportunity nevertheless to celebrate the fact that we are a mix of nationalities. We are a people of many parts. We are now a nation which can justifiably hold its head up amongst any company of having been able to welcome people from so many other countries around the world and having been enriched by their presence, not only by their cultural heritage but by the various faiths which they have brought to our nation.

So I say, Speaker, I join with the Premier and the Leader of the Opposition in supporting this condolence motion. I finish on the basis that we must understand this is no lunatic fringe; we have these people with us now in a global sense. Terrible as it is to contemplate, I fear we will make these speeches again. It just goes to highlight the fact that we must do everything we possibly can to ensure that in this great nation of Australia we never, ever let these people beat us.

Mr SAVAGE (Mildura) — I join the Premier, the Leader of the Opposition and the Leader of The Nationals in offering my condolences and that of this house to the victims of the London terrorist bombings. We also offer our condolences to the hundreds of families who are now grieving for their loved ones and those who will carry the post-traumatic scars for the rest of their lives.

The emergency response to this disgraceful attack on innocent lives was impressive and I trust the emergency services in Melbourne would cope in the same professional and efficient way. London has for many years been dealing with Irish Republican Army terror

and has no doubt honed response skills accordingly. Having worked in London for four years in the late 1960s, I was familiar with the locations of the terror attacks.

The revelation that the terrorists were native-born British Muslims of Pakistani and Jamaican descent is a shock to me and I am sure to most Londoners. To set off bombs on London transport in this way is to maximise the loss of human life. I have been trying to grasp some understanding as to why any human being would do such a thing. How can the killing of innocent commuters further any cause or grievance no matter how deeply felt?

Britain is now being blamed for being too tolerant of radical Muslims spreading hatred and poisoning young minds. Nigh on three years ago in October 2002 Jemaah Islamiah bombed two nightclubs in Bali and killed 88 Australians. It was openly carried out to kill as many Australians as possible, presumably because we are an ally of America. Once again I pose the question: how can that justify killing innocent Australians?

On the ABC's *Lateline* program of 12 July Sheikh Mohammed Omran, a known fundamentalist Islamic cleric based in Melbourne, said:

I dispute any evil action linked to bin Laden. Again, I don't believe that even September 11 — from the beginning, I don't believe that it was done by any Muslim at all, or any other activities. London, as I said just a few seconds ago, never done yet — no-one proven that any Muslim has a hand in it.

Like many Australians I am becoming increasingly concerned by some Muslim demands in our society, some of their intolerance of our way of life and their insincerity in condemning violence and terror. It is a fact that many Australian Muslims celebrated the September 11 attacks on the World Trade Centre. We are at a crossroads. We and the Muslim community here need to take a greater role in condemning and isolating those hard-core extremists who exist. For example, how can local Islamic bookshops offer for sale hate and terrorist literature? We and the Australian Muslim community have to get our house in order. We have to promote assimilation and harmony, otherwise we will never have a normal society. We live in a very tolerant society.

I reiterate my sincere condolences to the families of the 56 persons who were killed, together with the hundreds of injured victims. This Parliament must condemn all forms of extremism.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

QUESTIONS WITHOUT NOTICE

Children: sex offender supervision

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's statement on the Neil Mitchell program this morning regarding Mr Baldy that 'I don't think the government has sought a suppression order ... we haven't applied for a suppression order', and I ask: will the government seek to have the suppression order in the Mr Baldy case lifted so Victorians can have confidence that the proposed extended supervision conditions will protect our children?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As I said this morning, the matters he has addressed to me are matters for the courts. The public can have confidence that the legislation that this house passed enables ongoing constant supervision for criminals such as Brian Jones on their release. That was the intent of the legislation and they can have full confidence that that is available and therefore able to be applied for as part of that legislation.

Children: protection reform

Ms MARSHALL (Forest Hill) — My question is to the Premier and I ask: can the Premier advise the house of the government's most recent initiative to protect Victorian children, and how this will fulfil the government's commitment to making Victoria a safer place to raise a family?

Mr BRACKS (Premier) — I thank the member for Forest Hill for her question. I am very pleased to say that in accordance with the government's plans to provide working-with-children checks, which we announced as part of our commitments at the 2002 election, we followed up with the exposure draft which was released in December last year and which has gone through extensive community consultation. I understand that something like 160 different submissions have been received.

Not surprisingly the Attorney-General tells me that about half those submissions say that the exposure draft was not tough enough and about half say it was too tough, so I suspect that the balance that the government had pursued was close to the mark. Of course, we have

made some changes since the exposure draft, formed from community consultations, submissions and other input we have had. I am very pleased to say that once the bill has been second read at some time this week, this house will in the future debate a working-with-children checks regime.

Could I highlight some of the matters that this government has dealt with in protecting children and making sure that we have the best possible system for the protection of young people to give them the best possible start in life, which we have put in place over a period of time. For example, the Children and Young Persons Act is undergoing its biggest review for 15 years, which is being conducted by the Minister for Children who is also the Minister for Community Services, and I welcome that examination of the act.

Through legislation passed by this Parliament we now have a new sex offenders register which ensures that police can monitor Victoria's worst sexual offenders after their release from jail. As I mentioned before in an answer to the Leader of the Opposition, the Serious Sex Offenders Monitoring Act also allows serious sex offenders to be closely monitored by Corrections Victoria even after their parole has ended. In addition, for the first time in Victoria's history the government has appointed a Minister for Children, which the Minister for Community Services has added to her responsibilities, and that demonstrates the government's commitment to having an overarching policy emphasis for children across the board. I have also welcomed the fact that we have a new child safety commissioner. The first appointee is Bernie Geary, who has wide-ranging experience in youth activities. I think he is very appropriate for that position and will be very good for it.

So if you look at the minister, the child safety commissioner and what we are doing with the working for children checks and putting these arrangements in place, together with the examination and rewriting of the Children and Young Persons Act, the sex offenders register and the Serious Sex Offenders Monitoring Act, you can see that we have comprehensively examined protection for children, including updating the laws, introducing new laws and introducing better monitoring and protection.

The bill to be presented to this house will obviously be subject to debate once it has been second read. It is in keeping with what has already occurred, particularly in Queensland and Western Australia and what is proposed for New South Wales. So the majority of Australia has already moved to these working-with-children checks. It will cover workplaces which are predominantly based

around young people. It will involve volunteers who are predominantly based around young people. I have announced that the government will be fully funding the checks for volunteers so there is no cost to volunteers in the implementation of the working-with-children checks. I am very pleased that we are able to undertake that.

There are different regimes operating across Australia and I think that is of great benefit. This is an extensive exercise and therefore we will be implementing the working-with-children checks over a five-year period and we will be ensuring that there is effective and wide-ranging community education in its implementation so that people are fully informed.

Could I say finally that I believe we have the balance right. This is not about working with children and simply saying, 'I'm working with a child and therefore I'll have a police check'; it is about where the workplace is predominantly around children. For example, work experience will not be covered by this act because that is not a regular matter which is ongoing or predominantly around children. So there is a whole series of appropriate exemptions there. It has been framed on the basis of what is a sensible balance, and what are sensible regimes and sensible checks for the future.

Finally, could I thank the Attorney-General for his leadership in bringing about this legislative change and the Minister for Children for her support in these arrangements. I welcome the fact that we will have these further checks in place in Victoria, I welcome the community input and I look forward to the debate in this house on this important bill.

Weeds: control

Mr WALSH (Swan Hill) — My question is to the Minister for Agriculture. With Landcare groups making their invaluable contribution to controlling weeds and feral animals in regional Victoria, why is the Bracks government cutting back the number of Department of Primary Industries pest plant and animal officers?

Mr CAMERON (Minister for Agriculture) — Unfortunately the Deputy Leader of The Nationals is a little bit confused.

Honourable members interjecting.

Mr CAMERON — You can have new glasses, but it is still an ugly policy.

The fact of the matter is that the Bracks government has increased the funding when it comes to weeds and the

Minister for Environment has been a key driver in that. When you look at the number of positions in the agencies that deal with weeds, whether it is Parks Victoria, the Department of Primary Industries or the Department of Sustainability and Environment, you see there are more additional positions there than there are positions that are the subject of the reorganisation referred to in the question asked by the member for Swan Hill. The simple reality is that overall there has been a greater commitment.

Mr Walsh interjected.

The SPEAKER — Order! The member for Benalla!

Mr CAMERON — And the answer is yes.

Children: protection reform

Ms CAMPBELL (Pascoe Vale) — My question is to the Attorney-General. I refer to the Bracks government's commitment to making Victoria a safer place to raise a family and I ask the Attorney-General to outline how the Department of Justice will implement the working-with-children checks scheme.

Mr HULLS (Attorney-General) — I thank the honourable member for her question. I guess as a community we are judged on how we look after our most vulnerable and I am sure everyone would agree that there is no more vulnerable section of our community than the children we leave in the care of others. Our proposal provides a framework to ensure that those who supervise or indeed work directly and regularly with children do not pose an unjustifiable risk to the sexual and physical wellbeing of these kids.

I might say that legislation we will introduce is not proscriptive or exhaustive. It actually ensures there is a clear minimum standard. Businesses, community groups and volunteer organisations may well want to put in place other checks that go beyond this minimum that will be set out in the legislation. I am sure members will also agree that we cannot legislate absolutely to ensure that never again will a child be abused. This legislation will indeed be a genuine, honest attempt to protect our kids as they move from home into the community. We will constantly monitor the legislation. There will be a formal review after three years but in effect it will be monitored on a regular basis and we will certainly look at every opportunity to ensure that the legislation does protect our kids.

It is important we get it right. We believe, as the Premier said, that the balance we have struck in relation to our proposal does get it right. The Premier has

clearly stated and the legislation will clearly state that certain individuals should not under any circumstances be allowed to work unsupervised with children. I might say we as a government make no apology for that strong position. People on the sex offenders register or subject to an order under the Serious Sex Offenders Monitoring Act will not pass the working-with-children checks, and they will have no right to appeal to the Victorian Civil and Administrative Tribunal (VCAT) a rejection of their application except where there is a claim of mistaken identity.

People who have been found guilty of serious sexual offences against children or adults will be refused a positive determination, as will people convicted or found guilty of serious violent offences or serious drug offences involving adults or children or, of course, offences against the Serious Sex Offenders Monitoring Act. There will be a right of appeal to VCAT. We cannot rule out that in some circumstances individuals may be able to demonstrate to the tribunal that they do not pose an unjustifiable risk to children. That will ultimately be a matter for VCAT if indeed it is appealed.

To implement these very important reforms a special unit will be created in the Department of Justice. The unit will have access to police data on offences and charges that are regulated by this particular proposal. This will ensure that the department has accurate and the most recent information when assessing a person under the working-with-children checks regime.

To ensure that organisations have plenty of time to make any adjustments they need to make to comply with the legislation, we will provide an extensive phase-in period. In fact, the phase-in period ultimately will be over five years. Checking will commence much earlier than that, of course — in fact in this financial year, with child protection services, juvenile justice workers and foster care workers. Then we will cover family day care workers, out-of-school-hours carers, non-teaching staff in educational institutions and school crossing supervisors and the like in the first year.

In conclusion, I think everyone will agree that as members of the community we all have a role to play in protecting our kids from sexual or physical harm by ensuring that people who work with or care for our children have their suitability checked. The proposal which we will enshrine in legislation outlines the Bracks government's contribution to that very important role. I have no doubt that the community will stand with us and play its continuing role in ensuring the protection of our children.

Children: sex offender supervision

Mr McINTOSH (Kew) — My question is to the Minister for Corrections. Given that the Parliament urgently passed the Serious Sex Offenders Monitoring Act in February of this year and that the government knew that Mr Baldy was due for release in August of this year, I ask: why did the government do nothing for four months and only make an application for an extended supervision order on July 1?

Mr HOLDING (Minister for Corrections) — I thank the honourable member for Kew for his question. I would say this in relation to these events, and I choose my words carefully because of the legal situation that exists at the moment in relation to this issue: the serious sex offenders monitoring legislation came into effect on 26 May. This was legislation — —

An honourable member — It was passed in February.

Mr HOLDING — The legislation came into effect on 26 May. The member for Kew may be of the view that it is appropriate for governments to do things without the legislative power for them to do so; we do not have that view. At the same time — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will not behave in that unparliamentary manner. The minister, to continue without interruption.

Mr HOLDING — The member for Doncaster just said my predecessor brought this to the Parliament and said it was urgent. He did not. I brought this to the Parliament, and I said it was urgent. The Parliament consented to the legislation and it came into — —

Mr Doyle interjected.

Mr HOLDING — The member — —

The SPEAKER — Order! The minister, to address the question through the Chair.

Mr HOLDING — Much to the embarrassment of the Leader of the Opposition — he just said, ‘What did you do in June?’ — this legislation — —

An honourable member interjected.

Mr HOLDING — He said I was overseas, did he?

The SPEAKER — Order! The minister will answer the question through the Chair and not engage in conversation across the table.

Mr HOLDING — The government made an application in June under the serious sex offenders monitoring legislation. Members would already be aware that we in fact passed amendments to this legislation during the period when this application was being made. I will make this point absolutely clear: when Brian Keith Jones was released from jail last week he was subject — and he is subject — to the most stringent conditions ever imposed on a Victorian following their release from prison. He is subject to electronic monitoring. He is subject to a home-based curfew — he cannot leave his house without making application to Corrections Victoria. He is banned from having any contact with children.

These are the most serious and stringent conditions ever imposed on a Victorian following their release from prison, and they are in place because this government passed serious sex offenders monitoring legislation. These arrangements are in place because this government introduced into this Parliament legislation establishing a sex offenders register and serious sex offenders monitoring legislation, the toughest set of arrangements for serious sex offenders ever put in place in Victorian history. We did these things, not the previous government.

Children: protection reform

Mr LEIGHTON (Preston) — My question is to the Minister for Children. I refer to the Bracks government’s commitment to making Victoria a safer place to raise a family, and I ask: will the minister outline to the house what the Bracks government is doing to protect Victoria’s children at home and in child care?

Ms GARBUTT (Minister for Children) — I thank the member for Preston for his question. This government is absolutely committed to giving every child the best possible start in life, and making sure that they are safe is a fundamental part of that. That includes making sure that all services for young children are safe, nurturing and stimulating.

In regard to child-care places that is not an easy task, because the commonwealth government funds them and it has an appalling record in funding child care. It means that families have to pay high fees, and access is difficult because there are not enough child-care places. When children get to child care the Victorian government makes sure that the centres are of good quality and are safe and that children who are lucky enough to get into them will learn, grow and have fun. The Victorian government sends its officers and children’s services advisers to inspect all children’s

services on a regular basis. Every year we make over 3000 visits to inspect and monitor child-care centres. We work with the centres to ensure that they meet our standards, and if necessary we throw the book at them in court.

We are also examining different models for the regulation of out-of-school-hours care and family day care, all of which will be covered by the new working-with-children check. In addition we have appointed Victoria's first ever child safety commissioner, who will be a watchdog and advocate for all children and will undertake community education on child safety. We are spending another — —

Honourable members interjecting.

The SPEAKER — Order! The members for Caulfield and Richmond will be quiet.

Ms GARBUTT — We are funding the child safety commissioner with another \$4 million over the next four years to get clear practical messages to Victorian families about child safety, which is about getting to the problems before they happen. We have put a big emphasis on prevention and early intervention. We have put in an extra \$21.5 million over the next four years to fund more family innovation projects. They are the ones that help families who have ongoing, complex issues by assisting them in the support of their children before crises occur and child protection is involved. That has been working very well. Victoria's child protection notifications have flattened off and gone down in comparison with other states, where they are still increasing in a huge way. Of course we are also undertaking the biggest reform of child protection legislation and practices in a generation, and we will be bringing that forward later in this session.

Today I welcome very much the announcement by the Premier and Attorney-General about the working-with-children check. It will be another strong initiative to ensure that our children are safe. We want to make sure Victoria is not just a great place but a safe place in which to raise a family.

Public transport: smartcard tender

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer to the March 2005 overseas travel by Transport Ticketing Authority staff with regard to the smartcard tender, and I ask: given that the probity auditor — —

Honourable members interjecting.

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

Mr MULDER — Given that the probity auditor did not accompany Transport Ticketing Authority staff on the trip, what procedures did the government have in place to prevent corruption of the tender process?

Mr BATCHELOR (Minister for Transport) — The new ticketing system for Melbourne and Victoria will be a huge step forward for public transport. It will make travel easier and more convenient for the people who use it, whether in country Victoria or in metropolitan Melbourne. It will enable public transport users to seamlessly travel from one mode to another and from one region to another using the same ticket — —

Mr Mulder — On a point of order, Speaker, on the issue of relevance, the matter I raised relates to the probity auditor's not being in attendance on an overseas trip and has nothing to do with what the ticketing system will do for Victoria.

The SPEAKER — Order! The minister had only commenced and was making some general comments at the start of his answer.

Mr BATCHELOR — As I said about the use of the smartcard technology, when you swipe on and swipe off it will calculate the cheapest fare for the journey. It will be a real boost for the people using it.

The member for Polwarth raised with me some allegations about the probity auditor and the letting of the ticketing contract. We have made a decision in relation to this contract. What I can say is that every stage of this process has been the subject of the strictest probity auditing. That was a decision of both the government and the authority which was handling this contract for the government.

The probity auditor accompanied executive officers from the Transport Ticketing Authority on an overseas trip, where they met with other public transport ticketing organisations shortly before the close of the formal process. The probity auditor did that as a result of a conscious and deliberate decision to ensure that all probity issues were maintained, not only in Melbourne but also overseas.

During the bidding process there were a number of official site visits, and on each of these occasions it is true that the probity auditor did not attend. However, the TTA staff were given extensive briefings and training in relation to probity and how they were to conduct themselves. They undertook technical site

visits in order to properly and satisfactorily fulfil their tasks.

Tourism: business events

Mr WILSON (Narre Warren South) — My question is to the Minister for Tourism. I refer to the Bracks government's commitment to strengthening the Victorian economy, and I ask: will the minister advise the house of recent information that identifies Melbourne and Victoria as being even more attractive destinations for staging business events?

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for his interest in the business events part of tourism, which is worth \$1 billion of the \$10 billion tourism industry. Melbourne is certainly known as the events capital and certainly as the sports capital. In reality we are also the thinking capital. When we got into government we invested more resources, nearly doubling our effort, in supporting the Melbourne Convention Visitor Bureau's ability to bid for conferences and business events from around the world.

The new convention centre — it follows a commitment that this government made to have the biggest convention facility in the southern hemisphere — next to the exhibition centre will be finished in late 2008 and will open early 2009. It is again showing the world business events community that Victoria is serious about attracting business events that are not only good for our economy, and in particular a growing part of our economy, but also creating the opportunity to bring the world's thinkers to our doorstep.

I am pleased to report that although it is not even built we are locking in business for the new centre. I can inform the house that since we announced the new convention facility on the southern side of the river, Victoria has won the right to host the International Congress of Internal Medicine, with 4000 delegates, the International Congress of Applied Psychology in 2010, with 2000 delegates, and the 13th World Congress on Human Reproduction in 2011. So we are already winning conferences — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation. I ask members to be quiet to allow the minister to answer the question.

Mr PANDAZOPOULOS — Not only are we for the first time winning conferences that we could not have had before because we did not have the facilities, but Victoria is winning more events simply because it is

a great place for hosting events. Melbourne has 52 hotels in the central business district (CBD). We have a very good CBD transport system. We have great facilities, and of course we are the restaurant capital, the bar and night life capital, and the shopping capital — and business event visitors like that.

Other conferences that we have won in recent months include the World Psychology Association International Congress; the International Association of Business Communicators, Asia Pacific; the Annual Conference on Industrial Electronics; the World Youth and Student Travel Conference 2006; the IBRO World Congress of Neuroscience; and the World Conference on Women's Mental Health. The list goes on and on. Every week the Premier and I are signing off on new world conference bids. Every week I am meeting, like I did yesterday, with bid teams visiting Melbourne to have a look at our facilities.

Some people have said, 'What about regional Victoria?'. We are winning events for regional Victoria. The house might be interested to know that business event travellers are very big regional travellers as well, because they tour prior to coming to Melbourne for events. Some events are held in regions, or the visitors take the opportunity of having a few days in regional Victoria. It is good business for Victoria. How is it good business? Not only do the world's thinkers come here, but they fill our hotel rooms. Members might have noticed in the *Australian Financial Review* of 4 July that *Colliers International* was quoted as saying:

Melbourne's 4-star and 5-star hotel market continued to surprise the industry.

On 8 July the *Age* reported, in an article entitled 'Room boom as tourists land in droves ... and that's before the games', a 10.2 per cent increase in the March quarter in occupancy in hotels in Melbourne — the highest level of occupancy in over 10 years, at 80 per cent. Business events are good for the economy, they are good for our innovation economy, they are good for tourism and they are good for jobs.

Honourable members interjecting.

Mr PANDAZOPOULOS — And I encourage members of the house to have a look at our 10-year tourism and events discussion paper, which is out at the moment. Submissions will be accepted until the end of this month. It is about driving tourism and events forward over the next 10 years to grow tourism from a \$10 billion industry to an \$18 billion industry. Business events have the fastest growth potential. We are winning more international conferences for Melbourne and Victoria. It is all great news for us, and we look

forward to support from the other side eventually for the new convention facility.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — My question is addressed to the Minister for Transport. I refer to the urgent need for a second River Murray crossing at Echuca and overwhelming community support for the proposed western option, and I ask: given that the objections of the Yorta Yorta Aboriginal community have brought the project to a standstill, what is the government going to do to resolve the stalemate and build a bridge as soon as is possible?

Mr BATCHELOR (Minister for Transport) — I thank the member for Rodney for his question. This is an issue that the member for Rodney has certainly taken an enduring interest in on behalf of his community. I agree with his assessment that it is an urgent issue and that a second river crossing has community support, and I can assure the member for Rodney and the people of his electorate, particularly those in Echuca, that this government is committed to finding a second Murray River crossing in Echuca. I can advise him that the new crossing at Corowa is working well, that work is progressing at Robinvale and at Cobram, and that we would love to be getting on with the work at Echuca. The commonwealth has committed some \$15 million to this project, and the balance was committed in earlier budgets by both the New South Wales and Victorian governments.

Following an environment effects statement (EES) the Victorian government adopted the western alignment for the new bridge. However, we had to abide not only by the planning laws but also by the cultural heritage laws, and in particular the provisions of the commonwealth Aboriginal and Torres Strait Islander Commission Heritage Protection Act. Under that act consent must be obtained from the Yorta Yorta Nation Aboriginal Corporation before anybody, including the government of the day, state or federal, can disturb Aboriginal cultural heritage. It is well known that the Yorta Yorta Nation Aboriginal Corporation is not prepared to give consent for that western alignment, and we acknowledge that that decision has clearly and unambiguously been made and articulated by the Yorta Yorta people, but we are now trying to find the way forward to establish that second crossing.

At the meeting organised by the member for Rodney and held with the Shire of Campaspe we went through all the options that were available to the community generally. The government sees itself as being part of that community, as is the shire council, as is the

member for Rodney and as are the people of Echuca and the Yorta Yorta people, in trying to find the appropriate way forward.

Essentially, when you get down to the reality of the fundamentals of this situation there are two options. Firstly, you could pursue the central alignment. That is an option that was studied in the environment effects statement process and accordingly it has been the subject of an extensive EES examination. If that is done it might be some 12 months before works could be started, but it provides one pathway. An alternative pathway would be to wait for the promulgation of new Victorian legislation that would be put in place to replace the commonwealth legislation once agreement is reached between the commonwealth and the state for that replacement process to occur. However, I am advised that that will take some considerable time. If people choose that second option, they will do so knowing it will take a longer period of time than the earlier pathway.

It has been a long and drawn-out matter, not because of a want of all the parties — the council, the local member, the government, the community and the Yorta Yorta people — trying to find a solution. The government is committed to a second river crossing. The community wants it. The funds are there on the table. The Yorta Yorta nation in fact is not opposed to a second crossing. It is just concerned at the western alignment.

So following the meeting what we as the government and I as the responsible minister are waiting to hear back from the Shire of Campaspe on is an indication of what it would like in representing its community and what it would see as the preferred way forward of the two pathways which I have outlined here today and which were outlined at the meeting that was held.

Economy: performance

Mr SEITZ (Keilor) — My question without notice is to the Treasurer. I ask the Treasurer: can he outline to the house any recent independent assessment of the state of Victoria's economy and budget?

Mr BRUMBY (Treasurer) — I can outline to the house a further recent assessment of the strength of the Victorian economy. That assessment was made and released last week by Standard and Poor's — on 13 July, when the house was not sitting. In the assessment and statement it issued on that day it reconfirmed Victoria's AAA credit rating. I want to say that we are delighted, obviously, that immediately after the budget Moody's confirmed its AAA rating for the

state, and last week, as I have said, Standard and Poor's confirmed its. This is a very exclusive club now to which Victoria belongs internationally. Only 16 per cent of regional and state governments in the developed world outside the USA are members.

Only 10 states in the United States have a AAA rating. Regarding our performance Standard and Poor's says that Victoria has a strong balance sheet with low financial liabilities. It also says we have a commitment to fiscal discipline, a sound economic base with solid growth prospects and a strong liquidity position.

I will quote from its press release:

The government has demonstrated fiscal prudence, keeping to fiscal strategy targets and ensuring adequate levels of fiscal flexibility. Victoria's economy is diverse and provides a solid foundation for growth with limited volatility.

It is a fantastic report for our state. It is of course backed up by recent economic data. I am pleased to advise the house that the latest job numbers for June are now in. In the last year we actually predicted job growth in Victoria to be 1.5 per cent. We updated that at budget time to 3 per cent. I am pleased to advise the house that over the past financial year in fact the rate of jobs growth in Victoria has been 3.3 per cent. We have generated 93 700 jobs in raw terms.

There is one point I want to make about the Standard & Poor's assessment because it does raise one caution about the medium term. It says:

Although the headroom in state finances is shrinking, downward pressure on the rating over the medium term would require a pretty severe shock ...

I do not think it is hard to work out what sort of a shock it is referring to. Do you know what it is referring to? It is referring to a \$7 billion shock. That is what it is referring to. Here we are with a AAA credit rating confirmed by Moody's Investors Service and Standard and Poor's. What they are saying is that is locked into the future unless there is a severe shock. Do you know what 'shock' is code for? 'Shock' is code for the Liberal Party policy on EastLink — that is what it is code for.

Honourable members interjecting.

Mr BRUMBY — They have said it is a pretty severe shock. The public is saying it is a shocker of a policy.

Honourable members interjecting.

The SPEAKER — Order! The Treasurer, to conclude his answer.

Mr BRUMBY — I think the public is saying the state opposition is a joke. It is now 278 days since the Leader of the Opposition made a promise. Since then there have been 60 000 jobs created in Victoria.

Mr Perton — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order. I ask the minister to return to answering the question.

Mr BRUMBY — In the last 278 days there have been 60 000 jobs — —

An honourable member — Just ignore him.

Mr BRUMBY — No. I am allowed to talk about jobs. There have been 60 000 jobs created in Victoria. Two hundred and seventy-eight days is a long time. I am advised that it is the amount of time Noah took to find dry land after the flood.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 277 to 282 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing by 6 o'clock this evening.

VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to repeal the Vagrancy Act 1966 and re-enact certain provisions of it in the Summary Offences Act 1966 and the Crimes Act 1958 and for other purposes.

Read first time.

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Introduction and first reading

Ms PIKE (Minister for Health) introduced a bill to amend the Residential Tenancies Act 1997 to clarify

the residency rights of occupiers of shared rooms in rooming houses and for other purposes.

Read first time.

CASINO CONTROL (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Alpine National Park: cattle grazing

To the Legislative Assembly of Victoria:

The petition of residents of Wantirna, Bayswater, Boronia, Heathmont and Ringwood wish to commend the Bracks government on its decision to end cattle grazing in the Alpine National Park, while retaining grazing rights in alpine areas outside the park, which will preserve both our cultural heritage, as embodied by the legend of The Man from Snowy River, and our natural heritage in a delicate and important part of our state.

The petitioners therefore request that the Legislative Assembly of Victoria resist all entreaties to change this policy and seek to further encourage all Victorians to support their national park and to enjoy the cultural heritage of the high country.

By Mr LOCKWOOD (Bayswater) (8 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian

government schools and to provide additional funding for school chaplains.

By Ms NEVILLE (Bellarine) (80 signatures)
Dr SYKES (Benalla) (80 signatures)
Ms ASHER (Brighton) (23 signatures)
Mr PERTON (Doncaster) (406 signatures)
Mr HARKNESS (Frankston) (32 signatures)
Mr RYAN (Gippsland South) (136 signatures)
Mr SEITZ (Keilor) (24 signatures)
Ms BEARD (Kilsyth) (66 signatures)
Mr DELAHUNTY (Lowan) (241 signatures)
Mr DOYLE (Malvern) (97 signatures)
Mr NARDELLA (Melton) (24 signatures)
Mr COOPER (Mornington) (206 signatures)
Mr JENKINS (Morwell) (45 signatures)
Mr WILSON (Narre Warren South) (367 signatures)
Mr WELLS (Scoresby) (62 signatures)
Dr NAPHTHINE (South-West Coast) (94 signatures)

Boating: life jackets

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house their dismay at the new boating laws insisting that life jackets be worn at all times whilst boating. Whether sitting on the deck of a houseboat or out fishing with a mate, life jackets are to be worn at all times. This will be an unfair law on people who can least afford it, especially in rural and regional Victoria, where incomes are much lower. Life vests [cost] approximately \$200.00 each. This will stop many pensioners and health care card holders enjoying one of the simple free pleasures in life.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to abandon immediately the introduction of this boating law.

By Dr SYKES (Benalla) (46 signatures)

Rail: Sandringham line

To the Legislative Assembly of Victoria:

The petition of residents in the Brighton electorate of Victoria draws to the attention of the house the exceptionally poor train services on the Sandringham line. Poor services include regular cancellations, lateness and overcrowding.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to improve train services on the Sandringham line.

By Ms ASHER (Brighton) (135 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws

out to the house that under the Bracks Labor government review of education legislation, the future of religious education in Victorian schools is in question and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools.

By Dr SYKES (Benalla) (26 signatures)
Ms ASHER (Brighton) (68 signatures)
Mr PERTON (Doncaster) (394 signatures)
Mr ROBINSON (Mitcham) (75 signatures)
Mr WELLS (Scoresby) (19 signatures)

Rail: Kilmany crossing

To the Legislative Assembly of Victoria:

The petition of the undersigned citizens of the state of Victoria draws to the attention of the house the inordinate number of accidents resulting in death and injury coupled with the many near miss incidents which have occurred at the railway crossing at Settlement Road, Kilmany.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the Victorian government to erect appropriate warning signs and to install warning lights and signals at the railway crossing at Settlement Road, Kilmany to thereby afford the best possible opportunity to all drivers on Settlement Road of impending train movements at the crossing.

By Mr RYAN (Gippsland South) (408 signatures)

CityLink: concessions

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the urgent need for the state government to extend its concessions to enable all pensioners and self-funded superannuants to access CityLink and other toll roads in Victoria at an affordable cost.

The petitioners therefore request that the Legislative Assembly of Victoria call on the government to initiate immediate action to extend concessions to those who use toll roads.

By Mr COOPER (Mornington) (17 signatures)

Cobboboonee State Forest

To the Legislative Assembly of Victoria:

The petition of the Cobboboonee residents and land-holders group draws the attention of the house to the proposal by green groups to change the status of the Cobboboonee State Forest to a national park.

The petitioners do hereby respectfully request that the Legislative Assembly of Victoria does not declare the Cobboboonee a national park but retains the status quo as a state forest, and for this we ever pray.

By Dr NAPHTHINE (327 signatures)

Tabled.

Ordered that the petitions presented by honourable member for Mornington be considered next day on motion of Mr COOPER (Mornington).

Ordered that the petitions presented by honourable member for Brighton be considered next day on motion of Ms ASHER (Brighton).

Ordered that the petition presented by honourable member for Bayswater be considered next day on motion of Mr LOCKWOOD (Bayswater).

Ordered that the petitions presented by honourable member for Scoresby be considered next day on motion of Mr WELLS (Scoresby).

Ordered that the petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that the petitions presented by honourable member for Doncaster be considered next day on motion of Mr PERTON (Doncaster).

Ordered that the petitions presented by honourable member for South-West Coast be considered next day on motion of Dr NAPHTHINE (South-West Coast).

Ordered that the petition presented by honourable member for Bellarine be considered next day on motion of Ms NEVILLE (Bellarine).

Ordered that the petition presented by honourable member for Lowan be considered next on motion of Mr DELAHUNTY (Lowan).

NATIONAL CLASSIFICATION CODE

Publications, films and computer games

Mr HULLS (Attorney-General), by leave, presented revised code contained in commonwealth Classification (Publications, Films and Computer Games) Act 1995.

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 8

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 8 of 2005 on National Parks (Otways and Other Amendments) Bill* together with appendices.

Tabled.

Ordered to be printed.

**ECONOMIC DEVELOPMENT
COMMITTEE**

Labour hire

Mr ROBINSON (Mitcham) presented final report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Annual Plan 2005–06

Performance Audit Report — Managing stormwater flooding risks in Melbourne — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report for the year 2003–04

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 49 and 79

National Parks Act 1975 — Advice under s 11(3)

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

Ballarat Planning Scheme — No C83

Baw Baw Planning Scheme — No C10 Part 2 (i)

Bayside Planning Scheme — No C41

Central Goldfields Planning Scheme — No C7

Colac Otway Planning Scheme — No C44

East Gippsland Planning Scheme — Nos C31, C43

Glen Eira Planning Scheme — Nos C38, C41, C43

Glenelg Planning Scheme — Nos C21, C22

Greater Geelong Planning Scheme — No C112

Hepburn Planning Scheme — Nos C29, C32

Horsham Planning Scheme — No C23

Indigo Planning Scheme — No C26

Kingston Planning Scheme — No C48

Maroondah Planning Scheme — No C30

Moorabool Planning Scheme — No C32

Mornington Peninsula Planning Scheme — Nos C64, C73 Part 1

Moyne Planning Scheme — No C19

Northern Grampians Planning Scheme — No C12

Stonnington Planning Scheme — No C39

Surf Coast Planning Scheme — Nos C16, C23, C24

Swan Hill Planning Scheme — Nos C12, C18

Warnambool Planning Scheme — No C41

Whittlesea Planning Scheme — No C50, C66

Yarra Planning Scheme — No C66

Yarra Ranges Planning Scheme — No C44

Yarriambiack Planning Scheme — No C5

Police Regulation Act 1958 — Director, Police Integrity — Review of the Victoria Police Witness Protection Program — Ordered to be printed

Statutory Rules under the following Acts:

Architects Act 1991 — SR No 53

Audit Act 1994 — SR No 65

Building Act 1993 — SR Nos 51, 57

Cemeteries Act 1958 — SR No 75

Cemeteries and Crematoria Act 2003 — SR No 76

Commonwealth Games Arrangements Act 2001 — SR No 84

Crimes (Family Violence) Act 1987 — SR No 54

Electricity Safety Act 1998 — SR No 74

Gambling Regulation Act 2003 — SR Nos 60, 61

Liquor Control Reform Act 1998 — SR No 55

Magistrates' Court Act 1989 — SR No 59

Major Crime (Investigative Powers) Act 2004 — SR No 73

Marine Act 1988 — SR No 82

Meat Industry Act 1993 — SR No 49

Occupational Health and Safety Act 2004 — SR No 64

Petroleum (Submerged Lands) Act 1982 — SR No 80

Pharmacy Practice Act 2004 — SR No 50

Police Regulation Act 1958 — SR No 72

Prevention of Cruelty to Animals Act 1986 — SR No 70

Private Agents Act 1966 — SR No 78

Private Security Act 2004 — SR No 77

Public Administration Act 2004 — SR No 52

Road Management Act 2004 — SR Nos 62, 63

Road Safety Act 1986 — SR No 68

State Owned Enterprises Act 1992 — SR No 85

Subordinate Legislation Act 1994 — SR No 58

Surveillance Devices Act 1999 — SR No 83

Surveying Act 2004 — SR No 56

Terrorism (Community Protection) Act 2003 — SR No 79

Transport Act 1983 — SR Nos 66, 67, 68, 69, 81

Whistleblowers Protection Act 2001 — SR No 71

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 57, 58, 59, 82

Ministers' exemption certificates in relation to Statutory Rule Nos 50, 51, 52, 53, 54, 55, 64, 70, 71, 72, 73, 75, 78, 79, 80, 81, 83

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Children and Young Persons (Miscellaneous Amendments) Act 2005 — Section 45 on 30 June 2005 (*Gazette S120*, 28 June 2005)

Gambling Regulation (Further Amendment) Act 2004 — Sections 4(3), 4(4), 16, 17, 18, 19, 20, 25, 32, 37(2), 37(4), 37(6), 39(1), 39(2), 39(3), 39(4), 39(5), 39(6) and the remaining provisions of Part 3 on 25 June 2005 (*Gazette G25*, 23 June 2005)

Melbourne (Flinders Street Land) Act 2003 — Whole Act on 29 June 2005 (*Gazette S120*, 28 June 2005)

National Electricity (Victoria) Act 2005 — Whole Act on 1 July 2005 (*Gazette S120*, 28 June 2005)

Sustainable Forests (Timber) Act 2004 — Section 100(2) on 31 August 2005 (*Gazette G28*, 14 July 2005).

ROYAL ASSENT

Message read advising royal assent to:

21 June

Appropriation (2005/2006) Bill (*Presented to the Governor by the Deputy Speaker*)

Appropriation (Parliament 2005/2006) Bill (*Presented to the Governor by the Deputy Speaker*)

Accident Compensation (Amendment) Bill

City of Melbourne (Amendment) Bill

Courts Legislation (Miscellaneous Amendments) Bill

Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill

Emergency Services Superannuation (Amendment) Act

Energy Legislation (Miscellaneous Amendments) Bill

Sex Offenders Registration (Amendment) Bill

28 June

National Parks (Alpine National Park Grazing) Bill

State Taxation Acts (General Amendment) Bill.

APPROPRIATION MESSAGE

Message read recommending appropriation for National Parks (Otways and Other Amendments) Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 21 July 2005:

Energy Safe Victoria Bill

National Parks (Point Nepean) Bill

Owner Drivers and Forestry Contractors Bill

Planning and Environment (Williamstown Shipyard) Bill

Tobacco (Amendment) Bill.

This motion sets out the government business program for this parliamentary week. In the text of the precise motion it sets a target of some five bills to be dealt with this week. That is a smaller number than the normal six or seven bills we put up because it takes into account

and recognises that some government business time would be devoted to, firstly, the condolence motion we have just dealt with and acknowledges that the government has foreshadowed a ministerial statement to be made on Wednesday. In that context, knowing that extra time has been allocated from the government business program to these other matters and looking at the forward agenda and recognising the desire of many members on both sides of the chamber to contribute to a second-reading debate, we have decided to limit the government business program this week to those five bills listed in the motion and which I have read out.

That being the case, this program will provide a workload for this parliamentary week that should enable the objectives of individual members to contribute and the government's objective to progress its legislative program to be met. It answers the needs of the member for Nepean to have the National Parks (Point Nepean) Bill brought on and dealt with. It also provides the Parliament with the opportunity of expressing our condolences on the terror bombings in London, which we have just completed, and to hear a ministerial statement from the Premier on a very important matter. I commend this motion to the house.

Mr PLOWMAN (Benambra) — The opposition does not oppose the business program. The five bills certainly should be easily handled within the time. There is one request I have of the government. I request it of the Minister for Transport, the minister responsible for government business. It is that when we have the ministerial statement there be an allowance for more speakers than would be normal under that sort of circumstance because of the seriousness of the issue before the house. We have just had the condolence motion in respect of the bombings in London and you, Acting Speaker, as the member for Mildura, were given the opportunity to speak to that motion.

It is important that as many members of the house as possible be given the chance to speak to the ministerial statement to be made by the Premier. I ask the government to give due consideration to that, because on an issue as important as this there is a need for that to occur. We are not pushed for time. We will get through the five bills within the time before the guillotine at 4 o'clock on Thursday. Therefore it would be a very wise decision by the government to allow that debate to include as many speakers as possible. Again I request the manager of government business to give due consideration to that request.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the government's business program. It is a reasonable business program this week with five

pieces of legislation. I must say that we are delighted that the National Parks (Point Nepean) Bill has finally come before the house and will be debated. That will be a debate that will be followed with a degree of interest.

Dr Napthine — The Nationals like national parks.

Mr MAUGHAN — The Nationals do like national parks, as the member — —

Mr Delahunty — As long as they are maintained.

Mr MAUGHAN — As long as they are maintained and are free of weeds and we have proper control. It is a reasonable program. We have had a very important condolence motion today and will have an equally important ministerial statement by the Premier tomorrow, but there is no difficulty in dealing with these five pieces of legislation by 4 o'clock on Thursday afternoon, as proposed by the Leader of the House.

I want to take this opportunity to thank the Leader of the House for his cooperation in his discussions with the whips and the managers of government business on this side of the house. It leads to a cooperative arrangement for getting these business programs through. Together with the Government Whip we work very well to ensure that we do achieve these objectives.

Motion agreed to.

MEMBERS STATEMENTS

Sir Ronald Wilson

Mr WYNNE (Richmond) — I rise to pay tribute to the life of Sir Ronald Wilson. From a humble childhood he rose to high legal office in Western Australia and ultimately the highest judicial office in the country as a High Court judge.

On retiring in 1989 he was appointed by the Keating government as president of the Human Rights and Equal Opportunity Commission, where he completed the landmark *Bringing Them Home* report into the stolen generations of Aboriginal children. This seminal work, co-authored with Mick Dodson, chronicles the systematic and misguided displacement of Aboriginal people over decades. The report makes for harrowing reading and should be a constant reminder to us all that reconciliation with our indigenous community can be achieved only when we are prepared as federal and state governments and leaders to acknowledge the hurt and harm done to Aboriginal people and to say sorry. That certainly was one of Ron Wilson's wishes.

I had the pleasure of meeting Ron on a number of occasions through his son, Bruce. I was privileged to have Ron as a guest at my annual dinner in 2000, where he spoke to a capacity audience on the importance of carrying on the work of reconciliation with indigenous communities. Those who heard that speech will be forever touched by the humanity of this great Australian.

I extend my condolences to his wife, Leila; their son, Bruce, and his wife, Robyn, and family; and particularly to his grandchildren, Emily and Alice, and their mother, Kerry, at this sad time.

Warrnambool: unemployment

Dr NAPTHINE (South-West Coast) — I call on the government to bring forward some vital major projects in the Warrnambool area to combat a spate of recent job losses. In the past few weeks Warrnambool has suffered from a loss of jobs at Nestlé in Dennington with 79 jobs gone; 16 people were retrenched at Fletcher Jones, the last jobs in Warrnambool of that great icon; 6 people were retrenched from Barton Waste and just recently 10 people at GlaxoSmithKline at Port Fairy were retrenched. These recent job losses come on top of data from the small area labour markets for the March quarter 2005 statistics which showed that unemployment in the Warrnambool area increased from 864 people in March 2004 to 1199 people in March 2005. That is an increase of 39 per cent in 12 months. Indeed the unemployment rate in Warrnambool went from 6 per cent to 8 per cent which is well ahead of the national average.

I urge the government when it visits Warrnambool and south-west Victoria as a community cabinet next week to listen to the local council and community and bring forward some major projects. It would be appropriate for the government to announce funding not only for the south-west emergency helicopter but for the redevelopment of the Warrnambool hospital; for the building of stage three of the South West TAFE which is federally funded; for the redevelopment of the Warrnambool safer harbour for recreational and commercial fishing and to upgrade — —

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired.

Anzac Day: remembrance

Mr MILDENHALL (Footscray) — It is indeed an appropriate day for remembrance and reflection. One of the landmarks visited by the Victorian students' Spirit of Anzac tour earlier this year was the statue by

Melbourne sculptor, Peter Corlett, entitled *Cobbers*. It is located at Fromelles in northern France and depicts Victorian farmer, Sergeant Simon Fraser, bringing in a wounded digger.

Eighty-nine years ago today we saw the worst 24 hours of casualties in Australian history, with 5533 killed, wounded and missing in the battle of Fromelles. It was a very Victorian catastrophe. Brigadier General 'Pompey' Elliott's 15th brigade, which bore the brunt of the tragedy, was entirely Victorian. Pompey himself was a very famous Victorian. He tried in vain to have the ill-conceived attack on the German positions cancelled. Five VFL footballers were killed in that battle.

Today at lunchtime a commemoration service conducted by the Friends of the 15th Brigade was held at the Shrine of Remembrance. The Friends of the 15th Brigade seek to have a second *Cobbers* statue erected in the surrounds of the shrine so that more Australians will be aware of that enormous sacrifice on this day so many years ago. It is a vision worthy of support.

Congratulations to the Friends of the 15th Brigade, particularly Garrie Hutchinson, Lambis Eglezios, Ross McMullin and Robin Corfield, for their efforts to create greater awareness — —

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired.

Federal Leader of The Nationals: retirement

Mr RYAN (Leader of The Nationals) — I rise to pay tribute to John Anderson in his capacity as the federal Leader of The Nationals in circumstances where he announced his retirement from that position on 23 June 2005. John was elected to Parliament as the member for Gwydir in 1982; he was then 32 years of age. He served 13 years as a coalition frontbencher, including 9 years as a cabinet minister and 6 years as the Deputy Prime Minister of Australia as well as during that period of time being the leader of our party at a federal level.

He has many key achievements which will be his legacy in the political arena. He achieved a state and federal agreement over the national water initiative ensuring Australia has a world-class water policy framework. It was John Anderson who elevated the debate about water from the paddocks of Australia in the rural areas into the lounge rooms of Australians. It has been a remarkable achievement on his part. He was responsible for the \$1 billion AusLink program

ensuring a national transport plan for Australia. The introduction of the \$2.4 billion funding for the roads to recovery programs across this nation was his direct responsibility; it would never have happened without John Anderson. He was also responsible for the \$870 million in funding for the revitalisation of rail and other transport systems. He has promoted the ethanol industry across Australia. He is a fine Australian, and I wish him well.

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired.

John Ireland

Ms BARKER (Oakleigh) — I wish to pay tribute to a great man, John Francis Ireland, who died suddenly on 5 July 2005 aged only 63. John was first and foremost a family man. He married the love of his life, Maureen, in October 1964, and their marriage was a wonderful example of true mateship and love. Their children, Stephen, Cathie and Greg, his daughter-in-law Suzie, and his nine-month-old grandson Daniel were very close to him. As was said on the day of John's funeral, they will miss their mentor, protector, confidant, matchmaker, wine merchant, tradesman, babysitter and financier.

John's Roman Catholic faith was an integral part of his life. He was born in Oakleigh and for much of his life was an active member of the Sacred Heart parish. The family moved to Murrumbeena 26 years ago and there John involved himself in St Patrick's parish. He was always ready to help out the church and St Patrick's Primary School whether the job was big or small. He loved sport and was a very strong supporter of the Melbourne Football Club. He was an active and involved member of St Patrick's tennis club and the Beaumaris motor yacht squadron.

I knew John mainly as a long-time member of the Australian Labor Party and he was a very willing worker at all times whether it was letterboxing or working on polling day. I do not think St Patrick's polling booth will be quite the same without John as booth captain, but as Maureen said on the day of his funeral he will still be with us on any election day. He was awarded his life membership last year having been a member for 40 years and I know how proud he was when he received his medallion from Steve Bracks.

John was a big man with a big heart and a very big amount of time for all who touched his life. We will miss him very much.

Minister for Employment and Youth Affairs: performance

Mr KOTSIRAS (Bulleen) — I stand to condemn the Minister for Employment and Youth Affairs for allowing this government to treat Victoria's young people as political footballs. This minister is well known for abolishing programs and then renaming and rebadging them to give the impression she has worked hard to get extra money for youth services.

Youth Participation and Access is one such program. When it replaced another program with much fanfare, the government claimed that the goal of the program was to build strong, active and resilient communities by assisting young people to have opportunities, skills and recognition. Organisations were asked to submit their applications with successful applicants to be announced in May 2005. Guess what? Two months later and nothing has been done. I was advised on the weekend that last Friday the office decided to allocate the money — two months late. I have also been advised that this occurred because the minister's office interfered with the process.

The minister's office wanted to ensure the government received maximum media coverage and score maximum political points. This is another example of the whiteboard process on how to allocate money. The successful applications and the amount was not based on merit and not on need, but on where this government could get more votes.

This is a disgrace, and this minister should be ashamed. The minister can smile and take photographs of herself, but the reality is that she has ignored young Victorians.

Stan Wight

Mr TREZISE (Geelong) — I take this brief opportunity today to mark the life and passing of Stan Wight on 10 July. For the information of the house, Stan Wight was one of those people who dedicated a lifetime of service to his community. He was also a devoted family man, being married to his wife, Joan for 56 years and raising two children, Pam and Phil, both of whom have had instilled in them Stan's commitment to social justice.

Stan was born on New Year's Eve 1927 and was one of 11 children. He attended Tate Street Primary School and the then Geelong Junior Technical School. Stan had a number of jobs, originally employed as a plumber. He then moved to Blakiston Tractors and from there to R and B Smiths as a car salesman.

But it was in the area of community service that Stan forged a reputation for himself as a fighter for the underdog, especially in the areas of Thomson, East Geelong and St Albans. In working for social justice, Stan was elected to the Geelong City Council in 1974 and remained a councillor until it was amalgamated in 1993. It was there that as a fellow councillor I first met Stan. I can assure this house that Stan was a person who did not suffer fools, but was always a fair man who stuck to his guns and his principles. At all times he put the interests of his community at the forefront of his decision making. He was a much-respected councillor and I often sought his opinion and advice in dealing with local issues at the time.

Stan was also a long time member of the Australian Labor Party who worked hard for the true causes of the party. He will be remembered for his commitment to the St Albans Football Club where he played, and went on to become a long time committee man. Stan Wight was a champion of the community to his boot straps and Geelong will be poorer for his passing.

Police: numbers

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government for its failure to properly resource Victoria Police, and to make good on its election promise of 600 extra police. At the 2002 election the Bracks government promised to deliver an additional 600 police. To date it has only delivered 232 police, which means that in 16 months there will need to be a net increase of 368 police. Despite ongoing media spin and rhetoric from the government, police shortages continue to worsen. Right across the state, regions and towns simply do not have enough police members to police our streets, placing community safety at risk.

Last week frustrated police members in the Geelong region convened a public meeting to again highlight the critical shortage of police in Greater Geelong and the Surf Coast region. The Police Association's independent assessment puts the shortage at 76 police. The Geelong crisis just adds to the ever increasing examples of police shortages across metropolitan and rural Victoria. Police are struggling to provide reactive policing, let alone proactive policing.

I am advised that Werribee police are about to lose five members who have been reallocated back to Geelong to fill the critical shortages there. As recently as April police members were sent from Geelong to Werribee to plug holes. Victoria Police recently promised a further eight officers for Geelong, and now we know where at least five of them are coming from — Werribee. This

musical chairs stopgap measure smacks of desperation by the Bracks government.

Andrew Corum and Elizabeth Marshall

Ms GREEN (Yan Yean) — Today I want to pay tribute to two very different authors: I have recently had the privilege of attending book launches for their first books.

Andrew Corum has beautifully written and illustrated two wonderful children's books, *Crimson Feathers for Ty* and *Jack Learns to Swim*, which not only tell beautiful stories for children in words and pictures, but convey compelling information about the protection of the environment to preserve the habitat of the platypus and the rosella. I wish Andrew every success and am confident he will publish many more stories for children.

Elizabeth Marshall, a resident of Panton Hill, has written her first book at 91 years. It was recently launched amongst friends, family and admirers at the Lyceum Club, including her son, former Nillumbik and Eltham shire councillor, Robert Marshall. Elizabeth's book which is a great read is called *An Accidental Brush with History*. It is an historical autobiography of the period from 1934 to 1944, compiled from letters and diaries of a 20-year-old student in Nazi Germany, leading to her wartime service as a special duties (linguist) Wren in the Women's Royal Naval Service.

Unconsciously Elizabeth traced the growth of Nazism as it affected everyday life. She witnessed Nazi propaganda and parades, and recorded the onset of anti-Semitism. The words written at the time of the events reveal an experience almost lost to the reading public. During the war she served as a radio operator intercepting plain language messages between German motor torpedo boats, motor gunboats and minelayers as they prepared to attack allied convoys along the east and south coasts of England. She was under frequent aerial attack, particularly during the Battle of Britain, and endured long watches with little sleep. I hope her first book is not her last.

Primary Industries: regional staff

Mr INGRAM (Gippsland East) — I rise to condemn the proposed Department of Primary Industries' catchment management officer cutbacks, and I particularly call on the minister to guarantee that positions like David Fraja's at Orbost will be maintained. The proposed DPI structure has no catchment management officers east of Bairnsdale, which is about 8 per cent of the state of Victoria. All

inquiries in the far east, including Orbost, Cann River, Bonang, Deddick, Combienbar, Bendoc and Tubbut, will be changed to be managed through Bairnsdale.

This will mean that those positions in the far east will be serviced through Bairnsdale, which is 3½ hours from places like Tubbut and Bendoc; Deddick dogmen will be managed from Bairnsdale and will not be able to supervise the Australia Workers Union doggers; requests for assistance for killings will be done through Bairnsdale; electric fencing contact will also be done through Bairnsdale; and 1080 baits, dogs, fences and rabbits will be picked up from Orbost once a month or through Bairnsdale. This will have a great impact on those communities. It will be inefficient, it will give no support to the rural community and it will cut back available work through those areas.

I call on the government to guarantee that those positions in places like Orbost will be maintained in order to provide services to those communities and to make sure that there are no cutbacks to Parks Victoria, which has been rumoured around East Gippsland over the last few weeks.

Frankston North: Best Start map

Mr PERERA (Cranbourne) — I was honoured to be part of the recent launch of the Frankston North Community Best Start map. The Best Start program is a Bracks government initiative through the Frankston City Council, focusing mainly on our children from birth to eight years.

The Frankston North community map grew out of an extensive survey of all parents in the Frankston North area, which was conducted in June 2004. This project has embraced the Best Start program and is a prime example of what can be achieved through interconnecting and utilising the community. The working group utilised Victorian Certificate of Applied Learning students at Monterey Secondary College and Chisholm TAFE to produce the map in consultation with the community and professional networks. I would like to acknowledge the Frankston North Best Start group, Out'n'About, Monterey Secondary College, the Mahogany Community Centre and representatives from the Pines Connecting the Community project. I also wish to congratulate Karen Dunn and Nicole Regan who put a fantastic effort into delivering this exciting program for our residents of Frankston North.

The map is available on A4-size paper with a Melway map of Frankston North highlighting for families with children from birth to eight years places such as preschools, parenting groups, maternity services,

childcare services, bus routes and other services. It is an ideal document for a new family moving into the area. It is also a living, breathing example of the extent to which the Frankston North community will go to welcome families into the area.

Port Phillip Bay: channel deepening

Mr COOPER (Mornington) — A great many people have been dismayed to hear that the Bracks government intends to proceed with a so-called trial dredging process on the main shipping channel in Port Phillip Bay between August and October this year. The extent of this work is so large that it is obvious to all that the real objective of the government is to carry out the full dredging process in the southern part of Port Phillip Bay and at the heads under the guise of a trial. It is a nonsense for the Minister for Transport to claim that this is a small-scale program. This is a deceitful and dishonest way of proceeding, and the government needs to understand that it is fooling no-one.

The question that must now be answered by the government is one that it has so far carefully avoided: where is the 1.7 million cubic metres of spoil from this phoney trial going to be dumped? The review panel report on the environment effects statement raised serious concerns about the dumping of massive quantities of spoil in Port Phillip Bay. The concerns set out in that report mirror what I have been saying for a long time, along with my absolute opposition to the creation of a new huge dumping ground off the coast of Mount Martha. The government cannot be permitted to any course of action that easily turns the waters of Port Phillip Bay into a turbid soup. Just what does the government intend to do with the 1.7 million cubic metres of sludge that will be dredged up from the southern part of Port Phillip Bay over the next couple of months?

On behalf of the many thousands of Victorians who are concerned that this project will cause irreparable damage to our bay, I demand an immediate response from the government.

World Softball Championships

Ms ECKSTEIN (Ferntree Gully) — At the end of June this year a young man from my electorate took part in the World Softball Championships in Canada as part of the Australian junior men's team. The public is not generally aware of men's softball, and the sport often does not get the recognition it deserves. It has some difficulty attracting sponsorship because it is not as high profile as other sports such as football, cricket

and basketball, and I also suspect because it is not a sport traditionally played by men.

Sixteen-year-old James Brooks, who attends Rowville Secondary College in my electorate, was selected for the Australian under-19 squad in 2003. At the Australian championships in Perth in January this year, he won the pitching award and was selected for the team to play in Canada at the world championships.

Jimmy is very dedicated to his sport. He has played softball since he was four years old, starting with T-ball. He has always played with the one club, the Mulgrave Softball Club. I am very pleased to report to the house that the Australian junior men's team was very successful at the world championships. It won all its matches undefeated, ultimately defeating Japan in the final to become the world champion. I would like to congratulate Jimmy Brooks and the entire Australian junior men's softball team for their great success at this year's world championships in Canada, and I wish them every success in the future.

Longerenong Agricultural College: future

Mr DELAHUNTY (Lowan) — On behalf of the Lowan electorate, and particularly the Longerenong support group, I condemn the Minister for Education and Training for not meeting a delegation to discuss the retention of Longerenong as a complete training campus, including its vocational education and training (VET) programs, staff, buildings and farm.

We are all aware of the recent decision by Melbourne University to sever ties with its country campuses, which is a real slap in the face for rural and regional people in the agricultural industry. Melbourne University is now examining alternative providers for these VET programs, and as was said in the document that all parliamentarians received, it is 'working closely with the state government which must approve any transfers of VET activities'. Therefore it is important that the Minister for Education and Training meet with the Longerenong support group face to face. As the chair of the group and the mayor of Horsham Rural City Council said, 'We feel these issues are too important to be passed on second-hand from departmental officials to the minister'.

The Longerenong support group is concerned about the long-term future of the Longerenong campus. I call on the minister to meet with it to hear the views of leaders from the Wimmera-Mallee who are vitally interested in the agricultural skill development and natural resource management of our youth. Our young people are our investment in the future. We know that people who

gain their education in the country are more likely to remain in rural and regional Victoria.

Terrorism: London bombings

Mr LIM (Clayton) — I would like to add my words to those of others in deploring and condemning the acts of criminal terrorism that took place in London on 7 July.

Coming from Cambodia, a country that has seen more than its share of politically motivated death, injury and destruction, I very much understand the grief of the people of London. Like Australia, Britain is a multi-ethnic and multifaith country. People have come to Britain from many unhappy lands. I know from my own experience that people in war-torn countries see cities such as London as a haven of honour and decency in a troubled world. This is why the London bombings came as such a shock: this sort of thing is not supposed to happen in peaceable countries like Britain.

Watching the news reports of the tragedy, I was particularly struck by George Psaradakis's dignified tribute to those who died. George is Greek, and he was the driver of the no. 30 bus that was blown up. Standing before a group of his fellow drivers, who were of just about every ethnicity imaginable, he vowed in Churchillian tones that 'You will not defeat us, and you will not break us'.

I see this same attitude in my own electorate of Clayton. People who have come to Victoria from Cambodia, from Iraq and from Somalia and who have lost family and friends in wars are tremendously proud of their adopted city, just as George and his fellow drivers stand together as proud Londoners. As long as there are people like George in London, the terrorists will never prevail.

Major Projects Victoria: staffing

Ms ASHER (Brighton) — I wish to raise again the unjustified increases in staffing levels at Major Projects Victoria, especially given the diminished responsibility the minister is prepared to assume in this area. In 1999 there were 17 staff at MPV, and that figure had risen to 85 by November 2004. The minister's explanation for the increase in staff is as follows:

In addition to project implementation and delivery tasks MPV now undertakes the additional tasks of project development and feasibility functions.

The problem for the minister is that Major Projects Victoria has always undertaken these tasks; these are not new tasks at all. Indeed I would refer the minister to

budget paper 3 for 2001–02, 2002–03, 2003–04 and 2004–05, where it is very clear that feasibility and development projects have always been undertaken by MPV. The fact of the matter is that the staff blowout has occurred in order to deal with fewer major projects, all of which are over budget or late or both. I note in particular the recent blowout from 24 staff in 2003–04 to 85 staff in November 2004. The minister can claim what he likes. The fact is that he has been overserved to deliver minimal projects.

Ian De La Rue

Ms LOBATO (Gembrook) — Today I wish to pay tribute to an outstanding contributor to the Upper Yarra, a man who enriched the lives of all who knew him and who worked tirelessly to bring about improvements to the area. On 26 June Ian De La Rue succumbed to an untimely death. Cancer cruelly and unfairly took away my mate Ian in the prime of his life. He rang me last December to inform me about his illness, but his relentless optimism and continuing zest for life led us all to believe that he would live forever.

Unfortunately Ian was misguided at some point in his very active and full life, beginning an association with the dark side of politics, the Liberal Party. It was in his capacity as a Liberal member that I first met him when he was assisting the then Liberal candidate for Gembrook with his state election campaign. However, this inauspicious start did not get in the way of our friendship. As I began to know him better I felt nothing but admiration for this inspirational, motivational and committed community activist. I fixed the problem that had led him to participate actively in a local campaign — a potholed car park outside the Millgrove general store, which he ran — and from then on I was proud to be considered his friend.

Ian was a member of almost every committee or group relevant to the enhancement of the Upper Yarra, such as the Warburton Winterfest Committee and the Warburton Chamber of Commerce. Ian had been involved in the banking industry for most of his adult life, along with his beloved wife, Margaret, and he was instrumental in the success of many of the Bendigo community banks.

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired.

Country Fire Authority: Edithvale brigade

Ms LINDELL (Carrum) — I would like the house to join with me today in congratulating the Edithvale fire brigade on 80 years of service to the state of

Victoria and my community in Carrum. At its dinner on 25 June a number of awards were given. A Country Fire Authority (CFA) award was given to Adrian Allen for 35 years of service to the authority. Adrian is a real personality in his own right. He has served my community and his brigade with distinction for a very long time, and it was great to see him given the CFA award.

The brigade's awards went to ex-captain Michael West who was presented with life membership for 22 years service. The champion firefighter award was given once again to Jason Cole and Patrick Hughes — two excellent young men who give service to their community above and beyond all reasonable expectations. Captain Andrew Gibson was awarded a special award that Edithvale presents for 2500 turnouts to fires in our local area. I would like to congratulate these people.

Hans van Hamond

Ms OVERINGTON (Ballarat West) — On 6 July I had the pleasure of attending the Wendouree urban fire brigade where I officially handed over two new pumpers valued at over \$600 000. The evening was also a time for the new captain, Garry Drabsch, to be inducted. The outgoing captain, Hans van Hamond, AFSM, has been a member of the Wendouree urban fire brigade since 1971. He served as treasurer from 1979 to 1983, secretary from 1983 to 1990 and captain from 1990 to 2005. He has been secretary of the Ballarat urban fire brigades committee since 1977 and is a life member of the committee. He is also the current president of the Victorian Urban Fire Brigades Association.

Hans is always the first to put up his hand to go away and support other brigades when a major fire occurs, either in Victoria or interstate. He has been to several interstate fires as well as Ash Wednesday and the north-east fires in 2003. Being a qualified crew leader, strike team leader and mobile communications vehicle operator, he has attended over 3000 calls during his time with the Country Fire Authority. Hans has also been very involved with the running team and took the Wendouree brigade to the state championships in 2004. On behalf of the Ballarat community I would like to take this opportunity to congratulate and thank Hans for all his hard work and dedication to the CFA and the Wendouree urban fire brigade.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Evelyn has about 50 seconds.

Ian De La Rue

Ms McTAGGART (Evelyn) — Following on from the member for Gembrook, I too was a great friend of Ian De La Rue. I would like to inform the house that Ian will be sorely missed in the Upper Yarra and throughout the Shire of Yarra Ranges but I know his inspiration will live on. Ian was a mentor to so many community members in the area that he leaves a living legacy. He would definitely want the community to remember him by working as tirelessly as he did for everyone in the community.

We will miss his genuine contribution and the cheeky, crude and even rude messages he regularly left on our phones, always with a smile in his voice and an ever-present hint of mischief. He knew he could get away with it and he did. Even in public he would kiss both the member for Gembrook and me before loudly proclaiming that we should be members of the Liberal Party.

Ian De La Rue showed many of the best qualities that can be attributed to a person. He was organised and efficient yet compassionate and caring. He was serious when he had to be and a larrikin the rest of the time. He was devoted to his family, his work and his community.

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired, and the time for members statements has expired.

ENERGY SAFE VICTORIA BILL

Second reading

Debate resumed from 19 May; motion of Mr BRUMBY (Treasurer).

Mr CLARK (Box Hill) — The Energy Safe Victoria Bill is a bill to create a new statutory body — Energy Safe Victoria — and effectively to merge into that body the current Office of the Chief Electrical Inspector and Office of Gas Safety.

This is yet another example of the Labor Party in government continuing reforms introduced by the Kennett government — reforms that were condemned by Labor when it was in opposition. This is illustrated most strikingly by contrasting remarks made by the Treasurer in introducing this bill with remarks made by the then opposition spokesman on energy, the current member for Lara, in contributing to the debate on the Gas Safety Bill 1997. The honourable member for Lara said in 1997 that while the opposition generally supported the bill:

... it is unfortunate that these steps have been introduced only in the context of the move towards privatisation of the gas industry in Victoria and the consequent inevitable decline in standards that will accompany that privatisation, if the experience of electricity is any guide to go by.

In contrast the Treasurer told the house in moving the second-reading of this bill that:

The merger will improve efficiency and economies of scale, without compromising the high-quality safety outcomes already being achieved by Victoria's energy regulators.

All of the doomsaying of the member for Lara and the then Labor opposition about the deterioration in standards said to be about to follow from the reform and privatisation of the Victorian electricity and gas industries has proved to be entirely unfounded. We now have the Labor Party in government continuing and extending the reforms it roundly condemned when it was in opposition.

The bill before the house establishes a new body which will regulate both aspects of the energy industry — that is, electricity and gas — in relation to safety. The bill is largely mechanical in terms of constituting the new body, Energy Safe Victoria, providing for the transfer of staff from the two existing bodies to the new body and making consequential amendments to a range of items of legislation. The functions of the new body in regulating the safety of electricity and gas will be carried out through the continuing Electricity Safety Act 1998 and the Gas Safety Act 1997. As I have indicated, those acts will continue — the references in them to the Office of the Chief Electrical Inspector and the Office of Gas Safety will be replaced by references to Energy Safe Victoria.

The basic structure of regulation of safety that was spelt out by the previous Treasurer, the Honourable Alan Stockdale, in introducing the Gas Safety Bill 1997 and the Electricity Safety Bill 1998 will remain — namely, there is a separation of safety regulation from economic regulation and from the participants in the industry. A significant reliance will continue to be placed on the mechanism of safety cases for demonstrating the safe operation of the various sectors of the industry.

The opposition supports the bill. It is a bill that has attracted very little public comment or debate other than from industry participants, who have indicated to the opposition in general terms that they are supportive of the merger of the two bodies into one. This merger is now becoming logical as the two arms of the energy industry — electricity and gas — are becoming increasingly overlapped and parties in the two industries are becoming united in terms of many participants being active in both electricity and gas.

I refer briefly to a letter that the Australian Gas Association (AGA) wrote to Mr Phil Perry of Impaq Consulting, who was the consultant appointed by the government to conduct the review of safety regulation that has led to the bill currently before the house. This letter from Dr C. W. Fong, chairman of the association, dated 2 November 2004 was published on the Australian Gas Association's web site. It states in part:

AGA supports the formation of one energy regulator by combining the Office of Gas Safety (OGS), the Office of the Chief Electrical Inspector (OCEI), and the Department of Primary Industry — pipeline safety regulation (DPI) activity.

...

Relationships between the OGS and the OCEI and industry generally work well, and the integration into a merged regulator would improve this relationship by providing a 'one-stop shop' in an industry that is now clearly an energy industry, not a separate gas and electricity industry.

Subject to a number of more detailed comments, including that the gas industry association believes the Plumbing Industry Commission should not be included in a unified regulator, the Australian Gas Association indicates its support for the establishment of the one industry regulator.

Although the opposition supports the bill, there are several concerns and queries that I will raise. The main concern is that the government was not prepared to provide the opposition with a copy of the review report by Impaq Consulting which has led to the bill before the house. It is something the opposition requested in the briefing it was given, and the matter was taken on notice and referred to the minister's office. I understand from the opposition spokesperson, the Honourable Bill Forwood in the other place, that the message that subsequently came back from the government was that the consultants report would not be made available to the opposition. That is disappointing. I do not know whether the government had or gave any good reason for not making the consultants report available. I would not have thought it would be either controversial or sensitive in its content.

Given the generally supportive attitude of the opposition to adjustments to the energy industry's regulatory regime, I cannot see what the government's objection would be to making a copy of that report available. It simply gives rise to suspicion and concern on the opposition's part that there may be something in the report which we ought to know but are not going to be told about. We can speculate as to whether there is anything in the report that undermines the merits of the direction the government is now following. I hope that whoever speaks on this bill on behalf of the government indicates what reasons if any the government has for

not making this report available, and they may perhaps even be prepared to reconsider the government's decision on that score.

Other matters which I raise as much by way of query as by way of concern relate to some of the specific provisions of the bill. I refer initially to clause 9, which relates to the appointment of persons to assist Energy Safe Victoria. This was something I raised during the briefing provided to the opposition. I have not yet heard a response as to whether or not the range of persons Energy Safe Victoria may appoint or engage to assist it in the performance of its functions is intended to include persons who are public servants or anyone at large in the community that Energy Safe Victoria may wish to appoint or engage, or more generally what the intended scope of such appointments and engagements may be.

Clause 10 provides that Energy Safe Victoria may delegate any functions or powers of Energy Safe Victoria, other than the power of delegation itself, to an employee or to a member of a committee appointed in accordance with the relevant part of the legislation, with the consent of the minister to another person. I note that a member of a committee established by Energy Safe Victoria may consist not only of employees but of other persons Energy Safe Victoria determines. The consequences of that may mean that a member of a committee could be any person at large whom Energy Safe Victoria chooses to appoint — and, having been appointed, functions and powers could be delegated to that person. The question to which I hope the government will provide a response is whether it thinks it is appropriate that the power of delegation can be cast so broadly. I also ask what persons the government envisages may be appointed to committees established by Energy Safe Victoria and to what persons delegations of powers may be made.

I refer also to clause 19, which relates to Energy Safe Victoria's corporate plan. I refer in particular to proposed subclause (6), which states:

The plan, or any part of the plan, must not be published or made available except for the purpose of this Division without the prior approval of Energy Safe Victoria and the Minister.

This is not a provision with which I am familiar. I may be proved wrong, and someone from the government may be able to point me to a precedent on which this proposed subclause is based. However, I wonder what the purpose of this restriction on publication is and how it is intended to operate. Is the intention to keep secret or completely confidential the corporate plans of Energy Safe Victoria, or is the publication of a

corporate plan for the purpose of informing the public something that can be said to be done for the purposes of this division — in which case, what is the intended effect of subclause (6) in the first place?

Last but not least I refer to clause 24, which requires Energy Safe Victoria to keep an account called the general account, into which must be paid various moneys. The moneys in the general account may then be used by Energy Safe Victoria for various purposes, which are basically all its purposes and functions under the legislation. At the briefing that was provided to the opposition I asked whether this general account was intended to be a trust account within the trust fund of the budget sector.

I suppose the broader question is whether Energy Safe Victoria is intended to be a body that falls within the general government sector or whether it is a body that is intended to fall within the non-financial public authorities sector. If it is the latter, clearly the general account will not be a trust account within the trust fund. Again I would welcome a response from the government on that issue, because it would help the opposition and the public to understand how the finances of this body will operate and, after its existence, to keep track of what happens to those finances.

Subject to the concerns and queries that I have raised, as I have indicated the opposition supports the bill. We believe it is a continuation of the reforms that were commenced under the previous government. We wish all who work for the new Energy Safe Victoria every success in their important role of ensuring the safety of our gas and electricity industries.

Mr JASPER (Murray Valley) — On behalf of The Nationals I indicate that we will not oppose the Energy Safe Victoria Bill. I note from the second-reading notes that the bill provides for the merger of the Office of the Chief Electrical Inspector and the Office of Gas Safety. It follows on from key recommendations that apparently arose from a government review of energy safety requirement and regulations within the state of Victoria. I also note the comment made by the honourable member for Box Hill that the report of the review was not made public. I was not aware of that, but I acknowledge the comments made by the honourable member about not having access to the documentation.

The minister indicated in his second-reading speech that the merger will improve efficiency and economies of scale without compromising the high-quality safety outcomes already being achieved in Victoria's energy

regulations. The minister also indicated that the bill establishes a new regulator, Energy Safe Victoria, and, as I said, provides for the transfer of the existing functions and powers of the Office of the Chief Electrical Inspector and the Office of Gas Safety to that body.

I appreciate the response I received from the minister's office, providing representatives from the minister's office and the department to give me a briefing on the legislation. Whilst, as the member for Box Hill indicates, there will be general approval for the legislation, it is an important move by the government in looking at rationalisation and economies of scale and bringing the two bodies together where there is obviously an overlap of energy resources in the delivery of gas and electricity.

Despite the new bill before the Parliament, the Electricity Safety Act 1998 and the Gas Safety Act 1997 will both be retained, with parts of those two acts being brought together in the Energy Safe Victoria Bill. It is interesting to look at the specific clauses in the legislation. Clause 5 sets out the objectives of the bulk of the administrative measures to be undertaken by the new authority. It is also interesting to note the number of people employed in the two separate areas at present. Approximately 60 people are employed in the Office of the Chief Electrical Inspector and approximately 34 people are involved in the office of the Director of Gas Safety. By bringing the two together under the new Energy Safe Victoria Bill, we had hoped there would be rationalisation not only in the provision of their services but indeed in the staffing in the industry itself.

It is interesting to go through particular parts of the legislation and look at what it does, separate from the Essential Services Commissioner — and I will talk about that a little later when dealing with the regulation of gas and electricity, particularly as it relates to pricing and structure. This is about one entity which will deal with just the safety side in relation to electricity and gas. In looking through the legislation, part 2 contains the administrative provisions. They are almost identical to the existing legislation.

Part 3 is a new part setting out that the new director of Energy Safe Victoria will be able to conduct inquiries. I note also that that can be done after reference to the minister. The powers are modelled on the Essential Services Commission legislation and the models will be set up so we can get an understanding of how it will work in practice.

Part 5 deals with the regulation-making powers. It is worthwhile commenting that I have some criticism

generally about the regulation-making powers provided in this legislation. They are so broad that it is almost impossible to seek parliamentary review or have regulations brought back to the Parliament. Regulations today are so broad ranging that we see changes to the operation of various acts that go through the Parliament being implemented without being referred to Parliament. We need to be very careful in including regulation-making powers in legislation generally that they are not so broad that the government does not have to come back to the Parliament to make changes to legislation. It is interesting to read the regulation-making power in clause 33.

The Governor in Council may make regulations for or with respect to prescribing any matter or thing authorised or required to be prescribed or necessary to be prescribed for the carrying of this Act into effect.

Realistically, when you look at the wording of that, the government can do anything in the establishment of this bill as an act of Parliament. We really need to get some restrictions on regulation-making powers so that often there is a requirement to come back to the Parliament when major changes are made to regulations. I put that on the record as a general criticism from The Nationals about the broad-ranging regulations that we are getting in all legislation coming before the Parliament as compared to many years ago when we had bills requiring that acts of Parliament had to be brought back to Parliament to approve the implementation of changes to charges and all sorts of other provisions in acts. What we see now, as far as charges are concerned, is that the government has the power to raise all charges by the CPI on 1 July of each year without any reference to the Parliament whatsoever.

Going back some years I can remember that we had, for instance, the registration of small businesses. Each year we had brought before the Parliament a bill to increase the charges for people wishing to register a small business. Now we have the situation where by regulation the government is able to establish the charges imposed for small businesses to be registered. Indeed — and this goes right across the board including the registration of businesses — a lot of changes being made to various acts of Parliament can be implemented by regulation. I indicate that as a concern of The Nationals when I read the regulations contained in this legislation.

I note that part 5 of the legislation contains transitional provisions. These are common types of provisions and will allow for the smooth transition into law of the Energy Safe Victoria legislation. Part 6 makes consequential amendments. I note that clause 59

reflects a recommendation of the Statute Law Revision Commission relating to wind power legislation.

That broadly covers the legislation. I have to say that I undertook some discussions with people in the Office of the Chief Electrical Inspector just to get an overview of the operations of that office and indeed the effect that the changes would have on its operation. Generally there has been strong support for the merger because of the similarities in the operations of the electrical industry and the gas industry. From a safety and technical point of view both gas and electricity are being supplied to homes and industries right across the state of Victoria and it is logical that we have one authority to control the safety of gas and electricity supply that is being provided throughout the state. I note also that that authority deals with the approval of appliances for industry and household usage. Energy efficiency systems — the star rating which we see on many household appliances — have in the past been looked at by the Office of Gas Safety and the Office of the Chief Electrical Inspector. They will be brought together under the Energy Safe Victoria legislation.

Licensing of electricians is another area which at present is controlled and handled by the authority and will come under the Energy Safe Victoria legislation. The Plumbing Industry Commission, as against the electricity industry, licenses gasfitters. It is interesting to note the changes which have been implemented. You need only to talk to an electrician who has to undertake work on your own home or the industry which you may be involved in where they are now self-certifying. The electrician undertakes and certifies the particular work that has been undertaken and submits the notice that has been prepared to indicate the work has been undertaken.

I am informed that 5 per cent of the forms submitted by electricians are being audited. Of course the change now is recognising that electricians provide the certification whereas, as many members would recall in the past the old State Electricity Commission and Gas and Fuel Corporation, as the regulators, had to inspect the work and indeed indicate that the work had been undertaken satisfactorily. Now 5 per cent of the electrical work where certification is provided is being audited by the authority and in the Plumbing Industry Association where gas works are being undertaken again 5 per cent of the certifications submitted are audited.

When I received that information, and in discussions generally with people from the Office of the Chief Electrical Inspector, I was interested in the regulations. We have to understand that we are really overregulated

these days in the state of Victoria. We want to be getting to a situation where people have less regulation and are able to operate freely within the community and not be bound up by government regulation, whether state or federal.

I talked to industries and businesses in my electorate of Murray Valley. The first issue of concern they brought to my attention was regulations. Regulations are being introduced right across the board, making it more difficult for business and industry to operate. I hope under the new Energy Safe Victoria Bill and the merger of the organisations responsible for electricity and gas there will be less monitoring and regulation within the industry and that operators will be able to be self-certifying. I referred earlier to certification being provided by electricians and people operating within the gas industry.

In discussions I also raised the issue of the Ombudsman. It is interesting to note the difference in what the authorities handle. The gas and electricity authorities as they are currently formulated will merge under this bill and operate as Energy Safe Victoria. They handle complaints against the various organisations that supply and deliver electricity and gas, right through from the producers of gas and electricity to the distributors and retailers. That will continue under the Energy Safe Victoria organisation. As members of Parliament we make representations to various ombudsmen on behalf of our constituents on issues of concern to them. The energy ombudsman will be handling complaints relating to accounts and supply.

The other issues I want to mention in regard to the bill are the Essential Services Commission and the regulation of electricity and gas charges in Victoria. It is interesting to note that with the sale and privatisation of the former State Electricity Commission and the Gas and Fuel Corporation many years ago, one of the great concerns many people brought to my attention was the fact that private industry would be able to establish charges without regulation or any reference to the government. In this state we have the ability to regulate charges for electricity and gas through the former regulator-general and now the Electrical Services Commissioner. That is being done to great effect. Everyone involved in the electricity and gas industries needs to go to the Essential Services Commissioner to get approval for increases in their charges throughout Victoria. That is certainly to be commended. That process was implemented by the previous government and has been retained by the current government.

The bill seeks to rationalise the Office of Gas Safety and the Office of the Chief Electrical Inspector. The

Nationals will not be opposing the legislation. We trust that this step will improve gas and electricity services for people right across the state of Victoria. They are essential energy supplies. If we can get rationalisation and economies of scale, that should be supported. The Nationals support the bill.

Mr CARLI (Brunswick) — I rise to support the Energy Safe Victoria Bill, which is an important bill that streamlines the regulatory environment for safety in our energy sector. We currently have three different entities that were set up during the period of privatisation to look after various parts of the energy industry. Two of them are the Office of Gas Safety and the Office of the Chief Electrical Inspector, and the Department of Primary Industries deals with regulations for the gas pipeline industry. Those are the three current entities. A review was set up in 2004 to basically look at streamlining those entities, ensuring that we have a very strong environment for safety in the energy sector, and reducing red tape and bureaucracy. As a government we basically wanted to ensure that this privatised sector had the most appropriate safety regulations.

A key recommendation that came out of the review was the merger of the Office of the Chief Electrical Inspector and the Office of Gas Safety into Energy Safe Victoria. That is essentially what is being done in this bill. It is putting those two entities together. That is being done for a number of reasons, one of which is to gain savings for government. There will be an economy of scale in putting the two entities together and that is estimated to be something of the order of \$1.5 million per year. It also provides a common system of procedures and standards for the energy safety sector, which makes sense given that we are getting many more private companies that deal in both gas and electricity.

It follows what is now a national trend and certainly has been a trend in the industry in Victoria. It provides greater integration with government planning, management and reporting requirements. It also establishes an agency that will be able to deliver education and provide initiatives in terms of compliance. It will basically be a much more prominent agency in the community, much more involved in community education and providing initiatives that will improve overall safety in the energy sector.

As I said, it follows what are now national trends. In Victoria we have seen the emergence of companies that provide both gas and electricity. The Australian Energy Regulator, which has been established in Melbourne, is a national organisation which will look at standards and

procedures in the energy sector throughout Australia. The industry bodies have merged. Rather than having two energy bodies, one for electricity and one for gas, we now have the Energy Supply Association. Other states have single entities involved in energy regulation.

Energy Safe Victoria is this government's response to these needs and changes. It will tie up loose ends from the privatisation of the energy sector by the previous government. The establishment of Energy Safe Victoria includes the appointment of a new director of energy safety, a position that will be advertised and will be a very important outcome of this legislation. However, the bill has not changed the safety obligation of the gas and electricity companies or other participants in the gas and electricity industry. It is not about changing those requirements but will ensure the highest standards of safety in the energy sector.

The bill also provides that all those currently employed by the two offices that will merge into the one entity will maintain the same terms and conditions of employment, which is very important. While it is envisaged that there will be some overall cost benefits, current employees of the two organisations will be guaranteed that their jobs will be maintained and that they will have the same terms and conditions in Energy Safe Victoria.

The review looked at three basic entities that are involved in energy regulation in Victoria. Obviously it called principally for the merger of the gas and electricity offices but the review also proposed gas pipeline safety regulations, which are now managed by the Department of Primary Industries, also be transferred. That is expected to occur later this year and the legislative basis will be considered as part of the review of the Pipelines Act.

Essentially this bill is about machinery of government and ensuring that we have the best possible safety regulations in this state. It is about ensuring that we meet the challenges of the privatised industry inasmuch as we also have the Essential Services Commission looking at issues about price including ensuring that the price is fair for consumers. In terms of this body, we are ensuring that regulations are in place to provide protections for Victorian industries and consumers. That package is the great benefit of this bill. The bill sets up a new government agency, and I give Energy Safe Victoria my best wishes. It is always interesting when such agencies are created. They always have a new spirit. I really wish it well and expect that it will provide Victoria with much service over a long time.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Energy Safe Victoria Bill. This bill fundamentally provides for the merger of the Office of the Chief Electrical Inspector and the Office of Gas Safety and provides for the creation of Energy Safe Victoria and the appointment of a director of energy safety. As the previous speaker said, it is linked in some respect to aspects of the privatisation over the last decade or so of the gas and electricity industries in Victoria.

In reviewing that privatisation process in 2005 one can say with a degree of confidence that fundamentally it has been a great success for the people of Victoria. It has delivered better and more reliable services and lower real prices in gas and electricity. All those aspects of the benefits of privatisation have been confirmed by the regulatory bodies and the Essential Services Commission, which produce annual reports on both electricity and gas. Those annual reports have confirmed that privatisation has certainly delivered more reliable and better services and lower real prices to the people of Victoria.

The Chief Electrical Inspector has played a significant role in improving safety in Victoria. Many of us would remember advertisements for which the Chief Electrical Inspector has been responsible. Let us just say that as an actor the Chief Electrical Inspector may be a very good electrical inspector! However, some of the advertisements he has been involved with have been very effective. In particular all of us would remember the 'Look Up and Live' advertisements.

During this contribution I suggest to Energy Safe Victoria and the new director of energy safety that there are some areas that the director could look at in terms of continuing to improve safety in Victoria. Indeed an area of interest to me is safety switches, or cut-out switches. There ought to be a greater promotion across Victoria for the person taking up this role, the director of energy safety, to conduct a campaign promoting the installation of safety switches, or cut-out switches, in all houses, businesses and indeed farms — in woolsheds and farm workshops — in Victoria. As a member of the Rural and Regional Service Development Committee, the Acting Speaker would know that the committee is looking at farm safety.

One of the persons who appeared before that committee — and I do not want to anticipate the committee's report — is a Mr Max Clutterbuck, a fencing contractor from western Victoria. He appeared before that committee because originally he approached me as a member of Parliament and expressed concern as a fencing contractor of the dangers to fencing

contractors and others who work on farms where there may be electrical cables and conduits that are not known to people working on those farms. The Rural and Regional Service Development Committee has looked at what was presented to it by Mr Clutterbuck and has made a recommendation. When the report is handed down I would urge people in government, and particularly the director of energy safety, to look at that recommendation because Mr Clutterbuck has highlighted a particular issue that needs to be examined.

The other area I wish to talk about is gas safety. It is clear to me from my time as a member of Parliament and working in country Victoria that there are greater issues of safety with regard to bottled gas, both in homes and in large tanks in industry, than with natural gas. The promotion of the extension of natural gas across rural and regional Victoria will have economic benefits as well as benefits in gas safety. I suggest that Energy Safe Victoria should promote the extension of natural gas right across rural and regional Victoria. Indeed recently I have been in Gippsland where I looked at a number of industries in a number of areas where I believe natural gas can be of significant advantage. For example, in Warragul I visited the excellent Radfords abattoir. It employs about 90 people, with 35 new jobs starting in a new boning room at the end of 2005. This abattoir is also looking at investment of another couple of million dollars into beef facilities.

This company spends \$11 000 a month on LPG and has significant LPG facilities on site, which are a potential danger. The tankers visiting that site on a daily or regular basis also present a significant safety issue. If the company had access to natural gas, it would only cost \$4500 a month for LPG as opposed to \$11 000, and it would only cost \$250 000 to connect natural gas, because the pipeline is just up the road less than a kilometre away. Indeed Mr Radford can see where the pipeline ends, and he would love to get it to his abattoir for the economic benefits and safety it would provide.

I believe Energy Safe Victoria ought to work with the state government to identify sites where it can improve both safety and economic benefit through extending the natural gas pipeline. I would urge the government to look particularly at providing assistance to Radfords in terms of extending the natural gas connection that relatively short distance to the enormous benefit of the company.

Similarly Flavorite Tomatoes outside Warragul is already connected to natural gas, but the company needs to expand its hydroponic facility. It employs 150 people, and it wants to significantly expand its very successful hydroponic business. While a lot of money

has been spent on connections to natural gas, the pipeline is starting to get to the stage where it can be seen as potentially dangerous because of the pressure and demands. It needs \$400 000 to upgrade the line from Sutton Street in Warragul out to where Flavorite is expanding its operations.

Again I see a role for Energy Safe Victoria in working with the government to help fund an expansion of that pipeline to make sure it is absolutely safe and to deliver economic benefits to Flavorite. Yet this government seems to ignore specific opportunities to extend natural gas connections, whether it be to Flavorite, to Radfords or to a couple of businesses in Stawell that are near the natural gas pipeline but have missed out. The government seems to have missed those opportunities to both improve safety and provide economic benefits. In the Bass Coast area I recently visited a flower farm at Phillip Island which would nearly double its production and employment if it only had natural gas.

In Wonthaggi the hospital is in desperate need of natural gas, and Tabro Meats, a major abattoir just out of Wonthaggi, would benefit enormously from being connected to the pipeline. Leongatha and Korumburra both have dairy plants which would benefit from natural gas. It galls those people and the people of Koo Wee Rup, Lang Lang and Wonthaggi that a gas pipeline has been built from Kilcunda to take gas up to Lang Lang yet there is no gas available for the people from those towns who are right near the pipeline. It seems to me that in terms of both safety and economic benefits there is an enormous opportunity for this government to work with local communities to get natural gas into areas like Phillip Island, Wonthaggi, Leongatha, Korumburra, Koo Wee Rup and Lang Lang, and to Radfords abattoir, Flavorite and those businesses in Stawell, particularly the brick kiln, that missed out.

In my own electorate it is ironic that all of Koroit has access to natural gas except the businesses in the main street. In the heart of Koroit there are areas with bottled gas deliveries, which pose some risk to the local community because bottled gas is infinitely more dangerous than natural gas. If we had access to the natural gas pipeline it would reduce that risk. Similarly in the growth area of Warrnambool, east to the Hopkins River, there is a new development of residences and businesses that would benefit from having natural gas rather than the more dangerous bottled gas.

The establishment of Energy Safe Victoria is a move in the right direction. I would urge the director of Energy Safe Victoria to look at these issues in terms of safety switches and the location of electrical conduits on

farms, about which the Regional and Rural Services and Development Committee will be making a recommendation that I will not anticipate, and the extension of natural gas. I note that part 3 of this bill says that Energy Safe Victoria can conduct inquiries and reports on its own initiative. I would suggest that it look hard at the safety benefits of natural gas, which will further drive extensions across regional and rural Victoria and deliver economic benefits and safer gas use to country Victoria.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise in support of the Energy Safe Victoria Bill. As has been indicated by other members, the bill merges the functions of the Office of the Chief Electrical Inspector and the Office of Gas Safety. It also anticipates that some of the functions of the Department of Primary Industries relating to gas transmission lines will be merged in the future. This comes from a review undertaken by this government in March 2004 and from extensive consultation. This government has become well known for talking to the community and, importantly, listening to the community, something that those members on the opposition benches failed to do when they sold off the electricity industry and sold off the gas industry — and after doing so, they just walked away.

It was intriguing to listen in particular to the member for South-West Coast talking about those towns and businesses that would benefit from an extension of the natural gas program. I am glad to hear he is finally singing the praises of this government's natural gas extension program, something which for years when in government the opposition failed to do. This government has put in place its natural gas extension program, a \$70 million commitment to making sure that regional Victorians get natural gas and get the benefits of an industry that was sold out from under them by those people now sitting on a very small portion of the opposition benches, who then walked away from every obligation.

I could not believe what the member for Box Hill said about this quite natural combination of the functions of the Office of the Electrical Inspector and the Office of Gas Safety. For some reason he was able to conjure this up as a continuation of a good initiative, when it involves a further fixing up of the mess created by those people on the opposition benches and a further rationalising of what they failed to do properly. He was somehow able to say that this was an acceptance, a moving forward from the policy that failed. Privatisation did not work for country Victoria. It did not work for the people the former Premier, Jeff Kennett, used to refer to as the toenails.

We listen to country Victoria. We have consulted since March 2004. The minister needs to be congratulated for making sure that this bill reflects that consultation and the improved efficiency that can be gained through economies of scale. The figure of \$1.5 million has been quoted. Over time it will come to be realised that there will be a much greater benefit than that. We will have a common set of procedures where that is necessary and integration of the planning, management and reporting powers of the authorities. We will also importantly still have the specialist expertise that currently exists in the Office of Gas Safety and the Office of the Chief Electrical Inspector. We will still have that important specialist expertise because those people will still be working for Energy Safe Victoria and the Director of Energy Safety. We have a commitment to making sure that this state and the people of regional Victoria in particular get the best out of the system we were left with and to continuing to make improvements on what was a half-baked scheme.

This consolidation of functions is consistent with national jurisdictions such as the Australian Energy Regulator and with what the industry is doing as it continues to move forward towards vertical and horizontal integration. It is great to hear the member for Box Hill refer to the former Treasurer, Alan Stockdale, saying how wonderful his privatisation was. One of the catchcries of the former government was, 'We must disintegrate. We must split the whole system up: vertical and horizontal integration in the energy sector just will not work'. That is why in the mid-1990s they put forward this disintegrated regulatory system — some functions were with the Office of the Chief Electrical Inspector, some with the Office of Gas Safety and some with the Department of Primary Industries.

The industry realises now what many of us were saying at the time but no-one on the then government benches said. An integrated energy sector is important and essential to making sure that energy requirements are met right across Victoria, especially for those people in regional Victoria who were left off the radar. I see the member for South-West Coast has left the chamber after going through a litany of places which were left off the radar by his government and which stand to benefit from the \$70 million natural gas extension program. After going on about those he then left the building, hopefully never to reappear and show his head again in relation to the energy industry.

The minister and his staff need to be congratulated for going through a consultation process since 2004, getting it absolutely right and making sure we are going to have a safer system in Victoria. We are going to have a system that serves industry better and will be flexible

enough to make changes as the energy industry changes. It will also reflect what is going on nationally and in the rest of the industry. The industry will be positively affected by the Energy Safe Victoria Bill. This bill of itself will not put any additional safety requirements on industry.

I too would like to join with other members who thanked the employees in the two authorities who have kept on in this job for the last 10 years, serving the people of Victoria well. That is the reason why all those employees will be transferred over to the new body. They will all be satisfactorily dealt with by this government. The government has moved forward on the natural gas extension program through safety and by making an investment where the previous government refused, fixing up a half-baked idea that the opposition when in government put in place.

I would particularly like to thank the staff of the minister. Patrick Gibbons, the senior policy adviser to the minister who will apparently not be in that position for long, put a lot of work into this consultation. Patrick's contribution to this consultation should be noted. I understand because of his demonstrated knowledge, commitment and understanding of the industry as a whole he will be continuing in the industry within the Energy Retailers Association of Australia. I would like to congratulate him and the rest of the staff of the minister and commend the bill to the house.

Ms DUNCAN (Macedon) — It gives me great pleasure to speak on this bill and also to acknowledge the contribution made by the member for South-West Coast who for the first time I am aware of congratulated the government on its gas rollout across Victoria. The rollout, subsidised heavily by a \$70 million fund set up by the Bracks government, is the first rollout of natural gas that we have seen in this state for very many years. Of course he is preaching to the converted when he speaks to this side of the house about the benefits of reticulated natural gas. When he cries crocodile tears for a number of businesses that are not quite close enough to the gas pipeline and will not at this stage be connected to it, arguing the case for the benefits of natural gas, it is a little galling under the circumstances.

I also note his comments in regard to the privatisation of the electricity sector and the benefits that that has brought. There are no doubt benefits, but people in rural Victoria who are struggling to meet their ever-increasing electricity bills can see that they are paying considerably more for it in rural Victoria than are consumers in urban parts. It is a little bit hard for them to take at times. This just makes the extension of natural gas even more

welcome, certainly in the Macedon Ranges where a large number of towns will receive the benefit of the gas rollout.

However, the bill before us this afternoon is about establishing Energy Safe Victoria. As members would be aware, it comes about as a result of a review done by the Minister for Energy Industries and Resources which was announced back in May last year. Previous members on this side have talked about this government's willingness to conduct reviews and to have open consultation processes because we acknowledge and understand that when you bring like-minded people and people who are involved in the industry together that you end up with a much better outcome almost regardless of the subject matter. This review was set up to review the efficiency of Victoria's main energy safety regulators, and reflects the government's responsibility to ensure legislative objections relating to electrical and gas safety are being achieved in the most efficient and effective manner.

Essentially the terms of reference were that this should be a two-stage review. They were developed by the Department of Infrastructure. The review sought to identify practical options for delivering improved efficiency without compromising safety achievements already realised. The first stage was to look at an organisational structure that best delivers the improvements sought, and to design a transitional plan to implement any changes that were adopted. The review has also developed a suitable transition plan for the implementation of the changes.

The minister has announced an acceptance of the key recommendations of what was referred to as the impact report. Stage 1 of the report made a number of recommendations: that the Office of the Chief Electrical Inspector and the Office of Gas Safety, including the gas pipeline safety function of that office of the Department of Primary Industries, be merged into a new entity called Energy Safe Victoria; that the energy safety regulator have a structure aligned to the strategic elements of its business; and that the new regulator have the safety and some environmental responsibility for all onshore, high-pressure gas pipelines. As I mentioned before, the extension of natural gas around Victoria emphasises — if it needed emphasising — the importance of ensuring that we have the safest regulatory system possible. Prior to these changes Victoria was the only state in Australia that did not have a single energy safety regulator, and of course, this review was set up to ensure that the best outcome was achieved.

This bill sets up Energy Safe Victoria, and the office is expected to be established shortly after 1 July. It will initially involve the consolidation of the Office of the Chief Electrical Inspector and the Office of Gas Safety, and it is anticipated that staff from the minerals and petroleum regulation branch of the Department of Primary Industries will transfer later this year. An extensive implementation program plan has been identified to implement this, and a steering committee has been set up to oversee this transition plan. I commend the bill to the house.

Mr LIM (Clayton) — I am so pleased to be able to rise and support this bill which brings about the first part of the amalgamation of Victoria's three energy safety watchdogs into one office, Energy Safe Victoria. Initially, the new body will bring under the one roof the Office of Gas Safety and the Office of the Chief Electrical Inspector, while it is intended that the pipelines safety function of the Department of Primary Industries will come on board later in the year. The establishment of one safety regulator for the Victorian energy industries was an important recommendation which arose from the Bracks government's review of energy safety regulators in Victoria earlier this year. Merging these three authorities makes sense and will significantly improve efficiency and cost while not in any way reducing the high level of safety already enjoyed by Victoria's energy users.

This move will bring Victoria into line with the other states after the previous Liberal government set up three different agencies. I am pleased to report that this amalgamation is being carried out in full consultation with the relevant unions, in marked contrast to the way these things were done under the previous Liberal government, where the primary reason for such amalgamations seemed to be to use them as an excuse to sack staff.

The Australian Services Union was very pleased with its discussions with the minister and recently reported to its members that it was highly unlikely that there would be any significant reductions in staff; in fact it was possible that staff numbers would increase, and to that extent I think we should commend the minister for his vision. Existing terms and conditions of employment will remain, and the process of change will be gradual with the top tier of management positions being filled initially. It is not foreseen that there will be any 'spill and fill' measures taken with positions beyond the most senior ones.

The Bracks government is the leader in national energy market reform so that all consumers can benefit from a modern energy market. The establishment of Energy

Safe Victoria is another example of its commitment to modernising the energy industry for the benefit of all Victorians. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — On behalf of the Lowan electorate I rise to speak briefly on the Energy Safe Victoria Bill. The purposes of the bill are manifold, but it basically establishes Energy Safe Victoria with the merger of the Office of Gas Safety and the Office of the Chief Electrical Inspector. Like the member for Murray Valley I will not oppose the bill, and I support The Nationals position on it.

The bill came about because the establishment of a single energy safety regulator for Victoria was a key recommendation arising from a review of the energy safety regulations. That is part of the reason why the bill is before us today. I have listened to the debate and want to focus particularly on the gas industry, and maybe touch on the electricity industry. Both are very important for the growth and development of my electorate of Lowan. There is a lot of manufacturing in my electorate, particularly focused on the agricultural sector, although we have seen growth in other industries such as the mining and blue gum industries. A lot of powerlines have been established to bring power to the area, particularly for the mining industry. It is important that we have a safe environment for people to work in. A lot of money — about \$250 million — has been spent by Iluka in our area and it has still not taken any mineral sands out of the ground, although it will not be long until it happens.

We have seen enormous changes to the electricity industry which have come about as a result of the changes put in place by the previous government. We now see more accountability in relation to outages, and I heard the member for South-West Coast talking about that. Now there are mechanisms to go to the various power companies and look at how they are providing power to our regions, and particularly to look at outages. Outages are important particularly at peak times on farms, for example during shearing, when we need to make sure that we have appropriate power and that it is reinstated as quickly as possible after an outage. That is important not only for the farming sector but also for the mineral sands industry which is being established, for example in Hamilton.

In relation to the gas industry many people come to my office concerned about variations in price. A person came in the other day wanting to know about the large difference in price between bottled gas and gas bought at a service station. It was important to give him that information because it is different gas.

I have heard a lot of criticism here about the previous coalition government. I was not a member during that time but the reality is that despite the difficult financial times, that government was able to provide natural gas to my electorate, and I particularly congratulate the former member for Wimmera at that stage, Bill McGrath, who was able to get natural gas extended from Maryborough through the towns of Ararat, Stawell and onto Horsham.

The member for Ripon, who is in the chamber, would have to compliment the previous government for extending natural gas through the electorate of Ripon. I am sure he would congratulate the previous government on the work it did. There is a problem now, though, at Stawell in the member for Ripon's area, where some of the industries are not connected to natural gas. One of those is Motorway Tyres, and I hope it can work through its present financially difficult times because it is a significant industry, and it is important that it survives. It uses a lot of energy and would be assisted by the connection of natural gas. I am sure there is more work to be done, and I know discussions have been going on.

I want to make sure that we reflect on the times. The previous government was working in far harder financial times, yet even in that difficult period we were able to see natural gas extended into the electorate I now represent. We would like to see that continue. I know the people at Dimboola and Nhill, especially industries like Luv-a-Duck in Nhill, would love to have natural gas to provide them with the most cost-effective energy source. I am sure the new authority will be looking at those things as part of its work.

Natural gas has been connected into the bottom half of my electorate, which came about mainly because of the connections into South Australia. I am pleased that opportunities have been opened up for industry to tap into that; that is good to see. I want to focus on the fact that changes made by the previous government gave a broader, more industrial and business-oriented focus to the provision of natural gas across Victoria. We are pleased that the Labor government took on board The Nationals' policy at the last election and has provided \$70 million to rural and regional councils, but we are a bit disappointed that it cheated a bit to make sure the interface councils were included in that.

Honourable members interjecting.

Mr DELAHUNTY — I have heard the member for Morwell going on about it before, but the government has not had the gall to take back all the changes that were put in place. It realises that benefits have been

provided right across Victoria. It was the previous Labor government that started selling off the electricity industry. Government members will not like going back that far, but I think all the changes that have been made have been good for Victoria, particularly rural and regional Victoria. With those few comments, I will not be opposing this legislation.

Mr MAXFIELD (Narracan) — I rise with pleasure to speak on the Energy Safe Victoria Bill. What we have here is the amalgamation of two regulators. I have listened to the comments made by previous speakers, and I will say that the Kennett government's massive sell-off of these essential services is effectively what has driven these regulations and put us where we are today. I know we are told that it supposedly had to be sold, but what the opposition has forgotten to mention throughout this debate is that at the time it sold off our electricity industry the state budget was actually in the black; it was not in the red. Even though it was running budget surpluses, the Liberal-National party government said, 'Oh, because of this massive financial crisis we have to flog off the industry'. In fact, during the seven years the Kennett government was in power it was in the red for the first year and a half; for the rest of the time it had budget surpluses. Let us not get hung up on, 'We were forced to sell it off because we were bankrupt'.

Dr Sykes interjected.

Mr MAXFIELD — The member for Benalla is fairly new to this chamber, but if he does his research he will realise that the state was actually running a surplus budget when we had to sit through that sell-off. That sell-off meant that the rollout in country Victoria of an improved electricity network and the extension of gas to country communities and country towns and businesses were hampered by the need to convince a private company that there was a dollar in it, whereas before that the Gas and Fuel Corporation could use its profits to roll out into country areas. It is disappointing that the National and Liberal parties were so city centric that they put in place a sell-off that was guaranteed to disadvantage users of electricity and gas in country Victoria, forcing companies to pay more for their power. As a result of that sell-off, if I opened up a business in Moe and was only 5 kilometres from the power station I would have had to pay more for my electricity than if I had a business in Dandenong. What a city-centric government it was to have done that!

Not only did the sell-off massively impact on country users, we then get back to the issue of the regulations. Previously, as we know, the State Electricity Commission provided regulations for this sector. As an

electrician myself I am very much aware of the SEC's regulations and the control it had. When an SEC inspector came along to check our work we waited with bated breath, hoping we had it right and that he would not pick us up on anything. That is the way it should be, and it is the way it was. What we have now moved to with the sell-off of the Gas and Fuel Corporation and the electricity industry by the Kennett government is a position where not only has country Victoria been disadvantaged but new regulatory regimes had to be put in place for the takeover. That is really why we are here today.

Amalgamating two regulators will ensure that we can deliver best value to the consumers of gas across the state in terms of regulation, because we do not want the dead hand of overregulation upon us. We know that the structure that was put in place by the Liberal-National party government did not help with that. This bill will streamline administration of our gas and electricity regulators, which will create some savings. Now that we are seeing the emergence of dual providers, with companies providing both gas and electricity, it makes sense to be dealing with one regulator rather than a multitude of regulators. The bill will streamline the process with the companies, so that under the new criteria we can make sure that we have as efficient an industry as possible that will deliver the cheapest possible product to consumers in Victoria, and particularly to country users. I will conclude my speech by saying that I support this bill and commend it to the house.

Mr HARDMAN (Seymour) — I rise to speak on the Energy Safe Victoria Bill which establishes Energy Safe Victoria and abolishes the Office of Gas Safety and the Office of the Chief Electrical Inspector. This bill responds to the recommendations of a government review which was announced in 2004. Extensive consultation was undertaken with industry and stakeholders in bringing together Energy Safe Victoria. This bill improves the efficiencies and economies of scale that our gas and electricity regulators have, with savings of about \$1.5 million in that area alone. That is fantastic.

We have heard a lot today about the privatisation of the electricity and gas industry. I know that much of my electorate is very much affected by the very poorly thought out sale of especially the gas industry in Victoria.

Honourable members interjecting.

Mr HARDMAN — The member for Rodney, who shares an interest in Heathcote with me, knows that if

the government-owned gas industry had not been sold off perhaps Heathcote today would have natural gas because the government would have been able to provide for that to happen.

The \$70 million extension program for natural gas was a fantastic election commitment by the Bracks government. Of the 29 towns that have been connected, only one is in my electorate. Several more would dearly love to have natural gas. Perhaps we need to find other alternatives. The government is actually looking into options such as liquefied natural gas and reticulation of supply. It all comes down to it being too expensive. The subsidies that would have to be provided for the extension of natural gas to many of the communities in the Seymour electorate and in country Victoria in general are grossly affected by the privatisation. I have to note at this point that the federal Liberal Party and The Nationals are about to do the same thing with Telstra before our communities in country Victoria have decent telecommunication services. It is something that needs to be taken into account.

Even though this piece of legislation makes two authorities into one, it does not compromise the high quality of safety outcomes that the current regulators provide. The cost savings will create consistency for industry so that many of our players now in the electricity and gas industries, companies that actually provide both gas and electricity, will now have one regulator. They will be dealing with the same sorts of people, which is a good thing.

Other provisions in the bill ensure we have a system with the same expertise and where the people who have been there in the past and have the knowledge are not being thrown out with the bathwater, so to speak. Again, that happened with the partial sale of Telstra by the federal government. The gas and electricity and public transport industries are now bringing consultants in to provide the important knowledge that is needed to run a decent service and improve it in the future. It is great to see this government recognises that important point. I commend the bill to the house.

Mr MAUGHAN (Rodney) — During this debate we have heard a lot of hogwash — —

Mr Walsh — That's a technical term, is it?

Mr MAUGHAN — A very technical word, yes! It has been used in putting the philosophical views on privatisation. This is a very simple bill and, as has already been indicated, The Nationals will not be opposing it because it does make good sense and we

agree with it. But there has been so much rubbish talked about privatisation and the disadvantages of that.

Let me remind the house that members of the government when they were in opposition were running all around the country saying what they were going to do when they got into government about extending natural gas to almost every town in country Victoria. I can name six in my electorate: Nathalia, Rushworth, Heathcote, Elmore, Cohuna and Leitchville. I said about five years ago that I would give \$1000 to the preschool in every one of those towns if they were connected to natural gas during the term of this government. I would willingly do that. My money is very safe because this government has no intention of doing what The Nationals were planning to do, which was to extend natural gas to those country areas so that you could attract industry and generate employment and economic activity.

What is this government doing? It is extending activity out from interface areas, as we would expect it to do. It is not using the advantages of natural gas to generate economic activity in country Victoria. We have heard the members for Narracan and Seymour railing against the privatisation of the gas and electricity industries. I would argue — and I think the runs are on the board — that the privatisation of both the gas and the electricity industries has been to the great benefit of consumers. Certainly initially the savings made by exporters in the electricity industry were very significant and made exporters more competitive. So privatisation is not the problem. It is the regulation that matters — and governments can regulate an industry effectively without having to own it. That is the point that needs to be made in this debate, not this philosophical point about government being able to run industries far more effectively than the private sector. I argue the other way — that private industry is much better at running — —

Mr Helper — You don't really believe that, do you?

Mr MAUGHAN — I do believe that. As previous speakers have indicated, we now have synergy between the gas and electricity industries, with various companies distributing both gas and electricity, competing one with another and driving prices down, rather than having a government monopoly. The member for Ripon has some doubts about it, but members should consider telecommunications. Since the telecommunications industry has been opened to competition, the price of phone calls, particularly international calls, has been driven down very significantly. The runs are on the board.

Mr Lockwood — It's all technology.

Mr MAUGHAN — I'm told it's all technology. That is absolute rubbish.

Mr Lockwood interjected.

Mr MAUGHAN — The technology — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Rodney, through the Chair. The member for Bayswater should cease interjecting.

Mr MAUGHAN — I thank you for your protection; I am being provoked! The reality is that competition does drive down prices and governments can create the framework to regulate those supplies, whether it be in the telecommunications industry, as with Telstra, or in the gas or electricity industry, as this bill deals with.

It is a simple proposition and a simple bill. It makes good sense to establish Energy Safe Victoria by merging the Office of Gas Safety and the Office of the Chief Electrical Inspector. The Nationals will not oppose the bill, but I could not miss the opportunity of pointing out that the government has not delivered on its commitment to provide gas to so many country towns around country Victoria, which it promised it would when in opposition.

Ms BEATTIE (Yuroke) — It is with great pleasure that I join the debate on the Energy Safe Victoria Bill. As has been said before, it is a simple bill which merges the Office of the Chief Electrical Inspector and the Office of Gas Safety into one regulator, operating as Energy Safe Victoria. Two of the key features of the bill that members have been keen to speak about, as am I, are the consultation on it that has taken place around Victoria and the support it has received. It is a good bill, and there cannot be any criticism of it. Some people will say, 'What about this town or that town?'. The fact is that this government has given Victoria the greatest extension of natural gas we have seen. The previous government had a chance to do it but did not; natural gas was not on its radar screen. We well remember the city-centric Kennett government and how it referred to areas such as Swan Hill and Echuca as the toenails of the state. That government had no regard for the country, and it was not its intention to do the massive gas rollout that we are doing — and doing well. Everybody wants it and can see its advantages, because it is a good thing.

The bill establishes the new regulator called Energy Safe Victoria and provides for the transfer of the functions and powers of the Office of the Chief Electrical Inspector and the Office of the Gas Safety to

that body. A statutory body corporate will be established with the objectives and functions provided for in the Electricity Safety Act 1998, the Gas Safety Act 1997 and other relevant acts.

I will not take up much more of the time of the house, other than to point out that this is a good bill. It makes commonsense to merge the two regulatory offices so we can go forward and continue the good work the Bracks government has done with gas rollouts and with consulting, which is the hallmark of this government.

Mr SEITZ (Keilor) — The Energy Safe Victoria Bill will amalgamate two government offices — the gas and electricity inspectorates — into one corporate body. The government is doing this following an inquiry. The service suppliers of gas and electricity have been owned by one company at different times, so it makes sense to have the inspectorate under one organisation. It also will enable Energy Safe Victoria to keep up with modern technology and research, and that is an important part of the legislation. It confers on that office the powers of the Office of the Chief Electrical Inspector and the Office of Gas Safety and provides for the safety and protection of the workers of those two bodies. Often amalgamation or rationalisation means job losses, but in this case the employees of the two bodies will be part of Energy Safe Victoria, which is important.

The bill allows Energy Safe Victoria to borrow money, to deal with delegation matters and to be sued. It is important for incorporated bodies to have the same rights as people. If a tradesman has been mistreated while doing jobs or the inspectorate has made a wrong assumption about or a wrong report on that person's work where it was not his fault — particularly if a non-certified handyman has interfered with the work of an electrician or gas installer — it is important that he has protection. Tradesmen need the right protection, as their insurance premiums have gone up significantly because of self-certification and the guaranteeing of jobs. This allows them to have redress should the department or some other body overstep the line. That is important, because we are talking about how the new office will function, the powers of the office and the protection and rights of the tradesmen in the field. They will have to provide documentation for inspections as in the past, where government inspectors came around and had to certify gas or electricity work on the house.

I welcome the bill, because it deals with both sides, eliminates paperwork and stops two departments competing with each other by allowing for the creation of one department. I finish by saying that I hope we will have one department in which we can find the plans for

electrical wiring and gas pipes, because that will reduce accidents, especially in country Victoria.

Mr LOCKWOOD (Bayswater) — I will make a brief contribution on the Energy Safe Victoria Bill. We have heard already that the bill will establish Energy Safe Victoria by abolishing the Office of the Chief Electrical Inspector and the Office of Gas Safety. The new statutory body will carry out the functions of the two previous bodies while maintaining their same high standards. It is a result of the review of Victoria's energy safety regulators and reflects the structure of the energy industry that we have today. They are no longer separate industries.

We have heard in this far-ranging debate members talking about Telstra and the alleged benefits of competition in the telecommunications industry. The last I heard, Telstra did not supply gas or electricity, but perhaps it would like to. I can say from my own experience of industries like that — I worked in the telecommunications industry for a long time — that it is not so much a matter of competition that leads to reduced costs. It is easy to reduce prices by reducing services — that is the quickest way to reduce them — which then reduces staff, which in turn is another way of reducing services and prices. A huge amount of the cost savings in the telecommunications industry is due to technology.

Another industry that I have had some experience of is the health insurance industry. I worked for the Health Insurance Commission, which achieved a cost per claim far lower than its competitors some years ago, so it is not necessarily true that privately owned companies run more efficiently than government agencies. That is important to note.

This bill is about Energy Safe Victoria, and it is another part of the process of making Victoria a great place in which to live. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise to speak on two aspects of the Energy Safe Victoria Bill, clauses 36 and 40, which both relate to staff. I am proud to be a member of a government that recognises the importance of public servants who are involved in the delivery of utilities in this state. Clause 36 (2) states:

On the commencement day any person who was an employee of the OCEI immediately before that day is deemed to be an employee of Energy Safe Victoria on the same terms and conditions and with the same accrued and accruing entitlements as applied to that person immediately before that day as an employee of OCEI.

Clause 40, which covers the people who work at the Office of Gas Safety, has similar provisions. A person

with accrued and accruing entitlements will have those entitlements applied immediately on the day they become an employee of Energy Safe Victoria.

This is in stark contrast to the dark years of the Kennett government when people who were delivering for the citizens of Victoria, either as state public servants or through statutory instrumentalities, feared for their jobs and for their family's security. In fact under this government the transfer of terms and conditions is absolutely crucial as it provides family security in terms of income.

In my concluding comment I place on record my praise for the work of the people who have contributed to the wonderful safety record here in Victoria through the Office of the Chief Electrical Inspector.

Ms GARBUTT (Minister for Community Services) — I thank all members who spoke on the Energy Safe Victoria Bill. They include from the opposition side the members for South-West Coast, Box Hill, Murray Valley, Rodney and Lowan, and from the government side the members for Brunswick, Morwell, Macedon, Narracan, Mill Park, Clayton, Yuroke, Seymour, Keilor, Bayswater and Pascoe Vale. There was furious and total agreement in support, and therefore I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

OWNER DRIVERS AND FORESTRY CONTRACTORS BILL

Second reading

Debate resumed from 21 April; motion of Mr HULLS (Minister for Industrial Relations).

Mr McINTOSH (Kew) — I rise with some disappointment to speak on this bill, which the opposition considers to be creeping socialism at its worst. The opposition will oppose this bill because it provides for an unnecessary, excessive system that is really aimed at the heart of independent contractors in this state.

In saying that, I am bound to acknowledge that the Liberal Party acknowledges that in the forestry industry, particularly in a very limited aspect of the

scope of the bill in relation to the harvesters and contractors who on a couple of occasions have given up their time to come to Melbourne to speak to me about this bill, there is an apparent problem in their industry. It needs some attention and perhaps some government involvement — perhaps the use of the government's good offices — to ensure that it is addressed. The problem is perhaps driven by the government in the sense that a narrowing supply of timber, or material, to be carted has of course meant that there is an oversupply of cartage contractors and harvesters.

I understand a number of adjustment packages have been offered and taken up, but there seems to be a clear case of market oversupply. That means all the vices the minister outlined in his second-reading speech, that apparently apply to a number of transport operators around the state, may be specifically pointed at forestry contractors. Accordingly, the Liberal Party is not prepared to just blithely wave it aside but acknowledges that problem and certainly agrees that there has to be some mechanism whereby the government can assist people to solve the problem of the particular predicament they find themselves in. That solution is certainly not immediately available to the opposition, given our limited resources or otherwise. As well as being committed when in government to repealing this draconian legislation — which I will go through in some detail in a moment — the Liberal Party is certainly committed to ensuring that the problems and concerns of forestry contractors will be addressed to the best of our good offices.

Having said that, the Liberal Party opposes the legislation because it seeks to impose by way of regulation a regime that potentially goes beyond what is set out in the current provisions in relation to regulated contracts as prescribed in the bill. The bill goes beyond all that and could perhaps cover every single transport industry in this state that involves the engagement of a contractor and hirer, from bicycle couriers travelling around the city or normal couriers right through to owner-drivers. The definitions are so broad that they can include a corporation that may have a number of vehicles operating in the conduct of the business as long as the owner or a director of the corporation operates a vehicle. Certainly the extent of that operation is very much an ambit prescription.

While the government has provided industry groups with a number of examples and certainly the second-reading speech provides examples, it is not limited to the nature of those examples. The bill has a much broader brush than may be apparent at first blush. This bill comes into the house following a report of an inquiry into owner-drivers and forestry contractors by

Industrial Relations Victoria. The fact that Industrial Relations Victoria undertook that inquiry is perhaps the difference between the government and the opposition on these sorts of matters. As we know, in this country there are now more independent contractors operating in a variety of industries, whether it be teaching, nursing, transport — the whole field — than there are members of the trade union movement. Members of the trade union movement are always seeking the form of regulation that will ensure the preservation of their existence. At the end of the day, when you add up the amounts that two particular unions — the Transport Workers Union and the Construction, Forestry, Mining and Energy Union — have contributed to this government since it has been in office they total over \$1 million contributed to the coffers of the ALP. It is amazing what \$1 million can buy, because what they have is a regime that suits the trade union movement.

It is a case of regulation. It is not providing any real stimulus to the market. Most of the people generally involved in this industry do not want to be regulated by this system. Neither the hirers nor the contractors want to be regulated. Nor do they identify any problem generally in the industries that may be caught up in this legislation either immediately or certainly by way of prescription ultimately at the behest of the Minister for Industrial Relations by the use of industry codes of practice.

Under this legislation owner-drivers are defined as persons, partnerships or corporations in the business of transporting goods where the proprietor office-holder operates a vehicle supplied by them. As I said, it covers a very broad range and is probably not targeted at someone like Lindsay Fox, for example, although he may very well drive his trucks. I have heard anecdotally he says he drives his trucks from time to time.

Accordingly, while it may not be intended to include Linfox under the definition, certainly driving or operating a truck within the business may be so narrowly defined as to incorporate a company like Linfox as an owner-driver. I understand that a company such as Toll Holdings would not be incorporated under the definition because it is a listed corporation and is excluded from the operation of this bill. Ultimately, because the government wants to go around regulating the contract between contractors and hirers, you will get a base rate being set that will have applicability. Although it may not actually bind some of the large corporations down the line, one would certainly expect that would set the market level in relation to the rates that can be charged including the whole cost regime that has to be regulated as well.

As I said, forestry contractors are a matter of concern to the Liberal Party. We have committed to work towards a solution. In relation to forestry contractors, the Liberal Party does not see that this bill provides any real solution. In many respects the bill is likely to drive the matter the other way. It may actually lead contractors to go outside the current arrangements and enter into alternative arrangements. Certainly from that point of view it will have a negative effect on forestry contractors by overregulating this particular market.

The definition of 'forestry contractors' does not just deal with haulage contractors — which are defined in similar terms as owner-drivers — but is restricted to transporting forestry products. A harvesting contractor is defined as a person, partnership or corporation in the business of 'harvesting' forestry products, which includes felling, cutting, extracting or attending to the forest such as doing roadworks, coupe rehabilitation or undertaking the maintenance of boundary trails using motorised equipment supplied by the owner or the corporation. Therefore you are going necessarily outside the ambit of the transport industry, but certainly accepting that it is the only exception to the general coverage in relation to transport operators in this state.

The first thing the bill seeks to do is to regulate the contracts that exist between contractors and hirers if they are ongoing arrangements. By 'a contractor' I generally mean the harvesting contractors, the haulage contractors and also owner-drivers. It is a poorly drafted bill in the sense that it jumps around. Its intention is very ambiguous. It is very wide and broad in its terms. Certainly there is no clear adumbration as to what, at first blush, the ongoing arrangements are. I will clarify the most important thing and put it into three categories by selecting the bits and pieces out of what the minister has said in his second-reading speech and what is incorporated in the bill. Firstly, it actually has no end date. It is a contract for the provision of an indefinite, ongoing service.

Secondly, the bill provides that if a contractor is engaged for 30 days in a row by the hirer, that will be a regulated contract. Alternatively if a contractor is engaged by the hirer not for 30 consecutive days but for more than 30 days in a three-month period, that will be the basis of the definition of an ongoing arrangement. Accordingly one would see straight away that casual arrangements between contractors and hirers are not regulated by this regime.

I pause here to say that one group that came to see me was the livestock transport operators. Obviously they are very concerned about the operation of this act. While they are not immediately caught in the

mechanism whereby their contracts are regulated, they fear the regulation of their contracts downstream because of the provision for industry codes of practice, which are potentially very broad and draconian in their extent. While casual arrangements are not included in the bill, what would be incorporated into a regulated contract are the obligations under a regulated contract. They are not contiguous with the particular part of the bill they appear in but have to be extracted from various parts.

However, essentially a regulated contract has to be in writing, there has to be a guarantee of a minimum number of hours or guaranteed income derived as a result of that ongoing contract, it must specify the rates to be paid and, most importantly, a mechanism for terminating those contractual arrangements. As I said, this is an attempt by the government to use a problem in various industries to really hit what is a very small walnut not only with a mallet but probably with a huge semitrailer so as to flatten the issue completely by overriding the ability of independent operators to enter into a contract of their own making and determination.

I note that livestock operators spoke to opposition members at length and we have had a continuing dialogue about the operation of this act in that time. They made the very valid point that in many cases they are able to charge somewhere between 20 and 30 per cent above what a large operator like Linfox or Toll Holdings may charge for the movement of livestock but they do it because they service their clients. In most cases they build up a large group of people who regularly or irregularly contact them to move stock from point A to point B. A local cocky may go down to a saleyards and buy 40 heifers and have to move them home using a livestock contractor. Hundreds of them are operating as small independent contractors all around this state. They are servicing this whole state and indeed are going over to New South Wales, South Australia or even further in many cases. I am told that those contracts regularly are not in writing and are based on trust.

I asked the inevitable questions a lawyer asks, such as: have you ever been involved in a dispute; have you gone to court; and have you ever not been paid? There were four or five of them in the room, all of whom operate on their own individual arrangement. Perhaps it is a reflection of the way a man's or a woman's word can be adhered to in country Victoria, but the answer was no. I asked if there were any disputes about price or otherwise, or even about a horse or a cow that may have broken a leg. One contractor said, 'The reality is that you resolve the dispute in a practical way'. That does not mean that you go out there and resolve it with

fisticuffs, but if you have caused the cow to break a leg then obviously you will compensate the farmer accordingly. These things have been running amicably for a number of years on that basis.

Most importantly, what we found from these consultations is that arrangements are made over the phone or by word of mouth. They are indeed matters of trust. As we were escorting these people from the precincts of Parliament where we met with them, my electorate officer went down the stairs to say farewell. One of them took a phone call and was heard to say, 'I cannot come out there this afternoon, but I will be there at 10 o'clock tomorrow morning', and then hung up. That was the nature of the contract — no more was actually said — yet this arrangement is working effectively.

The opposition has not heard a single complaint from one of these operators saying that they need one of these regulated contracts or an industry code of practice that ultimately would be likely to regulate their regime. Nor has any farmer contacted the Liberal Party and said, 'This is the most fantastic thing in the history of the Western World. It will make my life a hell of a lot easier'. Indeed I note that today the Victorian Farmers Federation came out with a press release. I have not seen it, but I have had conversations with the Victorian Farmers Federation. I am led to believe that the press release states that on behalf of its members the federation opposes what the government is doing. It indicates that substantially its members do not support this legislation.

Another provision is that a regulated contract will have to incorporate the obligation to provide an information booklet, which must be provided to a hirer some three days before they sign the contract. The booklet has to include the current rates and costs schedules, the rights and responsibilities under the bill, a code of conduct — if it is applicable in those circumstances — details in relation to occupational health and safety laws and advice about the government's training programs that may involve this activity, whether it be for driving a truck better or otherwise. All of that has to be provided. There is no doubt that a glossy booklet will be produced by the government and that it will have a big photograph of the smiling face of the Minister for Industrial Relations, with him saying, 'I am out here to save the world'. That will be given to hirers. No doubt their lives will be changed immeasurably by the provision of this booklet, and the whole world of commercial activity will open out before them and off they will go on their merry way under one of these regulated contracts!

As I said, this bill is not just about regulated contracts. Most important is what this bill does not do. Many transport groups, from haulage contractors to livestock and grain carters right through to transport companies, have contacted my office. The bill may not have any direct impact on them because they may not be immediately subject to the provisions relating to the regulated contract and the provision of this little booklet because they are not owner-drivers on the basis of an ongoing relationship.

However, the capacity certainly exists under this regime for the minister, by way of regulation, to prescribe that a class of transport operators, whether they be persons on bicycles or courier drivers travelling around the city, drivers of large livestock transports, grain carters or regular transport operators from Shepparton or elsewhere who are in Melbourne plying their business, are subject to the provisions. Such transport operators may travel from Melbourne to Sydney, Brisbane or Darwin or from South Australia to the rest of Australia.

Essentially the bill will include everybody who is an owner-driver within its wide ambit. They must have a substantial connection with Victoria, although those are not the precise words that are used in the bill. The operators say that the law of Victoria will govern the contracts and not the individual contracting parties who should have the ability to determine which law will govern their contracts. The usual procedure is that if a contract is formed in Victoria then it will be Victorian law, but now people will have the ability to select New South Wales or South Australia. If the law of the contract is Victorian law, then they will perhaps be caught by this legislation.

If a substantial component of the transport service is performed in Victoria, then you will also be caught — so even if you are an interstate operator you possibly will be caught. Presumably a substantial component would be if you pick up or deliver to Victoria and go through Victoria. Even if you travel interstate, you could be potentially covered by this legislation. It is not necessarily going to operate only at a local level here in Victoria; it could have implications for interstate operators who regularly transport materials in or out of Victoria.

I have had contact with transport operators in South Australia who are very concerned about the ambit of this bill and whether it may incorporate them into its provisions. Notwithstanding that they may be based in South Australia and their trucks may be registered in South Australia, they may be performing deliveries and pick-ups in Victoria, and they would certainly prefer to

be regulated by South Australia. Nonetheless, there is potential for them to be covered by this legislation because a substantial part of the contract is performed in Victoria. If you are moving between Adelaide and Melbourne on either a delivery or a pick-up, you could argue that there are slightly more kilometres on the Victorian side of the border than there are on the South Australian side. We do not really know the ambit of ‘substantial connection with Victoria’, and that is a matter of profound concern.

Also the industry councils are virtually stacked against employers or independent contractors. In relation to the Transport Industry Council, which can recommend one of these industry codes of conduct, the chairman is to be appointed by the government. It is probably unlikely that I will get a job as chairman of that council, but I might take it on — it is a part-time job, and it pays a bit of money. But the chairman is going to be appointed by the government.

Ms Allan interjected.

Mr McINTOSH — I see the Minister for Education Services, who is at the table, is interested in being the chairman. She is going to have a much better chance of being appointed as chairman of this council.

The Victorian Employers Chamber of Commerce and Industry gets one representative on the Transport Industry Council and the Australian Industry Group gets another representative, but there are two from the Victorian Transport Association, which is a strong supporter of this legislation, two from the Victorian Trades Hall Council, two from the Transport Workers Union of Australia and one appointed by VicRoads — it says ‘Roads Corporation’ as defined by some act, but I presume it is VicRoads — who is non-voting. But you can see that the numbers are stacked against genuine and legitimate transport operators, who have very little voice under this bill.

The Forestry Industry Council has a similar make-up. It is made up of a chairperson appointed by the government, a representative of the Department of Primary Industries, the Victorian Association of Forest Industries, the Australian Plantation Product and Paper Industry Council, two representatives from the Construction, Forestry, Mining and Energy Union — not one but two from the CFMEU — two from the Victorian Forest Harvesting and Cartage Council, which was very enthusiastically in support of this legislation, and two from VicForests. They have to operate subject to the direction of the minister, not independently, but subject to the direction of the minister. They can advise the minister. They can go

through all the information collecting, but ultimately they are subject to what the minister directs, and the words used in the bill are 'subject to the control and direction of the Minister'.

Ultimately those industry codes of practice can be made by way of regulation, and all the minister has to do in making them is to take the advice of or consult with the two industry councils. He can take the code of practice to the Governor in Council and enforce it by way of regulation. Yes, there is provision for non-binding industry codes of practice as well as binding industry codes of practice, and no doubt they can also incorporate a regime that may not necessarily already be included under the regulated contract regime. No doubt they can be set up in exactly similar form and structure, where everything has to be in writing and the company has to do this and that and has to publish the rates and schedules at least once every 12 months, together with a costs schedule that takes in everything from financing arrangements to petrol — and that is a cost that is going to be fluctuating a lot in a 12-month period, as we know. Certainly all those factors are going to be part of the costs schedule. Yes, you are able to go above or below, but there is no doubt that the purpose of this is to prescribe a bare minimum, if you like, in relation to those matters, which could have a devastating impact on any industry.

Further, the bill allows for negotiating agents, including the trade unions or, alternatively, the industry association. There is also a provision for dispute resolution, which at first blush is probably an interesting concept for two reasons. Mediation through the small business commissioner is certainly a good thing, and I am a big advocate of alternative dispute resolution, but then if the dispute is not resolved, you can take it to the Victorian Civil and Administrative Tribunal. VCAT has very broad powers under this legislation to make an order for payment of debt or to order damages. It can also talk about a rescission or revocation of particular terms in a contract, but what is worse is that VCAT can make what is called an 'extended contract variation order' that can apply generally right across an entire industry to every single contract that is caught in relation to the matter.

What is unclear is what 'regulated contract' means. While that term may have some operation currently, it would seem to me that the intent of the legislation is to include regulated contracts in relation to an extended contract variation order to apply to every single contract that is promulgated by one of these industry codes of practice. Accordingly we are effectively having a system of conciliation and now arbitration through the back door.

Finally, one of the matters I want to raise in relation to the jurisdiction of VCAT is that interestingly enough — this is a matter that was raised in the Scrutiny of Acts and Regulations Committee and the minister has responded in relation to it — it is not intended to give VCAT or the small business commissioner exclusive jurisdiction to arbitrate in relation to these matters. Indeed the bill contemplates the ability of anybody to take these disputes to the Supreme Court or another common-law court — the County Court or the Magistrates Court — for resolution.

So the intention of this alternative dispute resolution seems to be bizarre in the extreme given the fact that you can quite blithely go off and issue in another court and may have those matters determined there. Indeed, one would suspect that a smart hirer would be able to use the law very effectively and prevent the Victorian Civil and Administrative Tribunal and small business commissioner even dealing with the dispute. It seems to be ludicrous that you would give this and not provide exclusive jurisdiction.

The definitions of 'owner-driver' and 'contractor' generally are too broad. The minister has the ability to arbitrarily impose a code of practice to control and direct. The minister has merely to consult with one of these industry councils. They can make their own industry code of practice. Ultimately it can be done capriciously.

This legislation is doing one thing: it is aimed at the heart of independent contractors. Thousands and thousands of independent contractors are scared about the operation of this legislation. They are scared about the way this government wants to crack a very small walnut with some massive object like a prime mover. On that basis the opposition will oppose this legislation. It is committed to repealing it in government.

Mr WALSH (Swan Hill) — The Owner Drivers and Forestry Contractors Bill 2005 in some ways goes right to the core of the philosophy about what the role of government is in people's lives and businesses. It really goes to whether government should have the roles that this bill prescribes. There is a very core question that needs to be answered here: do we actually believe in a private enterprise society or do we not? If we go down the path that is prescribed in this bill with other industries, we would find that we no longer live in a private enterprise society. We have a very good lifestyle in Australia because we live in a private enterprise society. We do not want to see that lost in the future.

The previous speaker talked about the issue of creeping socialism and I support that. In some ways this is about socialist-leaning government trying to interfere in business, prescribe contracts and go down the path of regulating industries in the future — —

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Narracan is out of his seat. If he wants to make any noise, he should get back to his seat.

Mr WALSH — We saw the fall of the Berlin wall and the collapse of socialism. Government's role in controlling industries does not work in the long term. It is unsustainable. We are heading down a path towards that again. This bill goes a substantial way to put price fixing and fixed regulatory regimes for the owner-driver freight and forest harvesting sectors in place.

It is inconsistent with long-held views of all governments in Australia about private enterprise and industry structure historically over a long time. It is effectively about turning contractors into employees. We received feedback from a player in the forestry industry who wrote:

The genesis of this bill is a deal done between the Victorian branch of the Construction, Forestry, Mining and Energy Union, forest and furnishing products division, the Victorian Forest Harvesting and Haulage Council (an organisation of contractors that is facilitated and supported by the CFMEU) and the Victorian state government.

A lot of people came back to us on this bill saying it is effectively just a sweetheart deal between the government and some of the unions in Victoria to no doubt assist in propping up their membership.

There are a lot of things in the bill that are very prescriptive of how they are going to control this sector in the future. Clause 7 sets out the power to make regulations prescribing classes of persons to be contractors, and it specifies what owner-driver, haulage and harvesting contracts are.

Part 2, division 1 describes a key part of the issue — the information booklet. We have no qualms about information being made available to players in the industry, but the way this is structured is that the information provided will initially be the default mechanism potentially for price fixing in the industry. In the future if someone is hiring, they are going to expect to get the default rates not potentially what someone who provides an additional service might want to charge. So it could actually be counterproductive.

What goes into that information booklet is very prescriptive. How do they determine the price of fuel and the cost of finance in the future? How is a committee made up of the people who are potentially the beneficiaries of the result going to come to conclusions that are good for the industry? The payees are going to set the default rate in the future — not the people who are hiring. There is a real risk that Dracula is in charge of the blood bank.

An honourable member interjected.

Mr WALSH — It is not silly; it is a fact. If you start prescribing contracts and fixing prices, you run the real risk that you have Dracula in charge of the blood bank.

Clause 21 sets out minimum termination periods. As we know we are dealing here with industries that have a lot of variables — weather, some work, no work or a lot of work all at once. There is no force majeure clause in the setting out of the minimum termination periods. If there is a huge rain event and floods and the bridges are washed out, the people employing the haulage contractors cannot say, 'the roads are closed and we cannot have you'. There is the whole issue around how you terminate those contracts and the very real risk that they may have to keep paying those people until the minimum termination time expires.

As I read it clause 25 effectively deals with collective bargaining. It states:

A contractor or a group of contractors may ... appoint a person or group of persons to be the negotiating agent for the contractor in relation to ... regulated contracts.

There are laws in this land that make sure that we do not have collective bargaining positions that use undue influence on the market. Later I will talk about the Trade Practices Act because I believe that some of this bill is contrary to the Trade Practices Act or is set up to be exempt from it. It goes against the spirit of what we try to have in Australia so far as private enterprise is concerned, and people being able to negotiate for themselves.

I then turn to the issue of unconscionable conduct and the Victorian Civil and Administrative Tribunal contained in clauses 31 and 32. The clause talks about unconscionable conduct by the hirer, not by the contractor. So there may be a situation where a person who is an employer is at risk, but there is no onus on the person who is delivering the service to make sure that they do the right thing.

Clauses 47 to 53 talk about what the Victorian Civil and Administrative Tribunal can do. As I read it, if

VCAT makes a determination, it can then be inserted into all other contracts of a similar nature. It has the power to void a contract if it makes a determination against a contractor. So you could find someone setting up a test case that would then have a flow-on effect through all other cases. VCAT has quite substantial powers which could flow through into the rest of the sector and have a real impact on all contracts made.

A lot of the feedback that we received was about the structure of the two industry councils set up under the bill. The Transport Industry Council will comprise 10 committee members with a chairman, 1 part-time member nominated by the Roads Corporation, 1 person from the Victorian Employers Chamber of Commerce and Industry, 1 person from the Australian Industry Group, 2 people nominated by the Victorian Transport Association, 2 people from the Victorian Trades Hall Council and 2 from the Transport Workers' Union of Australia. Grave concerns were expressed by a lot of the transport operators who told us that it would be dominated by the union sector. A particular concern was raised by the livestock sector, which has had a lot to say about this bill and which has said that it is not at all represented at the table but runs the risk of being roped in under this bill in the future.

One of the things that I found interesting was that clause 55(4) talks about the powers of the committee the Transport Industry Council. It states that:

The Transport Industry Council may provide advice, and make recommendations, to the minister even if the minister has not requested it to do so.

So we are setting up an industry council which is effectively controlled by the union movement and has the right to make recommendations to the minister to instigate studies or whatever without the minister even wanting it. No doubt, if the council did that and made a finding that was adverse to what the minister might want, it would be in the public arena and conflict could arise from that situation.

The Forestry Industry Council of Victoria also has an interesting make up. It comprises a chairman and a part-time member from the Department of Primary Industries, 1 person from the Victorian Association of Forest Industries, 1 person from the Australian Plantation Products and Paper Industry Council, 2 persons from the Construction, Forestry, Mining and Energy Union, 2 persons from the Victorian Harvesting and Cartage Council and 2 persons nominated by VicForests. It is interesting that it will contain two people from VicForests because we recently passed legislation in this Parliament to put in place what the government described at the time as 'market

mechanisms' for VicForests to put out to tender the sale of its timber.

Mr Helper — On the bill!

Mr WALSH — This is on the bill! We now have VicForests sitting on an industry council that will regulate contracts and effectively set default prices for the harvesting and haulage of timber. There seems to be a conflict. The minister introduced the bill to have market mechanisms put into the sale of timber by VicForests, but now we have a bill that is starting to regulate one particular component, which is the harvesting and transport.

I turn to the issue of trade practices, and as I understand it clause 64 has been put in to exempt this bill from the Trade Practices Act. Those of us with a long history in agriculture know the debate that has gone on around the Trade Practices Act, some of the statutory marketing authorities that we have had, and some of the things that have gone on in this house. One that very quickly springs to mind is the Australian Barley Board and the right for a single desk barley market here in Victoria. At the time the now Treasurer spoke passionately about taking away the single desk because it contradicted the Trade Practices Act; it was against free trade. We now have a bill that contains an exemption clause so we can have regulated contracts and default prices set, which is only a couple of words in an amendment in this bill away from price fixing.

The other industry that springs to mind is the broiler chicken industry, and it will be interesting to see how the member for Narre Warren North handles this issue, because he has quite a few broiler chicken growers in his electorate. As we all know, over a long time the broiler chicken industry had a negotiating committee that prescribed contracts and set prices. This government has not seen fit to reappoint that committee. It has not actually repealed it; it has become defunct because the government has not reappointed it. So for quite a few years the chicken industry has been going on about the imbalance in market power and the fact that in dealing with the likes of Ingham's or Steggle's, the chicken growers cannot get a fair price. They want that negotiating committee to be reinstated so that they can have prescribed contracts and fixed prices.

Mr Helper interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Ripon will have the call at a later stage!

Mr WALSH — For the member for Ripon's benefit, the point I am trying to make is that you cannot have a philosophy on one hand where you deregulate some of the industries, saying, 'No, you cannot do that because it contravenes the Trade Practices Act' but on the other hand introduce a bill with an exemption clause to the Trade Practices Act. I will be making sure that the chicken growers I know go and see the member for Narre Warren North and get him to explain why this bill does that when we have a Treasurer and an agriculture minister who will not give them the time of day so far as their right to a negotiating committee, prescribed contracts and pricing mechanisms is concerned.

We have had a lot of feedback, particularly from the livestock industry, which is very concerned about this bill. I think that as we read through the bill we can see that some of its concerns are unfounded, especially over the issue of the 30-day clause. The first people who came into my office were extremely concerned that they would have to have a contract with every individual farmer that they picked up livestock from, but as you go through the bill some of those concerns are eliminated. But they are still very concerned about the bill, and I thought I might read into *Hansard* some of the issues that they raised with us.

The Australian Livestock Transporters Association states:

The bill represents a grab for power by Victorian-based transport unions in association with selected employer associations.

...

The bill stops short of setting freight rates, but provides for state-endorsed rate schedules to be promulgated with an implication that it should be paid. Negotiations can depart from the scheduled rate. Negotiators can organise groups of owner-drivers.

So we come back to the issue of potential collective bargaining and undue market influence. It continues:

While offering the potential allure of rate regulation, the bill does not deliver rate control. Instead it imposes heavy contractual requirements which could be capriciously triggered — or not — depending on the whims of any one of the direct parties involved — or any of the self-proclaimed representatives of owner-drivers or haulage contractors ...

That comes back to this issue of VCAT being able to be involved in the contract. It continues:

The bill gives every appearance of being a first step towards creating a new industrial arena carved out from the commonwealth Trade Practices Act.

And that is the very point when I was making before about the Trade Practices Act. The letter further states:

The bill would strike down livestock transporters contractual provisions inconsistent with codes of conduct, or regulations on the act.

As the previous speaker said, a lot of the livestock industry is very much done on word of mouth, and a person's word is their bond in that industry. You ring up someone; you want them to go to Hay to pick up some sheep and bring them back to Warracknabeal. It is worth \$X and it is all done over the phone; there is no need for written contracts because there is faith in the industry that the things people say they will do, they actually do.

One of the other issues that the forestry industry raised with us and was very concerned about is that one part of the industry is being regulated. That industry has to compete with timber sales from other states or from overseas, so it has to be competitive if it is to sell its product. Regulations in one particular component of the industry are being put in place, and that part of the industry can account for up to 80 per cent of the cost of timber.

The harvesting and the transport is a major part of costs to that industry. There is a very real risk that if the process set out in this bill gets out of hand, the industry here in Victoria could very quickly become uncompetitive. That may suit the government because it would dearly love not to have a forestry industry. A lot of people on the other side of the house would be very happy to see it all locked up, to let it be overrun with blackberries and wild animals, and eventually be destroyed by bushfire. But those of us who live in country Victoria know what that industry does in creating jobs for the future.

The other issue — in some ways this bill is treating a symptom rather than a cause — is that in the transport industry finance is readily available for people who want to go and buy a truck. You can go in and buy a truck on time payment, but then you have to work extremely hard to pay it off. We know that the margins are tight in the industry, but in a private enterprise society people have the right to prosper and the right to perish financially. We do not want to find that we regulate people so that there is no incentive for those who want to get in there and prosper.

Dr Sykes — Despite the red tape.

Mr WALSH — And be strangled with red tape. But the issue is that the financing industry sometimes makes it too easy for people to buy a truck. They do not

have sufficient collateral behind them to ride out a tough spot in the industry, to ride out a major mechanical failure with their truck or whatever. So in some way we have to make sure that people are not given false hope when they go and buy those sorts of trucks.

I would like to quote the Australian Livestock Transporters Association. In the briefing note sent out to its members it said:

Owner Drivers and Forestry Contractors Bill — A new little empire for bureaucracy and unions.

I think that says it all!

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr HELPER (Ripon) — It is my great pleasure to speak in support of the Owner Drivers Forestry and Contractors Bill. A great part of that pleasure comes from commenting on some of the remarks in the presentations made by the members for Kew and Swan Hill. I often appreciate and enjoy the contributions made by the member for Kew. They are at times insightful and informative — of a totally different point of view, but nevertheless informative. Unfortunately, on this occasion he lost me when he described this bill as creeping socialism. The problem with that is that it was basically his opening remark so I did not take a great deal of further notice of his contribution because clearly the ideological zealotism that drives somebody to describe this bill as creeping socialism leaves most of us totally despondent.

Then it got better with the contribution from the member for Swan Hill who described it with words to the effect of socialist governments interfering in free enterprise. I thought that was sort of the height of hypocrisy, particularly coming from The Nationals. I have sat in this chamber through many a debate where we have discussed various agricultural marketing arrangements and it was very hard to find a distinction between The Nationals and a socialist party, except that it is a socialist party that confines itself to agrarian socialism. Be that as it may, it is a bit disappointing to have the Liberal opposition and The Nationals hoist their opinions on the post of this debate by describing the bill in fairly unflattering terms and displaying some degree of ideological zealotism about a bill —

Dr Napthine — Zealotry!

Mr HELPER — Thank you for the correction. They display zealotry for a bill which at the end of the day is about ensuring that two categories of hardworking people in our community get a fair and

reasonable outcome in terms of the activity that they pursue for an income.

They are the transport businesses and the forestry harvesting contractors. In both cases the industries are typified by small contractors — at times it is very difficult to find a distinction between their contract arrangements and those of an employee. In the case of transport businesses I reckon it is worth noting from the second-reading speech that 85 per cent of those contractors have less than five employees. We are talking about small businesses trying to make a living in what is often a very distorted environment.

This is where the ideological zealotry of the Liberals and The Nationals really comes unstuck. They do not recognise that this is not so much about industrial relations as it is about the relationship between parties and their respective degrees of market power. Clearly in the case of certain arrangements in the transport and forestry industries there are quite distorted levels of market power between those who give the contract and those who take it. In a practical way this bill is designed to allow as much free enterprise activity as is possible while at the same time maintaining a level of reasonableness about the contracts the parties may enter into. In the second-reading speech the minister noted that particularly in the transport industry the low returns result in long hours worked, in reduced safety and in people needing to cut corners to make a reasonable living. This bill is about imposing some sort of fairness on the relationship between contractors and those who give them the contracts.

The bill establishes industry councils, one for the forestry industry and one for the transport industry. Those councils are to be appointed by the minister and will report to the minister recommendations on the respective industry issues. The industry councils will recommend codes of practice which the minister may recommend to the Governor in Council. Those codes of practice will be taken into account by the Victorian Civil and Administrative Tribunal, for example, in determining whether unconscionable conduct has occurred in certain disputes. That theme runs through this bill. It is very much about dispute resolution to ensure that the relationship between contractors and contractees is transparent and does not get distorted by the parties' respective levels of market power.

The bill extends the role of the Office of the Small Business Commissioner beyond retail tenancies — an area where the small business commissioner has had incredible success in resolving disputes and making a lot more conscionable a lot of the retail tenancy contracts. It extends the role of the small business

commissioner to cover transport and forestry contractors. This will provide a low-cost, informal and effective dispute-resolution process. The member for Kew's distorted, negative view about this bill may be coloured by the fact that his industry — the legal profession — will not get its snout in the trough in the resolution of these disputes.

Disputes regarding contracts and codes of practice can ultimately be referred to the Victorian Civil and Administrative Tribunal. The bill is about introducing a new atmosphere of transparency for contracts between contractors and hirers by providing relevant and appropriate information to both parties. The distinction between some contractors and employees is fairly vague, but the bill will ensure that all parties to a contract have the necessary information before them to enable them to make an informed decision about whether they are entering into a contract which allows them to earn an honest and reasonable living from the effort they put into it, given their investment and the enormous amounts of capital equipment and ongoing costs such as repairs, depreciation, fuel and tyres, and so on.

It will make sure people entering into contracts, be they the hirer or the contractor, understand what the industry benchmarks are in terms of the cost structures they are entering into. It will enable them to make a decision that ensures they have a transparent arrangement which does not force them into ever-increasing hours of work, which in the transport industry reduces the safety of all of us on the roads. That would introduce a level of misery and virtual serfdom to many contractors.

The bill also establishes industry councils which provide a set of model contracts which can easily be picked up and varied, or allow derivatives of those contracts to be chosen by either party with the agreement of the other party. Industry councils will provide information on the cost structure allowing for that transparency.

Mr MULDER (Polwarth) — I rise to contribute to debate on the Owner Drivers and Forestry Contractors Bill, and in doing so say that I understand that in the past there have been some circumstances where an individual contractor may have been treated unfairly in arrangements they have entered into with a hirer of their services. Having been a contractor for some 20 years before coming to Parliament — not in the owner-driver category but as a contractor working for major organisations, corporations and smaller companies — I understand the risks associated with contracting arrangements. I also understand the rewards coming out of successful contracting arrangements with

organisations and groups for which you carry out work as a contractor taking on board and providing services for a hirer.

A basic problem I have with this legislation has not been canvassed much in this debate. In my area and in other areas I have seen owner-drivers associated with the forestry industry who own their own vehicles and have a family company, perhaps consisting of a father-son operation and sometimes with an employee driving another vehicle, competing with large organisations that have a significant fleet of vehicles.

I have some difficulty in that I see this as a barrier for the major sawmilling companies to doing business with some of the smaller owner-operators if they can do business with a larger company or organisation that can provide the same service at a similar price but without being restricted and locked into an agreement or a contract that is to be controlled — negotiated — by the Transport Workers Union (TWU) or the Construction, Forestry, Mining and Energy Union (CFMEU). Having worked in small business and been a contractor who has approached a large company or organisation to do business, I would not like to think that I had a barrier around doing business with me that a major company did not have. That is the difficulty I have with this legislation.

There seems to be some thought among people in government ranks that if you buy a piece of equipment and enter into a contracting agreement you are entitled to make a return on your investment of, say, 10 per cent or 20 per cent or whatever you may think is right at that time. Whether it is transport, forestry or industries such as commercial cleaning, contracting, herbicide maintenance programs and all the types of work that I used to be engaged in, the margins these days are terribly small and the business is highly competitive. I see very large companies with their large fleets of vehicles on the road. Whether they are operating in the harvesting industry and intend to penetrate further into that industry or whether they work in other areas, their business is highly competitive and they are talking about margins of 3, 4 and 5 per cent but massive turnovers. There has always been the opportunity for smaller operators to be in there and compete and make a dollar providing their expectations are not all that high. The government has raised the expectations of particularly the people who work in the forestry and harvesting industries that this will be their way to salvation by putting heaps of money into their pockets.

When you think of the two types of operations we are talking about — on the one hand small businesses, with owner-operators and their single trucks, and on the

other hand the large corporations — you realise, firstly, that when a single operator goes to buy that large piece of equipment or vehicle, usually the financing arrangements he gets are not as good as those for someone who is doing it time and time again and buying hundreds of vehicles on an annual basis and turning them over. The small operator usually does not have the same buying power when purchasing tyres and fuel or in the turnover of equipment.

There is a certain advantage to some of the larger operators. There is an advantage in the cost of running their business on a day-to-basis. If you think that by intervening in a marketplace you can set market rates and design contracts that a hirer will be bound to, you want to think again. I see this as a barrier to someone doing business with small business. They do not have to be there. They do not have to sign up for these contracts if one of the large operators says, 'Look, if you are having difficulty with legislation, if you do not want to get tied up with it, if you do not want the TWU and the CFMEU poking their noses into your business, if you do not want to get dragged off to the Victorian Civil and Administrative Tribunal and all the rest of it, we are happy to take on the work and we will put on 10 trucks tomorrow'.

I do not know whether the government has thought about that. I do not think it has thought through the outcome. The opposition realises and understands that more than anything else this is about the declining numbers in union membership and the ability to appeal to some of the smaller contractors and lead them down the path of believing that this is their salvation. If they join the TWU or the CFMEU, follow the government's legislation and involve themselves in these contracting arrangements and go down the path of believing that this is going to take them into lucrative contracts, they have another think coming. Can I tell you I have been there and done that — been screwed, learnt lessons, lost money, made it back again and learnt who to work for and who not to work for.

They are the market forces that operate out there today. If it were thought that this was going to be transferred tomorrow into the type of business that I operated in, I can say now that a lot of the companies I used to work for would say, 'I am sorry, it's just a bit too difficult to do business with you. Why should we leave ourselves open to working with a company that is going to lock us into a price regime and a mechanism that we may not be able to negotiate our way out of at a later date?'.

It must be understood that a lot of these companies are not price setters, they are price takers, and they operate in international markets. They are competitive, and

often they are competing in markets that have very small margins. At times the market gets screwed from the top end down, but if anyone thinks that one small component in the middle of it can be protected by a mechanism that this government is putting in place with this legislation — as we say, maybe it is not in the legislation, but it is all about signing up to the Transport Workers Union or the Construction, Forestry, Mining and Energy Union — and that that is going to offer anyone indefinite protection and guarantee anyone business and profits, I can assure them that, having worked in the industry as a contractor for large corporations and small business, I know and understand how it works. As I said, the bill is a barrier for a large company doing business with smaller businesses or small and individual operators.

Mr HERBERT (Eltham) — This bill provides basic protection and a fair negotiating framework for owner-drivers in the transport industry and for harvesting and haulage contractors in the forestry industry. The bill is based on existing business trading laws drawn down from the Fair Trading Act 1999 and adds in a low-cost mediation by the small business commissioner. Whilst the bill gives greater protection for small family-owned driver and forestry contractor operators, it in no way alters the legal status of contractors as small businesses. The bill does not prescribe or regulate commercial terms for industry, but it does set a framework of rights linked to a code of practice and regulated through a representative industry council.

An honourable member interjected.

Mr HERBERT — I do believe it — absolutely! In short, it delivers a much fairer and more transparent negotiating framework for small businesses in the transport and forestry transportation industries.

Dr Napthine interjected.

Mr HERBERT — It will substantially help many of the struggling family businesses which dominate much of the industry. It is an industry dominated by small family businesses.

I will speak briefly, and mainly on the position of harvesting and haulage contracts in the forestry industry, as this is an aspect of the bill that I have some personal knowledge of and interest in. Can I say at the outset that better regulations are long overdue in the harvesting and haulage component of the forest industry. The jobs are tough and demanding, and they are often dangerous professions. They often have levels

of remuneration far below what is a sustainable level given the high costs involved.

There is also good evidence that the relatively low levels of earnings by forestry and harvesting contractors and haulage contractors lead to high levels of business failure, poor working conditions and a very high number of working hours being undertaken. In that regard, I think the member for Swan Hill referred to this bill as creeping socialism or as harking back to the cold-war, Soviet-bloc days. It is not that at all. Most industries have regulation. It is now much safer in the interstate transport businesses, as the number of hours drivers can be on the roads has been regulated, along with the checks et cetera — and they still are in place. They were much needed, because in those industries, which, it is true, are highly competitive, we have to make sure that corners are not cut so tight that safety is jeopardised and that the industry is sustainable. That is part of the aim of this legislation.

Certainly recent reports — and we have seen this in the second-reading speech — have shown that these low and declining levels of earnings have serious ramifications for drivers and the safety of them and other road users. That also has had an impact on the capacity of the industry to purchase new and safer technology and equipment for improved productivity and indeed for the industry's long-term future.

For 30 years I have owned land in Yinnar South. Some members here may know the area; it is in the heart of the Strzelecki Ranges.

Dr Napthine interjected.

Mr HERBERT — Along Middle Creek Road.

Dr Napthine — Why don't you control the ragwort?

Mr HERBERT — It is in the Strzelecki timber country, which is rough, wild country. There are blackberries and ragwort there. I know that on my modest 69 acres I struggle to keep it down. It is very mountainous; and part of the reason we have weeds there is that it is very mountainous, rough and wild terrain with high rainfall. That is exactly why it has been chosen for timber plantations. The area contains literally miles and miles of timber plantations in extremely steep, mountainous country with very high rainfall. The major road networks that dominate the area are dirt roads, and often they have been put in by the timber companies themselves. I regularly travel on those roads; in fact the road where my property is,

Middle Creek Road, is maintained by timber companies.

In particular I regularly travel along the roads leading to and from Grand Ridge road, which some of the members opposite may know. Over 30 years I have observed timber operations in action. Most of the timber was planted in the 1960s, and it is now coming fully on-stream — or it has been for the last 5 or 10 years. I do not understand how they get the timber out of this steep, rugged country, but I certainly know that it is hard, tough work and a dangerous occupation. It is the sort of occupation where you cannot afford to have your margins cut too tight, where you cannot afford to cut corners, and it needs to be regulated for health and safety and for the good of the industry. Once the timber is harvested the large logging trucks travel along roads that are often barely wide enough to take them — anyone who has been up there knows that. The area has wet, wild weather, and the safety of drivers is important. I think it is the first priority.

In that kind of context we have to have drivers who are alert, who are not cutting corners, who know the industry and act in a professional manner. This bill helps us achieve that. It is in this context that the guarantee of proper contractual arrangements that do not require the driver to cut corners or work unsustainable hours just to make a dollar is crucial. This bill makes a great contribution to that guarantee.

This bill is not aimed at the general industry in many ways, but there are ruthless hirers in it who will drive down the price of a dollar to the detriment of the many drivers who need work urgently. The bill recognises that there is often an information imbalance between the contracting parties, with owner-drivers lacking vital information necessary for a fair commercial relationship. They often simply do not understand how much it costs to complete a contract, so they cut corners to make a profit. This bill ensures that all ongoing contracts in the industry must be in writing. This is hardly a socialist kind of concept; it is what I think should be a basic requirement. Minimum income and hours of work must be specified under the contract. Each new driver must be given rates and cost schedules three working days prior to a contract being entered into.

A code of conduct will be negotiated to govern these contractual issues. The bill provides a central role for industry councils to advise the minister and industry on model agreements, costs and rates schedules and commercial practices. It provides for speedy dispute resolutions, to be handled by the small business commissioner. It draws down the relevant

unconscionable conduct provision of the Fair Trading Act 1999, and adds one new criterion to ensure that rates in long-term contracts must have regard to increasing overheads, particularly to rapidly increasing petrol prices.

In summary, this bill tries to address a market failure in the industry. It seeks to put the industry on a more sustainable, safe and productive basis. It does this in a minimalist, low-regulatory manner that supports better bargaining and contractual negotiations for the good of the industry. It will lead to better informed and more skilled small business operators in the timber industry and to better protection from harsh practices and unconscionable conduct from some of the more ruthless hirers in the industry. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Owner Drivers and Forestry Contractors Bill. Let me say from the outset that I am totally opposed to this legislation. It is a retrograde step for owner-drivers and contractors throughout Victoria. It is a retrograde step for the economy of Victoria. It is a piece of legislation that should not have seen the light of day. I am pleased that the Liberal Opposition has indicated not only that it will oppose this legislation but that on re-election to government it will immediately repeal this legislation. This legislation has been described as creeping socialism when it could be better described as galloping socialism of absolutely stupid proportions.

This legislation highlights the fundamental difference between the Liberal Party and the Labor Party. Let us look at what this legislation is about from the Labor perspective. This legislation reinforces Labor values and the Labor view of life, which is that we need more regulation, not less. Labor people are totally opposed to free enterprise. They are totally opposed to small business. They are totally opposed to family businesses wanting to have a go and get on with the job. They are opposed to independent contractors. They want to make any independent contractors employees by legislation, by stealth or any other means. Labor fundamentally believes that bureaucrats and government know better than the marketplace and individuals, particularly those in business. Members of the Labor Party fundamentally believe that it is best for them and government to tell people what to do and how to run their businesses rather than people making their own decisions.

This legislation wants to replace commonsense and directly negotiated agreements between business operators with a system involving regulated contracts, industry councils — which have very strong union domination and involvement — codes of practice, the

Office of Small Business, the Victorian Civil and Administrative Tribunal (VCAT) and mountains of bureaucrats, red tape and paperwork. This legislation is fundamentally wrong, but it reflects what this Labor government stands for. It is important that the people of Victoria understand this is typical Labor legislation. It is legislation that wants to regulate people's lives and businesses and fundamentally control everything rather than letting individuals have a say about their life and business. To see that we only have to look at the purpose of the legislation which people who spoke on behalf of the Labor government are proud of. The purpose of this bill is:

... to regulate the relationship between persons who contract to transport goods in a vehicle, or harvest forest products using motorised equipment, supplied by them and persons who hire them.

It says this upfront. There is no hiding of the fact. The Labor Party says that what it is seeking to do through this legislation is regulate a business environment between owner-drivers — people who own their own truck and want a contract to supply those services or people who own their own forestry, harvesting and haulage equipment — and people who want to employ them. They want to absolutely regulate that relationship with bureaucrats, red tape, tribunals including VCAT rather than letting the marketplace organise it and business people negotiate those contracts among themselves. Further, after the major heading, the purpose has subclauses (a) to (j) that are all the different provisions within that regulatory process. It really does appal me that a government would think to go down that sort of track of overregulation and over-control.

Let us look at some of the examples in the legislation. Clause 10 is headed 'Information Booklet' and states:

- (1) A hirer who intends to engage a contractor (otherwise than through a freight broker) must give the contractor an information booklet that complies with section 13(1) at least 3 business days before the hirer engages the contractor.

Three days before the hirer or someone engages an owner-driver of a trucking business to cart their goods from A to B, they have to give them the information booklet that is deemed, driven and designed by the government and bureaucrats. We all have to have information booklets. Businesses have to be chock-a-block with information booklets to deal with this wonderful relationship!

There are also rates and schedules. Now a business person saying to an owner-driver, 'I want you to cart these goods and services from A to B. What sort of deal

can you do for me? What sort of price will you charge??"

Oh no, that is all out the window. We cannot trust two business people to negotiate a contract; we have to have government regulation, government interference and government telling us what is good for us. Clause 14 of the bill, which deals with rates and costs schedules, says:

- (1) The Minister, in consultation with the industry councils, must —
 - (a) develop rates and costs schedules for contractors ...

Further it says under subclause (2) that this must:

- (b) contain the following information —
 - (i) ... variable overhead costs —

and hourly rates and casual hourly rates. All this fundamental stuff about how a business operates is going to be regulated, specified and bureaucratised. You have to have all this information in a booklet, and you have to have the rates and schedules. On top of that, clause 27 says we have to have codes of practice as well. We all have to be familiar with our codes of practice, so there is going to be a range of codes.

This relationship that has operated for centuries, with business people coming together and reaching an agreement about price and the delivery of services, is not good enough for the Bracks Labor government. You have to have your booklet, your rates and schedules, and your codes of practice. You have to have somebody to supervise all that. You have to have a tribunal. You have to have an industry council — which is dominated by the unions — and then a tribunal. There are or about 10 clauses to do with the role of the tribunal. Then there is another clause to do with the role of the small business commissioner. On top of all this regulation and red tape you have the tribunal. You have the industry council having a role, the transport council having a role, and ultimately in part 9 the Victorian Civil and Administrative Tribunal. It all could end up in VCAT because of this regulation, this over-control, this typical Labor Party desire to interfere in the marketplace and interfere in business relationships.

Who is supposed to benefit from this? The argument being put by the Labor government is that the beneficiary is going to be the small business operator. I say that is absolute and utter rubbish. The small business operator will be swamped by this red tape, this regulation, this legislation. Business will want to deal

with big businesses that can cope with this amount of red tape and rubbish. The small business operator will be swamped; he will be forced out of the industry. Small businesses by their very nature are flexible, responsive and able to negotiate deals. That is how small businesses operate. That is how they start. That is how Lindsay Fox started — by running his own truck and negotiating rates for himself to undercut other people and get his business started. This will not be allowed to happen under the Bracks Labor government, because it will all be regulated and strangled.

Small business will be strangled by this red tape. It will drive existing small businesses out of business and it will make it harder for new small businesses to start. This will be the death knell of the owner-operator in the transport industry. And guess what? The Labor Party will be very happy about that. The Labor Party wants that, because what is driving this legislation is the support the Labor Party can get from the Transport Workers Union and the Construction, Forestry, Mining and Energy Union.

Let us look at some figures. The Transport Workers Union has given \$368 000 to the ALP since 1999, and the Construction, Forestry, Mining and Energy Union has given \$707 000 to Labor since 1979. And the Minister for Education Services, who is at the table, says it is not enough! I am sure that after this legislation goes through she will be back asking for more. She will be up at Trades Hall Council demanding a pound of flesh, demanding that dollars come across for passing legislation that will bolster union membership because it will drive owner-drivers out of business.

This is a stupid bill driven by Labor Party ideology and support for the unions. It is driven by interference in the business sector. The government should fundamentally get out of interfering with business. It should let people get on with the job. I am very pleased to say that I will oppose this legislation and the Liberal Party will oppose this legislation — not only that, we will immediately repeal this stupid, antibusiness legislation upon being returned to office in 2006.

Mr ROBINSON (Mitcham) — I am happy to take some odds with the member for South-West Coast about the 2006 event.

Ms Asher — You are getting arrogant.

Mr ROBINSON — No, I am just happy to take odds. I thought it was an extraordinary contribution to this important debate to have the member for South-West Coast, as a former minister in a former government, lecture us about regulations. I had the

fortune — there might be other words for it — to serve on the parliamentary Scrutiny of Acts and Regulations Committee and indeed on the regulations subcommittee, which does great work and is now chaired by the honourable member for Bayswater. But if I had a dollar for every time a set of regulations crossed the desk of that subcommittee with the signature of the honourable member for South-West Coast on it in his capacity as a then minister, then I could have retired a lot earlier from this business.

Dr Napthine — No, you would not have.

Mr ROBINSON — I could have. If it was not Chinese medicine registration it would have been child-care provisions or health services. There were lots of regulations. Indeed there are many regulations that go through parliaments of all — —

Ms Asher — You were not even awake.

Mr ROBINSON — I was more awake than the honourable member for Brighton. At least I was there; that is what I will say. We do not want to pull out the attendance record, I can tell you. The honourable member for Brighton might be a bit embarrassed by that.

This legislation is worthy of support. It is well researched and it is a well-formulated attempt to deal with a series of persistent problems. I guess the true definition of a conservative is a person who, upon being presented with evidence that there is a problem, at least attempts to do something about it — and I give due credit to the lead speaker for the opposition who at least acknowledged that there was a problem. But the test of a real conservative is that they say, ‘No, we will always find a reason to maintain the status quo, however inadequate it is’. Indeed in his contribution the member for South-West Coast did not offer one suggestion about how to deal with the problems that are present in the owner-driver industry.

In his second-reading speech the minister made reference to the noted predominance of small businesses, of family businesses. Family businesses in this profession are faced with increasing hours of work, increasingly poor returns and increasing problems with poor payment. That is not a phenomenon that is restricted to that industry; it happens in other industries as well. Previously we have seen in the building trades — and that is something I have had some involvement with — —

An honourable member — Are you going to regulate that too?

Mr ROBINSON — We did regulate, and the opposition on that occasion supported the regulation through the Security of Payments Act to set up a statutory scheme to encourage and to assist subcontractors and small business people to recover bad debts. I do not recall anyone on that occasion saying that that was a monstrosity or an unwarranted intrusion. It was a statutory scheme which was introduced into this place, which was debated and which had unanimous support because it dealt effectively with a problem.

There are two strengths to this bill. The first is that it draws on the role of the small business commissioner, an office which has been created and funded through the Bracks government, and it has been tremendously successful. I want to pay credit to the work of Mr Mark Brennan, who has carried out his role as small business commissioner with great effect. Interestingly, Mr Brennan assisted the Scrutiny of Acts and Regulations Committee in the previous Parliament. Indeed I think he was seconded from a position within the public service at that stage to be the researcher for the committee when it inquired into the Anzac Day laws. It was a very good inquiry and a very good report, and he worked very effectively on that and has gone on to bigger and better things.

The second strength of the bill is that it draws down on the unconscionable conduct power in the Fair Trading Act. It is a very powerful provision which I think was initially introduced by the former government. The shadow minister for industry and employment might have had some role in that, and it was a worthy inclusion in the fair trading legislation in the mid-1990s. It has proved in a number of respects to be a very powerful legislative tool, and when markets fail it provides a very strong deterrent to untoward behaviour. I will be supporting this legislation. As I said, it has been well researched and is a well-formulated attempt to deal with a persistent problem.

I was amazed by the contribution of the Deputy Leader of The Nationals, who derided an attempt by this government to interfere in the market. Old Black Jack McEwen would be rolling in his grave to hear that, because once upon a time if you held a view such as that held by the Deputy Leader of The Nationals, you would have been proscribed from the Country Party, as it was then. It was once upon a time a mantra, of course, that the Country Party would not support legislation unless it effectively represented some sort of interference in the marketplace.

Mr Walsh — Only for farmers.

Mr ROBINSON — Only for farmers — I accept that qualification.

I will conclude by offering my support for this bill.

Mr INGRAM (Gippsland East) — It is a pleasure to rise and speak on the Owner Drivers and Forestry Contractors Bill and to say at the outset that this debate has been characterised by an ideological union versus free enterprise discussion.

I come from a community that has a strong reliance on the timber industry. I grew up in far East Gippsland, which still has the largest remaining hardwood native forests in this country. A large portion of our native timber harvesting still occurs in my electorate.

One of the interesting developments within the industry is that over recent years there has been increased pressure on the contractors who harvest and cart the timber out. Their rates of return have decreased because of a whole range of industry pressures. They work hard for extremely long hours. There have been a number of changes within the industry in recent years, particularly in respect of the principal contractor provisions. We have, if you like, put a large portion of the regulation, management and control of who carts timber from where under the control of private enterprise. Government is taking a more hands-off approach into the letting of contracts and the organising of which contractor harvests which coupe.

Over a similar period we have also seen, with the establishment of national parks and the continued decline of the available resource, the industry being squeezed into less marginal bush. In our area that is predominantly the lower country as some of the more productive areas have been cut out and areas have been set aside, leading to increased production pressures on the contractors. We have seen industry participants not have the capacity to reinvest in equipment. They have been forced to work extremely long hours for low returns. They are on piecemeal contracts: basically they are paid on their production and if they are not gaining good enough coupes — good enough areas of bush — they cannot make a return on their investment. That has led to enormous stress on those individuals.

What they have been left with is the choice of negotiating with the government — and government is not necessarily a friend of particularly the small players in the timber industry — or negotiating with the sawmill owners. They are fairly robust characters who are usually good business people and they have the capacity to squeeze every last dollar out of both their business and everyone else who deals with them. Some

of them have been fairly efficient in ensuring that there is no competition within their industry.

So what we are left with are people with largely free enterprise small businesses who have been left nowhere to go but to join unions. Most of these people I know personally and I have played football with some of them in the past. They are not necessarily the people you would expect to be joining a union, but they joined the Construction, Forestry, Mining and Energy Union (CFMEU) pretty well en masse in my area because they had very limited options and no bargaining power and the union was their voice.

They are not necessarily friends of the Labor Party — the image before the last federal election of those same contractors in Tasmania standing shoulder to shoulder with the Prime Minister would indicate that they are not necessarily great friends of the Labor Party — but for a range of reasons they have been forced to try to come up with some solutions, and this legislation is a solution.

I understand that the Victorian Association of Forest Industries (VAFI) does not agree with it, but that is arguably beside the point. I understand the arguments that have come from the opposition and The Nationals, but ultimately unless we give these hardworking individuals some type of protection we will continue to see their work not being rewarded and businesses and individuals going broke, not putting investment back into the industry and not having the capacity to make sure their occupational health and safety conditions are up to the standard needed to ensure that their workers are protected and that these hardworking individuals are not running off the road in their log trucks because they are working 18 hours a day or something like that.

That is the issue this legislation tries to come to terms with, to make sure that there is a fair return for the hard work they are doing without necessarily overly interfering in the free enterprise small businesses they operate. They are small businesses and historically they have made very good money out of some of that work, but they have been squeezed. A large number of contractors in my area could not wait to get out of the Our Forests Our Future restructure for the simple reason that a large number of them were not making money even though they were good business people and hardworking.

Hopefully this bill will return some balance, ensure that the rights of those individuals are protected and give them the capacity to negotiate on a fair and even footing to ensure that their hard work is valued. I support the legislation. I understand why some in the

industry, like the VAFI, do not agree with it but on balance I think it is the right way to go. I would like to think that other members in this place, instead of adopting an antagonistic and polarised position as has occurred in this debate, will start looking at the individuals involved who have been put to the sword in recent years because of continuing government policies at both state and federal level.

I must point out that much of this equipment that we are talking about is very industry specific. Because of not only the production pressures but also the occupational health and safety issues the industry participants are forced to have the latest and best equipment to harvest the timber in the forests. For example, a large excavator used to harvest timber in native forests is very expensive and we cannot put that excavator out into the paddock to dig a dam or operate in irrigation country to clean out channels. It is very industry specific. Unless you protect that investment and give these businesses some certainty of return, they are at risk. If they have borrowed the money from the bank and made that commitment and then they are squeezed down and the returns are not there, they basically go bankrupt. That is what has happened to a large number of those businesses. With those words, I support this legislation.

Mr LOCKWOOD (Bayswater) — It is a pleasure to support the Owner Drivers and Forestry Contractors Bill. I will make a brief contribution centred around the owner-drivers, since I do not have very large forests in my electorate. They are usually fairly small, so I do not have any contractor deals.

Ms Asher — But you have unionists.

Mr LOCKWOOD — That is right.

Ms Asher — And you have self-employed people.

Mr LOCKWOOD — Plenty of employed people. As we have heard, the legislation requires that information be given to contractors and be provided in contracts. It also establishes industry councils and provides for negotiation agents, a dispute settling mechanism, codes of practice and a range of measures designed to get a bit of fairness, if you like, into the relationships between owner-drivers and the people who hire them.

My interest comes from the constituent owner-drivers who have come to me with problems in dealing with the people who hire them and have a superior bargaining position and use it in a fairly coercive way. The owner-drivers have felt that they have had no choice but to go along with the conditions imposed on them, and if the market was not working in the way it

should in providing them with a true choice of hirer, they felt fairly restricted and penalised in their relationships with their hirers. I have a few transport companies in my electorate; I am not picking on any particular one.

I have also heard here tonight lots of talk about unions. I think fairly average people join unions; they do not have to be particularly unusual people. Those who join unions are the basic run-of-the-mill, salt-of-the-earth Australian people, and that is why they are the valuable organisations they are.

I have heard it said that the ALP is opposed to free enterprise, opposed to small business and opposed to independent contractors. I have to say I spent a fair bit of my life as a small business proprietor running my own business on contract. I had a number of contracts in my own right and in cooperation with others, and I would not be part of the Labor Party if I did not think it supported business. I know the Labor Party supports business, particularly small business. In a sense business makes the world go around. We need business to generate employment, investment and all the things that make our society what it is. But we want a fair market. While the market can operate to generate efficiencies, we also want it to operate more fairly.

Let us not forget that competition is about advantage. Competition can produce good outcomes, but it is also about getting one up on your competitor; it is about winners and losers. We need to be careful that we do not have too many losers in the marketplace, because the market needs to operate to the advantage of the entire society and not to its disadvantage. It needs to operate fairly, and at the end of the day most of this legislation is about providing advantage and transparency, and I do not think that is necessarily too big an ask.

Many of these businesses are small businesses run by families who are struggling with mortgages they have taken out to finance their trucks and are finding it hard to make ends meet. Most of them are not high-margin businesses, and the operators often work long hours and are open to exploitation. As part of this, because of the nature of the business safety is a serious issue; the safety of both the drivers and all other road users. It is in all our interests for there to be some regulation of the business relationship to ensure that owner-drivers, in fact all drivers of heavy vehicles, do not work hours that are far too long and create a danger on the roads.

The legislation requires the provision of information booklets setting out the rights of owner-drivers, dispute resolution and health and safety processes and basic

business planning information. There is also a requirement to provide a rates and costs schedule. Contracts must be in writing, specify an enforceable minimum rate and provide minimum notice of termination. These are fairly basic things; it is not overly prescriptive. It also provides that agents can be appointed for negotiations between owner-drivers and single hirers. As was mentioned earlier, the bill also provides for the development of codes of practice, which are valuable things in any industry, and it also contains provisions dealing with unconscionable conduct and dispute resolution mechanisms.

Dispute resolution is a fairly basic element of most things in our lives, and providing access to the small business commissioner and the Victorian Civil and Administrative Tribunal are good measures which will provide for fairness in business relationships and give small business operators access to backup when they are being coerced or at a disadvantage in business relationships. The small business commissioner has powers, and there will be industry councils to oversight the industry as well.

This is about a cooperative workplace culture not a prescriptive one. It is not about conflict; it is about fair working conditions. It is about balancing the power somewhat between the employer and the employee so it is not all one way. It should not be a barrier to a business relationship. In the businesses I was in I would not have had a problem with any of these requirements in forming a relationship with a prospective hirer of my services. It provides transparency. The bill will ensure the contract relationship is above board and fair. It intervenes in the market, yes, but it does so to ensure balance and fairness. It is a safety-net approach rather than a prescriptive one. It does not even include all the controls that some wanted. Some of the owner-drivers who approached me wanted some fairly dramatic controls over the industry, but of course that has not happened.

It is all about ensuring a fairer marketplace, using a small-business focus. Small business is very important to our economy and society. We have had positive responses from the Victorian Transport Association and the Transport Workers' Union of Australia. People disparage the unions but they obviously provide valuable support to their drivers and a great deal of consultation has gone into the formulation of this. It is yet another way the Bracks government is making Victoria a great place to raise a family. I commend the bill to the house.

Dr SYKES (Benalla) — It gives me pleasure to speak on the Owner Drivers and Forestry Contractors

Bill. Along with other Nationals, I am opposing this bill. We see it as unnecessary, intrusive and complex legislation. I would like to focus on three particular areas. Firstly, I will look at the contractual part and in particular clause 14 which deals with the minister developing rates and costs. Secondly, I would like to spend some time on the codes of practice and in particular clause 27. Thirdly, I will look at part 5, the dispute resolution component.

I would like to concentrate mainly on the livestock industry because I have some personal experience in dealing with it, in that I ship a few bulls to various parts of the country. I think I am known as a bull shipper! As a professional bull shipper I have had the need to send cattle throughout Australia. I have developed relationships not with the bulls so much but with the carriers, the bull shippers. That relationship links with a relationship to a fellow, M. L. Edyvane from Pakenham, who has written a letter to various members of Parliament. Edyvanes Transport used to carry stock for my dad — and that goes back 35 or 40 years. The basis of that relationship was a phone call — 'Can you do this job, get the sheep from A to B? The cheque is in the mail'. When my dad said that the cheque was in the mail it actually arrived, not like the Bracks government saying the cheque is in the mail and the contractors are still waiting for payment.

I have had transport operators who have taken cattle to Rockhampton and Western Australia, and it is done on the basis of a phone call and trust. If things do not work out — which they always have — you look somewhere else next time. There is a basic reason for those guys to deliver goods: they are professionals and they want to stay in the business. A lot of these businesses are second and third generation. I refer, for example, to the Smith family in Dubbo — Dick Smith and his son Steven and Sharon. They have been bull shipping for many years, and they do it well. It is just takes a phone call: the costs and price are set that way, and the deal is done.

At a local level we find a large number of small carriers operating in the Benalla area. I just do not understand how we can contemplate a minister or committee setting the costs for carting cattle to the Benalla sale for example or up to Wangaratta abattoirs. My place is 5 kilometres out of town and we might send one animal in or we might send three or five. We might send a truckload. Equally someone a bit further down the road might involve a special trip for the carrier or it might be part of a mixed load. There is a myriad of combinations involved in establishing the cost for getting your livestock from A to B. I think they will come up with an amazingly complex formula as a way of achieving

this if the minister and his merry men think they can sit down and do this cost-setting in an ivory tower somewhere distant from the field.

I take my hat off to the carriers and their staff for their ability to juggle numbers, come up with costings and get a job done in what is a very demanding and complex business. Similarly, the general carriers that operate in our area, such as the Symeses at Benalla, are again going into the second generation. The parents, Kevin and Lyn, have now passed it over to Brad and Brett. They have been carrying material from Melbourne to Benalla and throughout the north-east for many, many years. Again, they are there because they do the job well, they know how to set costs and they deliver a good service, and the last thing they need is interference from a government or a set of well-meaning but misplaced intentions of people that think they can run a business or set costs better for these people.

Another family who have done very well — a local version of Lindsay Fox's family, perhaps — are Lorna and Jack Kibble at Euroa, who have established a good business. They got there by their ability to deliver a good service at a competitive price. They and the younger generation do not need the interference of a government or a committee to set the costs for their businesses.

I think codes of practice are a highly desirable aid to the conduct of business if they are target the right areas and if we can see a clear benefit. In the case of the livestock industry, when I was working with the Meat Research Corporation I spent a lot of time working with the industry on developing codes for the welfare of animals and for the protection of carcass quality. The industry was keen to be involved in that because it could see a benefit. It gave protection to the animals and the meat product, but it also gave protection to the industry if it complied with the code and also to owners of the animals. It was a win-win situation, and they were happy to cooperate. Through using their practical knowledge they have been able to come up with arrangements that make sense and are functional. I am not convinced that the code of practice intended for this piece of complex legislation will be welcomed, practical and deliver a win-win outcome.

The other thing in relation to dispute resolution is that, as proposed, this is complex and costly. I have found, as have most other people dealing with transport — and livestock transport operators, in particular — that if people like the Staffords, the Siedes or the Dobsons are in the business for the long haul, they get the job done right. And if there is some form of disagreement or

misunderstanding, you sit down and work it out. Invariably you are able to come to a solution, because the business of transporting livestock in Victoria and throughout Australia is based on relationships. That has been developed over many years, and you cannot legislate for relationships or for effective functioning like that.

Looking at the forest industry, the honourable member for Gippsland East recognised, as others do, that there is a need for the contractors in that industry to be able to make a fair return on their investment in transport and for the many long hours they put in often under very tough going. But I do not agree with the member for Gippsland East when he says he thinks this legislation is the way to go about it.

In our area we have quite a few industries based on the forest industry: Goulds at Alexandra, McNultys at Benalla, Whitlands Sawmills up at Wangaratta, Carter Holt Harvey at Myrtleford, D. and R. Henderson at Benalla, and the Hudsons at Benalla. They are all very important companies to our area and they employ owner-operators to cart the logs in from the Strathbogie Ranges and the many hardwood and softwood forests in our area. I want to see those contractors making a reasonable return for their investment and effort, as I do for the livestock transport operators. But I do not see this legislation as the practical way of achieving it.

Like my Nationals colleagues, I oppose the legislation because it is too prescriptive and too complex. In the case of the livestock industry, if it ain't broke, don't fix it.

Mr MAXFIELD (Narracan) — I rise to talk on the Owner Drivers and Forestry Contractors Bill. The bill is essentially about the Bracks government's support for small business and contractors in this state. The small business community in Victoria and across Australia had a machete taken to it by the coalition government. The Liberal and National parties introduced a GST that turned every small contractor in the state into a tax collector. The black hand of the federal government is weighing down small business and contractors right across the country, and certainly across this state.

Here we have a bill which recognises that contractors and small businesses not only perform a service to the community and to businesses across the state, but are desperately needed by our farming community, as we heard from the member for Benalla. The forestry industry is very well represented in my electorate, and the contractors there cart the logs and work in the forests. The contractors in the forestry industry have

had a very difficult time. We have seen large companies and consortia getting together and acting in a way which at times has been absolutely brutal.

Several years ago protesters in logging trucks surrounded Parliament House for quite a few days. I took the time to talk to those contractors. I had breakfast with them one day. I met with them and spoke to them, and those contractors were struggling. Some had hundreds of thousands of dollars invested in their rigs, and at very short notice they could be dragged in and told they had to increase the size of their rig. So they would borrow lots of money and increase their investment and were then told that because they had a bigger rig they would get paid less per log. Of course if you caused problems or kicked up a stink, you might not get any work at all! We saw that those small businesses were very badly exposed and were lobbying Parliament as a result of their difficulties. Certainly this bill recognises the difficulties that those logging contractors were under during the previous regime — and many were from my electorate.

I am proud to be a part of a government that has delivered this bill to the chamber. It is a government that recognises the importance of those contractors, and the importance of small business to our community. The Bracks government is not only about rural communities and our rural sector, it is also about supporting the entire community. Everybody in this state is entitled to a fair go, and if you are a small businessman with a truck who is contracting your services, then you are entitled to fair treatment as well; not to the arbitrary cancellation of your contract because you object to the low rates that have been imposed on you, but the chance to have a fair go in our society.

In the past private industry has been the oil and the wheels that make our society move. However, we have to ensure that it acts in a fair way. In the past some companies have used their muscle and their power to send broke and destroy genuine small businesses and genuine workers in our community. The Bracks government is not just ensuring that workers get a fair wage and a fair salary, but also ensuring that our small contractors are looked after.

The bill is quite complex, and in the limited time I have available it will be very difficult for me to go through it clause by clause. However, part 7 in division 1 of the bill establishes the Transport Industry Council of Victoria, and division 2 establishes the Forestry Industry Council of Victoria. Both those councils will be very useful in dealing with the issue.

Mr Smith — To whom?

Mr MAXFIELD — I note the interjection from the member for Bass, who I know has no record when it comes to sticking up for small business. He only looks after his rich mates, which is the hallmark of the Liberal Party — that is, the wealthier you are, the more rights you have. If you are on a low income or if you are a battling small business owner, you do not rate a mention under the Liberal Party's philosophy because might is right, and if you are big, you crunch the little person. The Bracks government is going to look after the workers and those small businesses that are the lifeblood of our rural communities. Certainly these new industry councils will ensure that the balances are right.

Why do many members of our community join a union? Because they want to be represented as workers, they want to collectively get together to negotiate with their employer through the union. In the same way, small business owners need a time to be able to have a bargaining agent, to collectively get together where they have a bigger person who is just handing out conditions, who is threatening to withdraw all their work and to send them broke. This bill will result in a significantly reduced number of bankruptcies across the state for small businessmen and small businesses, and I am really proud to be part of that. The inclusion in the bill of reference to the small business commissioner will certainly help.

The member for Swan Hill spoke about the market. The bill will ensure we have a fair market for all, and what we really need in our community is to give everybody a fair go. The time has passed when big business has control and dominates. We know very well that, for example, the Liberal Party relies on donations from big business and it does whatever big business wants, but fortunately this state has a government that looks after all sections of society.

Honourable members interjecting.

Mr MAXFIELD — We do; of course we do! Again I cast my eye to the federal government. We still have the small businesses of today going back to the federal government and saying, 'We need changes in the goods and services tax. We need relief'. The red tape which is drowning small business across this state is something which the conservative parties do not worry about. Why? Why is it that they want this? Because they know that big business sets up the computer systems across their businesses and those big businesses cope quite well with the onerous burden of the GST's introduction and its operation.

The people who really do it tough are the small business operators. They work 12 hours a day and then they have to go home and prepare their GST submissions. Those are the ones who are really doing it tough. What the GST is all about is ensuring that the highest paid in our society get tax cuts, that the lowest paid in our society pay more tax and that big business will get a leg up over small business, who have now had the burden of the GST placed around their neck as every small business operator in this state has become a tax agent first and a small business operator second.

I think about what our federal government is doing, but then I look with pride at this bill, which is all about not only protecting small business and the contractors but particularly looking after the forestry contractors who are hardworking people. I recently had the opportunity to visit one of the logging coupes in my electorate and to talk to some of the contractors. They are decent, they are hardworking people.

Mr Walsh — Don't sound so surprised!

Mr MAXFIELD — I have known they are hardworking, decent people. I know it may be a bit of a surprise to some members of the Liberal Party and The Nationals here, but those forestry contractors are good people. We know that there have been some practices in the past that have not been the best but they do a very good job in ensuring that their practices are up to scratch. Their biggest battle over the last few years has been over how they have been treated, their payments and the threat of foreclosure.

What we have done is deliver a sustainable timber industry through our restructuring, which means those contractors will have a guaranteed future. They can go forwards knowing that there is a government in this state that is backing them and is behind them all the way, because we are here to support all those in our community and to give everybody a fair go. I commend this bill to the house.

Mr SMITH (Bass) — Can I say that following a bull shipper from Benalla to then listen to a bullshitter from Narracan makes one really wonder what this place is all about. I cannot believe what I have just heard from the member for Narracan. I think it is an absolute disgrace to even accuse me just of being mates with big business. Listen, my friend, I was a spokesman for small business for a long time. I ran a small business for a long time.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Bass, through the Chair.

Mr SMITH — I speak through you of course, Acting Speaker; you have to remember I am directing it around that way. I know more about small business than the member for Narracan will ever think about in his whole life. There is hardly anybody on that side of the house who has ever participated in a business of any size, shape or form.

Mr Robinson — I have.

Mr SMITH — What, racing business? The members from that side come in here and want to start changing the world. This legislation that is being put forward, the Owner Drivers and Forestry Contractors Bill, is in fact government members saying to their union mates, 'We are here to help you. We are going to look after you. You contributed remarkably to our election campaign'. The Transport Workers Union gave \$368 000 to the Victorian ALP, and the Construction, Forestry, Mining and Energy Union has given \$707 000 in a few years of donations.

This mob comes in here thinking it is going to be able to improve small business by doing what it is doing here. It is not helping. It is hurting small business. It is hurting big business. It is hurting people who want to be contractors and run their own businesses by absolutely smothering them in red tape. For the member for Narracan to stand up and say that the conservatives are drowning small business in red tape is a joke, an absolute joke. Government members are the ones who are smothering small businesses and putting them out of business. I have said it time and again. With the legislation they wheel into the house they are driving businesses to the wall, not only in the state of Victoria but around Australia with all their socialist commo mates who are running the other states. They are an absolute disgrace! They are a pack of pinkos! They and what they are trying to do to our businesses are a disgrace to this country.

We heard the member for Ripon say the government is going ahead with this legislation to allow as much free enterprise activity as possible. You have to be joking! 'As possible' — as dictated by a socialist government; as dictated by communist unions that want to run this state and take control of people's businesses out of their hands. I think government members are an absolute disgrace in what they are doing.

The member for Narracan said everyone is entitled to a fair go. They are entitled to a fair go, but this type of legislation does not encourage business to go out and be creative. This is smothering small business in more paperwork, and it is just wrong. Like other members on the conservative side in this house, I have had people

write in to put their side of the argument — people who do not want to see this happen such as Kevin Fechner from Fechners Transport, which is a livestock, general and water cartage business.

Kevin Fechner is the president of the Australian Livestock Transporters Association, and he does not agree with this bill. Here is a businessman who is saying he does not think this is good legislation and it is not going to be anything that is going to help. It is not going to help that business to have committees that are loaded up with Labor Party hacks, loaded up with government-appointed bureaucrats and, worse still, loaded up with socialist trade union members who are going to control everything that happens within this community.

Whatever is going to happen with small business? This legislation is not just for livestock transport and it is not just for the forestry industry; this is for owner-drivers. This is for the small guys out there who have a van and want to pick up goods and deliver them and who have customers who want them to do it. Now they are going to have to sit down, sign up contracts, have agreements and work out what the costs are going to be. And that is going to be worked out by some government-appointed committee that is loaded up with people. I did not see too many people on that list who have any idea at all about how much it costs to run a business, how much it costs to move a package from point A to point B or how much it costs to move a truckload of logs from one side of the state to the other or even interstate.

These terms will be dictated. There will be a *Little Red Book* put out — we have seen it all, and we saw it in China under Mao — dictating terms to everybody in this country and in this state. These governments are setting out to try to ruin this country and the spirit of small business in it.

What the government is trying to do is wrong. I can say to it now: it will not succeed. The opposition has already said that it opposes this legislation and that when it returns to government at the end of November next year it will repeal this legislation and will go through other pieces of legislation that are against the principles of small business. We will repeal the legislation that is giving the trade union mates so much say over how people run their business. The trade union people are not people who are prepared to put in their own money. They are prepared to take the big payout, they are prepared to sit on their behinds when other people are out on strike, and they are prepared to stand up on the backs of lorries out the front of Parliament, but they are not prepared themselves to invest in

business. They want to try to dictate the terms of and how business is going.

I think what the government is doing is wrong. It is not doing enough to protect vulnerable businesses. Let me say to it that what it is doing is just not right. By bringing in this type of legislation it is taking away the industry's ability to be looked at under the Trade Practices Act and the control by the Australian Competition and Consumer Commission (ACCC) over what is going on in this business, and that is in the legislation — —

Mr Robinson interjected.

Mr SMITH — It is communist legislation. The member for Mitcham is right about that: he has admitted it.

The ACTING SPEAKER (Mr Kotsiras) — Order! The honourable member for Mitcham will stop.

Mr Robinson interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! I ask the member for Mitcham to stop, for a second time.

Mr SMITH — In this piece of legislation there is a provision for negotiating agents who can be forced into a negotiation that is going on between two parties who have a dispute. It does not matter that there are legal avenues or that there is common sense in just sitting down and talking about it. No, this bill allows negotiating parties — or should we call them unions? — to become involved and to dictate the terms, and by that I mean make decisions and dictate the terms to two people who are trying to resolve a dispute. I do not think that is fair. We know which side they are going to come down on, and it is not going to be on the side of small business, the side of the people who are actually investing their money in trying to move goods from one place to another. They are going to come down just on the side of the workers, because they are the people they are paid to represent.

I find this type of legislation deplorable. The way the government is going about it is disgraceful. It is seeking to take independent contractors in the transport and forestry industries — by stealth — into the union-controlled environment, which they do not want to be in. If they wanted to be in it they could have gone and joined unions. It is supposedly not compulsory, but we know there has been a great fall-off in the number of people who are in the unions and that the unions are now fighting for their lives and will do anything. They will use this government to introduce this type of

legislation, which we know it will get through on the numbers.

I say it again: we do not support this legislation. We will, as we and our shadow minister have said, repeal this legislation when we get into government. We are not interested in supporting you people — and when I say ‘you people’, I am talking about you socialists, who are running this state. We are not prepared to allow you to keep doing what you are doing. As I have said, we know that an information booklet will be put out.

It has to be provided three days before a job is done. I cannot imagine anybody ringing up looking for a contractor to move goods from point A to point B and saying, ‘I will give you this little red book; I have three days but hang on, I want the goods delivered’. We do not support this legislation. It is stupid and we would repeal — —

The ACTING SPEAKER (Mr Kotsiras) — Order! The member’s time has expired.

Mr LUPTON (Prahran) — It is a great pleasure for me to be able to make a contribution this evening in support of the Owner Drivers and Forestry Contractors Bill, which is a result of an inquiry into owner-drivers and forestry contractors that was carried out a little while ago by Industrial Relations Victoria. It is another example to the Victorian community of how the Bracks government is genuine about supporting small business in this state and making sure we have the right conditions for growth in jobs, economic growth and growing prosperity. It shows our support for small business in a number of ways, principally by making positive moves to rid the owner-driver industry of unconscionable conduct and to ensure that the dealings between contractors and hirers in this industry are conducted in a fair and reasonable manner bearing in mind the relative bargaining positions of each party to those contracts.

It should be accepted by all sides in this sort of argument that we want to promote competition that is fair and reasonable. Without fair competition we do not really have proper competition at all, and of course that ultimately leads to a reduction in economic activity, reductions in productivity, in efficiency and then fewer jobs and less prosperity across the state. Fair competition on the other hand will of course promote greater economic activity, a greater number of jobs and more prosperity, and this is the sort of philosophy that underpins the Bracks government and its approach in ensuring that there is greater and growing economic prosperity shared by all Victorians no matter where they live in this state.

We have heard quite a lot of ideological and fairly wild accusations and arguments put up by the members of the Liberal Party and The Nationals so far in this debate, and it is disappointing to see that parties that have in the past stood for fair and reasonable conditions between contracting parties are so ideologically hidebound and are opposing this legislation for rather spurious reasons. There is no sensible basis upon which anyone can support or encourage unconscionable conduct between contracting parties in small business in this state and this bill will clearly go to improving the contracting negotiating relationship between contractors and hirers in the very important area of transport of goods and services in this state.

Transport is one of the linchpins of our economic activity in Victoria; it is part of the lifeblood of the state. We are a great exporting state. This government supports our manufacturers and exporters. Without a thriving transport industry that is very much underpinned and supported by the owner-driver community, then we are certainly not going to see the sustained economic activity and growth in our services and exports that we need if we are going to keep job growth and prosperity going ahead in this state as this government intends.

This legislation will advance proper, fair and reasonable contracting between parties — between owner-drivers and hirers — by a range of methods, but the ones I want to particularly concentrate on are the codes of practice and industry councils. Codes of practice are not uncommon in a number of industries across Victoria. One of the areas that this bill deals with is forestry contractors. Forestry contractors already operate under codes of practice in their forestry work.

Forestry codes of practice in this state have been developed in similar ways to how codes of practice will be developed under this legislation. It is quite appropriate and reasonable that people who have been operating in the forestry industry and have appreciated the benefits of the codes of practice under which they have been working in recent years can now have similar codes extended into their negotiations with other businesses that they contract with.

Codes of practice are worked out between those who operate in the industry so as to make sure it operates on a fair, reasonable and transparent basis, as the power and negotiating positions may be different on comparing one contracting party with another. The codes of practice are in place so that all the contracting parties are able to understand their rights and their obligations. That is the essence of good business and good contracting principles.

Also industry councils will be established under this legislation. That is a good thing for the businesses involved because it means there will be representatives with industry expertise and experience that are able to advise on the development of codes of practice, and on the development and implementation of this legislation. Those with expertise in the industry will certainly be able to make a valuable and ongoing contribution to the operation of this legislation as it unfolds in years to come.

Another important area of this legislation is that of dispute resolution. From time to time disputes that arise between contracting parties are not necessarily able to be resolved quickly or inexpensively to the satisfaction of both parties because of the need to resort to costly and sometimes lengthy legal proceedings. Of course one of the ways in which this legislation seeks to resolve disputes quickly, cheaply and with a minimum of formality is by use of the landmark small business commissioner, which is a position established under legislation passed by the Bracks government in the past two years. That legislation established the Office of the Small Business Commissioner.

There are businesses in my electorate where disputes have arisen over, for instance, retail tenancy issues and with which I have been involved in arranging mediation through the small business commissioner. The small business commissioner has been able to resolve the differences between those businesses and make sure they were able to go on with the primary object of their working lives, which is to run their businesses and make a living for their families, not to be engaged or embroiled in costly and lengthy legal proceedings.

The small business commissioner has been a great success in this state. It is welcomed and appreciated by the business community, particularly the small business community of which this government and I are great supporters.

Alternative dispute resolution is one of the primary ways in which the legislation we are debating here tonight will assist those in the small business community — the owner-driver contracting community — if they do have difficulties and need to resort to some third party in order to help them work out any problems they confront during the currency of an owner-driver hirer contract.

In summary, this legislation is another example showing the Victorian community that the Bracks government supports small business. It supports and promotes fair competition, which is the key to continuing economic growth, to continuing jobs

growth, and to continuing growth and prosperity for all people in Victoria — whether they live in Melbourne or in country and regional Victoria.

Mr DELAHUNTY (Lowan) — I welcome the opportunity to speak on the Owner Drivers and Forestry Contractors Bill 2005. Like my colleagues in The Nationals I will be opposing this legislation. The Lowan electorate has a strong reliance on the transport industry, particularly the trucking industry.

Mr Robinson — Which industry?

Mr DELAHUNTY — The trucking industry, which is a very important part of the transport industry. There are many strong companies in my area which have gotten to where they are because of competition and, more importantly, because of the work they have done in building up their reputations — not because of government assistance. Most of these people want government to get out of the way and let them get on with their business but here we have legislation which they fear will direct them in how to do their business. On behalf of those people I will be opposing this legislation.

If the government wants to do anything for the trucking industry it should be providing more money for roads and bridges. That would help the trucking industry to deliver the mineral sands across my electorate and would help the blue gum industry that is developing and beginning to be harvested in my electorate. If the government wants to do something for the trucking industry, it should do something about the roads and bridges the industry travels on.

The main purpose of this bill is to regulate the relationship between persons who contract to transport goods in a vehicle or harvest forest products using motorised equipment supplied by them and the persons who hire them. There are many subclauses to this purposes clause. They are going to regulate any contract. How far is this government going to go in relation to contracts and doing business in this state? Most people are moving out of the state to do business because of the red tape introduced by this government. The hand of government is coming over their shoulder all the time — that is why people are moving out of the state.

Mr Robinson interjected.

Mr DELAHUNTY — Even the thoroughbred industry is moving out of the state. The reality is we will see more red tape, more lack of commonsense from this Labor government.

This bill will allow negotiating agents to be appointed. How does that comply with the requirements of the Australian Competition and Consumer Commission? I notice that the government has included a clause to try to exempt the bill from the ACCC. It will be interesting to see if the ACCC has anything to say about that. If you do it for one industry, why not do it for a lot of other industries? The ACCC was established for a purpose. It was even supported by former Prime Minister Paul Keating in relation to getting competition into industries in Australia to make them competitive. The member for Prahran, who is not in the chamber at the moment, spoke about the fact that Australia relies on its export industries. That is very true but unfortunately, because of the way this government in the state of Victoria is operating, we are getting more regulation and more red tape which is taking free enterprise away from the way we deal with other countries. We rely on export industries and we are becoming uncompetitive and are losing a lot of those industries. Just outside my electorate Motorway Tyres employs about 100 people. They have been knocked over because of the red tape and regulation in Victoria.

Mr Nardella — It is called the GST.

Mr DELAHUNTY — The member for Melton screams out about the GST — most of the industries I have spoken to think the GST has been a great boon to them. They understand the system. They are getting most of their costs back, and most of them are very happy with it.

I would like to talk about the other purposes of this bill. It will establish the Transport Industry Council and the Forestry Industry Council. I have a note here from the Livestock Transporters Association of Victoria. It highlights to me its belief that these councils will be dominated by government or union officials. It feels that it will have no say in relation to the codes of practice these councils will come up with or the rates that will be applied. How far do you go with small business in setting rates for every operation that happens?

It is interesting to note the things said by Labor in opposition. It was going to turn back the sale of the State Electricity Commission and the privatisation of the gas industry but those things have been of benefit to this community and nothing has been changed by this government. Here the government is going to regulate through codes of practice and putting in fees and structures under the transport and forestry industry councils.

Another purpose of the bill is to prohibit unconscionable conduct. That is appropriate but unlawful conduct is another matter. There are laws in this state that control unlawful conduct. So you do not need to bring in these two councils to regulate the industry and put the hand of government on the shoulder of every small business in Victoria. The livestock people are very concerned.

A local livestock operator came to see me last week. He is a fellow I have a lot of time for and have worked with before. He is a very decent person. He gave me a great insight into the concerns of livestock operators and other transport people. He is very concerned about this measure. He has been in private enterprise all his life: he has worked on farms, been in the transport industry as a private operator for many years, and run hotels. He has come to me for the first time since I have been in Parliament to raise his concerns.

Mr Robinson interjected.

Mr DELAHUNTY — No, he will not be the last. He knows if he comes to see me he will get an honest answer. He knows that I will stand up for these people, more so than the Labor people who will not stand up for the small business people in their community. He raised the concerns of his association and particularly what he considers the unworkable features of this bill. He says that most of the contracts have to be in writing. He says as a livestock operator his work is done by word of mouth and that his word or a handshake is his contract. He has been in business for 30 or 40 years and now he will have the government telling him how to write contracts for the people he has worked with for nearly 40 years. He is concerned that the owner-driver provision is so broadly defined that it will capture most family road transport businesses. He has been able to operate efficiently for the last 30 to 40 years and does not need to have the hand of government on his shoulder to enable him to operate.

Another key unworkable feature of the bill is that customers like farmers and abattoirs are caught as well as many contracts extending well outside Victoria. Other members of the opposition and members of The Nationals spoke about where we draw the line between the states. We have another border anomaly on this issue in front of us today.

Another issue he is concerned about is that the so-called friends of the industry — namely, the unions — are being given a strong say in relation to the industry councils. Where can he have a voice in that? He said it carves a new Victorian-based industry away from the oversight of the of the Australian Competition and

Consumer Commission. When I spoke to other people in my community, particularly the Livestock Transporters Association of Victoria, they agreed with The Nationals in wanting to get rid of red tape and have these businesses operating in a business environment that even this government will acknowledge has been great for the Victorian economy. Along with the Victorian transport operators they feel they are under direct threat and are really concerned about the legislation before the Victorian Parliament, the Owner Drivers and Forestry Contractors Bill. The Livestock Transporters Association of Victoria state:

This bill has enormous potential to tie up your business and livestock transporters in plenty of red tape. And, worse, the red tape can be expanded at the whim of government.

It is not only at the whim of the government but of the unions because, as we know, we are heading to an election. The unions will pressure the government into making more changes to support them. Under the legislation people can be subject to big penalties if they do not get it right. The Leader of The Nationals and the member for Gippsland East, spoke about the fact that they have small margins, which is understandable, but at the end of the day there will be a shakeout and we do not need the government to be putting its hand on their shoulders telling them how to run their small businesses in Victoria. Like my colleagues I will be opposing the legislation.

Mr TREZISE (Geelong) — I am also pleased to speak in support of the Owner Drivers and Forestry Contractors Bill. I am also pleased to be speaking after the member for Prahran, who is always well informed and contributes positively to debates in the house, the member for Narracan, and the member for Lowan, who has first-hand experience in dealing with constituents involved in the industry.

In speaking in support of the bill I am well aware that it is the result of an inquiry held by Industrial Relations Victoria. It is another example of the Bracks government supporting small business in Victoria. I say this based on the fact that the businesses we are talking about tonight are essentially small family businesses that battle to make ends meet. I can say this from a personal family experience in the transport industry. I have worked for a small family business in the transport industry in Geelong that employed less than half a dozen employees, and that is the type of company that we are addressing tonight with this bill. These transport businesses are predominantly run by family members.

Tonight we are not only addressing the transport haulage industry, but also the small family businesses in the forestry industry, including tree felling and

processed sawlogging, especially in my patch of the south-west region of Victoria.

The bottom line for me is that this bill is about the Bracks government again ensuring that small businesses continue to thrive, not only for their own purposes but to continue driving a large proportion of our state economy. I look back at the former Kennett government, which not only treated small businesses with great contempt but, as we are well aware, also treated regional Victoria, as has been said on numerous occasions and correctly so in this house, as the toenails of this state. The bill really separates out the Bracks government from the former Kennett government in that it is not only looking after and protecting small businesses and family businesses, but it is also ensuring that regional Victoria and electorates such as mine at Geelong continue to thrive ensuring that we provide jobs for people in small business.

The bill is important to owner-drivers who have, as the member for Narracan noted before, hundreds of thousands of dollars tied up in their rigs and trucks in this industry. The bill recognises the problems faced by these drivers and the importance of drivers and haulage contractors not only in the forestry industry but in the transport industry. We support the bill, because this government is all about supporting small business in regional Victoria.

The Bracks government will always look after people and will always look after small businesses and families who are battling to make ends meet. The end result of the bill will ensure that small businesses and small haulage operators continue to thrive in the industry.

The bill is about looking after small transport operators. It is about their not dying but surviving in an industry where their balance of negotiation power with large companies is very uneven. The economy of Victoria is driven by small business, by family businesses such as the companies we are addressing tonight, and the government will take steps such as we are debating tonight to ensure they continue to thrive. This is good legislation. It protects small businesses; it puts in place legislation that will ensure that small business continues to grow. I wish the bill a speedy passage.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Owner Drivers and Forestry Contractors Bill. The purpose of the bill is to provide some basic protection and a framework for the effective resolution of disputes, and to improve the position of vulnerable small businesses called driver operators. Owner-drivers are involved in a range of transport activities, including courier services, transporting of raw materials, finished

goods and agricultural products. On top of that they are GST collectors too. A substantial number of owner-drivers are on low to middle-incomes.

Some of them are migrants who have been in this country for less than five or six years who embark on an owner-driver business with a second-hand vehicle and a lack of business knowledge. Those new operators are not union members. There are a lot of struggling owner-drivers who live in my electorate. The road transport industry is characterised by small family-run businesses, and over 85 per cent of transport businesses have less than five employees.

There is significant evidence to show very low levels of earnings for owner-drivers, which leads to business failure. However, not only is the low and declining level of earnings of this group unjust and well below acceptable community standards, but the long hours of work to make ends meet puts all road users at risk. Many owner-drivers have working arrangements very similar to employees. They work for the one hirer and are subject to the direction and control of only one hirer. While electing to be a small business, they work just as employees. They are small businesses, but they are highly vulnerable business people.

I would like to focus on the issue of information imbalance between the contracting parties. This is a clear market failure in that owner-drivers have a lack of accurate information about the realities of the commercial relationship they propose to enter into. A number of measures in this bill address the information imbalance between the contracting parties. The bill provides that all ongoing contracts between owner-drivers or forestry contractors and those who engage them must be in writing and also specify the minimum income or hours of work under the contract. The figures must be stated so that parties have a clear understanding of their bargain. If the minimum to be paid is low, the contractor may rethink a decision to incur debts or invest in heavy equipment and may seek to negotiate a greater level of security.

The bill provides that each new driver must be given a rates and costs schedule three working days prior to the contract being entered into. These schedules will be developed by the industry council and made available to hirers at no cost. These schedules will set out typical overhead costs of the relevant class of small business based on the kind of vehicle and equipment supplied. In addition, information booklets will be developed on advice from the industry council and must be given to prospective ongoing contractors at the time of hiring. If a contractor has not been provided with either the information booklet or the rates and running costs

schedules in the prescribed manner, they will be entitled to make a claim to be paid at an appropriate and fair rate as determined by the tribunal. By definition this bill has no relationship to communism or unionism.

Those who represent people who exploit the owner-driver will oppose this bill. I support it. I commend the bill to the house.

Ms MUNT (Mordialloc) — I rise in support of the Owner Drivers and Forestry Contractors Bill of 2005. In the same way that many members from rural and regional areas, particularly Geelong, a very large provincial city, represent owner-drivers in those areas and the member for Narracan talked about the forestry industry, I would like to represent metropolitan owner-drivers and say a word in support of them, because this bill really does give added support to owner-drivers. I certainly have a lot of owner-drivers in my electorate of Mordialloc.

Owner-drivers are working longer hours for less money, which means they probably have to try to fit a whole lot more into their working day, which also has an impact on road safety. The bill provides a range of initiatives to support owner-drivers. It brings in codes of practice and dispute resolution mechanisms. The small business commissioner will have powers to involve himself in disputes and the codes of practice can be used by the Victorian Civil and Administrative Tribunal — —

The ACTING SPEAKER (Mr Kotsiras) — Order! The time appointed by standing orders to interrupt business has now arrived. The honourable member may continue her speech when the matter is next before the Chair.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Kotsiras) — Order! The question is:

That the house do now adjourn.

Minister for Major Projects: performance

Ms ASHER (Brighton) — The issue I have is with the Minister for Major Projects in the other place. The action I am seeking of him is that he stop his ridiculous public relations spin on major projects and get on with delivering major projects on time and on budget, which of course would be a first for any of the three ministers for major projects in this term of government.

I refer specifically to the project of the former fish market site, which also involves the aquarium extension and the removal of the Flinders Street overpass. In a nutshell the original completion date for this whole project was 2005 — this year. Now the completion date is 2008 — yet another example of a delayed project, in this case a three-year delay. The aquarium extension has been delayed for one year. It was originally to be completed in 2006; it is now 2007 — —

Mr Pandazopoulos — It is a private development.

Ms ASHER — It is a private development that completely hinges on the removal of the Flinders Street overpass. On 8 September 2000 the Minister for Environment, in his then capacity as the Minister for Planning, launched the former fish market redevelopment. Basically nothing happened until further press releases were issued in 2002. I refer to a press release from the Premier, dated 17 May 2002, which announced:

The western end of Flinders Street will be completely transformed under the state government's Yarra plan, the Premier, Steve Bracks, announced today.

On 28 October 2002 the then Minister for Planning issued a further press release, headed 'Days numbered for Flinders Street eyesore', referring of course to the overpass. Its demolition was commenced only last month. The former Minister for Planning told us in the press release:

The project is expected to be finalised by 2005, so that crowds can flock to the north and south banks of the Yarra in time for the Commonwealth Games in the following year.

Of course this will not happen. It was not until April 2005 that the current Minister for Major Projects announced that work will start — still future tense — on removing the overpass. This is the date when the whole project should have been finished. There was still a delay on this, with the actual work only getting under way on 2 June 2005.

What we have seen is a raft of press releases and very little action, accompanied by the usual budget blow-outs. My request of the minister is that he get on with the job and deliver just one major project on time and on budget.

Aquatic centres: Cranbourne

Mr PERERA (Cranbourne) — I address my remarks to the Minister for Sport and Recreation in the other place, in relation to recent representations made by the City of Casey for funding under the 2005–06 round of the Better Pools program pertinent to the

proposal for an aquatic centre in Cranbourne. The estimated cost of the proposed project is approximately \$21.5 million and the City of Casey's application to the government was for \$2.5 million. I now call upon the minister to take action to favourably consider a future resubmitted application from the City of Casey.

I take my hat off to the Minister for Sport and Recreation, who accepted an invitation from me and recently met with senior City of Casey personnel, councillors and representatives from Sport and Recreation Victoria to discuss the city's application. This is just another example of the Bracks government's resolve to listen to constituents and community stakeholders.

The application made by the City of Casey included detailed research, planning, financial modelling, context and the preferred facility design aspect. The study also noted that the expected number of visits to the proposed centre would be in the vicinity of 270 000 to 400 000 a year. The construction of the proposed Cranbourne aquatic and leisure centre would not only support my constituency, the residents of the city of Casey and visitors from around the region but also our beloved community and sports groups such as the Casey Tiger Sharks Swimming Club and the Cranbourne Arthritis Support Group, to name just two.

In view of all this, I now ask the Minister for Sport and Recreation in the other place to consider the City of Casey's application to the Better Pools program.

Taxis: multipurpose program

Dr SYKES (Benalla) — I wish to raise for the attention of the Minister for Transport the crisis in taxi services in many small rural communities. I ask that the minister review the country taxi industry as a matter of urgency with the intention of identifying and implementing a means of assisting country taxi services to ensure their continued existence. In particular I ask the minister to increase the cap on the multipurpose taxi program and to extend the eligibility criteria in recognition that taxis are a proxy form of public transport in country Victoria.

I also ask the minister to consider subsidising the cost of wheelchair-friendly taxis so the transport needs of frail and disabled people can continue to be met without placing undue financial strain on struggling rural taxi operators. This is an issue because wheelchair-friendly taxis cost around twice as much as normal taxis, but the operators of those types of taxis can still only charge a normal fare.

Recently the Essential Services Commission conducted a review of taxi fares. It recommended to the state government that there be an 8 per cent increase in fares. The commission also recognised the importance of taxis to country Victorian communities and noted that in the country — as I have said — taxis are a proxy form of public transport. Importantly the commission noted the impacts of the proposed fare increase on the most vulnerable and dependent users of taxis. To this end the commission recommends providing direct subsidies to these people as well as reviewing the scope and eligibility of the multipurpose taxi program.

It is also critical that the minister act immediately, because in my electorate Gayle Armstrong, the proprietor of the Euroa taxi company, is seriously considering walking away from her business. This would leave Euroa without taxis. Similarly Margaret Wilson, the Bright taxi operator, is struggling to provide a 24-hour, seven-day a week service. Both quote high fuel costs, a high percentage of unfunded and so-called dead kilometres travelled, poor returns for drivers and the cap on the multipurpose taxi program as having major impacts on the financial viability of their taxi services. Fuel costs and the so-called dead kilometres are difficult to address directly, but facilitating a greater use of taxis by increasing funding and reducing the cost of operating taxi businesses in country Victoria would help substantially.

I will be meeting local taxi operators on 1 August, when I expect to hear more from them first-hand about their problems. Therefore I ask the minister to agree to my request and identify and implement strategies to assist country taxi services so that I may provide this positive feedback to the taxi industry in my area.

Consumer affairs: TPG Internet

Mr LEIGHTON (Preston) — The matter I raise is for the attention of the Minister for Consumer Affairs in the other place. I call on the minister to have her department investigate TPG Internet. TPG has recently advertised a broadband package that is bundled with the facility to make cheap phone calls over the Internet. The company is also promoting the telephony service alone as a virtual phone card. I have a number of concerns about TPG. People are finding the service provider does not come up to the promised standard, and the company's terms and conditions are onerous, draconian and probably illegal. Connections drop out in the peak evening periods and are unreliable. Connection speed appears to degrade over time. This may be because TPG purchases the pipe from Telstra and then splits it too finely between its customers.

The TPG help desk offers very poor service when customers complain about the quality of the Internet or phone connection, with calls being repeatedly disconnected while customers are kept waiting. Customers are being billed for services that are not yet being provided, and they continue to be charged after they have cancelled their accounts. When signing up for TPG services, customers must agree to be bound by the company's standard terms and conditions. The box displaying the conditions is deceptively small, but if one extracts the text and formats it as a Microsoft Word file one finds it comes to over 9 pages. The terms and conditions are pretty dreadful.

Clause 1.3 states:

Customers should note that these standard terms and conditions . . . may be revised at any time by way of update on the TPG Internet web site. Customers are bound by any revisions as at the date they are displayed.

What sort of contract is this that may be amended at any time? In clause 3.6 customers are warned:

If an account is cancelled for any reason, neither the administration fee nor any unused time will be refunded.

Just to reinforce this point clause 8.2 states:

TPG may terminate the customer's account without notice and without refunding any credits paid for, but unused.

So TPG can cancel your account and keep your money. Clause 3.25 states:

The customer agrees that if TPG is asked to investigate a breakdown in the service at the customer's premises and upon investigation it is found that the fault is not due to TPG equipment, then the customer agrees to pay \$150 per hour during normal business hours (minimum charge is 1 hour) and \$250 per hour outside normal business hours for time and travel.

You would not be game to complain under these conditions. These dreadful conditions go on for nine and a bit pages, over 4000 words. I will provide the minister with a full copy of the TPG terms and conditions. In the meantime I advise Victorian consumers to stay away from TPG, both because of its crook contract conditions and its lousy service. I will be grateful if the minister would have her department investigate TPG.

Point Nepean Road, Mornington Peninsula: safety

Mr DIXON (Nepean) — I wish to raise with the Minister for Transport pedestrian refuges along Point Nepean Road on the southern peninsula. I ask the minister to provide funding so that some basic

pedestrian refuges can be installed between Dromana and Sorrento on Point Nepean Road.

I ask members to picture this: 100 000 to 200 000 people come down to the Mornington Peninsula on a regular basis, especially over Christmas, in the warm weather, at long weekends, Easter and during school holidays. The main reason they come to the Mornington Peninsula is to go to the beach. They want to walk along the beach, go fishing or swimming, or just relax beachside. On the beach side of the highway there are very few car parks. I think in the southern peninsula it would be fair to say there would only be possibly 200 car parks. How do those 100 000 to 200 000 people actually get to the beach they have travelled so far to access? They have to cross Point Nepean Road.

At many times of the year Point Nepean Road has 30 000 cars going along it. To cross it you have to actually weave through and cross between two-way traffic. Traffic is going in both directions and there are two bike lanes. Between Rye and Portsea there is only one set of traffic lights, so therefore, in that amount of traffic, there is no way there are even breaks in the traffic. Many people trying to get to the beach are carrying beach gear, they have young kids and prams, and they are taking their lives into their hands just trying to get across.

There is a simple answer and it is cheap too — that is, the installation of some concrete refuges so that when people cross the road at least they only have to get halfway across and then they can rest and wait for a break in the traffic to get across, rather than trying to do the whole lot in one go or, as so often happens, actually getting stranded halfway across, which is a very dangerous practice.

Some of the top priorities are in Blairgowrie at Point Nepean Road and Canterbury Jetty Road; in Sorrento at Point Nepean Road and Earlandson Avenue; in Rye at Point Nepean Road and Flinders Street; in Sorrento at Point Nepean Road and Hughes Road; in Sorrento at Point Nepean Road and Lister Avenue; and in Dromana at Point Nepean Road and Permien Street.

I wish to conclude my contribution with a quote from a letter written by one of the local police. It says:

I have seen some families park their car on Point Nepean Road, get out of their car with toddlers/belongings and prepare to go to the beach only 40 metres away. They are then confronted with waiting on a hot asphalt road, being distracted by screaming children and trying to negotiate their way across a busy road. This is particularly the case for single parents attending the beach with their children and having to take everything in one trip from the car to the beach. Some

families upon seeing a partial break in the traffic risk travelling across the road halfway and wait in the middle of the road for a break in traffic on the opposing carriageway. I reported on this problem three years ago and nothing has happened.

The simple answer is concrete refuges for pedestrians.

Employment: skilled migrants

Ms BARKER (Oakleigh) — I raise a matter for the Minister for Employment and Youth Affairs. I ask the minister to take action to ensure that qualified skilled migrants are assisted and provided with the necessary supports to adjust to the local labour market. As the minister would be aware, in the Oakleigh electorate, as in many other parts of the state, we are experiencing skills shortages, particularly in the field of engineering.

The feedback I have received from local industry and local government in particular is that whilst there are ongoing skills shortages in this field and efforts are being made through state sponsorship to fill these shortages, councils are still experiencing difficulties in attracting suitably qualified engineers who have local experience. Similarly, suitably qualified skilled migrants have informed me that they are experiencing problems securing employment in their chosen profession. They are unable to gain that local experience; therefore employers are unwilling to take them on.

There are also other factors that impact upon their ability to secure work, such as scepticism by employers about the strength and value of their qualifications as well as cultural barriers commonly experienced by new arrivals. We have had great success in Victoria in attracting skilled and business migrants — this has been widely reported — and there is no doubt that we are attracting the people we need to fill those skills shortages, but it seems that we need more emphasis placed on tracking and securing work experience for these individuals once they have come to Victoria.

It is imperative that training and mentoring be provided to ease their transition to our labour market. Specific training and job readiness assistance, such as work orientation, cultural awareness and business writing, would certainly assist these individuals. I became more aware of how this issue could be dealt with when I was approached by a constituent, Ikani Taliai, who was working at that time for Boroondara council. In 2002 he, along with Boroondara, developed a concept in partnership with the overseas qualifications unit, AMES and the Box Hill TAFE to provide experience through a voluntary program for engineers.

At that time 11 recently arrived professional engineers from eight different countries participated in this voluntary program. While they brought vast work experience with them, they were unable to gain employment because they did not have relevant Australian workplace experience. There were many multiple positive outcomes from that program, including auditing and compiling of data for the City of Boroondara, acquisition of local workplace experience for these participants and enhanced cultural diversity provided by the participants to the workplace. While unintentional, a further direct result was that seven of them gained full-time employment in the industry of their choice.

It was obvious to me that this program was very successful but, as I said, it was a voluntary program. There was a need to ensure a coordinated program which could be well supervised and evaluated. It seems to me that if this type of program could be successful for engineers, then it would be possible to look at many other qualified professionals who cannot get that local work experience. I again ask the minister to take this action.

Rail: Swan Hill service

Mr SAVAGE (Mildura) — I raise an issue for the attention of the Minister for Transport, and in his absence the Minister for Agriculture. The Swan Hill community has been very fortunate to retain its passenger train service. It is used by a number of people in my community who travel by bus across to Swan Hill. It is a 4.30 a.m. departure, so it is a very early start for mostly elderly people who are bereft of the normal transportation that most of us enjoy, like cars.

With the upgrade of the rail service from Bendigo to Sunbury there is some disruption to that service. There is an acceptance and understanding of that, but the V/Line service has declined to such an extent that I am getting a large number of complaints from people who have difficulty because there are not proper seat allocations. They are moved from train to bus and from bus to train. If you are elderly it is very difficult to move suitcases, and you cannot book your luggage from Swan Hill to Melbourne — you have to move it off the bus and onto the train, back and forth. There is no longer a buffet car on the Swan Hill passenger service to Bendigo, and after the bus arrives in Swan Hill people do not have time to purchase any refreshments before they get on the train. The most common complaint is that the toilets on the station are not properly cleaned, and that is a complaint I have received from a large number of people. They say the toilets are inadequate and not clean. I have had a

number of communications from the advisory committee for older people in Mildura and other citizens have mentioned the same sorts of things.

People accept the fact that there are some issues about the dislocation, which means that you have to get on a bus to travel from Bendigo to Sunbury and then from Sunbury you catch the train or you can go by bus to Bendigo. Often people come back to Spencer Street to catch the bus and are told that there is no bus, that there is a train to Sunbury and then the bus. It is a very difficult process, so I ask the minister to investigate the standard of service being provided by V/Line. It is an appreciated service, but there has to be more awareness of the difficulties for older people and the need to have seat allocation, some assistance to move their luggage and adequate toilets.

Consumer affairs: telecommunications companies

Mr TREZISE (Geelong) — Tonight I raise an issue for action by the Minister for Consumer Affairs in the other place. It is a personal issue, but I have no doubt that it is one that has affected many families throughout Victoria in recent years. It concerns children and teenagers with mobile phones being unwittingly roped into ongoing mobile phone charges for things such as downloaded ring tones and background wallpaper.

One only has to watch television programs pitched at teenagers, especially in the afternoons — I have two teenage daughters, aged 15 and 13 — to see the aggressive advertisements promoting what I call pop music ring tones and background wallpapers. To teenagers such as my daughters it all sounds like something that is harmless fun and pretty cool, but the bottom line is that it costs dollars, and the fee, in most cases ranging from \$5 to \$20, is automatically charged to the owners of these mobile phones.

The action I seek from the minister is to investigate this and take appropriate steps to ensure that young people are not inadvertently caught up with telecommunications companies that prey on the vulnerabilities of young people and teenagers in our community. In seeking this action I am well aware that Consumer Affairs Victoria regularly receives complaints from consumers who have been caught up in these ring tone charges.

As I said, it is of personal importance to me, having recently seen my 13-year-old daughter respond to an advertisement in a magazine. Of the \$30 credit that we provided her with on a monthly basis, \$20 was regularly being taken out without any notification from

what was, I think, a Singapore-based company. It is of great concern to me, and no doubt to many parents, that these promotions are dragging young consumers into unwanted debt at an early age. As most of us know, many young people are a little lacking in commonsense, they lack financial experience and they are vulnerable to aggressive marketing. I therefore urge the minister to take appropriate action immediately to address this issue.

The ACTING SPEAKER (Mr Nardella) — Order! I warn members that they should be careful when raising adjournment matters that affect their immediate families, because under standing orders that is not permissible. In this case it is fine, because the honourable member for Geelong used his family as an example, but it is not appropriate to raise such matters directly as adjournment issues.

Wonthaggi hospital: funding

Mr SMITH (Bass) — I rise tonight to seek the support of the Minister for Health to properly fund the accident and emergency department of the Wonthaggi hospital, or as it is now known, Bass Coast Regional Health.

The minister will no doubt be aware of a headline in last week's *South Gippsland Sentinel-Times* newspaper about doctors threatening a withdrawal of their services. This would have closed the accident and emergency department of Wonthaggi hospital and prevented any ambulances from travelling to the doctors' surgeries. These threats were brought about because of negotiations between the local doctors and hospitals aimed at testing one another's will.

To reacquaint the minister with the details, the local regional Wonthaggi hospital has a catchment of probably 35 000 to 40 000 public patients on a regular basis, and anywhere between 80 000 and 100 000 in summer and over long weekends. Any accident and emergency cases are taken by ambulance to the local doctor's surgery for attention. Depending on the severity of the problems the patients are then taken to the hospital's fully equipped accident and emergency department for treatment and the doctor follows up by attending the hospital to treat them. This is not satisfactory for a large regional area such as we have in Gippsland.

A recent report on health services in the Bass Coast area shows that they are amongst the worst in the state. The minister must be aware that she has to take immediate action to see that this problem is overcome. Since the report the minister, through the Department of

Human Services, has appointed a regional director, Val Callister, who we all know is a great old Labor Party member who was given a nice job by this government. Val has been given three months to supply a sustainable model that will overcome the problem. It has taken over 12 months to get the other report together, and now they are stalling it again for another three months.

I can tell the minister that the best way to overcome this is to fully fund the accident and emergency service at Wonthaggi hospital, allow the hospital to appoint full-time doctors to the staff and have the government pay them to work in accident and emergency. Then we will be over the problem and have a proper health service for the people in the Bass Coast area. The minister has to remember that the Kennett government supplied the accident and emergency service at the hospital. The hospital has a great emergency staff but no doctors. All the minister has to do is supply the money to put some doctors in there, which would take away the need for ambulances to visit doctors surgeries. That would allow doctors to treat patients who come to their surgeries with minor problems, so they would not have to go to a hospital accident and emergency service, as they normally do, to be treated.

I ask the minister to consider this, because it is an area that really needs her help. It needs money to be put into it. We have a great hospital down there and we have great staff, but if they cannot treat people it is not much use having the hospital.

Building industry: treated timber

Mr ROBINSON (Mitcham) — I want to raise an issue for the attention of the Minister for Planning in his capacity as the minister responsible for overseeing building standards in the state of Victoria through the work of the Building Commission. I am seeking from the minister an undertaking that he will have the Building Commission investigate claims which surfaced in New Zealand last week about building timber treatment. I, along with a few other members of the Economic Development Committee, was in New Zealand last week. On 12 July — —

Ms Asher interjected.

Mr ROBINSON — No, that is certainly the case — not a junket at all. On 12 July the *New Zealand Herald* led with an article entitled 'New rot fears for 10 000 home owners: spray-on chemical allowed despite concerns', and with the house's indulgence I will read some of the article:

The home building industry is in fresh turmoil, with claims that framing timber in thousands of homes built in the past 15 months has not been effectively treated and could rot.

Building experts say timber treated with a spray-on boron preservative is being used in external wall framing in place of traditional boron-soaked timber, which safeguards against borer and moisture. The timber is coded 'T1.2', and its distinctive orange coating is dubbed 'Agent Orange' within the trade.

Last night it was claimed that the timber could have been used in as many as 10 000 homes and apartments.

However, the firm which makes the preservatives says its product has been rigorously tested.

The Building Industry Authority approved the use of boron-sprayed timber in April last year, within six months of a law change reintroducing treatment to H1.2 grading as a requirement for framing timber after the leaky buildings scandal.

The law change requires 'complete sapwood penetration', but the new product is a surface spray which experts claim does not adequately penetrate the wood.

Timber treated this way is widely sold by timber merchants as equivalent to H1.2 grade treated pine but labelled 'keep dry'.

Scientist Robin Wakeling says the surface spray does not penetrate wood as well as traditional soaking and is liable to wash off if it gets wet. Dr Wakeling, a former Forest Research Institute scientist and now a consultant on leaky building issues, raised concerns before its introduction but says these were ignored by the BIA.

I have no idea whether the practice of building in New Zealand is followed exactly here or vice versa, but it would seem to me that the concerns raised in the *New Zealand Herald* last week are serious enough to warrant the Building Commission in this state at least examining the practices that are undertaken in Victoria to ensure that, if there is a need to similarly examine the framing timber treatments, it be done at the earliest possible opportunity.

Responses

Ms ALLAN (Minister for Employment and Youth Affairs) — I am very happy to respond to the member for Oakleigh, who has done a terrific amount of work and been a great advocate for and one of the key people involved in initiating this project within the government. She has been an important link for those who want to see more support for getting migrants with skills into the engineering area, for getting those skills recognised and for getting them connected to employment opportunities in the local government area.

I just want to put on the record this evening my appreciation of the work that the member for Oakleigh has done in conjunction with my office and the

Department for Victorian Communities in having this program established. It has been a great partnership. I also want to mention very briefly that this project is being delivered in conjunction with local government. I particularly want to recognise the role of local government as a partner in this project. We are also getting support from the Future Focus Group as part of the Committee for Melbourne and Engineers Australia, which is providing mentors for these migrants, who will be undertaking 15 weeks paid work experience in local government. The Bracks government is providing funding of over \$200 000 to help this project get off the ground and link local councils with experienced engineers. It will help people from overseas to get their skills recognised and link them with employment opportunities.

We know engineering skills are in demand right across Victoria. There are lots of areas in local government that want to employ engineers, and through the work of the member for Oakleigh and the organisations I have mentioned we are putting in place a program that will help link migrants who have engineering skills to job opportunities.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Agriculture to respond to the matters raised by the honourable members for Brighton, Cranbourne, Benalla, Preston, Nepean, Mildura, Geelong, Bass and Mitcham.

Mr CAMERON (Minister for Agriculture) — Acting Speaker, the nine honourable members you have mentioned have raised matters for ministers, and I will refer those matters to them.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.32 p.m.

