

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**29 April 2003
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By authority of the Victorian Government Printer

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Tuesday, 29 April 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act
Retail Leases Act
Shop Trading Reform (Essential Goods Amendment) Act
Small Business Commissioner Act
Terrorism (Community Protection) Act

COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Commonwealth Games).

MELBOURNE CRICKET GROUND (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

MAJOR EVENTS (CROWD MANAGEMENT) BILL

Introduction and first reading

Received from Assembly.

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

SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

QUESTIONS WITHOUT NOTICE

Shop trading hours: Easter Sunday

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Honourable Marsha Thomson, Minister for Small Business. I refer the minister to the confusion and anger surrounding the Easter Sunday closure of retail stores that led to an assurance given by the Premier on 3AW that a review of the whole sorry outcome will be undertaken. I ask the minister to advise what form the government's proposed review of the Easter Sunday shutdown will take and whether it will involve a process of consultation with industry associations and retailers.

Hon. M. R. THOMSON (Minister for Small Business) — In relation to Easter Sunday, I do not believe the level of confusion was anywhere near as great as the opposition would like to make out, nor was it as great as the Australian Retailers Association Victoria would like to make out.

The vast majority of retailers adhered to the requirements on Easter Sunday. Those who could open because they were exempt were able to make the choice of whether to open or not open of their own free will without having to worry about whether major competitors would be open. Those who could not open because they were not exempt chose to close their doors as per the legislation.

The vast majority of businesses did abide by and adhere to the requirements under the legislation. During this time we asked Victorians to take the opportunity to go into country Victoria, and anecdotally the indications are that they took up that call to visit the bushfire areas and to support the local tourism industry and local communities in those bushfire-affected regions.

With any new legislation that comes into place one can expect there will be some who are a little confused about arrangements that are put in place, and as time transpires I think we will find that people will appreciate the arrangements over the Easter period. After all, there were no problems with Good Friday, Anzac Day or Christmas Day up until this point, nor will there be longer term problems with Easter Sunday.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I note that Brian Donegan of the Australian Retailers Association said Easter Sunday was an absolute debacle, while Neil Coulson of the Victorian Employers Chamber of Commerce and Industry said the Easter Sunday closure was a retrograde step and that the government's

legislation created an anomaly. I also note that Jennifer Flanagan of the Master Grocers Association of Victoria and a member of the minister's Small Business Advisory Council described the Easter Sunday trading closure for supermarkets as a mess and said it actually worked against the interests of the small retailers it was supposed to protect.

I notice the minister has given absolutely no response on the review that I asked for in the previous question. She might consider that in the context of a supplementary question, and I ask the minister: will she accept the industry views that in fact the Easter Sunday closure was a total fiasco and definitely needs a review by the state government?

Hon. M. R. THOMSON (Minister for Small Business) — I do not adhere to the thinking that the Easter arrangements were a debacle. I always have my door open to talk with industry associations and always will have my door open to talk to industry associations as they would willingly attest to. We will also be prepared to talk to them in relation to trading hours on an ongoing basis. The commitment by the government was to close the shops on Easter Sunday. We met that commitment, and we intend to continue to meet the commitment to have shops close on Easter Sunday.

Housing: seniors

Hon. KAYE DARVENIZA (Melbourne West) — I refer my question to the Minister for Housing. Will the minister tell the house what action the Bracks government is taking to support older persons living in public housing, particularly in high-rises?

Ms BROAD (Minister for Housing) — I thank the member for her question and her commitment to public housing. The Bracks government is deeply committed to the needs of older public tenants. It should be remembered that around 20 per cent of all public tenants are aged more than 60 and that this group accounts for some 27 per cent of all tenants in high-rise flats. This compares with around 18 per cent of Victorians who are aged over 60, so these tenants represent a very special constituency. It should also be remembered that some 98 per cent of tenants in the dedicated older persons high-rise flats live alone.

In recognition of this the Bracks government has boosted funding and support to elderly Office of Housing tenants in high-rise since we were elected to government. The Bracks government has funded 11 support workers for the 13 older persons high-rise towers in Melbourne in order to better connect with tenants and to provide support and activities to those

tenants. This is in stark contrast to the previous Liberal-National party government which did not fund any such positions and which in fact cut funds to tenant associations.

Activities include language and interpreting services, social activities, community gardening and skills development including computer training. Across Victoria, under a Bracks government initiative, some 14 new specialist housing coordinators and 78 tenant workers have been funded to provide additional support to tenants including frail, older tenants. That is an increase in tenant workers of around 1 from the previous government. Since its election the Bracks government has increased funding for tenant groups by a massive 800 per cent: under the previous government in 1999 the last provision was \$60 000; to date under the Bracks government almost \$500 000 has been provided to support tenant groups — quite a contrast.

While we encourage active community participation, the fact is that not all tenants choose to engage with on-site services, and this government respects the right to privacy of those older tenants.

The Bracks government is also turning around the shameful neglect under the previous government of the physical condition of high-rise properties, making them both safer and more welcoming. This government has doubled expenditure on security and is spending \$70 million on upgrading the high-rise units compared with a shameful \$7 million in the life of the previous Liberal-National party government. That government spent less money on high-rise flats — assets worth billions of dollars — than it spent on refurbishing the Premier's office at 1 Treasury Place!

This government is committed to delivering support to older public housing tenants in stark contrast to the shameful neglect and the withdrawal of support by the previous Liberal government.

Shop trading hours: compliance

Hon. B. N. ATKINSON (Koonung) — I note that there was a dispute between the Minister for Small Business and the Premier in regard to a review. I also note that the Easter Sunday shutdown of shops saw a dispute between the Minister for Small Business and the Minister for Police and Emergency Services over the wasteful use of police resources to investigate and prosecute retailers for illegal trading. I ask the Minister for Small Business if she is aware of any prosecutions pending for illegal trading on Good Friday, Easter Sunday or Anzac Day this year?

Hon. M. R. THOMSON (Minister for Small Business) — I point out that since 1996, when the then Kennett government moved and passed the shop trading legislation in the Parliament, the police have been responsible for compliance in relation to shop trading. There is nothing new about who is responsible for compliance in relation to shop trading hours. It has been the police force since 1996. It has responsibility for Good Friday trading; it has responsibility for Anzac Day morning and for Christmas Day. Nothing has changed except the addition of Easter Sunday. It is exactly the same regime that has applied since 1996. Nothing has changed. In relation to prosecutions my department is liaising with the police about compliance issues and is following up on that matter.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — Given the confusion caused by the government surrounding the Easter Sunday shutdown, is the minister prepared to provide an amnesty for retailers this year or is she in fact referring complaints received by her office to the police for enforcement?

Hon. M. R. THOMSON (Minister for Small Business) — I remind members of the house that Victoria still has the most liberal shop trading hours of any mainland state. Shops are able to be open 24 hours a day, 7 days a week, 361½ days of a year. It is an awful lot of time. We are only asking them to close for 3½ days. It brings us in line now and is consistent with all Australian mainland states.

In relation to businesses which have inadvertently opened, of course we would not take action or seek for the police to take action against those who may inadvertently have opened. We are conscious of the fact that this is the first year that the act has been in operation. We would not expect that those who inadvertently opened would be followed up by police.

Small business: Trade Practices Act inquiry

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Small Business, the Honourable Marsha Thomson. As the Victorian government has made a submission to the federal government's Dawson inquiry into the Trade Practices Act, can she advise the Council about the outcomes and the likely effect on Victorian small businesses?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. On 16 April the federal Treasurer released the federal government's response to the Dawson report. A

couple of matters in that report were, I think, welcomed by small businesses. They were the streamlining of the ability for small businesses to collectively bargain when dealing with larger businesses, and the ability for there to be criminal sanctions against serious cartel behaviour — two initiatives the Victorian government welcomes. However, it is disappointing that the federal government did not see the need to support small business in a far more comprehensive way that would genuinely promote a fair and competitive marketplace for it to operate within.

The Victorian government made a submission to the Dawson review in which it suggested that there should be an investigation into the strengthening of section 46 to cover predatory pricing and price discrimination and the strengthening of section 50 to protect against creeping acquisitions. If these changes were adopted they would cement the capacity for small business to compete in the marketplace in a more fair and competitive way.

Unfortunately the federal government did not see fit to follow through on these areas. That is in stark contrast to what this government has done here in Victoria with the establishment of the Small Business Commissioner. It is unfortunate that the federal government not only did not adhere to the submission made by the Victorian government but did not listen to the submissions made by a number of associations that represent small businesses across the country.

The reason why it was probably even more important for the federal government to act through the Dawson review on trade practices is that the recent High Court decision in Boral brought section 46 into dispute. This flies in the face of the intent of the federal Labor government when it introduced the improved section 46 in 1985. The second-reading speech states that an effective provision controlling misuse of market power is most important to ensure that smaller businesses are given a measure of protection from the predatory actions of powerful competitors. We now have a Trade Practices Act that no longer meets the intent of the legislation when it was introduced into Parliament.

I have to say that I agree with Alan McKenzie of the National Association of Retail Grocers of Australia when he says that the federal government's response shows its total disregard for small business and that it has now sold out small business.

The Bracks government will continue to act to protect our vibrant small businesses, but its capacity to act relies on a vibrant Trade Practices Act, and it needs to be effective.

This matter has been placed on the agenda for the ministerial council meeting of small business ministers, and I will certainly pursue it with the federal small business minister on that occasion.

Victoria has yet to be consulted on the recommendations, as is required. That will occur over the next three months, and we will certainly be putting a very strong case on behalf of Victorian small businesses.

Shop trading hours: Easter Sunday

Hon. W. R. BAXTER (North Eastern) — I desire to ask the Minister for Small Business a question. I have listened to her response to the two questions asked by the Honourable Bruce Atkinson. I therefore ask the minister: is she satisfied that the shop trading environment applying over Easter achieved the objectives she claimed in the urgent amendments she put through the chamber earlier this sitting?

Hon. M. R. THOMSON (Minister for Small Business) — We are still of course having to look at how the Easter period trading worked throughout Victoria, and we will certainly be looking for information about that. But we do believe that on the whole the objectives of the government for the Easter trading period were met and adhered to.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I refer a supplementary question to the Minister for Small Business. Bearing in mind the remarks in the second-reading speech the minister made introducing the legislation and her comments in answer to my principal question, does she believe families operating businesses in areas of Victoria which she exempted from the provisions of the act had a better or worse Easter than families operating businesses in other parts of the state?

Hon. M. R. THOMSON (Minister for Small Business) — The commitment we gave prior to the election was to give genuine small businesses, the very smallest of businesses, the opportunity to make choices for themselves. They did not have that choice in any real sense if their larger competitors were open. Many Victorian small businesses had raised that issue with me. The opportunity was given to them to make that choice. Over the Easter period we gave councils an opportunity to seek exemptions based on their community requirements and existing festivals and events, where they had consulted with their businesses,

to give them a chance to enhance those activities. We believe that worked well — —

The PRESIDENT — Order! The minister's time has expired.

Sport and recreation: industry awards

Mr PULLEN (Higinbotham) — I refer my question to the Minister for Sport and Recreation, the Honourable Justin Madden. I refer to the minister's demonstrated commitment to promoting sport and recreation. I ask the minister to advise the house what action he has taken to encourage and reward individuals and organisations across the sport and recreation industry in Victoria.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question and his commitment to and interest in the sport and recreation sector. I am pleased to announce today the inviting of nominations for the 2003 sport and recreation industry awards. These awards have been running for a number of years now. It is important for these awards to occur because they recognise and reward achievements in the industry across the state. Because we have a fantastic sport and recreation sector, sometimes we do not fully appreciate its depth and breadth of talent and the level of skill and ability. Often we take that for granted because we believe — as even the opposition believes, I suspect — that Victoria is the sporting capital of Australia if not the world. Hence we often underestimate the talents of people in the sector.

These awards are an opportunity to reward and showcase the talents and skills within the sector not only to those within the sector but also to the broader community. It is also a great way to show others in the sector ways in which they may adopt innovative, creative or new techniques in relation to administering or practising sport or working within the sector generally.

Ten awards will be presented at the awards ceremony in September. Each award will include a cash prize, a trophy and a certificate. The cash prizes are fairly substantial — in the order of thousands of dollars — so it is certainly worth being nominated. If members of the house feel they know of sporting groups worthy of nomination I encourage them to nominate on behalf of those communities so that not only do they get a chance at the award but also they get recognition within their broader local community.

I am also pleased to announce that this year we have opened the field a little bit more to recognise innovative

small business practice in the sport and recreation sector. The small business minister has been a great advocate of this, and I am pleased to be able to say that this will be an opportunity to showcase and acknowledge the performance by small business in the sport and recreation industry. It is designed to incorporate all aspects of business management as well as innovative product and service development within the sector.

Last year 6 of the 10 winners came from regional Victoria. They provided an array of statewide services — for example, Netball Victoria. We saw the Royal Life Saving Society win the penultimate award for its contribution of improving water safety across Victoria, largely through its volunteer ranks and community-based clubs.

As well as that we saw Ken Watson receive an award. For those who do not know their sport well, Ken Watson won the award for volunteer involvement for his 60 years of service to sport, particularly in the area of basketball. I understand that at 83 years of age he was still coaching juniors at the under-10 level. That just shows you the quality of the commitment of these people, who are often underestimated. The awards are a great opportunity to showcase sports and the individuals involved.

For those who are interested, nomination kits are available from peak sporting and recreation associations and local councils from this month, or a kit can be downloaded from the Sport and Recreation Victoria web site. Nominations close on 13 June 2003.

Again I encourage members in the chamber and people in their local communities to consider nominating and get on with the job of ensuring that sport and recreation in Victoria — —

The PRESIDENT — Order! The minister's time has expired.

Tipstar: revenue

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Sport and Recreation. I refer to the government's policy commitment to provide \$4.6 million in funding to sports medicine from the Tipstar national footy tipping contest. To date how much of that \$4.6 million has flowed into sports medicine from Tipstar?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question. Members of the house may appreciate that the Tipstar footy tipping competition was set up under the previous

Bracks government and would also appreciate that responsibility for the Tipstar competition itself rests with the Minister for Gaming.

But some of the flow-on effects from the revenue generated by the Tipstar competition will flow on into sport and sports medicine, and the government has taken up initiatives in those areas. As members would appreciate, we have made some significant improvements in the area of sports medicine, particularly in relation to developing technical skills and encouraging best practice in sports medicine.

Members would appreciate that the Tipstar competition was ambitious in relation to those who tendered for the project, and I understand significant contributions have been made to women's sport as well as to sports medicine through the Tipstar competition.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I take from the minister's answer that very little cash has come out of that program. Given that the Tipstar operator, Footy Consortium Pty Ltd, has accumulated losses of over \$5 million for the past two years, when can the community expect the benefits the government promised?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As would be appreciated, the Minister for Gaming administers the Tipstar competition, and the competition is privately provided for. It has probably not necessarily been as successful as those in the consortium may have wished it to be. Quite substantial licensing fees were received by the government, and those fees have seen a significant contribution made to women's sport, in particular. Top-up funds — —

Honourable members interjecting.

Hon. J. M. MADDEN — There has been a significant contribution to sports medicine in this state. Again, they were top-up funds because of the neglect shown by the former Kennett coalition government. We are proud to have seen those top-up funds contributed to sport and recreation in this state.

Fuel: ethanol labelling

Ms ROMANES (Melbourne) — Can the Minister for Consumer Affairs please inform the house whether the commonwealth government has yet made any move to introduce the labelling of ethanol at petrol pumps so that consumers are aware of what they are actually putting in their tanks?

Mr LENDERS (Minister for Consumer Affairs) — I thank Ms Romanes for the question and her ongoing interest in this area. As members of the house are aware, I have recently announced that the Victorian government will introduce mandatory labelling at the pump from this Thursday, 1 May. This will let consumers know the amount of ethanol in the fuel they are buying at the petrol pump.

These new laws are being introduced because consumers have a right to be informed about the ethanol content in fuel and to be warned about the use of ethanol-blended fuels.

However, the Victorian government's lead in labelling does not mean that the commonwealth is off the hook. I have now twice written to Dr Kemp, the federal minister, to let him know that the Victorian government continues to support the need for nationally consistent labelling regulations, but he has not had the courtesy to respond. His chief of staff, Dr Poggioli — that great architect of the Liberal efforts in 1999 — sent an acknowledgment letter which said that Dr Kemp would reply to me as soon as possible. We are still waiting to hear from Dr Kemp, who did say in a press release on 19 February this year:

The commonwealth will now take action . . . I expect to be making an announcement shortly and hope that motorists will see labels on petrol bowsers within the next couple of months.

Victorians will see labels on petrol bowsers this week, the day after tomorrow, not because of any decisions or announcements that Dr Kemp or his accomplice Dr Poggioli has made, but because we in Victoria have taken the lead and will introduce a labelling system that will commence this week and will give consumers greater confidence when they buy fuel.

I understand, following Victoria's lead and some lobbying from industry, the commonwealth government recently announced its intention to cap the ethanol content in petrol at 10 per cent and to require mandatory labelling of ethanol-blended petrol, but when these requirements are expected to start remains a mystery.

I urge the commonwealth to get on with the job, like the Victorian government has. The Victorian government has moved to protect the interests of consumers following a lack of action by the commonwealth. What we have had from the commonwealth is a lot of hot air, many press releases, a lot of meetings, a lot of commitments and a lot of task forces and do-nothing over a long period while it has tried to juggle the policy imperatives of its business supporters in Queensland on the one hand and

consumers on the other. The commonwealth government has been incapable of making a decision; it is a jellyback government. The Victorian government has shown the lead, taken the stand and moved. As a consequence Victorian consumers can go to petrol stations with a degree of confidence, unlike, sadly, the rest of the country.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer the Minister for Commonwealth Games to the Commonwealth Games village site at Royal Park. Will the minister assure the house that the rezoning of that site will be subject to a full public exhibition and submission process under part 3 of the Planning and Environment Act and will not be granted a ministerial exemption?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question because, firstly, he has displayed his ignorance and shown he is wrong by asking the question in the first place. He intimated that the games village will be in Royal Park. It is not in Royal Park, which is some way away from the Commonwealth Games village site.

I suggest that if opposition members are really interested in where the village site will be they should visit the site. They will then know that it is not part of Royal Park, it is part of Parkville. Why? It would not hurt members opposite to go down to that part of the world, to get out into the real world every now and again. We know they do not, they like to sit around on red velvet for most the time while we are getting on with the job. We know the opposition is divided, does not care and stands for nothing. If opposition members got out in the community a bit more, the community would know that the opposition stands for nothing.

The village will be in Parkville at the former psychiatric centre site, and if honourable members go down there they will see that it is not far away from a number of other facilities which are a similar distance from Royal Park. It is down behind the Commonwealth Serum Laboratories, beside the juvenile correction facility, alongside the freeway. It is an appropriate site for the village, and we will ensure that that village is delivered on time and on budget.

Hon. G. K. Rich-Phillips — On a point of order, President, the question related quite clearly to the government's intention with respect to the provisions of the Planning and Environment Act and whether the minister would provide an exemption for this site under that act or whether it would go through a full public

process of exhibition and submission. The minister has not addressed the question in any shape or form.

The PRESIDENT — Order! With respect to the point of order, the minister has been responsive to the question that was asked. The honourable member has an opportunity to ask a supplementary question. If he wishes to take it up, he has that opportunity.

Hon. Bill Forwood — In what way was it responsive?

The PRESIDENT — Order! The honourable member asked a question with respect to Royal Park and the minister responded.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Will the minister subject the village site to a full planning process for the rezoning, requiring exhibition and submission to a panel under the Planning and Environment Act, or will a ministerial exemption be provided?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Again the honourable member displays his ignorance about these matters, and I suggest that he should read the Commonwealth Games Arrangements Act, which encompasses all of these issues and the method in which the public planning consultation will take place.

The honourable member would then also appreciate that an expert planning advisory panel has been established under the committee framework within the legislation, that that will deliver advice to the minister, and the minister will make a determination under that provision. I suggest that the opposition spokesperson for the Commonwealth Games reads the legislation, informs himself of these matters and stops displaying his ignorance in the chamber.

Energy: retail competition

Mrs CARBINES (Geelong) — I refer my question to the Minister for Energy Industries. Can the minister inform the house as to what the Bracks government is doing to protect the interests of household and small business consumers in the Victorian energy market?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for her question. I know that she is interested and concerned for domestic consumers and businesses in her electorate, as I know all government members are.

The Bracks government is committed to providing a secure, reliable and, most importantly, affordable supply of electricity and gas for Victorians. In order to do that we began the process in January 2002 of introducing full retail competition in the electricity industry, and in October 2002 we introduced full retail competition in the gas industry. This competition is designed to assist small businesses and retail consumers to get a better deal in their energy needs. But we also introduced a consumer safety net in order to protect consumers during periods in the lead-up to full retail competition actually becoming effective; so we are attempting to protect consumers.

Hon. Bill Forwood — There is a logical inconsistency there!

Hon. T. C. THEOPHANOUS — No, I do not think there is any logical inconsistency, Mr Forwood. We are protecting consumers in the lead-up to the full effects of retail competition, bringing those benefits to both small business consumers and other domestic consumers, especially protecting low-income consumers of electricity and gas.

The government will soon introduce legislation to extend the duration of the consumer protection safety net for a specified period to December 2004. A great deal of thought has gone into this, and I have examined the question of how well the competition is working. The current churn rates in the electricity industry are up to 6 per cent or 7 per cent. The churn rates in the gas industry are about half that level. I have received good advice that we should expect to have churn rates of around 10 per cent or 15 per cent before one can talk about a mature market in that industry. We are not quite there at the moment, and the government has responsibly decided to maintain the reserve power to be able to set prices in order to protect small businesses and consumers, as occurred recently, until 31 December 2004.

The mess the government was left with in regard to the market was the result of the previous government's privatisation. Indeed some newspaper articles over the weekend pointed to that, independent of what I might say. I encourage members to read Rod Myer's article in the *Age*, in which he said the Kennett government's model for privatisation of the State Electricity Commission of Victoria was never intended to survive because it was so fragmented.

Nigel Wilson's article in the *Weekend Australian* is even more direct. It quotes industry analyst Robert Booth, who says that the former Kennett government

artificially fattened up the industry and created the current mess.

To protect consumers from the adverse effects of the flawed privatisation, the government will retain consumer protection until 2004.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1–5, 93–95, 97–111, 116–122, 125, 130–132, 135–137, 140, 141, 161–165, 169–172, 177, 180, 181, 219–221, 311, 316, 321, 333–340.

MEMBERS STATEMENTS

Shop trading hours: Easter Sunday

Hon. ANDREA COOTE (Monash) — I condemn the Minister for Small Business for the confusion and expense she caused the people of Victoria as a whole and my electorate of Monash Province in particular. Her ill-conceived, careless and flawed shop trading reform bill caused havoc at Easter for the businesses in Monash Province.

Roger Bancroft of Bancrofts Dry Cleaning in Toorak Road, South Yarra, runs a very successful small business providing a professional and flexible service. Mr Bancroft told me that he had lost a fortune over the Easter period because he was forced to close on Sunday. The Sunday closure caused anger and confusion among his customers, and he informed me that other businesses in the Toorak Road area were similarly affected. This is a prime Melbourne tourist sector.

The minister pandered to her union bosses at the expense of the people of Monash Province. I was shocked to learn that many union members were taking an 11-day holiday over the Easter and Anzac Day period. This is not the Minister for Small Business; this is the minister against small business. Shame on the minister!

Anzac Day: Creswick and Melbourne

Ms HADDEN (Ballarat) — I pay tribute to the Creswick sub-branch of the Returned and Services League for its commemorative service on Anzac Day. I attended that service, and it was truly remarkable. Part

of the memorial service was significantly led by the Creswick Blue Light — —

Honourable members interjecting.

The PRESIDENT — Order! Can we have some quiet in the chamber?

Ms HADDEN — The Creswick and District Memorial Band was also part of the service. I was very proud to lay a wreath at the memorial monument.

That evening I also attended the Anzac Day commemorative dinner as a guest of the Melbourne Turkish Centre and Mr Ramazan Altintas, JP, president of the Turkish group. That was very memorable. A special guest at that function was Bruce Ruxton, the past president of the Victorian Returned and Services League. It was good to see Mr Ruxton looking so well.

Anzac Day is a very special day for all of us, and at the going down of the sun may we always remember them and their ultimate sacrifice.

Local government: rate notices

Hon. J. A. VOGELS (Western) — I wish to raise the very legitimate concern affecting Victorian ratepayers on the present practice of issuing final notices on rates and charges by municipalities allowing for the option of quarterly instalments or one annual payment by 15 February.

Each August councils issue rate assessment notices, with the glitch being that if you opt for the annual rates payment the next time you can expect to see anything further is when you receive a notice a few days after the due date, being 15 February, where you will also incur interest at the rate of 12.25 per cent backdated to 28 August of the preceding year — in other words, gotcha!

Surely it would be no great hardship for councils to send annual rate notices out 28 days prior to the expiry date as a courtesy to ratepayers reminding them of their impending liability and not after the fact as is the current practice. No doubt councils collect many millions of dollars by this method as it is quite easy to forget an account which was received six months earlier. Gauging by the number of complaints I have received on this issue, I am obviously not the only ratepayer who missed the due date. I urge the minister to look at this issue in the interests of Victorian ratepayers.

Gallipoli: The Turkish Story

Hon. KAYE DARVENIZA (Melbourne West) — I was delighted to have the opportunity to launch a book, *Gallipoli: The Turkish Story*, on Wednesday, 23 April, in Queen's Hall and I congratulate Mr and Mrs Basaris, the authors. This publication is very welcome and it goes some way to uncovering the facts and the strategic threat faced by Turkey at the time of the war. It takes into account the perspective of Turkish people, including those who witnessed the events unfold before their eyes. Historically both Turkey and Australia are forever joined by Gallipoli. The area that is now a national historic park in Turkey is regarded as historically and culturally significant to both our nations.

I was fortunate enough to visit Gallipoli in 2000, and Turkey has shown itself to be magnanimous in its commemoration of allied soldiers. Along with memorials to the Turkish fallen, there stands a memorial at Lone Pine to the New Zealand troops who held it, albeit for a day, and another at Anzac Cove with a memorial to the allied fallen. I would like to take this opportunity to congratulate the authors on writing this book and having it published. It gives the Turkish perspective to the Gallipoli story, which, of course, is a very important one.

Leonard Reid

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I rise to pay tribute to the late Leonard Stanley Reid, DFC, who passed away last Tuesday at the age of 86. Len Reid contributed a lifetime to public service. In the 1940s he served in the Royal Australian Air Force as a fighter pilot, earning the Distinguished Flying Cross in Malta in 1942. After the war he continued to serve in the Citizens Air Force while working for BP Australia and later took up dairy farming in Cranbourne.

In 1958 Len was elected to the Victorian Parliament as the member for Dandenong and served for over 11 years, including a term as Deputy Speaker. In 1969 Len was elected to the commonwealth Parliament as member for Holt and served until 1973. After his parliamentary service Len continued to work for causes in which he believed, including the welfare of children in the Third World.

Yesterday I attended Len's funeral at St John's Anglican Church in Dandenong. It was a testament to the esteem in which Len and Joan Reid are held that, more than 30 years after Len's retirement from public life, the church was filled to capacity. Current and former members of state and federal parliaments and

from both sides of politics were in attendance, as were representatives of local government and the organisations with which Len worked.

On behalf of the people of Eumemmerring Province, parts of which Len Reid represented in the state and federal parliaments, I extend condolences to Joan and her family.

Con Gorozidis

Mr PULLEN (Higinbotham) — I wish to make special mention of a fine sportsman and one of my constituents, Con Gorozidis, who has decided to hang up his footy boots at the tender age of 41. Con, who last season again topped the goal-kicking table at Murrumbidgee with 89 goals, has decided to call it a day as his good knee, the left, is now worse than his right. He has had 10 operations on his right leg.

Con played 34 first eighteen league games — 29 with St Kilda and 5 with Footscray. He topped the goal-kicking list at St Kilda in 1981 at the age of 19. Though only a Collingwood six-footer, he was a brilliant young man who was dubbed the Golden Greek.

The *Encyclopaedia of League Football*, written by another one of my good constituents, Russell Holmesby, states:

He could have been a star if he had shown more dedication.

The handsome young man always had plenty of ladies chasing after him and admits he was not dedicated enough.

In an interview recently with local *Leader* newspaper writer, Paul Amy, he said:

A lot of people tried to help me but I was too young and naive.

After leaving Footscray, Con played in the Victorian Football Association with Sandringham as a member of the 1985 premierships side. Premierships followed at Bentleigh in 1990, East Brighton in 1993 and Hampton Park in 1995. People saw him changing clubs and thought it was for the money, but as he says in the interview with Paul:

It was never about how much I was getting paid to play. I had friends at all those clubs and I went to play with them. People can think what they like but money wasn't the main issue. As long as I could play with a few mates I was happy.

I concur completely.

Hartwell Medical Centre: closure

Hon. R. DALLA-RIVA (East Yarra) — It is with great sadness today that I talk about the closure of the Hartwell Medical Centre in Toorak Road in Hartwell, and in particular the situation facing many elderly and frail people who have attended that centre in my electorate.

The Hartwell Medical Centre closed its doors to the public on 31 December 2002 after serving the local community for well over 60 years. Until its closure the centre was servicing over 3000 local residents, many of them elderly. The centre closed as a result of the Bracks government's lack of action during the public liability insurance crisis.

It is important to note that if the medical centre had been allowed to remain open, had there been some action undertaken, it would have continued to serve the many thousands of elderly residents in the eastern suburbs. But as we all know, the Bracks government does not care about those residents in the eastern or south-eastern suburbs.

Students: Koonung Province

Hon. H. E. BUCKINGHAM (Koonung) — I was delighted to note in recent announcements of the Premier's Victorian certificate of education (VCE) awards for 2003 that two schools in Koonung Province had students gain these awards.

Vermont Secondary College is to be congratulated for the outstanding results of Jane Moxey of Wantirna. Ms Moxey received an award for her results in the subject of biology. Additionally she was recognised as a top all-round VCE achiever. I congratulate Ms Moxey on this honour and wish her well in her tertiary studies of biomedical science at Melbourne University.

Caulfield Grammar Wheeler's Hill campus is also to be congratulated for a top all-round VCE achievement award presented to John Head. Individual subject awards were also presented to Caulfield Grammar's Wheelers Hill students in the areas of hospitality, theatre studies and history.

The awards this year were widely distributed amongst schools around the state, both government and independent. It is fitting recognition for the students and schools who have put so much work into their VCE studies over the past two years.

Severe acute respiratory syndrome: Goulburn Valley Health

Hon. W. A. LOVELL (North Eastern) — I rise to congratulate Goulburn Valley Health on its recent handling of Australia's very first severe acute respiratory syndrome (SARS) case. The emergency began when a mother of a four-year-old girl rang Goulburn Valley Health to say that they had recently flown in from Toronto and her daughter was presenting possible SARS symptoms.

The triage nurse who took the call arranged to meet the mother and child in the hospital grounds where the child was assessed in the family car before being moved to an isolation ward where the airconditioning had been turned off to prevent the infection spreading throughout the hospital. The quick thinking on behalf of the mother who telephoned ahead and the triage nurse who suggested they meet in the hospital grounds prevented a situation where everyone present in the accident and emergency department would have needed to be placed in isolation. This time also allowed for both the doctor and nurse to be suitably attired to attend a suspected SARS patient.

Goulburn Valley Health reacted quickly to the emergency, and in the interests of public health immediately held a press conference to inform the community. It is a credit to Goulburn Valley Health that its medical and nursing staff were well informed about SARS. The staff of Goulburn Valley Health reacted quickly and responsibly to handle the very first SARS patients in Australia in a very professional and appropriate manner.

Anzac Day: war veterans

Hon. S. M. NGUYEN (Melbourne West) — Australians last Friday celebrated an Anzac Day unlike any other, because for the first time it was celebrated without a survivor from the Gallipoli campaign which began a national tradition. The death last year of the 103-year-old Tasmanian Alec Campbell reminded us that Australia's World War I generation is all but gone. However, our memories and commemorations for the sacrifices and contributions of war veterans still carry on. I would also like to commend all the people who attended the memorial ceremony in Gallipoli regardless of the heightened risk of a terrorist attack in Turkey.

As a person who escaped after the Vietnam War more than 25 years ago and being raised in a country where the coalition and the Australian troops fought, I share an understanding of how many Australian soldiers feel on significant days such as Anzac Day. The Vietnam

War was not a popular one which resulted in many soldiers feeling unwelcome when they returned, and we must not make that mistake again. As Australians we should always support and back our troops despite any political differences or any other factors. The Vietnamese community, including me, would like to thank and honour the 500 soldiers who lost and sacrificed their lives in the Vietnam War.

In the past 12 months we have seen other horrific wars with the Taliban regime in Afghanistan and the Saddam Hussein regime in Iraq. Nevertheless, the coalition forces, especially the Australian troops, fought courageously to defeat and topple both regimes. I would like to congratulate and thank our Australian troops for their heroic performance and integrity.

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

Kew Residential Services: site development

Hon. D. McL. DAVIS (East Yarra) — My 90-second statement today concerns the issue of Kew Cottages and the redevelopment of that site. I am becoming increasingly concerned about the process that is operating there, particularly the government's intentions and the handling of this issue by the City of Boroondara. I am particularly concerned at what I saw from the draft urban framework being developed on the site which is to contain tall residential towers of 7 floors — and according to the briefing I attended the other day, up to 10 floors. On my calculations, 112 quite large floors of this development are planned for the Kew Residential Services redevelopment.

A key feature of this site is its current occupants, and there is a real need to guarantee that whatever occurs at the site they are well catered for and treated in a very sensitive and constructive manner. I am particularly concerned that the amenity around the Kew area, particularly the area of Studley Park, will be considerably compromised by the current plans.

Hon. Kaye Darveniza interjected.

Hon. D. McL. DAVIS — Ms Darveniza, you may well think it is a good thing to have 6, 7 and 10-storey towers placed in parkland, but I certainly do not. The Premier gave me guarantees on this but he has not stuck to them, and I am very concerned about the behaviour of the Bracks government on this. It has broken its pledge on this. It is another promise to the people in the eastern suburbs of Melbourne that is being broken.

Bushfires: Gippsland

Hon. P. R. HALL (Gippsland) — I am pleased to report to the house today that over the Easter and school holiday period a great number of Victorians took the opportunity of the excellent weather to visit the high country of Victoria, particularly those areas affected by the bushfires. I visited the area on the Tuesday and Wednesday immediately following the Easter weekend and travelled to places such as the Tambo Valley, Omeo and north of Omeo to Anglers Rest. On the next day I went through the Buchan Valley to places such as Gelantipy, Wulgulmerang, Seldom Seen and Black Mountain. I have never seen more private vehicles on the road or camped around the rivers and creeks as I did during those two days. They provided a welcome boost to the communities that have been affected by the bushfires. I am not sure how many of the camping grounds in the national parks were open, but many people camped outside the national parks and visited those communities in the bushfire-affected areas. They provided a welcome boost.

I also came across — and wish to pay tribute to — a large number of people from service clubs, such as Lions, Rotary and the Four Wheel Drive Association, and the many individuals who spent their Easter time up there helping farmers re-erect fences that were damaged by the fires. These people, like the volunteers of the Country Fire Authority, have put a lot of time and effort into helping their colleagues in the community, and they deserve the greatest respect, unlike the government which appears to be giving little help to the people who have been affected by the fires to enable them to recover from those disasters.

Asbestos Information and Support Service

Ms ROMANES (Melbourne) — Yesterday I attended the launch of a new organisation called the Asbestos Information and Support Service at Ross House in the city. AISS is dedicated to helping people with asbestos-related injury and their families. The event coincided with the International Day of Mourning for Dead and Injured Workers. The key speaker at the event made the point about the ongoing dangers of asbestos that are still lurking for many tradespeople and many do-it-yourself homeowners who do their own home renovations.

Coincidentally, on returning to my office I received a call from a constituent who wanted to know what to do about a discovery of asbestos in some building work that was being done nearby. That highlighted for me again the need for information and increased awareness about the ongoing presence of asbestos in our

community and also the need for support for its victims and families.

I pass on my best wishes — and I hope the best wishes of my parliamentary colleagues — to the coordinator of AISS, Cheryl Wragg, and all those people who have been associated with the development of this new organisation.

Anzac Day: Templestowe Province

Hon. BILL FORWOOD (Templestowe) — Like other members I rise today at the first opportunity after Anzac Day to say a few words about the Anzac Day services that I was fortunate and honoured to attend in the last week or so. I am fortunate to have the Austin and Repatriation Medical Centre in my electorate. Together with Ms Argondizzo and the federal deputy leader of the opposition, Jenny Macklin, I attended a service at the repatriation hospital on Thursday last week. The veterans there have done an extraordinary job, and I recommend that if honourable members get the opportunity they visit the memorial garden at the centre and look at the plaques. There are many of them there now that commemorate the many organisations and people who served Australia so well in its various conflicts from the Boer War onwards. There is also a stained-glass window.

I was also able to attend Returned and Services League services and Anzac Day commemoration services at the Ivanhoe, Heidelberg, West Heidelberg and Greensborough RSLs on Anzac Day and the previous Sunday.

All of them in their own way go a long way to ensuring that the memory of Anzac and the soldiers who laid down their lives for this country and those who served in so many ways, and those who continue to do so today, are remembered throughout our community. The ceremony at Greensborough in particular was notable for the huge attendance of children, particularly members of scouts and adventurer groups. I was particularly pleased to see such an active participation from the community.

Medicare: reform

Mr SOMYUREK (Eumemmerring) — I rise today to condemn the federal government on its proposed changes to Medicare. The Prime Minister, Mr Howard, has never believed in Medicare and the concept of free universal health care. In the 1980s Mr Howard defined himself almost exclusively by his opposition to Medicare. During this period he is on record as saying that bulk-billing should be restricted to pensioners, and

doctors should be free to charge whatever they like of anyone else.

Mr Howard deserves to be admired for his determination and ideological consistency with respect to Medicare. After almost 20 years of trying, Mr Howard is about to achieve his long-term objective of gutting Medicare — a stoic performance by anyone's standards. Lesser men would have given up trying to destroy a system which is providing successful universal health care to Australians.

As soon as Mr Howard was elected Prime Minister in 1996 he set about implementing policies that were contrived to undermine the concept of Medicare. The collapse of bulk-billing rates from 80 per cent of doctor visits in 1996 to 69.9 per cent now demonstrates how the coalition government has destroyed Medicare by stealth.

The PRESIDENT — Order! The member's time has expired.

BUSINESS OF THE HOUSE

Program

Mr LENDERS (Minister for Finance) — I move:

That, pursuant to sessional order 16, the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 1 May 2003:

Vocational Education and Training (TAFE Qualifications) Bill

University Acts (Amendment) Bill

Catchment and Land Protection (Amendment) Bill

Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill

Business Licensing Legislation (Amendment) Bill

Sentencing (Amendment) Bill

Seafood Safety Bill

Commissioner for Environmental Sustainability Bill

Federal Awards (Uniform System) Bill

Outworkers (Improved Protection) Bill

Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill

Firearms (Trafficking and Handgun Control) Bill

I have moved that these bills be part of the government business program for a number of reasons. Firstly, the

government has a very large legislative program, with legislation coming through the Assembly and the Council for a number of weeks now, and we have four weeks left of the parliamentary sitting period. We have 24 hours for government business without going beyond the concluding times of 10.00 p.m. on Tuesday, Wednesday and Thursday, and 4.00 p.m. on Friday, which is provided for under our sessional orders.

I believe these 12 pieces of legislation are ones that we in this house can get through. It is a big task for the house, but it is important that we get through these in an orderly fashion.

There are a number of things I would like to speak about on these bills in moving my government business program motion. A number of the bills — probably two of the larger ones concerning federal awards and outworkers — have been in this place before and obviously will be tested by the number of speakers who come forward, but I have the view that a number of these bills are ones that the house would deal with quite promptly. There are others, like the human embryos one, on which the house will obviously expect to spend more time. In the end those are obviously in the hands of the house itself.

I also make a number of observations about getting through the government business program. The Leader of the Opposition made a comment, I think in the last sitting week, in which he was critical of the government for bringing the Parliament back for an extra week, and of the fact that we are aligning the days and hours of both the Assembly and the Council in addition to the extra week that the Council is already scheduled to sit.

The reason they are being aligned is that this government has a large legislative program and, with 24 hours of government business this week, we hope to complete it. It depends on how the house goes this week. If this is insufficient time to deal with this number of bills — and we will know that obviously by the end of the week — then we have the option for the remaining three weeks of the sitting period to go to four-day weeks. The government has that option to get its program through because it is conscious that both houses of Parliament want to speak on legislation.

We are trying to see how the 12 bills go through in this four-day week. We may need to have more four-day weeks or we may be able to fit debate into three-day weeks from now on, but there is a large legislative program coming up. We are outlining to the house what the government is proposing.

I would be more than happy to have formal discussions with the other parties to see how we can schedule these bills so that where there are more speakers obviously we can spend more time and where there are not as many we can be more expeditious.

I cannot imagine we will not go until 4 o'clock on Friday, because there is a lot of legislation, so this will be the first time under the new sessional orders that we do that. Thursday night and Friday will be devoted only to the government business program, so there will be a lot of time for debate — 24 hours for government business this week. I look forward to the house dealing with this, and I commend the motion to the house.

Hon. PHILIP DAVIS (Gippsland) — The Leader of the Government begs me to respond to the motion for the government business program. Members here will not be surprised if I say again that the government is displaying an inept and naive approach to managing the business of this place, which has traditionally been managed without the need to resort to the stringent restrictions that are placed on the process of dealing with the business program that is proposed in the motion, which reflects the sessional orders adopted against the interests of this house earlier in these sittings.

The minister comes in here and says, 'We will do 12 bills this week and it will take four days, and we think we will have to sit a few more weeks of four days — and by the way, we have added another week into the sitting schedule'. Members who have been here for more than a nanosecond will recall that it has been the tradition of this place to deal expeditiously with legislation that has been dealt with by the other place.

Indeed, to recount history, traditionally the upper house was not required to sit the same number of days for the first three weeks of each sitting that the lower house sat. It is unprecedented for the upper house to sit an additional week to the total sitting days for the Assembly. I recall that it is certainly not unprecedented that we have sat on a Friday, but it seems to me that the government has got itself into such a tangle with the rules of this house that it is no longer possible for legislation to proceed through this place in an expeditious fashion in the way it has done for 150 years before the present Leader of the Government came to this place.

I might say that I, for one, do not object to the house sitting. I am a parliamentarian. That is what we are elected to be here for: we are elected to represent the views of the community in the Parliament. The Victorian Parliament does not have an overburdened

sitting schedule, and anybody who has observed other parliaments around the world would know that the number of days we are required to be in this place are insignificant in comparison.

In particular I refer to Westminster, where I was surprised to find that members were expected to sit 170 days a year. So I suggest that we could not possibly say anything about the length of time that Victorian members are asked to be in the Parliament itself, other than that we welcome it, because to the opposition every day that Parliament sits is another day of opportunity to point out the deficiencies of the government through the various mechanisms available to it.

I have nothing to say other than that the opposition supports the fact that we have additional question times, but under these standing orders we do not have that opportunity on Fridays. The government intends to bring the Parliament back this Friday and subsequent Fridays but not to allow the government to be examined in question time. I think that is one of the great deficiencies in the sessional orders under which we are operating. To deny members the opportunity to question ministers on a day when the Parliament sits is an outrage.

It is also an outrage that on a day when a major bill has to be debated that the opposition was advised of an amendment to the bill no more than an hour and a half before the debate. I am sure my colleague Mr Forwood will say something about that in a moment, but it seems to me that to have legislation scheduled to be debated this day and for the opposition to be informed only at the last minute that it is to be amended is appalling. All I can say to the Leader of the Government is that it is a pity we have to operate under the sessional orders as they are, because all this does is increase the amount of time we deal with relatively trivial legislation and it would be better if there were a greater degree of cooperation in this house.

Hon. P. R. HALL (Gippsland) — The Leader of the Government has already outlined the fact that we do have a busy week ahead of us with 12 bills to be debated, so I say, without further wasting of time, let us get on with it.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 2 of 2003, together with appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Parliamentary control and management of appropriations, April 2003.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Project and Venue Orders, pursuant to section 18 of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment No. 12, Building Code of Australia, 1996.

MAV Insurance — Report, 2001–02.

Municipal Association of Victoria — Report, 2001–02.

Ombudsman — Report of Investigation of Complaints against State Trustees Ltd, April 2003.

Parliamentary Committees Act 1968 — Minister for Agriculture's response to recommendations in Environment and Natural Resources Committee's report on the Management of the Fishing Charter Industry in Victoria.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C9.

Casey Planning Scheme — Amendments C32, C51 and C61.

Dandenong — Greater Dandenong Planning Scheme — Amendments C30 and C44.

Geelong — Greater Geelong Planning Scheme — Amendment C74.

Macedon Ranges Planning Scheme — Amendment C22.

Moonee Valley Planning Scheme — Amendments C40 and C42.

Mount Alexander Planning Scheme — Amendment C18.

Murrindindi Planning Scheme — Amendment C7.

South Gippsland Planning Scheme — Amendment C13.

Warrnambool Planning Scheme — Amendment C20.

Whittlesea Planning Scheme — Amendment C42.

Rural Finance Act 1988 — Treasurer's directives of 9 April 2003 and 22 April 2003 to Rural Finance Corporation (two papers).

Statutory Rule under the Goods Act 1958 — No. 28.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 26 and 28.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Constitution (Parliamentary Reform) Act 2003 — Divisions 1, 3 and 4 of Part 2, Division 1 of Part 3 and Division 1 of Part 4 — 8 April 2003 (*Gazette No. S57, 8 April 2003*).

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Part 5 — 1 May 2003 (*Gazette No. G16, 17 April 2003*).

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 8 April; motion of Mr SOMYUREK (Eumemmerring) for adoption of address-in-reply.

Hon. S. M. NGUYEN (Melbourne West) — I would like to make my contribution to the address-in-reply debate. Firstly I would like to welcome the newly elected MPs who have joined the 55th Parliament, especially the members on the Labor side, as well as those on the opposition side of the chamber.

For the first time the Labor Party has the majority in this chamber for a full session, and I would like to express my thanks for the hard work and a job well done by Premier Steve Bracks and his members who worked very hard in the last three years to win the recent election. This is the first time the Labor Party has had a controlling majority in both houses. It was an historic victory for the Labor Party. I am sure all Victorians were happy with our performance in the last Parliament.

It shows the Labor Party won the ratings with its Listen and Act campaign before the last election. Before that it took us time to listen. We listened because we knew the people of the Victorian community wanted to have their say about the issues that concerned them. That did not happen during the Kennett years; we all know what Kennett did. He did not listen. That is why the Victorian people agreed with what we had to say. We had plenty of consultations and meetings everywhere in

Victoria — from the metropolitan area to the rural areas. We knew we had to do that before we made the right decision about what was of the most concern.

We held organised meetings around the metropolitan area and especially in country Victoria. The people in country Victoria appreciated that. They said, 'Thank you. It is the first time we have been invited to come to meetings so the government can listen to us and we can tell the government what it needs to hear'. It took time for us to act, but then we acted and we showed the people that we are keen not just to talk but also to do things. We deliver the services people are concerned about. That is why the people voted for us.

This government has promised many things, and it has done them. As soon as this 55th Parliament began sitting the government reformed the upper house. That went very well, and it received the support of the community. It will provide a better system for this chamber so that it will be more representative of everyone. It will no longer be a place for the other party; it will be a house of the people. People in the community will have more of a chance, and there will be better opportunities for candidates from smaller parties and Independents to stand for election. The introduction of four-year terms will mean that the terms will be the same in both houses.

This government is also improving community safety. Not long ago it introduced legislation on terrorism and controlled weapons because it knows the community is concerned about the safety of Victorians and Australians. After the attack on Australians in Bali, the 11 September attacks in New York and the Australian involvement in Afghanistan and Iraq, our security is tighter and people are more aware. The government introduced legislation so that Victorian police officers can perform better, faster and with more efficiency when faced with terrorism. The government is working closely with the federal police and the federal government to tackle this issue of concern: community safety.

The government also introduced legislation to control weapons carried by young people, such as knives and other things in their bags. It has done that to show young people that it is no longer safe to carry things around without permission and that no-one has the right to do that. Everyone has to be safe, therefore people should not carry weapons — guns or knives or other sharp things — on their bodies. People have to feel safe.

I would now like to talk about education. The government promised to provide a better education

system for all young people who study in Victoria by providing smaller class sizes and more teachers to help young people. It has developed many programs to assist the education system to make sure young people can stay at school longer.

I refer to the health system. As we have heard today, the federal government has tried to make life difficult with everything relating to the health system. The Victorian government is committed to providing more hospital beds and employing extra nurses and other health workers. It wants to reduce hospital waiting lists and build three new super clinics in outer metropolitan Melbourne as well as providing three new rehabilitation facilities for older people and completing major hospital developments. These are some of the things the government committed to continue to do.

I also want to talk about this government's strong support for country and rural areas. It has done many things to support people who have suffered from bushfires or have problems on their farms because of the drought.

The government encourages people to go to work. Victoria has one of the lowest unemployment rates, and the government has performed to see that business in Victoria is going strong and that people are still confident in buying properties. We have more jobs compared to other cities in the world because we provide the right economy.

The government is making sure that the budget is balanced. It does not want to create a black hole or a big deficit by funding all proposals. It is making sure that everything it delivers is of long-term benefit. It is not keen on a quick fix and forgetting about the long-term interests of the people.

I turn to social problems. The government has provided more funding to help people with gambling problems. It has changed the legislation to make sure the gaming industry is more accountable to the community. We have introduced no smoking in gaming rooms and locks on poker machines so people can remember how long they have been playing or at what time they have to go home. We are providing services to help people with gambling problems.

We are increasing services for the migrant community, especially families with children. We are providing funding for families with the introduction of a \$1000 return-to-work grant for parents who have been out of the work force looking after children. We would like to see them come back to work; we encourage them to work.

Melbourne will host the 2006 Commonwealth Games. This forthcoming event will be one of the biggest events in this state, and the government is committed to providing one of the best games in the world. We commit to fund all the projects related to these games.

Also, the government would like to see councils more accountable to their communities — the people who are elected to councils have to work to be more accountable to their ratepayers and in their environment create more interest to save water and make sure we provide the best water services in Victoria.

The government is committed to keep Victoria's AAA rating. We are keen to keep our economy on top of others and to show the business community that we are keen to drive business growth. We know how to administer our books to make sure we have a surplus.

In conclusion, the government has shown its interest in keeping Victoria as one of the best places in Australia in terms of social needs and the fundamentals of the economy. I congratulate all members who joined —

The PRESIDENT — Order! The member's time has expired.

Hon. C. A. STRONG (Higinbotham) — I rise to make my reply to the Governor's address. Let me once again put on record my congratulations to the new President and also the new Chair of Committees on their election to these very important offices in our Parliament.

I also take this opportunity to congratulate all those new members who have been elected to both sides of the house and wish them well in their parliamentary careers. I was talking to a member of the government recently, a bit of a wag, who in commenting on the careers of some of his fellow members of the government said they might be quite short as a result of the changes to the structure of this house. I think he made the comment, 'Twenty-five into 19 won't go'. Nevertheless, for the short time those people are here I wish them well.

I particularly acknowledge the election of Mr Pullen as my other half for Higinbotham Province. Although I think it would have been much nicer if a Liberal member had been elected, having spoken to the honourable member and having had some chance to observe him here I think residents of Higinbotham Province are once again blessed in having somebody represent them who has deep local roots and a deep commitment and affinity with the area. I look forward to working with Mr Pullen to the benefit of all the

people in Higinbotham Province for the time that it remains a province.

I urge the redrawers or renamers of the new super province boundaries to give consideration to naming some of these new provinces after outstanding Victorians. We have two provinces currently named after outstanding Victorians: Higinbotham Province was named after George Higinbotham, and Monash Province was named after Sir John Monash. It would be highly appropriate if that practice were to continue.

I also acknowledge the services of Dr John Ross as a member for Higinbotham Province from 1996 to 2002. Again the province was blessed in having somebody with a deep commitment, understanding, involvement and affinity with our area.

I take this opportunity to acknowledge the contribution of Mr Michael Heffernan, who was the Liberal Party's endorsed candidate for Higinbotham Province. Mike Heffernan has made a major contribution and had an ongoing and deep commitment in the Higinbotham area over many years both as a local councillor and as an active contributor to many local support and other groups. For many years Michael has been a member of the Liberal Party. He has looked to make a parliamentary contribution for many of those years and has occasionally stood for preselection for various seats. In fact when he received preselection for Higinbotham Province he thought his time had arrived. Unfortunately by a very small margin he was not elected. However, I look forward to working with Mr Pullen to the advancement of the local area.

There are very important issues in the local area which need to be dealt with, and I call on the other member for Higinbotham Province to find solutions to such problems as the Brighton police station and its imminent closure or downgrading. That is a significant concern to the northern part of the electorate, as is the need for a police station to replace the one at Sandringham. The way things are shaping up the whole northern part of Higinbotham Province will be without any significant police presence. That needs to be dealt with, and I hope to get the support of my opposite number on the government side to help in that regard.

The future of the Sandringham hospital is very much in doubt because its funding has been frozen or terminated, and it is under a very significant squeeze. When a hospital's funding is squeezed in that way its services decline, as does its state of maintenance and its repair of equipment, and it becomes a less viable proposition. That matter needs to be attended to.

The overarching issue for the Higinbotham area is the so-called metropolitan planning strategy, sometimes called Melbourne 2030, which has the potential to be detrimental to the area. Local people are concerned. With the support of the local councils, and I hope with Mr Pullen's support, we hope to be able to turn around that metropolitan strategy and ensure that its unfortunate aspects are not visited on Higinbotham Province. I call on the Mr Pullen as the government member for the province to stand foursquare in supporting his local community, me and the local councils in opposing the metropolitan strategy.

There are considerable issues to deal with at the state level. The process for much of what was said in the Governor's speech, and I refer particularly to the Scoresby freeway, is starting to unwind. A short history is relevant because one wonders whether the government ever wanted to build the freeway.

The government was forced into it by community pressure as part of a federal by-election in Aston. It put the project out to tender and then said it would cost too much and reneged on the tender. It then combined the Scoresby freeway with the proposed southern leg down to Frankston, put it out to tender and then said it would be too expensive and reneged on that. It now says it cannot afford the project and will have to put tolls on the road. One wonders how anybody will ever be able to turn that into a toll road. I predict that no private developers would put their money into a toll road, because it will not work. It is a little like the government's famous fast rail to rural centres. Once again there will be no public sector money for these unviable projects.

One suspects that ultimately the Scoresby freeway will fall back into the arms of government and therefore fall to all taxpayers in some form of shadow toll or, as the government would prefer, be scrapped totally.

The overall budget situation indicates that there is a significant challenge for the government. Access Economics, in its latest forecast, reported in the *Age* of 14 April, said that the whole budget situation in Victoria is about to turn on its head and that Victoria is facing some very hard times. It has forecast that:

... Victoria will fall from being one of the two fastest growing states in the past five years —

the Kennett legacy —

to one of the slowest. Victoria, it says, is heading for three years of minimal growth in domestic spending, and virtually no growth in jobs.

It is unfortunate that the government has been happy to spend, spend and spend and now will be faced with a slowing economy, slowing growth and slowing jobs. It has already blown all the money it had in the bank as a result of the prudent management of the previous coalition government. This, unfortunately, is sad for Victoria.

It is also worth pointing out that, with the budget approaching, because of the projected downturn and the relative unhappiness of business in knowing that this is coming groups like the Victorian Employers Chamber of Commerce and Industry have called upon the government to provide corporate tax relief to arrest the dramatic slide in business confidence in Victoria. I hope the government does that in the forthcoming budget because we are facing a change in the financial environment. It is absolutely essential that the government respond by bringing down its extravagant spending. It is also important that it starts to pump prime business to keep it going in the hard times that are facing us.

The third major issue is the link between crime and drugs and the government's continuous failure to deal with this major problem. Recent statistics show there is a significant link. Some 80 per cent of people apprehended for property crime had drugs in their system, while close to 70 per cent of those apprehended for crimes against the person had drugs in their system.

A recent report from the Australian Institute of Criminology shows that Australia-wide the cost of crime is, frankly, huge; it is estimated at about \$32 billion a year. Anybody in that business, as it were, knows that drugs are basically the fundamental drive behind the vast majority of crime. The Australian Institute of Criminology asks where the \$32 billion is going. A rough breakdown shows that \$6.4 billion is going into the criminal justice system; \$5.6 billion is going into crime and health costs of drug abuse; and something like \$3.1 billion is going into the private security industry. It is a sad state of affairs when the private sector is forced to turn to security firms to do the job that should be done by the police, to do a job that would not have to be done if the government dealt properly with the problem of drugs and their relationship to crime.

The government's own recent research published a couple of weeks ago shows that the cost to Victoria of heroin addiction is something like \$2.3 million a day. One of the major challenges in front of any government — I am disappointed that this government has done very little — is to take an active approach to the whole question of drugs. This is related to crime,

and as all the figures show, something like 70 to 80 per cent of crime is drug related. Approximately 70 to 80 per cent of all people in our prisons are there on various drug-related charges. This is a huge cost to the community and a huge danger to our citizens. One of the most important things a government must do is protect its citizens. With those few words I thank the house for the opportunity to reply to the Governor's speech.

Debate adjourned on motion of Hon. KAYE DARVENIZA (Melbourne West).

Debate adjourned until Tuesday, 6 May.

BUSINESS OF THE HOUSE

Order

Mr LENDERS (Minister for Finance) — I move:

That orders of the day nos 1 to 8 be postponed until later this day.

Very briefly, discussions I have had with the other parties led to the conclusion that we should start the day with the Federal Awards (Uniform System) Bill, so this is just a procedural motion to facilitate the debate starting on that bill.

Hon. BILL FORWOOD (Templestowe) — I thank the Leader of the Government for indicating the reason we are doing this. Obviously I am keen to get on and debate the bill as well so I will be brief. The government has control of the notice paper, and one would presume that if the minister wants to start with the bill listed as no. 9 he would put it as no. 1. I presume that tomorrow when we come in we will find that the Outworkers (Improved Protection) Bill, which we have agreed will be first, will be listed as first on the notice paper. It will make for the easier operation of the house. We do not oppose the motion.

Motion agreed to.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Second reading

Debate resumed from 8 April; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. BILL FORWOOD (Templestowe) — I feel as though I have been waiting a long time to rise to my feet and indicate that the Liberal Party will oppose the bill. I am not sure that people are particularly surprised

that we will take that stance. We oppose it for one fundamental reason and that is because it is bad for Victoria. The government will come forward with words about fairness and mandates and other issues, but there is no doubt on any measure that the bill before the house is not in Victoria's best interests. For that reason alone we will oppose it.

It is, of course, as honourable members in this place would know, the third time this issue has been debated since the Bracks government came to office in 1999, and the fourth time it has been on the notice paper. The first crack at it was the so-called Fair Employment Bill, which fortunately was defeated in this place. That was an appalling bill, and I will touch more on that later in my contribution.

The second was the Commonwealth Powers (Industrial Relations) (Amendment) Bill, which lay on the notice paper for quite some time but was later, as Mr Baxter eventually discovered, superseded by the bill that we defeated in this place last year; and now it is back here again in fundamentally the same form, with one significant addition — the right for the union movement to enter people's premises.

Mr Smith — Don't you hate that!

Hon. BILL FORWOOD — Yes I do. I hate that. I know you don't. I know that you, in your capacity as an ex-executive of the Australian Council of Trade Unions, would applaud any piece of legislation that gave a union person the right to walk into the private home of anyone; but we will get to that later on. Don't distract me. It will be hard enough as it is!

We should not be surprised that the government would bring this bill back. The bill is not in the interests of Victoria; however, it is in the interests of the union movement. That is why it is here, and that is the basis behind the whole of its approach over the four iterations I mentioned previously, during which various versions of it have been coming into this place.

In an article in the *BRW* on 3 April Nicholas Way wrote, under the heading, 'Workplace reform lacks zeal':

March 3 was the 20th anniversary of the election of Bob Hawke's Labor government. For the most part, Hawke and his Treasurer, Paul Keating, got the thumbs up from commentators for their bold economic reforms. Except for one area ...

Guess which one? It was, of course, industrial relations. It continues:

Economists, particularly, believed the Labor government was beholden to the unions through the accord, so did not embrace labour market reform in the 1980s. Even when it did, in the 1990s, the changes were cautious. Keating had promised a radical overhaul of industrial relations after his 1993 election win, but went to water in the face of union intransigence.

He goes on:

Labor's approach to industrial relations was indeed cautious; the union voice was being heard clearly in Canberra ...

He finishes with a last paragraph in which it states:

An open economy requires a freer labour market.

The issue before the house today is: what sort of labour market do we need in Victoria in order to have a competitive advantage and be a vibrant state? I note that in question time today the Minister for Small Business made a comment about how we have a vibrant small business sector in Victoria, and I would be happy if we did. The problem we face at the moment is that the legislation this government continually brings to the Parliament is not about having a vibrant small business sector or a vibrant business sector at all. It is about, as I have indicated already, pandering to its mates in the union movement.

I will go into some detail to present the facts in this place again, as I have in the past, as to why the ALP is nothing other than the political wing of the trade union movement. The trade union movement came first; the ALP came second. The union movement is the tail that continues to wag the dog, and I do not mind whether it is a 60/40 rule or a 50/50 one — let us face it, the ALP is completely in the hands of the union movement.

If honourable members want evidence of this the two speakers listed to speak for the Labor Party on this bill tonight are my colleagues opposite — Bob Smith and Kaye Darveniza. In their time previous to coming into this place — where they both make a significant contribution — both were on the ACTU executive and both were state secretaries of their particular unions.

I have no objection to that. There is a valid role for the union movement in Australia, but I make the point that this piece of legislation is here because the trade union movement said, 'You must bring it in.' It is not here because it is of any interest to the people of Victoria. It is not here because it will do anything for Victorians. It is not here in any sense at all to ensure that we have a vibrant small business sector, as claimed by the minister in question time today.

We know the government continually brings into this place legislation designed to run the union line, not to look after business in this place, not to provide jobs and

not to create the environment in which we can have growth. I hope most people accept that without growth we will not get growth of employment or rises in wages.

Mr Smith — Did you actually say growth in wages?

Hon. BILL FORWOOD — Absolutely I referred to growth in wages, and you do not get it of course without growth.

The problem about this particular bill is that individual people in Victoria will lose their jobs because of it. You groan about it, but the facts are that there are people who have a job today, particularly in rural and regional Victoria, who will not have one tomorrow because you want to pass this piece of legislation.

Mr Smith — Where?

Hon. BILL FORWOOD — People all around Victoria. Later in my contribution, and I can see I have a little time to go, I will give some examples from the farmers federation and the retailers association.

Mr Smith interjected.

Hon. BILL FORWOOD — It happens to be true. You challenged me to go on about 50 years —

Mr Smith — A hundred and fifty years!

Hon. BILL FORWOOD — A hundred and fifty years. I did a bit of research on this legislation and you should stop sidetracking me and let me do this in my own logical way.

Mr Smith interjected.

The ACTING PRESIDENT (Ms Hadden) — Order! Through the Chair, please!

Hon. BILL FORWOOD — I find it very difficult when I am provoked, Acting President. I will turn to *The Light on the Hill* later in my contribution.

I refer to an editorial in the *Australian Financial Review* of Tuesday, 8 April. It is a useful piece of work, and it would be nice if I were able to read the whole of it into *Hansard*, but I will not bore the house with it. Its heading is 'Unions on a slippery slope'. That is a good heading. It says:

Senior unionists speak of events such as the collapse of Ansett and work force casualisation as if they were acts of God rather than a consequence of past union successes. Yet, as union membership resumes its inexorable slide, the labour movement's leaders —

including the two members opposite —

need to accept at least part of the blame for their predicament and change their ways.

The article goes on to discuss Ansett, and I do not want to go into that in detail, but many people know that Ansett was poorly managed. But the reason jobs were lost was that the union movement was not prepared to work with the company to overcome endemic internal problems. The article continues:

Knowing Ansett was being slaughtered by Qantas and Virgin Blue, its unions refused to deal on costs, ending 17 000 jobs.

If the union movement was prepared to stand by and watch 17 000 jobs go down the gurgler over Ansett, it should not be surprising that the government would bring a piece of legislation in here today that we know will cost jobs in Victoria. The unions will do it, and the government will do it.

The article continues:

ACTU secretary Greg Combet reckons the total direct and indirect job losses were 50 000. Even if they were half that number it shows how inefficient aviation was . . . He and other union officials were trying to explain the evaporation of 80 000 private sector union memberships in the year to August 2002. Union membership in the wealth-creating economy is now less than 18 per cent — a sure hint to unions that they are doing something wrong. In the public sector —

and I do not need to draw the distinction between the wealth-creating sector and the public sector. The article continues:

In the public sector, it's 46 per cent. Overall, just 23 per cent of workers are unionists.

I could go on with this article, but I make the point that we are here today discussing this legislation at the behest of a union movement that cannot keep its members.

I refer honourable members to a very good article produced by Michael Warby for the annual general meeting of the H. R. Nicholls Society in November 2000. I know it is a problem for members opposite, who do not believe the H. R. Nicholls Society is the sort of institution that should be allowed to exist. The article is headed 'The controlling agenda: the attempt to protect unions by re-regulating the labour market'. We are here today trying to re-regulate the labour market to protect the unions.

Mr Viney — A bit of fairness.

Hon. BILL FORWOOD — Mr Viney should not provoke me. Mr Viney comes in and says 'A bit of

fairness'. I am going to get the following two comments all day. I will hear 'fair' — and I remember the challenges laid down to me last year by Mr Jennings when we debated this matter — and the other comment I will hear is 'mandate'.

I will come back to Mr Warby in a minute, but let me just deal with the issue of fairness.

Mr Viney — You haven't responded to fairness!

Hon. BILL FORWOOD — Let me respond to fairness and talk about the devaluation of the English language. We debated a Fair Employment Bill when there was absolutely nothing fair about it. It is like the bill honourable members will debate tomorrow, the Outworkers (Improved Protection) Bill. Frankly the government should not go to the parliamentary draftspeople and say, 'Can we have a bill that promotes something'. Members like to have a title that tells them what a bill is doing. 'Fair employment' and 'improved protection' are an abuse of the language.

Hon. W. R. Baxter — It is demeaning the statute.

Hon. BILL FORWOOD — I thank Mr Baxter. I will pick up the point, which also comes from Mr Warby's speech. He says:

This program has proceeded in the normal modern moral vanity style —

and he goes on with a crack at the *Age* —

using what I call the motivational fallacy: this bill is about fairness, you are a critic of this bill, therefore you are against fairness.

That is the way it works. Members come in here and say 'Be fair'. I am not against fairness, but I am against the government bringing in legislation that is not designed to meet the interests of Victoria but is designed to promote a sectional interest group — which I am in the process of demonstrating although I am often interrupted — which is trying to prop up a union movement that cannot do the job itself because its numbers are declining.

Getting back to my theme, in the early part of Mr Warby's speech he made the point that less than one-fifth of private sector workers are union members. He put it another way: 80 per cent of private sector employees do not think union membership is worth the cost and the bother, so it has declined even more. It is below 18 per cent in the private sector despite the fact that in some areas of the economy, notably manufacturing and building, it is a case of no ticket, no start, which we all know so much about. People who

get a chance to elect do not want to have a bar of the union movement.

So what does the union movement do? It decides it will use a political process to try and prop up its ailing funds. We saw the attempt, of course, with the \$500 fee the union movement tried so hard to get through. Even if you are not a member of the union, you would have to pay the money because of the problems with the coffers. But the fallacy about this is that in 1990 union membership in Australia peaked at nearly 2.7 million. A mere nine years later in August 1999, it had fallen to just under 1.9 million, a fall of 800 000 or 29 per cent. He goes on to say:

In Victoria, the fall has been particularly notable, union membership falling from 719 000 in August 1990 to 456 000 in August 1999, a fall of over 260 000 or 36 per cent — the largest percentage decline in any state over that period.

I put it to the house that that was a time when the Victorian economy took off. That was the time when the Victorian economy got the oomph from the drive. That was the time when the Kennett government was turning the state around from the dreadful days of the depression we had to have, or the recession we had to have — call it what you want — caused by the policies of the federal Labor government at the time and some inept management at the state level, I am happy to admit, by the Cain-Kirner government.

But the point is there has been a remarkable fall in the number of union members. Why did that happen? It happened because the people involved in the economy out there working do not believe there is any benefit and do not believe it is necessary. The article says there is no evidence that workers have been undermined by the liberalisation of the laws in Victoria.

One of the reasons there has been a decline is because the workers are pleased about what is going on. They have more flexibility; they have the capacity to do deals with their employers. There is no serious evidence, he says, that workers are being undermined by liberalisation. The article continues:

Real wages have increased. Labour has maintained its share of national income (while ownership of capital has become much more widely spread) and, despite many claims to the contrary, polling data and the stability of the pattern of job duration over the last three decades do not suggest a more insecure labour market. The rate of increase in the income of low-skilled workers has been much the same as middle and high-skilled workers — the measured increase in inequality in earned income has come about largely via an increase in the number of high-skilled workers.

That is what we want. So we are here today debating a piece of legislation which, as Mr Warby says, is an attempt to protect unions by re-regulating the labour market. He says that because unions cannot compete in the open market — I have just demonstrated that — they have adopted a political approach, which we are seeing here today. He continues:

The politics in question is the labour market re-regulation agenda. There are two key texts for this agenda.

Australia at Work, published by Prentice Hall in 1999 by the Australian Centre for Industrial Relations Research and Training (ACIRRT) — an organisation of about 20 staff originally funded by taxpayers but now supported by consultancy work, often from major corporations ...

The first of this work comes from ACIRRT. Mr Baxter is smiling, and I know why. He is smiling because he, like me and others in this place, knows that the major work done on the so-called independent industrial relations task force, which was lauded around this place in 1999 came from ACIRRT. Mr Baxter has a copy with him. We all got hundreds of copies of it. They did not know what to do with it, because they printed so many. We are not surprised that ACIRRT is on this list.

The second text Mr Warby mentions is — would you believe it? — Sydney University law Professor Ron McCallum's 1997 Whitlam lecture *Crafting a New Collective Labour Law for Australia*, available from the ACTU web site.

I make the point again that Professor McCallum was of course the chair of the independent task force, so it is no wonder. I make a couple of other points. He gave the Whitlam lecture called *Crafting a New Collective Labour Law for Australia*. Again, what are we doing here today? We are debating collective labour laws.

Mr Warby goes on, and I want to put this particular paragraph on the record:

This agenda —

The labour market re-regulation agenda —

starts with a misdiagnosis of current trends. They take the view that markets have an inherent tendency towards wickedness ...

This is the line that is being run. This government says it is all about fairness, but this is all about wickedness. There is no balance in here. The fact that more people are being employed and they are being paid more than they were in the past and the fact that there are more people in the capital markets than there were before goes out the window because it does not suit the agenda. So it starts with a misdiagnosis of current trends. Mr Warby continues:

... that businesses inherently exploit workers, that unequal bargaining power is endemic, that labour market liberalisation must have had bad effects and that union membership is inherently a rational choice for workers unless pernicious institutional factors are operating.

He goes on:

Thus, in his Whitlam lecture, Professor McCallum blames labour market liberalisation for the decline of unions, even though it was clearly under way well before the limited liberalisation took place from 1993 onwards.

He then goes on:

If you take such views as axiomatic, a whole range of alternative explanations are going to be ruled out.

That of course is the problem. The problem with these people is they bring the blinkers first. There is no prospect of having an open look at this particular issue. That was the problem with the industrial relations task force.

I make the point again that if you read the second-reading speech of this bill, you find that the whole way through it talks about — would you believe it? — the independent industrial relations task force. Independent, my left foot! It is designed to produce the result it wanted. And did it produce the result? Yes, of course it did.

Professor Mark Wooden from Melbourne University said in his review of *Australia at Work*, and he is talking about ACIRRT:

... it is their passion for the subject matter that is the key weakness of this work. It would appear that ACIRRT believe so deeply in their cause that nothing, and certainly not facts (or absence of them), was going to stop them from reaching the conclusions they did. (*Journal of Industrial Relations*, September 1999).

So an independent commentator from Melbourne University looked at the work from ACIRRT and the work of Professor Ron McCallum and said, 'These people are biased and they are bringing nonsense in here'. I invite honourable members in this place to read the second-reading speech again and see how much of it goes on with the tired old nonsense produced by the so-called independent — not independent in my view at all — industrial relations task force. It is just absolute nonsense.

Having established that there is no reason for this legislation and that the legislation is purely designed to prop up the trade union movement, I need to briefly turn to my theme. I did some research on this. *Fading Loyalties: The Australian Labor Party and the Working Class* is the title of a book I recommend.

Mr Gavin Jennings interjected.

Hon. BILL FORWOOD — I did not come across your name.

Mr Gavin Jennings — So it is not relevant to me?

Hon. BILL FORWOOD — Well, Mr Jennings, another day we will deal with that topic.

This book is by Andrew Scott. I point out to the house that I am not one who usually describes someone by the person to whom they are married, but I am about to. I will make an exception in this case. I noted on the cover that Mr Scott thanks his wife, the honourable member for Mill Park in the Assembly. He writes, ‘without whom I could not have even contemplated the project, let alone completed it’. I understand his wife is a fine member of Parliament, a very bright person and had a long history as an electorate officer for the previous Speaker, Mr Andrianopoulos. I wanted to make the slight connection there. I am not holding her responsible for the contents of the book, and I must make that very clear. This book talks about fading loyalties, the Australian Labor Party and the working class. It is a really interesting read, and it talks about some of the problems that are faced by the Labor Party at the moment.

These problems have been well articulated. On Tuesday, 8 April, in the *Australian Financial Review* there was an article by Barry Jones. Some of us remember Barry Jones from *Pick-a-Box*. Others of course would remember him — —

Mr Gavin Jennings interjected.

Hon. BILL FORWOOD — Mr Jennings says Barry Jones’s halcyon days were when he was on *Pick-a-Box*. I will be the first one to say that he is well recognised in some parts of the labour movement as a past federal president of the Labor Party but also, of course, as a long-serving member of the federal Parliament — —

Hon. W. R. Baxter interjected.

Hon. BILL FORWOOD — And of this Parliament. Mr Baxter and Barry Jones probably served together. There is a lot of interest in Barry Jones.

The Labor Party is dealing with fading loyalties and the problem of the working class disappearing, and Barry Jones goes to the heart of some of these problems. He talks about how the Hawke government, being efficient, effective, hardworking and electorally successful, destroyed many of the party’s core beliefs.

This is an interesting concept. On the one hand he says it was successful, but on the other hand he says it destroyed the party’s core beliefs. So we have this problem at the moment. I recommend that honourable members read this article about how Crean must get some policies. I do not want to go down the route of discussing the problems of the Labor Party federally or its leadership, as I am aware that these things come and go, but he talks in this article about how the priorities are overcoming policy atrophy.

The issue today is that we are dealing with a retrograde bill, just like the re-regulation of the shop trading hours that we debated just before the Easter break. The point is a serious one — that is, at a time when Australia needs to be looking forward to where it should go in the future the Labor Party is bringing in legislation that is taking us backwards. Despite the spin the Minister for Small Business tries to put on it, the shop trading stuff was a fiasco. It did not do what the government wanted it to do; it did not come anywhere near doing it, and nor should it. It is just stupid legislation that was brought in here for exactly the same reason as was this particular piece of legislation: because the government is a captive of the union movement. It needs to get some policies to fight for. It needs to have a bit of forward vision, for heaven’s sake, and look forward to where it can take the state rather than going back and back and back.

I did a lot of work on this speech, but I am not going to stand here and read page after page of *The Light on the Hill: The ALP, 1891–1991*. It does have some extraordinary quotes, but it makes the point time and again that the people who were the foundation of the Labor Party were people who started their working lives when they were seven years old. You think, ‘Good on ‘em. They came to Australia, they fought their way out of that, they formed the union movement, they took it on, they ended up in Parliament, and they built a major party. Good luck to them, but the world has changed’. We are now bringing in child employment laws that are not about dealing with people who were forced down the pits or to become apprentice cobblers at the age of seven. The world has moved on, and it is time the Labor Party did too.

Let us not have the fifty-fifty rule; let us have legislation being brought into this place that genuinely does something for the people of Victoria; it should not be brought in here to try to rewrite history for the benefit of the trade union movement.

Let me turn briefly to the legislation before the house, because I have a problem with it. It is what I call ‘contingent legislation’. What the government wants is

to refer common-rule award-making powers to the federal government. If it wants to do that, fine, but why does it not just do that? Why not have a conversation with Mr Abbott; why not talk about the way they want to do it and see where they get? Why not bring in legislation to do just that? We are happy to do that, because if you look at the bill you see the relevant provision is new section 4A inserted by clause 52. If the government wants to have a unitary system and refer common-rule powers to the federal government, why does it not do it? Why bring in a piece of legislation of some 42 pages when only one clause really deals with the nub of what it wants to do — that is, to refer powers under a unitary system to the federal government. The rest of it, the contingent bit, says, 'If you don't do it, we have got this big stick'. That is not a good way of passing legislation. I pick up Mr Baxter's earlier comment about the way legislation is named and brought into this place. You do not need to bring in legislation in this form. It is silly to do it, and the government should not have done it.

I want to touch on the second bit. The federal government will make up its own mind on whether it will accept the referral as passed by this legislation, and I will not comment on that because that is its choice.

Mr Gavin Jennings interjected.

Hon. BILL FORWOOD — The minister puts on the record that he hopes it does. Let me say that if it does decide to do it, it will save the people of Victoria from a fate worse than death — that is, having the Victorian Civil and Administrative Tribunal set up as an industrial relations tribunal. The mind absolutely boggles at the thought of re-regulation through VCAT. Why would you do it? If you are looking at having a vibrant, economic state you would not, for heaven's sake, let VCAT get involved in it. Hopefully, if the federal government does accept it, we will be saved from that part. The other thing we will be saved from is the so-called information services officers. They will be government officers.

I refer honourable members to the explanatory memorandum. I am not a great one for giving speeches just based on explanatory memoranda, but if you turn to the explanatory memorandum and look at the part dealing with information services officers you see it says:

Clause 14 sets out the functions of information services officers, as being to provide information about relevant industrial legislation —

it then goes on with the more telling words —

as well as ensuring compliance with relevant industrial legislation ...

Hon. C. A. Strong interjected.

Hon. BILL FORWOOD — Thank you. Why are they not called compliance officers? Let us look at the clauses that follow this one.

Clause 17 allows information services officers to request assistance from the police. Clause 18 says that information services officers 'may exercise powers' and it goes on to describe the types of powers. Clause 19 allows information services officers to enter any premises 'during ordinary working hours', et cetera. Honourable members can read clauses 19, 20, 21 and 22, and clause 23 allows information services officers to apply for search warrants. This is not about information, it is about compliance.

If the federal government decides to pick this up we will not have information services officers foisted on us, but what is the major difference between the piece of legislation brought to the Parliament today, as I point out for the fourth time, and the piece that was defeated in this place last time? The major difference is that this bill has a division 2 in it, which deals with entry and inspection of premises by a registered organisation. If you read the bill, a registered organisation means it is registered under the federal Workplace Relations Act — in other words, it is a union. This bill now has a clause about union right of entry. This is new; it was not in the legislation last time.

During the committee stage, when the minister brings his amendment before members, we will invite him to explain why the government in its wisdom decided it needed to now give unions some rights. It has already given the compliance powers to its compliance officers. Why does it now, at this late stage in the day, bring in the right for the union movement to enter and inspect premises?

This legislation is not good for Victoria. It should be of real concern to people here. The Victorian Farmers Federation, particularly the dairy members, has estimated that thousands of jobs could be lost with higher costs incurred after the bill has passed. Half of Victoria's 37 000 farm enterprises will be affected by the legislation.

Fortunately some farmers are out there at the moment trying to get their employees to enter into Australian workplace agreements (AWAs). That is a very sensible thing to do. We need some flexibility in this, and one way of dealing with the problems that are being put before people today is by entering into AWAs. But

even then, all you need do is go to 25 March — almost a month ago — when in this place the Honourable Kaye Darveniza, the well-known spokesperson for the trade union movement — —

Mr Smith — And very good at it.

Hon. BILL FORWOOD — And very good at it, too, I must say. The member raised a matter for the Minister for Industrial Relations in the other place concerning the federal Workplace Relations Act and in particular had a crack at AWAs. Not only is the government trying to re-regulate the system, and it will affect so many individuals who will be disadvantaged by it, but at the same time it is having a crack at another aspect of the system — that is, AWAs — that has the capacity to protect people. Government members know about the no-disadvantage test, yet into this place comes the adversarial system run by Ms Darveniza, who even at this stage of the day when the government is trying to re-regulate the system decided she was going to get stuck into AWAs. It is absolute nonsense. Government members should go back and read what they said. It is a shame in these circumstances. The farmers are totally against it, as are — —

Mr Smith — They're against everything.

Hon. BILL FORWOOD — I pick up the interjection from Mr Smith who says the farmers are against everything.

Mr Smith — Anything that does not go for them against the benefit of workers — you know it, I know it and they know it. Don't talk to me about bloody farmers and workplace safety, my friend.

Hon. BILL FORWOOD — Don't start me on farmers and workplace safety, he says.

Mr Smith — Ask the shearers who have been poisoned.

The ACTING PRESIDENT (Ms Hadden) — Order in the house!

Hon. BILL FORWOOD — I am very keen for Hansard to pick up the interjections.

Mr Smith — And they won their case in the courts.

Hon. BILL FORWOOD — I am happy to sit here and respond to Mr Smith's interjections because they go into *Hansard*.

Mr Smith — I'm happy for that.

Hon. BILL FORWOOD — I want people to see the class warfare still being run by Mr Smith.

Mr Smith interjected.

Hon. BILL FORWOOD — It is. Rather than having a cooperative approach to the workplace, rather than trying to build a society, Labor members come in here and slag unmercifully a whole bunch of good solid Australians.

Mr Smith interjected.

Hon. BILL FORWOOD — Congratulations on that. I am looking forward to letting the farmers of Victoria know the Labor Party's attitude towards them as expressed by Mr Smith in this place today. That is an absolute disgrace.

The farmers have every right to be concerned about the legislation. I encourage them to continue their opposition to it. I encourage them to continue to move people onto AWAs. The Australian Retailers Association indicated that it strongly opposes the bill and it enclosed a submission outlining all its reasons why. One of the fundamental things this shows is that workers on schedule 1A are not worse off. That is a fallacy, that the people — —

Mr Smith interjected.

Hon. BILL FORWOOD — They are. Mr Smith does not like it, but his evidence is based on the Australian Centre for Industrial Relations Research and Training, and on Ron McCallum. I have already pointed out that they are so partisan as to be discredited. It is like Mr Smith and Ms Darveniza coming in here today to speak on the bill — if ever there was a conflict of interest in this place, it is two Labor Party or Australian Council of Trade Unions heavies speaking on this bill. They are not here representing the constituents of Victoria; they are here representing the people who put them in here.

Hon. Kaye Darveniza — I am.

Hon. BILL FORWOOD — Yes, absolutely. I finish on this point: this legislation will pass this place today. It is not in Victoria's interests, and no case has been made by the government at any stage that this bill will have any beneficial impact on Victoria. It just does not stack up. If legislation that is in the public interest is to be brought to this place, this bill fails that test. We have opposed it in the past successfully, and we will oppose it again today.

Mr SMITH (Chelsea) — I start by saying that good industrial relations is vital to a strong economy, and there is no better example of this than the United States of America military administration in post-World War II Japan. That administration, headed up by Douglas MacArthur, was smart enough to realise that the rebuilding of Japan's economy would depend upon organised labour. He therefore set about establishing and assisting the work force to unionise. What we have seen over generations is a huge growth in the working conditions and standards for workers in Japan, and their economy in particular. It is fair to say that it is currently and has been for many years the second-biggest economy in the world. So much for the detrimental effects of unions as Mr Forwood would have the house believe.

On three occasions we have debated this or similar bills in this house, only to see them go down. On this side of the house we have argued with genuine passion the justification for the bills being supported. What we have had from the conservatives opposite is nothing other than belligerence.

Hon. Bill Forwood — Don't call me conservative, I'm a liberal.

Mr SMITH — Mr Forwood would have us believe he is not a conservative but a liberal — what a misnomer that is, what an oxymoron.

This bill is the direct result of extensive consultation within the community, with employers, employer groups, unions and employees. That suggests to me that there has been input from everyone, maybe not to the total satisfaction of all those groups, but the fact that such consultation has taken place and that this bill results from it in my view is a sensible thing and another reason why it should be supported.

This bill restores fairness in the workplace. We had from Mr Forwood a diatribe on fairness and industrial workplace justice or fairness et cetera, and an explanation of why he disagrees with our support for a fair and just workplace. We have had this debate on numerous occasions and I suppose it is fair to say that there is no point in reiterating all the reasons we have on this side, because we have them on transcript from previous debates.

Why do we need an industrial relations system at all? What is the big deal about industrial relations? I would argue that this country has had many, many difficult and protracted industrial disputes going back a hundred-odd years. It is a natural consequence of competing forces — that is, the capitalists and the

actual work force — where people who have the capital want to maximise the return on their investment, and those who deliver the profits, or in part deliver the profits, arguing and fighting for a fair wage and recompense for their labour. The history of the workplace shows us that on numerous occasions great difficulty has existed, and the impact of that has been to the detriment of the nation, and in this case Victoria in particular. We look back at the major disputes of the coal, wool, transport and shipping industries and so on. You could argue that a lot of those were politically motivated, and they may well have been, but some I can guarantee you would have been justified on the basis of workers believing they were not getting a fair go in the workplace. They could not survive; they could not educate their kids or feed and clothe them properly, and therefore they would resort to withdrawing their labour and we would have these sorts of disputes.

As a society we have learnt a trick or two over the years, one being that we need to control as much as possible the spillage or fallout from these disputes and therefore we have created laws designed to meet the needs of both parties to allow them to minimise the impact of disputes on the economy overall. I argue that we have not done a bad job of it over the years. Certainly the intent from the unions and Labor Party perspective has been to have a fair and just workplace, one where investors can get a reasonable return on their investments, for the overall benefit of our country or our society.

We on this side believe if workers have a fair go and are able to improve their living standards, to provide for their children's education, food and clothing, we have a much better chance of having a harmonious society where we all live comfortably and safely. That drives and motivates us. We call it social justice. We know that members opposite do not understand that; they certainly do not agree with it. They believe it is their right to control the capital and that therefore they should maximise their profits and not be particularly concerned with the outcome for the workers.

Hon. Bill Forwood interjected.

Mr SMITH — I note that Mr Forwood shakes his head in disbelief. He referred to that discredited organisation, the H. R. Nicholls Society, earlier in his contribution. Suffice it to say that an ex-member of this house, Mr Ken Smith, is a member of the H. R. Nicholls Society and that is all I need to say about its credibility — the fact that he is a member!

Hon. Andrew Brideson — What are you saying?

Mr SMITH — He is a member of that discredited organisation.

Let us hark back to some of the most significant wharfies' disputes where labour on the wharves in this state would line up in the morning for the pick-up. They would be picked out by the foreman as to whether or not they would work that day.

Honourable members interjecting.

Mr SMITH — I know members on that side of the house do not like to hear the history of industrial relations and the rationale for our views, but I am going to give them that lesson in history, Mr Forwood, whether they like it or not. The fact is that we have moved on from those days when workers would be oppressed and disadvantaged and basically be the working poor, except in the case of about 360 000 Victorian workers. These are the workers who have been left behind by the previous government, who are now exposed to the vagaries of the workplace, or the marketplace, who currently do not enjoy the 20 basic elements of federal awards — in fact they only have 5 or 6, although Mr Forwood suggests that that does not really disadvantage them. I am not sure about that.

I recall one of my daughters working part-time on a weekend at a chemist's shop when she was studying at university. She is now — —

Hon. Bill Forwood — A chemist?

Mr SMITH — No, she is an environmental scientist. Over the weekends she was treated most unfairly. It was 'No awards, take it or leave it' -type stuff. To her credit, on one occasion when she was put in that position she refused to take it. In fact she walked. She could ill afford to do that, but did so on principle. A lot of people do not have the luxury of being able to go home and have mum and dad look after them. They have to provide for themselves and their families and the take-it-or-leave-it approach puts them in an invidious position.

We do not think that is fair; we do not think it is just. We think all workers are entitled to the basics like sick leave, bereavement leave and carers leave and to get penalty rates for overtime worked and so on. Mr Forwood suggested they are not really disadvantaged. If that is not being disadvantaged, I am not quite sure what is. Maybe my judgment has slipped since I left the ranks of the union movement and became a parliamentarian.

I refer back to 1996 when the then industrial relations minister — particularly for those new conservative

members opposite — was Mr Phil Gude. One night over a bottle of Johnnie Walker he decided that he would revamp the industrial relations system in this state by tearing down what we then had — all the protections and entitlements for workers — and offering up the now discredited system we currently have. The end result of that was the destruction of the then state industrial relations system by getting rid of the commissioners and arbitrators, getting rid of workers' ability to defend themselves and get a fair hearing, and exposing them to the market. Again we say it is unfair. On three occasions in this place with relevant bills we have argued that it is unfair and that we want it redressed. In the past we have argued that we had a mandate to do this. I say again that we have, and I believe today maybe it will happen.

As I said earlier, approximately 356 000 workers in this state work under schedule 1A of the Workplace Relations Act. That is 21 per cent of the Victorian work force. We say it is unacceptable. Mr Forwood suggested that if this bill were to get up it would seriously disadvantage this state's competitive position. I am not sure how the state would be disadvantaged to any extent by another 356 000 workers coming up to the standard already applying to workers in all other award-covered industries — in other words, they would be exactly the same as all other workers covered by federal awards, not just in the state but in the country. How that disadvantages Victoria is beyond me.

I remember a story from a couple of years back about an international company that had done a shonky deal with the Kennett government to relocate its headquarters to Victoria. It did it on the basis that it could undercut its competitors in New South Wales, Queensland, and anywhere else, and that because it was not going to be covered by federal awards it could do what it liked — in other words, workers would be required to take it or leave it. It did not get that little stunt up either, but that was the intent.

Mr Forwood would argue that it is in Victoria's interests that workers around the country be undercut to attract more business to Victoria — in other words, that we create and support a downward spiral where we would all be disadvantaged. But we would all end up being equally disadvantaged. That is not what we on this side of the house are about, I can assure you.

In one of my earlier contributions I referred to the right-to-work states in America, where this philosophy was pursued, and where unions, through state legislation, were excluded from operating. The end result was that many industries moved from their traditional industrialised states into the right-to-work

states — Tennessee, Carolina et cetera. What is interesting is that those workers did not benefit in terms of wages and conditions. In fact they were paid less than their counterparts in the northern states.

Mr Forwood argued about the relevance of the unions and said the union movement is in decline. He hit on the Ansett example. I would have thought the conservatives in this country would have shut up about Ansett, or — how do they refer to it? — ACTU Air. They punished it and all its workers big time and made sure that no deal would get up that would allow it to survive. It was absolutely disgraceful conduct. Tens of thousands of workers lost their jobs.

Now Mr Forwood tries to argue that it is the fault of the unions! I do not think so! They had the same pay and conditions as workers at Qantas. Where is Qantas? Still flying.

Hon. Bill Forwood — Not the same!

Mr SMITH — Still flying.

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

Hon. W. R. BAXTER (North Eastern) — It is little wonder we have difficulty with industrial relations in this nation if from time to time there are people on the Australian Council of Trade Unions executive who have the sort of warped views we have just heard expressed by Mr Bob Smith. I am not surprised by them because I have heard them before, but really and truly if that is the sort of person it has to negotiate, someone who has a paranoia that every employer is a crook and exploiter and that every employee is an angel and is ground down — —

Mr Smith — I have heard this one before.

Hon. W. R. BAXTER — Yes, Mr Smith has, and I will continue to say it if he is going to roll out the sort of warped rhetoric we heard from him tonight.

I was somewhat intrigued by his opening remarks about how well Japan has gone since the war. Somehow he attributed that to a union regime being installed in Japan post the Second World War. I would have thought that analogy would not stand up to rigorous analysis, bearing in mind that, as I understand it, prior to the war Japan was almost bordering on a feudal society and economy and that it boomed after the war because it came into the real world. Capitalism was installed, and that is why Japan did well, not because some sort of union regime was inserted there. Perhaps that is one of the reasons that Japan is struggling now. Perhaps the

union movement is doing in Japan exactly what the union movement did to Ansett, as Mr Forwood so lucidly explained to the house, by refusing to enable Ansett to compete productively and efficiently in an unrestricted market.

For Mr Smith a moment or two ago to suggest that the coalition government and non-Labor members of Parliament generally set out to destroy the prospect of Ansett to continue to fly is just an extraordinary allegation. I had not heard that before. This is a bit of new paranoia that is just developing to explain away the 18 000 jobs that were lost because the unions refused to concede to anything to do with getting a work force level in Ansett which would have enabled it to compete with Qantas and Virgin. I cannot help but think that we are now probably going to see, to some extent, a repeat example with Qantas, with the downturn in international air travel because of terrorism activity, the war in Iraq and, more particularly, the severe acute respiratory syndrome epidemic.

Mr Smith — That is the unions' fault too, is it?

Hon. W. R. BAXTER — No, it is not the unions' fault as well. But businesses that rely on tourism, particularly airlines, will need to restructure their work force or they will go under. Will the unions in Qantas, if they take a lead from Mr Smith, be so resistant that they will be prepared to stand by and see Qantas go into liquidation so they can then puff out their chests and say, 'We conceded nothing' when the company goes under because they refused to acknowledge that there might need to be a work force reduction to make it commensurate with the current passenger load and the likely future passenger load? That is an unlikely scenario, I acknowledge, but that is the end result of Mr Smith's logic. If you take it to its conclusion, that is where you end up.

The other thing that encouraged me about Mr Smith's remarks, to the extent that I was encouraged by anything he said, was his acknowledgment that some of the great industrial battles of the past were politically motivated. Isn't it great that we have on the record — —

Hon. B. N. Atkinson — Only in the past?

Hon. W. R. BAXTER — Possibly, Mr Atkinson, but he was talking about the past. He did not actually concede that currently they are politically motivated. We now have it on the record that the great coal strike of 1949 and the wharf strikes that stopped my woolgrowers taking advantage of the £1 for 1 pound price for wool in the 1950s were politically motivated.

At last we have it on the record! We always knew it, but now we have it from the man who knows.

A little later I will deal with Mr Smith's allegation that the 346 000 people who are currently covered by schedule 1A will not be disadvantaged by this bill, as Mr Forwood outlined. I will come back to that point. It is sad that this is the fourth re-run we have had of this sort of legislation. It is made even sadder by the fact that it is now going to pass, and Victorians, not only schedule 1A workers but many others, are going to suffer some disadvantage because of the passage of this legislation.

Sometimes I feel sorry for genuine rank and file Labor Party branch members. I have a few in my electorate. They are good blokes and good women — they go along to the quarterly meetings in Wodonga and elsewhere and put forward their views; they write letters to editors of newspapers and so on; on occasions they come down to conferences — but at the end of the day it does not matter a jot what they think and what they decide. These good people come down from Shepparton, Wangaratta and Wodonga all for nothing, because the unions are running the show.

Since this bill was last here it has had some nasties added, as Mr Forwood said. Again it is the unions dictating to the government. They always do. They get their pound of flesh out of a Labor government. And what has this government done? It has inserted union entry provisions. Why is it necessary? If the information services officers — those Orwellian-like named people — are doing their job properly, why would the unions want a right of entry?

Hon. W. A. Lovell interjected.

Hon. W. R. BAXTER — Exactly. It does not take much imagination to work out that they want to get into workplaces so that they can pressure employees to join a union because they know that people will not join unions voluntarily except in very small numbers. People will only join unions if they are pressured. The unions want to get into workplaces so that they can pressure employees. We know that.

Honourable members interjecting.

Hon. W. R. BAXTER — As I was saying it is obvious why unions want entry power: they want to use it as an opportunity to pressure people into joining their ranks because, as has already been illustrated to the house several times today, union membership in the non-public sector is very low and continues to drop.

Why do the unions not ask themselves the Julius Sumner Miller question, 'Why is it so'? To me the answer is pretty obvious: people who work in private enterprise believe unions are by and large irrelevant and of very little use to them and in many cases are simply a drawback and a hindrance. Why is the membership of the unions higher in the public sector? Mainly because there is greater opportunity for union officials to heavy public servants to join the union, and I understand that. We know why it is higher in the building trades industries. They have got the no-ticket, no-start situation operating. How that sort of circumstance can get past some of the other legislation dealing with discrimination, which members of the Labor Party hold up in this place from time to time as being important, beats me. But there you have it. You can be discriminated against by unions, that is clear.

This legislation is not going to create one job. Mr Smith, who did not even bother to stay for the remainder of the debate, did not actually claim that it was going to create any new jobs, but he refused to acknowledge that it was going to cost jobs. I am going to tell him it will, and I am going to tell him that from my experience representing a country electorate and as someone who has operated a farm.

It will encourage more and more automation. If people can put in a machine to do the work of an employee, they will. That in itself is not a bad thing. When I was doing matriculation and had an economics teacher who used to say, 'Automation creates jobs' it took me a long time to work out what he meant, but if you can lower the unit cost of producing something you must increase the wealth of society and by definition you increase the number of jobs available. However, this bill, more than anything, will encourage further automation of processes whether it be on farms, in factories or in shops.

The legislation will also mean that in family businesses the family members work harder and do more things themselves so that they do not have to employ people. I can see that happening in my area, particularly on farms where every time there is some further impost in terms of employment, whether it be allowances or whatever, there are fewer jobs around because people decide that they just have to do without that employee. It will also result in jobs that are currently being done not being done at all. We have all seen workplaces where they have reduced their work force because some things that they were previously doing, good and useful as they might have been, were not essential to the end product, so those tasks are no longer undertaken. That may not be a circumstance that can last forever. It often leads to a slow but nevertheless relentless running down of the

infrastructure, but it can sometimes take 20 or 30 years before it becomes obvious. There will be that sort of job loss — things will not be done.

Of course it will also, particularly in the clothing industry and in some other industries, result in jobs being exported overseas. There are no two ways about that. There are schedule 1A workers in the textile industry who will not have a job after the bill becomes law because those processes will be undertaken overseas. We already know what pressure the textile industry is under in the state. There have just been a couple of factories closed in my electorate, and I would not be surprised to see another couple closed after the passage of this legislation. Our import bill will go up accordingly and our unemployment will go up have been exported.

We have heard from Mr Smith and others that the bill is about fairness and the scene has been sketched that schedule 1A employees are treated unfairly. When the former industrial relations minister was in office and this notorious report which Mr Forwood referred to was produced, I challenged that minister to give me some concrete examples of unfairness to schedule 1A employees. I asked for it on a number of occasions. I was told that they did not have bereavement leave, so I asked for an example where someone had been denied bereavement leave upon the death of a parent or a child. No example was forthcoming.

While it may appear to be a situation that could apply, I have no evidence of it, but what I know about schedule 1A employees by and large is that they are in small industries, family-run businesses often, where they are treated extremely well. There is a very good relationship between them and the employer and it is obvious why that is so, because both are dependent on each other. The business owner is dependent on his small number of workers. He knows how much it costs to train them; he knows that if he does not treat them well they can walk out the door and go down the street and get a job somewhere else; he knows that if he does not treat his work force fairly and equitably his business will get a bad reputation around the town and he would find it difficult to get replacement employees. Similarly the employees know that they are on a good wicket and that they can talk directly to their employer and come to an agreement that if there is a bereavement, for example, they can make a satisfactory arrangement to cater for that circumstance. They know that if they need a day off for some particular reason, medical or whatever it is, or Auntie Madge is arriving from overseas, more than likely they can accommodate that. Yet if you listen to Mr Smith — and I suppose we will hear from Ms Darveniza soon — that would never

happen; they would be denied that opportunity; and there is no use their even asking.

I know from experience that that is simply wrong and it is rubbish. I say that, by and large, the work force in the schedule 1A situation is able to accommodate the wants of both sides of the workplace very well indeed. I acknowledge that there is the odd bad employer out there, and I would certainly say there is the odd employee who believes he should take his boss down wherever he can. I shall deal with those specific examples. Let us have a law that attacks that problem rather than this sweeping legislation which treats everyone the same, the lowest common denominator, and says, 'We will drag everyone into the same windmill' rather than dealing with specific examples where that might well be necessary.

I believe what we will see is a situation where the government is basically saying to the federal government in a blackmail-type situation, 'You accept our reference to the common rule or we will establish our own industrial relations system'. The government knows full well that the federal government would not want that to happen and that it is not in the best interests of the industrial relations of this nation. We know what the government tried to do with the so-called Fair Employment Bill, which was fortunately defeated. As an aside, I agree entirely with Mr Forwood what an inappropriate name that Fair Employment Bill was and what angst it must give parliamentary counsel when they are pressured by the government to give legislation catching names which, as I said by interjection, demean the statute book rather than a name which truly reflects the content of the legislation.

The government is not proposing to set up an industrial relations commission along the lines that that bill advocated; it will turn the Victorian Civil and Administrative Tribunal into some sort of quasi-industrial relations tribunal. That must send shivers down the spine of everyone to think that VCAT, as good as it might be in terms of examining administrative decisions, could do that because it certainly has no expertise in industrial relations. I do not believe it should be contemplated for one moment that it should adopt industrial relations as one of its tasks. Employer groups as well as employees would not believe that was a satisfactory alternative.

In a sense we have a bill that has two sides saying, 'Here is a common rule, we are referring it off to the feds, but if they don't take it up this is the track we are going to go down'. In a sense, it is blackmail. There should be two bills: firstly, a straight referral to the federal Parliament; and secondly, if the federal

Parliament does not take it up the Victorian government should come back with an alternative if it insisted on getting away from the current system applying to schedule 1A employees. But to introduce legislation which has this crazy VCAT proposal in it does the government no credit.

In terms of schedule 1A employees and the way members of the union movement think, it is unfortunate that they cannot get away from this 8-hour working day thing and that if you do a minute over the 8 hours you must have all sorts of penalty regimes and the like. Government members cannot grasp that there are some jobs where you cannot do the job in the normal 8 hours; that you need some flexibility; that cows need to be milked twice a day but not within 8 hours; that fruit needs to be picked when it is ripe; that crops need to be harvested at an appropriate time; and that irrigation needs to be scheduled. It is not just a matter of pulling the door out of the wheel at 8.00 a.m. and putting it back to turn it off at 4.36 p.m.. It does not work like that. Yet government members seem to have this view that we can regulate activity in the workplace under these constraints and we will survive. We will not. Horticulture in particular, the dairy industry and agriculture generally will be severely curtailed and impinged upon by the legislation.

As the excellent document prepared by the Victorian Farmers Federation industrial relations division points out, very significant costs will be imposed on the agricultural industry by this legislation, and that also by definition means that jobs will be lost. I have never seen a circumstance where if costs rise, jobs do not disappear. One follows the other in the natural order of things, and that is what will happen here. We will see substantial job losses when this legislation becomes law.

Costs will also rise in terms of the sorts of benefits that will be mandated rather than the very flexible agreement system that most employers on schedule 1A now have. Again jobs will be lost and ancillary benefits will disappear. How many agricultural workers live in cheap housing for which they pay nothing or a nominal rent? How many get meat supplied as part of their employment conditions or fuel for their vehicles or their telephone or utility bills paid or the firewood provided and so on?

That will all disappear because there is no provision, particularly if it goes down the Victorian Civil and Administrative Tribunal track, for those sorts of emoluments to be taken into account. The unions are only able to think in terms of dollars and cents; they cannot think in terms of kind. So I suppose I would

have to urge the federal government to take up the referral of the common rule as the lesser of the two evils, because I do not want to go down the VCAT course.

I prepared a number of amendments which I will put to the house during the committee stage. One goes to changing the title of 'information services officers' to 'enforcement and compliance officers'.

Hon. Bill Forwood — We support that!

Hon. W. R. BAXTER — Thank you, Mr Forwood. That is entirely what they are. Even Mr Viney, when he was in here a while ago interjecting, actually acknowledged that they are compliance officers, and that is what he wants them to do — he wants them to go around and ensure that employers are complying with the law.

I am happy about employers having to comply with the law — absolutely — but call the inspectors what they are: enforcement and compliance officers. Do not try to dress it up in this fancy, ungrammatical name of 'information services officers'. It doesn't even roll off the tongue!

Mr Smith — They will certainly get the job done all right!

Hon. W. R. BAXTER — Again we have Mr Smith's troglodyte union attitude that the employers are crook and he needs a Gestapo police force to bring them into line. That is his attitude.

My next amendment goes to the issue of union entry. Clause 29 of the bill provides for the circumstances in which union entry can be declined. There are three subclauses — (3)(a), (3)(b) and (3)(c) — but for them to apply they have to be cumulative; you have to actually get across each of the three hurdles. I intend to move an amendment which would make getting across any one sufficient to decline union entry, and I cannot see any reason for the government resisting such an amendment.

My third amendment goes to the issue of union entry and the provision that enables an official who does not have any members of his union working in particular premises to enter those premises. Why would we countenance union entry at all, but more particularly why would we countenance it for an official who does not have a member of his union working at the particular premises? So my third amendment goes to the issue of it being the relevant union rather than any union, and again that is a very reasonable restraint to put upon union officials barging into workplaces

simply for the purposes of trying to increase the membership of their particular unions.

If this bill passes the second-reading stage — and of course the National Party will be opposing it at that point, and I understand the opposition will too — I will then attempt to have the bill moderated to that extent. I believe they are reasonable amendments.

Let me sum up by saying that I think the government has to realise that its budget is already in trouble. I do not need to tell government members that; from the announcements made in the last fortnight or so and the messages being sent out about a tough budget they appear to have realised it. They have already concluded that their money management is somewhat lacking and we are already on the Cain-Kirner slippery slide. It is legislation like this that will scare industry away and quicken that slide into the sort of financial oblivion this state suffered in the 1980s, and this Parliament ought to do its best to head off such a tragedy occurring again.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to make a contribution and speak in support of this bill. Again the bill that has been brought before the house has been developed in consultation with the stakeholders — with employers as well as employees. It has been quite considerable consultation that has taken place over a long period. As has already been pointed out by previous speakers, this is not the first time we have seen a bill dealing with these matters brought before the house.

Once again the bill is honouring the government's election commitments. The bill is based on policies that we took to the election, promises that we made to the electorate in the 2002 election. Again we are implementing our policy commitments. Not only have we gone through a consultation process and not only have we taken the policies that are the foundation of this bill to the electorate and been elected on that basis, but we were given an unequivocal mandate to introduce this bill, to pass the bill and to implement the provisions set out in the bill.

It is interesting that Mr Baxter says he will be sorry to see the bill pass — he does not support it and will be very sorry to see it pass. He is surprised, even though this government has gone out and consulted with stakeholders, with constituents, about the very essence of the bill and the basis on which it is built and presented and despite the fact that the government has taken it to an election and obtained an overwhelming majority of support during that election.

The government has a very clear mandate to bring the bill before the house, to pass it and to implement it. It is interesting that Mr Baxter feels sorry that we are doing the things we said we would do and the things the people of Victoria elected us to do. We are certainly not sorry about it.

Mr Baxter, like Mr Forwood, went on about the industrial relations task force. This is an important document. It was an independent task force. Even though they pooh-poohed its findings and outcomes, it was an independent task force. They did not like the outcomes and recommendations because they do not fit into their way of thinking and therefore they do not accept those recommendations. At every opportunity they try to denigrate the report and the way that independent task force went out and held consultative forums with people and asked them about their experience and what was actually happening out there in the workplace.

I want to talk a little about some of the findings, because Mr Baxter talked about small employers having great relationships with their employees. I do not dispute that. There are lots of good employers who have good relationships with their employees. They look after them and have harmonious relationships. But there is no doubt that there are also bad employers who exploit and take advantage of their workers. I attended some of the forums run by the industrial relations task force and listened to submissions from workers about the way they were treated. The task force found that compared with other states, Victoria has a disproportionately large low-wage sector. Low-income earners tend to be concentrated in small workplaces, in certain industries and in rural and regional parts of the state. That was one of the findings of the task force which indicated links between the low-wage sector and Victoria's dual system of industrial relations.

Victoria did not have a dual system of industrial relations until the Kennett government years when unilaterally, overnight and over a bottle of Johnny Walker, the then minister, the Honourable Phil Gude, determined that we no longer needed the state industrial relations system and that he would do away with it and move employees elsewhere. Some 356 000 Victorian employees were not covered and were left out. As Mr Smith has already pointed out, 21 per cent of the Victorian labour force relies almost entirely on schedule 1A of the Workplace Relations Act for its conditions of employment.

Schedule 1A employees have limited access to benefits that are the standard among federal award employees. That is a fact even though Mr Baxter and Mr Forwood

say that it makes no difference. It does make a difference, because schedule 1A employees do not have the same entitlement to conditions of employment as workers under federal awards or those who are covered by enterprise agreements made under that federal award. Hopefully the bill will mean the federal government will take up the responsibility for ensuring that schedule 1A employees are covered by federal awards, and if they do not then this government will put in place provisions to make sure they are covered.

I want to talk a bit about the comparison between the conditions of employment that apply under the federal award and in other jurisdictions where employees rely solely on schedule 1A of the Workplace Relations Act and receive fewer conditions and entitlements than other employees. For instance there is no personal and carers leave or bereavement leave. Mr Baxter is right. There are good employers who will come to an arrangement with employees and give them their entitlements even though they are not covered by the award. But this depends on having a caring, responsible and good employer. It is not about a person's entitlements or whether they have a good or a bad boss — and there are bad bosses out there.

An employee relying on schedule 1A has no entitlement to redundancy, which is a significant entitlement. There is no requirement for an employer to pay for hours worked in excess of a 38-hour week, so there is no overtime. Again a good employer might pay the overtime, but the employee must go cap in hand and ask the employer to provide it. The employer can say, 'No. You have worked 40 hours this week, but look mate, sorry, we are a bit light on. I'm a bit short, and I can't pay you'. But the person has worked those extra hours. If the employee is covered under a federal award or by an enterprise agreement under the federal Workplace Relations Act, then they have an entitlement to it, and if they work the time they will be paid. It is not about having a good or bad employer.

Sick leave benefits are prescribed at lower levels in schedule 1A than they are in many federal awards. Those are the things that schedule 1A workers are not entitled to, and they are significant. They are not just little extras. If the business you work for has to fold up or downsize, a redundancy payment is not insignificant. It is a very important payment, as are all the other entitlements. The terms and conditions for schedule 1A employees are a minimum wage, paid annual leave, paid sick leave — but often it is at a lower level than federal counterparts, paid maternity or paternity leave and a period of notice of termination or compensation instead of notice. They are the only things that

schedule 1A workers are entitled to. So there is a difference.

It is not a fair system; it is a very unfair system. I am no great supporter of the Workplace Relations Act, believe you me. There are lots of things that are very wrong with that act, and lots of amendments that we as a government have lobbied hard for the federal government to change. But the federal Workplace Relations Act gives greater uniform protection and would have workers who do the same work in the same state receiving the same pay and conditions of employment as an entitlement, not as a cap-in-hand gift from an employer.

Mr Forwood and Mr Baxter have scoffed at our talking about fairness, but that is exactly what it is about. It is about employees being treated fairly and equitably in a workplace and having the same pay, entitlements and conditions of employment when they are carrying out the same work, whether they be employed under a federal award or whether they be schedule 1A.

What the Bracks government is doing and what it is committed to doing is ensuring that these workers get covered by the federal industrial relations system — and it is up to the federal government to decide whether or not it will take this up — but if it does not take it up then we will put in place a system that will give them protection, equality and fairness in the workplace and in carrying out their responsibilities as employees.

That is what this bill is about. It is a good bill, and I am pleased to have had an opportunity to be able to make a contribution again speaking in support of this important piece of legislation.

Many significant employer organisations supported this legislation when we brought it before the house in the past, so it was not without support from the employer side. It is good legislation. It is good for workers and it is good for employers. We are delivering on our promises. We have a mandate to bring this bill to the house. We have a mandate to pass this bill. We have a mandate to implement this when it becomes law. It is good legislation. It deserves the support of all members of this chamber. I commend the bill to the house.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Federal Awards (Uniform System) Bill. In doing so I say that the Liberal Party opposes this bill, which amounts to very expensive legislation. It is expensive not only because of the recurrent costs that the state will incur due to the appointment of state-employed information services officers but also because of the increase in operating costs to employers,

the horrendous loss of jobs it will cause and the loss of investment in Victoria to states like Queensland and Western Australia because of the competitive advantage these states will have due to their state-based awards systems.

When a government moves to pass legislation that is so detrimental to employment in this state, you have to ask yourself: what is its motivation? We do not need a crystal ball to see what the motivation is for this legislation. We all know what it is. This legislation is simply payback time — payback to the union mates who have supported the government so well. It is payback time at the expense of ordinary Victorians.

The government and the unions would argue that they are improving conditions and increasing remuneration to ordinary Victorians, but the truth is that while a few Victorians will benefit from this legislation many will be far worse off, because they will be without employment. What good are increased wages and conditions to you if you do not have a job? If the government had consulted the employer organisations instead of its trade union mates, it would also be aware that this will cost the state enormously in loss of jobs. The retail traders have estimated that this bill will cost at least 2500 jobs in the retail sector.

But the greatest impact of this legislation will be felt in rural and regional Victoria — an area already suffering from the drought and the bushfires. The Victorian Farmers Federation (VFF) has estimated that due to this legislation almost 10 500 jobs will be lost in rural Victoria. There are 37 000 farm enterprises in Victoria, and the VFF's modelling has shown that the majority employed in these enterprises are schedule 1A employees.

This legislation could add up to as much as \$177.30 weekly to the cost of their employment. In fact, this legislation could add up to as much as \$420 million to the annual employment bill for the agricultural sector.

This legislation will have a severe impact on my electorate of North Eastern Province as the costs in the dairy industry are expected to rise by as much as 21 per cent. Ms Darveniza picked up that Mr Baxter had said he was sorry that this legislation will come to pass. I join Mr Baxter because we represent the same people. I am also sorry to see a loss of so many jobs in rural Victoria. These are costs that the agricultural sector just cannot afford.

The loss of employment in country Victoria will be devastating not only to the agricultural sector but also

because of the multiplier effect that the losses will incur that will impact throughout our manufacturing and retail sectors and will be felt right throughout our community.

Clause 36 of this bill deals with the prohibition of victimisation and quite rightly sets out that in no way should an employee be victimised by an employer or an organisation. Yet part of the purpose of this bill is to allow victimisation of employers — victimisation by state-employed information services officers. These officers are to be given very broad powers that allow them to enter an employer's premises, inspect files and photocopy documents — in other words, to harass employers. Allowing these officers to enter a place of business and rummage through filing cabinets that in most cases will also contain personal files of business owners is bad enough.

It gets worse than that. Clause 19(4) sets out that an information services officer does not have the authority to enter any part of the premises used for residential purposes unless — unless; that is the catch-all clause. Not only can they rummage through your business files and copy anything they like, they can rummage through your personal files and even your home.

I wonder how many of these officers the state will be employing to run all over the state and harass hardworking and honest employers? I doubt any of these officers will have employed people themselves and therefore will not have any understanding of what an employer goes through. I wonder where they will come from. I expect I know where they will come from, because where better to get someone to go out and harass employers than from the trades hall? I think the state could save some money on the ads. Instead of advertising in the normal newspapers, why not just advertise these positions on the trades hall notice board?

The cost of employing these information services officers must add up to quite a tidy sum. I expect we will not only be paying them salaries; we will also be providing them with cars and covering expenses for them to run all over the state. That recurrent cost year after year will impact quite heavily on the budget — money that country Victorians would prefer the government spent on roads, hospitals, schools, et cetera, in country Victoria. Not only will businesses have these inspection officers running around harassing them, this bill also allows for entry and inspection of premises by registered organisations. Why are we trying to hide it? Why do we not just say 'trade unions'?

Mr Smith interjected.

Hon. W. A. LOVELL — This bill really is payback time, Bob. Not only is it payback time, it is completely hypocritical. It allows entry into privately owned businesses by state-employed information services officers and registered organisations. Yet when the commonwealth government wanted nothing more than the law of the land to be applied to the building site at the Melbourne Cricket Ground by providing access to the Office of the Employment Advocate to ensure that the Workplace Relations Act and the enshrined provisions relating to the freedom of association were being complied with, the Bracks government refused. It chose to forgo the \$90 million in federal funding rather than allow the employment advocate to check up on its union mates.

I suggest that the Labor government's trade union mates are watching this bill with interest in anticipation of the booty that is coming their way. But there are also a couple of other Labor mates who would also be watching this bill with interest. They are the Premiers of Western Australia and Queensland, Geoff Gallop and Peter Beattie. They will be watching with interest, because this legislation will give these two states, who have maintained their state awards system with wages and conditions somewhat less than Victorian and federal awards, a tremendous competitive advantage. Gallop and Beattie will be rubbing their hands with glee and gearing up to poach as many industries from Victoria as possible. With this legislation, Victorian employers will be flocking to Western Australia and Queensland.

Honourable members interjecting.

Hon. W. A. LOVELL — Victoria will no longer be the place to be. It will be the place to flee.

As I said at the beginning of my speech, this is expensive legislation. It will destroy jobs and does nothing for this state. I condemn this bill and am pleased to say that the Liberal Party will be opposing it.

Mr LENDERS (Minister for Finance) — I rise to speak briefly in enthusiastic support for this bill. As someone who was involved with the first bill in the last Parliament I would like to put a few comments on the record. I know Ms Lovell is doing what she expects an opposition member should do — that is, get very excitable about the bill — but I reassure her and other members of the opposition that with all the clauses she referred to we are basically seeking to copy the federal system for Victoria. Every devious, evil, sinister, Machiavellian thing being thrown at us comes straight out of Peter Reith and Tony Abbott's legislation. It is hardly a dangerous, Machiavellian, socialist, Fabian,

sinister left-wing plot. On the contrary, it seeks to bring uniformity to Victoria, which business, workers and the community have been calling for for a long time.

The bill is in two parts. The first part refers the common-rule powers to the commonwealth. If the commonwealth accepts them, we will have a truly unitary system in the state of Victoria for all matters bar one in industrial relations. That is a significant achievement that both sides of politics should be absolutely pleased with. The second part deals with the possibility of the commonwealth not accepting the reference. If that happens there will be a referral to the Victorian Civil and Administrative Tribunal of the deeming of awards and a range of other things. But, surely, the commonwealth will adhere to commonsense in the interests of workers and business and accept the first referral.

This is a simple concept, and it is long overdue. I would like to pay tribute in this house to a few people who have worked incredibly hard on this. Obviously there was professional support from the staff of Industrial Relations Victoria, which goes without saying. But I would also like to acknowledge two people primarily as well as you, President, as the mother of the Fair Employment Bill, if that is the term to use — we have heard of fathers in this house, or should it be the parent of the Fair Employment Bill? Firstly, I would like to thank Simon Fenby, who was an adviser to both my predecessor as minister and me. He worked incredibly hard conceptually to find a way of getting through a system. I also thank Senator Jacinta Collins, who chairs the federal committee. The two of them did so much work conceptually on this, and it is a great outcome. I commend the bill to the house. The speedier its passage the sooner Victoria will become part of a uniform system which is good for workers and business and the sooner we will remove the block from our system which has been a terrible injustice to the schedule 1A workers.

Hon. B. N. ATKINSON (Koonung) — The major group that has been left out in the consideration of this particular legislation is small business. I do not believe the ramifications of this legislation on small business have been thoroughly examined by the government, and that is the reason for my speaking in this debate. I wonder where the Minister for Small Business was and what position she took on this legislation when it came before cabinet, because there is no doubt that small business is the sector that is most impacted on by this legislation. It is the area that employs most of the schedule 1A employees, and they represent around 21 per cent of the work force in Victoria. I suggest that in many cases those employees are actually in

entry-level positions. That needs to be recognised in terms of schedule 1A — in many cases it concerns entry-level positions.

As other speakers have said in this debate, quite a number of those entry-level positions will be lost as a consequence of this legislation being pursued by the government. Many small businesses will simply not be in a position to meet the significant increase in costs associated with the extended employment provisions being visited upon them through this legislation.

I certainly share the hope of many industry groups that the federal government will take up this legislation — that is, if it does progress through this house. I will certainly be voting against it in the interests of small business, but presuming that the government cannot be persuaded to change its mind and this legislation is accepted by the Parliament, I can see Tony Abbott taking up this legislation in some form that will hopefully be negotiated between the state and federal governments because that will be a better outcome than the second proposal that is outlined in this legislation — that is, the setting up of a de facto industrial relations system in Victoria based on, of all things, the Victorian Civil and Administrative Tribunal (VCAT), which is a tribunal body that is just not competent to become involved in industrial relations legislation. That would be a very poor outcome for everybody. It is certainly not supported by the industry groups that I have talked to, and from my point of view — from a small business perspective — it would be an unmitigated disaster to have VCAT as the jurisdiction for this legislation in the event that the federal government does not take up the implicit offer of this legislation to extend its Workplace Relations Act in respect of provisions that are outlined in this legislation.

My concerns about VCAT are to do with the time that it has available for hearings, and so forth. There is already a significant backlog in VCAT's work, and I do not see that there is the capacity within that tribunal system to be involved in this, and there is certainly not a competence to become involved in these sorts of issues. I acknowledge that the government has included an opportunity for some employers to seek an exemption from the legislation based on the fact that they are unable economically to meet the commitments that are required of them under this legislation, but even the process of applying for an exemption before VCAT would be a nightmare. Can we expect people who do not have the time, the resources or the knowledge to go before a body of that sort, or indeed any other body, to maintain their rights as employers against the weight of

legislation and to try to approve a position for themselves?

We live in a world that obviously has very much a changing workplace. There are changing skills requirements for many organisations. There are times of the year when particular businesses need quite different workplace skills to generate product services that meet the needs of Australians and increasingly meet the needs of export markets.

The key aspect that is necessary in the workplace is flexibility. What concerns me most about this sort of legislation, particularly as it pertains to small business, is that it starts to impact on some of that flexibility. I certainly understand why some of the larger companies, and in particular some of the industry groups, are in favour of this legislation, because at times those organisations find it is in their interests to support the development of further regulation of their competitors, particularly their nimble, small business competitors because in many cases it is those small business competitors that are the ones that are creating innovation, the ones that are generating new products and services and the ones that are eating away at the market share because they are so good at what they do. In many cases the large employers see the opportunity to regulate them as a way of throttling that innovation.

I put to the house and the government that throttling those small businesses by visiting upon them new regimes of industrial relations and other regulatory imposts is not in the interests of Victorians. I am not anti-union, and I am also not in favour of the exploitation of workers.

Hon. Kaye Darveniza interjected.

Hon. B. N. ATKINSON — I have actually belonged to a union for a long, long time. I am not in favour of the exploitation of workers. It is not appropriate in a society such as ours that we should unreasonably exploit people. However, I also do not believe we ought to be going for systems and legislation that destroy some of the competitiveness of small businesses. Although many of the provisions in this legislation may in themselves be fair and reasonable — and in fact in many places of employment probably already exist by way of agreement, as has been put by other speakers including the Honourable Bill Baxter — we ought not be looking at legislation in this place on the basis that one size fits all.

As I said in a previous debate on, I think, retail leases, what fits a major company like a Coles Myer or a BHP

is not necessarily a good fit for a small business, be it a farm, a corner store, a small manufacturing plant or a cleaning service. We have to make sure we maintain the vibrancy of small businesses and encourage them, not bludgeon them with new legislation and industrial relations regimes that, even if they do not have their possible effect, create a fear for the operators of those businesses because they will have to deal with things they have not dealt with in the past.

Indeed, some aspects of this legislation represent an open sesame for the union movement to walk into a range of premises or businesses they have never before had access to. While some of the unions involved might act entirely responsibly, we know others will not; their track records suggest they will not. There are certainly a great many small business employers and a great many of their employees in those workplaces who would be very frightened about the prospect of unions coming into those workplaces under this legislation and using it to tackle industrial relations agendas that are far wider than this legislation, just as at the moment many in the union movement are using the old perennial of occupational health and safety issues, often trumped up, as a means of trying to intimidate small business employers.

It happens; it is already happening. I am concerned that this legislation could see it happen a great deal more in the future. Even if I accept that this legislation is well intentioned, I am really concerned about how it might be applied in the marketplace and what its impact would be on small businesses. I certainly know they would be very much concerned about it.

There is no doubt from my point of view that this legislation is certain to cost jobs in the small business sector. The Victorian Farmers Federation has put numbers on it. The Australian Retailers Association has also put numbers on it, and I dare say that if you went to a range of other organisations you would find they would also be prepared to hazard a guess at the number of job losses. From what we have had provided by the VFF and the ARA we are talking of around 15 000 jobs; I suggest it would be more.

I suggest that some of the jobs that will go will be entry-level jobs, the very jobs that help young people like Mr Smith's daughter and my daughters, who work in part-time jobs at weekends while they are at university during the week. Their opportunities to maintain that employment or for other young people to secure jobs like those could well be diminished by this legislation, because they are entry-level jobs that depend on small business employers having the flexibility to put up with people who are not well

trained in their positions — cafe jobs, retail jobs and so forth. They are certainly not jobs those people are looking to for careers into the future.

There is a very high turnover, and turnover represents extraordinary costs for business. If we add to those costs with this sort of legislation, we run a very real risk of losing a lot of jobs that are available for people. I do not think it is going too far to say that there is a danger of losing businesses as well, that we will see businesses close if this legislation is bluntly administered by the government and the union movement, particularly if we end up with the VCAT model, which would be an unmitigated disaster.

I have been able to talk to the Shop, Distributive and Allied Employees Association (SDA); I had very constructive and fruitful talks with that association. The Victorian Trades Hall Council has not been prepared to answer my letters or phone calls, which is unfortunate because, as I said, there is an advantage in having dialogue on a range of issues. At least I could understand some of its perspective.

I would like to think that I bring some genuine perspective or genuine argument to issues that come before the house. When I talked to the union people I have been able to speak to, including the SDA, I found it interesting that they say, 'We have moved into federal awards. We are not quite so sure we would have done that had we known that Bracksy was going to win. We probably would have held out and stayed in our state awards because we might have got a better deal'.

There is a real problem with leapfrogging in industrial relations, with people playing off the state awards against the federal awards. That is one of the reasons, at least in theory, that I think it was a very good idea to move towards a national industrial relations system and a national award structure. But even with a national award structure it is imperative in my view that the needs of small business be taken into consideration, to ensure that it maintains its flexibility so that it continues to be a vibrant sector of the community.

I am concerned about the appointment processes, particularly for industrial officers but also for information services officers, in this legislation. The amendment circulated by the National Party is outstanding in terms of really calling these people what they are — in effect, compliance officers. I have a real concern about the political nature of those appointments and the fact that they may well pursue political agendas as they go about their work.

I am worried that the exemption process is too cumbersome for small employers, and I am particularly worried about the fact that this legislation will hit employers who are least able to establish with their employees enterprise bargaining agreements or other arrangements that would suit those employees far better than a national system or a prescribed state system and would also meet the needs of those businesses and ensure jobs growth, business vitality and a continuation of innovative services and products for Victorians.

Hon. J. A. VOGELS (Western) — It is my pleasure to join the debate on the Federal Awards (Uniform System) Bill. In my contribution I intend to focus on the disastrous outcome this legislation will have on rural Victorians. The bill will extend federal award coverage to those Victorian employers who are employed under the conditions in part XV and schedule 1A of the commonwealth Workplace Relations Act.

The current schedule 1A conditions provide flexibility for workers and employers to negotiate employment hours, terms and conditions which are appropriate for the individual worker and the needs of the business they are working in. That flexibility is so very important in rural Victoria but this legislation ignores that.

Employers have an important investment in the happiness of their employees and it is known as mutual obligation in rural Victoria. These days you cannot just pick up someone off the street and basically expect that they can get on a piece of equipment that is worth \$100 000 or more, or expect that they can walk into any rural business and instantly know what they are doing. It takes time to train an employee to achieve the various skills required to work in a business to enable them to make a contribution, thus achieving, as I said before, a mutually satisfying employment environment.

This legislation will take away the flexibility that presently exists for employers and employees. Farming requires flexible working hours because we are governed in many instances by the climatic conditions of the day. I can understand that if you are employed in a city factory in a huge industrial complex the weather does not really affect you; you work inside so you do not have those problems. Farming also has peak workload requirements — harvesting crops, planting vegetables, picking fruit, calving down cows and shearing sheep — where the influence of weather can greatly affect your employment for the day or for the week. There is an old saying, but it is true, 'Make hay while the sun shines'. This bill does not allow for that.

In rural Victoria we have time off in lieu, when conditions permit. That is how farming practice is carried out, together with subsidised, if not free, housing or accommodation, free milk, meat, firewood, power supplies, telecommunications, and even the farm ute. We hear about the introduction of 20 minimum standards, including bereavement leave, carers leave, sick leave and so on. Let me tell you, in the vast majority of employer and employee relationships in rural Victoria, that is a given. We have always looked after each other's welfare — and having union officials snooping around the place is not going to help at all; in fact it will probably have the opposite effect. I cannot stress enough that people who work outdoors need flexible working hours, and abolishing this Victorian system of employment contracts and imposing new awards and conditions on all employers and employees will cost jobs.

The Victorian Farmers Federation (VFF) has analysed the impact of the bill on agriculture based on the Bracks government's own employment figures presented by the Australian Centre for Industrial Relations Research and Training at the University of Sydney for the Victorian industrial relations task force. The task force report estimates almost 45 500 workers in agricultural industries are employed on schedule 1A conditions. It goes on to say that the additional employment cost imposed on the agricultural industry of transferring these workers from schedule 1A conditions to the federal awards is estimated to be almost \$420 million in the first year. Based on data provided in the task force report, the impact on individual farms would be an extra \$177 per week in employment costs per employee currently on flexible terms. Many farms will not be able to afford such large increases in employee costs and this bill, according to the United Dairyfarmers of Victoria, could cost or put at risk 10 397 farm jobs.

Commodity prices are at or probably near the lowest level we have had for quite a number of years, and we have had the impact of drought. Rural Victoria is struggling. The last thing we need at the moment is another imposed scheduled award that is going to break a lot of farmers. At the end of the day the people who will be worst off will be the employees in rural Victoria. Because the Labor Party has absolutely no understanding of rural Victoria — and Mr Bob Smith obviously does not, from his earlier comments attacking all farmers — if this bill becomes reality, which I am sure it will after today, it will be very bleak for Victorians, especially those in rural Victoria.

The VFF's submission to the government goes on to state:

The imposition of these additional costs to agriculture will erode the internationally competitive position of Victorian farm product.

If this legislation is passed, I would suggest that the government's goal of \$12 billion of food exports by 2010 will not be achieved. At present Victoria is the breadbasket of Australia, with the dairy industry leading the charge. Agriculture and food industries provide more than 35 per cent of exports from the state and employ 250 000 people, accounting for 21 per cent of all jobs in country Victoria. Agriculture is our most widely spread and decentralised sector.

The growing prosperity of rural and regional Victoria is fundamental to this state's progress and the main driver of that progress is flexibility. That is how agriculture works. You need to be flexible — for example, you cannot say 'I will start planting my crop on 1 April'; the conditions may not be right. An urban dweller would not understand.

Let me say in conclusion that the Victorian Farmers Federation has asked that if the government is hell-bent on pressing forward with this bill — and it is obvious it is — it is important that the impact on agriculture is minimized. The government should consider introducing transitional arrangements, deferring for two years the transition from schedule 1A to federal award conditions for existing farm employees. Hopefully by then the drought will have broken, commodity prices will have increased and the government will have provided expert support to improve farm productivity and efficiency. There is little doubt that the impact of this legislation must be measured not only by the potential benefits to employees but also against the cost impacts to employers and the Victorian economy. If this bill is implemented, farm labour costs will increase, jobs will be lost and Victoria as a whole will suffer. I therefore oppose the bill.

Hon. PHILIP DAVIS (Gippsland) — Let me say that I oppose the bill. I think it is an outrage. It is quite clear that the government has totally abandoned any pretence now of supporting rural Victoria. It was elected in 1999 effectively on the basis of rural Victoria supporting a change of government, and it made great play in its first term in office of a relationship with rural Victoria, but this bill, the Federal Awards (Uniform System) Bill, reinforces clearly the Victorian government's abandonment of the rural sector.

Clearly, I do not wish to reiterate the comments made by my colleagues. So I will not bore the house with tedious repetition of references to particulars of the arguments put forth by the Victorian Farmers Federation, but I will summarise by saying that we are

at a critical time in country Victoria. As a result of drought, there have been significant additional impacts on costs for Victorian farmers. Indeed it would be fair to say that the current seasonal conditions across all of rural Victoria are the worst that we have seen for 100 years. Indeed, the government acknowledges that by having declared 47 municipalities to be drought affected.

I have been speaking today on the phone with people from the Wellington shire in East Gippsland. Farmers in those areas are beside themselves that the government has abandoned Gippsland by announcing recently that it proposes not to declare any more municipalities drought affected, and indeed abandoning rural Victoria as of 7 May by shutting down the Victoria drought assistance program. Any farmer who has not made application by that date will not receive any material assistance. So we have the consequence of drought in terms of the additional costs, the loss of income as a consequence of drought, and we have vast areas of eastern Victoria affected by bushfires. All that has impacted on farmers. Some 350 farms have been directly affected by bushfire this year. Those people are in a traumatized state without financial assistance from the government.

What do we see coming in with this bill? It seeks to introduce a re-regulated labour market with centralized wage-fixing arrangements for farmers who have relied for a long time on very flexible arrangements with their employees, who choose not to be regulated. The farm sector is the least unionised sector of the work force in Australia. Farm employees do not wish to be involved in trade union arrangements. They choose to have individual arrangements with their employers. Employers find that is the most productive way of having good and useful relationships with their employees, many of whom are more than employees — they are close working and family associates, because they often live on the same property as the employer. For example, most farms where there is an employee have a cottage or cottages, often provided rent free. Often there is an arrangement for the provision of meat, milk and other necessary requisites. Often there is an arrangement with the employee for the use of a farm vehicle.

I can testify to that myself. In my days as a jackaroo, overseer, or farm manager it was often the case that I had access to a property vehicle and always in those employed positions accommodation was provided. Those arrangements will not be recognised and reflected under the provisions of this legislation. The regulating of employment arrangements for farm employees will effectively significantly disadvantage

and reduce the net living income, the net wage, of farm employees because it will not be possible to take into account those particular and peculiar arrangements which are inevitably entered into in a farm situation, where there is often a remoteness from an urban area, and where it is therefore impossible to put a value on the accommodation. Quite commodious, comfortable and good accommodation which might yield a reasonably high rental in a town may on a farm be virtually worthless because of the tyranny of distance.

In my own case I can recall that the cottage on my former property, which is about 40 kilometres from the nearest major town, when we did not have an employee in it, was vacant for a period of about four years because we could not attract anyone to rent it. It is now well occupied, I understand. When you are unable to rent a cottage you cannot give it a value. But under the arrangements to be set in place as a consequence of this bill it will be the case that that cottage will inevitably have a nominal value, and there will be a requirement for inflexible arrangements to be introduced in relation to the value of the accommodation provided.

If a farmer invests \$80 000 in building a house or in owning a house on a property for the use of employees, that should be accounted for in the bargain established between the two parties. Similarly, as a matter of convenience and practicality it is often the case that employees have other arrangements. Often the employees are expected to provide their own working dogs. What is the financial recognition for the provision of a dog? It may be offset by an arrangement that the employee is provided with free meat and other foodstuffs. It may be that the employee provides his own horse. Similarly, there is a value on that. How will these arrangements ever be measured in a centralised wage-fixing arrangement which will be imposed on the rural sector?

As was well said by my colleagues earlier, there will be a significant erosion of employment in country Victoria. The Victorian Farmers Federation (VFF) has estimated that more than 10 000 jobs will be lost, and the effect of that is very significant. I noted in a recent article in the press that in the last 13 years there has been no increase in the number of jobs in country Victoria. The net consequence of adjustment in the economy has been that although the population of country Victoria has increased by about 100 000 over the last 13 years, there has been no increase in the net number of jobs in country Victoria.

This bill will have a consequence just on the farm sector. I heard Mr Atkinson speak earlier about the small business sector. Many — in fact, most —

businesses in country Victoria are small businesses. There are not very many major businesses. Gippsland is a bit exceptional because of the large industrial base with the oil, gas, coal and paper processing industries. Therefore there are some larger industries which are major employers, but by and large that is the exception to the rule, so small businesses will be directly affected.

For small businesses there are two provisions within this bill which are offensive and to which the opposition takes great exception. Apart from the proposal to convert the Victorian Civil and Administrative Tribunal into some mickey mouse centralised wage-fixing tribunal, there is the proposal to introduce information services officers, who will have the capacity to call on the police for assistance when entering premises and who will inevitably be able to bring with them their industrial and political agenda, because undoubtedly the government intends to employ its union mates for the information services officer positions.

I am particularly concerned about the proposed authorised industrial officers and presumptions about right of entry. It has always been my experience that in a workplace where a member of the work force has been desirous of talking to representatives of the relevant trade union, they have inevitably had access to that opportunity and could do so. That this bill creates a right of entry provision, which will effectively mean that, even if there is no coverage — that is, that there is no member of a union at that workplace — an authorised industrial officer can gain access to that workplace, is most unfortunate. I am very concerned about the implications of that because it impacts particularly on small businesses, which in many cases — and I refer to the farming sector, but it applies equally to the corner store — are operating businesses effectively from premises in domestic and business environments. The impact of that will be obvious.

The information services officers will be empowered to enter and investigate relevant information about the business activity and employment issues of a business, even if the base of that business is in a residential environment. So in the circumstance of a small business, certainly a farm business, where you cannot distinguish between the home and the place of work because the home and office environment are generally one, there will be the intimidatory presence in that environment of people who have nothing to do with that business or family's personal interests. They will be able to demand by law that they have access to the home environment, even though it is an imposition on the freedom of the family members.

As to the bill as a whole we are again seeing the government, just as it did with the Easter trading arrangements, simply paying off its trade union mates. The government would say, 'That's all right; it is our political agenda'. It is an agenda which is narrow, which is not in the best interests of Victorians, and which will dearly cost jobs in an area it cannot afford to at the present time — that is, outside the metropolitan area.

I am concerned that the bill pays no acknowledgment to the particular needs of two vital parts of our commerce — agriculture and small business — and I am disappointed that the government has determined to proceed with this bill.

I understand that the government is most anxious to pass this bill and that it has obviously encouraged its members not to speak on it so as not to delay its passage. I am very surprised that we have not heard from members of the government crying out in advocacy and trying to justify the passage of the bill. I am surprised we have not heard a great deal more from people on the other side who are normally vociferous.

Hon. Kaye Darveniza — Vociferous?

Hon. PHILIP DAVIS — Yes, indeed. There are a few members over there whose silence is deafening. I would encourage them before the government rams the bill through the house to get up to speak.

Mr GAVIN JENNINGS (Minister for Aged Care) — In reply I would like to say that it will be a proud day when this piece of legislation passes the Parliament. As far back as 1996, as was referred to in the second-reading speech on this bill, the then spokesman, Steve Bracks, on behalf of the Labor Party said that the party believed in a unitary industrial relations system and that it was a part of Labor's agenda to restore the rights, entitlements and working conditions of 350 000 Victorian workers that were so cruelly taken away from them in 1996 by the referral of powers from the Victorian Parliament to the commonwealth.

Now, six and a half years later, the Bracks government in its second term will deliver those important reforms and restore some sense of wage and condition justice to the poorest workers in Victoria, many of whom do indeed live in rural and regional Victoria. It is the belief of the government that those workers deserve better wages and conditions. They wholeheartedly support the intention of the government to introduce these reforms.

As members of the 54th Parliament would know, I spoke at great length on the Fair Employment Bill,

almost 2½ hours, putting on the public record the testimony and evidence compiled by the industrial relations task force established by the then Minister for Industrial Relations, Monica Gould, which embarked upon the process that led to the introduction of that bill, which suffered its sorry demise in the Legislative Council during our first term of office.

I am very pleased that the reincarnation of that bill in the form of this piece of legislation will pass this chamber later today. It will be a happy day for the poorest workers in the Victorian community and their families, who will rely in the future on the common rule conditions that have been so cruelly denied to them since the referral of powers in 1996.

With those brief words I support the passage of this piece of legislation.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Nguyen, Mr
Carbines, Mrs	Pullen, Mr
Darveniza, Ms (<i>Teller</i>)	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr (<i>Teller</i>)
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Noes, 18

Atkinson, Mr (<i>Teller</i>)	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms (<i>Teller</i>)
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr

Pair

Hirsh Ms	Bowden Mr
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Motion agreed to.

Read second time.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Hon. W. R. BAXTER (North Eastern) — I move:

1. Clause 3, page 3, after line 18 insert —

“**enforcement and compliance officer**” means a person appointed under section 15;’.

This amendment goes to the issue of using correct names in the legislation, and I am wanting to remove this quaint reference throughout the legislation to information services officers when in reality the people we are talking about are enforcement and compliance officers. This will test my various amendments because in order to make that change I need to have a definition of enforcement and compliance officer included in clause 3.

I alluded to my logic in the second-reading debate earlier in the day. If I had not been distracted during the dinner adjournment I would have searched through the files in my office for the report of a parliamentary committee of about 25 years ago which went to the issue of using plain English in statutes. I am sure I would have found an appropriate and apposite quote from that report, and indeed a recommendation, that statutes ought to be true to what they are getting at and should reflect in the English language what they are really on about.

I draw the attention of the committee to the heading immediately above clause 14 at page 13 of the bill which says, ‘Part 3 — compliance. Division 1 — Information Services Officers’. The government by its own hand admits that we are talking about compliance. Why then does it choose not to properly title these officers? It seems to me the government is endeavouring to fudge and convey the impression that these people will go around and be nice to everyone and hand out brochures. In fact, we know what these people will go around and do. They will enforce the law and ensure that the laws are complied with.

I am not necessarily complaining about that, but at least if that is their task, and I do not think there is any doubt that it is their task, they ought to be so called and so named so that people know exactly what is the principal and primary role of these particular public servants. It seems to me that the Parliament does itself no credit at all if it allows legislation to pass which is not as clear as it possibly can be to the lay reader. I invite the committee to contemplate that if you were a person in the street and you came across the title ‘information services officers’, apart from first thinking it is grammatically incorrect, what would you consider to be the role of those people? One would speculate and say

that they somehow or other impart information, but I do not think on any grounds would you conclude that a person bearing that title has the wide powers that the bill gives to enforce the law and require people to comply with it. I moved the amendment standing in my name so that the bill can properly reflect the principal activity of these offices.

Mr GAVIN JENNINGS (Minister for Aged Care) — On behalf of the government I thank the honourable member for his advice about the most appropriate way to designate these officers, who will play an important role within the framework. We do accept in part that there is some logic to the argument that is being put both in the name of plain English and the functions that the officers will have to undertake on behalf of the people of Victoria to ensure that the bill is enacted in the best possible way.

However, the government does not accept the advice and will not accept the amendment, primarily because the committee is dealing with definitions of information services officers under the act, and the roles and responsibilities of the officers are outlined in clause 14 of the bill — —

Hon. W. R. Baxter — Which is headed ‘Compliance’!

Mr GAVIN JENNINGS — Part 3 is a section dealing with compliance with the act — that is correct — but under the heading ‘What are the functions of information services officers?’, clause 14(1) states:

The primary function of information services officers is to provide information about the operation of relevant industrial legislation to employers, employees, registered organisations, interested organisations, peak bodies and other interested members of the community.

There is a secondary aspect — subclause (2) of that clause, and I will go to the history of this matter for the benefit of the committee. The second function outlined in the bill in clause (2) is that:

Information services officers also have the function of ensuring compliance with relevant industrial legislation, and any other functions conferred by or under this or any other Act.

It is this secondary function that Mr Baxter and others from the opposition parties have indicated will be the primary function of the officers. During the course of the second-reading debate members of the opposition strained their argument to the nth degree by suggesting inappropriate action on behalf of these officers, who may act in an overly aggressive or intrusive way in Victorian workplaces.

On behalf of the government may I state that that is not the intention of the legislation. It is not the intention of the government for confrontation and aggression to be a feature of Victorian workplaces, and certainly it is not the expectation of the government that the information officers, who will be appointed under the bill, would operate in that fashion.

So clearly the government gives priority to ensuring that workplaces within Victoria are well informed of rights and obligations of both employers and employees, and that is the focus of the action of these officers. It goes to the heart of why the government does not accept the, in some circumstances, quite reasoned amendment of Mr Baxter; in fact it would alter the focus and the priority the government seeks to obtain by enacting this bill.

The government was also assisted by the guidance of the industrial relations task force, which made recommendations to the government about the most appropriate way to scope and detail the work of officers who will be charged with the responsibility of improving knowledge and compliance with the industrial relations law in Victoria.

Members of the chamber should be aware that this role is played through the commonwealth jurisdiction, under the auspices of the Workplace Relations Act, and in those circumstances the officers that are most directly related are inspectors, and that could be a title that the government chose to accept. It was not, on balance, the name that it chose to accept. The government is confident that in terms of the philosophy that underpins this piece of legislation it is very comfortable with the definition of information services officers. That is the position of the government, and that position will be tested very shortly.

Hon. BILL FORWOOD (Templestowe) — The opposition thinks the whole bill is nonsense and will vote against the whole thing. But if you are asking our position on Mr Baxter's amendment, we wholeheartedly agree, because, as the minister said, there was some logic in Mr Baxter's argument. The minister did not accept it. As Mr Baxter quite rightly said, he would have accepted the word 'inspector' but 'information services officer' is just a bit cute, and to run the argument that because it is listed first its primary function is information services is equally as cute. Nobody believes the minister. We all know what this is about. This is about establishing the Gestapo. We are happy to support Mr Baxter's amendment. We think it is sensible. We do not support the bill, but we do support the amendment.

Mr GAVIN JENNINGS (Minister for Aged Care) — As I indicated in my response to Mr Baxter, who was perhaps more moderate in his contribution to the committee, members of the National Party and the opposition in the second-reading debate were somewhat florid in their discussions about what they anticipated the behaviour and attitude of information services officers may be in the workplace. Mr Forwood has indicated to the committee that he believes these officers may act like the Gestapo. But from where the government sits on this question, the Gestapo was associated with actions, from my recollection, of taking rights and opportunities away from people; and this bill is designed to do the opposite. The role of these enforcement officers is to make sure that people — —

Hon. Bill Forwood — Enforcement officers! That's what you just called them. He called them enforcement officers!

Mr GAVIN JENNINGS — Information services officers. The role is very clear about providing information and support to individuals in the workplace to ensure that there is appropriate knowledge about the rights and obligations of both employers and employees in Victorian workplaces, so it is diametrically opposed to the notion that it will behave like an industrial Gestapo. Exactly the opposite is the case because it underpins rights and obligations rather than taking them away.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms (<i>Teller</i>)
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr (<i>Teller</i>)	Vogels, Mr

Noes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr (<i>Teller</i>)
Eren, Mr (<i>Teller</i>)	Scheffer, Mr
Hadden, Ms	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr

Pair

Bowden, Mr

Hirsh, Ms

Amendment negatived.

Clause agreed to; clauses 4 to 26 agreed to.

Clause 27

Hon. BILL FORWOOD (Templestowe) — During the second-reading debate I foreshadowed that I would be asking the minister this question. It goes to the issue of part 3, which deals with compliance. What is different between the bill that was brought to the Parliament at the end of the last session and the bill we are dealing with today is the insertion of ‘Division 2 — Entry and Inspection of Premises etc. by Registered Organisations’. As other members have pointed out in debate, ‘registered organisations’ is a term under the Workplace Relations Act, and basically it means the unions.

I wonder if the minister could explain to the committee why the government decided between the first time the bill was brought to the Parliament and now that it wished to insert division 2.

Mr GAVIN JENNINGS (Minister for Aged Care) — During the break between the spring sittings and the autumn sittings the government had a look at how the bill may better comply with the Workplace Relations Act in expectation of the referral being accepted by the commonwealth. Interestingly enough, one of the consequences of bringing our piece of legislation into line with the Workplace Relations Act was the need to insert the very provisions that are now a concern to the opposition. In Victoria, however, the National Party does not seem to have been prohibitive in discussions between the Victorian government and the commonwealth about the commonwealth being receptive to the referral embedded in this piece of legislation. The government believes this is a more complete set of rights and responsibilities that covers the roles of the information services officers in terms of right of entry and relates to the right-of-entry provisions that apply to unions and other bodies representing workers in Victoria, bringing the bill into line with the provisions of the Workplace Relations Act.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his explanation. I make the point that if the government accepts the recommendations under clause 52, it would not need this part of the bill. This part of the bill is the re-establishment of an industrial relations system through the Victorian Civil and Administrative Tribunal. So the minister’s rather tortured logic about this being in line with the

Workplace Relations Act does not really wash. I am happy to accept that between then and now the unions got in the government’s ear, and that is the reason it came back.

Mr GAVIN JENNINGS (Minister for Aged Care) — Indeed, as Mr Forwood understands, if the Victorian government is successful with the passage of this legislation and the referral being accepted by the commonwealth government, then on my reckoning only four clauses of this bill will survive and the rest of the bill will become, in effect, redundant in the Victorian jurisdiction. However, he is not correct in saying that these provisions would not be catered for, because in the Workplace Relations Act, which would become the prevailing industrial relations framework, these provisions already exist.

Clause agreed to; clause 28 agreed to.

Clause 29

Hon. W. R. BAXTER (North Eastern) — I move:

41. Clause 29, line 19, omit “and” and insert “or”.

Notwithstanding the discussion that has just gone on across the table between the minister and Mr Forwood, I intend to persist with this amendment because clause 29 sets out the criteria for union entry being declined. It sets a hurdle of three particular benchmarks, and they are cumulative.

My amendment would make them separate, so that if any one were met, entry could be refused. I believe that is appropriate. I cannot see why businesses should be required to meet the three criteria. I know the minister is likely to respond and say, ‘These, of course, are just benign visits by union officials. They are coming along for a quiet chat with members who work at this business’. One might be prepared to accept that sort of assurance if the heading to division 2 did not say ‘Entry and Inspection of Premises etc. by Registered Organisations’. Clearly the government intends that these visitors who arrive upon the doorstep of a business are going to do something more than have a quiet little discussion with some of the people there. I think it would be appropriate to make the grounds for refusing entry somewhat easier to meet.

The minister will no doubt repeat the argument he has just advanced to Mr Forwood, that there is nothing new about this, that this is what is in the federal Workplace Relations Act. Yes, it is, but we all know why it is there. It is there because the senate insisted that it be there, and if the federal government had been able to legislate as it would have wanted, you would not have

this sort of right-of-entry provision for union officials into premises. It was simply a matter of practicality by the federal government to get as much as it could. It obviously had to forgo and give in on some issues, and this happened to be one of them. I believe the committee ought to accept my amendment as being a reasonable circumstance for employers to work with.

Mr GAVIN JENNINGS (Minister for Aged Care) — I would like to say I think this is perhaps a less reasonable intervention by Mr Baxter than his earlier intervention, because his logic does not necessarily satisfy the intent of the government's piece of legislation presented to the Victorian Parliament. He clearly does not accept the piece of legislation that has been adopted by the federal Parliament as being legitimate in relation to this provision. It is the government's view that these are legitimate provisions. They were adopted by the commonwealth Parliament and it is pretty appropriate for the Victorian legislation to mirror those provisions and to allow for these circumstances. Indeed, it is the government's view that to disaggregate these various requirements would make the referral nonsensical, given that it is the Victorian government's hope that we will comply with the commonwealth Workplace Relations Act and that this provision will be referred up to the commonwealth and hopefully be taken up by it.

Hon. W. R. BAXTER (North Eastern) — This bit has nothing to do with the referral.

Amendment negatived.

Hon. W. R. BAXTER (North Eastern) — I move:

43. Clause 29, line 27, omit "a registered" and insert "the relevant".

Amendment 43 goes to a different issue in the same clause. It deals with the entry of union officials into businesses. The bill as it is currently prepared enables an official of any union to seek entry to that business.

It escapes members of the National Party why any union official other than a union official who has members in that particular business should be accorded any rights of entry. As I point out to the committee, and it is pretty clear, I do not have much sympathy for union officials having rights of entry in any event, but I certainly cannot see why someone who represents a union which does not have any members working at that premises should be accorded exactly the same rights as someone who does have constituents at that premises. Therefore my amendment takes out the word 'registered' and puts in the word 'relevant', which will make it clear that you need to have one of your

members working there if you are to make use of this clause.

Mr GAVIN JENNINGS (Minister for Aged Care) — I would like Mr Baxter to reflect on the logic and the concern he has expressed in his contribution to this and other debates on this question. The phrase 'registered organisation' has a specific meaning within both the terms of the bill and the terms of the Workplace Relations Act. It sets a very high benchmark for organisations to reach before they would have the opportunity to exercise these provisions of the bill. In fact, the way organisations may become acknowledged by the Australian Industrial Relations Commission and be able to get access to these provisions is fairly prescriptive.

If you delete the words 'registered organisation' it actually takes away the connection between the appropriate mandate that is laid out within the Workplace Relations Act, and in fact 'relevant' could mean anything at all in the eye of the beholder. So on his position of concern about the inappropriate access of unions to workplaces I would suggest to him that 'registered' provides greater protection than the word 'relevant'. Clearly from the government's perspective, given that this is a provision that is within the Workplace Relations Act and that the government believes on balance that it is the totally appropriate way for it to be referred to in the bill, the government does not accept the amendment, and I urge the member to reflect on the logic of his position.

Hon. W. R. BAXTER (North Eastern) — I concede to the minister that whilst I was on my feet I did reflect on the logic of the situation, and whilst I do not want to accord any responsibility to the parliamentary counsel, I just realised that perhaps the amendment is not exactly drafted in the way I intended, so I will not persist.

Amendment negatived; clause agreed to; clauses 30 to 51 agreed to.

Clause 52

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

- Clause 52, line 27, after "industry", insert "but so as not to exclude or limit the concurrent operation of any law of the State,".

The intention of the government's amendment is to ensure that if the Victorian government is successful in that the commonwealth government accepts the referral and the Victorian bill is reduced to all the provisions other than those that provide for the referral, in the government's view there will need to be a protection

clause that will not make the outworkers legislation the government has before the Parliament redundant even before its introduction and consideration by the Parliament.

Honourable members interjecting.

The CHAIR — Order! There is too much noise in the chamber. Could we have less speaking in the chamber so the minister can be heard?

Mr GAVIN JENNINGS — I will start again with my dulcet tones in the twilight of the evening to remind the house that this amendment provides the appropriate head of power for the outworkers legislation, which will be pinned to the Workplace Relations Act but will have various provisions that go beyond the scope of the commonwealth's legislation to be enacted in Victoria. Clearly, it is the government's preferred position that the referral under our Federal Awards (Uniform System) Bill be accepted, but we will need the additional provision to allow for the outworkers legislation to take effect.

Hon. BILL FORWOOD (Templestowe) — I have a number of comments I wish to make in relation to the amendment before the chamber moved by the minister. The first is that frankly it is a bit rich at 12.36 p.m. on the day the bill is to be debated for the opposition to be notified that the government has a house amendment. This bill has been around in various forms for quite some time now, and one would have thought that it would have done the job properly to start with. But given that they did not — let us face it, we are getting more and more of this sort of shoddy stuff from this government — I think it is a bit rich for it to come in at 12.36 p.m.; an hour and a half before the bill is to be debated.

None of us had the opportunity to be briefed on what this will actually mean. For that reason I am grateful to the minister for affording me the opportunity to better understand the reasons behind this. I accept that the government has a point, but I do not resile from my initial point that it is a bit rich for the minister to bring in a house amendment like this at the last moment.

I should say that I am concerned about the scope of the amendment. It states:

... but so as not to exclude or limit the concurrent operation of any law of the State ...

That is very broad. In my discussions with the minister at the table and the shadow Minister for Industrial Relations in another place, Mr McIntosh, it became clear that the impetus behind this particular amendment

is to accommodate some provisions of the outworkers bill, which will be debated in this place tomorrow. I accept that. But if that is the case why not say 'because we want to accommodate the outworkers bill'. Why have we gone to a regime that is as broad as 'the concurrent operation of any law of the state'? It seems to me to be against the spirit of what we are trying to do in this act in any case.

I accept that there is a sensible reason for doing this: because of the bill that will be dealt with tomorrow, but it is nonsense to say the government could not have worked it out beforehand. If it did go to cabinet yesterday, which is my understanding, it shows it was not particularly well prepared, but once it had been through cabinet it had the opportunity yesterday afternoon to notify the National Party and the opposition that there would be a house amendment and to make available officers from the department to brief us. That would have been the normal manner rather than hanging on to it for another 24 hours and giving us 5 minutes notice before we walk into the chamber.

Hon. Kaye Darveniza interjected.

Hon. BILL FORWOOD — You were not here; that is not true.

Hon. W. R. BAXTER (North Eastern) — I have sympathy for the situation that Mr Forwood finds himself in, although he would agree that he is somewhat better off than the National Party, because it was advised of this amendment at 2 minutes to 2.00 p.m. today — so he had somewhat more warning! Bearing in mind that I was briefed by officers of the department on another bill at 4.30 p.m. yesterday afternoon it might have been useful if I had been apprised of it at that stage.

My immediate reaction to the amendment is that this is wanting to have your cake and eat it too. I am somewhat reluctant to accept it on that basis. I am also reluctant to accept it on the grounds that Mr Forwood has outlined about how broad it is. If it is required, and I am prepared to accept that there possibly needs to be some accommodation of a bill that the Parliament may pass in the relatively near future, why is it not drafted to accommodate that particular circumstance? The government should not expect the committee and Parliament at the 11th hour to accept an amendment that talks about excluding or limiting the concurrent operation of any law of the state.

I have to say that we are left having to take things on a great deal of faith. It might be all right, but I am pretty

nervous about it. I am a reluctant starter in terms of voting for it.

Mr GAVIN JENNINGS (Minister for Aged Care) — May I start off by saying on behalf of the government that I apologise to the committee for the late notice of this matter. I understand it would be in all our interests to do business on a cooperative basis, which is to be well informed. From that position let me say I hope we can move forward.

In relation to the amendment itself, I shall read the entire subclause as it will read once the words have been inserted. We might get a different sense of how this particular clause will operate. Proposed section 4A(1) would read:

... The matter of the making of an award or order as, or declaring any term of an award or order to be, a common rule in the State for an industry —

and then the words of the amendment would be added:

but so as not to exclude or limit the concurrent operation of any law of the State, —

and:

to the extent to which it is not otherwise included in the legislative powers of the Commonwealth, is referred to the Parliament of the Commonwealth for a period commencing on the day on which section 52 of the Federal Awards (Uniform System) Act 2003 commences and ending on the day fixed under sub-section (2) as the day on which the reference of that matter under this Act terminates but no longer.

It is clearly put in context.

Hon. W. R. Baxter — Clear as mud, actually.

Mr GAVIN JENNINGS — I thought it was going to help us. I understand it to mean that the laws of the state are related to but not bound within the terms of the referral to the commonwealth but specifically pinned within that clause provision of the referral in this bill to the commonwealth Workplace Relations Act, which has commencement and ending in terms of the provisions of clause 52 as a whole.

Taken in isolation I think those words ‘of any law of the state’ may have set some alarm bells ringing, but in the context and limits of the referral to the commonwealth within this provision boundaries are placed around the nature of that phrase. That is on the basis of black-letter law.

It is the basis of the intent of the government to allow the enactment of the outworkers legislation, and it is our intent for that to be the effect of this amendment. It

is not the intention of the government for it to apply to any other law on the Victorian statutes at this time. Indeed, any speculation made about future pieces of legislation would be dealt with in the course of debate and consideration of any statutes in the future, but it is not the intention of the government to bring forward any laws at the moment to extend this provision.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his clarification.

Amendment agreed to; amended clause agreed to.

Clauses 53 and 54 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a third time.

In so doing I thank members who have contributed to the committee stage of the debate. I understand it is agreed on the difference between the government and opposition parties on this matter, but the committee stage has been undertaken in good spirit and hopefully will lead to harmonious relationships within the Victorian workplaces that may prevail from this day forward. I hope the federal government will take the opportunity to accept the referral embedded in this legislation.

I draw the house’s attention to the contribution of the Leader of the Government earlier when he thanked those who have been associated with the establishment of the bill. It is timely to thank all those who worked so assiduously on this bill.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Mikakos, Ms (<i>Teller</i>)
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Nguyen, Mr
Carbines, Mrs	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr
Hilton, Mr	Somyurek, Mr (<i>Teller</i>)
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Noes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr (<i>Teller</i>)	Hall, Mr
Bishop, Mr	Koch, Mr (<i>Teller</i>)
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr

Pair

Hirsh, Ms	Bowden, Mr
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Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL

Second reading

Debate resumed from 20 March; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. ANDREW BRIDESON (Waverley) — I rise to speak on the Vocational Education and Training (TAFE Qualifications) Bill. At the outset I say that the opposition does not oppose the bill. We wish Mr Forwood well as he leaves the chamber to pursue his degree!

Whilst this is only a small bill the effect of its implementation will be quite dramatic on the higher education regime in Victoria. That will be outlined as we work our way through the bill. The Vocational Education and Training (TAFE Qualifications) Bill amends two acts — the Vocational Education and Training Act 1990 and the Victorian Qualifications Authority Act 2000. The reason for this bill emanates from a statement entitled *Knowledge and Skills for the Innovation Economy*, which was delivered by the Minister for Education and Training, the Honourable Lynne Kosky, in June 2002. As a result of this we have this bill which will implement a section of this statement. I should like to put on the record the relevant part of this ministerial statement because it outlines very well the reasons why this legislation is being introduced. I quote verbatim from chapter 4 titled ‘VET products for the innovation economy’. Under the

subheading ‘Delivering at higher AQF levels’ the report states:

Changes to the labour market suggest that current qualifications are not well matched to the skill needs of emerging occupations. TAFE is now an important destination for university graduates seeking a more vocationally oriented qualification. It appears that there are requirements for a mixture of vocational, academic and generic skills not usually available through current qualifications. The practical experience of TAFE and universities in other countries is that there is high demand for new courses of this type from both individuals and businesses.

The purpose of the bill is to empower TAFE councils to obtain accreditation via the Victorian Qualifications Authority (VQA) to offer undergraduate degrees. I personally think that is a very good statement; it really sets the background for this bill.

The purpose of the bill is to empower TAFE councils to be able to obtain accreditation via the Victorian Qualifications Authority to offer undergraduate degrees. This is the first time in Victoria, and perhaps in Australia, that TAFE institutes will be able to offer undergraduate degrees. The Victorian Qualifications Authority has expressed an interest in increasing the number of young people successfully completing post-compulsory education, and moreover, the VQA has set what I believe is an admirable goal to raise the level of participation of Victorians in lifelong learning.

The VQA was established to develop policies, criteria and standards for the accreditation of courses, for the recognition of qualifications, for the quality assurance for qualifications issued in accordance with the Victorian Qualifications Authority Act 2000, and for the registration of courses, qualifications and education and training organisations. That act went through this Parliament just a couple of years ago.

Of some concern to the opposition was the quality of the degrees that will be offered by TAFE, but its members are more than satisfied with the answers that were given to them at the briefing: that these degrees will have to comply with exactly the same quality processes that are detailed in the Tertiary Education Act 1993.

There has been some discussion in the community and, needless to say, in our party as well about the value of a degree coming from a TAFE college as compared to one from a university. I am of the view that educational opportunities ought to be made available to the widest possible sector of our community. As the minister stated eloquently — I think I can use that word — education is a lifelong process, and I think anything the Parliament can do to enhance the future learning

options of not only students but also people in the work force re-educating themselves to maintain their standards and learn new processes that come into being as a result of technological advancements can only be good. I am quite convinced that these courses will be of an extremely high standard — in fact, the onus is on the TAFE institutes that will offer these courses to deliver the absolute best that are available. I am confident that they will rise to that challenge.

The undergraduate degrees will only be offered in niche areas, such as aquaculture, viticulture, information technology and biotechnology. That is well and truly spelt out in the ministerial statement on *Knowledge and Skills for the Innovation Economy*, and I would like to put on the record what the minister said:

It would be expected that these degrees would be strongly vocational in focus and show clear linkages to the training package competencies in the relevant industry sector ... all training providers will be invited to make submissions to offer nested qualification structures, including vocationally oriented associate degrees, with credit transfer between the qualifications and multiple entry and exit points.

I think that adequately explains some of the procedures that will be in place.

It is also apparent that not every TAFE college will be offering degrees. At this stage I am not quite sure which colleges will be, but I can imagine that, as examples, the TAFE college in Mildura may well offer a viticulture degree, and perhaps some of the rural TAFE colleges will offer degrees in agriculture, but I could not imagine every single country TAFE college doing that. In time we will probably see develop one or two regional TAFE colleges offering agriculture.

Information technology might be a slightly different cup of tea. I could envisage Swinburne University of Technology, RMIT and one or two of the regional TAFE colleges offering an IT degree. With biotechnology, which is such a highly specialised area, perhaps only one or two TAFE colleges will take that on.

I do not see that the TAFE colleges will be in direct competition with the universities. As has been outlined in the bill and the report, they will be offering the degrees in highly specialised areas. As I said, there was some initial alarm concerning the devaluation of other undergraduate degrees to be offered at universities. I am more than happy, because of the reassurances, to say that the types of courses offered will draw from existing knowledge which is currently offered at various TAFE colleges. I also believe should these degrees meet the standards of the Victorian Qualifications Authority they will be able to meet the

needs of the vocational education and training sector and be responsive to the needs of its clients.

Although the bill is not considered to be controversial, it cannot be said that it does not raise some issues. I would like to go through two or three of them. The courses will be offered only to full fee-paying students. This might seem somewhat inflexible, and the opposition would say it is quite a hypocritical move, given the ALP's position on full fee-paying university places.

The *Herald Sun* of 28 April reported that some students were rather upset about the fees. It states:

Students have accused the state government of selling out the TAFE sector by charging full up-front fees for degree courses.

The students are saying that Victoria's 18 TAFE institutes will be able to offer three-year courses, starting from next year, and student unions are claiming that charging up-front fees simply masks the government's poor record of TAFE funding. According to the article, latest figures show that Victoria was still the lowest funded of any state at 14 per cent below the national average. These statements have been attributed to the Swinburne Student Union vice-president, Russell Summers, who also claimed that the changes do not guarantee equal access, and that they are nothing more than a moneymaker. I do not necessarily agree with those views, but it is up to the government to make sure that it has satisfied those students.

Furthermore, the introduction of full fees may hamper the success of the courses should a lack of payment options be offered to potential students, similar to the higher education contribution scheme. The government has stated that this initiative does not involve public funding, whether it be state or commonwealth, and that it aims to provide TAFE institutes with better opportunities to market themselves to business and individual students and thus generate additional income. I am not sure whether the majority of students will be from Victoria, interstate, or overseas, but I guess time will tell.

Another issue I would like to raise is that the bill provides that the minister may give written directions on the provisions that the courses can only be offered on a fee-for-service basis. What are going to be the associated costs and subsequent fees for these courses? At the briefing we had there did not seem to be any idea as to what these fees might be. Are these fees going to be equivalent to those of a university degree? I do not know whether the minister, the Honourable Theo Theophanous, will be in a position to provide a bit of

light on that, but I certainly invite him to make a comment on perhaps what the fees that are going to be charged might be.

Currently TAFE students who are completing certificate courses are expected to pay about \$575 per annum as opposed to \$15 500 per annum, which is paid by a student studying for a science degree at, say, Monash University. How are these two vastly different fees reconciled?

Another issue that arises when considering the foundation of teaching and research that is required by university lecturers raises questions about training. Have we got enough adequately trained TAFE teachers? Will TAFE teachers be required to have undergone postgraduate studies before they can teach undergraduate courses? Will TAFE teachers have an opportunity to upgrade their qualifications to the necessary standard? Are lecturers going to be borrowed from the university sector? I cannot see, with the implementation of undergraduate degrees perhaps as early as next year, whether the teachers are there in the TAFE system for this bill to be able to be carried through. Perhaps that is something else the minister might be able to advise us on.

This also throws up the question of salaries for TAFE college lecturers. Are they going to be paid at different levels depending on the type of course they are teaching? Will lecturers supervising degrees be paid more than, say, lecturers or teachers who are supervising certificate or other TAFE training courses?

What proportion of the student population is going to be excluded from applying for these courses? Should the up-front payment of TAFE degrees be equivalent to the payment of university degrees? I would like to see as many students as possible given the opportunity to study undergraduate degrees at TAFE colleges, and I would not like to see students denied because they cannot afford relatively high fees.

In relation to funding these courses are we asking too much of TAFE colleges to provide a university-quality degree given particularly that the chief executive officer of the TAFE College Councils Association of Victoria states that Victorian TAFEs need an additional \$130 million in government funding a year to be on a par with other states?

During the election campaign last year the Honourable Lynne Kosky, the then Minister for Post Compulsory Education, Training and Employment, pledged only \$60 million in additional funds to TAFE. This \$60 million was not a lump sum; it was to be spread

over the four years. Some \$15 million a year seems totally inadequate to be able to fund this new regime of education. It is obviously going to fall far short of the expressed needs of the TAFE colleges in Victoria.

They are the main issues that I would like to raise on behalf of the opposition. As I said at the outset this is a very short bill, but the impacts on the education sector in Victoria are going to be quite profound. They are innovative, and I welcome the innovation and the possibility of TAFE colleges being able to provide undergraduate courses. I trust and hope the outcomes arising from this legislation are beneficial to the Victorian economy and more importantly are beneficial to the students who undertake such courses.

In these changing times, changing work practices and rapid increases in technological advances, the need is here in Victoria to try something new. I place on record my wish that the TAFE colleges that are going to undertake these undergraduate courses do so with success. We do not oppose the bill, and I wish it a speedy passage.

Hon. P. R. HALL (Gippsland) — I have a great deal of pleasure in making some comments on the Vocational Education and Training (TAFE Qualifications) Bill, and indicate that the National Party will not be opposing it. It is a very small bill containing only six clauses and it essentially achieves two purposes. Firstly, the bill amends the Vocational Education and Training Act 1990 to enable TAFE institutes to deliver new undergraduate courses. The terminology 'new undergraduate courses' is an important one. We would not like to see existing undergraduate courses replicated through the provision of a number of TAFE colleges right across the state. The word 'new' in that term is an important qualification.

Secondly, it amends the Victorian Qualifications Authority Act 2000 to enable the VQA to delegate its appropriate powers of accreditation in respect of the making of these new undergraduate courses.

The first comment I make is that this bill was part of a larger bill introduced in the previous Parliament which lapsed when that Parliament was prorogued. The previous bill was entitled the Education and Training Legislation (Miscellaneous Amendments) Bill. I do not think it reached debate in either chamber before the proroguing of the previous Parliament. That bill contained a great deal more provisions than this bill. What has happened to those other provisions? Important matters were discussed in the previous bill relating to mandatory reporting by teachers of

suspected instances of child abuse. It also spoke about employment of teachers who were charged with sexual offences against children and the registration of teachers with the Victorian Institute of Teaching.

It went to issues like enabling vacancies of teacher positions to be advertised on the Internet as well as containing the provisions in this bill. They were all important issues that Parliament was about to consider before its proroguing last time. Out of interest I put to the government: what is to become of those other important provisions that the previous Parliament was to consider?

That being said, the National Party is prepared to support the bill. As the second-reading speech describes it, the essential component of the bill is to enable TAFE institutes to deliver undergraduate courses, which is an admirable intent. As the Honourable Andrew Brideson said, and as the minister said in the second-reading speech, it is expected that these undergraduate courses will be delivered in niche market areas, and gives the examples were things like aquaculture, viticulture, information technology and biotechnology. The second-reading speech also says that:

Degrees will be delivered in areas where a TAFE institute already has extensive expertise and can identify strong student interest and demand.

It also needs to say that each of these undergraduate courses delivered by TAFE institutes will be on a full fee-paying basis. The National Party sees that as an important objective worthy of support, particularly if it provides a greater opportunity for country students to undertake higher education. If it means that some of our country TAFE institutes are able to deliver higher education courses then that will expand the opportunity of country students to further education.

As we all know in this chamber, country students are generally under-represented in higher education courses. If this improves the ability for country kids to have greater opportunities to participate in further education then it is most welcome.

That being said, there are a couple of issues on which the National Party seeks responses from the minister. I am not fussed about whether they are given at the conclusion of this second-reading debate, but perhaps while the bill is between houses or before it is debated in the Assembly the Minister for Education and Training in the other place who is in charge of the bill might provide written responses to some of the issues we wish to raise.

As usual we went about our normal consultation process and spoke with a number of people. Generally speaking the feedback on the bill was positive. However, I spoke to Mr Russell Summers, the vice-president of the Swinburne Student Union, a couple of weeks ago. Russell contacted me and told me that he had written to the Minister for Education and Training expressing some concerns that the student organisation at his university has, and I understand other universities and TAFE institutes have similar concerns with the bill. They have not asked us to oppose the bill but have asked us to persist in getting an explanation on some of the issues they have put to the minister in a recent letter to her.

They wrote to her two weeks ago about their concerns and are yet to receive a reply. Also, after checking with Mr Summers yesterday, he informed me that despite repeated telephone calls to the minister's office he still has not had a verbal reply to some of those issues. It is appropriate that a response be given to the student organisations in relation to the issues raised, and they are very serious, worthwhile issues.

I shall mention a couple. For instance, it has some concern about the quality assurance process, although I heard the Honourable Andrew Brideson indicating that the opposition was happy that this was rigid enough to ensure that there would not be any diminution of the quality of these courses. But some concerns have been expressed to the minister by the student union that these quality assurance issues need to be more closely monitored.

One of the main points Mr Summers made in his letter was:

Where are the differences between the diploma/advanced diploma and the associate degree except in the name and the potential to charge up-front fees?

Mr Summers makes a valid point that one would hope the existing diploma and advanced diploma courses are not in future years converted to degree courses and therefore only become available to students on a fee-paying basis. That is a valid point. It is fair to say that we want those existing diploma and advanced diploma courses protected and funded by government in the way they are funded now to ensure that they do not slip into becoming full fee-paying courses therefore diverting the financial burden of study back directly on to the student instead of being paid for by the government through the delivery of the TAFE institute programs.

He also makes a valid point in the letter about the current courses being offered by TAFE having been

developed largely because of the strength of TAFE having flexibility as one of its greatest assets. If there is a need for course changes or particular skills in industry for which training is required, then TAFE should have the capacity to change quickly to provide for those new skills required by industry. He goes on to make the point that the establishment of a degree course generally takes up to two years to be developed, accredited and approved. Therefore if TAFE institutes are to be offering degree courses how can we be assured that they will have the same flexibility to change or alter to meet the changing demands of industry within that period? That is a valid point.

He also makes some comments about existing pathways between different levels of education and asks whether pathways will exist from secondary education and TAFE education into higher education courses delivered by TAFE. He also asks a number of other questions which are contained in the letter to the minister. I will not take the time of the house to go through each of those except to say that they warrant a response. As a matter of courtesy the minister should respond to the student organisation on those particular points. The National Party would welcome a response to the issues I have highlighted during my contribution to this debate.

That being said, I hope the legislation brings positive changes to the way courses are delivered through TAFE institutes, and I particularly encourage the government to work with country-based TAFE institutes so that they can expand their offerings. The educational opportunities for young people who live in the country are limited. We do not have ready access to higher education courses in many parts of country Victoria, and if higher education can be delivered through TAFE colleges then all the better and therefore more opportunities will be given to country students. The National Party supports the legislation but urges the government to seriously address the concerns raised by me, the opposition and the student organisations before finalisation of the debate in the Legislative Assembly.

Hon. H. E. BUCKINGHAM (Koonung) — I acknowledge the comments of the Honourables Andrew Brideson and Peter Hall this evening and thank them for their bipartisan support. I also acknowledge the issues they have raised.

Education is a lifelong journey and one of the most important journeys people make. The bill is exciting because it is about reform in education. There are differences in student needs, and this bill tries to address some of those differences. Strategically there

needs to be a range of educational solutions offered to students. They come into education at different stages. They have different requirements, and different skills may need to be gained.

The TAFE sector is one of the largest educational sectors in this country. More than 1.3 million people representing 1 in 10 Australians of working age were enrolled in TAFEs in the year 2001, and that number is increasing. To put it in a Victorian context, there were 485 951 people enrolled in TAFEs in 2001 as opposed to only 153 111 enrolled in higher education.

Since 1996 the overall growth rate in the number of TAFE students has been markedly higher than the growth in the number of university students. The figure is 20 per cent, compared to 9 per cent in universities, and 20 per cent of that 9 per cent comprises international students.

The TAFE sector is fantastic. It is industry-focused and vocationally orientated with a strong emphasis on applied skills. They go out to industry, they ask them what skills their employees need to have and then they base the courses they offer on that information. It is a sector that focuses on gaining students initial employment and then on retraining them.

The TAFE sector is not just about giving students a piece of paper to take out to the workplace when they first go out to work — you have been through secondary school, you go to TAFE, you get another piece of paper and you go out and work. TAFE is much broader than that. It is about gaining qualifications when you initially start work and further qualifications as you retrain.

This bill is a small one. It is only three pages long, and my colleagues have already spoken about its contents. It will empower the councils of technical and further education institutes to seek accreditation to offer undergraduate degrees. But these are not degrees in an enormous number of areas; these are degrees in very specialised niche areas.

The bill will aid lifelong learning for all Victorians. It will give Victorians a greater choice. It is a positive and I believe necessary reform. It is important to note, however, that the bill only gives state TAFE councils the opportunity to provide specialised, high-level, vocationally orientated undergraduate degrees.

Mr Brideson said he did not know what sort of numbers would be involved. I spoke to John Maddock, the chief executive officer of the Box Hill institute, which is one of the largest TAFEs in Victoria, with 33 000 enrolled students. He said that that TAFE will be offering two of

these degrees — one in biotechnology and one in information technology. In one of its papers which I have just finished reading, Box Hill TAFE forecasts that by the end of the third year of the information technology degree it will have only 55 students enrolled for the course, so it is a small beginning. Therefore I do not think funding will be a huge issue.

The institute is able to offer the biotechnology degree because it has the specialised teachers in that area, and that is one of the points Mr Brideson made. In particular, Box Hill TAFE now offers industry-based diplomas that give you certification with IT companies like Cisco and Novella, and it will use people with those backgrounds to work in the degree areas, so I do not think there will be any problems at all with having qualified teaching staff.

One of the reasons the concept is so appealing is that the TAFEs already have the staff and the capital equipment there to offer the degrees relatively cheaply because of their extensive expertise and their ability to identify industry demand.

Two important things about the bill that have already been noted is that these degrees will only be in undergraduate areas, they will not be for postgraduate degrees. They are full-fee-paying degrees and are three years in length. You will not be able to start a certificate, move on to an associate diploma, then a diploma and articulate that to a degree at TAFE; you must start at the beginning of the first year and do your degree course for three years.

There are some safety nets the bill offers about the quality of these new degrees. TAFE institutes will be required to meet the statutory standards that apply to all non-universities proposing to offer awards. These standards already exist. The bodies will have to apply to the higher education advisory committee, which will ensure the content, standard and outcomes of the degree course.

The bill empowers the minister to issue directions to TAFE councils relating to the provision of degrees, directions that will talk about the type of degree — and at the moment we are only talking about four particular types — and what fees will be charged. I have tried to find out some information about the types of fees charged, and they are between \$8000 and \$12 000, so they are certainly comparable with if not less than full-fee-paying degrees at the higher education level.

The bill enables the Victorian Qualifications Authority (VQA) to delegate to a TAFE council the power to accredit courses pursuant to section 16 of the Victorian

Qualifications Authority Act 2000. This gives TAFE councils greater flexibility in meeting emerging needs. As has been pointed out, that act already allows the VQA to delegate power to certain bodies listed in the act. This bill extends the power to delegate to TAFE councils that demonstrate the appropriate level of quality and the appropriate standards. There is no blanket right to the delegation, as providers must satisfy the VQA.

In conclusion, TAFE institutes, like universities, are an important part of the tertiary sector. Their roles are complementary. Both strive to build Australia's skill levels and innovative capacity. TAFE's strengths are in its industry focus, its emphasis on applied skills development, its use of flexible teaching methods, its responsiveness to emerging industry needs and its accessibility across Victoria. Perhaps that might answer Mr Hall's concerns about students in rural areas having greater accessibility.

This bill is a beginning. It allows TAFEs to offer a small number of degrees with an applied learning bias to meet student and industry needs. I reiterate: why should TAFE institutes offer degrees? I quote from 'The higher education review — a response to the issues papers' written by TAFE Directors Australia (TDA), which states:

There is industry demand for a high quality applied degree qualification.

It would ensure that full benefit is gained from TAFE's strengths in technical and other vocational areas and its industry links.

It would foster the development of higher skill levels and enhance Australian industry's ability to compete in global markets.

It would meet student demand for an integrated pathway from certificate to degree level with multiple exit points.

It would assist making higher education accessible to disadvantaged groups.

It would be cost effective.

TDA goes on to state:

... TAFE's core responsibilities ... are to prepare people adequately for pursuing successful careers in a rapidly changing labour market and to provide access for upskilling and retraining for those already in the work force including the more mature aged. Nor would it dilute in any way its important role in providing access for disadvantaged groups. It should also be emphasised that we have always acknowledged that appropriate approval processes need to be put in place to ensure that the necessary standards for degree programs are established and met.

Therefore TAFE directors across Australia will work hard to ensure these degrees will give greater opportunity and flexibility to Australian students. I commend the bill to the house.

Hon. R. DALLA-RIVA (East Yarra) — I have great pleasure in talking on the bill. While I do not oppose the bill — in fact I support it — I note for those who have not looked at the members handbook that I went to Broadmeadows TAFE in my early years when I was in the police force. It was a good training ground in terms of further development into other courses and indeed into degrees. It is a good vehicle for people who are working or have some other need. The reality is that the bill moves further than the certificate course I undertook, and that is a move in the right direction.

The interesting thing is that it was fee paying back in the dark dim ages of 1986 and there was an expectation that people would pay to attend a course. That is the issue I bring to the attention of the house about the bill. We have heard honourable members on both sides talk about the importance of the bill and I do not propose to go through its three pages in detail. However, I highlight the hypocrisy of the government in bringing a bill before the house that it is ideologically opposed to. In years gone by — —

Hon. J. M. McQuilten interjected.

Hon. R. DALLA-RIVA — It is called research. It might be novel for members on the other side of the house, but the reality is that if you go back in the history of the Labor Party you need to go back no further than the period of the Honourable Caroline Hogg, who was a shadow minister for higher education and training. She was well regarded in the house and raised a matter about student fees in an adjournment debate on 5 June 1996. It is important to reiterate the comparison between what the Labor Party says in opposition to get into government and what it does in government. It is contradictory. The Honourable Caroline Hogg said:

Today's newspapers carry details of a scheme that will allow students ... to enrol for university courses if they pay full fees.

It is important to note this comment:

... the proposition is a retrograde step, terribly inequitable and undemocratic.

I ask the minister to speak to his colleague in another place and ask him to reject such a proposition totally in any dealings he has with the tertiary education sector ...

Here we have an issue with the Labor Party saying that it opposes full-fee-paying courses. Again we need to go

no further back than three years ago to a speech on education by the honourable member for Bendigo East, who is now the Minister for Education Services. 'I will say one thing when I am in opposition — —

Mrs Carbines — She was never in opposition!

Hon. R. DALLA-RIVA — It is contradictory, and we know of other members in this house who have made contradictory statements. The reality is that the government cannot handle it when it makes a statement years ago which comes back to catch it out.

Mr Viney interjected.

Hon. R. DALLA-RIVA — Mr Viney might be aware of statements that catch members up later on. It is important to understand that if you make a statement in this house, although it is old-fashioned, there is a something called Hansard which captures what you say and down the track you are cornered and you cannot get out of it. The honourable member said in relation to fees:

I turn briefly to the platform which was passed by the recent ALP national conference and which will form the basis of the policies to be taken to the next federal election.

Hon. J. M. McQuilten interjected.

Hon. R. DALLA-RIVA — It is about the bill. It is about the way the government brought the bill here and it is about what the Labor Party says in opposition and does when it is in government — and that is important. The honourable member continues:

A federal Labor government would phase out up-front fees for Australian undergraduates ...

Here we have a bill to bring in fees for undergraduate degrees. I cannot work out whether the Labor Party is for it — —

Hon. A. P. Olexander — Flip flop.

Hon. R. DALLA-RIVA — Flip flop. Thank you, Mr Olexander. I have nothing further to say other than it is hypocrisy for the Labor government to say that on the one hand it is opposed to federal full fee-paying places and on the other hand it introduces a bill about fee paying.

This bill is not about the delivery of education. It is about the fact that Victoria is going broke and this is another mechanism to get funds back into the coffers through fees. If the government were genuine about its ideological beliefs, it would realise that when it makes a statement it will eventually come back and bite it in the rear.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I do not intend to make much comment on the previous contribution, which was fairly nonsensical and did not relate very much to the bill.

Other opposition speakers have asked some questions, and I am happy to try and answer some of them. The rest I can assure honourable members will be passed to the minister for direct response.

The amount of fees and how they will be determined was raised as a question. My understanding is that TAFE colleges will put forward their own fee proposals once this legislation has been passed, and obviously they will basically operate on a cost recovery-plus basis. The government would expect those fees to be fairly reasonable coming from those institutions.

The approval for the courses and other issues relating to approval will not be through the Victorian Qualifications Authority, which I think was mentioned earlier. The higher education advisory committee will do those approvals. That is just a point of clarification.

In relation to the qualifications of teachers, which has been raised as an issue by speakers from both the Liberal and the National parties, it is clearly the case that teachers will have to demonstrate to this committee that they are suitably qualified to the standard required by the course and also that the course itself is of a suitable standard for a degree course.

I should point out that some TAFE teachers already teach at that level in programs which involve teaching some subjects which are then accredited by universities even at the moment. That is done in a small way in some of the TAFE colleges already, so there are some precedents as well.

Members should also note that the ministerial statement contains a strong commitment to professional development in the way it has been presented. Indeed it has suggested that Robert Fordham will lead the professional development of such teachers, and I am sure he would have the support of a large number of people in this house.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Yes, that is right. A number of issues were raised with me by Mr Hall which I will pass on to the minister. I am not in a position to answer his question, particularly in relation to the omnibus bill. It is not my bill, but I believe the reason that particular section of the bill was put forward was that it was deemed to be a policy priority by the

government, so it has been put up at an early time following the election.

I make some comments in relation to Mr Summers, who was mentioned. I understand that Mr Summers has been verbally briefed by the department in relation to his concerns. I am also of the understanding that he will be responded to in terms of the letter that he has made available to Mr Hall. I think that some aspects of the letter, however, should be clarified, particularly the bit which talks about TAFE degrees versus associate degrees. In fact the degrees proposed for TAFEs are full degrees and are very different to associate degrees, which do not form part of the particular legislation and are not part of what this is about. I am not sure, but I think Mr Summers would probably have understood that.

Hon. P. R. Hall — Do you mean associate diplomas?

Hon. T. C. THEOPHANOUS — Associate diplomas.

I conclude by thanking the opposition spokesperson on education in particular, and also Mr Hall, for their contributions to the debate. I thank the Honourable Helen Buckingham for her contribution as well which, I think, answered some of the questions raised by the opposition. On that basis I support the bill and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

UNIVERSITY ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 10 April; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. ANDREW BRIDESON (Waverley) — Again I start off by saying that the opposition does not oppose the University Acts (Amendment) Bill. We certainly do not believe this is another non-controversial bill. I say at the outset that the Liberal Party has consulted very widely in relation to this bill. We have made contact with the following organisations, and because of their lack of response to us we have taken it that they approve of this piece of

legislation. At the top of the list I must say the federal government did not respond so we are therefore taking that as approval. The Australian Education Union also did not respond, so again we have taken it that it is in favour. Maybe members on the government side will let us know the views of the federal government and certainly those of the Australian Education Union.

I am also advised by my colleague in the lower house, the honourable member for Nepean, who is our spokesperson for tertiary education matters, that he made contact with all the universities and again did not receive a response. I personally emailed Deakin University, which is in my electorate, and I am still awaiting its response, although I must say that I have read — —

Mr Viney interjected.

Hon. ANDREW BRIDESON — We will come to that. I must say that I have read, or perhaps if I were honest I would say I have scanned the review of university governance and have gleaned from that the attitudes of most of the organisations that have been consulted in this review process. I am certainly aware of their views despite the fact that they may not have got back to us.

We have also consulted with postgraduate associations of the Victoria University of Technology (VUT), the Royal Melbourne Institute of Technology (RMIT) and the universities of Swinburne, La Trobe, Monash and Melbourne, and the student union associations at Ballarat, Deakin, Monash and Melbourne universities.

Mr Viney — Did they respond?

Hon. ANDREW BRIDESON — I am unsure. I must check with my colleague in the other place, but we have certainly made strong, vigorous and honest attempts to communicate with all stakeholders.

The primary purpose of this bill is to introduce measures which will improve the quality of higher education in Victoria through the strengthening of the governance arrangements in our universities. The bill is fairly easily set out. It is divided into parts which deal with the Deakin, La Trobe, Melbourne, Monash, RMIT, Swinburne, Ballarat and VUT universities and the Victorian College of the Arts, which are all affected by this bill. Whilst it deals with each of those universities individually, the composition of the bill has the same application to those universities. The bill also confirms the Auditor-General's mandate to audit operations which are run by Victorian universities.

As I said earlier, this bill is the result of the minister's review of university governance which was set up to investigate the accountability of Victoria's universities in December 2001. The actual report is dated, I think as I said earlier, May 2002, and as a result of that review there was a government response, which was tabled in August 2002. I must say that the government response was a much easier document to read, essentially because of its brevity and the way it was written.

One of the things which appeals to me about the whole process is the way the government has gone about this. It serves as a good model for this side of the house of the way in which a review ought to be conducted. I think it has been extremely thorough, and as I said earlier, all the stakeholders have been consulted. They all made a submission to the review, and the government spoke with all of them again to arrive at its response. It serves as a very good model of the way to go about writing legislation.

Hon. J. M. McQuilten interjected.

Hon. ANDREW BRIDESON — I think I am on the right side of the house. I want to demonstrate that whilst there is vehement, vigorous and vociferous — a word that has been bandied around today — opposition to many pieces of legislation, I think this bill and the previous bill just debated show that there can be a degree of unanimity in the way we approach legislation. We certainly do not oppose this piece of legislation. We think it is good legislation for Victoria.

An honourable member interjected.

Hon. ANDREW BRIDESON — We would not go so far as supporting it, but we are not opposing it. The review was in response to concerns that were communicated by the Auditor-General regarding the accountability of university councils to effectively manage their subsidiary companies. Whilst I do not need to go into a lot of detail because it is outside the scope of this bill, there have been a couple of instances in recent times when the Auditor-General looked relatively closely at some occurrences at the Royal Melbourne Institute of Technology, and perhaps there are some opportunities for the Auditor-General to be looking at Monash University and its commercial activities, particularly with the University of South Africa. Anyway, with a minute left I go back to the bill.

It is recognised that Victorian universities are an important element of our state education system as well as the state economy. Although their focus on education and research must still be paramount, they should also

be well placed to take advantage of the opportunities for commercial ventures.

As I said earlier, the review itself was very broad. It was very thorough and involved not only the stakeholders but also the community at large. The review highlighted the need to strengthen the control of the university councils in considering commercial activities; the need for the procedures for student grievances to be publicised more, therefore making the appeal process more transparent and accessible; and the need for the authority of the Auditor-General to be clarified in relation to auditing universities' overseas commercial entities. These points are certainly adequately outlined in the government response paper.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! Pursuant to sessional orders the time for the adjournment has now arrived.

Police: recruitment

Hon. ANDREA COOTE (Monash) — I would like to address my issue to the Minister for Police and Emergency Services in another place. I refer to the articles in this morning's papers, particularly the lead article in the *Herald Sun* by Leela de Kretser entitled 'Police jobs for the girls'. It says:

Women will be picked ahead of men under a radical plan to boost the number of female police officers in Victoria.

Chief Commissioner Christine Nixon has applied for an exemption from anti-discrimination laws to ensure 50 per cent of recruits are women.

The article goes on to say:

Victoria Police seeks to:

- a) initiate a recruit marketing strategy in April 2003, specifically targeting women; and
- b) change the process currently used to select recruits for places at the Victoria Police Training Academy, in order to permit male and female applicants to be grouped separately, so that equal numbers of male and female applicants can be selected for and offered places at the training academy in each intake of new recruits.

I certainly praise the Chief Commissioner of Police and the excellent work she does. I think it will be good to see some new resources and funding to encourage women into this very fine profession. I would like to see the chief commissioner given a lot more financial support to be able to do that, but I have concerns with the issue of merit. Women who are just let in on quota

may always be believed to be second rate by their peers and may themselves have feelings of not being adequate because of only being there on the basis of quota and not on merit.

I also agree with the commissioner wanting to encourage more women to enter the profession. She wants a broad spectrum of women to reflect the nature of our community.

The Liberal Party does not support a reduction in any way, shape or form of, or any preferential treatment for entrance exams, minimum skills for women or final exams. None of these would be acceptable, and it would be a great pity to see women put in on quota instead of on merit that I know each and every one of them could achieve.

Does this action of the commissioner accord with the force's code of conduct, which calls for a member to act impartially, with integrity and by providing service excellence to everyone? Will this lead to the accusations of female members having obtained promotion on the basis of their sex and not on their merit?

Roads: Casey

Mr SOMYUREK (Eumemmerring) — I raise a matter for the Minister for Transport in the other place concerning the government's commitment to road funding and to improvements and repairs to roads in the City of Casey. I am advised that the previous Liberal government spent a miserly \$3 million on road funding in the City of Casey during its last term in office. Whilst Premier Kennett was building his monuments in the city the fastest growth corridor in Australia was being neglected.

In the five years to 1996, 46 per cent of Melbourne's total growth occurred in the City of Casey. This led to a huge increase in demand for new roads and services.

Hon. G. K. Rich-Phillips — You forgot the freeway.

Mr SOMYUREK — The honourable member should not talk — he acquiesced. For four years he acquiesced, so he should not talk. He could not stand up to Kennett, that was his problem!

I have figures before me which indicate that over \$40 million has been spent on roads in the City of Casey over the last three years. Road funding is a fundamental issue for all Victorians, but is particularly so in the growth corridor of the outer south-east. Road connections and improvements will pay real economic

and social dividends to all Victorians. I ask the minister to investigate what works are planned for the future and to confirm that over \$40 million has been spent on improving the roads in the City of Casey so badly neglected by the former government.

Shop trading hours: Easter Sunday

Hon. W. A. LOVELL (North Eastern) — My adjournment issue is for the attention of the Minister for Small Business and regards the ban on Easter Sunday trading. Easter is a prime trading time in my electorate of North Eastern Province due to the massive influx of tourists into the area. The new law banning trading on Easter Sunday caused considerable concern. Several councils were forced to apply to the minister for exemptions to allow traders to service the many thousands of tourists.

I will give some examples of press reports that express the importance of Easter trading in north-east Victoria. In the *Riverine Herald* of 23 April the secretary of the Echuca-Moama Business and Trades Association, Michael Gould, said:

... the weekend was very busy for traders, with both High and Hare streets overflowing with people.

Overall, traders were delighted with the amount of people around and we were obviously delighted we were granted an exemption from the ban on Easter Sunday trading ...

If it had not been the case it would have been a disaster for traders.

... practically all traders took advantage of the exemption.

The exemption was definitely warranted, because it meant there was quite a lot of money being regenerated and circulating throughout the community ...

An article in the *Border-Mail* of 23 April states:

General manager of Albury-Wodonga Tourism, Ms Carol Bartley, said the influx of tourists during the Easter break had been incredible.

...

Ms Bartley said most tourists would conservatively spend \$80 a day during their visit.

'The majority of that money will stay in the community which reinforces the idea that tourism is everybody's business', she said.

Another article in the *Border-Mail* of the same date states:

Treat tourists like royalty.

If you couldn't get a park in your main street over the Easter weekend, be glad that tourist dollars are again making their way into your local economy.

Tourist operators throughout the district are relying on a successful Easter and school holiday season to assist their recovery after an horrendous summer.

The *Wangaratta Chronicle* of 24 April states:

Tens of thousands of visitors delivered a much needed multimillion-dollar boost to the north-east over the Easter period.

I ask the minister to immediately refer the Easter Sunday trading ban to the newly appointed Small Business Commissioner for review in line with the Premier's commitment on 3AW for a review of the Easter Sunday trading ban.

Iraq: war veterans

Mrs CARBINES (Geelong) — I raise a matter for referral to the Premier. It concerns a letter I have received from Mr Arthur Carvill on behalf of the Welcome Home Committee for Iraqi War Veterans. This committee has been formed in Geelong and comprises representatives from the Vietnam Veterans Federation, the Veterans of the Vietnam War, the Geelong Returned and Services League, the Norlane RSL, and the Queenscliff and Point Lonsdale RSL. Part of his letter of 6 April states:

As you are aware the conflict in Iraq is in full swing. To many others and myself it has very close similarities to the Vietnam war judging by the divisions in the public arena of violent protests displayed in moratorium marches, unions and some recent citizens of this land in which we live. It would be a tragedy if our troops were brought back under cover of darkness or to obscure airfields to avoid being spat at and abused by protesters as is what happened to our Vietnam veterans. I have experienced this kind of 'welcome home' and it made me ashamed to be a digger and an Australian.

The Welcome Home Committee for Iraqi War Veterans does not want to see such an inhospitable and unwelcome return to Australia for our Iraqi veterans. Accordingly, the committee is requesting that a state reception be held for returning veterans from Iraq to ensure, according to Mr Carvill's letter:

... our serving men and women and families on their return are made to feel proud and are able to walk tall in the knowledge that they have indeed served our nation well.

I would therefore appreciate the Premier's consideration of this worthy request from the Welcome Home Committee for Iraqi War Veterans.

Prisons: capacity

Hon. R. DALLA-RIVA (East Yarra) — I direct my question to the Minister for Corrections in the other place relating to the number of prisoners that are in Victorian jails. I refer to the fact that on 3 April this

year the latest figures show that we had 3678 prisoners in Victorian jails. This represents 803 more prisoners than the state's prisons design capacity of 2875. This indicates the fact that under the average daily utilisation rate level the prisons are now bursting at a massive 127.9 per cent above their design capacity, taking into account that in the last four years this has grown each and every year under the Bracks government.

It is a system that is significantly under crisis. It is a system that is in need of repair, and it places in the view of this side an unacceptable situation on the correctional services officers who are having to deal with the current government's mismanagement of this issue. I ask the minister what he intends to do about bringing this down to an acceptable level.

Dogs: tail docking

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the attention of the Minister for Agriculture in the other place. I refer to the cosmetic tail docking of dogs, which I believe is unnecessary and a very cruel practice. I have two dogs, one called Culley and one called Maeve. Neither of those dogs has its tail docked. I have heard Dr Hugh Wirth, president of the Royal Society for the Prevention of Cruelty to Animals — as I am sure many other members of this house have — speak against this practice on many occasions.

I know that many other animal welfare groups and veterinary associations support a national ban on the routine tail docking of dogs for cosmetic purposes. There should be no requirement for any breed of dog to have its tail docked — it should not be necessary. The Australian National Kennel Council has indicated that dogs with tails in the traditional docked breeds should not be discriminated against by judges in dog shows and competitions.

Tail docking has been outlawed in many countries, including Cyprus, Switzerland, Luxembourg, Sweden and Norway. Given the outcome of the ministerial meeting in Brisbane on 10 April, and the decision that all states except for New South Wales would work towards having uniform legislation outlawing the tail docking of dogs by the end of this year, what plan is the minister considering for a campaign to educate and inform the public about the proposed legislation dealing with this important issue?

Children: foster care

Hon. D. KOCH (Western) — I direct my question to the Minister for Community Services in the other

place. I bring to the attention of this house the matter of the crisis in home care for adolescents and the severe shortage of carers for children and young adolescents who are unable to live with their parents or wider family, making it very difficult for them to be placed in foster care.

The shortage is particularly severe in country areas where children are now being placed in accommodation outside their regions and in many cases up to an hour's travel from their homes. Indeed, it has been reported to me that Aboriginal children have been remanded in custody because they have had nowhere to live. Children are unable to be released on bail because the court cannot release them onto the streets.

Foster care organisations prefer children to be placed with people in their own communities so they can maintain friendships, school and family contacts. Maintaining routine and the positive aspects of these young people's lives promotes individual security and community involvement. However, foster care organisations are finding it more and more difficult to find local carers who can provide this kind of positive care.

A carer's role involves more than just providing a bed and food. Carers are often involved in day-to-day support and help with resolving personal and relationship issues, better preparing these young people to live independently in the community. Carers are essentially volunteers who are rewarded by amounts between \$60 and \$160 per week to provide food, social interaction and education for children in their care.

The crisis in foster care is part of a statewide trend. In part it is due to changing lifestyles where there are now more single and working parents, meaning fewer people are able to assist in offering this kind of care. Currently 3900 children throughout Victoria are accommodated in home care.

The shortage of foster home carers in many parts of regional Victoria is approaching a crisis point with little or no planning in place to offer relief. This is particularly the case in the Wimmera region as again brought to my office's attention, on this occasion by the executive director of Wimmera Uniting Care in Horsham. Members of the legal profession have also expressed their concerns.

I request that the minister acknowledge this urgent and critical issue and puts arrangements in place that will accommodate the current and ongoing need in home care provision for adolescents, especially in regional Victoria.

Williamstown shipbuilding yard: closure

Hon. S. M. NGUYEN (Melbourne West) — I wish to raise an issue for the Minister for State and Regional Development in the other place. Hobsons Bay City Council has joined forces with the councils of Wyndham, Moonee Valley, Melton, Brimbank and Maribyrnong to thwart a proposed closure of the historic shipbuilding yard in Williamstown.

I wish to inform the President that on behalf of the people of Melbourne West Province I will provide whatever support is needed to ensure that the shipyard is not sold for housing to enable the federal government to make a quick buck to help keep the budget in the black. It would be nothing short of treating my constituents with contempt if the federal government in its wisdom decided to close down this operation.

It would be a debilitating blow to our region, reinforcing the message that the federal government does not give a damn about the battlers in the west. Simply because the voters in this region do not appear on the radar screen in coalition circles does not mean these people do not have a right to be heard. It frightens me to think of the massive loss of jobs that would result from a closure, both in a direct and indirect sense.

The Western Melbourne Regional Economic Development Organisation, or WREDO as it is more commonly known, states that Tenix employs approximately 800 workers at the Williamstown shipyard. In addition it is estimated that it is also responsible for about 1889 jobs indirectly. In dollar terms the closure of the shipyard would result in about \$82 million a year being ripped out of the economy in Melbourne's west — the equivalent of \$1.5 million a week. As a responsible local member in touch with my community I call on the federal government to rule out immediately any possibility of the shipyard being closed down and sold off to developers.

I will stand shoulder to shoulder with the six councils continuing to argue for the shipyard to remain. I encourage the federal defence minister to heed the advice of his own appointed panel. The Strategic Policy Institute, coincidentally an advisory panel funded by the federal government, has indicated that eight or nine big ships are due to be built in less than a decade. It states that present facilities will be unable to cope with this level of demand unless new facilities are provided. Based on this assessment, my question to the minister is: why would you sell a site that is strategically and economically so significant not only to the western region of Melbourne but to the nation? Why would you contemplate selling this site when the advice you are

receiving is that the current capacity of such facilities will not enable us to meet the demand?

The PRESIDENT — Order! The member's time has expired.

Walhalla Road, Walhalla: closure

Hon. P. R. HALL (Gippsland) — I wish to raise an extremely urgent matter for the attention of the Minister for Transport in the other place. It concerns planned roadworks on the Walhalla Road. Vicroads plans to start important roadworks on the Walhalla Road next Monday, and this will mean that the only road into Walhalla will be closed from 8.30 a.m. to 5.30 p.m. five days a week for the next four weeks, providing only 5-minute access during smokos at 10.00 a.m., 12.30 p.m. and 3.30 p.m. The residents and business operators were informed of these proposed road closures only on the Wednesday before Easter, so they have had just two weeks notice to prepare for what will amount to a significant disruption in the way they operate their day-to-day lives. For example, many of them will have to change their arrangements for getting to and from work, for delivering mail and other goods into the town and for the arrival of visitors, because Walhalla is a very important tourist town. The road closure will have an impact on all those daily things. The people of Walhalla need greater time to prepare for the road closure. Everybody acknowledges they are important roadworks that need to be undertaken, but the people of Walhalla need time to prepare and get themselves ready for a significant period of time when the road will be closed. I have been assured that everyone in Walhalla — and it is not a big town, so all residents in Walhalla — would like the roadworks deferred until after the long weekend in June.

My request of the Minister for Transport is that he look into this issue as a matter of urgency to see if the roadworks scheduled to start next Monday can be deferred for a couple of months so the people of Walhalla can better prepare themselves and make arrangements for the significant disruptions that will occur in their daily lives. As this work is planned for next Monday, I earnestly ask the minister to look into the issue in the next couple of days.

Motor vehicles: government fleet

Ms ROMANES (Melbourne) — I would like to direct a matter to the Minister for Finance, Mr Lenders. It relates to one of the objectives of the government's greenhouse strategy, which is to move to cleaner, greener vehicles in the Victorian government vehicle fleet. I am aware of only limited action so far on this

objective. In fact, over two years ago the Minister for Local Government, the Honourable Candy Broad, and I both opted for LPG parliamentary vehicles. I personally have found the Ford Futura LPG an excellent vehicle. I have taken it into the country many times.

An honourable member interjected.

Ms ROMANES — On gas, everywhere. Gas is available everywhere. A number of petrol-electric hybrids, the Toyota Prius vehicles, were purchased about a year ago to be trialled by various state government departments, including the Environment Protection Authority and Parks Victoria, and by some of our ministers.

I am concerned that at this stage I have heard nothing about any follow-up assessment of the performance of the LPG vehicles and the Prius relative to other vehicles in the government's fleet. I believe it is important to have this information to guide future decisions about the government's vehicle fleet and to keep on track in moving in the direction of the greenhouse strategy towards a more energy-efficient fleet with vehicles that pollute the air less.

I request that the minister follow up the matter and make the information available to members of Parliament.

Tertiary Education and training: rural travel assistance

Hon. J. A. VOGELS (Western) — I raise an issue with the minister at the table, the Minister for Finance, for the Minister for Education and Training in another place. I ask: what action is the government taking to help rural students travel for vocational education and training (VET)? In country areas, students are often required to travel long distances to attend TAFE classes for VET programs, for which there is no direct funding. Travelling expenses, and in many cases accommodation expenses on top of that, make VET programs less accessible for rural students, with either the participating schools, parents, students or a mixture of all three being required to pick up the tab. Many cannot afford to do so. In metropolitan areas travel is much more accessible and less expensive.

Everybody would agree that vocational education and training allows students to gain practical expertise and encourages them to complete their chosen courses at secondary school. While VET programs are similarly funded in both city and rural areas, there is a discrepancy in the real value to participants of this funding in rural areas.

The cost of the travel is clearly creating an impediment for rural students, and parents regularly ask my office in Warrnambool if there is funding available to help meet these costs. Travelling from Warrnambool, and no doubt Horsham, Hamilton, Maryborough or any of the other rural towns, to attend these courses can be very expensive.

I ask that the government provide additional funds in the form of a student travel allowance based on the actual travelling distance to rural and regional secondary schools and to cover travelling costs for students to attend TAFE training components for VET in school programs.

Bridges: Robinvale

Hon. B. W. BISHOP (North Western) — My adjournment issue is directed to the Minister for Transport in the other place. I again raise the subject of the Robinvale bridge, which has a long history in relation to its replacement. It was about 1999 when the commonwealth government offered \$17 million towards the replacement of the Robinvale bridge. That was quite a generous offer as that type of bridge is normally a state responsibility — in this case New South Wales and Victoria.

At the time there was considerable debate about the positioning of the bridge, which soaked up a lot of time and a lot of emotional energy. I congratulate all concerned, particularly Cr John Katis, a councillor of the Swan Hill Rural City Council, for sticking to the task very well. There is now an agreed position for the bridge, which is in fact quite close to the old bridge. I am advised by the residents of Robinvale that a preferred contractor will be selected by May this year with a view to beginning either later this year or very early next year.

The other issue is that ongoing maintenance is required for the bridge. Members of the community generally feel that after a long lead time they are now in a position for construction of the new bridge to begin. Can the Minister for Transport give me a firm starting date for this important project?

Professional indemnity: medical practitioners

Hon. C. A. STRONG (Higinbotham) — The issue I raise is for Mr Lenders, the Minister for Finance. The minister would be aware of the great disquiet within the community and within the Victorian branch of the Australian Medical Association on the question of medical indemnity insurance, an issue on which the AMA has been trying unsuccessfully to get action from

the government for many, many months, and an issue on which the frustration and despair within the AMA has now resulted in its going public with a campaign to try to get some action.

A recent freedom of information request by the Honourable Andrew Brideson revealed that the government was secretly briefing consultants on this issue for the six months leading up to the election. The briefs included one to Ernst and Young Actuarial Business Consultants, and the project was titled 'Analysis of medical indemnity claims — short-term snapshot of trends in relation to the current tort law reform considerations' at a cost of \$45 000. Another Ernst and Young consultancy entitled 'Analysis of medical indemnity claims — heads of damages that contribute to the payments and costs associated with the various categories of compensation claims' cost \$50 000. Yet another Ernst and Young consultancy entitled 'Analysis of medical indemnity claims — detailed report on characteristics; medical indemnity costs in Victoria and advice on likely future costs associated with compensation payments on a no-charge basis' cost \$82 500.

I ask the minister: in light of the very considerable public interest in this, particularly the interest that has been sparked by the Victorian branch of the AMA's current activities, is he prepared to table these reports in the public interest?

Responses

Mr LENDERS (Minister for Finance) — Thirteen adjournment matters were raised tonight. The first was from Mrs Coote for the Minister for Police and Emergency Services in another place regarding recruitment of policewomen. I will refer that issue to my colleague in the Legislative Assembly for his reply.

Mr Somyurek raised a matter for the Minister for Transport in the other place regarding road funding in Casey and an increase in dollars spent since the election of the Bracks government. I will also refer that issue to my colleague in the Legislative Assembly.

Ms Lovell raised an issue for the Minister for Small Business regarding Easter trading bans and exemptions in north-eastern Victoria. I will refer that issue to my colleague in the Council.

Mrs Carbines raised a matter for the Premier regarding a state reception for returning Iraqi veterans from the Welcome Home Committee for Iraqi War Veterans. I will certainly refer that issue to the Premier.

Mr Dalla-Riva raised an issue for the Minister for Corrections in another place regarding the number of prisoners in Victorian jails and related matters. I will refer that to the minister.

Ms Darveniza raised the issue of the docking of dogs' tails and spoke of her own dogs, Culley and Maeve. She requested the Minister for Agriculture to consider plans for an education campaign. I will certainly refer the issue to my colleague in the Legislative Assembly.

Mr Koch raised an issue regarding the number of carers for children and adolescents, especially foster carers. I will raise that with the Minister for Community Services and seek her response.

Mr Nguyen raised an issue for the Minister for State and Regional Development regarding support for keeping the Williamstown shipyards open and safe from commonwealth cuts. He was obviously concerned about jobs in his electorate. I will raise that with the minister.

Mr Hall raised an issue for the Minister for Transport regarding works planned on Walhalla Road and their effect on local traders and residents. I will raise that as a matter of urgency with the minister, as requested.

Ms Romanes raised a question with me in my capacity as Minister for Finance regarding the government's cleaner, greener vehicle policy. I am very pleased that she raised that. I note that she and the Minister for Local Government have by choice adopted the use of LPG vehicles because of their commitment to a cleaner, greener Victoria and greenhouse targets.

I have a couple of things to say about this. Firstly, while further work on this is still coming in to the government, certainly the preliminary view is that LPG vehicles do save us money. The proposals the government had last year for extending from 40 000 kilometres to 60 000 kilometres the amount of travel a vehicle did before a turnover, converting the larger vehicles that did more than 30 000 kilometres to LPG and using smaller vehicles, under 2600 cubic centimetres, are certainly bringing in savings and are affecting greenhouse emissions. As more information becomes available I will pass it on to Ms Romanes and the house.

Regarding the LPG issues — a number of members were interjecting during Ms Romanes's comments and I found it hard to follow her because of the number of interjections — certainly the government is conscious that LPG travel in regional Victoria can be more difficult, particularly after hours, because it can be hard to find filling stations. In certain cases dual cards are

being issued beyond the single card to try to address that.

On the issue of the Prius vehicles, I had the great delight of being chauffeur driven by the Treasurer in a Prius vehicle for the community cabinet meeting in Banyule. The Treasurer is a very skilled driver of this vehicle. It was a bit disconcerting when the vehicle idled, because it is almost silent, which is all part of its energy saving. The Prius is not a cheap vehicle, but its benefits are being tested and evaluated.

Obviously as a government we are fairly conscious of the need to limit our vehicles to those manufactured in Victoria. That is important to us, and it is a factor we looked at. We are continuing to evaluate all those issues, and we are trying to reduce greenhouse emissions. It is an exciting area for the government because it is an area where individual members of Parliament and other people who use the vehicles can make a difference.

Mr Vogels raised an issue for the Minister for Education Services regarding rural student travel and especially courses in vocational education and training. I will refer that to my colleague in the Legislative Assembly.

Mr Bishop raised an issue for the Minister for Transport regarding the starting date for the Robinvale bridge. Again, I will seek an answer from the minister in the Legislative Assembly.

The final matter raised during tonight's adjournment debate was from Mr Strong for me, again in my capacity as Minister for Finance. He referred to the Australian Medical Association, medical indemnity insurers and some data. Mr Strong would certainly be aware that the legislative package already put in place by this government deals with issues that were on the AMA log last year, including the statute of limitations, good Samaritans' caps and discount rates. The AMA has put forward further issues, as have a number of other groups, regarding its concerns about insurance.

Specifically regarding data that has been collected, one would hope that a responsive government that is trying to find solutions to these problems would collect data so it can make informed decisions on cause and effect in insurance rather than just operating blindly or on the basis of anecdotal evidence. The collection of data, which we have done as a government, has been carried out in cooperation with the medical defence organisations and a lot of private sector groups, so that we can make an informed decision. Data is collected by those groups and by the government. Once the

government has deliberated on them and made decisions, it will make the outcomes known to the Parliament and the public.

House adjourned 10.34 p.m.

