

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

14 November 2000

(extract from Book 7)

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

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

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

Legislative Assembly Committees

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

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

Joint Committees

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

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

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

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

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

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

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

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

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

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

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

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

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

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

CONTENTS

TUESDAY, 14 NOVEMBER 2000

| | | | |
|--|------------|---|------|
| DISTINGUISHED VISITOR | 1487 | ADJOURNMENT | |
| QUESTIONS WITHOUT NOTICE | | <i>Prisoners: telephone privileges</i> | 1551 |
| <i>Premier: radio debate</i> | 1487, 1489 | <i>Sale College</i> | 1552 |
| <i>Roads: funding</i> | 1487 | <i>Ethnic services: dental health</i> | 1552 |
| <i>Ovine Johne's disease</i> | 1487 | <i>Rail: Boronia crossing</i> | 1553 |
| <i>Gaming: problem gambling</i> | 1488 | <i>Housing: Victory Boulevard estate</i> | 1553 |
| <i>Swifts Creek timber mill</i> | 1489 | <i>Snowy-Brodribb drainage system</i> | 1553 |
| <i>Public sector: consultancies</i> | 1490 | <i>Forests: box-ironbark</i> | 1554 |
| <i>Schools: VET program</i> | 1490 | <i>Princess Elizabeth Junior School for Deaf</i> | |
| <i>International Fibre Centre</i> | 1491 | <i>Children</i> | 1554 |
| <i>Niddrie: toxic waste dump</i> | 1492 | <i>Dromana: bathing boxes</i> | 1555 |
| TABLE OFFICERS | 1493 | <i>Police: after-hours call-outs</i> | 1555 |
| PETITIONS | | <i>Multimedia: ministerial responsibility</i> | 1556 |
| <i>Beechworth: gaming machines</i> | 1493 | <i>Responses</i> | 1556 |
| <i>Preschools: funding</i> | 1493 | | |
| <i>Maribyrnong: rates</i> | 1493 | | |
| HEALTH SERVICES COMMISSIONER | | | |
| <i>Annual report</i> | 1494 | | |
| FAMILY AND COMMUNITY DEVELOPMENT | | | |
| COMMITTEE | | | |
| <i>Effects of television and multimedia</i> | 1494 | | |
| SCRUTINY OF ACTS AND REGULATIONS | | | |
| COMMITTEE | | | |
| <i>Alert Digest No. 11</i> | 1494 | | |
| PAPERS | 1494 | | |
| ROYAL ASSENT | 1495 | | |
| APPROPRIATION MESSAGES | 1495 | | |
| BUSINESS OF THE HOUSE | | | |
| <i>Program</i> | 1496 | | |
| MEMBERS STATEMENTS | | | |
| <i>Local government: valuations</i> | 1501 | | |
| <i>Bill Copping</i> | 1501 | | |
| <i>Goulburn Valley Water: board</i> | 1501 | | |
| <i>Heidelberg Primary School</i> | 1502 | | |
| <i>Schools: global budgets</i> | 1502 | | |
| <i>Graeme Askew</i> | 1502 | | |
| <i>Police: Bentleigh</i> | 1502 | | |
| <i>Darley Primary School</i> | 1503 | | |
| <i>Minister assisting the Premier on Multicultural</i> | | | |
| <i>Affairs: stationery</i> | 1503 | | |
| <i>Latrobe Valley: Queen's Hall display</i> | 1503 | | |
| STATE TAXATION ACTS (FURTHER | | | |
| MISCELLANEOUS AMENDMENTS) BILL | | | |
| <i>Second reading</i> | 1503 | | |
| FAIR EMPLOYMENT BILL | | | |
| <i>Second reading</i> | 1511 | | |
| MELBOURNE CITY LINK (MISCELLANEOUS | | | |
| AMENDMENTS) BILL | | | |
| <i>Second reading</i> | 1545 | | |
| <i>Remaining stages</i> | 1548 | | |
| GAMING ACTS (GAMING MACHINE LEVY) BILL | | | |
| <i>Second reading</i> | 1548 | | |
| <i>Remaining stages</i> | 1551 | | |

Tuesday, 14 November 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.06 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to recognise and welcome to the gallery today a former Speaker of the Legislative Assembly, Mr John Delzoppo.

QUESTIONS WITHOUT NOTICE**Premier: radio debate**

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to his pre-election commitments of openness, honesty and accountability. I further refer the Premier to his comment last year when he described the former Premier as ‘gutless and weak-kneed’ for not debating the then opposition leader. Why then has the Premier refused point blank to debate me — —

Honourable members interjecting.

The SPEAKER — Order! I ask honourable members on the government benches to come to order. I ask the Leader of the Opposition to repeat the latter part of his question, which the Chair had difficulty hearing.

Dr NAPHTHINE — Why is the Premier so gutless and weak-kneed as to refuse to debate me on the Neil Mitchell program, as he was recently invited to do?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk will cease interjecting. The house is wasting its own time.

Mr BRACKS (Premier) — I look forward very much to the next election campaign and debating the opposition leader. I will wait to see who that will be.

Roads: funding

Mr LENDERS (Dandenong North) — I refer the Premier to the fact that Victoria contributes 25 per cent of total fuel excise to the federal government but receives only 15 per cent of total federal road funding. Will the Premier inform the house of the importance of a fairer share of road funding for Victorian motorists?

Mr BRACKS (Premier) — The Prime Minister has promised a boost in road funding. The announcement is long overdue and is certainly welcome, but a larger share for Victoria would be more welcome, and that will be the big test for the package.

As the honourable member indicated in his question, Victorian motorists currently pay about 25 per cent of national road taxes yet receive only 15 per cent back in road funding. If one looks at the past 10 years, under successive governments Victoria has been short-changed to the tune of about \$1.1 billion, so that is the funding gap.

The Victorian government has increased road funding by about \$250 million, particularly through its black-spot road funding, which is having an impact on improving local, unsafe roads. Major road projects, which are part of the government’s Linking Victoria strategy, help to underpin the right economic environment. It is therefore important that Victoria gets a larger share than other states from the road funding package.

The Minister for Transport has been keen on completing some key road projects to fill out the Linking Victoria strategy. These projects include the Scoresby freeway, which has about 40 per cent of Melbourne’s manufacturing along its corridor. It is a significant project, and its completion will add \$150 million a year to Victoria’s gross state product and reduce travel costs by \$220 million a year.

The Goulburn Valley Highway is a national highway. The continuation of its duplication, together with the Deer Park bypass, are further major projects. Anyone who has used the Western Highway recently will realise how the traffic lights at Caroline Springs interrupt the traffic flow. The upgrade of the Calder Highway to Bendigo was to have been completed earlier, but because of previous federal funding road cuts it will not be completed as early as expected. The same is true with the Pakenham bypass — and I could name more.

These are important projects for Victoria, which needs a bigger share to redress past imbalances. Twenty five per cent of the state’s road taxes go to Canberra while only 15 per cent is received back. The package announced by the Prime Minister is a chance to get a fair share back for Victoria.

Ovine Johne’s disease

Mr RYAN (Leader of the National Party) — Given the recommendation in the parliamentary report on ovine Johne’s disease that compensation payments be

reinstated to affected farmers, and given the recommendations in the minority report that the government should pay half the existing debt of \$16 million as well as ongoing costs on a dollar-for-dollar basis, will the Treasurer explain to country Victorians why he refuses to fund the assistance package?

Mr BRUMBY (Treasurer) — This is a National Party special.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRUMBY — The Leader of the National Party was part of the former government, which introduced a fundamentally flawed scheme that has cost Victorian producers between \$16 million and \$20 million.

Opposition members interjecting.

Mr BRUMBY — The opposition thinks it is funny that as a result of the failed and bungled scheme put in place by the former Liberal and National Party government Victorian producers will be repaying the debt for 47 years. It was your scheme — —

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

Mr BRUMBY — Having put them in hock to the tune of \$16 million to \$20 million, with a 47-year debt repayment schedule, the honourable member now wants taxpayers and farmers to pour good money after bad.

This is a bungled scheme! This is — —

Honourable members interjecting.

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

Mr BRUMBY — Honourable members need a bit of reminding about history on this issue. The Liberal Party put out a press release today saying, ‘Pay up as well’. It is part of the arrangement that cost Victorian farmers between \$16 million and \$20 million. However, when previously in government it originally introduced the scheme and put in \$1 million saying that it would be a three-year program, that it would cost no more than \$3 million in total and that all of the debts would be repaid within that time frame.

Victoria is now faced with a budget blow-out of between \$16 million and \$20 million and all members

of the National Party can do — they are not saying, ‘We got it wrong’, ‘We’ve sent farmers broke’, or ‘We put farmers in hock for 47 years’ — is say, ‘Let’s pour some good money after bad and see if we can blow out the debts by another decade or two.’!

The Bracks government is interested in sound financial management — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the question. He has just mentioned financial management. All the National Party wants to know is whether he is going to pay up, as the minority report suggests.

The SPEAKER — Order! I do not uphold the point of order, and I will not allow the Leader of the National Party to ask his question again.

I remind the Treasurer that he may not debate the question and should return to answering it.

Mr BRUMBY — The National Party wants the government to prop up a bankrupt scheme. I presume the shadow Treasurer also supports a bankrupt scheme.

I have some figures to hand. Since the inception of the scheme in 1996–97, \$16 124 208 has been paid in compensation. Instead of that amount being paid back by farmers, they have borrowed \$15 911 726 from the government. It is a bankrupt scheme and is in debt to the tune of between \$16 million and \$20 million, and the government is not going to bankroll it out!

Gaming: problem gambling

Mr VINEY (Frankston East) — I refer the Minister for Community Services to the government’s commitment to civilise Victoria’s gaming industry. Will the minister inform the house of the latest campaign to alert problem gamblers to the impact of their actions on their family and the community and the services that are available to them?

Ms CAMPBELL (Minister for Community Services) — Today, as part of the Bracks government’s launch of its summer offensive to tackle problem gambling in Victoria, I unveiled the hardest hitting campaign ever to address the issue. It includes television advertising that will alert problem gamblers to their behaviour. As of next week the campaign will extend to launches of radio and print media advertising,

four mobile billboards and multilingual brochures for problem gamblers.

The Bracks government is about addressing problem gamblers' behaviour and putting in place support mechanisms to ensure that they are alerted to their behaviour. The three-month offensive will be the first stage of the government's advertising campaign, and it will hit 95 per cent of the Victorian community. The campaign will be intensely monitored and evaluated to identify whether problem gamblers are accessing services.

The government is using the summer holidays when attention is drawn to families and recreation to encourage people to consider their behaviour and the excesses of problem gambling.

Gamblers have told the government about the effects of problem gambling causing hurt to their families, children and friends and the wider community. The advertising campaign will be a lifeline for many problem gamblers.

Honourable members interjecting.

Ms CAMPBELL — Gamblers can lose their families and their children — and the opposition makes light of this very serious issue. The key message is to ensure that problem gamblers think of what they are really gambling with. The previous government — —

Honourable members interjecting.

Ms CAMPBELL — Would you like to listen?

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition shall cease interjecting. Similarly, the honourable member for Doncaster.

Ms CAMPBELL — No doubt the opposition does not want to hear this message because the so-called myths campaign of the previous minister ensured a drop in clients using problem gambling services. The message of the previous government was, 'Hey, if it's no longer fun, walk away'. The fact was that most people were having fun and they were staying and becoming problem gamblers. They were not accessing services. No wonder the opposition is embarrassed.

Honourable members interjecting.

The SPEAKER — Order! I have already asked the Deputy Leader of the Opposition to cease interjecting. I ask the minister to conclude her answer.

Ms CAMPBELL — The advertisements encourage gamblers to ring Gamblers Help, which has a very clear message that support is available for them. This government will ensure we have a civilised society in which problem gamblers are supported. I encourage people in the wider community to think about what they are really gambling with. Perhaps the opposition might like to get behind problem gamblers and encourage them to do the same!

Premier: radio debate

Dr NAPTHINE (Leader of the Opposition) — My question is again directed to the Premier. I remind the Premier of his own words, when he said:

When I ask the Premier to debate with me about the future of the state — —

Honourable members interjecting.

The SPEAKER — Order! I ask the government benches to come to order. The Leader of the Opposition is entitled to be heard.

Dr NAPTHINE — I remind the Premier of his own words, when he said:

When I ask the Premier to debate with me about the future of this state I do not think I am asking the impossible.

Will the Premier now change his mind, admit his hypocrisy and debate with me next month on 3AW on the Neil Mitchell program?

Mr BRACKS (Premier) — I remember that quote. It was in a newspaper article during the last election campaign. As I said, I can understand why the Leader of the Opposition cannot wait until the next election campaign. I can understand his anxiety, but if he hangs around — if he is here — he will have his debate, don't worry!

Swifts Creek timber mill

Mr MAXFIELD (Narracan) — I refer the Minister for State and Regional Development to the state government's commitment to grow the whole of the state. Will the minister inform the house whether the Victorian government is able to facilitate a new buyer for the Swifts Creek mill?

Mr BRUMBY (Minister for State and Regional Development) — Honourable members will recall that in April last year Neville Smith Timber Industries announced that the Swifts Creek mill would close, with the loss of 25 jobs. The closure of the mill obviously

had a major economic and social impact on the Swifts Creek community.

I remind the house that that was in April last year. Between that time and the election the former government did nothing — absolutely nothing — to revive job opportunities in Swifts Creek or Gippsland East. The closure of the mill was just another example of the thousands of jobs that were lost in country Victoria under the Kennett government. To the former government Swifts Creek was like the toenail of Victoria, to use the words of the former Premier.

On forming government the current Premier and the Minister for Environment and Conservation commissioned a task force to look at reviving investment opportunities in Swifts Creek. However, the task force's report was not acceptable to government. Accordingly, during the course of this year the government has been working with a number of investors on a possible new investment on the sawmill site.

I am pleased to advise the house that discussions with one investor have resulted in the acceptance of an offer from the Bracks government of an industry assistance package. Dormit Pty Ltd will invest \$3 million to establish a sawmill at Swifts Creek that will be used for the manufacture of hardwood pallets. That is great news for Swifts Creek and great news for Gippsland East. As I said, it is a \$3 million investment that will provide new hope, new opportunities and new jobs — 10 direct jobs and 10 indirect jobs — for Swifts Creek.

I further advise the house that the announcement about Swifts Creek comes on top of the Premier's announcement of funding from the Department of Natural Resources and Environment for rehabilitation works on Crown land in the Tambo Valley, which will occur over the next three years. That project is also expected to create employment for up to 10 full-time-equivalent contractors.

We have also located an Office of Rural Communities officer in Bairnsdale to ensure that the concerns of the local community are communicated by the department.

The honourable member for Gippsland East has put in an enormous amount of work and been a source of real strength over the past few months in obtaining the investment at Swifts Creek. The Minister for Environment and Conservation and her department have also worked tirelessly on the issue, as have the Department of State and Regional Development and, of course, the Premier's office.

We now have a solution to a long-running problem — a \$3 million investment, with 10 new direct jobs and 10 indirect jobs. It is a decision of which every member of the house can rightly be proud.

Public sector: consultancies

Ms ASHER (Brighton) — I refer the Premier to his election promise to reduce government waste and consultancies. I further refer to the fact that according to departmental annual reports, in the 1999–2000 financial year the Labor Government spent almost \$2 million more on consultancies than was spent in the previous financial year. How does the government justify its spin in opposition given the reality of its performance in government?

Mr BRACKS (Premier) — The government has instituted a 1 per cent charge on supplies and consumables. That includes a 1 per cent charge on the area from which consultancies come. That has resulted in consultancies coming down across the whole of government.

The Deputy Leader is referring to the whole of the financial year. For the period in which the Labor Government has been in power it has applied the 1 per cent charge.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition has asked her question.

Mr BRACKS — Along with the shadow treasurer's reading of the budget, so goes her reading of the annual reports.

Schools: VET program

Mr HARDMAN (Seymour) — I ask the Minister for Post Compulsory Education, Training and Employment to inform the house of the latest action taken by the government to boost education and training opportunities for young people in our schools.

The SPEAKER — Order! The question is very broad. I remind the Minister for Post Compulsory Education, Training and Employment before calling of her obligation to be succinct.

Mr Honeywood — Where's Mary?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — This question relates to VET in Schools money, so it is about vocational education and training in schools, which has

been highly successful in the past — as the member for Warrandyte would know.

As I said, the program has been very successful since its introduction, and the take-up rate of young people has been increasing every year. It has filled a gap in the pathways to education and training in the senior school years. In line with the Bracks government's commitment to increasing participation in schools, this year it has increased funding by \$1 million for the VET in Schools program.

The provision of that extra \$1 million resulted in an increase of 28 per cent of students participating in the VET in Schools program this year. It allowed 13 000 additional students to have access to the program. This very popular program has provided a range of pathways for young people across the state. Unfortunately in the past not all students in all schools could access the VET in Schools program. I am pleased to announce today an extra \$1.8 million for the VET in Schools program next year.

Mr Honeywood interjected.

Ms KOSKY — The honourable member for Warrandyte suggests it is a drop in the bucket. I think he meant it is a drop in the ocean, but we will run a training program for him later to get those terms right. It is not a drop in the bucket at all. It represents an increase of 59 per cent in state funding for the VET in Schools program in Victoria, on top of the \$1 million the government has provided this year. We are providing an extra \$1.8 million. The allocation will increase from \$2.9 million to \$4.7 million next year.

An additional 4000 young people across Victoria will have access to the VET in Schools program. That will enable many more young people and also smaller rural communities to have access to the program. The previous government provided \$1.9 million for the VET in Schools program. The Bracks government is now providing \$4.7 million.

Let us look at what our federal counterparts are doing. Noting the rhetoric of the federal minister, Dr Kemp, one would think that he had a commitment to the VET in Schools program. The minister has been out everywhere promoting it and is about to run a series of advertisements leading up to next year's federal election campaign. But next year the federal government is putting only \$2.7 million into the VET in Schools program in Victoria — a 2 per cent decrease on this year's funding. Although the federal minister is very good at promoting vocational education and training in schools, the money is not forthcoming.

The Bracks government is seriously committed to expanding the pathways in the senior years in schools. We are putting our money where our mouth is to expand those opportunities, unlike the previous government, which was just concerned with rhetoric and not real opportunities for young people.

International Fibre Centre

Mr BAILLIEU (Hawthorn) — My question is to the Minister for Post Compulsory Education, Training and Employment.

Noting that the government has spent \$43 000 on Labor mate Tom Hogg to review the operations of the International Fibre Centre in Geelong and the fact that the minister has personally reaffirmed the government's commitment to the centre, will the minister assure the house that the government is not planning to pull the plug on the International Fibre Centre?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I am glad that the honourable member for Hawthorn has finally had the opportunity to ask a question in question time. I understand his current name in the Liberal Party is Cottees — rich and thick.

The house would be aware that the International Fibre Centre really was one of Kennett's dreams that turned into a nightmare — an absolute disaster. More than \$25 million in capital was put into this project, with almost an additional \$3.1 million ongoing every year from now until eternity to get the facility operating — and that is without training numbers going through.

Mr Baillieu — You made a commitment.

Ms KOSKY — The honourable member for Hawthorn forgets very conveniently the mess associated with the International Fibre Centre that the former government left when members of the Labor Party came to office. We certainly remember. We remember all of the equipment that was purchased that did not meet occupational health and safety standards and therefore could not be used. We remember the building purchased by the former minister, the honourable member for Warrandyte, with asbestos and wooden floors that were not suitable for the very heavy equipment and had to be handed over to Deakin University. But the opposition is not interested in truth and the disaster that it left when we came to office.

Mr Baillieu — On a point of order, Mr Speaker, it was a simple question — yes or no. The minister made a commitment.

The SPEAKER — Order! I do not uphold the point of order and I will not allow the honourable member for Hawthorn to ask a further question. The minister was being relevant in answering the question on the wool centre and I will continue to hear her.

Ms KOSKY — While the honourable member for Hawthorn has been at the International Fibre Centre trying to whip up concern there — and I know he has made quite a few visits — we have been busy in discussions with the commonwealth government and the CSIRO to now attempt to do what the previous government said it would do and never did — that is, to have a national centre of excellence for the international fibre community. We are working with industry and David Jones is working with us. He has an absolute commitment to making sure that the International Fibre Centre works, as does CSIRO. We are having those discussions with the commonwealth government at the moment. It has to come to the party if this is going to work as a national facility. I await the recommendations that come from the work that is being done at the moment, and I welcome the opportunity for the honourable member for Hawthorn to work with us to attempt to overcome the mess left by the previous government and make the facility work. I invite him to work with us rather than whipping up concern at the centre. His actions are unfair on the local community and his statements are completely untrue.

Niddrie: toxic waste dump

Mrs MADDIGAN (Essendon) — I refer the Minister for Planning to plans by the former Liberal government to turn Niddrie Lake into a toxic waste dump, and I, along with the honourable member for Niddrie, ask the minister to inform the house of the benefits to the local community, the environment and the economy of the government's decision to approve a residential housing development for the area.

Mr THWAITES (Minister for Planning) — This is another example of the Bracks government getting on with the job, providing jobs and development and protecting the environment. On the weekend I was pleased to be able to announce, with the honourable member for Niddrie standing by my side, that the Urban Land — —

Honourable members interjecting.

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

Mr THWAITES — We stood together and announced that the Urban Land Corporation is purchasing that site for a \$250 million housing

development. That is the site the Kennett government wanted to turn into a contaminated waste dump!

After 25 years of that site being a major problem the Bracks government has come up with the solution. The proposal will involve the Urban Land Corporation developing some 780 dwellings on the site. It will also involve the preservation of that magnificent lake, more than \$1 million being spent on Steel Creek and much of the site being dedicated to public open space. The project will also provide some 2900 jobs. Compare that to the proposal — —

Honourable members interjecting.

Mr THWAITES — Opposition members ask how long. The development will be undertaken over four years. Compare that to the 10 years of the previous government's proposing to have 200 trucks running up and down that contaminated site. It is not by chance that the honourable member for Pakenham is not in the house today. Presumably he is too embarrassed after personally intervening in the case, calling the matter in and overruling the local community and the local council to ensure that the contaminated dump proposal got up.

The most extraordinary thing of all was that the previous government ignored the community for years. One of its ministers said that the people of Niddrie would get what they deserved, but on 15 September 1999 the then Premier did a backflip. He wrote to the people of Niddrie informing them that after talking to the Liberal candidate for Niddrie the previous government had decided not to put in a dump.

An honourable member interjected.

Mr THWAITES — I will not mention that candidate, except to say she did not live in the area; she lived in North Fitzroy. It seemed that the previous government was more interested in having someone from North Fitzroy than it was in the local community.

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr THWAITES — Members of the previous government thought in the most cynical way that by doing a backflip at the last minute they would defeat the honourable member for Niddrie. Were they successful? No, he came back with a vengeance and increased his majority. The honourable member for Niddrie was there on the weekend proudly leading his community with another great Bracks government development.

The SPEAKER — Order! The time set down for questions without notice has expired. A minimum number of questions have been dealt with.

TABLE OFFICERS

The SPEAKER — Order! I wish to advise the house that for the remainder of this sessional period I have authorised the Clerk to make arrangements for certain officers of the Legislative Assembly to assist at the table of the house when necessary.

Since 1979, following authorisation by the Speaker, officers of the Legislative Assembly from outside the house have on occasion assisted at the table when called upon to do so. In the past few years that practice has been restricted to the counting of divisions, when officers from outside the chamber enter the house to assist. This extended arrangement will not only improve the flexibility of the staffing arrangements of the house but will also advance the training and development of senior officers of the house.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Beechworth: gaming machines

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that we are opposed to the introduction of electronic gaming machines (poker machines) into the township of Beechworth.

Your petitioners therefore pray that the Victorian government pass legislation that will:

1. give local government the power to reject the introduction of poker machines into their municipalities; and/or
2. require the Victorian Casino and Gaming Authority to reject an application for a licence when there is clear community opposition to the introduction of poker machines into a specific community.

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

By Mr PLOWMAN (Benambra) (1528 signatures)

Preschools: funding

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

The humble petition of the undersigned citizens of Victoria respectfully requests:

That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

a reduction in fees paid by parents and the removal of the barrier to participation for children;

reduction in group sizes to educationally appropriate levels consistent with those established by government for P-2 classes in primary schools;

teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;

critical staff shortages for both permanent and relief staff are alleviated;

the excessive workloads of teachers and parent committees of management are addressed.

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

By Ms ALLAN (Bendigo East) (72 signatures) and Mr MAUGHAN (Rodney) (44 signatures)

Maribyrnong: rates

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

Petition against City of Maribyrnong rate rises.

We the undersigned feel that the rate rises are too excessive for our community. We live in a community that has a lot of disadvantaged people such as low-income families, fixed-income people — e.g. pensioners and disabled people.

We feel that we don't have the infrastructure and services that other communities take for granted. We feel that we are not getting value for money to justify these rate rises.

Your petitioners therefore pray that the authorities concerned act in a reasonable and appropriate manner and move whatever motion is necessary to rectify this.

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

By Ms BURKE (Pahran) (3476 signatures)

Laid on table.

Ordered that petition presented by honourable member for Prahran be considered next day on motion of Ms BURKE (Pahran).

Ordered that petition presented by honourable member for Benambra be considered next day on motion of Mr PLOWMAN (Benambra).

HEALTH SERVICES COMMISSIONER**Annual report**

Mr THWAITES (Minister for Health) presented report for 1999–2000.

Laid on table.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE**Effects of television and multimedia**

Mr LIM (Clayton) presented report, together with appendices, extracts from proceedings, minority report and minutes of evidence.

Laid on table.

Ordered that report, appendices, extracts from proceedings and minority report be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 11***

Ms GILLET (Werribee) presented *Alert Digest No. 11* on:

Building (Legionella) Bill
Children and Young Persons (Reciprocal Arrangements) Bill
Country Fire Authority (Amendment) Bill
Crimes (Further Amendment) Bill
Domestic (Feral and Nuisance) Animals (Amendment) Bill
Environment Protection (Liveable Neighbourhoods) Bill
Fair Employment Bill
Forestry Rights (Amendment) Bill
Gambling Legislation (Miscellaneous Amendments) Bill
Gaming Acts (Gaming Machine Levy) Bill
Gaming No. 2 (Community Benefit) Bill
Gas Industry Acts (Amendment) Bill
Land (Further Revocation of Reservations) Bill
Magistrates' Court (Committal Proceedings) Bill
Magistrates' Court (Infringements) Bill
Marine (Amendment) Bill
Melbourne City Link (Miscellaneous Amendments) Bill
Nurses (Amendment) Bill
Professional Boxing and Martial Arts (Amendment) Bill
Public Lotteries Bill

Racing and Betting Acts (Amendment) Bill
Statute Law Amendment (Authorised Deposit-taking Institutions) Bill
Superannuation Acts (Beneficiary Choice) Bill
University of Melbourne Land Bill
Victorian Curriculum and Assessment Authority Bill
Victorian Environmental Assessment Council Bill
Victorian Qualification Authority Bill
Whistleblowers Protection Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS**Laid on table by Clerk:**

Auditor-General — Report on the Finances of the State of Victoria for the year 1999–2000 — Ordered to be printed

Dental Health Services Victoria — Report for the year 1999–2000

Equal Opportunity Commission — Report for the year 1999–2000 — Ordered to be printed

Financial Management Act 1994:

Report from the Attorney-General that he had not received the 1999–2000 annual report of the Legal Ombudsman, together with an explanation for the delay in tabling

Reports from the Minister for Agriculture that he had received the 1999–2000 annual reports of the:

Victorian Broiler Industry Negotiation Committee
 Victorian Strawberry Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 1999–2000 annual report of the Highlands Regional Waste Management Group

Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Alexandra and District Ambulance Service
 Nurses Board of Victoria
 Physiotherapists Registration Board of Victoria
 Podiatrists Registration Board of Victoria

Health Services Act 1988 — Report of the Community Visitors for the year 1999–2000 — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 93

Pharmacy Board of Victoria — Report for the year 1999–2000

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

Ballarat Planning Scheme — No C17
 Baw Baw Planning Scheme — No C10 (Part 1)
 Boroondara Planning Scheme — No C11
 Casey Planning Scheme — No C24
 East Gippsland Planning Scheme — No C1
 Horsham Planning Scheme — Nos C3, C4
 Hume Planning Scheme — No C2
 Macedon Ranges Planning Scheme — No C4
 Maroondah Planning Scheme — No C5
 Melbourne Planning Scheme — No C35
 Mildura Planning Scheme — No C3 (Part 1)
 Moorabool Planning Scheme — No C1
 Mornington Peninsula Planning Scheme — No C22
 Mount Alexander Planning Scheme — No C4
 Murrindindi Planning Scheme — No C4
 Stonnington Planning Scheme — No C1
 Wyndham Planning Scheme — No C15

Public Advocate — Report of the Office for the year 1999–2000 — Ordered to be printed

Public Employment Office — Report for the year 1999–2000

Public Prosecutions — Report of the Director, Committee and Office for the year 1999–2000

Radiation Advisory Committee — Report for the year ended 30 September 2000

Rural Ambulance Victoria — Report for the year 1999–2000

Statutory Rules under the following Acts:

Building Act 1993 — SR Nos 109, 110
Fisheries Act 1995 — SR No 107
Victorian Civil and Administrative Tribunal Act 1998 — SR No 108

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 108

Victorian Electoral Commission — Report for the year 1999–2000

Victorian Dairy Industry Authority — Report for the year 1999–2000

Victorian Institute of Forensic Medicine — Report for the year 1999–2000

Victorian Institute of Forensic Mental Health — Report for the year 1999–2000

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 3 November 1999:

Chinese Medicine Registration Act 2000 — Parts 1, 6 and 7 and s 95 on 1 December 2000 (*Gazette G45*, 9 November 2000)

Interactive Gaming (Player Protection) Act 1999 — Remaining provisions on 9 November 2000 (*Gazette G45*, 9 November 2000).

ROYAL ASSENT

Message read advising royal assent to:

Anglican Trusts Corporation (Amendment) Bill
Associations Incorporation (Amendment) Bill
Children and Young Persons (Reciprocal Arrangements) Bill
Essential Services Legislation (Dispute Resolution) Bill
Interpretation of Legislation (Amendment) Bill
Land (St Kilda Sea Baths) Bill
Plant Health and Plant Products (Amendment) Bill
Tattersall Consultations (Amendment) Bill
Training and Further Education Acts (Amendment) Bill
Transport (Miscellaneous Amendments) Bill
Water Industry (Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Building (Legionella) Bill
Country Fire Authority (Amendment) Bill
Domestic (Feral and Nuisance) Animals (Amendment) Bill
Environment Protection (Liveable Neighbourhoods) Bill
Fair Employment Bill
Gaming Acts (Gaming Machine Levy) Bill
Gas Industry Acts (Amendment) Bill
Land (Further Revocation of Reservations) Bill
Magistrates' Court (Infringements) Bill
Marine (Amendment) Bill
Professional Boxing and Martial Arts (Amendment) Bill
Melbourne City Link (Miscellaneous Amendments) Bill
Superannuation Acts (Beneficiary Choice) Bill
Victorian Curriculum and Assessment Authority Bill
Victorian Environment Assessment Council Bill
Victorian Qualifications Authority Bill
University of Melbourne Land Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 16 November 2000:

Fair Employment Bill
 Melbourne City Link (Miscellaneous Amendments) Bill
 Nurses (Amendment) Bill
 Gaming Acts (Gaming Machine Levy) Bill
 Gambling Legislation (Miscellaneous Amendments) Bill
 Gaming No. 2 (Community Benefit) Bill
 Country Fire Authority (Amendment) Bill
 Magistrates' Court (Committal Proceedings) Bill
 Domestic (Feral and Nuisance) Animals (Amendment) Bill

I would like to make a few comments by way of introduction.

Ms Asher interjected.

Mr BATCHELOR — I beg your pardon?

The SPEAKER — Order! The Leader of the House will ignore interjections.

Mr BATCHELOR — I am just being advised that the opposition wants to debate the motion.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House has the call to address the Chair.

Ms Asher interjected.

Mr BATCHELOR — No, I was keen to know your attitude to the bill, and I found it very helpful. As we have just heard from the deputy leader, the opposition intends to oppose the government business program, as does the National Party, as the Leader of the National Party advises me. The coalition seems to be back in tandem!

This should come as no surprise because the instructions of Mr Birrell, the leader in the upper house, were heard on radio this morning. The house has just heard by way of interjection that it is the intention of the opposition to respond to Mr Birrell's instructions issued over Melbourne's airwaves.

Today the opposition parties will oppose the proposed legislative program. The program consists of a list of bills — nine in total — the number dealt with over the past couple of weeks by the Parliament in a structured and cooperative way allowing for full debate where required, opposition to be expressed, amendments to be moved and divisions to be called, as would be expected in the normal parliamentary process.

The current procedural motion foreshadows later debate. If the opposition has some points to make about the overall program or individual components of it, it is appropriate that the debate be undertaken now. No doubt members will shortly hear the Liberal and National parties articulate the view of Mr Birrell.

Government business must proceed. The motion enables Parliament to deal with a range of bills in an ordered and structured way. The government has anticipated the response of the opposition. However, it does not want to see the return to the recent past of filibustering and undue delay through the night. The recent episode when the opposition insisted on filibustering brought the Parliament into disrepute.

If issues regarding the proposed program are to be debated this is the time to do it. Equally, the Liberal and National parties should not deliberately obstruct the processes of Parliament. If they do, they bring the chamber into disrepute, as was done recently when the Liberal Party forced the chamber to work through the night to 7.00 a.m. The government will hear the objections today and hopes then to get into the more serious matter of debating the bills and achieving an outcome, a determination by members of the chamber.

Dr NAPHTHINE (Leader of the Opposition) — I wish to move an amendment to the government business program. I move:

That the words 'Fair Employment Bill' be omitted from the motion.

The Fair Employment Bill is a significant measure that requires more time than the government is making available for consultation with the broad Victorian community, given its affect on employment relationships, jobs, business and the state economy. From the limited consultation undertaken by the Liberal Party it is clear that many businesses and employees have not been made aware of the bill's provisions or been able to study them in detail. Hence they need more time to consider the bill.

It is inappropriate for the bill to be included in the government business program this week when a number of other bills could be added to the program. If

the Leader of the House is concerned about the smooth running of the chamber, the Land (Further Revocation of Reservations) Bill, the Magistrates' Court (Infringements) Bill, the Racing and Betting Acts (Amendment) Bill, the Whistleblowers Protection Bill and a range of other bills could be debated. On Thursday another 12 bills will be available to the house for debate. The Liberal Party is more than happy for some of those bills to be added to the government business program to assist the Leader of the House to effectively manage the government business program. It is happy to have discussions with the Leader of the House if he wants to accommodate that.

My amendment seeks to delete the Fair Employment Bill from the government business program. In order to achieve a fair and reasonable outcome in Victoria it is appropriate that debate on a bill consisting of 185 pages and about 200 clauses, be adjourned to allow more time for community consultation and debate.

It is ironic that in opposition the Labor Party claimed to be the party keen to consult with the community; the party wanting community involvement and input into significant changes, proposals and legislation. Yet when it comes to legislation as significant as this, the Labor government wants to ram it through and use the guillotine to ensure its passage this week. I am advised that the Leader of the House says he wants the bill to be dealt with today. He has already commented about the recent sitting of Parliament.

I remind the Leader of the House, honourable members and the community that on three occasions the government voted for the sitting to continue, so the government was responsible for that protracted sitting.

It is important that the Fair Employment Bill not be part of the government business program, because Victorians are calling for wider community debate and consultation. They do not want the government to ram through the legislation.

The government has already flagged that there will be at least two pages of amendments, with the possibility of more to come — which, as yet, no-one has seen. If it uses its numbers to insist that the Fair Employment Bill is included in the business program and to deny Victorians adequate consultation on the bill, it should give an immediate guarantee that the house will not sit past 10 o'clock. It is important that members on both sides of the house are given adequate time to contribute to the debate at a reasonable hour.

Mr RYAN (Leader of the National Party) — I support the amendment moved by the Leader of the

Opposition. The house is discussing whether the Fair Employment Bill is to be included in the government business program. The National Party is happy to debate the other eight items of legislation on the program. I did not take a note of the bills the Leader of the Opposition offered to include in the program, but the National Party is happy to include bills such as the Magistrates' Court (Infringements) Bill, the Racing and Betting Acts (Amendment) Bill, the Planning and Environment (Restrictive Covenants) Bill, which has been returned from the Legislative Council, and the Whistleblowers Protection Bill. I wonder what has happened to that bill? It seems to have disappeared.

Government members interjecting.

Mr RYAN — Government members say they will not tell me! The National Party would be happy if three or four further items of legislation were added to the government business program. This is not an exercise in attempting to stop the government advancing its program.

The so-called Fair Employment Bill comprises 185 pages, including 276 clauses and schedules. The Premier gave the second-reading speech in this place on 26 October, some 19 days ago. During that time Victorians have celebrated cup week — in my case, with many losing bets — and many other distractions have occurred across a variety of forums. Effectively the legislation has been out in the marketplace for about a week.

The real demon is that small businesses are most likely to be affected by the bill. Ninety-five per cent of the firms involved in employing people who come within schedule 1A of the commonwealth legislation are those employing fewer than eight people — that is, small business in the true sense of the word. Given the bill's size and the fact that it has been in the marketplace for such a short time, small business has not had the opportunity it deserves to adequately consider the legislation.

A variety of pertinent issues are involved, including the deeming requirements relating to partnerships, the provision of services and the liability of principal contractors. From the material arriving at my electoral office, many people are concerned to ensure that their points of view on the legislation are recorded by their parliamentary representatives of whatever political persuasion. Therefore, it is necessary that the bill be allowed to lie over until the autumn sessional period to enable everybody concerned to properly examine its contents.

I turn now to the threat of late sittings issued by the Leader of the House. The proposals advanced by the opposition parties would have precluded the circus of a few weeks ago, when the house sat all night. That need not happen again, although I advise the government that National Party members will not foreshorten their contributions on legislation because of threats raised by the Leader of the House.

Alert Digest No. 11, which was tabled by the Chairman of the Scrutiny of Acts and Regulations Committee, refers to 25 bills. However, eight of its pages are taken up by the Fair Employment Bill. That is by far the largest number of pages devoted to any of the 25 bills and is indicative of the significance of the legislation.

I support the amendment moved by the Leader of the Opposition. It is important to all Victorians that — —

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

Mr BRACKS (Premier) — I oppose the amendment moved by the Leader of the Opposition for a very sound reason. It is not as though the opposition did not know about the policy. It was a contestable matter before the last election — it was clearly part of Labor's election policies — and it was made clear around campaign time that if the Labor Party won government the legislation would be enacted.

I was in the chamber, as were the leaders of the Liberal and National parties, during the Growing Victoria Together summit. The communique from that summit recommended that a task force be established, which led to the introduction of the legislation.

At the time of the Growing Victoria summit that was not opposed explicitly by the Leader of the Opposition, nor was it opposed by the Leader of the National Party. That was their first chance to show whether they wanted this bill to be delayed.

Mrs Peulich interjected.

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

Mr BRACKS — There was a second chance for the opposition to present its views, its alternatives and its opposition — if it so desired — to having this matter come to fruition in legislation. We have a submission from the Victorian Employers Chamber of Commerce and Industry opposing the legislation. That is legitimate. That is its right. The chamber participated in the process and opposes the bill. That is an honest position and I respect it because we know exactly what

the chamber is doing on behalf of its members. However, there was no honesty in the approach of the opposition to this matter.

On 8 June the Minister for Industrial Relations wrote two letters about the task force, one to the Leader of the Opposition and one to the Leader of the National Party. In those letters the minister said the task force had been set up as part of the recommendations of the Growing Victoria Together summit. The minister urged the leaders of the opposition and National Party to present submissions and contribute to the task force's work. There was no response from either leader. Going back to the election campaign, to the Growing Victoria summit, and to the task force itself there has been no response from the opposition.

Today the opposition has decided in its party room to delay the bill — again, it is lacking courage and fortitude. If members opposite are against the bill, they should vote against it and not delay it. It is simple. One would have thought that after such a long time honourable members would have made up their minds about whether they wanted this matter brought in. One would have thought they would have made up their minds on the policy being converted to legislation after the task force and the invitation to make submissions, but members opposite have not made up their minds. This is a dishonest effort from members opposite. If they were genuine about this, they would — —

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh has been a persistent interjector today. The Chair will not tolerate her behaviour for much longer.

Mr BRACKS — If members opposite were genuine about this, they would have taken one of the myriad opportunities to seek more time. They had another opportunity when the second-reading speech for this bill was read by me in the house. At that time the opposition sought to delay the bill but refused to divide on a motion to do so. That was another opportunity for members opposite to show their opposition or their intent to delay the bill. This is a transparent tactic. We know members opposite probably oppose it but they do not have the guts, the intestinal fortitude, to vote that way.

Mr Wilson interjected.

The SPEAKER — Order. The honourable member for Bennettswood!

Mr BRACKS — I contrast the time the government has offered to the opposition and the Victorian public in the gestation of this bill with what the former government did in abolishing the state awards through the Employee Relations Act. The Kennett government did that in three weeks, jamming it through this Parliament with a gag on the debate. That is the contrast. This has been going on all year, but in three weeks the former government chose to abolish awards and did not listen to anyone in the community. Now members opposite will not listen to the facts that, firstly, Labor has been elected on this policy; secondly, it came out of the summit; and thirdly, it has come out of task force recommendations. They have had tons and tons of time.

The SPEAKER — Order! The Premier's time has expired.

Mr McARTHUR (Monbulk) — It is with pleasure that I support the amendment moved by the Leader of the Opposition. I am glad that in his response the Premier raised the issue of the debate on the Employee Relations Bill 1992, and I will return to that shortly.

Firstly, as the Leader of the Opposition said, the Liberal Party does not want to oppose the government's business program in its entirety. We are simply seeking the exclusion of the Fair Employment Bill from the guillotine notice. That does not mean that debate should not start today. If the amendment moved by the Leader of the Opposition is passed, debate on this bill can start immediately. The only effect of this amendment is to exclude this bill from the guillotine at 4.00 p.m. on Thursday. That would allow all honourable members to make a contribution to the debate if they so choose without curtailing their time in order to make way for the other eight bills that must be guillotined according to this motion.

Secondly, it would allow members, many of them on the other side, time to get feedback from employers and employees in their electorates as to the wisdom or otherwise of the proposed legislation.

Thirdly, the Leader of the House and the Premier said that people had a chance to make submissions to the task force on this matter. They did, but the task force talked about generalities; it talked in concepts and policy parameters. Honourable members on both sides of the house who have any experience in these matters would know that the devil of any matter is often in the detail. In this bill there are some 185 pages and 276 clauses of detail, but the broad community of Victoria is absolutely ignorant of the matter. Late last week I undertook a two-day tour across the electorates

of Ripon, Bendigo West, Bendigo East, Seymour and Benalla. All those marginal seats are held by Labor members. None of the employers I spoke to on farms, in small country towns and on mining sites were aware of the ramifications of this bill. When I raised the issue most of them, with one exception, asked what I meant — they had never heard of the bill.

The Labor Party should take heed of that message. It has hammered long and hard the message that the former Premier did not take into account the views of residents in small towns and of small businesses across rural Victoria. In this motion this government is deliberately denying small country employers and employees the opportunity to consider the wisdom of the proposed legislation.

In October 1992 the former coalition government brought in the Employees Relations Bill, which is now the Employee Relations Act. That bill was read a second time on 29 October, and at the end of the second-reading speech by the then Minister for Industry and Employment, the Honourable Phil Gude, the then honourable member for Broadmeadows, the Honourable Jim Kennan, moved an amendment to the adjournment motion. The aim of the amendment was to defer debate on the Employee Relations Bill for four months. That is what the Labor Party thought was wise in those days. In the debate on that adjournment motion the honourable member said that the fact that some groups had had access to the bill for some time was:

... another reason why debate on the bill should be adjourned for longer than the period proposed by the government — so that there can be a sense of fairness and equity.

In other words, other people should have a look at it as well. The Honourable Joan Kirner said at the time that:

Justice and the democratic process require, firstly, access to information.

As I have already pointed out, all but one of the people I spoke to last week had no knowledge of the existence of this bill, let alone its ramifications. There is no access to information in country Victoria.

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

Ms DELAHUNTY (Minister for Education) — I oppose the amendment to the government business program. The house should not be under any illusions: this is not about having more time for debate; this is not about having more time to consult and discuss; this is about the Leader of the Opposition deciding no more Mr Nice Guy. The Leader of the Opposition's polls are

so low that he has decided to change his strategy. They are so low they are going underneath the limbo bar.

Honourable members interjecting.

The SPEAKER — Order. The honourable member for Mitcham!

Ms DELAHUNTY — Because the Leader of the Opposition's approval ratings are lower than a limbo bar he has decided to throw a tantrum about not having the opportunity to debate the Premier on radio and will be bloody-minded about the government's business program, particularly the Fair Employment Bill.

What is the solution for the Leader of the Opposition? It is not to take a principled position on an important piece of legislation, but that would be a solution for the person who has the lowest ratings ever seen for an opposition leader. That is what Victorians want to see from the Liberal and National parties. But the Leader of the Opposition's solution is obfuscation, obstruction and bloody-mindedness. The opposition is not interested in the substance of the bill. The Premier said that the opposition parties had five separate opportunities to put some of their views about the bill to the government so that, if possible, the bill could be improved. But they are not interested in the bill. Most opposition members are embarrassed because many of them were sitting on the government benches in 1992 — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Glen Waverley.

Ms DELAHUNTY — The honourable member for Glen Waverley was one of the leaders of the pack when the Kennett government came into office on 3 October 1992. Victorians remember it well. Three weeks later, on 28 October, the Employees Relations Bill was introduced. Where did that bill come from? The architect of the bill, the Honourable Phil Gude, the former education minister — and he messed that up as well — produced the bill after he drank a bottle of whisky at his holiday house. Johnny Walker was the only one he consulted — and the former minister conceded that to the Victorian public. The Kennett government took a machete to the basic employment rights and dignity of thousands of Victorian workers. Those rights were removed in the night of the long knives in 1992.

The Bracks Labor government was elected to restore basic rights to those workers. Instead of engaging in consultation and discussion about the bill there has been

silence for months and the opposition has said nothing. Following the Growing Victoria summit in March a task force was set up. The government has been consulting for three months and has held five regional meetings across the state. The opposition is not interested in consultation. Perhaps it might be interested in the voice of independent owner-drivers, small business people who it is purporting to represent. I have letters from such people to the Leader of the Opposition from Sandringham, Narre Warren, Pakenham, and Croydon, and hundreds more, imploring him to take a principled position and vote for the Fair Employment Bill. It is a chance for the Leader of the Opposition to lift his ratings in the polls. He should listen to his constituents and vote for the Fair Employment Bill.

The SPEAKER — Order! The Deputy Leader of the Opposition has 15 seconds.

Ms ASHER (Brighton) — I support the Leader of the Opposition's amendment to remove the so-called Fair Employment Bill from the government's business program this week. The first reason for my support is that this is a key issue.

The SPEAKER — Order! The honourable member's time has expired. Sessional orders require that the debate be concluded after half an hour.

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

Ayes, 46

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

Noes, 41

| | |
|--------------|-------------------------------|
| Asher, Ms | Maclellan, Mr |
| Ashley, Mr | Maughan, Mr (<i>Teller</i>) |
| Baillieu, Mr | Mulder, Mr |
| Burke, Ms | Napthine, Dr |

| | |
|---------------|-----------------------------|
| Clark, Mr | Paterson, Mr |
| Cooper, Mr | Perton, Mr |
| Dean, Dr | Peulich, Mrs |
| Delahunty, Mr | Phillips, Mr |
| Dixon, Mr | Plowman, Mr |
| Doyle, Mr | Richardson, Mr |
| Elliott, Mrs | Rowe, Mr |
| Fyffe, Mrs | Ryan, Mr |
| Honeywood, Mr | Shardey, Mrs |
| Jasper, Mr | Smith, Mr (<i>Teller</i>) |
| Kilgour, Mr | Spry, Mr |
| Kotsiras, Mr | Steggall, Mr |
| Leigh, Mr | Thompson, Mr |
| Lupton, Mr | Vogels, Mr |
| McArthur, Mr | Wells, Mr |
| McCall, Ms | Wilson, Mr |
| McIntosh, Mr | |

Amendment negatived.

Motion agreed to.

MEMBERS STATEMENTS

Local government: valuations

Mr PERTON (Doncaster) — A petition was tabled on behalf of many hundreds of residents of the City of Maribyrnong, whose valuations this year were manifestly wrong. The residents were caught up in a situation whereby they were forced to challenge valuations of their individual properties.

Valuations across the state in a number of cities and shires have been manifestly wrong. In each case the Minister for Local Government and the Minister for Environment and Conservation have refused to act, despite the fact that the Valuer-General, Jack Dunham, in a statement reported in the *Sunday Herald Sun* in October acknowledged that the computer system that had been adopted was defective. The article reported that councils such as Mornington indicated that their computerised valuation systems had ‘spat out a chip or two’ when assessing their areas.

The ministers should acknowledge the mistake and arrange for revaluations to be undertaken on a systematic basis. The people of Maribyrnong and the other ratepayers who have been affected — whether they are in Mount Macedon, Mornington, the Kingston City Council area, the City of Bayside area or indeed the Premier’s electorate — have a right to ministerial intervention and to a systemic problem being repaired by the minister responsible —

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

Bill Coppinger

Mr HARDMAN (Seymour) — I rise to inform the house about Bill Coppinger, who is from Broadford in the Seymour electorate, and the global classroom project known as ‘Flying colours’.

In 1994 Bill was recognised as the inaugural Teacher of the Year because of the innovative work he was doing at Broadford Secondary College in the global classroom, which is a project students do over the World Wide Web. Now, only six years later, it is a reality in most schools. With Labor’s new policy of funding for computers even the most disadvantaged of schools will be able to provide such opportunities.

Bill Coppinger has again broken new ground in his position as general manager of outreach services with Museum Victoria. He and his team have created an exciting web site called ‘Flying colours’, which brings together information from a number of state institutions including the Department of Education, Employment and Training, Melbourne Zoo, the Gould League of Victoria, Land Victoria and the Royal Botanic Gardens.

The project will allow students to research information that could once be accessed by only very few people, so I congratulate Bill Coppinger, Museum Victoria and all the participating institutions on having the foresight and ability to provide such a worthwhile tool and knowledge base for our students. The innovation and cooperation displayed here will make our state’s future in the rapidly growing information economy a positive one.

Goulburn Valley Water: board

Mr KILGOUR (Shepparton) — I wish to advise the house of what is happening to water authorities in country Victoria. I found that the nominations for the board of Goulburn Valley Water have completely decimated the board. The government has left on the board of the authority only two people who were previously board members. Very experienced people who have been running arguably the best water authority in country Victoria — it has a tremendous record of providing water and sewerage to the towns in the Goulburn Valley — and who have legal ability and have been great board members have been replaced by inexperienced members.

I admit that one of the new members, Mr Jim Ure from Seymour, is a very experienced person, and I am pleased that he is on the board, but the decimation of the board certainly does the minister no credit. Infrastructure projects are being held up at the moment.

Heidelberg Primary School

Mr LANGDON (Ivanhoe) — Last Thursday I was privileged to officially open the historic cottage at 118 Cape Street, Heidelberg. The cottage was built in 1878 to house the principal, which it did for quite a few years. Since then it has had a long history of tenants. More importantly, it became the cottage for the cleaners of the school, and the two tenants who occupied it longest were Mr John Young, from 1919 to 1950, and subsequently his son, Lesley Young, from 1950 to 1993, when the then government requested that the property be returned to the school and not be used as a tenanted house.

Built in 1878, the property has been restored under the guidance of Heritage Victoria. A great deal of credit goes to the school community, the principal of the school, the parents and Heritage Victoria for the time and effort taken to restore the building to its former splendour. It was a magnificent job. I give credit to the entire school community and the local community for their efforts in restoring an interesting part of the history of Heidelberg. It is a job well done and a credit to the school, and I commend the school for its efforts.

Schools: global budgets

Mr HONEYWOOD (Warrandyte) — For the past seven years Victoria's 1200 or more state government primary and secondary schools have received their indicative school global budgets in September of the year before the budget comes down. For the first time in seven years the incompetent Minister for Education has brought about a situation by which in mid-November our state government schools are still waiting to know how much money they can spend for the school year 2001.

What that means is that school communities cannot advertise teacher positions. It is too late for them, this close to the end of the school year, to ensure that they get good teaching staff for next year. The irony is that we are losing wonderful government school teachers to the independent private school system because a bird in the hand is worth two in the bush as far as good teachers are concerned.

When will the Minister for Education finally indicate to our school communities what dollars they can expect to receive to run important school programs for the school year 2001? What indication will the minister give to them about how many new teaching positions they can fill and how many teachers they can advertise for in the weeks ahead, given that the school year is almost finished? It is an indictment of this minister's

competence that we are still waiting so late in the day for school budgets.

Graeme Askew

Ms GARBUTT (Minister for Environment and Conservation) — I place before the house my tribute to the late Graeme Askew, the principal of Streeton Primary School, who died on 7 November aged just 50 years. The community of Yallambie and the school are in shock at the sudden death of a recognised leader in the field of education.

Graeme was the principal at Streeton Primary School for nearly four years, and before that he was the principal of Banyule Primary School, so he was very well known and very well respected in educational circles right through the north-east of Melbourne.

I of course have visited the Streeton Primary School on many occasions and have been very impressed by the dedication of its staff. It is a very progressive state school with an emphasis on developing independent learning by all its students. It has embraced modern technologies with enthusiasm, and students are very comfortable with and skilled at using computers and the Internet.

To get a school into that position one needs not only a team of dedicated teachers but also a significant leader, and Graeme Askew was that. He had great drive, energy, talent and vision. He also had great interpersonal skills and was able to build the team around him and lead the school in a very real way. He was a very dedicated worker and in fact was at work on Cup Day.

My sympathy goes to his family and the community.

Police: Bentleigh

Mrs PEULICH (Bentleigh) — I draw the attention of the house to the deteriorating crime statistics. These are the worst crime statistics ever in the Bentleigh electorate. I have raised the issue of law and order in this house before, only to be subjected to denial and perpetual buck-passing by the minister, who claims there is no problem at all.

The problem is that residents and shopkeepers are continually banging on my door expressing concerns and demanding a greater visibility of police presence, and some members of the Caulfield police have even suggested that there is perhaps a need for an outpost in the Bentleigh electorate, given the realignment of the police district boundaries.

Let me illustrate that by referring to incidents that have occurred from 2 to 5 November this year in the Bentleigh shopping strip alone. On 4 November Bentleigh Community Travel suffered a broken window, and while the sign-writer was repairing the signage his car was broken into as well. On 3 November the Chirpy Cheap bookshop was robbed in the morning when the shop opened, cash was taken and the proprietor's daughter was thrown to the floor. On 5 November there was a break and enter at the Le Ice Cream Parlour, and stock was taken; on 4 or 5 November the window at Home Express was broken, and on 2 November a window was also broken at Pet Wonderland, which was of course also robbed some eight months ago.

The Red Cross shop — I had the pleasure of opening it not so long ago — suffered an attempted break-in on 4 and 5 November when the door was broken but the safety glass stopped entry. Three bakeries have also been subjected to crimes of breaking and entering. I call on the minister to do his job.

Darley Primary School

Ms DUNCAN (Gisborne) — I congratulate the Darley Primary School on its recent win in the 2000 Ecorecycle Waste Wise schools award. The school was a regional winner, and that win demonstrates the commitment to and enthusiasm about the environment of the entire Darley Primary School population. Members know that to achieve such things a primary school requires a strong commitment from the students, the teachers and the parent body.

Darley Primary School was recognised for the great enterprise and creativity it demonstrated in solving its unique waste problems. Led by the junior student representative council, the children are involved in a number of activities to reduce waste in the school. They are involved in two specific programs: firstly, Composite Kids, where all the compostable material in the school grounds is put in special bins; and secondly, the Can Kids program where they collect aluminium cans. I congratulate the school.

Minister assisting the Premier on Multicultural Affairs: stationery

Mr KOTSIRAS (Bulleen) — I condemn this government for once again wasting taxpayers' money due to the carelessness of some ministers. Two weeks ago I received an envelope containing a compliments slip from a minister. To the surprise of my nine-year-old son, he found spelling mistakes on both the envelope and the slip.

Honourable members interjecting.

Mr KOTSIRAS — It seems that the relevant public servant missed it, the minister's advisers missed it, the parliamentary secretary missed it and even the minister missed the mistake that my son picked up. I would like to thank my son's school for doing a wonderful job with him!

I want to know whether the minister will destroy the envelopes and compliments slips at taxpayers' expense or will he use them and highlight the fact that he and his staff are careless with taxpayers' money? I wish to advise the Minister assisting the Premier on Multicultural Affairs that there are only two 'i's in 'assisting', not three. The text on the stationery reads 'Minister assisiting the Premier on Multicultural Affairs'. I understand the envelopes have been withdrawn, so I ask the minister to explain what will happen with the thousands of dollars worth of envelopes paid for at taxpayers' expense.

Latrobe Valley: Queen's Hall display

Mr MAXFIELD (Narracan) — I bring to the attention of the house a display in Queen's Hall on the Latrobe Valley with over 52 exhibits. I urge all members to visit the display, to see how wonderful Latrobe city is and to appreciate its great manufacturing benefits. For example, Reflex paper is produced in the Latrobe Valley and Gippsland Aeronautics is situated there. It is building, designing and exporting aeroplanes to the world from the Latrobe Valley. As well as power distribution, fantastic food is produced, including honey. There are roses, and flowers grown from the hot water industrial pondage. I urge strong support for the Latrobe Valley. It is a great region and a great area that we are so proud to have in — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired. The time for members statements has expired.

STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move

That this bill be now read a second time.

The purpose of this bill is to make amendments to the eligibility criteria under the First Home Owner Grant Act 2000 and to clarify the operation of the exemption from land tax afforded to charities. Minor technical

amendments are also made to the Pay-roll Tax Act 1971 to clarify the operation of the exemption provided to wages paid to apprentices and to the Stamps Act 1958 to clarify the operation of penalty provisions in relation to the payment of motor car duty. A definition of 'private unit trust scheme' is also inserted into the Stamps Act.

The bill also amends the objections, appeals and refund provisions of the Taxation Administration Act 1997, as well as making other minor technical amendments to that act related to the service of documents.

The amendments to the objections, appeals and refund provisions of the Taxation Administration Act 1997 are an important element in this bill. They plug a potentially significant hole in the state's revenue base. The proposed amendments are necessary to protect the revenue and on the grounds of equity. They demonstrate the government's commitment to responsible fiscal management and that it is prepared to take a strategic approach to the maintenance of the revenue laws.

The amendments contained in the bill arise as a consequence of litigation between the Commissioner of State Revenue and the Drake group of companies. The litigation concerned the payment of payroll tax. It turned on the question of whether temporary staff on-hired to its clients by Drake were:

either 'employees' of Drake and therefore liable for payroll tax; or

'independent contractors' under the relevant contract provisions of the Pay-roll Tax Act 1971.

The commissioner was successful before the Court of Appeal, but the proceedings have brought to light an anomaly in the operation of the general refund provisions and the separate and distinct objections and appeals regime under the Taxation Administration Act.

Contrary to the prevailing understanding of the operation of the law by both the commissioner and taxpayer representatives, the structure of the legislation would appear to result in a limited refund of three years where the commissioner agrees to an application that tax wrongly paid should be refunded, but results in an unlimited refund if the commissioner disagrees and the taxpayer is successful on objection or appeal.

This is because under the objections and appeals provisions, where a taxpayer has successfully objected or appealed, the commissioner must refund any amount paid in excess of the legal liability. Where the taxpayer has objected or appealed against an assessment the

refund is limited to the excess paid under the assessment. However, where the taxpayer has appealed against a decision, no such limitation exists.

I make the following statement under section 85(5) of the Constitution Act 1985 of the reasons why clause 15 of the bill amends the Taxation Administration Act 1997 to alter or vary section 85 of the Constitution Act 1985.

Clause 15 of the bill indicates that it is the intention of proposed new clauses 13(8), (9) and (10) in schedule 1 of the Taxation Administration Act, to be inserted by clause 16 of the bill, to alter or vary section 85 of the Constitution Act. These provisions preclude a taxpayer from commencing proceedings in relation to refusals or failures by the commissioner to make refunds of tax paid or purportedly paid in relation to applications made by taxpayers before 15 October 1993. The fifteenth of October 1993 was the date on which a three-year limitation was inserted into the Limitation of Actions Act 1958.

The reason for this limitation of the jurisdiction of the Supreme Court is that it is necessary to prevent large windfall refunds of payroll tax in respect of longstanding matters, the extent of which is estimated to be approximately \$30 million. Quite apart from the quantum of potential refunds, the amendments are necessary to prevent taxpayers opportunistically taking advantage of a technical loophole only recently exposed.

It would be grossly inequitable if certain taxpayers had the benefit of windfall gains when refunds made in the past had been limited in accordance with what was understood to be the settled law. Without these amendments, the SRO may be forced to reopen many matters potentially going back to the commencement of payroll tax in 1971. This would impose a significant administrative burden that would ultimately fall on the community at large. Only by enacting these amendments will the anomalies be addressed. Further, they would restore the policy intention of amendments made in 1992, that taxpayers are limited to a refund of three years of tax overpaid.

It would be inequitable if in the past taxpayers had been limited to a three-year refund where the commissioner agreed with their claim, but, in the light of the anomaly, those with whom he had disagreed and who had successfully objected or appealed that decision, could now apply for a further (beyond the three-year limit) unlimited refund of all the tax overpaid.

Although these amendments have wider application than the agency context, a further point should be understood specific to the agency context. Taxation liability under agency arrangements is generally passed on to clients and incorporated into fees and charges met by them. It is extremely doubtful that windfall gains obtained through refunds of tax paid far back in time would ever reach the pockets of those clients of an agency who ultimately met that taxation liability.

The bill provides that these amendments will have effect from today's date. This will prevent taxpayers from opportunistically exploiting the loophole potentially opened. A small number of taxpayers have served legal proceedings on the commissioner in which the issues outlined here may arise. In the bill, these litigants have been specifically exempted from the application of these proposed amendments.

Turning to the other amendments in the bill, two minor technical amendments are proposed to the Taxation Administration Act. Both relate to the service of legal process, and are driven by the need to keep abreast of modern developments. The current provisions enabling the service of documents by facsimile message will be amended to include other electronic means, such as email and the like. A new provision, commonly found throughout the Victorian statute book, will also deem when the service of documents is effective.

The First Home Owner Grant Act 2000 (FHOG act) was passed by the Parliament earlier this year. All states and territories developed this legislation on a uniform basis and the eligibility criteria are consistent across jurisdictions. In line with the principles for the first home owner grant scheme contained in the Intergovernmental Agreement on the Reform of Commonwealth State Financial Relations, the FHOG act provides that only Australian citizens or permanent residents as defined under section 30(1) of the commonwealth Migration Act 1958 are eligible to apply for a grant under the act.

New Zealand residents who enter Australia are issued with a 'special category visa' under section 32 of the commonwealth Migration Act 1958, which does not meet the test of permanent residence under FHOG. As a result, New Zealand citizens are ineligible to receive the grant unless they obtain Australian citizenship or apply with another applicant who is either an Australian citizen or permanent resident.

The federal government has written to all state and territory governments seeking clarification of the FHOG act as it was intended that New Zealand citizens residing permanently in Australia should enjoy the

same eligibility rights under the FHOG act as Australian citizens and other permanent residents. As a consequence, an amendment is proposed to give effect to the original intention of the FHOG act.

This will be effective from 1 July 2000 (the date of commencement of the FHOG act). Those jurisdictions that do not already have this provision have agreed to make this amendment.

The second FHOG amendment is to the eligibility criterion that specifies that an applicant for the grant or the spouse of an applicant must not have had a relevant interest in residential property prior to the commencement of the scheme on 1 July 2000.

There is an anomaly in the Victorian legislation that most other jurisdictions were able to correct prior to the passage of their legislation. Victoria, it will be remembered, was the first cab off the rank and passed its legislation in early April 2000. In other jurisdictions the scheme was not enacted until May or June 2000.

If not rectified, the loophole in the current provisions would enable a person to receive a grant for a second principal place of residence when they had been ineligible for a grant in respect of a first principal place of residence. Clearly, it was not intended that FHOG would be available in these circumstances. The persons to whom this anomaly would apply are:

Persons who entered into contracts to purchase or build a first home before 1 July 2000, but did not settle on the contract or take up occupancy until after 1 July 2000.

Persons who purchased an investment property but did not occupy that property within 12 months of 1 July 2000, but subsequently moved into that property.

Persons who were ineligible on a first home purchase made after 1 July 2000 because at that time they did not meet the citizenship or permanent residency eligibility requirements set out in section 9 of the act.

The proposed amendment will ensure that this loophole is closed and that the Victorian provisions are in line with those applying elsewhere.

Turning to the proposed amendment to the Land Tax Act 1958, the policy underlying the exemption relating to charities is that land, which is used by a charity exclusively for a charitable purpose, should be exempt from land tax. It is the policy intention that this should apply regardless of whether the charity owns or leases

the land. It is also intended that this should apply to the whole of the land if used entirely for charitable purposes or to a relevant portion of it if only part is so used.

Legal advice provided to the State Revenue Office has called into question whether the legislation provides sufficient underpinning of this longstanding practice. The proposed amendment thus represents no shift in current policy but is required to support it.

The proposed amendments will ensure that a charity is provided with an exemption from land tax in proportion to that portion of the land that is used for a charitable purpose. The amendments will also ensure that land owned by a charity that is not used for a charitable purpose is assessed on a single holding basis, so that the value of that property is not aggregated for tax purposes. Both amendments would ensure that longstanding policy is supported and reflect the original intention of the legislation.

A technical amendment is proposed to the Pay-roll Tax Act 1971 which, like that for the Land Tax Act, clarifies existing policy rather than changes it. In section 10(1)(k) of the Pay-roll Tax Act the minister may declare that wages paid to an apprentice under specified types of training schemes are not liable to payroll tax. On one possible reading, the provision may have a far wider application than was intended. Clearly, the intention behind the provision is to provide employers who employ apprentices and other trainees with payroll tax relief. The way the provision is expressed, however, means that it may be construed so as to exclude those apprentices and training schemes from the operation of other provisions of the act and not solely to those dealing with taxable wages.

For example, on one reading of the exemption, apprentices and trainees might be exempted from the operation of the grouping provisions of the act, which allow an employer and associate to be grouped for payroll tax purposes where an employee performs duties for both the employer and associate. The intention of the legislation is that where the common employee is an apprentice, the grouping provisions still apply. All that was intended is that the wages be exempt. Were the exemption to operate in wider terms, significant avoidance opportunities would be available. The proposed amendment eliminates this possibility.

An amendment is also required to the provisions in the Stamps Act 1958 which relate to the monthly lodgment and payment of duty by registered used car dealers. It is proposed that the Stamps Act be amended to impose a penalty on a registered dealer who lodges a monthly

return after the date required by the act. It is proposed that the applicable penalty would be an amount equal to the amount due as stamp duty, together with interest at 20 per centum per annum on that amount from the date on which the payment was due until payment is made. As registered dealers are required to lodge monthly returns regardless of whether or not they have transacted relevant business, the provision applies a penalty of \$25 on dealers who fail to lodge or lodge a 'nil' return late. A similar provision is found in those provisions in the act relating to rental business.

A robust penalty provision is required to ensure that registered used car dealers meet their obligations in a timely manner. This amendment is proposed in the interests of revenue protection, as the current provisions do not provide a satisfactory deterrent. The commissioner is granted power, under the proposed provisions, to remit the penalty in appropriate circumstances.

As the Duties Bill is not scheduled to come into operation until 1 July 2001, the proposed amendment is required to cover the interim period. An identical provision is contained in the Duties Bill.

This bill makes another minor technical amendment to the Stamps Act and technical amendments to a variety of other state taxation legislation in the interests of clarity and certainty.

I commend this bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Mr BRUMBY (Treasurer) — I move:

That the debate be adjourned for one week.

Ms ASHER (Brighton) — I move:

That the words 'one week' be omitted with the view of inserting in place thereof the words 'two weeks'.

That is the standard practice in this house.

Mr BRUMBY (Treasurer) — The government has proposed a one-week adjournment of this matter because this is essentially tax avoidance legislation. As the shadow Treasurer is well aware, the proposed legislation was ready for introduction into the house two weeks ago, but at that stage the State Revenue Office was in the process of negotiations with a tax-paying company, and had the legislation been introduced on that date that company would have been aware of the legislation and certain rights it provides for, which would have increased the liability to the state.

Therefore I held discussions with the shadow Treasurer about delaying the legislation to enable the State Revenue Office to conclude its negotiations and the state revenue to be properly protected. In the meantime, the shadow Treasurer has been availed every possible briefing opportunity by the Department of Treasury and Finance, legal officials, and the Solicitor-General, and was also provided in advance with a copy of the second-reading speech.

This is important legislation. The government is not asking the opposition whether it supports or opposes it, but simply for one week's passage so that the legislation can be dealt with and voted on in this session so the state revenue will have certainty. As I have just indicated in the second-reading speech, the revenue impact of these measures is in excess of \$30 million, and the government and the State Revenue Office want the legislation to be dealt with by Parliament this year.

I can recall when in opposition, as both Leader of the Opposition and as shadow Treasurer — as can the honourable member for Williamstown — numerous occasions on which the former government and the former Treasurer, the then honourable member for Brighton, came to the then opposition asking for speedy passage of tax avoidance legislation — and do you know what? On every single occasion the then opposition accommodated the government's wishes and gave the legislation speedy passage.

I distinctly remember the avoidance measures in the tobacco industry whereby public notice of the matter would have cost the state millions, if not tens of millions of dollars — as would have been the case if the legislation had been introduced two weeks ago.

The government has done the responsible thing. It has briefed the shadow Treasurer — she had a copy of the second-reading speech — and the Solicitor-General has provided detailed legal advice. The legislation gives effect to legislation put in place by the former Kennett government and protects state revenue. However, this lacklustre lot of fiscal junkies opposite cannot guarantee that the legislation will be passed in the current session.

I spoke to the shadow Treasurer about the matter in depth. She said she had an open mind and said she would advise me. She has not done me that courtesy — —

Ms Asher — I have so advised your staff.

Mr BRUMBY — You have not!

The ACTING SPEAKER (Mr Lupton) — Order! The Treasurer and the Deputy Leader of the Opposition

will refer their remarks through the Chair and not across the table.

Mr BRUMBY — I have raised the matter today with the Leader of the Opposition, who has no policy on the matter — and no wonder. There are stories coming around from the honourable member for Warrandyte, the new no. 2. At least you know what he stands for: when you talk to him he stands for something.

Mr McArthur interjected.

Mr BRUMBY — Go on, interject — —

Mr McArthur — On a point of order, Mr Acting Speaker: as you are aware, having sat in the chair over many years, debates on the matter of time are narrow and limited. Members are entitled to put their views on why a matter should proceed within a certain time frame, but they are not allowed to engage in bullying, intimidation and harassment of other members as the Treasurer is now trying to do. Nor are members allowed to debate the merits or deficiencies of the legislation — again, as the Treasurer is trying to do. He should be brought back to the question before the Chair, which is the matter of time.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair would be assisted a great deal if members of the opposition did not interject across the table. I do not uphold the point of order, but I ask the Treasurer to come back to the matter of time.

Mr BRUMBY — Given the detailed briefing provided by the government, the legislation is not contentious or secret. The government has been painstaking about the amount of information it has made available. The bill is not based on party-political policy; it has been generated by the State Revenue Office and the Department of Treasury and Finance to protect the state revenue — and there are numerous precedents for it.

As I explained to the shadow Treasurer, the government is not asking the opposition to prejudice the position. We sought to delay the introduction of the bill to enable another case to be resolved by the State Revenue Office, with savings of some millions of dollars to the taxpayers of Victoria. That matter will be debated next week, not this week. Briefings were given to a number of opposition members and to members of the National Party, so everybody has had an opportunity to look at the legislation.

As I said, the bill gives effect to legislation introduced by the former Kennett government in 1993 that has

been put in doubt because of a legal technicality. The government would like the matter resolved this year so the law is clear and certain and so the State Revenue Office can get on with enforcing the state's taxation laws. Further, we want to prevent any opportunistic exploitation of the state's finances. That is why the government wants one week. It would be an understatement to say that I am disappointed that the opposition has chosen to oppose the request at the last moment.

I repeat: I can think of many occasions in the 1990s when the then Treasurer sought agreement from the Labor Party for adjournments of one week, sometimes less, so tax avoidance legislation could be passed and the revenue of the state could be protected.

I am profoundly disappointed that when a choice is made — —

An opposition member interjected.

Mr BRUMBY — The people who have been rolled are the taxpayers of Victoria because of the fiscal irresponsibility of members opposite. When there is a choice between protecting the state's finances and rank political opportunism, the opposition chooses the latter.

Ms ASHER (Brighton) (*By leave*) — If the Treasurer is disappointed, I am doubly disappointed that discussions that commenced in good faith have concluded on the floor of the chamber in a petulant display by him.

The opposition is asking for a two-week adjournment, which is nothing more or less than the standard practice of the Legislative Assembly.

It is true that the Treasurer has given certain opposition members broad policy briefings on the problem he faces with the State Revenue Office and overpayments of payroll tax. He also has a problem with various legal interpretations. When he sought the assistance of the opposition to expedite the legislation through this chamber I indicated that, after I had examined the bill, I would be willing to consider the matter — but I have never been provided with a copy. Without examining the bill it would be irresponsible of the opposition to agree to rush legislation through the Parliament on the say-so of the Treasurer, who is known for his manipulation of the facts.

I brought cooperation and an open mind to the negotiations: in the interests of Victorians I had a great desire to assist. However, what I heard on the floor of the house has been an attempt by the Treasurer to misrepresent my position, misrepresent the extent of

briefings he has given to the opposition and misrepresent the now naive approach I took to my leader and to the Leader of the Opposition in the Legislative Council.

I am enormously disappointed with the conduct of the Treasurer. If he wanted to expedite the passage of the bill, it would have been reasonable for him to provide the opposition with a copy. He gave me some information at 8.30 a.m. on Monday. The Treasurer knows about the structure of Monday morning meetings, he knows about our commitments to Parliament, and he knows about the structure of Tuesday meetings. I had also advised his staff that I would be interstate on Friday. I know the funny games the Treasurer plays, so his saying that I was fully briefed is totally untrue. Lobbing documents on my desk at 8.30 a.m. on Monday is a totally inappropriate way to progress with briefings.

As I said, when I advised the Treasurer that I would consider the issue I requested a copy of the bill. He said he would give me a copy, but I never received it until it was lobbed in front of me today. The Treasurer is asking the opposition to expedite the passage of the bill based on a broad-issue briefing to explain his problem. The opposition has had other experiences of Labor Party broad-issue briefings. Only the other week the Minister for Workcover said in his second-reading speech that certain things were in the bill, but they were not. It happens repeatedly that briefings and second-reading speeches do not reflect the contents of bills.

If the government wishes opposition members to expedite the passage of an important bill it needs to trust them. I gave the Treasurer a guarantee of confidentiality, as did several opposition members. He received that, as well as goodwill, but he will not receive the opposition's consent to rush the bill through Parliament without its having the opportunity of making a rational decision. It would be grossly irresponsible of the government — and in defiance of the rules of the chamber — to expect me to recommend to my party that it approve the expeditious passage of a bill without studying it.

The State Taxation Acts (Further Miscellaneous Amendments) Bill is a serious measure. It involves an issue of retrospectivity, on which the ALP has a selective view. For example, it is not prepared to consider retrospectivity for Dale Sheppard, the young cyclist who was hurt in a transport accident. However, it is prepared to examine retrospectivity when it comes to not allowing businesses that have overpaid payroll tax access to the courts. Retrospectivity is an important

principle to members of the Liberal Party, and we need the standard two weeks to examine the bill.

The bill precludes business from receiving refunds for and accessing the courts to regain what is, on the face of it, overpaid payroll tax. The opposition has just become aware of the content of the bill, yet the Treasurer wishes it to expedite its passage without consultation. His is an unrealistic request. Those are fundamental principles. Honourable members must be allowed to consider the bill not for additional time but for the standard time in the Legislative Assembly of two weeks.

I am sure that the operators of many businesses would wish to comment on the bill. For example, the Victorian Employers Chamber of Commerce and Industry (VECCI) may wish to comment on the bill precluding access to refunds for the overpayment of payroll tax. The opposition is not sure that the chamber would think anything less than two weeks was reasonable. I am sure the Australian Industry Group (AIG) would wish to comment, as would the Victorian Automobile Chamber of Commerce (VACC) on the issues affecting motor car dealers. I am sure the Housing Industry Association (HIA) would wish to comment on the issues affecting the first home-owners grant and access to New Zealanders. I am sure charities would wish to express a view on the rearrangement of their land-tax exemption. All those issues are in the bill that the Treasurer wishes to rush through the Parliament.

The opposition does not dispute that the government has been elected to power with the support of the Independents. But it is saying that it has the right to a two-week adjournment to consider the bill and to allow constituency groups, businesses and individuals affected by the bill to have a decent chance to examine the issues before it is shunted through the house by the ALP.

I turn now to the timing of the second-reading speech. The Treasurer said that he was aware of the issue and that had we wished to have a meaningful discussion that could have occurred earlier. Again I acknowledge and am grateful that he has provided overall briefings, but the fundamental issue is that the opposition will not agree to expedite the passage of a piece of legislation when it has not seen the fine print.

It would be irresponsible for us to agree to the passage of a bill when we have not seen it. That is the problem with the Treasurer and his bullying attitude. He wants us to simply agree to things on his word. I have experienced what his word is like during the negotiations on this bill. The Liberal Party will not

accept the Treasurer's word. It wants to see the bill. The Liberal Party will vote for a two-week adjournment for this bill — which is perfectly reasonable under the circumstances — so that interested groups can have a look at this piece of legislation. The Law Institute of Victoria may have a comment on the bill. In the end the bill may be reasonable, but what is unreasonable is a 15-page bill being lobbed onto the table with a request for a special concession — the special concession being that we agree to rush this bill through the Parliament without allowing people a fair go in looking at it.

I reiterate that two weeks is the normal adjournment period for a bill in the Legislative Assembly. The Liberal Party is not asking for anything special or for an extended consultation period. It is asking for what is normal — that is, two weeks — for a bill which deals with the fundamental principles of retrospectivity and stopping access to the courts. I should have thought there would be a general view — perhaps not among all business people because the bill only impacts on people who have overpaid payroll tax — that if businesses or individuals have overpaid tax, they may be entitled to refunds. That is probably a reasonable proposition. Many Victorians would think that if they overpaid tax to the government, they would like to see a refund and there would have to be some extraordinary circumstance to stop that refund.

I acknowledge that in certain circumstances refunds have been stopped. I am simply saying that the government cannot expect the Liberal Party to rush through Parliament a bill that blocks access to overpaid tax without having first seen it. It is a most unreasonable proposition. If the Treasurer wanted to put this view, he could have done so earlier. In the past I was always willing to talk to the Treasurer — I am not sure my goodwill will extend much further — and if he had approached me earlier, all of this could have been dealt with then rather than during the second last week of the session.

A critical line in the second-reading speech specifies that these amendments will have effect from today's date so what is the problem with the Treasurer? If, as his second-reading speech says, the amendments will have effect from today's date, why is he seeking to move from the norms of a two-week adjournment in the Legislative Assembly? He has already put this caveat in his second-reading speech. Anyone who is interested in looking at the bill will see that. VECCI will see this, as will the Australian Industry Group and the charities. Everyone will see that the bill has effect from today's date. Purists will have a comment on that, but the Treasurer has made his intention clear. The bill will have effect from today, so why on earth are we seeing

this unseemly use of numbers — one would assume — to have the bill rammed through the Legislative Assembly in less than the normal time.

I also make the point that the second-reading speech could have been read last week. The necessary notice had been given last week, and the bill was scheduled to be second-read last Thursday.

Dr Napthine interjected.

Ms ASHER — Thursday week ago — I am corrected by the Leader of the Opposition. That would have allowed passage of the bill during the scheduled sitting dates. There was ample opportunity for this bill to pass through the Parliament in that time, but for whatever reason the Treasurer has chosen to read the bill a second time today.

The end of the Treasurer's second-reading speech refers to technical amendments to the Stamps Act and other state taxation legislation. Again, the Liberal Party and business groups would like to investigate those technical amendments. While the Treasurer may not have a great grasp of the other issues in this bill, the Liberal Party wants to ensure that its constituent groups, its business supporters, groups such as the Victorian Automobile Chamber of Commerce, and charities — as charities are affected by the land tax provisions in the bill — are given ample opportunity to look at the amendments outlined in the second-reading speech and the additional technical amendments which are referred to but not outlined in the Treasurer's speech. We would also like all of those groups to look at the bill itself.

The Treasurer indicated that this legislation is not contentious and it may not be. However, on the face of it, it deserves at least two week's scrutiny. There is retrospectivity; it would appear from my quick reading of the bill that there is the blocking of access to the courts; and there are issues involving the blocking of refunds. I am not so sure that the bill is about tax avoidance, which is what the Treasurer said. I thought it was about an issue of overpaid tax and stopping access to refunds. That is a completely separate issue from tax avoidance. If that is not correct, when I have had time to read the bill I will be happy to withdraw that comment.

To use the general heading that the bill is aimed at tax avoidance and to say that the house should be prepared to cooperate does not reflect the content of the bill. I believe the bill is about capping refunds of overpaid payroll tax to business. That is not tax avoidance; it is

about capping refunds, which is a completely different issue.

If the Treasurer is disappointed with me, I can say that I am grossly disappointed with him. As I indicated, on many occasions we have accepted the Treasurer's word and every time I have learnt that there is always some more detail — there is always something that does not come through. The Treasurer said we could have the bill, but he gave us about 1 second. When I asked the Treasurer about the other elements of the bill, he did not know about them. The Treasurer had no idea what was in his own bill.

On occasions I think it is reasonable to ask political parties to expedite the passage of legislation, but it is also reasonable to trust them. If one wants political parties to expedite legislation, one has to give them the bill. One cannot ask for expeditious passage based on, 'Trust me, this is what is in the bill', and, 'Trust me, this is a broad brief'. There are a series of fundamental issues in this bill: retrospectivity, the blocking of access to the courts, and the blocking of refunds.

It is grossly inappropriate for the government to come into this chamber and seek to ram this bill through. The very fact that Labor and the Treasurer seek to ram this bill through the house makes me suspect that there is something odd in it, particularly when the Treasurer has the caveat in his second-reading speech that the bill provides that these amendments have will effect from today's date. It is all very well for him to argue that there is an exposure to the state and that the State Revenue Office is negotiating with business, and to say, 'Trust me', but he has the protection of a line in his second-reading speech saying the amendments will have effect from today's date. What is the rush? Why the betrayal of confidence in asking us for something, not providing us with the bill and then the little sledging exhibition that we saw earlier in the house?

The opposition is asking for two weeks to debate this bill. It is standard practice in the Legislative Assembly. It is a reasonable case for the opposition to put. I acknowledge the fact that the Treasurer approached us and told us in broad terms what this bill was about but we will not be a party to the denial of rights for a certain group of Victorians and to having a bill rammed through the house. We want to consult on the bill and read it — a perfectly legitimate request from an opposition. We want to consult with a range of groups which represent business and with a range of people who are affected by this piece of legislation. We are asking nothing more than standard procedure.

It takes a lot to shock me, but I am shocked that the government would want to rush through this Parliament a bill which denies people their rights. The bill may well be reasonable, but the opposition and affected groups have a right to read it. The opposition and affected people have a right to consult on this bill. The opposition and affected people have a right to put a case during parliamentary debate on this bill.

I regard this particular government tactic as an absolute assault on the parliamentary process, and the Treasurer should hang his head in shame.

The ACTING SPEAKER (Mr Loney) — Order! The question is that the words proposed to be omitted stand part of the question.

Amendment agreed to.

Amended motion agreed to and debate adjourned until Tuesday, 28 November.

Mrs Peulich — On a point of order, Mr Acting Speaker, earlier today the honourable member for Clayton, the chairman of the all-party Family and Community Development Committee, tabled a report inquiring into the effects of television and multimedia on children and families. The customary practice is that on the tabling of a report copies are made available to the public and other members of Parliament via the Papers Office. On inquiry by several honourable members, including myself as deputy chair, we were told that the report was not publicly available, which is a breach of normal parliamentary practice.

I ask you to take up the matter with Mr Speaker and request him to investigate the breach of parliamentary practice and report to the house on why it has occurred and to ensure that it does not happen again.

The ACTING SPEAKER (Mr Loney) — Order! I will take up the honourable member's point of order with the Speaker and ask him to report to the house at a later date.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed from 26 October; motion of Mr BRACKS (Premier).

Mr BRUMBY (Treasurer) — Amendments to the Fair Employment Bill will now be circulated.

The ACTING SPEAKER (Mr Loney) — Order! The Premier, circulating the amendments in his name.

Mr Bracks — Thank you, Mr Acting Speaker — —

Mr Richardson — On a point of order Mr Acting Speaker, you called the Treasurer, who had commenced speaking. It is quite out of order now to — —

A government member interjected.

Mr Richardson — Behave yourself. It is quite out of order to call another member from the same side of the house. If you were to call another member, it should be from the opposition side, or you should not call another member at all and should insist that the Treasurer continue with the speech he had commenced.

Mr Bracks — On the point of order, Mr Acting Speaker, I understand the point being made by the honourable member for Forest Hill. To avoid any difficulty for the Chair and given that the Treasurer is on his feet, I am happy for him to circulate the amendments. I was not in the house at the time, and if it will assist the Chair and avoid any embarrassment I am happy for that to happen.

The ACTING SPEAKER (Mr Loney) — Order! I thank the Premier and ask the Treasurer to formally circulate the amendments.

Government amendments circulated by Mr BRUMBY (Treasurer) pursuant to sessional orders.

Dr NAPHTHINE (Leader of the Opposition) — I wish to move a reasoned amendment to the Fair Employment Bill.

I desire to move:

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

The reason for moving this reasoned amendment is simple: the Fair Employment Bill is complex. The bill has serious implications for Victoria's economy, for jobs and employment relationships and for the day-to-day workings of Victorian businesses and individuals, particularly contractors and those who use them. It is only fair and reasonable that all Victorians have adequate time to study the implications of the bill and put their reasoned views to their local members, who in turn can reflect their views in the Parliament.

Today we have seen another example of why the community needs more time to consult on the bill. Also, one could argue that the government needs more time to consult on the bill.

The bill consists of 185 pages, including 276 clauses and 2 schedules. Yesterday, the opposition was advised that the government would be proposing some amendments. The Minister for Industrial relations, the Honourable Monica Gould, in the other place, said the amendments consisted of a page and a bit of 12 amendments. Opposition members were pleased that the government had circulated the amendments in a spirit of cooperation. We appreciated being given that early advice and the opportunity to look at the bill and the amendments and consider their implications.

Today, on the Premier's behalf, the Treasurer circulated the government amendments. However, instead of having 12 amendments on two pages, we now have 35 amendments — an almost 300 per cent increase in less than 24 hours. What other amendments has the government got up its sleeve? What else is wrong with the bill that the government needs to fix up? What else does the government have to tell the house and the people of Victoria about the bill? The government's action at this late stage of bringing forward 35 amendments, including two new clauses, shows that it has not done its homework.

The bill is totally inadequate for immediate consideration by the Parliament. In the interests of Victorians the opposition is being fair and reasonable in saying that all Victorians, including businesses, employees and unions, need more time to consider the bill, including the proposed 35 amendments, so that they can properly decide whether it should be supported and become Victorian legislation.

The reaction members of the Liberal Party have received in the limited time available to them to consult with the community raises serious questions about whether the bill is right for Victoria. Indeed, many people have raised with us their concern about a government that introduces legislation that it knows from its own studies will cost Victorians their jobs — and there is no doubt that it will. The Victorian Employers Chamber of Commerce and Industry (VECCI) says that the proposed legislation will cost up to 22 000 jobs, which it says might be an underestimate. It is indisputable that everybody who has looked at the bill from whatever angle has said that it will cost jobs. The bill will send jobs out of Victoria to Adelaide and New South Wales as well as New Zealand and other overseas destinations. It will cause a decline in investment and business confidence.

It seems strange that any government would introduce such legislation after having been told by the experts that it will cost investment and jobs. It seems even stranger that a government would introduce such

legislation when it has a leader who describes himself as a pro-business Premier. This is the same pro-business Premier who has jacked up Workcover costs, who will not reduce business taxes, payroll or land taxes, who will not reduce stamp duty —

Mr Mildenhall interjected.

Dr NAPHTHINE — The honourable member for Footscray seems to forget that under the previous government there were record levels of employment growth. In 1992 the former government inherited 12 per cent unemployment — a legacy of the previous Labor government! Under the good management of the former Liberal–National coalition government unemployment was significantly reduced and new jobs were created at record levels.

The honourable member for Footscray does not have a leg to stand on when talking about the previous government's record on business activity, economic investment and economic growth. In fact, I can see why the honourable member for Footscray will be replaced in the next round of preselections. Prior to the last election he was on the front bench; now he has moved halfway to the back bench. He is close to the door because he is on his way out.

When the reshuffle comes the honourable member for Coburg will be well ahead of him on the list, and the eminent member for Geelong North — a man who should have been in the cabinet, but such is life — will also be ahead of him. The honourable member for Footscray is finished: he is on his way out.

The government conducted a study of the economic implications of the recommendations made by the independent task force on Victorian industrial relations in its October 2000 report. The so-called independent task force was biased from the start about the outcome that was to be achieved. The Premier referred to the recommendations of the task force in his second-reading speech, and the government continues to refer to them in other forums. But the government is lying to the people of Victoria by failing to point out that the task force's recommendations were not unanimous, that there was significant division among its members, and that there was a significant minority report. As it happens, the minority report was written by the people who represent employers in Victoria. They did not agree with the majority report of the task force.

However, a study was conducted of the economic implications of the recommendations of the government-biased task force, which was playing the

song of the trade union movement and the Trades Hall Council. Things are as they were in the days when Norm Gallagher and John Halfpenny were running the Cain and Kirner governments. The trade union movement is giving instructions to the government.

Even in a report on the economic implications of the task force that clearly puts the government's view, the issues that need to be addressed cannot be ignored. The report states that the task force's recommendations will cost jobs in Victoria — that is made absolutely clear in black and white.

Members of the government may be interested to hear of some of the other things the report says about the cost of implementing the recommendations of the task force — for example, that there would be a substitution of casual labour for permanent labour. The report shows that the legislation will cause a decline in permanent full-time employment and result in the increased casualisation of the work force. Through the bill the Labor Government is saying that it supports the increased casualisation of the work force!

What does the government's report on the economic implications of its biased task force's findings say about investment in Victoria? It says in part:

... a 'long run' constant decline in investment will result in an ever-widening capacity gap which in turn will enforce a contraction in output and employment ...

It is saying Victoria will lose jobs, its work force will be increasingly casualised and investment will decline — which will cost even more jobs. The report states that gross industry output will decline and that the most significant falls will be in agriculture and manufacturing. It also states that the impact on employment will be uniformly negative across all industries. The situation is clear: even the report on the government's own economic impact study, which we on this side of the house believe is inadequate because it only looks at — —

The ACTING SPEAKER (Mr Loney) — Order! There are far too many audible conversations in the chamber. I ask members who wish to have conversations to have them outside the chamber.

Dr NAPHTHINE — The opposition questions the value of the report because it takes only a brief look at the immediate impact of the legislation and does not examine the longer term impact of some of the decisions the tribunal may make. However, even with a brief look at the economic implications, the government's report states there will be fewer jobs, an increased casualisation of the work force and declining

investment, as well as a significant negative impact on Victoria as a whole. Clearly the government is introducing a bill that will have a significant impact on employment in the state.

On top of that there are other significant implications that I believe deserve further consideration. They concern issues that are being raised with us by employers and employees as well as ordinary Victorians who are concerned about the impact the bill will have on future economic activity and job growth in Victoria.

The legislation is already sending waves of uncertainty through the business community. The Dun and Bradstreet report that was released today shows a further significant decline in business confidence in Victoria, which indicates the real concern in the community about what is happening. There have been VECCI reports on declining business confidence and a worrying Yellow Pages report, and now the business community has real concern about the implications of the bill.

The question that has to be asked is why we need to reregulate the Victorian labour market when there are clearly other options available to enable the government to support outworkers — and I will talk about them later on. Why is it necessary to suddenly declare that all contractors are employees? What are the implications of the powers the new tribunal will have to oversee contracts?

Why are the powers of the new tribunal regarding employment conditions and contracts so broad and open-ended? What are the constitutional and economic implications of the attempt to extend the application of the new Victorian industrial relations framework to the federal system? What are the motives behind the government's attempt to do so? How will the new system interact with the federal system? And finally, why the haste with this legislation, and why does the government want to ram it through this week?

The bill goes well beyond the government's stated intention to legislate for minimum standards and conditions of employment; it seeks to regulate the employment relationship and reach into each and every such relationship in Victoria. The bill goes well beyond the traditional notion of an employment relationship by declaring people to be employees and bringing them under the ambit of the tribunal, and represents one of the most significant instances of backtracking from a major benefit — namely, the attracting of business and investment to Victoria.

One of the most significant acts of the previous government was the introduction of a provision that transferred industrial relations from the state to the commonwealth. With that move Victoria achieved a single industrial relationship throughout the state, and employers, trade unions, employees and potential investors in the state all knew how it operated. They no longer needed to worry about the state and federal systems of industrial relations or the interaction and conflict between the two. One system applied to each workplace and each group of employees.

When the legislation to transfer industrial powers from Victoria to the commonwealth was introduced the then Labor opposition supported the change and the now Premier, the honourable member for Williamstown, was reported as having said:

The opposition supports in principle the concept of a single national system of industrial relations, and it always has.

Mr Mildenhall — And it still does.

Dr NAPTHINE — And, as the honourable member for Footscray says, it still does. If the Labor Party supports a single national industrial relations system, as it did in 1996, and says now that it always did, that raises the question, ‘Why is it now introducing the state-based system in the legislation?’.

Government members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! Government members will get a call later in the debate. I ask them to wait until then.

Dr NAPTHINE — The government is looking after its trade union mates and attending to the wishes of the trade unions at the expense of ordinary Victorians. If it really believes in a single national system it should be working with the federal government to overcome any difficulties it may have with the existing system. It should work in a positive way with the Minister for Employment, Workplace Relations and Small Business, the Honourable Peter Reith, whose door is always open, to seek to resolve any concerns it may have.

The fact that the Labor Party in Victoria is introducing the legislation indicates it thinks its colleagues in Canberra have no hope of winning the next federal election. Victorian members of the Labor Party think Kim Beazley and his team have no hope. If they thought their federal colleagues had any hope of winning the next election they would hold off on the legislation and work with Kim Beazley after he wins the election. They know Mr Beazley does not have a

snowflake’s hope in hell of winning the next federal election.

Victorian Labor Party members are also saying that despite their professed belief in a single system they are not prepared to do the hard work to make such a system work or to cooperate with the federal government to deal with the issues that concern them.

The Honourable Theo Theophanous, speaking in December 1996 in another place about the transfer of industrial powers, said:

We support the principle of a single national system of industrial relations.

At the time there was an unfortunate interjection from the Honourable Bill Forwood, who said:

Run by Peter Reith.

Mr Theophanous said:

I don’t think it matters who it is run by. A federal system and national consistency are important. The opposition has never had a problem with national consistency in a range of areas, and industrial relations is included in that.

What the Labor Party said in 1996 was that it was happy to work with Peter Reith towards a single system because it was more important than the differences between parties. It was prepared to work with Peter Reith because, as Mr Theophanous said, it did not matter who the system was run by; national consistency was the paramount issue.

Yet now, with the Labor Party in government, this legislation comes before us — not because the Labor Party believes in it or because Mr Theophanous and Premier Bracks believe in it, but because the party is being instructed by the Victorian Trades Hall Council to bring the legislation forward. No Parliament should lightly move away from a single, effective industrial relations system.

I agree with the comment made by Mr Theophanous in 1996 that it is important to have a single national system and consistency. They are paramount. The people of Victoria, particularly those in the business community, are saying that. They are asking for the legislation to not be rushed through Parliament. Let us work together to see if we can get a single national system that is more effective and more able to deal with the issues rather than simply deserting and throwing out what is good for Victoria. We should seek to work positively towards achieving a single national system that works.

The government has made much noise about legislating minimum standards for Victorian workers, but its own actions betray any commitment to that process. One has to ask why the Victorian government has not had more meaningful discussions with the federal government about amending the commonwealth legislation to alter the conditions under schedule 1A of the Workplace Relations Act. Such a move could achieve the government's stated aim of improving minimum conditions, particularly for outworkers, without the need for incurring the expense of duplicating our industrial relations system. Having a unitary industrial relations system would maintain consistency.

The government needs to work more closely with the federal government to address those issues. The reality is that the Labor government in Victoria has not undertaken serious discussions with the federal government despite the fact that Peter Reith has made many overtures to the Minister for Industrial Relations and has said his door is open to listen to the concerns of Victorians. If the Victorian Parliament wants further proof of that it needs only look at the fact that the federal government currently has a bill before the House of Representatives, the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill, which contains provisions that will improve the standards and conditions for schedule 1A workers.

Interestingly, the people who are opposing that bill, which will assist those workers covered under schedule 1A of the Workplace Relations Act, are members of the Labor Party in Canberra. The federal Labor Party is holding up a bill that will improve the conditions of employment for schedule 1A workers. If members of the Victorian Labor government are serious about wanting to address issues affecting schedule 1A workers, why have they not told their colleagues in Canberra to pass the 'more jobs, better pay' bill immediately.

The other option open to the trade union movement and the Victorian Labor government to protect workers covered under schedule 1A is to petition the Australian Industrial Relations Commission to ensure that schedule 1A workers are covered by federal awards. Between 1993 and 1996 there was a significant move by the trade union movement to transfer workers who were previously covered under schedule 1A to federal awards. The question is why the trade union movement and the Labor government do not pursue that course of action to deal with the issues they are concerned about with respect to workers under schedule 1A.

Mr Hardman interjected.

Dr NAPHTHINE — As the honourable member for Seymour indicates, it is a fair call. I am glad he agrees with me. The honourable member should ask his colleagues and his trade union mates why they are not pursuing that option.

There are options available to the Labor government to assist the outworkers they are concerned about — the workers that I and other members of the Liberal Party are concerned about. Options are available to the government that will preserve the benefits of a single industrial relations system in this state and in this country. The government needs to pursue those options vigorously before it even thinks about breaking down its fundamental commitment to having a single industrial relations system.

The bill is not fundamentally about providing protection for outworkers, and it is not fundamentally about protecting schedule 1A workers in Victoria; rather, it is a cloak-and-dagger exercise. The government talks about outworkers, but when people, particularly employers and other Victorians, examine the bill they will see that more than 95 per cent of its provisions have nothing to do with minimum standards and conditions for outworkers. The bill contains a whole range of provisions that are about broadening the employment net and setting up a state industrial relations system that will empower the unions in Victoria and make union shops out of every small business and family firm. The bill is a naked grab for union power and is not about protecting outworkers, which is why Victorians are so concerned about it.

I turn to some of the provisions in the bill that are of concern to many Victorians. People are asking the Liberal Party what the bill means and what its implications are, which is why the Liberal Party is saying that the provisions warrant consideration by industrial relations and legal experts to get further advice and information so that Parliament can be fully informed before a decision is made. Clauses 5, 6 and 7 go to the question of who is an employer and who is an employee.

I draw attention particularly to clause 6, which is headed 'Power to declare persons to be employees'. Clause 6(1) states:

- (1) a Full Bench may, on application by a recognised organisation, a peak body or the minister, make an order declaring a class of persons who perform work in an industry under a contract for services to be employees.

Fundamentally that says that any person currently working under a contract to mow lawns, clean windows, clean houses or do plumbing — or any

contract whatsoever throughout the business community in this state — can be an employee. Clause 6 clearly states that on application by recognised organisations — the trade unions of this state — the full bench can declare persons under contract to be employees. Under this legislation no person who works as a contractor or employs a contractor is safe.

Many people do not even realise they are entering into a contract. A person who employs a neighbour's 15-year-old to mow the lawns does not realise that he or she is entering into a contract.

A government member interjected.

Dr NAPTHINE — The 70-year-old lady who employs someone to help her with the housework while she is recovering from a broken hip she sustained while she fell over trying to find a torch in the recent blackout does not realise that she is entering into a contract that could be subject to this legislation and therefore have severe implications for her as an employer.

Honourable members interjecting.

Dr NAPTHINE — The Minister for Community Services — —

The ACTING SPEAKER (Mr Loney) — Order! I suggest the honourable members for Mornington and Melton enjoy themselves outside the chamber.

Dr NAPTHINE — I strongly suggest that the Minister for Community Services read the bill and draw it to the attention of the community services sector for which she has responsibility. There are an enormous number of contracts in that sector, and community service agencies such as the Salvation Army, Anglicare and the Uniting Church are heavily engaged in contracting for service delivery. I am sure they would be surprised if the Minister for Community Services alerted them to the ways in which they will be caught up in the legislation and to the effects it will have on their contractual relationships with the people with whom they deal.

Many people are telling me and others in the Liberal Party that they have severe concerns about how clauses 93 to 99 will be interpreted and what the implications will be. The clauses go to the liability of a principal contractor for the remuneration of the employees of a subcontractor. It has been put to us that, for example, a builder who is contracted by a young couple to build a house may subcontract a plumber to do the plumbing, who may further subcontract someone to dig the ditches to put in the pipe work — all of which is not unusual in the building industry.

From some of the advice received by the opposition my understanding is that if, up to six years later, an employee of the person who is subcontracted by the subcontractor to dig the ditches feels that he or she may have been underpaid or that the terms of the contract may not have been appropriate, that employee will be able to go to the tribunal to seek redress. Who will the employee seek redress from? Will it be from the person who was contracted to dig the ditches — that is, the employer? No. Will it be from the plumber who was subcontracted? The answer is that the employee could go to the plumber who was the supervising subcontractor, or to the principal contractor — that is, the builder. It has also been suggested that the employee could even go to the young couple who contracted the builder to build their house. That is the scenario that may arise under clauses 93 to 99.

Honourable members interjecting.

Dr NAPTHINE — If the honourable member for Narracan says that that interpretation is wrong, let him explain why clauses 93 to 99 and the second-reading speech make it absolutely clear that a principal contractor can be sued.

Honourable members interjecting.

Dr NAPTHINE — It has even been suggested that the provisions could be applied to Holden or Toyota, both of them major manufacturers who employ thousands of subcontractors who in turn employ thousands of other people. Under these provisions any one of those thousands of people who are employed by a subcontractor to Holden or Toyota — or by a subcontractor to a subcontractor to a subcontractor — could take an action against those companies.

They are the conclusions to which the second-reading speech draws us and the sorts of issues about which business and industry are concerned. Is it any wonder that people are worried about those sorts of issues?

Clauses 101 to 108, which deal with workplace grievances and other employment-related matters, go to the issue of contracts. This is not about contracts for employees in the traditional sense or as most Victorians understand them; this is about contracts for people who are working as contracted labour or contracted subcontractors.

Mr Nardella interjected.

Dr NAPTHINE — As the honourable member for Melton says, that is right. The bill goes to the very issue of dealing with contractors. Clause 101 states:

101. *What is a workplace grievance?*

- (1) A workplace grievance is a grievance or dispute —
 - (a) between an employee employed under a contract of service and his or her employer ...

I refer the house back to clause 6, which can deem anybody who is delivering a service under contract to be an employee. This provision enables a workplace grievance of that employee to be dealt with.

Such a grievance could go to the fairness of a contract for services. Earlier I used the example of a 15-year-old mowing lawns, to which a government spokesperson said, 'That cannot be right'. I draw attention to clause 102, which even applies to a representative of someone under the age of 18 years.

People under the age of 18 can take action. Five years later the 12-year-old or 13-year-old mowing your lawns, who claims he was not paid enough, can take action against the person who employed or contracted him. That is what the honourable member for Melton says — —

Mr Nardella — Give us a real-life example.

Dr NAPHTHINE — That is a real-life example. That is what this bill says.

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Narracan!

Dr NAPHTHINE — Clause 103 makes it clear that an application to the tribunal to resolve a workplace agreement can be made within six years. Up to six years after an event, a grievance can be taken to the tribunal. It is retrospective — it goes back six years — and it deals with every contract, even when people do not realise they are entering into a contract.

Clause 107 is about the power of the tribunal to resolve differences. It states:

- (2) The tribunal may do any one or more of the following to resolve a workplace grievance —
 - (a) make a decision as to the entitlements of an employee under the minimum conditions or an industry sector order;
 - (b) order the payment to an employee of an amount found owing to the employee by way of remuneration ...

Up to six years after the event the tribunal has broad, sweeping powers to deal with contractors, including

those who do not believe they had entered into employer–employee relationships. The tribunal can use those wide, sweeping powers to make severe orders against the contractors. On top of that, penalty interest rates can be applied.

Clause 108 is a wonderful provision — I am just picking out a few. It is important to read the whole bill if you want to understand its significance and implications. Look at clause 108(3) on page 79:

- (3) A contract may be an unfair contract whether or not it was an unfair contract at the time it was entered into.

A contract can be entered into and deemed to be fair; six years later the tribunal can determine the contract to be unfair — even though it was fair at the time it was agreed. What an absolute joke! Where is the honourable member for Melton in defending that ludicrous provision?

Honourable members interjecting.

Dr NAPHTHINE — Is it any wonder that employers and investors in this state have severe reservations? They say the bill is causing uncertainty. How can a situation exist where a contract is entered into that at the time is deemed to be fair but subsequently and retrospectively it can be determined by a tribunal — probably stacked with trade union officials — to be unfair? It is absolute and utter nonsense.

Let us look at some of the other issues causing concern in the community and why the community is asking for more time to look at the implications of the bill so that the people of Victoria know exactly what the government is trying to foist on them.

Let us look at chapter 5 on compliance. I refer particularly to the powers of information services officers — a misnomer if ever there were one. If we ever needed truth in advertising it is here. Madam Acting Speaker, what sort of role would you expect an information services officer to play? You would expect such an officer to provide advice, information videos, brochures and other assistance to people on the subject of employment conditions in the state. What is the role of these information services officers? It is to play industrial spies and police. They are the spies and the police of the industrial relations system under the Bracks Labor government.

The first mention of information services officers is in chapter 5 on page 136. Page 138 outlines their role and sets out their powers of entry. An information services officer has enormous powers — beyond those of the police — to enter properties, to require a person to

produce a document and to retain documents. I recognise that it could be argued that a new set of industrial laws requires people to police and administer it. However, I disagree with calling those people information services officers. I believe in honesty in legislation. Those people may need certain powers to ensure the act can be administered.

The real issue concerning the administration of the legislation is in part 2 of chapter 5, headed 'Entry and inspection by recognised organisations'.

Mrs Peulich — Who are they?

Dr NAPHTHINE — There is no doubt who the recognised organisations are: they are the Victorian Trades Hall Council, trade unions, the union mates — —

An honourable member interjected.

Dr NAPHTHINE — The honourable member for Sunshine says that is absolutely true. He is nodding and agreeing that that is who the recognised organisations are.

This is about the trade unions getting their foot in the door of every Victorian business, including micro-businesses, small businesses, medium-sized businesses and large businesses. The bill will allow trade union officials to collect information from employers and businesses irrespective of whether they are invited, whether the employers or employees want them there, or whether the employees are members of that union or any other union.

The bill allows an officer or employee of a recognised organisation to apply to the registrar for an inspection permit. That person then has the authority to inspect premises. Clause 226(2) states:

For the purpose of investigating the suspected contravention, the person —

a trade union official —

may enter, during working hours, any premises at which employees work who are members of the recognised organisation of which the person is an officer or employee.

After entering, the employer or employees may be required to allow the person to inspect, make copies of or take extracts from any document, including time sheets and pay sheets kept on the premises by the employer, and which are relevant to the suspected contravention. Any employees who are members of that organisation — and this is the rub — or eligible to become members of that organisation may be interviewed. It does not matter whether people are

members of the union or not; anyone may be interviewed.

That trade union official, that trade union lackey, that trade union thug, will be allowed — —

Government members interjecting.

Dr NAPHTHINE — The Craig Johnstons and the Dean Mighells of the trade union movement, the Norm Gallaghers revisited, the John Cummins of the world, can require an employer to produce documents to be inspected and copied. If anyone thought that in any way, shape or form a trade union official could enter only premises in which he or she had members, think again because clause 227(1)(a) makes it clear that that is not the case. It states:

- (1) A person who holds an inspection permit may enter premises in which —
 - (a) work is being carried on to which an industry sector order applies; being an industry sector order covering persons who are, or are eligible to become, members of the recognised organisation of which the person is an officer or employee;

Clearly, broad sweeping powers are given to trade union officials to enter every place of employment, every business, every corner store, every 7 Eleven store, every small business and every IT business in the state. It gives power to trade union officials to enter the private homes of people. It is a disgrace. If people are conducting an IT business — —

Ms Pike interjected.

The ACTING SPEAKER (Ms Barker) — Order! There should be no interjections across the table.

Dr NAPHTHINE — If people are conducting an IT business or any sort of business from their home offices the bill gives those trade union officials the right to enter those homes, demand information and go through the books of those businesses in detail. It is outrageous and an enormous extension of power.

Victorians would have some concerns and misgivings but may be prepared to accept an argument that authorised officers who are state officials, employees of a tribunal, members of the police force or recognised authorities may in some circumstances have the power to enforce legislation contained in the bill. However, the Bracks government gives that power to trade union officials, trade union thugs and trade union bullies.

Ms Pike — On a point of order, Madam Acting Speaker, I have acted as an industrial officer for the Finance Sector Union and do not appreciate being

called a thug or a bully. I find that language offensive and ask that it be withdrawn.

Mr McArthur — On the point of order, Madam Acting Speaker, the Chair in this chamber has ruled many times in the past that a general comment about a class of persons is not a matter for offence; it is only offensive when the comment is directed at a specific member of the house and that member must be in the chamber at the time. However, if the cap fits!

The ACTING SPEAKER (Ms Barker) — Order! I do not uphold the point of order.

Dr NAPHTHINE — When we look further into the bill we ask about the penalties that could be applied to an employer when a trade union official knocks on the door and demands to come in and inspect a workplace or a private home where someone may be conducting a business. If the operator of a small business that is creating employment and economic growth and providing opportunities for Victorians tells the trade union official that he has some concerns about this, what penalties will be imposed on that employer? The answer is at page 151 under the heading ‘Inspections by recognised organisations’.

I remind honourable members that this is not about refusing to cooperate with people who are registered employees of the tribunal or with the police, these are penalties for somebody who does not like dealing with the standover tactics of a trade union bully or thug no matter which union he comes from, whether it be the Finance Sector Union or any other. Clause 237(2) says:

The occupier of a premises must not refuse or unduly delay the entry to the premises by a person entitled to enter the premises under section 226 ...

That is a trade union official. What is the penalty? It is 60 penalty units. A person can be fined \$6000 for not allowing a trade union thug into his or her own home. Clause 237(3) states:

An employer must not refuse or fail to comply with the requirement ...

If the employer refuses to hand over a list of all the employees, all their remuneration, the hours of work or how the business operates to a trade union official the employer is again up for a penalty of up to \$6000.

I have referred to only some of the details in the bill, but they are frightening to employers, to the people who want to invest in this state, to the people who want to create wealth, to the people who want to create jobs and opportunities for the people of Victoria. What is

needed is more time for the people of Victoria to better understand the implications of the bill.

I suggest more time is also needed for the government to understand the implications of this bill. Perhaps then we would have more than 35 amendments, and we might have amendments that make the bill more appropriate to Victorian conditions. Perhaps the government may then rethink the way it is dealing with the issue of outworkers. As I say, we are all concerned about potential exploitation of workers whether they be outworkers or any other workers. However, we are concerned to deal with it in a proper and appropriate manner. The question that must be asked is: why has the government not taken up this issue with the federal government? Why is it not supporting the legislation before the federal Parliament to deal with this issue?

I will now refer to some comments about the bill, including the concerns expressed by employer bodies across the state. It is most important that we look at these issues. I refer initially to a media release from the Housing Industry Association (HIA) dated 8 November. Clearly the HIA is the state’s peak body on building. It said about this bill:

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

That is what the Housing Industry Association said — it will destroy the subcontracting system and lead to a 30 per cent increase in the cost of new housing. Mr Gaffney, the executive director of the HIA in Victoria, said:

... the government had not consulted with industry in the production of the Fair Employment Bill ...

The Housing Industry Association is saying the government has not consulted it. I quote further from the news release:

‘It is hard to believe that a pro-business government could even contemplate this bill’, Mr Gaffney said.

In its current form, this legislation would potentially destroy the very essence of the efficiencies in the housing sector by demolishing the subcontract system.

...

Mr Gaffney said the bill provided unrestrained scope over all and any commercial activity, even if the activity was not a formal contract.

He said its definition of employees included contracts for service, meaning that the proposed Fair Employment Tribunal would have the power to convert contractors to employees.

...

'This outcome for the housing sector would be totally unwarranted and against the interests of contractors, as well as homebuyers', Mr Gaffney said.

Costs of labour would increase and there would be a detrimental effect on employment.

Clearly the Housing Industry Association, the peak body in the housing industry, is saying that this will cost jobs, that it will significantly increase the price of houses, that it is not good for Victoria and that it will destroy a well-established and very effective subcontract system.

Ms Pike interjected.

Dr NAPTHINE — The Minister for Housing should take note of what the Housing Industry Association says.

The ACTING SPEAKER (Ms Barker) — Order! The Leader of the Opposition should ignore interjections.

Dr NAPTHINE — If the Minister for Housing were at all concerned about the people of Victoria, particularly young families who are trying to build houses and own their own homes in the suburbs of Melbourne, she would be concerned about the 30 per cent increase in the cost of housing that will be introduced by this legislation. That is what the Housing Industry Association has said will happen.

The Australian Industry Group is a major peak body of industry in this state, particularly the larger industries. It said in its press release of 26 October:

The Australian Industry Group believes the Victorian government's Fair Employment Bill to establish a limited state industrial relations system is undesirable and unnecessary.

It would a big mistake to turn back the clock and establish yet another state tribunal ...

There is nothing in the bill that cannot be addressed more appropriately and effectively within the federal workplace relations system.

...

AI Group is particularly concerned about the bill's provisions relating to outworkers, the proposed tribunal's powers to declare contractors to be employees and the unfair contracts review mechanism.

It is astounding that the government and the majority of the task force are prepared to proceed with such proposals without examining the full costs and adverse employment consequences, particularly in relation to the construction and manufacturing industries and growth sectors such as information technology.

We have the Housing Industry Association and the Australian Industry Group saying: 'think again'.

The Victorian Employers Chamber of Commerce and Industry (VECCI) has made a significant number of comments on the bill.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bentleigh should cease interjecting across the chamber.

Dr NAPTHINE — VECCI has already said that the legislation could cost about 22 000 jobs just among its membership. Those 22 000 jobs are very important, and those 22 000 people and their families are very concerned about their jobs. I would have thought the members of the government would also be very concerned about those jobs. They do not seem to be concerned about the Email jobs going to South Australia or the BAE Systems jobs going to South Australia.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Melton should cease interjecting.

Dr NAPTHINE — They do not seem to be concerned about jobs from Ballarat going to Sydney or jobs from Benalla Spinners going to New Zealand. Government members do not seem to be concerned about those jobs, but let them worry about the jobs of 22 000 people that are at risk through this bill. I remind honourable members opposite that their own economic impact study, limited though it may be, also said that proceeding with the recommendations of the task force would cost jobs and investment. The VECCI press release states:

VECCI group general manager Neil Coulson said the study —

the economic impact study I referred to —

is limited due to its scope and the matters it omitted.

'The study's analysis is confined to the impact of the proposed additional statutory minimum standards that will be introduced into Victorian workplaces from 1 July next year', says Mr Coulson.

It takes no account of the subsequent changes to the terms and conditions of employment that will inevitably flow to all industry sectors from the establishment of the new tribunal.

In its press release the Victorian Employers Chamber of Commerce and Industry called on the government to

carry out a more comprehensive economic impact study. Clearly VECCI is saying that more time and study are needed. It says that the legislation would cost jobs and investment and that the government should reconsider it. The reasoned amendment says, 'Let us have a further look at this to see the impact that it will have on Victoria'.

The Australian Retailers Association of Victoria is an important peak body that represents retailers across the state. Retailers are major employers and important to the economy of the state. Under the heading 'Retailers angry at proposed employment changes' an ARAV press release of 25 October states:

Retailers expect the bill, due to be introduced into Parliament tomorrow, could increase employment costs by up to 25 per cent ...

The executive director of the ARAV Timothy Piper, said retailers were angry that the government was failing to appreciate the impact its changes would make on smaller retailers, particularly those in regional areas.

The association says the bill will increase retailers' employment costs by up to 25 per cent. It will therefore cost jobs in the retail sector and cause significant damage to a sector that is a major part of the engine room of the Victorian economy.

In a letter to the editor in today's *Age* Clay Manners, the general manager of policy with the Victorian Farmers Federation, states:

The Fair Employment Bill before the Victorian Parliament is a clever but cynical attempt to manipulate the political agenda.

The bill goes well beyond protecting reasonable minimum conditions and seeks to extend union coverage to small businesses contracting to provide services to others.

Perhaps the wiser members of government don't really want the legislation passed. Perhaps they understand its implications but have allowed it to go forward in such an outrageous form knowing that the opposition parties have no choice but to reject it in the upper house.

By introducing the bill, the government is seen to honour its commitment to the trades hall. When it is rejected, as it surely will be, the Liberals and Nationals can be painted as condoning exploitation of outworkers in the clothing industry or as supporters of unscrupulous employers who dock an employee's pay for going to his or her mother's funeral.

The VFF is saying that the bill will have a disastrous effect on the industries it represents, including a monumental effect on farming and agricultural production. Farmers regularly use contractors to deliver a range of services, and the bill will significantly alter the relationship between contractors and farmers. In its

letter the VFF exposes the government's cynical approach.

Clearly the major employer bodies — the VFF, the ARAV, VECCI, the Australian Industry Group and the Housing Industry Association — are all asking the government to take care with the bill. They are asking it to take a deep breath, be cautious, have a look at it more closely and not rush it through the Parliament this week.

When the contractor provisions are examined the many reasons why more time is needed to look at the bill's implications become apparent. I draw honourable members' attention to an article by Neil Coulson in the *Age* of 6 November, which states:

The state government's decision to reintroduce a comprehensive state industrial system ... is a lost opportunity and a threat to Victorian business.

... The state government now proposes to turn its back on ... reform and instead reintroduce a state-based system characterised by an unprecedented degree of regulation and intrusion into business activity.

... The bill proposes significant intrusion into business activity and will add complexity and complication to the cost of doing business in Victoria.

...

A principal contractor is made liable for unpaid wages of the employees of a subcontractor engaged by the principal.

Independent contractors can be deemed to be employees and regulated like employees by the tribunal.

Clearly the community has real concerns about the legislation and its implications. This is a significant issue, and the commonsense way to proceed is to adjourn the debate and let the bill lie over until the autumn session. That would allow Victorians to be consulted on the issue, to understand the implications of the legislation and to have an input into the debate.

One of the other questions that must be addressed is how the legislation would interact with the federal system. The opposition has received advice that employees under federal awards could also be dragged into the net. Decisions made by the state tribunal could add a state overlay to existing federal awards.

The issues need to be pursued and examined. That is based on preliminary legal advice that has been given to the Liberal Party, together with the opinions of a number of employers who are concerned about whether the state legislation could impact on the employment of people under federal awards.

Their initial advice from the Victorian Labor government was, 'You don't have to worry about this legislation because your employees are under a federal award'.

The opposition is receiving advice that that may not be true — for example, in the case of the right of entry. An organisation might employ 1000 people who may all be under federal awards, but it might also employ a couple of clerical workers who may not be covered by federal awards. That will be sufficient for union representatives, appointed under the legislation, to enter the workplace and demand all sorts of information from the employer. Do not tell me and the people of Victoria that the bill will not affect workplaces that have predominant federal award coverage!

Also, there is the suggestion that as federal award coverage relates to 20 allowable matters the state tribunal may make determinations in addition to those 20 allowable matters that will be an add-on to the federal awards. Again, employers may have to deal with both federal and state systems for the same set of employees. Time is needed to consider that advice and information.

The bill has the potential to cause enormous damage to the Victorian economy. All the advice the opposition is receiving suggests that it will immediately cost jobs in the state. The government's own report, let alone the reports from other people, says that the proposed legislation will cost jobs and investment, cause a decline in economic growth and drive business and investors away from Victoria. The Housing Industry Association says that the legislation will wreck and fundamentally turn on its head the operation of the building industry and add 30 per cent to the costs of building a house. Retailers say that the legislation will add 25 per cent to the costs of employment. VECCI says that the legislation will cost 22 000 jobs.

The legislation has the potential to have a significantly adverse impact on Victoria. Honourable members and the people of Victoria must examine the legislation carefully and properly. I would challenge government members to read the clauses in the bill rather than just take the gunk that is given to them by their ministers. I challenge them to visit their local industrial estates and shopping centres and knock on the doors, talk to the small business operators and employers, talk to contractors, subcontractors — especially the people who build houses, including plumbers and electricians — and the people in the information technology industry and see what they have to say about the bill.

The bill is of concern to Victorians. It is just the tip of the iceberg and the first of similar legislation that will be introduced under this government. We do not want Victoria to be the *Titanic* heading for the iceberg. We need people to be vigilant, on watch and warned. The only way that can take place is if honourable members do the right thing, support the reasoned amendment, and adjourn the debate for some months.

I am absolutely surprised and appalled by the attitude of the government, whose members do not want to talk to Victorians on this issue. They want to be deaf to the noises of the people — employers across the state and those who are employed in the housing and retail industries whose jobs are at risk because of the proposed legislation. They want to turn away from the people. I can assure Victorians that those on this side of the house want to listen to and consult with them. We have brought forward the reasoned amendment so that Victorians have a real chance to examine this significant bill and to make their contribution about whether this bill is good for Victoria or whether it is like the iceberg and Victoria, as the *Titanic*, is heading for it.

Mr JASPER (Murray Valley) — I have listened with interest to the contribution to the debate by the Leader of the Opposition. I can only say from my point of view and that of the National Party that we concur with his comments. He has put very clearly the attitude of the opposition to the Fair Employment Bill. The house, on its final analysis of the bill, must consider the adverse effect it will have on Victoria's economy. That is the overriding feature. Victorians are now coming to realise the full impact of the proposed legislation.

The National Party has many key concerns about the bill. It again introduces into Victoria a fully fledged industrial relations system, a new tribunal with immense and extensive powers, and a major increase in the power of the unions. It seeks to assist Victorian workers who are not working under the federal award system, specifically those who are covered by schedule 1A of the Workplace Relations Act. It is claimed that there are 561 000 Victorian workers under that schedule, of which approximately 250 000 are working without all the legal rights that could be assumed by their working under basic standards and conditions.

The National Party is not opposed in principle to employees seeking appropriate payment and conditions, but I am certainly concerned about the draconian provisions in the legislation.

The bill was introduced on 26 October, slightly less than three weeks ago. In that time members of Parliament have had the opportunity to seek out the reactions of organisations and individuals, both employers and employees. The bill consists of 185 pages, including 276 clauses and 2 schedules. In confirming the comments made by the Leader of the Opposition, I say it is an extensive piece of legislation that needs closer study.

I suggest that very few people have looked at the bill clause by clause and fully understand its implications. Indeed, I doubt that many government members have even looked at the legislation. They accept that a review of the recommendations of the government's industrial relations task force was undertaken earlier this year but do not accept that the conclusions of that review have had a limited direct bearing on the legislation. I suggest they go back to square one, have a good look at the legislation and try to determine its full impact on Victorians.

From the outset I acknowledge the work that has been undertaken by the Honourable Bill Baxter in another place, who is the industrial relations spokesman for the National Party. In the short time available he has undertaken an extensive review of the legislation and come up with recommendations that we in the National Party have considered. We have talked to a range of organisations and individuals in an attempt to ensure that we fully understand the implication of the legislation.

I listened with a great deal of interest to the debate on the government's business program and to the opposition's amendment that the bill not be debated in the current week of Parliament. I agreed entirely with the line taken by the opposition, supported by the National Party when it came to the vote, but unfortunately the three Independents supported the government, enabling the legislation to be debated today. However, debate on the legislation is being gagged in this house.

I thought the comments of the Leader of the House about the legislation being debated in a structured way were hypocritical. He stated that Parliament was being brought into disrepute by the actions taken by the Leader of the Opposition, who, as I said, moved that the legislation be taken out of the program for the current week. The Leader of the House went on to say that the opposition and the National Party were being deliberately obstructive. That, too, was most hypocritical of him.

I remind him of the time when he was manager of opposition business, when he regularly complained that bills were not being fully debated and that Parliament was being gagged. Of course, now that he is in government he is saying the opposite. The same thing has gone on ever since I have been in Parliament. Whichever party has been in government has argued for the need to limit debate to ensure that a range of bills pass through Parliament in a regulated way.

I have always been one for arguing that the Legislative Assembly and the Legislative Council are the ultimate forums for debating all the legislation that comes before Parliament. It disappoints me that successive governments have not allowed appropriate debate on a range of legislation. Debate on legislation has regularly been gagged. Under the previous government the legislative program was brought before the party room on a Tuesday. It showed that a range of bills were to be debated over the following three days — Tuesday, Wednesday and Thursday. However, come 4.00 p.m. on a Thursday, all those bills were passed by the Legislative Assembly, regardless of whether they had been debated or not. The only saving grace we had then and continue to have now is the Legislative Council. Those who believe we need to get rid of the Legislative Council do not understand how Parliament should operate. They do not understand the absolute need to debate legislation, allowing honourable members to put their views on behalf of their constituents.

I repeat: the government is gagging debate on legislation that should be reviewed. The government's decision to bring the legislation on for debate this week without allowing time for appropriate consultation is a slur on Parliament itself.

I listened with a great deal of interest to the Premier, who said that the government had a mandate to bring the legislation before Parliament. However, I suggest to the house that the government does not have the right to do so because it is a government that is supported by three Independents — and it is imperative that the government have that support. From the outset the three Independents have supported the government. It is erroneous of government members to suggest that they are implementing policies that were put to the Victorian people at the last election. Although they might have had some policy on industrial relations, they have no right — they certainly have no mandate — to bring it before Parliament and to debate it in its current form.

The industrial relations task force dealt in generalities and principles. However, the contents of the legislation are certainly very different from some of the recommendations the task force made.

I listened to the Minister for Education talk about issues of time, consultation and the ability to debate the legislation. I was disappointed by her bitter and twisted comments about the bloody-mindedness of the Leader of the Opposition and about his throwing a tantrum and not being interested in the substance of the bill. Members on this side are interested in the substance of the bill. That is why we in the National Party believe the bill should be allowed to lie over. There should be further consultation before it is again debated in Parliament. We need only look at the representations we have received, particularly in the past few days, to understand the need to appropriately assess the legislation, which has many facets that need reviewing.

I totally reject the legislation because I believe it is not appropriate for Victoria. I would oppose it all the way through, and I am sure the National Party will do the same thing in this house and the other house as well.

There has been talk about the removal of workers' rights. The Minister for Education got it wrong. Consultation is the absolute ultimate, and that is certainly what needs to be done.

Honourable members interjecting.

Mr JASPER — I take up the interjection, because the whole point of the issues that were raised when the Leader of the Opposition moved his amendment to allow the bill to be debated at a later date was to give us time for appropriate consultation with the organisations and individuals affected and to improve the legislation.

Mr Nardella — On a point of order, Madam Acting Speaker, standing order 96 requires that the honourable member should not reflect on a previous vote of the house unless it is to rescind the previous vote. The honourable member is now referring to and reflecting on a previous vote of the house and has been for while. I ask you to bring him back to order.

Mr JASPER — On the point of order, Madam Acting Speaker, I have not referred to that vote or the result of it. I have referred to contributions made during discussions on the bill to be debated this week. I referred not to the vote but to the contributions made by individual members and ministers at that time.

The ACTING SPEAKER (Ms Barker) — Order! I do not uphold the point of order at this time. However, I ask the honourable member for Murray Valley to remember that he is debating the amendment, and I call on him to continue his remarks on the amendment.

Mr JASPER — I am debating the bill before the house, along with the reasoned amendment proposed

by the Leader of the Opposition, rather than the proposed amendments.

I believe my contribution today highlights the lack of consultation by the government, which is seeking to prevent appropriate consultation on the bill and is trying to make sure it is not debated appropriately.

People and organisations have contacted members of the National Party and expressed their concerns about the legislation. They include organisations that have officers who specialise in examining legislation and determining its effect on businesses, the economy and the state. We need to take into account the views and comments of responsible organisations such as those. I will quote comments from some of them for inclusion in *Hansard* because they reveal a genuine concern for the people those organisations represent and for the economy as a whole.

As members of Parliament we should be responsible about seeing what we can do to maintain continued development of the state. Victoria can develop only when its economy is thriving, and that can happen only when employers and other responsible people are able to provide employment across the state. The legislation before us is draconian in that it seeks to make changes to the operation of the Victorian workplace that will require more and more employers to think about shifting interstate or shifting to federal awards and no longer providing employment in Victoria.

Victoria has a large number of small employers — employers of less than 10 people — who are extremely concerned about the legislation and the impact it will have on them, the people they employ and others who are important to the future of their businesses. The Australian Retailers Association Victoria (ARAV), an important organisation, stated in a letter to the Premier dated 13 November, which is only yesterday:

The bill, if implemented, would cause severe difficulties to many small and, particularly, regional retailers. It will undoubtedly cause reconsideration of employment costs and inevitably cause unemployment in the retail industry. It fails to look at practical implications of the provisions and the impact on small business. It must be recognised that some small retailers do not earn as much as some of their employees!

Currently, most retailers employ their staff in accordance with schedule 1A of the Workplace Relations Act 1996 ... Many retailers have arrangements with their staff which would include non-financial benefits.

The letter goes on to detail a number of other concerns of the association about the legislation. It says the powers proposed to be granted to the Fair Employment

Tribunal are greater than those of any other industrial relations commission. It states:

The tribunal has the power to 'declare a condition of employment in relation to any matter'. The bill has failed to impose any limits to the tribunal's power other than the fact that their orders may not affect employees earning more than \$72 100.

The letter later emphasises the importance of the federal system:

The bill has created a further anomaly in that a retailer roped to the federal award would be obliged to comply with the tribunal's industry sector orders and with the provision of leave loading to a class of employees who have never had any such entitlement.

The letter also addresses the extended impact of the bill as follows:

In accordance with clause 87 of the bill, the tribunal's decisions to vary industry sector orders will affect such employees. Therefore, an industry sector order to pay employees overtime penalty rates would apply to all such salaried employees. The bill's imposition of annual leave loading is also payable to such employees —

even where there has been an arrangement that it is not payable. The letter continues:

Again, there is no ability to offset current terms and conditions with the proposed payments.

The letter also talks about enterprise agreements. However, the most important part of the letter, which is signed by the executive director, Mr Timothy Piper, is the last paragraph, which highlights the concern of the organisation and puts into words the concerns expressed to members of the National Party by many organisations and individuals. It states:

In conclusion, we recognise from the task force report that certain sections of the community need protection with respect to the setting of wage rates and enforcement of their rights. Unfortunately, as set out above, the bill has far greater scope than merely seeking to provide the disadvantaged section of the community increased employment standards. The bill, if proclaimed, will result in significant labour cost increases and disadvantages to small businesses. We seek that the bill be rejected and industry consulted to the development of legislation that provides the protection to the disadvantaged workers without the disadvantage to the trading ability of small business.

That highlights the concerns of the ARAV, formerly the Retail Traders Association of Victoria.

It is important that while we are debating the legislation we understand the concerns and strong views coming from such bodies as Troubleshooters Available. Mr Peter Bosa, the company's executive director, sent a letter to me, which states in part:

Don't be confused by the Labor Party's rhetoric that the Fair Employment Bill has anything to do with fair employment. It should be seen as the wolf in sheep's clothing that it really is.

The bill gives the union, which has no members on site, is not a party to an agreement, or has not been invited to intervene, the right to notify the commission of a perceived dispute giving it the power to bring those parties in front of the commission.

A union that may not be involved in a particular workplace may become involved through the proposed legislation. The letter further states:

This insidious piece of legislation cuts through all contracts, and business will have no surety in their dealings ...

The basic democratic doctrines of freedom of choice and freedom of association are being treated with a level of arrogance that most Victorians believed had passed into history.

This is a return to the old-style Labor Party politics of pandering to Trades Hall regardless of the consequences.

Troubleshooters Available highlights the difficulties that will be created as a result of the government's pushing the bill through Parliament in haste. The National Party believes the bill should be reviewed and totally rejected.

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

Mr JASPER — Prior to the suspension of the sitting I was expressing the great concern of the National Party about the thrust of the legislation and the lack of transparency and consultation about it prior to its introduction. Anyone who read the whole 185 pages of it clause by clause would have to be deeply concerned about its implications and the extent to which it will involve and improve the position of trade unions in Victoria.

I also said I had received extensive representations from a large range of organisations and quoted a letter to the Premier from the Australian Retailers Association Victoria expressing its deep concern about the legislation. I also quoted a letter from Troubleshooters Available that makes clear its absolute disgust with the thrust of this legislation.

An article by Mike Nahan in the *Herald Sun* of 4 November headed 'New IR laws lack balance' states in part:

The Bracks government introduced a new industrial relations bill into Parliament this week which has potentially disastrous consequences for small businesses and their employees.

Although the government claims to be motivated by the need to stop people from falling through the safety net, its real aim to provide for greater union influence in workplaces.

Another section of the article states:

Moreover, there is no need to re-establish a state IR tribunal.

The Australian Industrial Relations Commission has the power to alter the level and number of entitlements under schedule 1A and the government, employers or employees are free to make application to do so.

The Victorian Farmers Federation is opposed to and has expressed deep concern about the legislation and believes there needs to be further extensive consultation. A letter to the National Party from the VFF states:

The Fair Employment Bill is to be debated in the Victorian Legislative Assembly very shortly. The VFF is concerned about a number of aspects of this legislation, including the haste with which the government appears to be pushing it through Parliament. Consultation with industry regarding the detailed issues raised by the bill has been grossly inadequate.

The VFF is strongly opposed to the principle of re-establishing a Victorian industrial relations system.

Further on the letter goes through the various clauses of the bill about which the federation has great concerns:

The bill has extensive provisions outlining the operation of the tribunal and proposes the appointment of 'information service officers', who could be more accurately described as industrial police.

It goes on to state:

The cost to the government of this bureaucracy will be at least \$10 million per year. The cost to industry of complying with another set of complex industrial laws cannot be estimated but it will be large.

I cannot include all the comments because it would extend my speech beyond an acceptable time limit, but the VFF goes on to talk about the loss of jobs, which has also been referred to by a range of other organisations that have made contact with the National Party. There will definitely be a loss of jobs in Victoria as a result of the legislation. The letter continues:

On the surface it represents unrealistic and unworkable legislative interference in the business and domestic arrangements of many thousands of family farm partnerships in Victoria.

The VFF also criticises proposed section 6 of the legislation:

It is perplexing to contemplate how a person running a small business can be an employee without a regular employer.

The letter goes on:

Section 9 introduces the novel concept of an occupation being declared to be an industry. There are currently 18 industry sectors and no sectors are defined by reference to occupation.

It seems illogical to suddenly permit occupational classes to be categorised concurrent with an industry sector approach.

In the last couple of paragraphs the letter states:

In relation to grievance resolution, the bill has been broadly drafted to allow the tribunal general dispute handling conciliation and arbitration powers. In this respect the bill departs from the recommendations of the industrial relations task force ...

The task force was set up by the government earlier this year to come up with recommendations which the VFF believes it has not responded to. The last paragraph of the letter states:

This bill needs to be reconsidered by the government. Our preferred approach —

that is, the VFF's preferred approach —

is for the government to abandon this legislation and negotiate with the federal government in order to incorporate its principal objectives within federal legislation. In this way a unitary system —

and it is important to emphasise that it is a unitary system —

of industrial relations in Victoria can be maintained in both rhetoric and fact.

As I have indicated, the National Party has received representations from a range of organisations and individuals. I wish to refer to information in a letter sent by Des Moore from the Institute of Private Enterprise. It is important to get these sorts of comments on the record so the government understands that out there in the marketplace a lot of people are extremely concerned about the legislation and the impact it will have on the economy and the state of Victoria. That is what the government really needs to look at.

An honourable member interjected.

Mr JASPER — Some government members, particularly the honourable member for Melton, would not really understand what business is all about. I would like to — —

An honourable member interjected.

Mr JASPER — No, I would not go into business with him; anyone going into business with him would end up broke.

In Victoria there needs to be a perception of confidence — people with confidence in the government and in what is going on in the state. However, I can tell honourable members that

employers in Victoria are fast losing confidence in this government — and it is coming home to roost.

The concern is out there in the marketplace. Because of those perceptions Victorian businesses are relocating, reducing employment and looking at what their future in Victoria may be. It is all about perceptions.

Mr Nardella interjected.

Mr JASPER — The honourable member for Melton keeps interjecting. I would love to see how he would go in business. He would go broke straightaway, because he really has no understanding of what it is like to run a business if he can agree with this sort of draconian legislation. I guess the honourable member for Melton has not even read it and probably does not understand it anyway. Let him go through the bill clause by clause. Let him speak to some of the organisations that have made representations to the National Party. If he did so, he and other government members might have a greater understanding of the community's perception of the legislation. Part of it is perception. However, the reality is that there will be real problems if the legislation is passed.

I am also concerned by the Independents' support for the legislation. Why would the Independents support the government on this legislation? Have they talked to the people in their electorates? I challenge the honourable members for Mildura, Gippsland East and Gippsland West and the Minister for Local Government to do so. Have the two honourable members representing Bendigo electorates talked to the people of Bendigo?

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Murray Valley, without assistance.

Mr JASPER — The honourable members from Bendigo have no investment in business and do not understand it. They ought to talk to people in business — they are the people creating the wealth for Victoria, not the government, which can only set the parameters. The people who generate the wealth for Victoria are the employers: they take people on and generate profit, and from that they generate further employment. That is the name of the game.

Mr Cameron interjected.

Mr JASPER — You have never been in business! I would not go into business with him. We would go broke. The minister does not understand how business

works, but I do. I have grown up in business. If you have been in business you have a true understanding of it, particularly small business. Small business owners will certainly be affected by the legislation. In Victoria the largest number of employers are those in small business.

I challenge the honourable member for Melton, the Minister for Local Government, who is the member for Bendigo West, and the honourable member for Bendigo East to talk to the people in their electorates, the employers — the owners of large, medium and small businesses — and ask what they think about the legislation. They are just starting to understand its implications. People do not understand the full impact of the legislation because they have not seen it.

The government is saying it has a task force, the members of which have done a lot of work and come up with a report, and from that report the government has produced legislation. I have already quoted from a letter stating that the organisation concerned does not agree that the legislation brought before the Parliament is a true reflection of the task force report. That is the key.

The legislation was introduced on 26 October and honourable members were meant to tell people about it. I guarantee that most employers know nothing about the legislation. Their organisations do, but individuals do not. They should go out to the individuals. They know nothing about it. Again I ask the minister whether he has been — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member should not entice government members. When asking questions he should address the Chair.

Mr JASPER — It is difficult when you get idiotic interjections from people with no understanding of business or of the legislation who are making a joke of it. The legislation contains 185 pages and 276 clauses — you only need to look at that to get the full impact. The government is asking the opposition to look through the bill, analyse it and vote on it.

The National Party is opposed to the legislation because of the impact it will have on Victoria. Government members can talk about clauses and issues, but the legislation is against the best interests of the state of Victoria. Most people recognise that confidence is a big issue. Through the 1990s Victorians had confidence and at present the state is in a strong financial position. That may change in the future. The National Party is receiving representations from all sorts of people and

organisations saying that the legislation is not good for the state of Victoria. I challenge the government to reconsider it.

The government had the audacity to force a vote to include the bill in the government business program so that it would be debated and passed this week. It failed to respond to the opposition's call for further consultation. The three Independents backed the government on the legislative program for the week. The National Party does not want the legislation debated now because it is inappropriate. It will be ineffective and not in the interests of Victoria.

Mr Savage interjected.

Mr JASPER — I wonder whether the honourable member for Mildura has talked to all his organisations. Have you —

Mr Savage interjected.

Mr JASPER — Yes. The National Party is opposed to the legislation. The honourable member for Mildura asks me where I will be. I ask where he will be when the division is called. He will vote with the government —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Murray Valley, through the Chair.

Mr JASPER — I have no doubt that the honourable member for Mildura is locked in and tied to the government on the legislation. Why would he vote with the government when he understands there are so many organisations, employers and individuals opposed to the legislation? Has he talked to his constituents? He has not even been given time to do that, but he is saying the legislation is terrific. It has 185 pages, yet he is saying, 'She's right!' The honourable member has probably not even read it. Has he sent it out to the employers? Has he talked to the people? The Minister for Local Government laughs. He thinks this is a joke, as he thinks workers compensation is a joke.

Talk to the people and ask them what they think about the bill. Talk to the hotel keeper at Yarrowonga who wrote to me last week and said that his workers compensation premium had gone from \$5400 to \$10 400 — an increase of almost 100 per cent. He has 10 employees and has not had a claim for 10 years. The minister laughs about it.

I challenge the Minister for Local Government to talk to people in his electorate and tell them that he is pushing through legislation that has not been properly

debated. He will find his constituents will be unanimous in the view that he should do the right thing and give Victorians the opportunity of properly examining the bill. That is the way I read it.

That is not only what I am saying. People are contacting the National Party. I have received a letter from Des Moore, director of the Institute for Private Enterprise, who states:

Premier Bracks has plunged out of his depth into a sea of 185 pages of new Victorian employment legislation having the main purported purpose of providing 'fairer' minimum conditions for certain employees. In reality, his proposals would greatly extend the regulation of both employment and business, adding to deterrent economic effects already emerging from union aggression. There are worrying parallels with the era of Premier Cain, who progressively lost control to a confrontational union movement whose HQ is Victoria.

He goes on to say:

The hidden agenda is the desperation of the dwindling union movement for more regulation because supervisory tribunals inevitably favour it. That bias reflects the failure to understand the considerable opportunities for employees when negotiating under modern competitive conditions with the numerous employers that operate businesses.

The union influence is reflected in the emphasis the legislation gives to 'compliance', dressed up as providing 'improved services' to both employers and employees.

The letter goes on and is highly critical of the legislation.

An article in the *Age* of 13 November by Stuart Kollmorgen and Dan Feldman under the heading 'Costs of new bill outweigh benefits' states:

The Victorian government's Fair Employment Bill introduced into Parliament this week will, if passed into legislation, have an immediate impact on Victorian businesses. It will impose additional costs on thousands of Victorian employers and will cost Victorian jobs.

The government's independent report indicates that almost 2000 job losses are anticipated, while the Victorian Employers Chamber of Commerce and Industry says the figure will be closer to 22 000. Either way, any proposed legislation that directly results in job losses due to increased business costs should be looked at closely.

That is the tenor of letters and reports the National Party is receiving. Earlier I said that the industrial relations task force came up with extensive reports on what should be done.

Mr Nardella interjected.

Mr JASPER — Listen and you will learn something!

The ACTING SPEAKER (Mr Seitz) — Order!
The honourable member for Murray Valley will ignore interjections as they are disorderly.

Mr JASPER — Mr Acting Speaker, when you hear a voice that interjects so often and so inappropriately and comes from a person who has no understanding of the legislation, it is difficult to ignore. I would guess the honourable member for Melton has never been to country Victoria.

The industrial relations task force produced a report and the Victorian Automobile Chamber of Commerce produced a submission that supported many of its recommendations. One or two people on the government side have said to me that the VACC supports the legislation, but it is damn well concerned about it now. It supported the thrust of trying to make industrial relations better where people could obtain improved conditions and negotiate, having one tribunal at a federal level, but the legislation suddenly appeared in the Parliament almost three weeks ago.

The VACC has again written to members of Parliament and others. I will not read the letter because it covers many of the points I have already made.

Mr Cameron — On a point of order, Mr Acting Speaker, I wonder whether it is appropriate for the honourable member for Murray Valley to declare a pecuniary interest in the event of his discussing the VACC. He may be a member of that organisation, and if he has a pecuniary interest in it, it is appropriate that he declare that interest.

Mr JASPER — On the point of order, Mr Acting Speaker, I take extreme exception to the comments of the Minister for Local Government. It is obvious he has been in the Parliament for only a short time otherwise he would understand the position that I hold. My family runs a Holden dealership business at Rutherglen in north-eastern Victoria and at Corowa in New South Wales. It is a third-generation business that has operated for more than 100 years. Members of my family have been General Motors dealers since 1929 and RACV agents since 1934, and in my view they have the highest reputation.

I declare to the house that my family owns part of Jasper Brothers at Rutherglen and operates that franchise. I have no direct interest in the business, and I suggest that the minister at the table would be well advised to obtain the pecuniary interest book, examine it and then come out and challenge me. He will be defeated on his remarks. It is disgraceful that he should bring the issue against me in the house. My conscience

is clear. Jasper Brothers has been a member of the Victorian Automobile Chamber of Commerce since the 1930s. I challenge the Minister for Local Government and ask him to withdraw his comments. I take exception to his manner and tone.

The ACTING SPEAKER (Mr Seitz) — Order!
There is no point of order.

Mr JASPER — I can understand why the minister has his back to me and I can understand why he was talking to others while I was answering his point of order. His lack of understanding has been found out. He is a cheapskate — —

The ACTING SPEAKER (Mr Seitz) — Order!
The honourable member for Murray Valley should return to the bill.

Mr JASPER — I again challenge the minister to examine the record. He will find that it is clear. I suggest that he listen to the debate and refrain from introducing side issues. I will continue because the debate is important to Victoria, although the minister does not understand that. Because of his attitude the minister has gone down in my estimation. He is the minister at the table, but he is speaking with other members and is not listening to the debate. It does not worry me who he speaks with. My comments are on the record and the matter will be followed through.

Kevin Redfern, who is the director of industrial relations and training with the Victorian Automobile Chamber of Commerce, sent a letter to various members of Parliament. The letter is addressed to the member for Wimmera, who gave it to me because he felt I should have the latest information from the VACC. I was inappropriately interrupted by the Minister for Local Government when I was explaining that the VACC was a party to the industrial relations review and supported many of the directions it took. However, after seeing the legislation the VACC sent out this letter. I will read the last paragraph, because it is important:

Of most concern is the speed in which the bill is progressing. There is little time to properly consult and consider the wording in this bill, and we call on members of Parliament to debate these issues and press for a delay to properly consider the detail of the bill.

That is what we are calling for. The National Party opposes the bill as it is. Surely a delay is what is needed.

There is no doubt that the most important document I received came from the Victorian Employers Chamber of Commerce and Industry, which was referred to by

the Leader of the Opposition. I will quote some of the paragraphs from VECCI's letter of 10 November, which was also addressed to members of Parliament. The first paragraph says:

The state government has recently introduced a bill into state Parliament which proposes to shackle Victorian business with an unprecedented framework of industrial relations regulation.

VECCI believes the bill proposes an unwarranted degree of intrusion into business activity and, if implemented, would add an unprecedented level of complexity and complication to the cost of doing business in this state.

VECCI goes on to highlight some of the issues of concerns:

The emotively titled 'Fair Employment Bill' contains an extraordinary range of provisions.

The letter refers to trade unions being given the right to enter all Victorian workplaces, officers having the power to obtain search warrants and issue on-the-spot fines, principals being made liable for the unpaid wages of employees of subcontractors engaged by the principals, and independent contractors being deemed to be employees and regulated like employees by the tribunal. The most interesting part of the letter is the third last paragraph, which indicates that VECCI will be conducting meetings around Victoria — and the dates are interesting. The letter states:

Regional briefings are scheduled to be held in Ballarat on 20th November, Geelong on 21st November, Shepparton on 22nd, Bendigo on 23rd November and Traralgon on 29th November.

VECCI is so concerned about the legislation that it is looking to hold those meetings as early as possible. However, the government says it will not hold up the legislation but will push on because it thinks it is appropriate. Members of the National Party are opposed to the legislation in its present form and support the reasoned amendment moved by the Leader of the Opposition.

I will highlight the concerns raised about the legislation. It gives the tribunal power to delegate a condition of employment in relation to any matter, allows unions a right of entry to all workplaces and introduces on-the-spot fines. It also deems a manager to be an employer and therefore personally liable for the obligations imposed by the bill, and makes a principal liable for the unpaid wages of employees of a subcontractor. It is absolutely outrageous to have that sort of thing in legislation. Independent contractors are deemed to be employees; and if there are four or more partners in a partnership, that partnership is deemed to be a firm and the partners employees thereof. The

tribunal will be able to review contracts, and consultation will be required if employees are terminated for economic, technological, structural or other similar reasons. That is the unfair dismissal part of the legislation.

The government has not bothered about consulting on the bill, which is a grab bag of provisions from across Australia. The bill goes further than the industrial relations task force recommends. The National Party is not dismissive of the concerns raised about workers not getting a fair go. However, there is no doubt that most employers are genuine in what they do and look after the people they employ in a sensible manner.

Given its pledge of openness and accountability, we in the National Party call on the government to undertake more community consultation and to come up with a better solution by amending the draconian parts of the legislation. We recommend that the legislation be withdrawn and held over until the 2001 autumn sessional period so we can better assess its full implications. The time limits are too restrictive. I believe there would not be 1 in 10 businesses that understand the implications of the legislation — although they are suddenly finding out about it.

Many workers know that the government has admitted that the legislation will cost jobs, and VECCI believes it will cost even more. If the government is serious about being open it should have no hesitation in withdrawing the legislation and opting for community consultation to enable it to improve the legislation. It should do what it said it would do in the first place. The government promised openness, consultation and fairness when it was elected, and it should live up to those promises.

If the government pushes on with the legislation with little regard for the person in the street and, more importantly, for Victoria and the Victorian economy, it will become obvious that it is dancing to the union movement's tune. The government must allow the legislation to lie over and provide the maximum time for consultation. The National Party will be opposing the legislation and will therefore support the reasoned amendment moved by the Leader of the Opposition. I believe there may be more room for debate during the committee stage of the bill in the Legislative Council, so the legislation can be reviewed there. However, in its present form the legislation is unacceptable to the National Party, unacceptable to this side of the house, and certainly unacceptable to the people of Victoria.

Mr ROBINSON (Mitcham) — I commence my contribution on the Fair Employment Bill by declaring my hand. I am a proud member of the Australian

Services Union, as are other members on this side. The honourable member for Tullamarine is a former president of that esteemed organisation. I am happy to declare my interest to the house, just as I am happy to declare that I stand here as a representative of the people of Mitcham, many of whom have been underpaid and short-changed as a result of the changes made to the industrial relations system by the previous government.

After 4½ hours of debate we have managed to elicit from the honourable member for Murray Valley that the National Party opposes this bill. We hope that he is true to his word when it comes to a vote. Otherwise the National Party's standing with the groups it has purported to represent in the debate so far will be diminished! However, despite the lengthy contribution from the Leader of the Opposition, we do not know where the Liberal Party stands. We know no more now than we knew at 4.00 p.m., when this debate started. The Leader of the Opposition has committed a cardinal sin — that is, he has failed abysmally to offer any leadership on the bill to that side of the house.

I did not realise that from the perspective of the Liberal Party the Fair Employment Bill is just one more excuse to avoid making a decision. Members opposite say they have not had enough time, yet when the Premier made his second-reading speech at the end of October they chose not to offer an alternative to what the Premier offered in moving the adjournment of the debate. They had the opportunity — they could have called for a division — but there was no division. Honourable members are welcome to check *Hansard* to confirm that. Not content with dropping the ball on that occasion, earlier today the opposition moved an amendment to the government's business program. The opposition chose to take that to a division and lost. Now they roll up one more time and say they need more time. They have lost that debate, so the Leader of the Opposition has the opportunity to show a bit of backbone and say yes or no to the bill — but he has failed to do so.

Members on this side of the house — and many members opposite — would compare the current Leader of the Opposition with the former leader of the Liberal Party, who would not have been caught dead not taking a position.

That is the Leader of the Opposition's form: he demonstrates weak leadership and simply wants to procrastinate. The bill and the government's amendments deserve support. The opposition has taken the strident position that somehow the bill will open the floodgates and inflict hardship on Victorian businesses.

It conveniently ignores the hardship that the existing system has inflicted on thousands of Victorians over the past few years. As examples one need look no further than the many submissions made to the task force, and I will refer to some of them.

Mark Brown, who is 26 years old, has worked in the hairdressing industry since he was 13. In his submission he stated:

As a result of the working conditions currently in place for Victorian workers who are not covered by the federal award, I am forced to endure many hardships which I cannot bargain for as a qualified hairdresser.

... I am forced to work between 45 to 50 hours in a given week. I have no choice but to work these exorbitant hours. It would seem to me —

as it would indeed seem to government members —

that the people who wrote the provisions for Victorian minimum standards do not understand that it is not normal for a full-time hairdresser on minimum conditions to work 38 hours. Businesses are open now for 65 hours a week.

Ryan, a branch manager at a local computer store that trades seven days a week, said in his submission:

My weekly hours for which I am paid are 46. For this I receive a minimal wage of \$30 000 per year. Despite numerous requests for a proper and fitting wage to recompense for the skills, expertise and seniority that I possess, I am refused and constantly told that I am paid as much as the firm can afford.

Our weekly pay is consistently late and is not available to be drawn until Saturday. I have been told by the finance director I should open an account with the Commonwealth Bank instead of my bank and the pay would then be available on the Friday.

Ralph currently works as a casual shop assistant at a large supermarket. He has more than six years experience in the industry. He states:

At present I believe the conditions of my employment are poorer than is acceptable in a highly developed equitable society ... I am left in the situation where I can either accept the terms offered by my employer or not work at all.

The Leader of the Opposition and the Liberal Party generally are deaf to the concerns of and calls for reform from ordinary, decent and hardworking Victorians. A little while ago honourable members saw the Leader of the Opposition refusing to accept the many hundreds of letters that had been written to him by owner-drivers who were seeking no more than a better deal. It is not good enough.

Hardworking Victorians who are being done over by the existing employment arrangements are just seeking a fair deal. They aspire to have simple things included

in their employment contracts, such as minimum hours of work, public holidays and bereavement, parental and long service leave. That is what lies at the heart of the bill. In their contributions so far opposition members have barely acknowledged, let alone apologised for, the hardship inflicted on Victorians as a result of the decisions they made in the seven years they were in charge. It is an appalling indictment of the way the opposition parties are led and the way they view the world. The aspirations of the hardworking Victorians I represent are simple; they do not constitute a revolutionary agenda.

Honourable members should be aware that in its report the task force came to the powerful conclusion that more than 140 000 Victorians earned under \$10 per hour and nearly 330 000 earned under \$12 per hour. Furthermore, the report said that a greater proportion of Victoria's work force was in low-wage jobs compared with the New South Wales work force and the national average.

In an article in the *Age* of 5 November 1999 Andrea Carson found that employers in Melbourne had achieved the dubious honour of becoming the most tight fisted in the country. What a great reflection on the seven years of the Kennett government and in particular its re-engineering of the industrial relations system. Victorian employers became the stingiest in the country and Victorian workers were left begging for what were no more than decent working conditions!

Honourable members ought to be aware, if for no other reason than the recent newspaper coverage, of the appalling practices in the outworking sector. The opposition crows about being concerned for outworkers and other under-remunerated employees in Victoria, yet in all its time in opposition it has not put forward any proposal to deal with the problem. All it wants is another opportunity to avoid making a decision. That is the cardinal sin of leadership.

The government has proposed a number of commonsense amendments that pick up on the concerns that have been expressed and give the lie to the opposition's claims that the government is not listening. The amendments recognise the legitimate concerns of some religious groups — —

The ACTING SPEAKER (Mr Seitz) — Order! I ask members of the opposition to take their seats.

Mr ROBINSON — The amendments, which are very reasonable, aim to do three things. Principally, they make provision for people who have genuine religious objections to officers having the power to

enter their premises for the purposes of inspection. That amendment is proposed to take the form of a new clause to follow clause 227.

Secondly, the government is proposing that an amendment be made to allow the determinations on leave loading to be undertaken as part of industry determinations themselves rather than as a right. That certainly picks up the concerns that have been expressed by a number of people in the business community.

Thirdly, in response to concerns that have been expressed the government is proposing that the way in which the tribunal may consider the question of whether contractors are to be deemed to be employees in certain cases be restricted and qualified.

The government has listened to the community. The house heard a lot of claptrap about the right of entry, but it is worth pointing out that the bill seeks only to adopt the commonwealth standard. We heard earlier in the contributions of honourable members opposite that the commonwealth was on the right track, yet they seek to change it when it comes to access.

I conclude by offering this one piece of advice: the Liberal Party has a clear choice. It can take a position and make a decision, as it should, either to support or oppose the proposed legislation. I will be supporting the bill because it is in the overwhelming interest of the people in the electorate I represent and it seeks to do no more than achieve a fair deal.

The other option is for the Leader of the Opposition to do the dead-man-walking impersonation and simply ask for more time not to make a decision. We all know that that simply is not good enough. It is something that the former leader of the Liberal Party would not have stomached for one minute. Opposition members know that, we know it on the government benches, and the people of this state will be watching with great interest to see the Liberal Party's position on the bill.

Mr WILSON (Bennettswood) — I welcome the opportunity to speak on the Fair Employment Bill. It goes to the very credibility of the government. In opposition, the Labor Party told the Victorian community that two matters were essential to good government and to a vibrant democracy. The ALP said firstly that it would restore rigorous and detailed debate in the Parliament, and secondly it said it would be a government that would consult with the broader community and stakeholders affected by government policy. On any analysis, the government has breached

those two undertakings to the Victorian community when it comes to the bill before the house.

In contrast to the lack of consultation by the Labor government, the Liberal Party has consulted widely on the bill and intends to consult even further. I am pleased to advise that among those we have consulted with are the Victorian Employers Chamber of Commerce and Industry (VECCI), the Australian Retailers Association, the Australian Industry Group, the Restaurant and Caterers Association, the Victorian Farmers Federation and the National Farmers Federation, the Housing Industry Association, the Master Builders Association and, believe it or not, the Victorian Trades Hall Council.

Overwhelmingly, with one obvious exception, those peak industry organisations have expressed grave concerns about the detail, intent and timing of the bill. To highlight the concerns of some of the bodies and in support of the motion to adjourn debate on the bill, I quote from some recent media releases.

A media release of 26 October by the Australian Industry Group is headed 'Fair Employment Bill is a big mistake'. Its opening paragraph states:

The Australian Industry Group believes the Victorian government's Fair Employment Bill to establish a limited state industrial relations system is undesirable and unnecessary.

In its media release also dated 26 October, VECCI states:

Only weeks after receiving a lengthy set of recommendations from the industrial relations task force, and after even less time to commission and analyse a promised economic impact study, the state government is now acting with indecent haste to rush its new IR laws into Parliament.

Finally, on 25 October, the Australian Retailers Association issued a media release that reads:

Retailers have given the thumbs down to industrial relations changes being proposed by the state government.

...

The retailers sent a clear message to the government not to change the current employment system in Victoria.

That is a clear indication that the major employer organisations in Victoria are most concerned about the bill. It is reason enough to support the adjournment of debate on the bill until a time when all stakeholders have had an opportunity to consider its impact upon their members or individual businesses.

VECCI has estimated that the bill may result in the loss of more than 22 000 jobs in Victoria. The government's

own assessment admits that at least 2000 Victorian jobs are in jeopardy. When there is legislation before the house that has the very real potential of destroying jobs in Victoria it is the responsibility of Parliament to step back, reconsider and give adequate time for full and proper analysis.

The bill has major implications for Victorian employers. During my contribution to the debate I want to focus on some of the concerns that have been raised by peak organisations. Under clause 5 there is a broad definition of an employee. It is extended to include independent contractors, owner-drivers and tradesmen. These employees will have access to a range of minimum terms and conditions of employment, some of which are the reintroduction of the 17.5 per cent annual leave loading, an increase in sick and carer leave entitlements and the introduction of bereavement leave.

Of great concern to the many peak bodies with which the Liberal Party has consulted is the establishment of what is quaintly called the Fair Employment Tribunal. This new industrial relations commission, a stark reminder that the government is looking backwards rather than forwards, is created by clause 115. The tribunal will have significant powers. Concern has been expressed to the opposition that the power under clause 108 to review so-called unfair contracts of independent contractors will expose many Victorian businesses to litigation. There may also be retrospective application, which is reason enough for the debate to be adjourned so that adequate consultation and analysis of the bill can take place.

In addition the new tribunal will have the power to mediate, conciliate or make orders in relation to workplace grievances; make orders up to \$20 000; set minimum terms and conditions of employment; and set minimum industry sector orders for all Victorian employees who earn less than \$71 200 indexed. These may include rates of pay, overtime rates, penalty rates, and redundancy and severance entitlements. The role of the tribunal may therefore significantly increase the minimum entitlements of Victorian employees not previously covered by a federal award.

Clauses 93 and 94 are of particular concern to organisations such as the Housing Industry Association and the Master Builders Association. These clauses impose obligations on principal contractors to be liable to pay the remuneration of employees of subcontractors unless proof of payment is given.

Chapter 5 of the bill has caused great concern among employer groups throughout Victoria. The Liberal Party has received advice that this area of the bill has

the potential to cause massive industrial unrest in Victoria.

Division 1 of part 1 of chapter 5 allows for the appointment of information service officers. Clause 214 covers their appointment. Disturbingly, an officer may enter any premises where that officer believes work is performed or documents are kept.

Clauses 217, 218 and 219 provide for inspection of any work, machinery or documents and empower information service officers to take samples and interview employees. There are harsh penalties for the hindrance or obstruction of those industrial investigators. The extensive powers given to the proposed new information service officers can extend to the involvement of police to assist those officers, the ability to obtain search warrants and the right of entry, qualified only by the broad obligation to 'cause as little harm and inconvenience or damage as possible'.

The amendment proposed by the Leader of the Opposition is eminently sensible. The advice the Liberal Party has received from peak employer groups is that the bill is ill conceived, philosophically driven and a direct threat to jobs and growth in Victoria.

A letter dated 13 November from VECCI to the Leader of the Opposition clearly summarises the concerns of industry and employers. It states:

We write to express our concern about the package of proposals contained in the Fair Employment Bill and to urge the opposition to force the government to reconsider its decision to proceed with passage of the bill at this time. The government's intention to reintroduce a comprehensive state-based industrial relations system in Victoria represents both a lost opportunity and an unwarranted threat to business in this state.

The letter concludes:

We acknowledge this government has different priorities. For example, issues associated with the circumstances of outworkers have been highlighted. Concerns have also been expressed about compliance enforcement, particularly in regional Victoria. However, these issues do not warrant the sweeping response encompassed in the proposals contained in the poorly drafted and emotively titled Fair Employment Bill.

In a press release dated 23 October VECCI made the following observations:

We're not talking about a minor legislative amendment here. We're talking about one of the most significant changes to our industrial relations system in years. The changes will impact upon almost a third of Victorian businesses.

Victoria's current industrial relations system has provided a framework of certainty and consistency for business ...

...

The re-establishment of a separate state tribunal, separate state laws and highly prescribed conditions will do just the opposite — they will increase the cost of doing business and decrease flexibility for small businesses.

The bill was introduced into the Legislative Assembly on 26 October and the second-reading motion was moved on 28 October. On 14 November the government expects the opposition to fall over and allow the legislation to pass — despite the many dangers and flaws I have just outlined. I urge the house to support the reasoned amendment of the Leader of the Opposition.

Ms BEATTIE (Tullamarine) — I stand here as a committed trade unionist. I have been a trade union member all my working life and I was president of the Australian Services Union for eight years. In that eight years I saw the demolition of the industrial relations system in Victoria.

The name of this bill is the Fair Employment Bill, and I think that is the trouble members of the opposition are having with it. They do not understand the concepts 'fair', 'honest' and 'just'.

I will go through a little of the history of the Kennett government's attitude to industrial relations that I have heard lauded here tonight, but I also want to touch on some of the emotive language that has been used tonight and this afternoon. Trade unionists were called thugs, bullies and standover merchants. At 4 foot 10 inches I cannot stand over anybody, and that reflects the total hypocrisy of the argument of members of the opposition.

Mr Robinson interjected.

Ms BEATTIE — But I am an intellectual giant, as the honourable member for Mitcham interjects.

I will make some points about the consultation members of the opposition have talked about so much that will reveal their utter and shameless hypocrisy. I refer to election day — the 3 October 1992 election day. How much community consultation did the Kennett government have on its industrial relations bill? None! The bill was drafted by Phil Gude. I think he consulted a couple of people — one was Black Douglas and the other was Johnny Walker, although it may have been only one; I am not sure. What utter contempt he must have had for Victorian workers to draft a bill over a bottle of Scotch and then gloat about it.

Mr Gude introduced a bill into Parliament on 28 October 1992, four weeks after the Kennett government started to govern — the first instance of the

black hand. After the minister's second-reading speech the bill was adjourned for consultation for one week. Public reaction to the legislation — don't forget that the opposition is now the champion of the working class — resulted in 200 000 people out the front of this place protesting about their loss of wages and conditions.

A Government Member — I was there.

Ms BEATTIE — I was there too. The bill was passed two weeks after it was introduced. The legislation commenced on 1 March 1993, and it was so carelessly drafted after those bottles of Scotch that there were 80 house amendments.

I heard the opposition leader saying today that we should take a lead from Mr Reith, the federal workplace relations minister. We all remember his role in the Maritime Union of Australia dispute. I refer to an article in the *Herald Sun* of 3 November headed 'Docks row no benefit to industry'. What does it say?

Corrigan's pockets have been filled and those of his shareholders, but exporters have received nothing ...

Nothing at all.

There are many other proud trade unionists on this side of the house who want to speak on the bill but the utter shamelessness of the opposition is contemptible. I commend the bill to the house. As I said in my opening remarks, 'fair', 'honest' and 'just' are the concepts that underlie this legislation. And that is what this bill is — just and decent.

Mrs FYFFE (Evelyn) — I am pleased to speak on the reasoned amendment moved by the Leader of the Opposition. Because the Fair Employment Bill is complex, more time is needed for consultation. In having the first reading on 26 October and the second-reading speech on 28 October, and in distributing 12 amendments on Monday and circulating another 35 amendments today, the government has not allowed enough time for consultation.

The bill will cost jobs: it is estimated that 22 000 jobs will be lost overseas. The government, which is supposed to be pro business, is turning Victoria into the place to be unemployed! The government is a puppet of the trade unions. Yes, there are some legitimate concerns about the conditions of some outworkers, but that does not mean we need a special bill like the one before the house. Outworkers' conditions can be dealt with under existing legislation.

I do not know whether any government members have ever visited the homes of any outworkers or talked to

their employers. I have met a lot of them and can inform honourable members that a parent working on her own in a strange country may not want to send her children to a day centre or otherwise put them into the care of others. Such a person may not want to work in a factory. Even though an outworker's pay is low, being home with the children may be more important.

I spoke with a person on Sunday who employs a lot of outworkers all over Melbourne. He has been doing it for quite a while and regularly employs the same workers. I asked him what he will do with his outworkers if the legislation is passed. He replied, 'Chris, I will just get a lot more work done in India and Indonesia'.

Government members interjecting.

Mrs FYFFE — He is not a Liberal supporter. At the last election he voted Labor and his wife voted Green. They are not Liberal mates, just people I admire because of what they have done since coming to Australia. Under the proposed legislation the 40 people he helps and gives work to will not have any work. The government will take away the jobs of people who are now working at home, who will have to rely on social welfare payments, leave their children in the care of strangers — the thing most abhorrent to them — or work night shift and have their partners work during the day.

Government members must realise that for many migrants with no extended families leaving their children in the care of others goes against the grain. Honourable members should take the time to speak to the workers about such matters.

The second-reading speech says of contracts:

A contract may become unfair either at the time it was entered into, or at a later period of time. This will provide an avenue for redress for independent contractors whose contracts have become unfair because of the behaviour of the contractual parties or their agents, or because of outside factors. For instance, a contract may become unfair if external costs that impact on the provision of the contract ...

And on it goes.

If people tender to do some work for me, I accept that tender, the job is done and they are paid in good faith. But what if in six years time they come back and say, 'I did not consider all the charges that came up. I misunderstood, so I misquoted.'? There will be lengthy litigation, and the lawyers will love it. A lot of people make mistakes when they are tendering for contracts. That is what happens in business.

Certain people are to be deemed as employees. In my own business we used one lot of contractors five or six times a year. We did not have sufficient work for them for the whole year so they worked for us and for three other companies. They pruned, sprayed, did some fencing, helped with the bottling and the picking, and helped out at vintage time. Each was a short two to three-week job and each person worked for four or five nearby businesses. Will such people be deemed to be employees? If so, small businesses like the one I had will not entertain the idea of employing them. Rather, they will send the wine out in bulk to be bottled.

Mr Lenders interjected.

Mrs FYFFE — Yes, it does say that. Clause 229 in part 3 says in part:

“**employee**” includes an independent contractor, a prospective employee and a prospective independent contractor ...

So contractors will definitely be considered to be employees. The lifestyles of thousands upon thousands of business people — people living in rural and regional Victoria who are proud of being independent and who, because they cannot get full-time, permanent jobs set up their own small businesses — will be ruined. People like that worked with us three, four or five times a year for about 15 years. The government will destroy their lives and the very ethos of Australia, which is to be independent.

I now turn to the question of payments by principal contractors.

A government member interjected.

Mrs FYFFE — You have no conception of how a business runs. Take the example of a large development housing company that uses a main contractor who then employs subcontractors. In the proposed legislation the government is saying that the main employer can withhold payment until he or she is shown in writing that wages have been paid to the subcontractors. It should be understood that principal employers make periodic payments to contractors during the period of contracts, and the contractors then pay all the subbies and any employees, if there are any.

The proposed legislation encourages the large organisations to withhold payments. Large organisations only pay at the last minute — say, in 60 or 90 days. So the contractor in the middle — the one who has taken the risk, whose house has been mortgaged to acquire equipment, and who has personal loans and every other debt you can think of — now

must incur another debt so he or she can pay wages while waiting for payment from the principal contractor.

The bill will increase costs and make for burdensome paperwork. Bricklayers, plumbers and the like are not clerks or bookkeepers.

Mr Lenders interjected.

Mrs FYFFE — Remember the union business you ran? That was a small business that involved time —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member, through the Chair!

Mrs FYFFE — They already sit there after midnight struggling with the paperwork, and the government is now putting yet another level of bureaucracy on top of that. I wish government members would go out and talk to people about the hours they work.

A government member interjected.

Mrs FYFFE — Being in small business does not mean you have heaps of money. Most people in small business earn less than the basic wage. They have everything mortgaged, and yet the government wants to introduce a further burden.

I now turn to something that is worrying people out there. I refer to the information services officer — that is, the industrial police.

I will read from the proposed legislation. Chapter 5 of the bill contains clause 214 which is headed, ‘Appointment of information services officers’. Clause 214(c) refers to the functions of an information services officer according to the criteria established by the minister. Clause 215 refers to an identity card being issued by the minister. And the list goes on. The government will have the power to do whatever it wants to do. Clause 217(3)(a) provides that an information services officer must cause as little harm and inconvenience or damage as possible. What the heck will they do? Will it mean that information services officers will have no reason to exercise their powers unless they can cause as little harm, inconvenience or damage as possible?

An honourable member interjected.

Mrs FYFFE — Absolutely, it gets worse. Clause 217(3)(b) provides that an information services officer must not remain on premises any longer than is necessary. Clause 217(3)(c) is a beauty! It provides that

an information services officer must leave premises as nearly as possible in the same condition as they were found prior to the officer's entry. Why would there be a risk of information services officers causing damage when they enter premises to inspect papers involving employment records or occupational health and safety issues or to look at machinery? Why is there a risk that they may not leave the premises in the same state as they were in before they entered them?

Information services officers will also be able to gain access without the owner being present. If employers or employees say they do not want to talk to a union they cannot tell information services officers to go away. The government is taking away the rights and freedoms of Victorians. The bill will affect every business; it is a nightmare.

The government should allow time for consultation so people are not panicked by the bill. When I met with 28 people last night to talk about another issue the bill was raised with me.

An honourable member interjected.

Mrs FYFFE — There is little comprehension on the government side of the house of what it is like to put everything you own on the line to start and build a small business. Every big business has started from a small business. This government is killing Victoria faster than Cain was able to kill it. People will be leaving Victoria in droves within the next 18 months.

Ms OVERINGTON (Ballarat West) — As a proud unionist I join the debate on the Fair Employment Bill. I come from an extremely unionist family. My father was the Victorian president of the Hospital Employees Federation of Australia (HEF) No. 2 Branch for more than 20 years. I am proud I come from a unionist background.

The principal aim of the bill is the restoration of fairness for Victorian workers abandoned by the previous government. The bill will ensure fair and equitable conditions of work for those not currently protected by federal awards or agreements. It also extends minimum standards to workers covered by federal awards or agreements, which currently do not provide for basic entitlements such as long service leave.

The bill ensures that Victoria does not have two classes of workers: those who enjoy minimum decent conditions and those who do not. The Bracks government was elected on a platform of restoring decency to government, and the bill meets Labor's

election commitment to ensure Victorian workers enjoy a fair industrial relations system.

The bill is the result of extensive consultation taking place within the Victorian community. All afternoon we have heard that no consultation has taken place, yet in 1992 the time for consultation was usually one week, which could hardly be called just and fair. Some members opposite have stated that no consultation has taken place in the community, but the government knows that is untrue. The matters dealt with by the bill were canvassed at the Growing Victoria summit and were extensively reported by the industrial relations task force, which consulted widely with employers, trade unions, community groups and workers. Forums were also conducted across Victoria, including a forum held in Ballarat in June.

I have spoken with many workers and employers about the bill and how it will impact on my home town of Ballarat. I have noted the concerns of individual employers, who have been alarmed by some of the comments made by the Leader of the Opposition and employer groups that the sky will fall if the bill is passed by Parliament in its current form.

I concur in part with the view of the manager of the Ballarat branch of the Victorian Employers Chamber of Commerce and Industry, Mr John Hansen, who is reported in the Ballarat *Courier* as having said he would prefer to see a simple federal system. As the Premier has advised the house, the government also supports that approach to industrial relations. However, the system must be fair. The federal government has shown no interest in improving the employment conditions of Victorian workers adversely affected by the decision to refer industrial relations matters to the commonwealth. Ultimately, the Victorian government has responsibility for the welfare of Victorians. In the absence of a fair national system, the bill will meet the government's obligation to protect the welfare of thousands of Victorian workers.

There are two provisions of the bill that I particularly welcome. The first protects the minimum conditions of employment for clothing outworkers and home-based clerical workers. Under the current industrial relations regime the gross exploitation of those workers has been allowed to continue virtually unchecked.

The honourable member for Evelyn raised the issue of outworkers, but she had no idea what she was talking about. I know what I am talking about when it comes to the plight of outworkers. I spent four years outworking in my home for a company that paid 50 cents a

garment, so do not tell me I do not know what I am talking about.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Bentleigh.

Ms OVERINGTON — Talk about a class snob. I bet you still do not even manicure your own fingernails!

I have long been disgusted by the plight of those who labour at home receiving meagre payment for their work outside the protective umbrella of state and federal industrial laws. The Fair Employment Bill brings outworkers inside the industrial relations system and demands that people working as employees receive employee entitlements. As such, outworkers will have access to fair employment conditions, including annual leave, parental leave, personal leave, bereavement leave, long service leave, meal breaks, notice of termination and consultation requirements. Outworkers will be protected by a further safety net of conditions, including minimum weekly wages, overtime payments and severance and redundancy pay. The bill also provides for access to wages from the principal contractor in the event of the outworker not being paid.

These provisions present a leap into the 20th century for that category of neglected workers. It will deliver certainty for employers and employees and protect workers abandoned by the previous state government and ignored and disadvantaged by current commonwealth legislation. I sincerely support the bill.

Ms McCALL (Frankston) — Let me begin by setting a scene. There is no question about the division between the two sides of this chamber of Parliament in their belief about what Victoria is all about. Victoria's backbone is small business. I represent an electorate on the Mornington Peninsula that comprises and is dependent on small businesses. I am a grand-daughter of small business operators; I am the daughter of small business operators; and I have run a small business.

We on this side of the chamber are well aware that we are heralding the return of the brave and grave new world of the 1980s — each week we will experience the demise of small businesses and their employment of people, and we will experience the falling by the wayside of innovative initiative and inventive thinking that once made Victoria as great as it was. Victoria will no longer be on the move — except perhaps to South Australia. It will be the place to be unemployed and the place that will herald where small business has failed.

Shame on the government and all its members for allowing so little time for the discussion of something of such great importance. The small business operators in my electorate had absolutely no idea this was coming. When I told them they had a great opportunity to meet an industrial relations task force which would listen to what they had to say, they looked at the membership of the task force and replied, 'Why would we get a fair hearing from them?'

This debate is not only about consultation but also about a fundamental understanding of what is the backbone of Victoria — and that is, small business. Those on this side who have had the opportunity to work in small business, who have succeeded and who have not succeeded in it, and who have mortgaged their homes and have sometimes had to sell them to pay the bills, know only too well the issues this bill seeks to somehow or other solve. Small business in Victoria, particularly on the Mornington Peninsula, is now suffering from what can only be termed a coffin mentality. It has had one nail in it, called the Workcover changes, whereby some businesses have had to experience premium increases of anything from 50 per cent to 200 per cent. Here comes the second nail, which relates to how, when and where they will employ staff to run their small businesses.

Make no bones about it, the honourable member for Evelyn described in graphic detail the strains under which a small business operates. They have to decide when they need staff and when they do not and how they will meet the payroll, and suddenly they will have a 17.5 per cent loading back on their doorsteps and have to worry about hiring and having people in the office when they do not need to be in the office. I utter a word of warning to this chamber. Do not let Labor and the unions ruin Victoria like they did. Do not let us go down the same dangerous path that we went down in the past.

Mr Lenders interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Dandenong North does not seem to have his name on the list, and yet he wants to take part in the debate. I suggest he add his name to the list and make his contribution at that time.

Ms McCALL — We have heard a lot about the consultation this great, innovative Labor government believes in. Already it has had 300-plus reviews with recommendations, but no resolutions. We have heard a lot of talk from the government about how it would consult with and give everybody a chance to have input. But the one piece of legislation that will affect

more individuals than any other it wants to whip through in a frenzy, accusing opposition members of not wanting to consult when we want to consult. That is an interesting concept. I support the reasoned amendment moved by the Leader of the Opposition.

I also want to cover another area in the proposed legislation that I find very disturbing. It is the introduction of the thought police, a strange little bunch of inspectors who will be able to turn up on people's doorsteps, ostensibly with the right of entry, to tell small business operators what their paperwork should or should not say and whether they have employed someone the right or wrong way, after which they will be at liberty to leave their houses or businesses in a condition quasi the same as when they entered it. That is awfully reminiscent of stories my mother told me about living in Belgium for six years when the Germans occupied the country. They would turn up on her front doorstep at all hours of the day or night and suddenly demand to be allowed to enter to search the home on the ground of suspicion — or anything else.

That is why my colleagues and I on the Mornington Peninsula intend to consult with our small business operators. We do not want them to allow us to pass a piece of legislation that will reinstate the thought police or the terrifying prospect that to run a small business is somehow or other undesirable, dirty, unacceptable, and not in society's best interest.

The danger is that if we do not consult, as the government will not allow us to do, this legislation will stifle the great creativity that has made Victoria the best place in the world to live. As one of those who came here by choice let me reassure honourable members that until September last year it certainly was. The demise of Victoria is now gaining momentum and Victoria on the move will mean the move by Victorians away from this state.

Mr MILDENHALL (Footscray) — I guess the dilemma in which the opposition finds itself is best exemplified by the nature of the speech by the Leader of the Opposition, in which he argued that he needed more time — —

An honourable member interjected.

Mr MILDENHALL — Yes, the many senses in which he needed more time. In considering the content of the bill he spoke for 1¾ hours about why it is no good. I guess that is the dilemma. He does not know whether to oppose it or to seek to go out into the community to whip up some opposition and continue

the extravagant claims and hysterical allegations about the intent of the government.

It was bad enough listening to the Leader of the Opposition talk about thugs, criminals and bullies, but we have just listened to a speech that likens potential inspectors to them. Finally, we will get an umpire — a group of people to regulate some of the outrageous practices in workplaces around Victoria, but they have been likened to storm-troopers. The lengths to which opposition members go in order to generate some hysteria and get people to listen to them — that is their first challenge — are extraordinary.

Those of us who were around this place before September 1999 will acknowledge that the consultation process leading up to the presentation of the bill was of Rolls Royce standard. It was the classic process any government would wish to have. It included an explicit election policy; the adoption of principles at a state economic summit; the public appointment of a task force; an extensive consultation process; the announcement that legislation was under way; the publication of a report and the final presentation of legislation to the house. Compared to the Baker and McKenzie episode before the 1992 election when legislation was drawn up in secret, ambushed into the house with minimum notice and then rammed through in the dead of night, this is Rolls Royce consultation. It ill behoves members of the opposition to lecture this side of the house on consultation processes.

As the spokesperson for industrial relations leading up to the last election I can confirm the provisions contained in the bill were part of explicit policy — a national unified system was the preference — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster should know that interjections across the table are disorderly.

Mr MILDENHALL — It takes two to tango and to put together a national system, and Peter Reith would not get off the phone long enough to talk to our representatives and do a deal. He was too busy on the telecard!

The hysteria from the opposition benches is not warranted. The legislation is based on and is similar to legislation in Queensland, where the sky has not fallen in, the economy has not ceased to operate but is growing, small business is alive and well, and employers and employees have rights. There is no cause for the level of hysteria and allegation being screeched from the opposition benches. The bill is

sound. The reasoned amendment deserves to be voted down and this fine legislation deserves the support of the house.

Mr McARTHUR (Monbulk) — It is interesting to hear the honourable member for Footscray describe the bill as fine legislation. Yesterday in a letter addressed to all parliamentary members the president of the Victorian Farmers Federation described the bill as poorly drafted and inappropriate and stated that the government should withdraw it. He has a point. The government should not proceed with the legislation until members of the community have had some time to look at its detail. So far, much has been said about the consultative process, but it was all about the generalities. Government members talked about issues, procedures and policies but never discussed the detail, and the devil is in the detail.

Last week I travelled across several electorates in rural Victoria and everywhere I was met with blank looks. When I asked people whether they knew what was included in the fair employment legislation introduced by the Australian Labor Party they said, ‘What fair employment legislation?’. I spoke to only one person who had heard of it. No-one knew any of the details yet all of them will be significantly affected by it, and for a long time to come. All of them were either business people, contractors or rural workers and all will suffer a significant impact.

One of the most difficult aspects of the bill is its retrospectivity. Clause 103 deals with workplace grievance procedures and provides that :

- (1) An application to the Tribunal to resolve a workplace grievance of a kind referred to in section 101(1)(a)(iii) or 101(1)(b)(i) must be made within 6 years after the time at which the remuneration became payable or the other entitlement arose.

In other words, up to six years after negotiating and agreeing on work and payments, somebody can be hauled before the kangaroo court to be established by the Labor Party and the matter can be reopened. Clause 108(3) contains the extraordinary provision that, despite the fact that at the time an agreement was made it was deemed to be fair, at any time up to six years later the matter can be reopened and deemed to be unfair. The clause states:

- (3) A contract may be an unfair contract whether or not it was an unfair contract at the time it was entered into.

That permits the extraordinary scenario of an agreement that was freely and openly entered into and regarded by both the employer and employee as fair, and which the court at a later time says was fair at the time, being

reopened and instructions given relating to payments because it is now thought the game has changed. That would be extraordinary and would have a devastating impact on small business across rural Victoria.

I have a copy of a letter from Timothy Piper, executive director of the Australian Retailers Association Victoria (ARAV), dated 13 November and addressed to the Honourable Steve Bracks, Premier of Victoria. He states:

The powers granted to the Fair Employment Tribunal are greater than any other Industrial Relations Commission.

I will not quote the whole letter, but about enterprise agreements he goes on to say:

The bill has failed to allow for a mechanism for negotiation of enterprise agreements.

...

We —

members of the ARAV —

have met and spoken to various sectors of our membership. They are all concerned about the potential increased costs and restrictions to trading resulting from the impositions contained in the bill.

In summary he states:

We seek that the bill be rejected and industry consulted to the development of legislation that provides the protection to the disadvantaged workers without the disadvantage to trading abilities of small business.

That is the crux of the issue. The Liberal Party has no quarrel with the government’s intent and aim to protect disadvantaged or unfairly treated workers. What it objects to and has real concerns about is that the legislation has the potential to cause extraordinary damage to Victorian business operations in urban Melbourne, regional centres, country areas, small towns and every farm in the state.

The Victorian Farmers Federation points out that the bill creates an extraordinary second structure. In his letter emailed to me today the president of the Victorian Farmers Federation, Peter Walsh, states:

This bill represents a backwards step to a more complicated and legalistic industrial relations system.

In principle the previous government’s decision to transfer the state’s industrial relations powers to the commonwealth was a good one. The current government has legitimate concerns regarding the impact of this change on some low-income employees in Victoria. If there are problems in this area the appropriate way to address them is for the Victorian government negotiating in a meaningful way with the commonwealth to revise the minimum conditions specified

for Victoria in schedule 1A of the federal Workplace Relations Act.

...

If enacted, the legislation will impact upon contracts farmers regularly enter into with contractors for the provision of a whole range of services. Farmers don't want to be brought into the industrial relations system in relation to these matters. Nor do the great majority of rural contractors who are quite capable of negotiating fair and reasonable contracts with farmers without the intervention of a state Industrial Relations Tribunal.

He goes on to say:

The bill is poorly drafted and inappropriate and the government should withdraw it.

The few people fortunate enough to have obtained a copy of the bill in the short period it has been available and who have had the time to examine its 185 pages and 276 complex and often contradictory clauses have expressed concern. It will be difficult for any layperson, particularly a small business operator, farmer or small farm contractor, to understand its contents at first glance. Before people can understand the ramifications of the bill they will require detailed legal and complex management advice in setting up structures to avoid the draconian penalties to be applied in some instances. The reasoned amendment moved by the Leader of the Opposition is sensible. The house should refuse to read the bill a second time until adequate consultation on the economic, employment, social and business impacts of the measure has taken place, which will take some time.

In the time remaining to me I will briefly refer to information service officers — a phrase from George Orwell. Those guys will not be handing out brochures or giving information; they are the future brown shirts of the industrial relations system. They will have power of entry to any place where they believe work is being or may be conducted. Any person in Victoria who hinders one of those little Hitlers faces a fine of \$6000 for closing the doors in his face.

Only a month ago I was speaking with a woman who works at home via the Internet for a law firm. Because it is her place of work inspectors may come into her home and examine the conditions under which she works. If she has her computer in the bedroom they may enter her bedroom to see how it operates. How fair is that, Mr Acting Speaker? If she shuts her bedroom door in their faces she faces a penalty of \$6000. No wonder Victorians are worried about the legislation. It is and will be shown to be draconian. The bill should not be read a second time until proper consultation has been carried out.

Mr LIM (Clayton) — I am pleased to contribute to the debate on the Fair Employment Bill. In the short time available to me I will confine my remarks to outworkers, a subject close to my heart. The bill goes to the heart of fairness, decency and treating fellow Victorians who happen to be outworkers with dignity rather than as slave labour or animals.

More than 200 000 Victorian workers are not covered by federal awards since the former government relinquished its responsibilities and placed them on the scrap heap to sink or swim, which is typical of the attitude of the former Liberal government.

I have seen the sad saga of outworkers in my electorate who have been shamelessly exploited on a continuing basis. While honourable members hear about them, read about them or watch television programs about their appalling conditions, I live with them; they are friends and members of my extended family. They are the people I meet and work with every day. Unscrupulous employers continue to get away with not paying overtime, holiday leave, bereavement leave, parental leave or long service leave. These people stand to lose their jobs if they are not prepared to put up with the miserable conditions and the ridiculously low pay of a bit over \$2 an hour. On numerous occasions I have been unable to help them other than to counsel them that this is pretty much the state of affairs brought about by the Kennett government.

The bill will restore dignity to them and bring their conditions up to par with those of millions of other workers in this state.

Mr Mulder interjected.

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

Mr LIM — Many members opposite have said the bill will adversely affect small business. What they have chosen to ignore completely is the fact that many small business employers provide their workers with fair minimum conditions, and they should not be disadvantaged by being undercut by employers who choose to exploit the cracks in the system. The opposition, which claims to be the champion of small business, should be supporting the bill and congratulating the government on having the vision and foresight to amend the system. The bill is effectively creating a level playing field so all small businesses are operating under the same conditions.

In conclusion I will quote from the *Herald Sun* of 12 November. I do not think honourable members have so far mentioned this important article, which states:

Churches have joined the state government in supporting a wages and conditions bill that affects 200 000 low-paid workers.

The concluding paragraphs state:

This week —

meaning last week —

Melbourne's Anglican Archbishop Peter Watson, Catholic Bishop Hilton Deakin and Uniting Church Moderator Alistair Macrae urged Dr Napthine to support the bill.

Mr Macrae said outworkers in Victoria operated in a hidden 'Third World economy'.

'It's an indictment of a society that prides itself on being decent and fair', he said.

I would like honourable members opposite to think about that quote.

Mrs PEULICH (Bentleigh) — I support the reasoned amendment of the Leader of the Opposition that this house refuses to read this bill a second time until adequate community consultation has been conducted on the economic, employment, social and business impacts of the legislation. I must declare my interest: I have been involved in small businesses for 17 years; my husband runs and owns a small business; my brother is a small business owner; my parents were small business owners; and I started working in small business at the age of 12.

At least members of the Labor Party were up-front about declaring their affiliation, which Victorians — employers and workers — should never forget. The ALP is basically the political arm of the union movement. The union movement currently enjoys a membership of 27 or 28 per cent of the work force, and this is the Union Power Trojan Horse Bill. This is their membership recruitment effort that happens to coincide with the election campaign of the Construction, Forestry, Mining and Energy Union.

We have heard a lot of grandstanding on the soap box about the lack of consultation in 1992 when the former coalition government was elected to office. Of course members opposite do not bother to recall that the unemployment rate in Victoria was in double digits. In the Bentleigh electorate unemployment got up to 14.5 per cent. As a result of most of the reforms undertaken by the Kennett government the unemployment rate in the Bentleigh electorate is 5.5 per cent.

Mr Hulls — That is because of Bracksy.

Mrs PEULICH — I would like to see what jobs he will be creating in Bentleigh, because I believe the rate will be creeping upwards.

What we have here are people who were union elites. As union elites they incited others to strike, and they got paid for it while workers sacrificed their pay. This is the union elites' bill, and it is designed to promote the interests of the union movement. It has nothing whatsoever to do with creating jobs, and in fact it will crush jobs.

Members opposite know that 98 per cent of the employers of schedule 1A workers are very small businesses that employ fewer than eight workers. With small business employing 50 per cent of the labour force in the economy we know full well who will feel the brunt of this ill-conceived legislation.

We have heard members opposite say in justification that there has been some consultation. There was a Victorian summit and people took part in it, but I do not think anyone had any idea of the doozeys contained in this bill. There was some discussion about the need for minimum standards, but consultation on all the more controversial provisions that took everyone by surprise, including all those supposedly consulted by the task force, was non-existent. For that reason it is imperative that debate on this bill be adjourned so that Victorians are consulted adequately, as outlined in the Labor Party's election platform.

Members of the Labor Party promised a different style of leadership. They promised consultation and inclusiveness, but in the address of His Excellency Sir James Gobbo at the opening of the 54th Parliament, which outlined the government's agenda, I can see no mention of reforming industrial relations. There is not a single mention of that in the Governor's speech. There were comments such as:

These measures reflect the government's belief that an open public debate is vital for a healthy democracy. The government acknowledges and supports the right of the Parliament and the community to scrutinise the actions of the executive.

...

The new government is committed to restoring public confidence through a new era of openness and accountability.

Mr Hulls interjected.

Mrs PEULICH — That is all we are asking for. There is no knowledge or awareness of the detail or content of this bill. The detail in the bill has taken a

number of participants in the task force and the Growing Victoria summit by total and utter surprise. At page 4 of his speech the Governor said:

The government recognises the desire of Victorians to live in a society where all citizens are valued, listened to and respected ...

Of course members of the government are not recognising that in the introduction of this bill.

I urge all members of this house, including the honourable members for Gisborne, Carrum, Seymour, Tullamarine, Geelong, Ripon, Ballarat East, Ballarat West, Bendigo, Mildura, Gippsland West and Gippsland East, to do what I will do in Bentleigh, and that is to take the bill out to the community, to the employers and to small business.

Ms Allan — It has been there.

Mrs PEULICH — No, it has not. There is absolutely no awareness of the provisions of the bill. Let us see how much endorsement and support there is for many of these provisions.

I will highlight some of the more controversial provisions. In the limited time I have had to consult with employers and people in my electorate these issues have come to their notice and they would like the opportunity to receive information about them, to scrutinise the bill and consider the impact on their businesses. They are very suspicious of the Labor Party.

The provisions of the bill causing concern are those that relate to declaring as employees all contractors and subcontractors, persons on piecework rates or commissioned for an artwork or apprentices or trainees and, in the case of businesses where there are four or more persons working in association, partners. This redefinition means partnerships will be subjected to the overview of the tribunal — I prefer to call it the wages board — and will allow an unprecedented level of meddling in the running of small business.

A lot has been said about outworkers. I can give the house my perspective as a person from a migrant background whose own sister-in-law worked as an outworker for many years. Most of her family worked as pieceworkers because it enabled them to combine raising a family and earning an income. Many of them were able to clear \$400 or \$500 a week and most of them paid off their homes doing outwork. While there are certainly people who are exploited — —

A government member interjected.

Mrs PEULICH — That is absolute garbage. There are examples of pieceworkers who are exploited but to tarnish the entire industry with the same brush is absolutely unacceptable. This reform will see the nail in the coffin of what remains of the Victorian clothing manufacturing industry and a lot of small business will close, particularly clothing manufacturers, and they will export jobs. That is what the Labor Party is about, and it will be delighted. When one talks about outworkers it must be recognised that there are a fair number of decent clothing manufacturers paying decent rates — not all of them are rogues and there are more effective ways of dealing with those who are.

The bill allows for the establishment of a tribunal with unlimited powers. The tribunal will have the capacity to investigate and rule on any matter whatsoever in the future. It is pretty scary for a lot of businesses and will complicate industrial relations and discourage a lot of investment in the state. The capacity of the tribunal to review contracts is loopy, off with the fairies and pixies stuff, especially when it is retrospective for up to six years. It is unbelievable. What will be the cost to government if there is a legislative ability to review contracts tendered out by government for which it has received services? Has the costing been done on that? I am sure it has not been thought through.

Mr Robinson — Are you supporting the bill or opposing it?

Mrs PEULICH — I am supporting the reasoned amendment for extensive consultation including information evenings in every electorate because the implications of the bill are significant. I turn now to the industrial police, and need I say anything more? If there is any doubt about what the bill is about — —

Mr Mulder — The KGB!

Mrs PEULICH — This provision should clarify it. In particular I am concerned about small business, home-based businesses and women who run home-based businesses. The provisions are outrageous and draconian and if there was any doubt about the Labor Party and its attitudes toward business, there ought to be no doubt now.

The unfettered right of unions to enter workplaces is unbelievable, especially where there are no union members or grievances. The bill gives unions unbelievable power. I would love to speak for much longer, but I urge every single member of Parliament to allow for adequate community debate and consultation on the complex bill. It has 185 pages and 276 clauses and will have a dramatic effect on electorates.

Ms DUNCAN (Gisborne) — I am trying to understand what was said by the honourable member for Bentleigh.

Mr Hulls — *Mission Impossible!*

Ms DUNCAN — It is a bit like *Mission Impossible*, but I am trying to make sense of her argument.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Gisborne, without assistance.

Ms DUNCAN — I think her argument runs along the lines of it being okay for Jeff Kennett to introduce legislation that turned the entire industrial relations system on its head.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Bentleigh has made her contribution.

Ms DUNCAN — According to the honourable member for Bentleigh, it was okay because Victoria was in a period of high unemployment. It seems that consultation is not required when there is high unemployment, but when it is lower, thanks to the Bracks government, consultation is required. Perhaps the honourable member for Bentleigh can tell us at what point the unemployment rate needs to be so we know whether to consult or not to consult.

Mrs Peulich interjected.

Ms DUNCAN — I am trying to understand what you were saying.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Bentleigh might like to have a cup of coffee.

Ms DUNCAN — The honourable member needs to cool down.

The honourable member for Evelyn seems to be similarly confused. She gave an example of why outworkers choose to work from home. Those of us who understand their wages and conditions know that if the choice is to stay at home and earn slave wages or not have a job at all, or earn a minimum wage and not be able to pay for child care, people will continue to work from home for below minimum wages.

The honourable member for Evelyn has made an enormous leap of logic. She believes if one looks after outworkers and makes sure they receive a minimum payment, they can put their children in child care while they continue to work at home. I do not understand that logic, but I am often confronted by enormous leaps of logic, such as the honourable member for Polwarth talking about the KGB. It is extraordinary. They are enormous leaps from one extreme to the other. Opposition members should check under their beds tonight — there may well be a Red there!

The honourable member for Bentleigh similarly stated that task force members have apparently not been consulted and are surprised by the legislation. The task force may not agree with the legislation, but its members can hardly say they are surprised, because the task force made the recommendations — and the bill puts some of them into effect.

Although the honourable member for Bentleigh acknowledged that some workers are exploited, in another leap of logic she suggested that somehow the bill would drag down people who are paid above the award. However, the bill is designed to help those workers who are underpaid by bringing them up, and that is all. There are no new provisions in the bill: it simply redresses inequities that were created by the previous government.

I know many small businesses resent having to pay their workers one set of rates while other small businesses are able to avoid the legal requirement to pay their employees minimum wages. That summarises the conservative attitude to employee–employer relations — that is, if it is given as grace and favour that is fine and the worker should be grateful; but if the worker dares to demand something as of right, it is just outrageous and will not be tolerated.

I will make a brief comment about the amendment that denies access to business premises on religious grounds. I support the amendment, which properly recognises religious differences. It applies to those businesses, some of which are in my electorate, that for various religious reasons do not see that a union has a role to play in their relationship with their employees. Proposed section 227BB(1) states:

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

- (a) all the employees who work at the premises —
 - (i) hold a current certificate of exemption issued under sub-section (2); and

- (ii) are employed by an employer who holds a current certificate of exemption issued under sub-section (2); and
- (b) there are no more than 20 employees employed to work at the premises.

I support that amendment, and I support the bill.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 26 October; motion of Mr BATCHELOR (Minister for Transport).

The ACTING SPEAKER (Mr Kilgour) — Order!
The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

Mr LEIGH (Mordialloc) — Although the Melbourne City Link (Miscellaneous Amendments) Bill is small it is interesting, because in the past seven years one of the key things the Victorian ALP has been against is the City Link project. The ALP said that in government it would complete the project but that there would be nothing left in the state to spend on other roads given that the project would cost \$2.1 billion. The then shadow Minister for Transport did everything he could, including illegally breaking into people's properties, to make his political point.

The interesting thing about the bill is what it does and does not do. The bill winds up the Melbourne City Link Authority, although it does not set a time for that to happen. Perhaps while the bill is between houses the minister will make a decision and inform the house what is going on. The bill repeals the redundant provisions of the Melbourne City Link Act, amends the tolling and land provisions of the act, enables a reprint of authorised copies of the two concession deeds, puts the facility agreement together and provides for the return of surplus land.

One of the most significant issues is the identification of that land. I certainly do not know where it is, and the opposition would be interested to know where it all is. I am aware that in part it involves the return to the Olympic Park trust of 25 metres of the Burnley Tunnel

land. Other small pieces of land around the place will presumably be made available to the state to give to councils, or whatever.

Roughly 20 to 30 times a day the police have a problem in locating stolen e-tags, so they need information on who owns the tags. Also, there is the obvious problem of trucks laden with chemicals illegally entering the tunnels. The bill gives police the ability to access the information they seek. Initially I had some concerns about that. However, my understanding is that the Ombudsman supports it, and based on that I am not unhappy with it. There is an audit trail, and the Ombudsman has indicated that he regularly checks on police requests. If the police seek to obtain information through inappropriate mechanisms — my attitude to some members of the Victorian Police is that they are certainly capable of it — the Ombudsman has the opportunity and the duty to pursue them.

As I said, it is also important that we know from logs where chemical truck journeys start and end. We certainly do not want chemical trucks going into the tunnels. I guess recent events in Austria are a good example of why nobody would want a petrol tanker or a chemical truck in the tunnels. There are alternative routes for them.

There are other small provisions that affect the bill but the opposition does not oppose it. However, I am particularly curious about a couple of things in the bill. Remembering the whines and whinges from the former opposition transport spokesman, now the Minister for Transport, I would like to put on record a couple of quotes that I hope the government will consider while the bill is between here and another place. The first quote is from the *Age* of 30 April 1999:

The state opposition —

that was the Labor Party —

says motorists should be allowed to use the upgraded part of the Tullamarine Freeway toll free until the official opening of City Link.

The ALP's transport spokesman, Mr Peter Batchelor, said construction of City Link between Flemington and Bulla roads was complete, except for 'cosmetic' work, and there was no reason why it should remain closed until other parts of the tollway were ready to be used.

The Labor government is doing exactly what it accused the former government of doing. Firstly, Labor was totally against the City Link project. Next it was against the tolling technology and its application. Remember, this is the same party — the honourable member for Essendon may well be interested in this — that will in government collect \$21 million per year on average.

The honourable member shakes her head, but her government will collect at least \$21 million in fines from the tunnels. In addition, the minister is negotiating secretly with City Link to release — —

Ms Duncan interjected.

Mr LEIGH — The honourable member for Gisborne says, ‘Come and speak to them’. She should speak to the Minister for Transport because he will have \$21 million! He could perhaps release some of those funds to the honourable member. Why don’t you ask him? What is he going to do with the \$21 million?

Ms Duncan — What is the toll worth? You tell me.

Mr LEIGH — Is he going to put it back in the toll? What is he going to do?

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc should not respond to interjections.

Mr LEIGH — It seems that the honourable members for Gisborne and Essendon do not agree that the \$21 million should go back to the people. They will put it into general revenue and pretend that there is nothing they can do about it. But there is something they can do. The Minister for Transport is negotiating with City Link for the release of those funds. That will amount to hundreds of millions of dollars. What benefit will that be to Victorians? The answer is none. On 14 February 1999 the former government said it would be \$10 million a year, and the opposition spokesman agreed. Tonight I say that it will be at least \$21 million per year over 33 years. I will leave others to do the maths, but let me assure you that with inflation the government will collect almost \$1 billion in tolls.

Many individuals and organisations, including Moonee Valley City Council, will want to know what the government will do. What does the honourable member for Tullamarine think the money should be spent on? Does she have an idea? She is another one of that bunch who have been gagged; she cannot say what the government will do with the money.

Government members laugh, but it was their constituents who stood up and objected about what was going on. When they have the opportunity as members of the government to do something, they do nothing other than to pretend. The only tolling arrangement I am aware of concerns the time the Minister for Transport claimed he had negotiated it when in fact it was the RACV that conducted all the negotiations. The minister failed to invite the RACV to participate in the launch.

Ms Duncan interjected.

Mr LEIGH — The honourable member for Gisborne says she does not believe me. On 14 February last year it was at least \$10 million. I have a solution for the minister and the honourable member for Gisborne. The Department of Infrastructure publishes an annual report. My challenge to government members is — —

An honourable member interjected.

Mr LEIGH — It might surprise government members, but the department publishes an annual report. My suggestion is that while the bill is between houses government members can list in the annual report of the Department of Infrastructure the number of offences committed in the tunnel, the amount of the fines paid, the amount of money paid back to City Link, and the amount of money that the government collects out of it — and they will find it is \$21 million. That is typical! In brilliant arrogance the honourable member yawns because she is not interested in what happens to her constituents.

An honourable member interjected.

Mr LEIGH — You say you are not. The amount is \$21 million. I challenge the government to put that in its annual report, to think about it while the bill is between houses and to list in the annual report where the money is going to be spent.

The government will not do it because I know what the Moonee Valley City Council will say: ‘We’d like the money given back to City Link as relief for tolling’. Have you thought about that? You could pay back some money and reduce the tolls for people living in that area.

Ms Duncan interjected.

Mr LEIGH — The honourable member for Gisborne is a oncer. I wouldn’t worry about it! She is a oncer, but I will still be here. If the honourable member wants to stir me up, I will be happy to keep going. The fact is that Labor members have the power to persuade the minister to make a decision. If they choose not to, it proves that they are incompetent.

I remind all Labor regional members of Parliament to remember their councils. The government will collect \$21 million in fines from City Link. It can do what it wants with it. It will put it into general revenue. I suggest to the minister that if he believes in open and accountable government he should give serious thought to including an amendment to the bill because, frankly, tolls should be included. If Labor members want to

crow about it, they should list it in the report. If they do not want to do that, they should shut up. They have no right to make a contribution because they will have sold out their constituents. They simply want to sit there and do nothing — laze around on their comfortable benches for three years.

The opposition does not oppose the legislation. I hope the minister will give serious thought to the issue while the bill is between chambers. If he is intelligent about it rather than being forced by me to move an amendment, perhaps he can take some action on it. But let us see whether Labor members have any gumption to do something for their constituents. I think not.

Mr STEGGALL (Swan Hill) — I support the proposed legislation. City Link attracted a great deal of discussion throughout country Victoria. As the honourable member for Swan Hill I know that almost every person from my area who travels to Melbourne uses City Link. I also took part in the negotiations on the user-pays principle instead of the fuel taxation concept that the Labor Party in opposition was flirting with in the early 1990s. We have had our moments with City Link.

Mr Batchelor — Haven't we all!

Mr STEGGALL — You are dead right. We have all had our moments with City Link, but it has been a very exciting journey.

Government members interjecting.

Mr STEGGALL — Despite all the interruptions I wish to say that the journey has been interesting and successful for all Victorians. It has been a test of the partnership between private and public operations. All the people travelling to Melbourne by car from the north-west have strongly accepted City Link. There was a lively discussion in my area as the process was starting, but in more recent times I do not believe I have had one City Link issue raised in my office in the past 10 months.

Mr Batchelor — It is to do with the minister who is managing it.

Mr STEGGALL — I do not think the identity of the minister has anything to do with it. The user-pays concept saved Victorians from the Labor concept, developed way back in ancient history, of paying for City Link each time they filled their petrol tanks. Victorians are very grateful that the state did not go down that road because they would have been paying \$1.20 a litre by now, in my area at least.

My colleague the Minister for Transport, who was strongly against City Link when he was in opposition, has mellowed somewhat since then. He did the virgin drive through the tunnel and all that to highlight City Link as a political issue, and even he is now finding that City Link is an advantage.

Mr Batchelor interjected.

Mr STEGGALL — I am sorry, it was the bridge, not the tunnel. The drive through the tunnel happened later.

The purpose of the bill is to provide the framework for repeal of the Melbourne City Link Authority Act, wind up the Melbourne City Link Authority and transfer its functions to the relevant state departments. That procedure needs to happen, as was expected from day one. The time has now been reached, because the conclusion of the construction phase is approaching.

The bill also retains for Transurban the option to continue issuing warning notices, and to issue invoices instead of fines, until 1 July 2001. Society still has to come to grips with City Link enforcement routines, and the proposed legislation provides options that give that process the best chance of success. The bill allows the police to investigate lost or stolen e-tags without having to follow the full audit trail required for serious criminal investigations. That is a positive step. It also provides for extension of the deadline for obtaining late day passes.

Since the minister is present let me say on the matter of late day passes that when City Link began a lot of people in country Victoria, particularly in Bendigo and the north, were looking for additional payment options and special deals. The technology in use now was not available then, and I support the minister in his efforts to make changes. As the technology has improved more options have become available, and I believe that as the technology develops still further even more tolling options will be delivered.

Before the coalition lost government in 1999 it had many discussions with City Link. All the changes possible now were in the pipeline back then and were to be implemented when the technology allowed them.

Mr Nardella interjected.

Mr STEGGALL — The honourable member for Melton, who is one of the great cynics of the Parliament, will appreciate that those things could not be achieved until the technology caught up. I now expect the minister, who was a great critic in the early days and is now a supporter, for which I am grateful, to

encourage the development of more City Link tolling choices.

The bill allows the reprint and publication of agreements. In the reprinted act many existing schedules will be repealed and various provisions required at the time from a political or legal standpoint will be cleaned up. It has been for many of us one hell of a journey. We have travelled along the City Link path from its inception through to the position we are in today. On completion of the construction phase the original act — which is extremely thick — will have all construction provisions taken out of it. Then it will be much simpler to use and a lot easier to carry.

The bill provides that surplus land will revert to railway land or to port land, and the Olympic Park Trust will also receive surplus land. I trust the bill will assist with the winding up and completion of the construction phase of the Burnley Tunnel.

It has been interesting to note the change of attitudes in the chamber since the original legislation was introduced. As a result of the change of government, those members who once opposed the project are now supporting it. The continuation of the original concept is now being carried out by a party that at the beginning of City Link was opposed to it. As a member who has had to handle a number of issues and problems with City Link on behalf of country Victorians, I am pleased that we have stuck to our guns and not done anything silly.

Following the change of government, the current minister has continued to bring the project to the stage it is now at, as we would expect any transport minister would do. Although politics usually involves taking one of two sides on an issue, the City Link project has been carried out by the previous Minister for Transport and the current Minister for Transport as if one minister had performed the role all the way through.

Honourable members interjecting.

Mr STEGGALL — He does not, but he knows what I said is true. As the technology improves, particularly the tolling technology which I believe is at the forefront of tolling technology in the world, more options will be available to benefit people using the tollway.

The National Party supports the bill. It supports the government in its endeavours to bring the City Link project to yet another phase of its completion and successful operation through the cooperation of the private and public sectors.

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for Mordialloc and the Deputy Leader of the National Party for their contributions to the debate on the Melbourne City Link (Miscellaneous Amendments) Bill and for offering the government their wholehearted support for its passage through the house.

The government is seeking to tidy up some of the administrative arrangements and to ensure that the amendments to the act and other supporting documents are accessible and available. The government wants to extend for another six months the option of Transurban to use the warning system for people who misuse City Link, and the bill will provide for that. Extending the option will particularly benefit people travelling from country Victoria.

The government wants the Burnley Tunnel to be successfully completed. Given today's announcements, it is ironic that Transurban has received confirmation from its builders that the project is nearing completion. The office conducting the independent review will have an onerous responsibility on behalf of Victorians to ensure that the corrective measures and the commissioning of the tolling system meet the standards that have already been laid down. The tunnel will not open until the office is satisfied that it meets those requirements and is safe for use.

The government thanks honourable members for their support and wishes the bill a speedy passage through the upper house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GAMING ACTS (GAMING MACHINE LEVY) BILL

Second reading

Debate resumed from 26 October; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — In the interests of the various agreements that have been forged between the two parties and in view of the hour I will be brief. I say at the outset that the shadow Minister for Gaming would also have liked to speak on the bill but has conceded his speech in the interests of brevity.

The opposition does not oppose the Gaming Acts (Gaming Machine Levy) Bill, although it would like Victorians to note that this is a new tax. This is a high-taxing government. In the past financial year it has received over \$900 million extra in tax. But that is not enough; it wants more. This is a new tax being levied by the government.

However, in all fairness it is a tax the government flagged prior to the last election. It flagged it in its election documents and in its Access Economics document, in which it was described as a small levy on gambling turnover to collect \$10 million in the financial year 2000–01 and the following two financial years. It also flagged it as a levy that would be spent on drug and alcohol programs. The government again referred to the levy in its budget delivered in this place in May as \$10 million to be collected from gaming machine operators to fund drug and alcohol programs. The levy will be on the books alongside an additional \$10 million from the Community Support Fund to fund the health programs to which the government committed itself prior to the 1999 election.

In essence, the bill imposes a levy on the three gaming operators, Tattersalls, Tabcorp and Crown, of \$333.33 on every operative gaming machine. Why that odd amount? It is very simple if you are a member of the ALP. It divided its policy commitment of \$10 million per annum by the number of machines — of course including Crown's machines. The levy is to be on operating machines. I understand a Victorian Casino and Gaming Authority electronic monitoring system will determine the number of machines in operation.

The levy will be calculated on 30 September each year and paid by the three big operators twice yearly — by 15 December and 15 June. The money — and this is the most important element of the bill — is to be hypothecated to the Hospitals and Charities Fund. All I can say about the hypothecation is that clearly the current Treasurer of the current government does not have the power the previous Treasurer of the previous government had, because all departments of treasury and finance and most treasurers despise hypothecation — but this Treasurer has allowed hypothecation. That is simply a comment on his impotence in cabinet discussions.

The money will be hypothecated to the Hospitals and Charities Fund. It is interesting to note that that fund, which was established under the Health Services Act, is very broad and is at the direction of the minister. So, although the bill and the Hospitals and Charities Fund legislation do not specify that the levy will go to drug and alcohol programs, the budget does.

The government has not indicated that the money will be directed beyond the budget out-years — for example, if the government wished to continue with the levy and not direct it to drug and alcohol funds it would be free to do so. The legislation provides for an ongoing levy, but there is nothing to stop an increase in the future.

I note that a number of operators have indicated that the Treasurer said he would not increase the levy. I seek an assurance from the Minister for Transport, who is at the table, that this new tax brought in by his government will not be increased. The bill also provides for an interest penalty on late payments in accordance with the Penalty Interest Rates Act.

The tax will be levied on the gaming machine operator. That is certainly what the operators think, and the associations representing the smaller operators do not believe it can be passed on. But I refer to Labor's financial statement, its oft-quoted Access Economics document, which gives a guarantee that the levy will not be passed on to the small business operators in the gaming industry.

Labor's financial statement states at note 1b — 'Levy on electronic gaming':

The percentage return to the player (87 per cent) will not change and nor will the return to gaming venues.

I ask for an assurance from the minister that the tax will not be passed on to hotel operators, that it will not be passed on to licensed clubs and that — while obviously those who will have to pay the tax will not be happy — it will not be passed on to the smaller businesses that operate in the area.

The opposition has a number of concerns about the bill. The first is the obvious one — what does gaming have to do with drug and alcohol programs? Where is the link with hypothecation? Why on earth are gaming machine operators funding drug and alcohol programs? If one wanted to hypothecate a fund one might look at people involved in the alcohol industry — not that I am advocating that. There is no direct nexus between the programs being funded and the source of the funding.

Secondly, the tax has been foisted on the operators with absolutely no consultation. This government claims it is a consultative government, but it simply wrote a letter — —

Mr Lenders interjected.

Ms ASHER — I hear from the honourable member for Dandenong North that they were warned before the

election. It is interesting to note his terminology — ‘warned’. It is most instructive.

The big operators were simply written to — the Labor government sees them as cash cows — and told that they would have to pay this tax.

The third point to note is that Tabcorp and Tattersalls contribute to the Community Support Fund. This financial year they contributed in the order of \$120 million. So the operators are already contributing to programs of social worth via the Community Support Fund. I also note that Tattersalls makes voluntary donations in excess of \$1 million to programs associated with drug and alcohol rehabilitation and so on — yet even though its donation is voluntary it will still be hit with this tax.

I seek a further assurance from the minister about Labor’s promise in its policy entitled ‘A new approach — Labor’s plan to tackle the drug crisis’ dated July 1999 that it would have an advisory council channel the funds derived from the levy. It says:

In government, an advisory council comprising experts and community leaders will make recommendations on further expenditure.

In contrast to that election promise that an advisory committee would channel the expenditure, I refer to the Health Services Act 1988, which establishes the Hospitals and Charities Fund, which is the mechanism — the vehicle used — for allocating the funds. I note that the allocation of the Hospitals and Charities Fund is at ministerial discretion — that is, at the discretion of the Minister for Health and the Minister for Community Services.

I call on the Minister for Transport for an assurance that, notwithstanding the legislative capacity of both ministers to absolutely and completely direct funding under the Health Services Act, Labor will stand true to its election promise that ministers will not determine the allocation of funding and that an advisory council comprising experts and community leaders will make the recommendations to the ministers. That is an important point, and the promise is not reflected in the bill — and again, the funding commitment is not reflected beyond this budget. I ask the Minister for Agriculture for an assurance that the ALP will stand by its 1999 election promise.

Most of all the opposition wishes to highlight the fact that this is a brand-new tax introduced by the Labor Party. Tattersalls and Tabcorp will each pay \$4.6 million, which the government says is only 0.4 per cent of gross gaming machine revenue. However, the

industry is already highly taxed, which is why it was the subject of special treatment under a commonwealth–state agreement prior to the introduction of the GST. The agreement was an acknowledgment by all the state governments and the commonwealth that the industry is highly taxed.

In the interests of expediting the bill, and due to the lateness of the hour, I will conclude my comments. However, I again draw the attention of the house to a momentous occasion in the Parliament. A brand-new tax is being introduced by a Labor government that has inherited buckets of money but is spending buckets of money.

Mr RYAN (Leader of the National Party) — To take up the point on which the Deputy Leader of the Opposition concluded, this is a new tax being introduced by a Labor government.

Matters such as this are always interesting in context. In previous debates reference has been made to the summit held earlier in the year, at which I was present, as were many others, particularly from the industry sector. At the summit the primary issue under discussion was mechanisms for slashing government taxes. However, the Labor government is imposing a new tax.

The other great irony is that the bill relates to gaming and gambling, from which the government derives of the order of \$1.5 billion in taxation. For the ALP to now impose an additional tax is extraordinary, given that it has inherited a handsome surplus.

It is all the more extraordinary given the historical fact that the previous Labor government gave Tattersalls and Tabcorp a duopoly and did not charge them a licence fee. The former coalition government charged these two organisations a fee that equated to about \$400 million each in today’s terms, and that money went into the public purse. On top of that Crown was charged a fee of the order of \$180 million for its initial licence. The government continues to draw funds from these three organisations, in addition to the taxation it receives. Given all that, a further \$10 million is to come from Tattersalls, Tabcorp and Crown. Is it any wonder these three organisations are aghast at the prospect of a further financial imposition?

I cannot help but wonder whether the operators reached for their licence provisions and sought legal advice as to whether the government could impose the additional tax, although they probably did. It may be that the only way the government has been able to extract the additional money is by legislative requirement, thereby

circumventing any provision that might otherwise apply under the licensing conditions. However, it is extraordinary that an additional \$10 million will be taken from the industry, which is a source of funding for governments of all persuasions.

All of this is happening while the echoes of Labor complaints, whinges, moans and groans, particularly from the honourable member for Niddrie before he reached his present heights as the Attorney-General, still reverberate around the chamber. Oh for the good old days when a bill like this would have had him going his hardest, with his usual rehash about the personalities in the industry, the demons attached to it and the mayhem the measure would wreak across the state! The Labor government is drawing \$1.5 billion from those three industry contributors and is now into them for another \$10 million.

By any standard it is an extraordinary performance. The money is to be used for what is described as drug and alcohol programs, although specific details have not been provided. Before the election, the ALP gave undertakings on how the money derived from any extra take would be allocated. I hope that occurs rather than the money becoming another toy for the government, to be handed over to the minister or other ministers.

The legislation contains an hypothecation provision, which is an unusual way to allocate the money. I am surprised the Treasurer has permitted that to occur. Nevertheless, that is a decision for him and for the government of which he is a part. Penalties apply for the late payment of the commitments the three licence-holders are obliged to make twice a year. This further source of funding, which is said to relate to drug and alcohol programs, will go into the huge pot of money derived from gaming. I hope the government will release details of those programs in due course.

The government now has a well-developed record for changing its point of view on issues. It should have a long, hard look at itself and ask how long it can expect to be able to continue that conduct. It has dumped promises on uniform tariffs, turned its back on sheep farmers in country Victoria by failing to fund solutions to their problems, done farmers in the south-west in the eye to the tune of \$4 million or \$5 million by extending the \$8 million grant to farmers across the state, and gutted the Metropolitan Ambulance Service inquiry on the day that Cathy Freeman won her 400-metre race, making the announcement at 5 o'clock in the evening. The list goes on and now adds up to dozens of instances.

The government must consider the extent to which it can keep coming back to the cash cow when everything it said about the industry while in opposition was condemnatory. That industry is now becoming the government's single greatest funding source. Legislation that applies a further \$10 million from that source verges on the pathetic.

Mr HAMILTON (Minister for Agriculture) — I thank the Deputy Leader of the Opposition and the Leader of the National Party for their contributions. I assure the Deputy Leader of the Opposition that the queries she raised will be referred to the Treasurer, and I trust he will respond as quickly as possible.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr HAMILTON (Minister for Agriculture).

ADJOURNMENT

Mr HAMILTON (Minister for Agriculture) — I move:

That the house do now adjourn.

Prisoners: telephone privileges

Mr WELLS (Wantirna) — I ask the Minister for Corrections to take immediate action to review telephone privileges for prisoners. It involves a further case of the minister dragging his heels in not reaching a decision in the matter of Geoffrey Leonard Gregory, who is 55 and serving a 22-year sentence at the Barwon prison for murdering his stepdaughter and critically injuring his wife.

It is hard to believe, but he has been able to telephone his surviving victim from jail. His wife, Cheryl, and daughter, Tamara, have cut off all contact with the prisoner and are not on his approved telephoning list. A prisoner is allowed to call four or five approved numbers. I originally thought that he had telephoned someone outside the prison and that the call had been diverted to his wife. However, I have since discovered that a prison officer made the call to the victim.

After examining the case the minister cancelled the prisoner's telephone privileges, but when it was discovered that the call was made by a prison officer on

his behalf his privileges were reinstated, which is difficult to believe.

The minister will argue that the issue is not his responsibility and pass it on to the Correctional Services Commissioner. However, at the end of the day the Minister for Corrections is responsible for public and private prisons. We have the unbelievable scenario where the prisoner has been able to telephone his victim. His telephone privileges should immediately be cancelled and the prison officer should be suspended. I cannot imagine the feelings of the victim upon receiving a telephone call from the person who shot her daughter and attempted to shoot her.

I ask that the minister take immediate action to review telephone privileges and in this particular case stand down any prison officer or officers involved in this disgraceful episode.

Sale College

Mr RYAN (Leader of the National Party) — I raise a matter for the consideration of the Minister for Education that relates to the completion of the building program at Sale College. The college was formed in 1996 as a result of the merger of the high and technical schools. I had the great pleasure of being heavily involved in that process, which has had a great outcome with a marvellous school community coming together on both campuses to create what we now know as Sale College.

Major works have been undertaken on both campuses over the past three or four years. Something in the order of \$5 million to \$6 million has been expended. Only a few weeks ago I had the pleasure of attending the opening of the third stage at the Guthridge campus.

The issue I raise with the minister concerns the completion of the project. Stage 4 is to be undertaken at the Macalister campus, and the circumstances of those final works are of concern to the school community. The problem is heightened by the fact that there are issues at the Macalister campus that need to be addressed urgently. They include defective fire doors and cracks that have recently opened up in walls in various office areas. They require attention as a matter of some urgency.

Work has been scheduled for the technology building for 2002, but at present a number of items require immediate attention. There is no heating in that building, nor has there been since 1997. The food technology area is still in operation, and a number of benches and cupboards are antiquated and unsafe. In the technology wing itself a number of the floorboards

are broken; they are out of alignment and are trip hazards. In the room in the old TAFE building that is used for welding, walls and concrete floors are broken and leaking.

Under the former government the program was intended to be completed by this stage. We now have a situation where although some physical resource management system money has been approved to the tune of \$550 000 and additional funding of about \$1.1 million has notionally been approved, the school cannot get the money released.

The school community wants to know when the money will be released so this urgent work can be undertaken to conclude what to date has been a magnificent project that has seen excellence in delivery of facilities in Sale College. In turn that has assisted a great school community to ensure that its curriculum continues to be delivered to the students it so ably serves.

Ethnic services: dental health

Mr CARLI (Coburg) — I seek from the Minister for Aged Care an assurance that measures are being taken by her department to improve the responsiveness of government services to the dental health needs of older people from non-English-speaking backgrounds. It is a particularly important issue in my electorate.

As the minister would be aware, 20 per cent of Victorians are over the age of 65, and an increasing proportion of them come from non-English-speaking backgrounds. In my area the two largest groups of Australians from non-English-speaking backgrounds over the age of 65 were born in Greece and Italy — the two largest groups of migrants in Victoria. These people are in need of good dental health support.

There is enormous pressure on current services in the area, and we are finding that these communities are not being fully serviced. The approach needs to be much more targeted. I call on the minister to take measures to ensure that this group, which is increasing in the population, is appropriately serviced. The dental needs of older people are important to their wellbeing and overall health. Many people of non-English-speaking backgrounds do not make great use of mainstream services, and that jeopardises their wellbeing. The opportunity is there to improve those services.

It is a particular issue in my electorate, where the proportion of ageing people from non-English-speaking backgrounds, particularly of Greek and Italian birth, is especially large. These people have a high demand for the services. We are also finding that a large proportion of these people are over the age of 75 and their health

needs are becoming more evident and urgent. I am seeking support from the Minister for Aged Care to ensure that there is a targeted program to look after the oral health needs of this community.

Rail: Boronia crossing

Mr LUPTON (Knox) — I refer the Minister for Transport to the situation of the former Boronia rail crossing, which is now covered by the intersection of Dorset and Boronia roads in the glossy suburb of Boronia. On the south-west corner of that once-famous intersection there is a small area of land that has not been maintained or beautified in any way. Improvements have been made to the remainder of the intersection at quite considerable expense to the local community.

Zagames is on one side, and it has spent something like \$1.2 million on its site. On the north-east corner the shopping centre has been developed quite amazingly. On the north-west corner a new shopping centre has been developed at a cost of some \$60 million. This one little corner of this intersection looks like a phase of the moon. It is in bad need of some sort of beautification. Although it would not improve safety, it would visually improve the town of Boronia.

Given the expenditure of some \$28 million on the area generally and \$60 million on the shopping centre, it would be appreciated if the minister could approach Connex, formerly Hillside Trains, and ask it if it could possibly expend some money to beautify that corner. It would not be a great deal, and it is a shame to see a facility like the Boronia rail crossing, which was developed under the former government, in such a state. I believe the current government ensured that the development continued. If the south-west corner of the intersection could be beautified, it would be not only of benefit to the town but also no doubt a feather in the cap of everybody concerned.

Housing: Victory Boulevard estate

Mr STENSHOLT (Burwood) — I direct my request for action to the Minister for Housing. It concerns the future of the public housing estate at Victory Boulevard, Ashburton, and public and social housing in Ashburton, Ashwood and Chadstone. I care for my constituents there, unlike the previous member for Burwood and upper house members such as the Honourable David Davis, who did nothing for these people in the seven years of the former government. Honourable members will recall that I spoke on 1 March and 11 May this year about the flats on the estate. They were part of my campaign focus during the

by-election last December. I ask the minister to continue to take positive action for the redevelopment of Victory Boulevard and public housing in general in the Ashburton, Ashwood and Chadstone areas.

I was very pleased to be asked by the Minister for Housing to chair the redevelopment advisory committee. The committee included Crs Keith Walter from Boroondara and Felicity Smith from Monash, officers from the Boroondara City Council and local community representatives, among whom, most importantly, are three Victory Boulevard residents. I am sure the previous member for Burwood never met any residents from Victory Boulevard. The committee also included representatives from the Alamein community association, the Powerhouse community centre and the tenants advocacy group. They have been supported by the Office of Housing and the consultants and architects involved in this exercise.

The committee has worked hard to prepare recommendations for the minister on the best future use of the land at Victory Boulevard. We have spoken to local residents, surveyed tenants and held public meetings to advise of the different options the committee has looked at and the different designs that have been put forward for discussion of the use of the site and for public housing strategies right throughout the areas of Ashburton, Ashwood and Chadstone. Those areas were absolutely forgotten for seven years.

We have focused on what is best for the people at the site and for the mix of public and private housing in the future, looking at the needs for social and public housing throughout the cities of Boroondara and Monash, including talking to Hal Bissett about innovative housing and looking to make recommendations to the minister.

On behalf of the committee I urge the minister to take positive action for the people of Ashburton, Ashwood and Chadstone who live in public housing or are homeless or in need of social housing.

Snowy–Brodribb drainage system

Mr INGRAM (Gippsland East) — I raise with the Minister for Environment and Conservation the East Gippsland Catchment Management Authority and its management of the Snowy–Brodribb drainage system. The drainage area was redesignated with the passing of the Water (Waterway Management Tariffs) Bill, and since 14 December 1999 the East Gippsland CMA has been unable to rate the designated area.

I ask the minister to assist the authority to clearly define the boundaries of the drainage area and the reference to

direct benefit in the act to allow levies to be applied to the drainage area. It is essential to protect the productivity of the farmland on the Snowy River floodplain and the Brodribb River flats at Orbost that the drainage area be redefined so that rating can be reinstated for those who benefit from that drainage area.

The Minister for Environment and Conservation in the second-reading debate on the Water (Waterway Management Tariffs) Bill indicated that the defined areas would be allowed to continue if they had a direct benefit for property owners and listed examples including the Snowy–Brodribb drainage district and a number of others. These projects will continue where there are levee banks and drainage schemes, not only where the work is located but also for any properties that would benefit.

It has taken a while for the bill to come into force, and for all that time the area has been unable to be rated. It needs to be remapped and resurveyed for re-rating.

Mr Hulls — Tells us about Swifts Creek.

Mr INGRAM — I notice there have not been too many interjections about Swifts Creek today, and the opposition benches are silent on the issue tonight.

The Snowy River flats are one of the most productive river flat areas in the world and are extremely important. It is essential that their productivity is maintained. Vegetables are grown there and dairying and other types of farming take place. There is also an area behind a levee bank that is protected from flood — —

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

Forests: box-ironbark

Mr PLOWMAN (Benambra) — I raise for the attention of the Minister for Environment and Conservation an issue about the conflict facing industries that have enjoyed multiple uses of the box-ironbark forests of central and north-eastern Victoria.

Clearly if the recommendations of the draft report of the Environment Conservation Council (ECC) are accepted by government many industries will lose their base for the continued use of these forests. The industries include the beekeepers, who use the forest across the region — and a site at Huntly has been used for over 100 years. The eucalyptus distillers, also in the Huntly area, have been harvesting eucalyptus for about the same time and market their product both inside and

outside Australia. Central Victoria is the main area for the Victorian production of eucalyptus.

The post and timber getters from Dunolly and the firewood getters who provide much of the firewood for Melbourne also use the forests. The sawmillers at Rushworth add value to the ironbark to make furniture and wooden products that are quite outstanding. The area is used by the reef mining operations at Tarnagulla and by the gold fossickers. That is where the Hand of Fate nugget was found, which is worth over \$1 million. Victorian car clubs also use the area for rallies. All of those users will be denied the opportunity to use the areas in central Victoria if the recommendations in the draft report are accepted by the government.

The final area I am concerned about is the 350-kilometre strip of land no more than 30 metres wide along the Broken, Boosey and Nine Mile creeks which is proposed to become a state park. The land has been managed by adjoining landowners, and those opportunities will be denied them if the recommendation to take it into a state park is accepted.

I ask the minister, no matter what the final recommendations of the ECC are, to intervene to ensure that the families who will be adversely affected by the recommendations are allowed to continue their current activities, at least for their lifetimes. It is fair that uses of a forest that have gone on for 100 years should be allowed to continue. As I said, those uses have not been detrimental and should be allowed to continue.

Princess Elizabeth Junior School for Deaf Children

Mr ROBINSON (Mitcham) — I raise for the attention of the Minister for Education the learning needs of hearing impaired children in Melbourne's eastern suburbs, particularly those who attend the Princess Elizabeth Junior School for Deaf Children. I am seeking the minister's urgent advice on the efforts she and her department have made to find a new site for the school, which is a very important institution.

The work undertaken by the school is outstanding. I became familiar with it through my association with Taralye, a centre for hearing impaired children, which provides audio services and is located in the Mitcham electorate.

Some honourable members will be aware that the site of the Princess Elizabeth school was sold to Deakin University some time ago and that work has been

undertaken since then to try to find a suitable alternative location.

I take this opportunity to single out the honourable member for Burwood for his outstanding work on behalf of the Princess Elizabeth school. He has had a personal interest in and involvement with the school over many years, and I record my appreciation of his efforts. It took the people of Burwood 100 years to elect a Labor member, but it was worth the wait because they now have an excellent member who is looking after their interests.

The minister's advice on the matter is required because recently efforts have been made to confuse the government's role in the process. The site of the former Blackburn South campus of Forest Hill Secondary College has been proposed as an alternative location for the Princess Elizabeth school, which is an excellent suggestion. That site was closed by the former government, following which there was a great deal of procrastination. At the public meeting I attended some time ago the former education minister promised that he would meet a deputation of parents, but nothing happened. The former government sat on its hands.

The Bracks government gets on with the job and deals with difficult problems. I seek the minister's advice on the latest developments in finding an alternative location for the Princess Elizabeth school, which, like the honourable member for Burwood, does an outstanding job.

Dromana: bathing boxes

Mr DIXON (Dromana) — I raise for the attention of the Minister for Environment and Conservation the future of bathing boxes in the Dromana electorate. I ask the minister to personally guarantee that when bathing boxes are damaged by vandalism, fire or natural causes, the owners can at their own expense — they are not asking the government to pay for it — rebuild and replace them. I am seeking an assurance from the minister, not from her department.

Many bathing-box owners in my electorate would like the minister to come down and see the care and attention they lavish on their properties and give them her personal guarantee about their rebuilding and replacement. When bathing boxes on Mount Martha North Beach, which is in the neighbouring electorate of Mornington, were destroyed in a recent storm, the owners were told they would no longer be able to use them. There was no appeal and no compensation.

There is a wide variety of bathing boxes in my electorate, ranging from the famous one at Portsea

beach, which sold recently for \$180 000, to those in the poorer areas of Rosebud, Rye and Tootgarook, where two houses can be purchased for the same sum. Some bathing boxes have been in the family for generations and are attached to the titles of houses. They are not owned just by the rich and famous. Many ordinary families own them and get a great deal of pleasure from them. They are certainly appreciated by seaside communities and the community in general because they provide safety and shelter, particularly in these Sunsmart days. Studies have shown that the bathing boxes are environmentally sound and their foundations hold together the sensitive dune areas in which they are placed.

The bathing boxes are also valued by the many local foreshore committees, which hold competitions for the best decorated and maintained boxes. At the other end of the scale, the committees also impose penalties on owners who do not maintain their bathing boxes, and in extreme circumstances negligent owners can lose them. The bathing boxes are a great source of revenue for foreshore committees, which can be spent on facilities for other beach users and visitors.

The bathing boxes are an important part of the landscape and beachscape of my electorate and are greatly valued by the community. The owners seek the minister's personal assurance that if any bathing boxes are destroyed the minister will ensure they can be replaced.

Police: after-hours call-outs

Ms ALLEN (Benalla) — I call on the Minister for Police and Emergency Services to ensure police numbers at Alexandra, Eildon and Marysville are not reduced. Approximately two and a half weeks ago a minor robbery occurred at about 9.45 p.m. at the Rubicon Thornton Hotel, when a bottle of alcohol was stolen by a young female who absconded in a waiting car. The bar attendant, Ron Munday, pursued the culprit and managed to note the numberplate, which originated from Queensland. He rang D24 and was told that no police were available to attend.

A second call was made to D24 by the owner, Daryl Worthington, which resulted in an officer from Alexandra, Sergeant Bruce Colville, attending the scene. After being informed by a local at the bar that a car with Queensland plates was seen at a camping ground up the road at Rubicon, Sergeant Colville investigated and subsequently apprehended the offender.

The police in Alexandra, Eildon and Marysville are extremely efficient, dedicated, community minded and involved in the area. Some members play for the local football and bowls clubs. Detective Stuart Wall is president of the Alexandra Primary School council. The police are all well known by most residents in all three towns. In fact, as is the case in most country towns, they are known by their Christian names.

Although the Alexandra area is considered relatively safe to live in, incidents such as that raise the concerns of local people. They consider country life peaceful and much safer than that endured by their city cousins, and they need to be reassured that it will remain that way.

Multimedia: ministerial responsibility

Mr PERTON (Doncaster) — I refer the Minister for State and Regional Development to an announcement made in November last year that he would establish a tri-state alliance between New South Wales, Queensland and Victoria on regional communications. The minister promised high objectives for it. Sadly, in November of this year when the minister was asked what the alliance had achieved, all he was able to say was that the Victorian government would contribute to the alliance through the existing resources of Multimedia Victoria and that the resource commitments of other state governments were a matter for them to announce. He said the success criteria of the alliance would be determined through further discussions with the New South Wales and Queensland governments but would directly relate to the objectives of the alliance.

I ask the minister to advise the house whether the tri-state alliance actually exists, what its success criteria are and what it has achieved for Victoria. The Queensland and New South Wales Labor governments would say that their success has been at the expense of Victoria as a result of the failure of the Victorian Labor government to appoint a minister for multimedia or IT.

The ministers in Queensland and New South Wales are very active. They are well known, and many of the projects that have been established in New South Wales and Queensland have been at the expense of Victorians. New developments such as Lucent Laboratories and Red Hat Linux in Queensland, the investment of Sun Micro Systems and the new software developments for Queensland are projects that would have come to Victoria had we retained a Liberal government and had a minister for multimedia and/or IT.

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

Responses

Ms PIKE (Minister for Housing) — The honourable member for Coburg referred to an issue that arises from the changing demographic profile of Victoria and a requirement that we now have to better respond to the needs of older people from a diverse range of backgrounds. I am pleased to inform the honourable member that as Minister assisting the Minister for Health I recently had the pleasure of launching an exciting new Vichealth project entitled 'Oral health promotion for migrant older adults'. In the first instance the program focuses on older Greek and Italian adults and aims to promote the oral health of older Victorians from non-English-speaking backgrounds and in particular to improve their access to oral health services. As the honourable member for Coburg said, that is often an issue for people from non-English-speaking backgrounds.

Honourable members know that good oral health is very important. It is part of participating actively in the community, so it has a significant impact on people's quality of life. There is limited information on the oral health needs of older people from migrant backgrounds, so the project also draws in research and uses resources to look at the barriers to oral health and the impact oral health has on the quality of life for older persons from non-English-speaking backgrounds. More than 60 Greek and Italian clubs for older persons are participating in this action research project, and around 1200 people will have free dental examinations, so many Greek and Italian organisations are partners in the project. That will certainly assist us as we develop our services into the future.

The population profile of the Coburg electorate reflects those groups in particular. I am sure the project will lead to improved oral health services for people in the community from non-English-speaking backgrounds.

The honourable member for Burwood raised the redevelopment of the Victory Boulevard public housing estate in Ashburton and the action taken on public housing in the Ashwood, Ashburton and Chadstone areas. I thank the honourable member for his question, his continuing advocacy for public housing tenants in his electorate and in particular for his excellent work as the chair of the redevelopment advisory committee.

The government is committed to improving the levels of public housing throughout the metropolitan area because it believes good, strong public housing policies are necessary and appropriate for accommodating low-income people in the community. The stock in the

areas described had been allowed to run down. It is important that we now upgrade those homes.

On 11 May I had the pleasure of announcing that the Victory Boulevard estate in Ashburton would be demolished and redevelopment work would commence this financial year. I understand the report from the redevelopment committee, which is being prepared at the moment, will recommend the use of ecologically sustainable development principles for energy, conservation and water use, will facilitate a public-private mix on the estate and will support the government's commitment to public housing in the cities of Boroondara and Monash. Those two municipalities are also interested in pursuing innovative, low-cost social housing options, and I am sure they will want to participate in the social housing innovation projects.

I look forward to receiving the report and once again commend the honourable member for Burwood for his interest and for adding his expertise to the project and so generously giving it his time, commitment and enthusiasm.

Ms DELAHUNTY (Minister for Education) — The Leader of the National Party referred to the final stage of the redevelopment of Sale College, which followed the amalgamation of Sale High School and Macalister Secondary College in 1996. The question of how much is being spent and how much will be spent on the final stage requires an answer that relates to the physical resource management system (PRMS) and also to master planning, so I will try to be brief.

Stage 1 is completed; stage 2, which involved the upgrade of specialist facilities at both campuses, is completed; the final stage has been master planned, and that will of course allow for the redevelopment to be completed on the Macalister campus. The PRMS grant for the college was held in abeyance until the approval of the master plan to ensure the government was not spending funds on facilities that were to be redeveloped. That is sensible and a wise investment of money.

The final stage is estimated at a cost of \$1.5 million, and it will deal with the litany of neglect the honourable member referred to — cracks requiring attention, the technical wing and no heating since 1997. Way back in 1997. Who was in government in 1997? Not us. Why did the National Party allow this school to be so neglected?

The government is committed to finalising the redevelopment. To date \$3.88 million in capital funds

has been spent or committed on the redevelopment of the school, including school and municipal contributions. Following the approval of the master plan this month the PRMS grant relating to the facilities has been released to the school. The final stage of the redevelopment has been incorporated in the Gippsland region's forward works recommendations for consideration in future capital works programs.

The honourable member for Mitcham referred to the Princess Elizabeth Junior School for Deaf Children and its future. I congratulate the honourable member for Mitcham, who is not just a good member for Mitcham but has been doing good works all over the eastern suburbs and is much appreciated by families from the eastern suburbs.

The Princess Elizabeth Junior School for Deaf Children has been doing some magnificent work providing support for very young deaf children aged two to eight — that is, it offers a groundbreaking partnership for kindergarten and school-aged children involving the Department of Education, Employment and Training and the Department of Human Services. The result is a unique educational environment. It is the only one I know of in the government system that combines kindergarten and school programs in one place. It provides specifically designed, high-quality communications programs for very young deaf children, particularly in Auslan, signed English and oral communication. At the moment the school is trialling specialist preschool deaf support facilities through the development of programs for very young children in local kindergartens.

The school's problem is that the site on Elgar Road, Burwood, has been sold from under it. It has to vacate the site by the end of December 2002. Repeated representations by the Princess Elizabeth Junior School for Deaf Children to the previous government fell on deaf ears, and absolutely nothing was done. Due to requests from the families and excellent advocacy from the honourable members for Mitcham and Burwood, however, the Bracks government has for the past few months been looking for an alternative site, and I am delighted to share with the house tonight that although the previous government was not the least bit interested in finding a solution to the problem, the Bracks government has found a new home for the Princess Elizabeth school on the site of the former Forest Hill Secondary College in Blackburn South.

Honourable members will recall that that school, along with many others, was compulsorily closed, causing a lot of distress for the communities concerned. The site will now be used for a valuable and innovative facility.

I can assure the house, and particularly the honourable member for Mitcham, who is very interested in the state of the hall on the former Blackburn South campus, that the hall will be retained for community use and will be operated jointly with the community.

So, rising from the ashes, and due to a positive partnership between the Department of Human Services — which is responsible for kindergartens — and the Department of Education, Employment and Training, the work of two excellent local members of Parliament and the families of the eastern suburbs, we have a great result for an excellent school.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Wantirna raised the matter of a phone call made by a prisoner in Barwon prison to one of his victims. The matter is serious and has been brought to the attention of the commissioner's office and of CORE — the Public Correctional Enterprise. The phone call was possible because the telephone system had been manipulated to redirect calls made to an allowable phone number.

Prisoners are allowed to call particular phone numbers only, and the numbers are checked and approved by the prison authorities. In the case raised by the honourable member for Wantirna the prisoner somehow enabled an allowable phone number to redirect calls. The matter is being investigated by CORE and by the commissioner's office with the intention of finding a mechanism to prevent abuses of that sort.

The matter is serious. The government does not regard as appropriate any contact with victims from within a prison. I recall my deep concern when under the previous government the Port Phillip prison authorities identified telemarketing as an appropriate prison industry.

One can understand the concerns that I or anyone else would have about prisoners sitting in a call centre in a prison ringing up people at certain times of the day saying, 'Is your home often unoccupied at this time of the day?', or, 'Are you often alone at home at this hour of the day?'. The matter is certainly of some concern. The government treats it very seriously, and steps are being taken to see what can be done to avoid the abuse of the telecommunications technology that is now available.

The honourable member for Benalla raised the issue — —

An honourable member interjected.

Mr HAERMEYER — She is an excellent member. She has referred me to a matter that had been raised by the Honourable Geoff Craige in another place about what he says was a serious and violent robbery that took place at the Rubicon Hotel in Thornton on 19 October at 9.45 p.m. He certainly had the time, the place and the date correct. However, I am informed by Victoria Police that the so-called violent robbery was in fact a non-violent theft of a bottle of alcohol from the hotel — hardly a serious and violent robbery.

I do not know what the Honourable Geoff Craige would have had the police do. Did he want Victoria Police to dispatch the air wing or the special operations group? I am not quite sure. However, the theft of a bottle of alcohol does not seem to warrant the over-the-top response the honourable member was requesting.

The proprietor of the hotel is somewhat embarrassed about how the whole matter came about. A few days after the theft the proprietor came across Cr Mike Dalmau from the Shire of Murrindindi, who is an aspirant to Liberal Party preselection for Benalla. That is a Labor-held seat that used to be a National Party-held seat, and he is a Liberal Party candidate, so he would be nothing more than a third party interloper in any case. Cr Dalmau said he would handle the matter and take it to the honourable member for Benalla. He contacted the office of the honourable member for Benalla and refused three times to give the details of or a contact number for the hotel. He subsequently rang Mr Craige, who then raised the matter in the other place.

The honourable member for Benalla contacted me immediately and passed on a letter she had obtained from the owner of the hotel about the incident. The hotel owner is extremely embarrassed by the beat-up Mr Craige has engaged in, and the police in the area are extremely annoyed at the way he has reflected on their professionalism and ability.

The assistant commissioner, general policing, Mr Noel Perry, states that:

... the two offenders were apprehended and charged with the relevant offence.

I am satisfied that, with the given circumstances, the police response to this incident was appropriate and that the correct decisions were made relative to the call-out policy.

This is an outrageous beat-up from Mr Craige who, in 12 years as a representative of Central Highlands Province, has mentioned 'Alexandra' on only seven occasions — two of which had to do with Alexandra Parade near the city. The last time he mentioned

Alexandra was in 1996. In fact, he had absolutely nothing to say about Alexandra over the four years the previous government was cutting police numbers by 800.

To refer to the township of Alexandra on only five occasions in 12 years, and on each occasion only in passing, is a pathetic effort. The people of Alexandra are extremely grateful that they have in the honourable member for Benalla a dedicated local person who was raised in the township and who believes in and is committed to Alexandra.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Gippsland East raised with me the Snowy–Brodribb drainage scheme, which he has raised with me several times before. It is an extensive regional drainage scheme for both the Snowy and Brodribb rivers, and, as the honourable member said, it is absolutely essential for the continuing productivity of the land along the river flats and the environmental health of those areas.

Under the previous government the East Gippsland Catchment Management Authority took over the responsibility from the Snowy River Improvement Trust. Of course, the authority then imposed the catchment management levy on everyone. As honourable members will recall, this government abolished that unfair and harsh levy, and under the legislation the government allowed for local rating in situations such as this. This case was particularly mentioned in Parliament and in the legislation, because a local drainage scheme that provides a benefit to properties should be allowed to continue.

However, there have been some difficulties since that time, and the honourable member for Gippsland East has spoken with me about them. I am pleased to be able to advise the honourable member that I have agreed to provide funding to the East Gippsland authority to undertake an investigation of the drainage scheme and to identify the beneficiaries of the scheme. That investigation will also identify the long-term capital improvement and maintenance requirements for the continued operation of the scheme. The tender will be released shortly, and I anticipate that the East Gippsland community will have significant opportunities to comment on those matters and have input into the study. The study is required before a new funding structure can be established for the Snowy–Brodribb drainage scheme.

I am also pleased to inform the house that the Department of Natural Resources and Environment will assist with the funding, and the East Gippsland

authority will provide the additional costs of establishing the rating structure. As the honourable member pointed out, the scheme is important for the local area, and the government is happy to be able to assist the East Gippsland community to put those resources in place.

The honourable member for Benambra raised with me issues arising from the box-ironbark draft report, particularly the impact on a number of groups from beekeepers through to car clubs if the recommendations are implemented. The box-ironbark inquiry was established by the previous government, at which time the honourable member appeared to have no concerns and made no comments about it. The recommendations are in draft form, and the Environment Conservation Council is currently considering public submissions from all the groups he referred to commenting on the draft recommendations and considering the final recommendations, which will be provided to me in due course. The honourable member needs to wait until the government has considered the final recommendations.

The honourable member for Dromana raised with me the issue of bathing boxes in the Dromana electorate. I refer him to the answer I gave his colleague during the last sitting week of the house. Because he is obviously slow to learn, I repeat that the government values bathing boxes. They add great colour and enjoyment to a day at the beach. If he checks *Hansard* he will see I made similar comments at that time. The government does not have a policy for the wholesale removal of bathing boxes. The honourable member is scaremongering.

Mr BATCHELOR (Minister for Transport) — The honourable member for Knox raised for my attention some apparently unused land near the south-west corner of the Boronia rail crossing. He said the small parcel of land, which appears to have been left over following a redevelopment there, has not been properly maintained or adequately beautified and detracts from the general ambience of the area. He wants to know what can be done about it.

Firstly, I thank him for raising the matter and will undertake to clarify with him whether there is any ambiguity about the area he is talking about and who has responsibility for it. Matters such as this are more complex following the privatisation of public transport. It could well be that it is the responsibility of Connex, the private train company. It could be surplus land, it could be designated for a use that is yet to be determined, or it could be the responsibility of some other party. I first need to check out who is legally responsible for the land, after which I undertake to

establish what plans the owner has for it and whether short and long-term solutions can be found to this problem. After that I will get back to the honourable member for Knox.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Doncaster raised for my attention a matter regarding the tri-state alliance on information technology infrastructure and sought advice on the progress of that initiative. The Bracks government has under way a number of strategic initiatives to improve access to information and communications technology for all Victorians, including those in rural and regional areas. The tri-state alliance is part of those initiatives. Similarly, the government is also engaged in the regional communications infrastructure strategy review, which will identify regions where the level of communication services is inadequate for local needs and propose solutions to improve service levels.

I point out that that review, which is the first of its type ever undertaken by a Victorian government, will identify areas of the state in which there are IT infrastructure shortfalls or broadband issues. It will enable the state to lobby the federal government for assistance in addressing those infrastructure shortfalls.

We have also recently upgraded the VicOne network, and the honourable member would be well aware of the initiative in south-west Victoria called SWARHNET — the South West Area Regional Health Network — which I opened earlier this year. Hospitals from Colac to Casterton are now linked as part of that network. It is an exciting initiative that provides broadband access and ensures better health delivery throughout the region.

Last week in Shepparton I was able to announce jointly with AAPT a \$52 million expansion of the VicOne network throughout Victoria. The expansion, which is now under way, will mean that 90 per cent of the state is covered by the VicOne network and that, importantly, for many users in regional areas the cost of using that network will be reduced by 70 per cent. The CEO of AAPT, who was with me in Shepparton when I made the announcement, was proud to say that with this expansion of the government infrastructure broadband network there was no doubt that Victoria led not only Australia but also the world. So I think we can — —

Mr Honeywood interjected.

Mr BRUMBY — You did not do it. That is a facile interjection from the — —

Mr Honeywood interjected.

Mr BRUMBY — The honourable member for Warrandyte might wish to take that up with AAPT, which announced the \$52 million expansion last week.

Mr Perton — It is not much, is it?

Mr BRUMBY — It is a very substantial investment.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The Treasurer should ignore interjections.

Mr BRUMBY — The opposition hates the government's leadership in the area and hates good news. It forgot country Victoria for seven years, and this government has this investment in place. Looked at with all the other exciting news on information technology in this state — the references in *Wired* magazine to Victoria being one of the IT hot spots throughout the world; the federal government's report showing that Victoria is better positioned than any other state to gain the benefits from e-commerce; the expansion of the government online program www.vic.gov.au, through which close to 150 government services are now online; the recent industry investment attraction to the state; the games plan, which I announced two weeks ago; the investment decision by Infogrames; and the Interact festival, which was the biggest and best ever in this state — it shows that under the Bracks government Victoria is leading the way in information technology and infrastructure.

An honourable member interjected.

Mr BRUMBY — I know the honourable member for Doncaster — —

A Government Member — Has relevance deprivation.

Mr BRUMBY — He has relevance deprivation syndrome. We are leading the way, we will continue to lead in future, and we will continue to progress the tripartite alliance between Victoria, New South Wales and Queensland.

Motion agreed to.

House adjourned 11.52 p.m.