PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

15 November 2000

(extract from Book 7)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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Mr P. J. RYAN

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Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

WEDNESDAY, 15 NOVEMBER 2000

Wednesday, 15 November 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITION

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

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 Mr STENSHOLT (Burwood) (55 signatures) and Mr KILGOUR (Shepparton) (41 signatures)

Laid on table.

PRIVILEGES COMMITTEE

Right of reply

Mr LONEY (Geelong North) presented report on right of reply of Mr Frank Webber, together with appendix.

Laid on table.

Ordered to be printed.

MEMBERS STATEMENTS

Rail: Geelong car parking

Mr SPRY (Bellarine) — This morning I highlight the problems of car parking at Geelong railway station. Recently the government made much of its $800 million plan to improve passenger rail services to regional cities, including Geelong, but a more immediate problem exists. Approximately 8500 people travel daily between Geelong and Melbourne, and of the estimated 2200 daily rail travellers between the cities about half depart from the Geelong central rail terminal. Parking is provided there for a mere 450 vehicles, and is therefore totally inadequate. Generally the car park is full by about 8.30 a.m. and latecomers drive around in circles trying to find parking spots, consequently becoming increasingly frustrated. Many miss their rail connections, especially if they are not in the know.

The moral of the story is that before initiating any $800 million project for rail improvements, it is more important to solve the basic issue of parking in Geelong. Geelong's recently released draft transport strategy highlights the problem. I urge the government to take immediate action to relieve the situation in the interests of making that vital rail service to and from Geelong more functional.

Lockington preschool

Mr MAUGHAN (Rodney) — I bring to the attention of the house a wonderful example of a small rural community that is prepared to help itself. Lockington is a small country town in the northern irrigation area, about 35 kilometres south-west of Echuca. It has about 350 residents and a preschool enrolment of about 55 students.

The preschool parents advisory committee, led by Jackie Shawcross, decided to build an extended play area incorporating a bike path as identified in the preschool's 10-year plan. Mary Jeavons, a well-known landscape architect, was employed by the preschool community to plan and design the new play area.

The parents of the preschool children, with assistance from the Lockington Action Club, funded and erected a new non-scalable perimeter fence. The play area extension incorporates a wheeled toy path, a secret garden, a forest area and an extension of an existing lawn area. The preschool community contributed $9360 from its own resources and labour. The Lockington Action Club held a golf day and raised $1235, which was donated to the project. The Lockington Lions Club

donated material and labour valued at $1600. Community members made cash donations totalling $455 and the balance of $15 433 was raised through fundraising functions, donations from local businesses and the local community.

Essendon: commonwealth land

Mrs MADDIGAN (Essendon) — On behalf of the residents of Essendon and west Essendon I express their dissatisfaction and disgust at the federal government's refusal to support an earlier government decision. In 1987 commonwealth land that was previously used by the Commonwealth Explosives Factory was promised to the people of Essendon by the then defence minister, Kim Beazley.

Negotiations have been going on for some time, but under the Howard government the defence department has been uncooperative in finalising the matter. The defence department now says that part of the land should be revalued as residential space and it is claiming a large amount of money from the City of Moonee Valley. The federal government refuses to be party to an agreement which has been highly publicised and agreed to by all parties. The land is not suitable for residential development as it is probably still contaminated and a large portion of it is on a flood plain.

The federal government has so far refused to provide evidence that the land has been cleared for residential development yet it is trying to make the local council pay residential values for a large portion of the land.

Barney and Joyce Parsons

Mr MULDER (Polwarth) — I acknowledge the contribution to the township of Winchelsea of Mr Barney and Mrs Joyce Parsons.

The house will be aware that Winchelsea has produced a great Leader of the Opposition but some great community leaders also come from the township of Winchelsea. Small communities rely not so much on their physical attributes but on the people who live in them. Barney and Joyce Parsons have been integral to the development and progress of the Winchelsea community. Their fingerprints are on almost every project, to the benefit of all around them, including the eastern reserve committee, the grandstand committee, the Winchelsea hospital board, the adult day care centre and the *Winchelsea Star*. On Sunday, I had the pleasure of opening the wool sports in the township of Winchelsea and you can guess who was at the forefront of that event: Barney and Joyce Parsons.

They are to be commended for their work in the Winchelsea community. Recently they were presented with a community award at the Lions Club dinner. Their efforts will be appreciated by Winchelsea residents throughout the years and anybody who moves into the community will certainly recognise their contribution.

Ballarat: council budget

Mr HOWARD (Ballarat East) — Recently the City of Ballarat announced that it had reassessed its budgetary position and found that its budget blow-out was $3.1 million when it was expecting an operating deficit of $1.6 million. It is a situation the council regrets but is working hard to manage.

However, last Friday the Ballarat City Council and many of its residents were outraged when they read comments in the Ballarat *Courier* by the Leader of the Opposition. The article headed 'Ballarat budget blow-out massive, says Napthine' states in part:

> Opposition leader tells city council to see how it can reduce costs.

Without any discussions with the City of Ballarat, the opposition leader just wanted to shoot his mouth off and criticise the Ballarat council in an area where he has very little expertise. The Leader of the Opposition is not in a position to offer advice to the Ballarat City Council, but the council and its residents would like to offer advice to the Leader of the Opposition. His popularity ratings have not blown out, nor will they, but he will be blown away by the pathetic rabble he tries to lead. They are not being helpful or constructive in their dealings with the people of Ballarat.

Workcover: premiums

Mr THOMPSON (Sandringham) — I wish to raise the serious concerns of Sandringham electorate businesses about the impact on them of the increases in Workcover premiums. One business in Cheltenham has had its premium increased from $3600 to more than $6000. The advice to my office is that it has affected the taking on of one junior employee this financial year. Another manufacturing enterprise that employs approximately 200 people has advised that the Workcover reforms, together with increases in superannuation charges and other levies being imposed by the government, will seriously test its position as a manufacturer to international markets.

These are serious matters that are ongoing. I propose to raise the concerns of Sandringham electorate businesses in the house so that as unemployment rises in Victoria,

as it inevitably will, these matters are sheeted home as the responsibility of the present Labor government.

Turkish republic anniversary

Mr LANGUILLER (Sunshine) — I recently represented Premier Bracks when on behalf of the government I congratulated the Council of Turkish Associations of Victoria on organising and hosting the reception for the 77th anniversary of Turkey's inception as a republic.

The Turkish Republic was officially declared on 29 October 1923. In celebrating that anniversary we are also celebrating the great Ataturk, the republic's first president. Kemal Ataturk committed his energy and vision to reforming Turkey and steering it into the 20th century. He was determined that Turkey should see itself as a confident, forward-looking nation ready to take on the challenges of a modern, developing world. Under Ataturk western trends were widely adopted while the economy was nationalised under the central direction of the state. Given the transformation that took place leading to the modern state we see today, Ataturk's progressive ideas and reformist zeal made his vision a reality.

As Australians we all can take inspiration from Ataturk's vision for the future. We can all admire his confidence in his own people and his desire to do the right thing for the benefit and future prosperity of his nation. As Australians we too should acknowledge the many positive benefits associated with our prosperity as a multicultural society. We can all share in this diversity and take pride in the fact that we support many communities and their unique histories and contributions.

The Bracks government is committed to further supporting the expression of our culture, in fact ensuring that this is possible for all our culturally diverse groups.

City Link: western route

Mr LEIGH (Mordialloc) — The Minister for Transport continues either his well-known dishonest behaviour or his inability to inform Victorians about what he is doing. Some time ago he employed a Labor mate to investigate the western link route and the former government's decision to pay $10 million to City Link. The net result was that the Labor mate he employed to investigate it found that the former government did the right thing. The Auditor-General in his November report said at page 120:

> The state has consistently taken the view that the claims were not sustainable …

The Minister for Transport provided $500 000. This is the same minister who was against a settlement with City Link on another matter concerning the western link, yet he has settled exactly the same claim as that which arose when former Minister Maclellan was trying to make the same decision. The former minister made exactly the same comment as the current Minister for Transport, who settled it. The minister was dishonest in what he did. He continues to be dishonest and proves once again why he was known as the member for Nunawading.

Swifts Creek timber mill

Mr INGRAM (Gippsland East) — I raise a matter regarding the Swifts Creek sawmill and congratulate the government and the community of Swifts Creek on their dedication and hard work to ensure that there was a positive outcome for the return of the sawmill, Dormit Pty Ltd, which has done a huge amount of work negotiating with the government an agreement that will deliver a sustainable economic environment in Swifts Creek.

The process has been long and drawn out, and the community of Swifts Creek has worked extremely hard to secure this outcome. There has been a positive response in Swifts Creek to the announcement by Dormit. The company is well regarded in the community, and it is a good outcome all round. There has also been positive coverage in the media.

Residents of Swifts Creek have had a rough time over the past few years with ovine Johne's disease, the drought, the closure of the Benambra copper mine, the closure of the sawmill and the flood that followed that closure. They now have a much more positive outlook on employment. As I said, the outcome is good all round.

Margaret Brazier

Ms McCALL (Frankston) — I grieve for the people of Frankston following the sudden and untimely death of Margaret Brazier in a car accident last Thursday on the Mooroooduc Highway. Margaret was the backbone of the Frankston volunteer community. She was involved with the Pink Ladies at the Frankston Hospital, a member of the Australian Red Cross and a strong supporter of the Frankston branch of the Liberal Party. Her family is facing a double tragedy because the car she was travelling in was being driven by her grand-daughter, Samantha, who is currently in intensive

care at the Alfred Hospital and may not emerge from a coma.

On behalf of the Frankston electorate I pass on to her family my sincere condolences. The community at large has suffered the loss of a really good member. Margaret was a Yorkshire lass, born in the same county as I was. She was notorious for her sense of humour — I would hope the same as mine. She was a worthy Victorian and a worthy member of the Frankston electorate, and she will be sorely missed. Her funeral will take place tomorrow afternoon. I wish her grand-daughter a speedy recovery from her illness.

The SPEAKER — Order! The honourable member for Clayton has 5 seconds.

Science, technology and innovation initiative

Mr LIM (Clayton) — Last Friday I attended the announcement of the science, technology and innovation initiative. One competitive grant for infrastructure at Monash University — —

The SPEAKER — Order! The honourable member's time has expired. The time set down for member's statements has also expired.

Yesterday the honourable member for Bentleigh raised a point of order about the non-availability of the Family and Community Development Committee report that was tabled in the house after question time.

The normal practice of the house is that following their tabling sufficient copies of reports are made available for honourable members and others who may request them. I have had the matter investigated and advise the house that unfortunately that did not occur on this occasion. Committee staff became aware that copies would not be available from the printers only after the report was tabled in the house. Copies of the report have now arrived and are available in the papers office.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Information technology: government policy

Mr PERTON (Doncaster) — I grieve about the state of Victoria's multimedia and information technology industries.

Debate interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! It is with reluctance that I ask the honourable member for Doncaster to resume his seat. It gives me great pleasure to welcome to the Victorian Legislative Assembly Mr Jose Ramos-Horta, the East Timorese Minister for Foreign Affairs and 1996 Nobel Peace Prize winner.

GRIEVANCES

Information technology: government policy

Debate resumed.

Mr PERTON (Doncaster) — The Liberal Party and the Parliament of Victoria are honoured by the presence of an important Nobel prize winner.

A year ago the Bracks government launched a policy statement described as Connecting Victoria. The Minister for State and Regional Development, who is at the table, announced with great fanfare that it was the first ministerial statement on government policy made by his government.

Under the previous government Victoria was a world leader and a winner in multimedia and information technology industries. In his book *Business @ the Speed of Thought* Bill Gates referred on three occasions to Victoria as the world leader in multimedia and IT. Victoria's performance in electronic service delivery was world's best, as was its performance in introducing computers into schools. It was not just Bill Gates who had that opinion; it was shared by the online committee of the group of seven industrialised states, known as G7, which came to Melbourne on a number of occasions. It indicated that we were world leaders. Maxi Multimedia and its site www.maxi.com.au won business awards in Japan and elsewhere.

The state is now falling away in this area. An article appeared in yesterday's *Age* on the question of broadband and the government's lack of performance in ensuring that high-speed Internet capacity is available not just in the central business district of Melbourne but also in the suburbs and regional areas of Victoria. In that article I said this lack of broadband access would continue to cause the flight of the best and brightest in multimedia and IT from Victoria. I am pleased to say that there was a strong response to the article. As an indictment of the government I received an email from the executive of a national Internet company who is working in Melbourne. He said:

> I'm faced with the dilemma of either fighting a losing battle in Melbourne or relocating to Sydney in order to further my career. It's a preposterous position I find myself in. As you said in your article, Victoria led the way with the employment of an IT minister — yet today we find ourselves with either a) no minister or b) John Brumby. Neither is a desirable outcome for the Internet industry.

A young multimedia designer wrote to me saying:

> In terms of your article, I agree with your assessment that the ALP government are clearly IT illiterate. However, I fear that the writing was on the wall a little earlier than that. I point to the Interact Exhibition held a few months ago. In its first year … we saw massive stands from IT giants such as Microsoft and Netscape. Recently a lot of the big name players have not attended. A reflection on Victoria or the organisers? I don't know.

In the Connecting Victoria statement Minister Brumby, no doubt still trying to appeal to the voters of regional cities, promised that:

> Beginning with Ballarat and Portland, the government will work with industry to establish regional televillages to support teleworking and telecommuting.

At the time we asked the minister what a televillage was and in mirth we suggested it might be a place where the Teletubbies live!

The government then sent out a memorandum to certain business leaders in Ballarat and elsewhere saying that the televillage concept was based on the town of Ennis in Ireland. Ennis is a town in which some A$60 million is being spent to provide high-speed telecommunication services and to give all the residents who want it adequate computing equipment, training and the like. If we were to scale that proposal to Ballarat we would be looking at a lot more than A$60 million — we would probably be looking at something between $150 million and $180 million. If we were looking at doing it in Portland, we would probably be looking at $60 million.

If Minister Brumby had said at that time that this was the money to be spent in Ballarat and Portland, he would not have been condemned. We would have accepted that it was a way of providing leadership to the world through Victoria's regional cities. However, instead of doing that the minister set up a steering committee of citizens of goodwill in Ballarat and Portland. The committee members, who were people in councils and business, were given a brief, which was: how, why, where and what. They were charged with the task of working out what a televillage was.

Were they given millions of dollars and told how to allocate the money? The answer is no. Ballarat was given $27 500. One year after the promise to turn it into a high-tech city, it has had a six-month steering committee, a consultancy, $27 500 and no advance. Portland is exactly the same. Both community committees have said the government has dropped the ball. The minutes of the Ballarat steering committee indicate that some of its members were so disillusioned they stopped attending meetings.

As for televillages, the minister wants to turn Ballarat into a high-tech centre so that every house and every business has a broadband connection. Every house will be given support to buy a personal computer, every student will have a laptop computer and people will have personal handheld computers. It is an expensive job, but if the minister were prepared to adopt that approach and put up the budget he would get the opposition's support. The silly policy of saying Ballarat and Portland would be turned into televillages based on budgets of $27 500 and $30 000 respectively is an absolute betrayal of the people of those cities, and the minister stands condemned for his failure to fulfil that promise.

Mr Lenders interjected.

Mr PERTON — Three weeks ago the minister indicated that he had made a slow start as minister, and that is probably true, but his failure to meet the promises contained in Connecting Victoria demonstrates his complete lack of success. One of the promises was that the government would help everyone who wanted an email address to get one. It is not a difficult issue, and the opposition said at the time that free email addresses could be obtained from Hotmail, Yahoo and a range of other services. Did the minister mean something else? In answers to questions on notice the minister waffled and said it was a question of access.

This month he gave an answer to a question on notice, saying that access to an email address could be found at www.libraries.vic.gov.au. However, if one goes to that web site, all one finds is the list of free United States-based email services that were available last year. The minister has not dealt with the fundamental problem of providing everyone with email or Internet access, which is about access to the equipment. He has simply provided a list of free email services on a web page, available mostly from American sources. He has provided no solution to the access issue.

Under the Kennett government every Victorian library was given the budget to access the Internet, but libraries have found they must allocate their computers to appropriate research activities, not to people accessing their email.

Worse still, Victoria is experiencing a brain drain which has been accelerating for the past 12 months, and not just to San Francisco. Under a government without a minister for information technology, there has been a strong movement of people from Melbourne to Sydney, Brisbane and Adelaide.

In his Connecting Victoria statement the minister said an information communications technologies (ICT) skills task force would be established. In a speech on 11 November 1999 the minister stated:

> Over the next few weeks, the task force will consult widely and work closely with me in developing practical initiatives …

The committee was not set up until six months later! This is a minister whose eye is so far off the IT ball that he said he would have a committee working with him for the next six months but did not get around to setting it up until six months later. When it was set up the committee contained a number of distinguished individuals, and it reported to the government almost six weeks ago. Now, almost one year and one week after the promise was made, no report has been published and no action has been taken.

The same can be said about the ICT advisory group. In November last year the minister said he would appoint a chairman in that month. That promise is 12 months gone. He also said the committee would start work in January 2000, but it is now November. It is clear that on multimedia and IT policy not only is Victoria rudderless, because there is no minister for IT, but this minister cannot even project manage his own department to make sure that the promises he has made are kept.

Last night I raised the issue of the tri-state alliance which was meant to progress Victorian regional telecommunications. Twelve months after the tri-state alliance was put in place, the minister is still saying its objectives will be set in consultation with other governments. In other words, 12 months has gone and nothing has been done at all.

In concluding I will mention democracy online. The government promised it would refer to a parliamentary committee the issue of how best to use new technologies to open up Parliament and government to the people of Victoria.

Mr Acting Speaker, you and I both know that the reference has not been made, and I do not understand why that promise could not be kept. All that has happened with democracy online is that there is an email address at www.vic.gov.au for submitting suggestions to the government. There is also an archived version of the budget that is unintelligible when accessed from a Pentium 2, which is the standard operating hardware for all members of the Victorian Parliament, their staff and the library. When the opposition asked the minister what he had done about the promise, he replied that the government had broadcast the budget on the Internet!

Of course, we all know that when it was broadcast on the Internet there was such inadequate band width that not even the few people who tried to access it could do so without it crashing the computer systems.

An opposition member interjected.

Mr PERTON — We would have been better off with a smoke signal, as the honourable member says.

I grieve for the state of multimedia and IT policy in Victoria. However, all is not yet lost. There is still the opportunity for the government to appoint a minister, ideally someone like Carlo Carli or Michael Leighton, who have both shown that they have at least an interest in those areas. But as the letter I received today indicates:

> We find ourselves either with no minister or John Brumby.

As the industry has judged:

> Neither is a desirable outcome for the Internet industry.

Stawell: open-cut goldmining

Mr DELAHUNTY (Wimmera) — I grieve for the community of Stawell, Ararat and the Wimmera following the Minister for Planning heavily politicising the planning process concerning the application by Stawell Gold Mines to open cut. The state government has attempted to buy votes in other areas of the state at the expense of the Stawell, Ararat and Wimmera communities. It does not consider the welfare of the employees, the business sector or the community of Stawell. The government has again shunned country Victoria.

The media is portraying right across the state a loss of confidence in the way the government is dealing with the business sector, and this grievance issue is another example of where the government has let down country Victoria. The majority of the Stawell community supports the concept of open-cut mining with appropriate environmental conditions such as the safety of the residents and staff, the protection of property, confidence in jobs, noise, blasting, air emissions, dust, transport, traffic matters, water issues, temporary

relocation of monuments and structures and, importantly, rehabilitation and revegetation.

Let's look at the Stawell goldmine and the open-cut proposal. Gold was discovered in Stawell in 1850, and between then and 1923, when mining ceased and the mine closed, 11 tonnes of gold were produced to the value of approximately $155 million. Gold production recommenced in 1983. Currently the mine is the largest in the state producing about 90 000 ounces of gold a year, which is equivalent to about $50 million in exports.

At this stage mining is all underground. The ore is brought to the surface by rubber-tyred diesel loaders carrying approximately 50 tonnes of ore. The length of the tunnel decline is about 7 kilometres with approximately 50 kilometres of further tunnels at various lengths. Underground mining operations extend to a depth of about 750 metres and they are nearing 800 metres — certainly a long way down. However, the obvious problem with the operations is that the further down they go the more expensive the process becomes, and therefore the sustainability of the mine is questioned.

That brings me to the open-cut proposal. The exploration by Stawell Gold Mines during 1997 and 1998 delineated near-surface resources of some 424 000 ounces of gold along Big Hill ridge, currently worth about $220 million. The open cut is planned to operate for about six years.

I will read a couple of paragraphs from the environment effects statement (EES):

> If the open-cut mining proposal is approved it is expected to contribute to increasing the underground mine life from five years … to beyond the year 2010, both by supplementing process feed and by reducing the rate of underground reserve depletion.
>
> Stawell Gold Mines will be seeking to vary its existing work plan to allow for open pit mining to proceed. On 12 June 1998 SGM wrote to the Minister for Planning and Local Government advising that it would be seeking a variation to its existing work to allow pit mining on the Big Hill ridge. SGM sought advice as to whether the environment effects statement (EES) should be prepared for the project. In a letter dated 2 July 1998 the minister determined that an EES be prepared.
>
> The EES provides a description of the proposed project, a description of the consultation process, an assessment of the potential impacts and proposed mitigation methods, the rehabilitation proposal and operating environmental monitoring and management procedures.

My understanding of the Mineral Resources Development Act is that it is written for the advantage of all Victorians and not just for individual persons or companies.

There is a process to gain exploration and development licences, which I have discussed in this place before, whether they be through a planning permit or an EES process approved by a minister. With most mining proposals there is community tension. I was involved as a private person going to some public meetings in 1998 because of the concern that was being raised obviously from the point of view that it was going to be an open-cut mine on the very edge of Stawell on the eastern side. There is no doubt that there has been much debate in the Stawell community, indeed in the wider community as well.

As I said during the debate on the Mineral Resources Development Bill, it is important for the government — I am prepared to assist — to work with the community and the industry to mitigate some of the tensions and ensure a good outcome is achieved by all. Even though some concerns exist about the EES process, it is an appropriate method of consultation to put all the issues on the table, for the mining company to go through them and that they go before an independent panel which reports back to the Minister for Planning.

I again read from the EES:

> The aim of the consultation program undertaken for the project has been to enable all interested parties a number of opportunities to:
>
> access information on the proposed development;
>
> provide input/feedback on any aspect of the project; and
>
> express and discuss any concerns they may have on any component of the project.
>
> Community consultation for the Big Hill project was facilitated on two main levels:
>
> formal meetings of the EES consultative committee
>
> wider community engagement using a range of consultation initiatives.

The environment effects statement consultative committee had nine meetings, starting 9 September 1998. The first agenda item was the EES and approvals process. Other items included a review of the proposals for community consultation. Other meetings held throughout that period up until 7 September 1999 included such agenda items as noise and dust standards, rehabilitation and future land use, social impact, blasting, noise assessment, economic impact assessment, presentation of social, health and air quality, and committee review and feedback on social, health, and hazard and risk studies.

All consultative meetings up until September 1999 were open to the public and attended by local residents and interested groups and societies in addition to community members. A panel hearing was conducted in Stawell from 17 to 31 January this year. The EES was placed on public exhibition from 12 October to 12 November 1999 and it went through a panel process. The panel then informed the Minister for Planning and the minister was to prepare an assessment report. He finished that in early April this year. The minister then sat on it for seven months until he made a decision the day before Melbourne Cup Day, which was a public holiday. After seven months the minister made a very political decision, but before I go to that I will read from the recommendations of the panel:

> The panel recommends that the EES proposal should not be approved in its exhibited form.
>
> However, the panel considers that approval would be appropriate:
>
> > if the EES proposal was significantly modified to incorporate a requirement for filling of the southern void in accordance with the principles outlined in condition (i) below;
> >
> > if final DNRE work plan and licence conditions embody the principles which are set out in draft conditions in appendices 4 and 5 of the panel report; and
> >
> > if the other detailed conditions —

of which there are 30 —

> > … both inclusive, as set out below, formed part of the approval documentation.

The minister made the decision after getting that recommendation from an independent panel report.

As I said, the panel sat in January, the minister sat on its findings for the seven months. The minister made his announcement before the Melbourne Cup, right in the middle of the debate of a bill on mineral resources development.

I will refer to a couple of quotes from the newspapers at the time. The first article in the *Stawell Times-News* of 24 October headed, 'Minister gains insight into open cut debate' states:

> Minister for Planning and Health, Mr John Thwaites, took the opportunity while visiting Stawell last Thursday —

which was 19 October —

> to gain a first-hand view of the … open cut debate.
>
> …
>
> He said he would take all the comments on board and all the issues back with him and take a good look at them before making any decision on the open cut proposal.

An article in the *Stawell Times-News* of 31 October headed 'Mining amendment bill a threat' states:

> The Big Hill Action Group has spoken out against the Mineral Resources Development (Amendment) Bill …

So you can see the political question coming on.

An article in the *Stawell Times-News* of 7 November headed, 'Minister rejects Big Hill open-cut mine proposal' states:

> Planning minister, Mr John Thwaites, has issued his assessment that the proposal to open-cut mine Big Hill should not proceed.

That was 18 days after he had been there. The article further states:

> While in Stawell, Mr Thwaites met with representatives from Stawell Gold Mines, the Big Hill Action Group and the Northern Grampians Shire Council.
>
> He said one of the major concerns he had with the proposal was that the southern pit would not be filled.

But the paper continues:

> The decision by Mr Thwaites will have an obvious impact on the mine and its future plans, but as yet the full impact is not known.

An article in the *Stawell Times-News* of 10 November headed 'Shire working to secure mine's future in Stawell' states:

> The Northern Grampians Shire Council will continue to support Stawell Gold Mines in its endeavours to secure a long-term and sustainable future in Stawell.

The article went on to state that the shire chief executive officer, Mr Peter Brooks, said a decision handed down by the minister to reject the open-cut mining proposal was a surprise after taking into consideration the number of community views in support of the proposal and those opposed to it. It states:

> Even the people who were against the open cut were surprised at the decision. They believed it would be approved, but with stringent conditions.

That is what we have outlined all along. Again we see a very politicised decision after looking at the report of the environmental assessment panel and listening to the comments of the community.

I refer the house to some of the letters I received since the announcement was made — and they were of a

ratio of about 8:1. The first one, addressed to the Minister for Energy and Resources, states:

> It is with deep concern that we have been told by the Minister for Planning that he has rejected the open-pit mining in Stawell.
>
> …
>
> Minister, it is hard enough to attract business to small towns, without the poor decisions of government chasing them out. As a person from the mine stated, why would you want to invest in Victoria?
>
> The economic implications are enormous. Not only do we put at risk the jobs of 200 people, who by the way are the best wage earners in the town, but the industries that are here because of the mine — for example, people contracted to the mine … truck drivers, Middencorp, Camerons, two steel engineering works. Quite a few have built homes. What's to become of the builders, electricians and the retail sector?

Another letter from Retravision states:

> We are very disappointed and upset to read the decision made by Mr Thwaites to say no to the Stawell Gold Mines proposal.
>
> Mr Thwaites is one person who has not spoken to many of the residents and perhaps none of the retailers of Stawell.
>
> It seems Mr Thwaites made his decision by listening to a very few but very outspoken and aggressive minority of ratepayers who are opposed to the open cut.

Those are just some of the letters I received and I could have read many more. Last week I wrote to the Premier on behalf of the Northern Grampian shire and still have not had a response. I asked the Premier to meet a deputation to give some positive outlook on the decision. Again, we have had no response.

In summary, the government has made a very politicised decision to try to buy votes in other areas of the state.

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

Nursing homes: funding

Mr VINEY (Frankston East) — I grieve for the older members of our community in need of nursing home beds and residential aged care beds. The nursing home crisis in Victoria is not only affecting the older Victorians and their families in need of placement in a nursing home. As I hope to show today, it is also affecting all of us through the impact on our public hospital system.

The lack of nursing home beds funded by the federal government is creating backlogs in our hospital system where people who would be much better cared for in nursing homes and residential aged care beds are held in hospitals in acute beds while we try to find appropriate places for them. The massive increase of people in our hospitals waiting for nursing home beds is a significant cause of what subsequently happens as a backlog in emergency wards and, of course, subsequent ambulance bypasses.

And where does the responsibility lie? It lies squarely with the federal government, which is deaf to the looming crisis and takes no notice of the critical shortage affecting Victoria in particular. Not only is it not providing sufficient nursing home beds to meet the growth in demand, but figures show it is not even funding sufficient beds to meet current requirements. The result is a large and growing gap in availability of nursing home beds in Victoria because the federal government is refusing to recognise the considerable growth in demand caused by the ageing of our population.

The federal government is preoccupied with shifting the tax burden from the wealthy to the working families in our community. Rather than focusing on the needs of older Victorians — and, indeed, on all Victorians needing public hospital beds — the government in Canberra is occupying itself with shifting the tax burden and providing a funding boost not to the public hospital system but to private health insurers.

In September this year the Department of Human Services conducted a snapshot survey of 16 hospital sites around the metropolitan area. The survey found that on that one day in September 477 patients in our public hospitals had already been assessed as requiring a transfer to nursing home or residential aged care beds.

How much does that affect Victoria's ability to provide acute hospital beds? Consider first how long each of the 477 patients had been waiting. The study showed that on that day these patients had been waiting for a total of 7726 bed days since their assessments showed they needed appropriate transfers — that is, on average each person had been waiting for at least 16 days for a place in a nursing home.

We can extrapolate from those figures some estimations for the whole metropolitan area. On my conservative estimate, a quarter of a million bed days are taken up each year by people waiting in Melbourne hospitals for nursing home places.

What is the impact of that on our hospital system? The average hospital stay in Victoria is about 3.5 bed days; so with over a quarter of a million bed days taken up by people already assessed as requiring a nursing home or

residential aged care place, we could have treated over 70 000 more patients each year if we had been able to move people out of public hospital beds appropriately.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton came into the house and started disrupting the debate. Now he is encouraging everyone to do the same. I ask him to be quiet and allow the honourable member for Frankston East to continue.

Mr VINEY — Interjections from the other side show just how little opposition members understand the situation. They had seven years to do something about it but they simply ignored it. Their interjections show the depth of their guilt. There is no better test of a community than how it cares for its elderly, and by that standard the previous government failed dismally.

My electorate, and the peninsula as a whole, has an ageing population, so issues of aged care are of real concern in the region. I have been involved in aged care in Frankston and the peninsula since the mid-1980s, when I was part of a linkages project — one of the first to be set up in Australia — that inquired into residential and in-home aged care needs across the five municipalities of Chelsea, Frankston, Hastings, Mornington and Flinders. I know about the concern felt by those local communities, and it is significant.

On the day of the snapshot survey in September, 47 persons in Frankston were assessed as needing nursing home beds. Therefore, 17 155 bed days a year are taken up in that way in Peninsula Health. If you do the calculation you will see that in the past 12 months Peninsula Health could have treated 5000 more patients in its acute health beds if the federal government had allocated sufficient resources to nursing home beds in that region and across the state.

Where has the federal government been putting its money? It has been using it to prop up the private health insurance industry. Some $2.4 billion has been put into the private health insurance sector. If that money had instead been put into the public health system, Victoria would have received about $600 million of it. Currently Victoria treats about 1 million patients a year. So, based on an average cost of $2300 per acute patient, that federal funding would have boosted the total number of patients treated in Victoria's acute health system for the year by approximately 260 000.

Instead it has been wasted on propping up the private health insurance industry, and we are still waiting to see the benefits to the public health system from that shift in funding. Just as there has been a shift in the tax burden from the wealthy to ordinary working families, so has there been a shift from adequately funding the public health sector to propping up private health insurance companies.

I will consider in more detail the crisis in the nursing home sector. Assessing the needs for nursing homes is based on the proportion of people in the community over the age of 70 years. That funding benchmark used by the federal government is fairly conservative, but based on it I can show that expenditure in Victoria not only falls below the benchmark but also falls well below the expenditure in the other states. Based on the number of people over the age of 70 years, Victoria should have a total of 38 936 high-care and low-care residential beds. But what do we have? The latest available data shows that as at August Victoria had only 35 090 beds. That is a massive shortfall of 3846 beds. Based on the conservative benchmark there should be 2406 beds in Frankston and the peninsula, but in fact there are only 1974, a shortfall of 432.

In other words, if the federal government had properly funded residential care needs hundreds of people assessed as being in need of nursing home places could have been accommodated and received better and more appropriate nursing or residential care in beds on the peninsula, and an additional 5000 patients could have been treated.

The federal minister stands condemned on her performance. So does the federal member for Dunkley, who has shown no interest in this issue. He should be ashamed of his lack of care about this matter. As I said earlier, nothing reflects the status of a society more accurately than how it cares for its elderly. The federal government, the federal minister, and in the case of Frankston and the peninsula, the federal member for Dunkley, stand condemned. Their performance shows an abject lack of care. They have sat on their hands and hoped the problem would go away.

The problem is getting worse, because the federal government is not even keeping pace with the growing need let alone making up the shortfall. Just to stay at the current level, which is well below the number of beds required, we need to fund around an extra 400 beds this year, but only about 50 additional beds have been announced to date. By the end of this financial year our total bed shortage will have grown from just over 3800 to well over 4000. There is a clear shortage of beds in the Frankston and peninsula areas, where there is an ageing community, so those areas will bear the brunt of the problem.

The federal government's expenditure on residential aged care per person over the age of 70 massively discriminates against Victoria. In Victoria average spending on residential aged care for people over 70 is $1757 per person. Average expenditure per person in Australia is $1888, and the figure for Victoria is the lowest of all the states. The figure for New South Wales is $1993 per person; for Tasmania it is $2072; South Australia, $1928; Queensland, $1837; and Western Australia, $1827. The amount of $1757 per person over the age of 70 years in residential aged care spent in Victoria is by far the lowest of any state.

The federal members in the local area, like the member for Dunkley, have done nothing on the issue. As a result of the imposition on our elderly of the GST, the transfer of more than $600 million from our public health system to private health insurance companies in Victoria alone and the ripping out of funding for residential aged care, the Howard government will feel the brunt of the anger of older Victorians at the ballot box at the next election. The federal member for Dunkley will also feel the brunt in his electorate, because the people of Dunkley will have an opportunity to elect a decent member at the forthcoming federal election.

The federal government stands condemned by its appalling performance in failing to represent the needs of older Victorians — the vulnerable people in our community. Many people in our hospital system would be much better cared for in residential aged care facilities or nursing homes. They are the appropriate places for them to be — not in our public hospitals.

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

Rural Victoria: government policies

Mr McARTHUR (Monbulk) — I grieve about Labor's callous indifference to country Victoria and country Victorians. Country Victoria elected the Labor Party to government, but the Labor Party is now selling country Victoria down the drain. The Labor Party is doing a Pontius Pilate and washing its hands of country Victoria. It is turning its focus away from country Victoria towards the fringe metropolitan electorates where it believes it can buy seats to retain government at the next election. The Labor Party is sadly mistaken.

I, along with seven of my colleagues — the table officer may like to start the clock — recently undertook a two-day tour across an extensive area of country Victoria. We visited parts of the Ripon, Bendigo West, Bendigo East, Seymour and Benalla electorates. All those marginal rural seats are held by Labor members, but they are now starting to feel the chill wind of indifference coming from the Labor Party.

During the two days my colleagues and I had meetings with farmers across those electorates; with apiarists, who have been in the area for 100 years; with prospectors and fossickers who have been the backbone of some of those country towns; with small underground miners; with timber workers whose families have worked in the towns for five generations; and with eucalyptus distillers, a particularly interesting group.

The eucalyptus industry goes back to the days of Victoria's gold rush and the establishment of the Victorian Parliament. The Bosisto name has been associated with the eucalyptus industry since 1852 and has an extraordinary history in those areas. It is worth noting that Joseph Bosisto was a colleague of Baron Ferdinand von Mueller, the founder of the Royal Botanic Gardens. It was on von Mueller's advice that Bosisto first started to distil eucalyptus in the eucalypt forests up through the box-ironbark areas, which industry continues today but is now under threat due to Labor's indifference.

We visited areas such as Huntly, Tarnagulla, Dunolly, Reola, Kingower — where the Hand of Faith nugget was found about 20 years ago, which all Victorians would know of — Heathcote, Rushworth, Katamatite, Lake Rowan and St James. Everywhere we went in meeting those small community groups we heard the same story: their livelihoods and futures depend on their access to public land in the box-ironbark study area. Without exception, every group told us of their concern about the impact the Environment Conservation Council (ECC) draft recommendations on the box-ironbark study area will have on their local communities. All of them told us that they have desperately sought meetings with their Labor Party representatives and that they are continuing to seek those meetings.

It was extraordinary to hear the residents of towns such as Dunolly and Tarnagulla, whose futures and livelihoods depend on access to the forest, say that they have sought meetings with their local member, Bob Cameron, who was active, keen, enthusiastic about meeting them and overwhelmingly in support of them — prior to September last year.

Now the message from Bob Cameron's office is, 'I am sorry, I cannot meet with you. I am sorry, I won't meet with you. You should take this up with Minister Sherryl Garbutt. It is not my responsibility; it is not my

portfolio. I don't care if I am the local member, go and see Sherryl Garbutt'. What has been the response from Sherryl Garbutt, the Minister for Environment and Conservation? 'This is the wrong time to meet. Wait until the final recommendations are out, and then I might consider meetings. Take it up with the ECC'. She says she will not come to see them.

An article in the *McIvor Times* of 1 November refers to community representatives from the Heathcote and Rushworth areas, including Bill Stevens and Tracee Spiby, and Alistair Hull from Talbot near Maryborough — which might be well known to the honourable member for Ripon — meeting with Keith Hamilton, the Minister for Agriculture. The article reports Ms Spiby as saying that Minister Hamilton was 'very supportive' of the group. I think that is terrific, because Minister Hamilton is a terrific guy. He is a very nice man; I get on very well with and highly respect him.

Unfortunately for the people of Heathcote, Talbot and Rushworth, Keith Hamilton is the only member of the Tomato Left in the cabinet. He has absolutely no power at all, and while he may be supportive he will not be effective. If these people want access to cabinet, they will need members of the Socialist Left and Labor Unity to take up their cause. What have they got? They have met with indifference, and they have been shunted off.

Last week I was in the areas and met with people face to face. I heard stories about their work, and when I shook their hands I could feel the calluses. They have been working in the forest for decades, some of them members of families that have been operating there for five generations. Their calluses are an indication of their care, their dedication and the work they have put into their communities.

In Heathcote we were told that on one day each year all the timber communities get together, in their own time and at their own expense, and gather enough firewood to supply the local hospital for 12 months. What will happen to those sorts of activities if these government ministers do not take up the cause of the small towns that are affected by these recommendations?

The calluses on those guys' hands are proof of the decent and honest work they do for the benefit of their local communities. They may have calluses on their hands, but they do not have calluses on their hearts. What do they receive from the government in return? Callous disregard!

Sherryl Garbutt, the responsible minister, says, 'Don't talk to me now. Go and talk to the ECC'. The minister visits those places only with people who support the ECC recommendations. She will not meet with the people who are affected by the recommendations and whose livelihoods and futures depend on her consideration of their plight. I call on the Minister for Environment and Conservation to visit Heathcote, Tarnagulla and Rushworth.

Let us consider Rushworth, which has a population of about a thousand. Thirty-three families in that community have licences to harvest timber in the box-ironbark forest for use in everything from firewood and posts to value-added garden furniture and things such as that. Those 33 families depend on the licences for their future. Some are larger operations that employ a significant number of people, and all of them also depend for their future on having access to the box-ironbark forest. Some families have made substantial investments in capital equipment such as kilns and improved sawmilling technology to value add to the timber they take out of the forest. They are not just cutting timber or posts: they now produce high-value products. None of them has security of tenure but instead operates on a 12-month licence. However, the minister and the government expect them to invest tens of thousands of dollars in value-adding equipment.

The opposition has received information that some departmental officers are pre-emptively acting in the expectation that the ECC draft recommendations will be accepted by the government. In other words, some departmental officers are already trying to exclude some of these people and their operations from the forest.

I ask the minister to investigate this. I urge her to take up the matter and to counsel her departmental officers not to jump the gun on the issue because it is not yet finalised. I urge her to ensure that her department, processes and Environment Conservation Council system give the communities of these small rural towns, all of them dependent on access to the forest for their futures and their livelihoods, a fair shake. That is all they ask. They want to have their cases heard. They want their communities to continue to thrive, and that depends on access to the forest.

The only way access can be guaranteed is if the minister leaves her bunkers in Spring Street and Nicholson Street and drives around in the forest with the people from those communities. She must look at their bee-keeping sites and their timber-harvesting and

gold-fossicking operations that have existed for over 100 years but leave the forest in good condition.

Go and meet them, Minister. Go and shake their hands, hear their stories and take them into consideration. Take the calluses off your heart and go and meet those with calluses on their hands.

Burwood: coalition government policies

Mr STENSHOLT (Burwood) — I grieve for my constituents and the losses they have endured in general amenity and services, especially over the seven years of the rule of the former member for Burwood. Communities throughout my electorate have been affected — from Surrey Hills to Chadstone. The electorate of Burwood is characterised by a series of communities, local people working together, often through local groups such as Probus and neighbourhood houses, with advocacy groups such as the tenancy advocacy group in Ashwood or through local services such as Camcare, which has offices in Ashburton and Camberwell.

Surrey Hills is a good example of such a community. Much work is centred around the Surrey Hills community centre, and I commend its work — and I particularly refer to the work of Gai, one of the coordinators. The annual general meeting was held last Monday night. Surrey Hills has a community newspaper, printed and organised by the local community and delivered by locals to about 8000 residents. The historical society, which I will address next week, is also active in Surrey Hills. It is the site of the oldest war memorial in Australia, built in 1918 before the end of the Great War, where last Saturday the Camberwell Returned and Services League organised a moving Remembrance Day service that I was privileged to attend and address.

I grieve for the citizens of areas such as Surrey Hills, Camberwell and Burwood for the loss of local amenity during the time of the previous government. I refer to the so-called *Good Design Guide* for multi-unit development and Viccode 1 for single dwelling development.

Mr Doyle interjected.

Mr STENSHOLT — You should know all about Save Our Suburbs — it is in your area, as it is in mine.

My constituents have been most concerned about planning and development issues. I recall the Premier and the Minister for Planning visiting Burwood to look at some examples of poor development allowed under the previous government. Multi-unit development and its impact continue to be a concern to my constituents.

As recently as the Friday before last at the request of local citizens I organised a street meeting in Oberwyl Street, Camberwell. Some 40 or 50 local residents, as well as children and pets, met to discuss a wide range of concerns. They included a multi-unit development on a corner site just near a turn in the road where through traffic is heavy. The development presents a danger. I recommended that residents put in for black spot funding and urged the local council and Vicroads to give attention to the area.

I also spoke to the residents about their concerns regarding the proposed multi-unit development and told them about measures to resolve local planning issues under the Bracks Labor government. Local planning procedures had become arbitrary and were largely forgotten under the previous government.

I reminded the residents of what happened last year, just before the State Planning Agenda launch on 13 December, when the Minister for Planning announced the expedition of amendments to planning schemes which allowed councils to remove the need to comply with the requirements of the *Good Design Guide* that allowed higher density or medium-density development within an arbitrary 7 kilometres of the GPO.

The minister also moved to fix the loophole that allowed developers to subdivide land more than 600 square metres in area and build on each lot a single dwelling of more than 300 square metres without a planning permit. I further pointed out that on 20 July the Minister for Planning had approved a new control for the City of Boroondara — namely, amendment C9 — regarding the 300–500 square metre controls.

Like my constituents, I commended the minister for his action on 27 Glenroy Road, Hawthorn, in the City of Boroondara, which people might remember as the former home of The Sullivans. I was also happy to tell the meeting that the Bracks Labor government has created certainty in planning and amenity in our streets.

On 25 May the government introduced and offered councils interim planning measures to protect neighbourhood character. All planning schemes in the state are to make neighbourhood character the mandatory starting point for new residential development in existing residential areas. The minister has also introduced guidelines on the use of ministerial

intervention powers in planning. No more of the arbitrary intervention of previous days!

Legislation has been introduced to address inconsistencies between planning and building systems, closing loopholes that allowed inappropriate demolition of buildings and significantly increasing penalties for breaching planning laws.

Legislation has been introduced to improve the coordination and decision making for land burdened by restrictive covenants. A draft residential code, known as Rescode, was released mid-year and has been the subject of extensive discussion and consultation. For example, in my area four meetings were held — one at Box Hill, two at Camberwell and one at Waverley. As the local representative of residents of Surrey Hills, Camberwell, Burwood and other suburbs I attended all four meetings because my constituents had indicated that planning is an important and crucial issue in their communities. I conveyed their concerns to the meetings, together with many others who attended to convey their concerns directly. We await the outcome of the extensive consultation on Rescode and its full implementation next year.

The Bracks government is also acting on heritage issues. On behalf of the government I was pleased to provide a grant of $12 000 to the City of Boroondara to assist with the engagement of a heritage adviser to help property owners with the conservation of buildings and the heritage of the municipality. The cheque was handed to the then mayor in the old Glen Iris railway estate, on which work is being carried out to provide a heritage overlay.

The government has announced an expanded $5 million public heritage program to protect local government heritage assets, and in May the Victorian heritage strategy for the whole of the state was released by the Minister for Local Government. My constituents are pleased to see such positive action after many years of neglect by the former government.

I also grieve for the lack of support that was given to local community centres and neighbourhood houses. While the cities of Boroondara, Whitehorse and Monash provided valuable support, state government assistance stalled. Earlier this year I was more than happy to take up the case for unfunded or partly funded local centres in my electorate or nearby, including the Craig Family Centre in Ashburton, the Burwood Neighbourhood House, the community centre at Surrey Hills, which was only partly funded, and the Bennettswood Neighbourhood House, which I visit every month to participate in a community radio program. My constituents appreciate the support of the state government to preserve them, build them up and empower them to care for their communities and the people who live in them.

The elderly in those communities have been greatly affected by the loss of a range of services, including crucial dental services. The action of the federal government in cutting out dental health services was appalling. As you reach 65 years of age and your teeth start to go, if you are cash poor or a pensioner it is difficult to afford dental bills of $1500 or $2000. Some dental treatment involves costs of up to $10 000. Waiting lists at public dental services had blown out to more than two years.

The City of Whitehorse has only one chair and the City of Boroondara has no chair at all. Little action was taken by the former government to correct the situation and assist the elderly and pensioners. My constituents were pleased that additional funds were allocated by the Bracks government for dental services in this year's budget and services were extended to include young people.

Earlier this year I released a budget newsletter in which I explained the wide range of achievements of the Bracks government. The item that received the greatest response was the increased funding for dental services.

I will continue to examine this issue with my communities. A community health plan is being developed for Ashburton, Ashwood and Chadstone, and dental health is coming through as a high priority in consultations leading up to the development of these community plans.

The final issue affecting the elderly in my community is the loss of banking services. This issue has been alive for a number of years. I remember a couple of years ago leading a protest outside the Hartwell bank branch the day it was closed. It was the last bank in the local community. While the World Economic Forum was taking place at Crown Casino I was protesting about the lack of concern of the big financial institutions for ordinary people. I was protesting outside the Surrey Hills and Ashwood bank branches that were closing. While protesting about the closures I collected 1000 signatures on a petition asking for the restoration of banking services in the electorate.

I was told by the banking people that they are closing the branches because the elderly do not borrow. How unfair is that? After a lifetime of establishing their houses and using those banks they are now told that they cannot use them.

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

Snowy River

Mr SAVAGE (Mildura) — I grieve for the irrigators in my community who are affected by the current misinformation campaign which questions the viability of irrigation supplies and irrigators' ability to purchase water in the future at an affordable price and whether their water is in a secure environment. Certain elements in our society and this Parliament have been irresponsible in promoting the Snowy River agreement as an issue that will have a grave impact on the availability of water for irrigators in my area.

Some newspaper articles attributed to these people are quite disgraceful. Comments of the Honourable Barry Bishop, a member of the other place, were cited in an article in the *Sunraysia Daily* of 18 October this year. The article states:

> Member for North Western Province Barry Bishop warned yesterday there was 'very genuine concern' that pipelines could be built from the Murray River to irrigation lift stations bypassing Lake Cullulleraine and King's Billabong in a bid to secure more water for the Snowy.
>
> 'As recently as yesterday a constituent raised her concerns about Lake Cullulleraine being left empty, except in time of flood …

The article further states:

> 'Our job as local parliamentarians is to ensure this region's rights to quality water are protected', he said.

I agree with that:

> 'A study in the time of the previous government found that an extra 15 per cent flow could be found for the Snowy, but when you try and get 21 per cent, you are getting very close to the bone'.

That is a very interesting remark because on 15 October last year a letter signed by the former Premier and Deputy Premier was sent to Craig Ingram, the honourable member for Gippsland East, stating:

> The coalition is committed to increasing flows down the Snowy River to 28 per cent and to funding the required efficiency and environmental capital works.
>
> …
>
> Our clear aim is to fully obtain the water required for the 28 per cent environmental flow from demonstrated savings within Victoria's irrigation system.

That is in direct conflict with the irresponsible utterings of the Honourable Barry Bishop because he knows full well that there has never been a time when the water in Lake Cullulleraine and King's Billabong has ever been under threat. This sort of issue creates an element of uncertainty and undermines the confidence people have in the region. This is not the only occasion on which that sort of scaremongering has been apparent. The uncertainty has been most unfortunate.

What has been done so far in terms of water savings and efficiencies? The previous government had a very good concept called Sunrise 21 which was a very appropriate measure that encouraged people to get a business plan and a certain amount of funding to rearrange their irrigation methods. Unfortunately the money has run out and it was inadequate in terms of the overall picture of irrigation.

In the Wimmera–Mallee the earth channel system dates back to the 1920s and is so inefficient that 95 per cent of the water is lost by the time it gets to the end user. Since the northern Mallee pipeline has been introduced in the Ouyen area there have been savings of 95 per cent. That clear analogy shows that we can make huge savings with significant investment in appropriate infrastructure. The $300 million, including $150 million from the Bracks government and federal government funds, provided under the Snowy agreement means that significant funds will be invested in the region I represent. In addition, with the water for growth program, we should be looking at a very positive future in irrigation. We should not be talking it down but promoting it as a valued concept.

In terms of efficiencies within the irrigation system it is timely for us to look at the record. We can see the estimated losses for the period 1985–86 and 1996–97. The average loss in gigalitres for the Murray Valley irrigation area was 115 gigalitres a year with the maximum loss being 223 gigalitres; the average loss in Goulburn Loddon was 355 gigalitres with the maximum being 420 gigalitres. I understand that the whole 28 per cent flow for the Snowy represents around 300 gigalitres. Two of those irrigation districts have almost doubled that flow. This is not to say that we should not be investing in environmental flows for the Murray River. It is matter of some concern that we have neglected this issue for a long time. It has come to the fore only since the 1999 state election which highlighted the need for greater awareness in the Murray–Darling and other rivers of environmental and appropriate measures to ensure that an irrigation and economic benefit flows from this investment.

I refer the house to the current Riverland arrangement. The federal government has put up 32 per cent of the funds for infrastructure investment in the Loxton area with the state providing 46 per cent and the growers 22 per cent. That has produced a very efficient

irrigation district which is in line with the current irrigation practices and appropriate water delivery, and they are not wasting these huge amounts of water. Some of the irrigation districts I mentioned are losing more water than they deliver in the worst-case scenario and that is an unacceptable process. The Kerang irrigation area would hardly be described as a classic showcase environment. There is an element of irresponsibility in the continued irrigation process in that area.

Mr Maughan interjected.

Mr SAVAGE — We have to look at the outcomes.

Mr Maughan interjected.

Mr SAVAGE — We have to look at it and ask ourselves whether we are proud of what has happened there. If the honourable member for Rodney says he is, I would be very surprised.

In our irrigation districts there are some significant concerns, and one of them is salinity. I know that we dump 3000 tonnes of salt from the Sunraysia drainage system into the Murray River every year and we offload 7000 tonnes into drainage areas.

Mr Maughan interjected.

Mr SAVAGE — These are the issues we are talking about on the basis of appropriate investment and appropriate measures.

Mr Maughan interjected.

Mr SAVAGE — The honourable member for Rodney obviously lives in a time warp; he is not prepared to accept responsibility for stupidity in the past. The National Party lives in a time warp because it still thinks the 1999 election was a success.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The house will come to order.

Mr Perton interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The member for Doncaster!

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mildura, without assistance.

Mr SAVAGE — My comments on what has been proposed for investment in irrigation infrastructure are appropriate.

The Premier was careful in his choice of words when he said water would be purchased only on the basis that it would not impact on the price and only as a last resort. I certainly will not countenance any change that will have an impact on the cost of water.

Mr Maughan interjected.

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

Mr SAVAGE — I do not fear the honourable member for Rodney's interjections, I welcome them. He shows an enlightened attitude towards water, which is pleasing.

I go back to the work of the committee chaired by the honourable member for Swan Hill. One recommendation in a document entitled *Sharing the Murray*, which was published in 1997, was that water be purchased for environmental flows. Another interesting recommendation called 'Claw-back' must scare people to death. It says that if, say, 100 megalitres is traded, 10 per cent must go to environmental flows. These issues seem to have been forgotten in the debate. For some reason certain members such as the honourable member for Monbulk seem to be unaware of them and think they are inconsistent with what is now being said.

The attitude of some members concerns me, because they do not seem to understand the urgent need to invest in the appropriate infrastructure to make irrigation districts efficient. I welcome the current state of play, and I welcome the approach of the new age of awareness about the Murray–Darling system, and the Murray River system in particular. The Murray River system is the most important river network in Australia and needs similar consideration in relation to environmental flows. Honourable members need to be aware that the river's greatest enemy is salt from the Murray–Darling system. We are slow in making the community aware of that fact. If the current rate of environmental depletion is not stopped, Adelaide's water will be undrinkable in 20 years. That should put fear into the hearts of everybody who draws water from the Murray River, because if it is not drinkable in Adelaide in 20 years, what will the water quality be like in Mildura or Wodonga in 20 years? The whole system must be looked at.

I congratulate the government on its awareness of the need to appropriate moneys to measure and encourage

efficiencies. I welcome the government's addressing an issue that has been neglected for a long time. Although it may not be said in public, there is universal agreement in the house that something needs to be done now.

Police: strength

Mr WELLS (Wantirna) — I grieve for the police force and the gross mismanagement of the police portfolio by the Minister for Police and Emergency Services. My grievance is based on a number of factors, but in particular a leaked email that has come across my desk. It was sent by Ray Shuey, assistant commissioner, traffic and operations support, to his senior police force. I will quote what the email says about resignations from the force:

> At the current rate, and if the trend continues, we will have difficulty in matching attrition.
>
> We must show the government that we are at least trying to manage the issues.

Mr Shuey goes on to ask his senior officers to consider a number of solutions to try to slow the attrition. The email continues:

> Consider:
>
> Unless discipline or other extenuating circumstance the three-month notice must be given.
>
> Separation interviews must be done and perhaps more than a tick and flick situation. A senior officer … should interview those considered of value and try and ascertain why the member is leaving.
>
> All separations should be analysed and the reasons collated for information. Nominate who should do this.
>
> Leave without pay should be considered?

It is the last point that bothers me the most. If leave without pay is being considered, I hope the police will not try to fudge the figures so that officers on leave without pay will be considered part of the operating strength.

This minister is becoming an expert on fudged figures, and I will give the house a couple of examples. The honourable member for Frankston East and the Minister for Police and Emergency Services took great delight in announcing 20 new police for the Frankston area, which was an increase of 30 per cent. The honourable member for Frankston East believed he had fulfilled his election promise. Closer analysis showed that the 30 per cent increase in police numbers was due to an increase of 30 per cent in the Frankston policing area, so in fact there was no net increase in police numbers. That is one set of fudged figures.

When the minister was in opposition he took great interest in the Mount Evelyn police station. He delivered a petition and promised that in government he would make sure the police station was open 16 hours a day. About three or four weeks ago the honourable member for Evelyn organised for me to meet a delegation of people at the Mount Evelyn police station, who told me the station is now hardly open at all. The situation has become much worse under this minister.

Mr Savage interjected.

Mr WELLS — The member for Mildura interjects and asks whose fault it is. If he just waits I will provide some figures that he will be interested in.

The other issue that bothers me concerns police numbers in the Bentleigh district. A case was brought to my attention by the honourable member for Bentleigh, who is one of the hardest working local members of Parliament, following a complaint by one of her constituents about a number of telephone calls she had made to the police. The constituent had had an argument over the telephone with police officers because they did not want to send a car to assist her owing to its being engaged on other matters. The honourable member for Bentleigh and I tried to investigate, but the veil of secrecy surrounding the police force is becoming thicker under this supposedly open and transparent government.

The honourable member for Mildura might be interested in the figures in the Victoria police annual report for 1999–2000. As of 30 June 1999, there were 9360 police in effective full-time service. Last year Minister Haermeyer promised the people of Victoria an additional 200 police over each of the next four years, giving a net increase of 800. That is what he promised, that is what the people of Victoria voted on, and that is what he should be delivering.

One would assume that the figure for the last financial year would be of the order of 9560. But instead we find that the figures in the Victoria Police annual report indicate a reduction to 9358. Honourable members might say that that represents a decrease of two; however, the fact remains that whereas the minister promised 800 police over four years he now has to provide 802 police over three years. It is becoming a daunting task.

The fudging of the figures becomes apparent whenever one hears the minister — he said it on radio again this morning — informing Victorians that the actual police strength is 9675.5. I concede that that is the figure in the annual report, but it includes recruits in training. We

have reached the situation where we are counting police recruits in the number on the beat. It is an absolute con!

The honourable member for Cranbourne informed me just a few moments ago that the police stations in his electorate are said to be operating at full strength. A closer look at 'full strength' reveals that the number includes 16 trainees. Under the previous coalition government recruits-in-training were considered to be in addition to police numbers and therefore not part of the full force.

When I went to Mount Evelyn and East Gippsland, when I spoke to the honourable member for Bentleigh and when I visited the Geelong area with the honourable member for Bellarine it did not make sense that people were asking me, 'Where are all the new police? We can't find any new police'. The new police are not to be seen on the streets because the government's figures show the force is 202 officers behind its budget target. It is an election promise that the government has not been able to deliver on. I hope that the minister will explain the figures.

The situation is worse still. The police force budget target was 2 450 000 patrol hours. Because the force is under-resourced, it could deliver only 2 273 350 patrol hours — that is, 180 000 hours short.

The projected traffic management promise was also way off the mark, ending up 65 000 hours short. A reading of the fine print suggests that the blame lies with event management. Are we to believe that the 180 000 shortfall in patrol hours plus the 65 000 shortfall in road traffic management — in total, a quarter of a million hours short, or 31 250 man days — is all due to the World Economic Forum or the staging of other events? The document is wrong and requires the minister's investigation. He has been conned, and he has not delivered on the promise that he ran so hard on at the last election.

We were told in a briefing that the force is trying to train 650 new police each year at the Mount Waverley police academy. It has forecast an attrition rate of 450, ending up with a net increase of 200. However, in some weeks alone the attrition rate is up to 20. The leaked memo from Ray Shuey says that the police force has difficulty in matching that attrition rate and that therefore there is a serious problem. All the figures indicate that Minister Haermeyer's election promise is in tatters. I hope the minister will do the right thing by the Parliament and the Victorian public by apologising, admitting he cannot deliver on his promise and refraining from using fudged and shonky figures and instead ensure the use of accurate figures in the Victoria Police report.

Liberal Party: performance

Mr HOLDING (Springvale) — This morning I wish to grieve for the state of the Liberal Party and the state of the opposition here in Victoria.

When parties go into opposition — I am sure it is something any member who has been involved in politics for a while would understand — it is a frustrating and difficult time. All members of Parliament understand that. However, that time in opposition should also be an opportunity for parties to have a good look at their personnel, policies, procedures and internal processes. It should be an opportunity for real growth and creativity within a party. Sadly, that is not the case at the moment with the Liberal Party in Victoria.

The first issue I draw to the attention of honourable members, particularly the attention of the President of the Legislative Council in his capacity as the chairperson of the Library Committee, is a very serious situation that exists with some members who maintain home pages. It is fantastic that members provide home pages so their constituents can access speeches, press releases, information about the electorate and other such things.

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member to take his foot off the seat. It is not appropriate. Thank you.

Mr HOLDING — The members whose home pages I am particularly concerned about in this chamber are the honourable members for Mornington, Knox, Mordialloc and Frankston, and in the upper house, the Honourables Maree Luckins and Chris Strong. On each member's home page is a link to web site www.geocities.com/laborshamefile. I have had the opportunity to visit the site on a number of occasions. It contains very serious defamatory material and is anonymous. The people who have created the site have been unwilling to put their names to it, but I note from the material on the site that it bears a remarkable similarity to the construction and layout of the site for the honourable member for Mordialloc, so perhaps he can provide us with advice on who might have developed the site.

It includes defamatory statements such as '$10 000 buys off John Thwaites in planning decision shame'. On any reasonable interpretation any court and any jury anywhere in Australia would find that claim to be

defamatory, yet two clicks away from the Parliament of Victoria site we find the link — —

Mrs Peulich — On a point of order, Mr Acting Speaker, you would know full well that a reflection on any member of any house is against standing order 108. I therefore ask you, Sir, to request the honourable member to withdraw this reflection on a member — —

A government member interjected.

Mrs Peulich — Imputation of a motive is against standing order 108, and I ask you, Sir, to draw that to the attention of the honourable member for Springvale and ensure that he adheres to it.

Mr HOLDING — I have not for a moment said any particular member or members are responsible for the drafting of the site, merely for the link from their home pages. That is all I have ever said.

Mr Perton — On the point of order, Mr Acting Speaker, the honourable member for Springvale specialises in sleaze. He is trying to imply that a member of Parliament is writing defamatory material about another member of Parliament.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order, but I would ask the honourable member to be careful with his comments. I will be listening intently.

Mr HOLDING — Thank you for your direction, Mr Acting Speaker. As well as the '$10 000 dollars buys off John Thwaites in planning decision shame' heading there is also an article headed 'Condoms in schools — Labor's first initiative'. As well as being defamatory — —

Honourable Members — That is true!

Mr HOLDING — We are supposed to believe that was Labor's first initiative. The article continues:

> Labor's policy of choice in education obviously begins with allowing our kids to choose between buying a meat pie with sauce for their lunch or instead spending their pocket money on a packet of condoms.

I am concerned about the legality of the material on the Geocities site, and I ask the President, through the Library Committee, to see whether it is appropriate for the library to provide a link to members' sites and then for members to provide links to an anonymous site that contains defamatory material such as that.

Furthermore, the 'Geocities' web server, which provides a free service to those who wish to use it — I have often seen this when I have visited the 'Labor shame file' home page — contains an advertisement for www.one-and-only.com, which is a very sad web site that allows dateless and desperate people to load their profiles and pictures in the hope of being discovered by another similarly pathetic individual somewhere else in cyberspace.

Mr McArthur — On a point of order, Mr Acting Speaker, this is fascinating stuff, and I am sure the honourable member for Springvale has an absolutely exciting private life, but I do not think other honourable members need to know how he manages to make his dates.

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

Mr HOLDING — If you go to the 'Labor shame file' site you find the advertisement for one-and-only.com and you get invitations such as, 'Come and get it while it's hot!', 'Rich, good looking, fun, fantastic, fertile!', 'Yeah, Baby, yeah', 'Witty, wholesome, willowy, wonderfully wicked wench', 'I like a tease who knows how to squeeze' and 'Virgo seeking long-haired rain goddess'. I think honourable members get the general idea.

Mr Perton — On a point order, Mr Acting Speaker, as you are aware a member of Parliament needs to tell the truth even in the midst of a sleaze attempt. I show you the 'Labor shame file' web site. There is no advertisement on the web site. The member is in fact lying to you, lying to the Parliament and lying to the press.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order. It could very well have been on the web site at the time the honourable member looked at it.

Mr Langdon — On a further point of order, Mr Acting Speaker, the opposition's tactic in such issues is always to raise points of order. I ask that the clock be stopped while points of order are being listened to.

Mr McArthur — On that point of order, Mr Acting Speaker, I am sure the honourable member for Ivanhoe, as Government Whip, is well aware that it has not been the practice of the Chair to stop the clock during grievance debates. The clock has been stopped a number of times during the adjournment debate, and the reason advanced by the Chair has been the short time — only 3 minutes — that is allowed for honourable members to make their contributions, which means that a single point of order could totally exhaust

that time. In the grievance debate honourable members have 15 minutes, which is almost three-quarters of the time allowed for a speech in the second-reading debate.

The ACTING SPEAKER (Mr Kilgour) — Order! I have heard enough on the point of order. I am not prepared to uphold the point of order. The honourable member for Ivanhoe knows full well — he has been listening to the debate all morning — that that has not happened before. The honourable member for Springvale must understand that if he is going to make those sorts of allegations he will receive the sorts of comments he has received. The honourable member for Springvale, continuing without assistance.

Mr HOLDING — As well as focusing on the 'Labor shame file' site, which we are supposed to believe contains material that would be of interest to Victorians, what has the Liberal Party been up to since its drift into opposition last year? We know the Menzies preselection has occupied its attention for a time, and I am happy to share with Parliament and the Victorian people further information about the serious irregularities and procedural concerns that have been raised by many sincere members of the Liberal Party about the irregularities and practice that went on during the Menzies preselection. I can provide a copy of the petition that is currently circulating among members of the Liberal Party — —

Mr Thompson — On a point of order, Mr Acting Speaker, according to recent press reports quoting the honourable member for Springvale about the Menzies preselection, as I understand it a number of matters have been referred to the police. If the matter is further discussed it may be prejudicial to other issues that might later be explored. I therefore suggest that it is inappropriate to further debate the matter at this time.

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

Mr HOLDING — I table for the benefit of honourable members a copy of the petition that is currently circulating. It is addressed to the state director of the Liberal Party and says:

> In accordance with clause 11.10 of the party's constitution, we the undersigned current members of the state council formally requisition the convening of a special meeting of the state council of the Victorian division of the Liberal Party of Australia …
>
> …
>
> … to discuss, debate and determine the appropriateness of the conduct and decision making of:
>
> (a) the administrative committee and
>
> (b) the constitutional committee
>
> in respect to their responses to the numerous complaints lodged with them alleging various irregularities in respect of the Menzies preselection convention.

I now table two letters, both signed by defeated candidates in the recent preselection contest. One is from a former vice-president of the Liberal Party, Louise Staley. Among other things she alleges in her letter to Ian Carson, the state president of the Liberal Party:

> I therefore request that pursuant to clause 27.6 of the constitution the administrative committee refers to the state director investigation of the following:
>
> 1. the nature and the intent of the telephone call from the Honourable Peter Katsambanis, MP, to Mr Harry Stamoulis prior to the preselection where it is alleged the —

these are Louise Staley's words, Mr Acting Speaker, not mine or the Labor Party's —

> business interests of Mr Stamoulis as they relate to federally awarded licences would be compromised if delegates from the same branch — —

Mr McArthur — On a point of order, Mr Acting Speaker, I draw your attention to the advice you provided to the honourable member only 10 minutes ago to the effect that standing order 108 specifically prevents honourable members from impugning the motives of other honourable members or accusing them of improper motives, whether those members are members of this house or the other place. I put it to you that the honourable member for Springvale in his current attack on the Honourable Peter Katsambanis is clearly transgressing standing order 108 by directly impugning the motives and actions — —

The ACTING SPEAKER (Mr Kilgour) — Order! I have heard enough on the point of order. I do not uphold the point of order. The honourable member for Springvale is clearly reading from a document.

Ms Campbell — On a point of order, Mr Acting Speaker, you are referring to the fact that the honourable member is quoting from a document. I ask that that document be made available.

The ACTING SPEAKER (Mr Kilgour) — Order! Is the honourable member prepared to make the document available?

Mr HOLDING — I am happy to make all the documents I have quoted from available to the house.

Mrs Peulich — On a further point of order, Mr Acting Speaker, further to standing order 108 I will quote from *House of Representatives Practice*, which states:

> In judging offensive words the following explanation given by Senator Wood as Acting Deputy President of the Senate in 1955 is a useful guide —

this extract concerns offensive words by means of quotation —

> in my interpretation of standing order 418 … offensive words must be offensive in the true meaning of that word. When a man is in political life it is not offensive that things are said about him politically. Offensive means offensive in some personal way. The same view applies to the meaning of 'improper motives' and 'personal reflections' as used in the standing order.

I would like you, Mr Acting Speaker, to rule the contribution of the honourable member for Springvale out of order.

The ACTING SPEAKER (Mr Kilgour) — Order! I will take advice. The honourable member will make the document available at the conclusion of his remarks and will conclude his contribution.

Mr HOLDING — I quote from another document as follows:

> My Dear Minister,
>
> As one of your constituents, I write in reference to the attached newspaper article.
>
> Whilst recognising the difference between preselection activities (which are basically internal party matters) and general election conduct (which is a very public — —

Ms Campbell — On a point of order, Mr Acting Speaker, the document should lie on the table.

Mr Perton — On the point of order, Mr Acting Speaker, the rulings made in respect of the impugning of the conduct of an honourable member of either this house or the other place cannot be evaded by this device. The minister is seeking to have tabled a document that is clearly defamatory and also impugns an honourable member of another place. You cannot allow that document to be tabled until you have — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired and his contribution to the debate has concluded.

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING SPEAKER (Mr Kilgour) — Before calling the next speaker I welcome to the house the former Deputy Leader of the Parliamentary Liberal Party, the Honourable Phil Gude.

GRIEVANCES

Lyndhurst: toxic waste dump

Debate resumed.

Mr ROWE (Cranbourne) — I grieve for the people of Hampton Park, Lyndhurst and Cranbourne because of the imposition on them by the Labor government of increased dumping of toxic waste. The Labor government has recently made some decisions — and failed to make decisions, which is its wont in government. It sends things off to committees rather than making decisions that will get something of note or value done.

The decisions I refer to relate to the Pacific Waste Management site at Lyndhurst, where the Labor-dominated Dandenong council, by stealth and in the dead of night, approved an increase in the volume of waste to be dumped at the site. That would not be a great problem if the waste to be dumped were putrescible waste, but it is not. When the Minister for Planning was out trumpeting news of his decision about a Niddrie site on Sunday representatives of the media asked him where the waste would go if a dump was not established at Niddrie. The minister's response was that the waste would go to existing sites — namely, Tullamarine and Lyndhurst.

That statement flies in the face of statements made by the honourable member for Dandenong and Minister for Completing Kennett Government Projects, who said the increased volume at Lyndhurst was not to be prescribed waste or toxic waste. So where is the toxic and dangerous waste to go if not to Lyndhurst and Tullamarine? It will go to Lyndhurst and Tullamarine — and the majority of it will go to the Lyndhurst site because Tullamarine is due to close on 31 December.

That means the only site for industrial waste is at Lyndhurst, which is next to market gardens, the Lynbrook housing estate of the Urban Land Authority and the Hampton Park residential area.

The government is failing to take action to address the problems associated with the disposal of toxic waste in Melbourne. The other disturbing aspect of the inaction

of the government is that there are some 20 000 heavy vehicle movements a year through the south-eastern suburbs of Melbourne and many trucks will carry highly dangerous toxic waste. The vehicles will travel on the Monash Freeway, the Princes Highway and the Nepean Highway. Those three major routes carry huge volumes of traffic and numerous accidents occur on them, so one can imagine what could happen if a heavy vehicle comes to grief in the middle of a heavily populated residential area, or for that matter in the middle of a shopping precinct. A catastrophe could occur the likes of which we have not seen before, resulting in injury and illness to the residents, particularly children.

The Department of Natural Resources and Environment is about to make a decision on an approval for works at the Lyndhurst tip site, and I call on the Minister for Environment and Conservation to instruct her department to refuse to issue the works permit for the Pacific Waste Management site. I also ask her to assure the house that the volume of toxic waste that is dumped at Lyndhurst is not increased, because the government has failed to find an appropriate site or introduce technology for safe waste disposal.

The inaction of the honourable member for Dandenong is almost criminal. He has supported the Greater Dandenong City Council, which, interestingly, consists of a number of people who either work for or are associated with members of the ALP — in fact, one of them is a senior adviser to the Premier. As I said, it is criminal for the honourable member for Dandenong to say to the people of his electorate, the Lynbrook housing estate, Lyndhurst and the wider community of Dandenong that there is no danger and that there will be no increased volume of toxic waste dropped at Lyndhurst. Most toxic waste is generated in the north and west of Melbourne. It is the responsibility of the government to provide storage and waste disposal facilities in the areas where the waste is produced.

I implore the people of Hampton Park, the Lynbrook housing estate and Lyndhurst to stand up against this government's inaction, to hold protests, sign petitions and do the other things that were generated in Werribee by the local Labor member and others in the Labor Party. I advise the people of those areas that they will have my full support and that of the Liberal members for Berwick, Pakenham, Mordialloc and Eumemmerring Province when fighting against the dumping of toxic waste and the increased danger that is being forced on them by the decisions of the Labor government and its incompetent ministers.

Rural Victoria: services

Ms ALLAN (Bendigo East) — I grieve for country Victoria, its loss of services and lack of infrastructure building under the seven dark years of the Kennett Liberal–National coalition rule. In particular I wish to focus on the former government's slashing of funding to country Victoria's health system. That slash-and-burn approach to the health system has left a legacy that makes it difficult for the Bracks government to rebuild health systems and services in country Victoria to a level that is acceptable to country Victorians.

Country Victoria suffered for seven years under a government that did not care: it did not care about building infrastructure or spiralling unemployment; it did not care that there was only a 2 per cent increase in jobs growth during its final year of office or that it closed 176 country schools and 5 country rail lines. Those of us in country Victoria had to suffer the ignominy of being referred to as the toenails of Victoria by the former Premier.

My electorate in particular suffered at the hands of the previous government — for instance, it suffered from the imposition of City Link tolls. My electorate was the only region in country Victoria that had to suffer an entry tax to get into Melbourne. It was an entry tax to travel on a road that we had travelled on for many years.

In addition, country Victorians had to suffer the privatisation mania of the former government. The Kennett government wanted to privatise our schools, with the failed self-governing school experiment, and it also attempted to privatise rail and other services.

During the seven years of the Kennett Liberal–National party rule the health system in country Victoria was brought to its knees. That was the recurring theme as I went doorknocking as a candidate in my electorate. People kept telling me of personal experiences they had had at their local hospital in not being able to get a doctor or a service and in being put on waiting lists for years. As the saying goes, I would like a dollar for every time I was told it. It happened time and again. Those people were not making it up. They were very distressed at the way the health system had let them down under the former government.

The previous government savaged country hospital budgets and slashed their staff. Since 1992 across the entire health system the former government slashed $900 million from hospital budgets, closed more than 1400 hospital beds, and cut hospital staff by more than

10 000. That had a disastrous impact on health services in country Victoria. The former government had a pub-with-no-beer approach. It went on a rampage, slashing services and staff in our hospital and health systems, leaving us with hospitals with no staff in them. It has been estimated that about 1400 state public sector jobs in and around Bendigo were wiped out by the former government between 1992 and 1999, and hundreds of them were in the hospital and health services area.

Tragically — and this legacy will live long in the minds of country Victorians — the former government callously forced the closure of the following 12 hospitals and health services: Eildon, in the electorate of Benalla; Koroit, in Warrnambool; Mortlake and Murtoa, in Wimmera; Red Cliffs, in Mildura; Macarthur, in Portland; Clunes, in Ripon; Beeac, Birregurra and Lismore, in Polwarth; and Elmore and Waranga, in my neighbouring seat of Rodney. Twelve country hospitals were closed in country Victoria, despite this promise by former health minister, Marie Tehan, to this house on 8 April 1993:

> I can give an unequivocal assurance that neither I … nor my department has any plans to shut any hospitals in Victoria.

Yet at the end of the former government's rule 12 country hospitals had been closed, and the spectre of privatisation was left hanging over the heads of the hospitals like a great big knife ready to drop. The privatisation of the hospitals in the Latrobe Valley and Mildura has had disastrous consequences on their public hospital system. Other hospitals in country Victoria that were desperately crying out for rebuilding or upgrading were told that unless they agreed to go down the privatisation path they would have to wait many long years for capital works funding.

This was at a time when the former government had reduced spending on hospital capital works by 30 per cent. But the former government's absolute maniac approach to privatisation throughout country Victoria was not confined to the hospital system; it also impacted on our nursing homes. The former government planned on privatising and selling off more than 2000 nursing home beds, including 60 beds in my electorate of Bendigo East. I am pleased to say that on coming to government Labor put a stop to that and that there will be 60 new beds in Bendigo as part of the Bendigo Health Care Group.

Another area desperately savaged by the former government in its health cuts was community health centres. Towards the end of the former government's rule those cuts led to a crisis in many of the centres around the state. The former government severely cut funding and forced many services to tender for programs they were already running. This nearly spelt disaster for many community health centres, including the Bendigo Community Health Centre. Its dental service was forced to close, there was a crisis in the medical practice, staff numbers were cut and services were reduced. However, I am pleased to say that the Bracks government is refunding community health centres. It believes in a fully funded community health centre program, and community health in Bendigo is now doing very well.

Under the Kennett government the health system in country Victoria was absolutely decimated. It took the Kennett government only seven years to almost destroy our basic health services and to sack hundreds of staff. The Bracks government has a very strong commitment to rebuilding the health system in country Victoria, but to undo the damage inflicted by the Kennett government will take a long time — longer than seven years!

It is timely to reflect on what happened in health services in country Victoria, as the first anniversary of the election of the Bracks Labor government has just ticked over. The Labor government was elected on a platform to rebuild country Victoria and its infrastructure and implement policies to increase employment. A government that cares about country Victoria would never refer to it as toenails — and something like that would never be heard from those on this side of the house. Rather, Labor government members recognise the vital role country Victoria plays in growing all of Victoria. Already this government has provided a $176 million boost to hospitals to unblock emergency departments.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! Would the honourable member for Monbulk and the honourable member for Ripon cease their conversation across the chamber. The honourable member for Bendigo East, without assistance.

Ms ALLAN — Already this government is improving the quality of and lifting basic funding for our hospitals. Ambulance services have received an extra $19.9 million boost, and more than a hundred new ambulance paramedics have been employed across the state — I emphasise 'across the state' — to improve response times and increase coverage. I am pleased to say that the Bendigo region, including my electorate, has received its share of the extra funds to improve health services.

The Bendigo Health Care Group has already seen a boost to its budget by $5 million to improve services. It has also received a funding allocation for cleaning services to improve the cleanliness of hospitals — an issue people referred to me time and again when I went doorknocking. They were absolutely appalled at the level of cleanliness of public hospitals under the former government. This government has already made a large commitment in that area.

On top of the extra funding, I was pleased to see an announcement in today's *Bendigo Advertiser* that the Bendigo Health Care Group is recruiting 100 new nurses as part of the government's campaign to boost nursing numbers around the state, rebuilding the staffing in the public hospital system to try to combat the legacy left by the former government. In the article the Bendigo Health Care Group's chief executive officer is reported as saying:

> For organisations like us, it would be the biggest boost in terms of any specific area of staff that anybody would remember.

It has been estimated that the provision of extra staff and services in the hospital system will mean at least a $3.5 million wage boost to the Bendigo economy. That is a fantastic flow-on effect of this government's campaign to attract hundreds of nurses back to the hospital system. I am pleased to see that the Bendigo Health Care Group is looking at employing 100 nurses in the short term and that that flow-on effect will have a great boost to Bendigo's economy.

This government has started to reinvest in other areas to try to build the health system and push away from the former government's legacy. It is committed to a $10 million new radiotherapy unit for the Bendigo hospital, and a similar project is being planned for Ballarat. That unit is vitally important as it will treat patients from not just Bendigo but also from north-western Victoria. People who would previously have had to travel to Melbourne for this important and crucial service will now be able to receive it in Bendigo, where they will be much closer to their families and friends.

The honourable member for Mitcham reminds me that the National Party also made that promise. Sadly the people of Bendigo were left waiting by the former government, which rolled out the promise only seven days before the 1998 federal election, when the former Premier made the announcement. The people of Bendigo waited, and 12 months later, at the 1999 state election, they were still waiting to see the promise come to reality. I am proud to say that Minister Thwaites has committed the government to building a $10 million radiotherapy unit in Bendigo.

A month ago the Minister for Health came to Bendigo and launched the new $3 million air ambulance service, which is to be based in Bendigo and which will be a vital part of the state's emergency response service along the Hume, Calder and Western Freeway corridors. The service will quickly transfer critically ill patients to Melbourne hospitals. It is a fantastic addition to the services already provided for victims of car accidents in country Victoria.

A new dental health clinic is being built at the new Ann Caudle Centre in Bendigo. The previous government forced the closure of the dental service at the Bendigo Community Health Centre, and I am pleased by the government's announcement of a dental health clinic to be built in Bendigo.

In the area of drug services, a $835 000 mobile syringe exchange program will be established in the central Bendigo area. That is critically important considering the drug problem is not confined to metropolitan Melbourne but is a significant issue in communities in rural and regional Victoria. The Bendigo community got together a wide range of people including local government, health services and the police, and as a result Bendigo now has a mobile needle exchange program.

Last week the honourable member for Bendigo West announced that the Bracks government will reopen the Kangaroo Flat ambulance station, another health service that was slashed by the former government. That service is vital to the people of Kangaroo Flat. Finally, I am pleased for the honourable member for Gisborne that the government has announced the provision of $11 million for a new hospital in Kyneton.

These are only some of the health service initiatives the government has introduced in country Victoria. The government is rebuilding health services, but it will take a long time to dim the memory of the former government's actions in closing or privatising hospitals and sacking staff. It will take a long time to undo that legacy, but the government is committed to the task.

Rural Victoria: government policies

Mrs FYFFE (Evelyn) — I grieve for the people of rural and regional Victoria, who are suffering under the current government. However, I am pleased to follow the honourable member for Bendigo East, who talked about what she claimed the government is doing.

Recently, the Minister for Education proudly announced the reintroduction of rurality funding for approximately 40 schools. However, as the government is wont to do, she failed to tell us the rest of the story. To fund those 40-odd schools the minister is taking funding from other schools that were receiving the rurality funding. Until 2002 a school in my electorate will progressively receive a 50 per cent reduction in its rurality funding. That amount was sufficient for one full-time teacher, but by 2002 it will be sufficient to fund only 0.5 of a teacher. Following the instructions of the Minister for Education, the school council and the principal have appointed staff on a permanent basis. Where will the school find the funding for the 0.5 position? It is a perfect example of the government misleading rural Victoria.

The return of environmental flows to the Snow River is another perfect example of the people of rural Victoria being misled. We all agree that the Snowy River flow should be increased, but the government has made different statements to different groups — in other words, policy changes on the wing. The Premier has clearly stated that water would not be purchased for the Snowy River scheme, yet he also told Parliament:

> The government did not envisage water purchases and it still does not envisage water purchases …
>
> The facility is there, however, if required, but the government does not expect it to be required.
>
> Country communities are concerned governments could upset water prices and kill small border towns …

Decisions on such important matters cannot be played with.

Industry can grow in Victoria. For example, the majority of olive oil used in Australia is imported, but it has been shown that certain parts of Victoria are perfect for growing olives. Victoria could have olive plantations that are bigger than our vineyards, but who will invest money given the seven-year lead time in developing and identifying the right strains when there is no guarantee of water supply? If the government purchases water, the water market could be completely distorted and made non-viable. Perhaps it is not so bad for an annual cash crop, but long-term investment is different. All trees help the environment, whether they are olive trees, apple trees or cherry trees. They are good for the people of Australia and the people of the world. Investors cannot be encouraged unless the water to grow their plantations can be guaranteed.

A parliamentary committee has travelled around Victoria listening to the hardships suffered by sheep farmers whose flocks have been affected by ovine Johnes disease. It has been a harrowing experience for all the members of the committee, who have listened carefully to some sad stories. The farmers have waited patiently for assistance. The honourable member for Ballarat East talked about the long time it will take to revitalise Victoria after the Kennett government. What the current government has done after only 12 months in office has been appalling, and the Treasurer's treatment of sheep farmers has been disastrous. Without even reading the report he announced that he would not fund the ovine Johnes disease program. He went against the recommendations of his own party members and treated the report with total disregard. It was as though he was saying, 'You voted for us, but now we do not care about you'. The Treasurer could not even wait for the report!

The government has no understanding of the implications the disease has for farmers. I have heard a story of a farmer having to go into a paddock to coax his wife back because she was threatening to commit suicide. I have also heard of wives in tears because their husbands, who had always been strong and supported their families, were facing financial ruin. They poured their hearts and souls out to a government with no social conscience. People who are not used to talking about their personal situation were open and frank with the committee.

As I said, the experience was harrowing for all involved, yet the Treasurer did not give them the courtesy of reading the report before he made an offhand quick decision. He did not even consider the report of the committee, which comprised members of his own party.

An Honourable Member — It was leaked to him.

Mrs FYFFE — It was leaked to him. The minister continues to rub salt into aggrieved wounds. I was part of an opposition committee studying agriculture and water that toured central Victoria. It was an inspirational tour. We met apiarists, who have been using sites for more than 100 years to produce fantastic honeys. They cannot meet the demand for their product. The export markets are huge, and stores such as David Jones clamour for their goods as they have such distinctive and clear flavours. The honey is a pure product of which Victoria should be proud, and we should be encouraging this industry.

We met distillers of eucalyptus at Huntly. They too have been operating for more than 100 years, and are manufacturing a pure product whose qualities have not been completely recognised as yet. Chinese herbalists are looking at it for their medicines; it is an excellent

disinfectant; and it could possibly be the only thing that will control and kill golden staph in our hospitals. The Aboriginal community buys its eucalyptus oil from this distiller because of its medicinal and disinfectant qualities. It is a tremendous product but it is in danger.

I refer the house to the goldmines, reef mining and the fossickers. At Tarnagulla where the Hand of Fate nugget — the largest nugget in the world — was found, a fossicker proudly talked to the committee about the bush and surrounds where he worked. If the Environment Conservation Council recommendations are accepted neither the fossicker in the goldmining areas, the eucalyptus distiller who obtains that magic flavour that is not harsh on the nostrils and that helps to cure a heavy cold, or the apiarists who produce such pure honey will be able to operate and Victorians will have to put up with that awful artificial sugar, water, glucose mix which has nothing like the flavour of the honeys we tasted during our tour. Will Victoria import eucalyptus from Israel or anywhere else where Australia's eucalypts have gone, again losing out? Artificial eucalyptus is already available on the market.

Then there are the timber-getters, a proud and professional organisation that has adapted to work practices. Like other industries it has changed and accepted the demands of occupational health and safety regulations. The industry has grown. Again, those people love the bush and love being out in the country. A timber mill in my area is owned by Ron Reid. His father, who must be in his late eighties, has proudly shown me forest areas around Yarra Junction where his father logged timber. To the naked eye there is no evidence of logging. The timber-getters are proud of their environment, yet the government is making them feel that what they are doing is wrong, making them feel dirty and that their operations are illegal. They have tried to fit in with the forestry agreement, but what has the government or the Minister for Environment and Conservation done for them? The minister has not stood up for them once. She stands up only for the conservationists and environmentalists, the S11 supporters who want to destroy Victoria's timber industry.

More jobs will be lost. Victoria will become 'Victoria — the place to be unemployed'. It will lose the industries. Why would they stay when no-one in the government will stand up for a legal operation of which it should feel proud? When the people who wish to stop the logging are asked, 'Where do you want the timber to come from?' they say, 'Not from here; you can get it from overseas'. Where from? Third World countries, whose people have no say in their government and cannot stop illegal logging!

Committee members saw beautiful furniture — tables and chairs produced from the box ironbark. It is a beautiful timber that you instinctively want to stroke. It has a wonderful warm colour.

Mr Plowman — Lustre!

Mrs FYFFE — Lustre, that is right. I thank my colleague for the word. You really do want to stroke it. If the ECC recommendations are accepted there will be no more beautiful furniture. Those recommendations are based on distorted figures. The report talks about tourism jobs replacing jobs that will be lost. If you talk to local tourism operators you will realise there will be no tourism in those box-ironbark forests. We spoke to tourist operators who have not had one request for a tour of the forest. Even if a few conservation and environmental tourists wanted to tour the forests, would they contribute anything to the local economy? No, because they are the sorts of tourists who bring their own supplies. Thousands of them come to the Upper Yarra. They bring their own food, water and camping gear, and they are no benefit to the local economy.

All of the people we met are hardworking, decent people and the soul of the community who give back far more than they take out. They should be treated with respect and dignity and not be hounded into the ground as the government is encouraging its supporters to do. The Victorian car clubs also use the region. Some people would be shocked and say, 'Car clubs in forests — the damage they do!'. However, they use only the tracks used by the trucks on the dirt roads and it is better for them and everybody else that they conduct their rallies in those areas than on the main roads.

Again, we are looking at 'Victoria — the place to be unemployed'. The local members are not supporting those people. One of their local members has flatly refused to meet with them.

Mr Plowman — Is that Bob Cameron?

Mrs FYFFE — That is Bob Cameron. They are decent, hardworking people who find it hard to talk openly about their concerns. They are private people who feel they should stand on their own two feet, but they need help. They do not need a local member who will not meet with them, nor do they need another local member who said, 'It does not concern me because my electorate is in the City of Bendigo. You will need to see the Minister for Environment and Conservation'.

These people have tried to see the Minister for Environment and Conservation, but she will not meet with them. At different times they have met with other

ministers, who have in turn said they need to see the Minister for Environment and Conservation. They write letters but do not get replies; they feel completely abandoned and deserted.

The people of Seymour have many questions. There is timber in the area, and there are industries that want to develop, but people do not know whether they should invest in them because they cannot be sure of what will happen. If they plant a blue gum forest, will the member for Seymour support them when it is ready to harvest, or will he back down when the conservationists say the timber cannot be harvested because there is some naturally occurring understorey. There are natural flora and fauna wherever one plants trees, because they attract the birds that drop the seeds from which things grow. It is a natural part of life. What will happen to these blue gum foresters?

A company I know well has found some land just north of the Great Dividing Range that would be perfect for growing olive trees, but it is hesitant to invest. The company has gone to South Australia to see what is available there because it fears that if it invests in Victoria, in five years time its operation will die because of a lack of consistency in the supply of water.

The police did a fantastic job at the World Economic Forum, given that, among other things, they had urine and faeces thrown at them. Accommodation was provided for many of the country police, but it was not provided for the police officers who live in so-called metropolitan shires. Even though they may live 60 kilometres from Melbourne they were not provided with accommodation, yet any member who lives more than 28 kilometres from Parliament House gets an overnight allowance when Parliament is sitting. The members of our police force came to town to work 12 to 14-hour shifts, and sometimes even longer. They were abused and kicked, they had faeces and urine thrown at them and they had their hair pulled, but they were not given an overnight allowance. Yet those of us who live 28 or more kilometres from this house receive an overnight allowance when all we do is stand here and speak — and even then we feel exhausted. We are not kicked or pushed and we do not have urine thrown at us. Why could the government not provide an allowance for the police who were keeping the peace and enabling people to exercise their right to go about their business?

Logging in Starvation Creek starts on 1 December. Will the government help those honest timber getters protect their machinery? No it will not, because members of S11 have already said they will go up to the Starvation Creek coupe and to places that have been logged for more than 100 years to demonstrate and prevent honest, decent people going about their lawful occupations. Will the government support the police who will have to put up with that awful mess? No. Will it support the timber industry? No, because it suits it to close down the timber industry. The government has almost succeeded in Orbost, but it will not succeed in the Yarra Valley. We have a proud, 140-year tradition of timber getting, and we will be protesting and fighting all the way. As I said, I grieve for rural and regional Victoria.

Science, technology and innovation initiative

Mr LIM (Clayton) — I grieve for the scientific community, given the motion foreshadowed by the opposition in an effort to mislead the community into believing that the government does not care for or pay enough attention to science, technology and innovation. Last Friday I attended the announcement of round 1 of the science, technology and innovation initiative grants for infrastructure. The Premier and the Minister for State and Regional Development also attended the event, which was held at the Clayton campus of Monash University.

The top brass of the science community in Victoria were at that gathering, including the chancellor and deputy chancellor of the Monash University and all the top brains from the other universities and the biotechnology community. We were there to celebrate the huge investment made in science, technology and innovation by the government.

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

Question agreed to.

GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Instruction to committee

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

> That it be an instruction to the committee that they have power to consider amendments to the Gaming and Betting Act 1994 to provide for an increase in commissions and taxes for totalisators in relation to racing and sports betting competitions.

Motion agreed to.

HEALTH SERVICES (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to amend the Health Services Act 1988 to provide for elected and appointed members of boards of community health centres and for other purposes.

Read first time.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed from 14 November; motion of Mr BRACKS (Premier); and Dr NAPTHINE's amendment:

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

Mr MULDER (Polwarth) — I ran a substantial contracting business prior to entering Parliament. I worked in that business through the years of the Cain–Kirner governments and the Keating-led demise of Australia. I can clearly recollect through those years sitting in front of bank managers negotiating overdrafts at 20.5 per cent. I can also clearly remember wondering what hope my children would have of ever being able to own a home with housing rates in the mid-teens. In those days we had record unemployment rates and high inflation. I recall that at one stage I advertised for a cleaner at our company and I received 78 applications, 20 of which were from professional people who could not find work in the city.

When I looked at the Fair Employment Bill I thought it was a case of going back to the future. This is about revisiting the years of the Cain–Kirner and Hawke–Keating governments. This bill should not even be before the Parliament. I wonder whether the Labor government has the courage to include the bill in the information kit it sends to international companies and those operating outside Victoria, the message being that this is what it has in store for them: 'Come to Victoria to do business — and do it under our Fair Employment Bill'.

This bill of 185 pages was introduced during the Melbourne Cup–Spring Racing Carnival without any consultation. I can walk anywhere in my electorate and ask people what they know about the Fair Employment Bill and they will say they know nothing about it. I can ask builders, contractors and subcontractors what they know about the Fair Employment Bill and they will say they know nothing of it. Yet the bill has been pushed under our noses and we are expected to debate it and consult in a time frame that is completely and totally unrealistic.

The Labor government has used a cruel tactic in its promotion of the bill. It has cited the plight of outworkers, claiming that the bill will address their situation, but it disguises the legislation's real intent from the Victorian community. We all know and understand that outworkers in certain industries have not been treated fairly by employers. Nobody will deny that it takes place and is difficult to control. Quite often outworkers are captured under the cash economy, and that is difficult to deal with. If the government were successful in bringing outworkers under the umbrella of the bill and giving them the working conditions offered elsewhere, the machines and the work would be on boats out of the country within a month. No-one would say that is fair, but it is a fact.

The bill will not relieve the problems of Victorian outworkers. The Labor government is using their case to disguise the real, true intent of the bill. It is not Labor legislation; it is a wish list from the Trades Hall Council.

The Labor government must be thanking heaven that the Liberal Party has a majority in the upper house, because it would not have the guts to impose this legislation on the community. The legislation has been brought before the Parliament as a wish list from the Trades Hall Council. It is a payback.

The provisions relating to independent contractors will have a devastating effect on the farming community. Farmers have been innovative over the past decade, taking on board contract milkers, fruit pickers, harvesters and others, through to electricians, who visit their properties. Now they are faced with the outrageous situation where those contractors will be deemed employees. The legislation will turn back the clock in rural Victoria and will empower the Trades Hall Council.

The government does not understand the implications of the bill when it hits the ground. A family that is building a home that decides to employ a contractor who then subcontracts to a plumber stands the risk six years down the track of the plumber turning up saying he got a raw deal on the building contract and wants more money. That is what the bill will make possible.

The bill provides for the implementation of a Victorian industrial police force who in their own right will be able to coerce the police into taking part in sledgehammer raids on businesses.

A government member interjected.

Mr MULDER — That is exactly the scenario we are facing.

An Honourable Member — Even homes.

Mr MULDER — Even homes. A situation could arise where in a business run by people without a good understanding of English thugs could turn up with sledgehammers and rifle through drawers, copy documents and upset families. The legislation gives the officers the opportunity to invade the privacy of a home office where children are present. The legislation is flawed in every way.

According to the Victorian Farmers Federation, as reported in today's *Weekly Times*, the bill is a disaster in waiting. The article states:

> Another concerning aspect of the legislation is that it declares every member of a partnership of four or more persons to be an employee of the partnership.
>
> This would mean any member of a farm family partnership of four or more could make a claim on the partnership for payment of minimum wages and conditions.
>
> Among other things, this has implications for breakdowns of farm family partnerships.
>
> No doubt the Minister for Industrial Relations, Monica Gould, will argue the legislation would not be applied in this way.
>
> However, the management of industrial relations in this country has become so legalised that if there is an opportunity to exploit the legislation smart lawyers operating in this field will find it.

That is exactly what is going to happen, and the VFF is aware of it. The article continues:

> This legislation should never have reached Parliament.

Those are the VFF's comments about the draconian legislation.

The Australian Industry Group stated in its press release:

> It would be a big mistake to turn back the clock and establish yet another state tribunal. No other country maintains six — and with this bill potentially seven — separate industrial relations systems.

The press release continues:

> 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.

The VFF says 22 000 jobs are at risk. The Bracks government calls this fair. It is certainly not fair to small businesses.

Of the respondents, 58 per cent said the introduction of a state-based system would have a significant impact on their businesses and 28 per cent said they would need to cut staff numbers. If you work out 28 per cent of 80 000 employers you realise that more than 22 000 employers are saying they will have to reduce their work force, which is an awful lot of jobs around rural and regional Victoria.

Mr MAXFIELD (Narracan) — I stand before the house today very proud to speak on the Fair Employment Bill, having spent the past 14 years looking after low-paid workers — shop assistants in the retail industry all over Gippsland — and representing those who have not had a voice, the low-income earners who have had a rough time in a lot of cases.

The bill represents the high-water mark of the government. It represents decency and fairness in our society and everything the Labor Party stands for. It highlights how morally bankrupt the other side is when its members stand up and criticise a bill that gives an employee the right to attend his or her mother's funeral. The opposition chooses to criticise and insult a bill that delivers basic truth and decency in our society.

The issue of consultation has been raised. Opposition members say the government has not consulted. The government has travelled all over the state — it has conducted hearings with employers, had community representations, met with unions — and has been deeply involved in the consultation process. The government has received submissions from businesses and organisations. Compare that to the consultation when former Minister Gude introduced his bill in 1994. The bill was introduced, two weeks later 80 amendments were passed and it was rammed through in the dead of the night without any consultation.

Honourable members interjecting.

Mr MAXFIELD — Yes, consultation with a bottle of whisky was the only consultation that occurred in 1992.

The Bracks government's method of consultation involved talking to the entire community and getting strong community support. Government members spoke to small business operators who had problems with contracting issues. They explained what they needed and the matter has been addressed in the bill.

The real tragedy of the bill lies in the opposition's refusal to recognise what it says. Opposition members say the bill causes this and causes that. But what they are saying is not what the bill says. If you read the bill you realise how wrong the Liberal and National parties are with their scaremongering.

As an active local member I talk to my community, and I have received letters from employers who have read the scare campaign from the Victorian Employers Chamber of Commerce and Industry (VECCI). I have had phone calls from people who have heard the scare campaign, and they have expressed their concerns.

Mr McArthur — Name one!

Mr MAXFIELD — For example, two days ago I spoke to people at a firm that employs over 50 people. I will privately name the company afterwards if the honourable member for Monbulk would like me to. I sat down with them and said, 'This is what our bill is doing', and after I explained it they told me that they agree with the bill.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Narracan, without assistance! The opposition benches will calm down. I will give members of the opposition the call and they will have an opportunity to refute the statements.

Mr MAXFIELD — The tragedy about VECCI's position is that it did a survey before the bill came out and asked, 'If the sky fell in would you have to put off a worker?' or 'If this happened or that happened would you have to put off a worker?'. In response to all those weird questions of course the respondents said yes.

Not having seen the bill, VECCI said that workers will lose their jobs. We have just heard from members on the opposition benches that the VECCI survey certainly indicated that there would be job losses. But VECCI did the survey before the bill was introduced. It did not even see the bill before it said the sky was going to fall in.

Mr Baillieu — On a point of order, Mr Acting Speaker, the honourable member for Narracan has said that VECCI had not seen the bill, but earlier he said the government had actively consulted with VECCI. He cannot have it both ways.

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

Mr MAXFIELD — I was in situations where employees were asked to stand at a register for 8 hours and denied a meal break because that was permitted under Kennett contracts and the Kennett legislation. The bill enables people to have a meal break and to go to the toilet — the sorts of issues you would think should be regarded as normal and legitimate. But no, opposition members do not want staff to have the right to have a meal break. They want people to stand at registers for hours on end without a break. They are just vicious and uncaring.

The bill is about honesty and decency. I do not know how the opposition can sleep at night wanting to deny people the right to attend their own family members' funerals, because at the moment people do not have that legal right. The government wants to give that right back to workers. It wants them to have the basic entitlements and decent conditions that every Victorian worker deserves, entitlements and conditions that are already received in every other Australian state.

Mr PATERSON (South Barwon) — It is a pleasure to contribute to the debate on the Fair Employment Bill. I was disappointed to see some of the amendments come through from the government. One amendment it has missed out on is renaming the bill. It should be called the Unfair Employment Bill. The very name of the bill would make George Orwell proud. It is certainly not properly entitled the Fair Employment Bill, because it would result in a significant loss of jobs in Victoria, which is a point that has not been understood by the government.

The aim of the bill is to establish a new state industrial relations system and a full-blown industrial relations commission which euphemistically the government is calling a tribunal. Let there be no mistake: this will re-regulate industrial relations in Victoria and it will mean the instigation of an industrial relations commission.

The bill imposes minimum conditions on businesses that have not been covered by federal awards, including the potential introduction of a 17.5 per cent holiday leave loading and other leave for casual employees. It introduces the right of unions to enter all business premises and requires employers to consult with each employee who may be terminated before it occurs. It is said to create information services officers, who would

be none other than industrial police, to enforce the new system. It deems all independent contractors to be employees, subjecting the contracts to full review by the tribunal.

Unlike the government, the opposition has undertaken consultation with the affected groups, which includes the Victorian Employers Chamber of Commerce and Industry, the Australian Retailers Association, the Australian Industry Group, the Restaurant and Caterers Association, the tourism council, the Victorian Farmers Federation, the Housing Industry Association, the Master Builders Association, the Victorian Road Transport Association, the Plastics Industry Association, the Victorian Automobile Chamber of Commerce, the federal government and our good friends at the Victorian Trades Hall Council.

It has become evident that the bill is simply a payback to the Trades Hall Council. It is unclear whether the Labor government was serious about all the provisions it has put in the bill, but one has only to look at recent donations from the union movement to the Labor Party to understand what has driven the introduction of this bill into the house. This is a pro-union bill, a bill to try to ensure the future survival of the union movement. It would be well known to this house that employees are fleeing the union movement on a daily basis.

A look through the recent donations from the union movement makes it clear why this is the union payback bill. The liquor and hospitality unions have made donations ranging from $65 000 in a cheque that was handed over not that long ago; there is another $16 000 cheque; and a further $65 000. The Australian Manufacturing Workers Union printing division forked out more than $40 000. Another cheque for $30 000 ended up in the Labor Party coffers. The AMWU sent a cheque that was very gratefully received by the Labor Party for $45 000.

The ACTING SPEAKER (Mr Seitz) — Order! I gave the honourable member some leeway, but I fail to see what it has to do with the bill. Back on the bill!

Mr PATERSON — Is that a point of order from the Chair? It is an unusual contribution from the Chair. For your benefit, Mr Acting Speaker, I am explaining to the house what is behind the bill, the reasons for the bill having been introduced to the house. I have described the bill as the union payback bill and I am explaining why the payback is occurring. Further cheques have been received from the Australian Services Union of more than $41 000. There is $36 000 from the Australian Workers Union (AWU); a fairly sizeable cheque — —

Mr Hulls — On a point of order, Mr Acting Speaker, I understand you have quite correctly given this particular speaker a fair amount of leeway. However I suggest that he is certainly not talking about the bill, particularly in light of his leader's amendment — that is, that the Liberal Party does not have a position on the bill, but wants it to lie over during the recess for further consultation. It appears now that this speaker is debating something that is totally irrelevant to his own leader's amendment and certainly has nothing do with the bill.

Mr Baillieu — On the point of order, Mr Acting Speaker, clearly the honourable member for South Barwon is debating the origins of the bill.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order at this time, but I caution the honourable member for South Barwon. I have given him leeway, but he must address himself to the clauses of the bill.

Mr PATERSON — As I was saying before being rudely interrupted by the Attorney-General — which seems to be what he is best at — the AWU recently very kindly donated nearly $140 000 to the Labor Party. There is an interesting cheque from the Construction, Forestry, Mining and Energy Union for $56 400. One of the provisions in the bill is to allow unions the right of entry to business premises. Imagine the prospect of legitimate businesses receiving a visit from Martin Kingham from the CFMEU!. If you had Martin Kingham on your doorstep you would have cause to be very nervous. The only thing that could make you even more nervous would be if he was smiling! The list of numerous donations from those familiar names goes on.

Mr Nardella — On a point of order, Mr Acting Speaker, the honourable member for South Barwon is quoting from a document. I ask whether he is prepared to table it to the house.

Mr PATERSON — I would like leave to incorporate the document.

The ACTING SPEAKER (Mr Seitz) — Order! That cannot be done as those matters have first to be checked by the Clerks and Hansard. You were asked to table the document.

Mr PATERSON — That can occur. Obviously the honourable member is too lazy to look up these donations on the Australian Electoral Commission web site.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member is prepared to table the document. I ask him to speak on the bill or I will sit him down.

Mr PATERSON — Again, some fascinating advice from the Chair. As I was explaining, this is all public information on the Australian Electoral Commission site. A cheque to the Labor Party came from Maurice Blackburn, a well-known group of Labor lawyers, of $57 000. We know why Maurice Blackburn is very keen to support the Labor government — —

Government members interjecting.

Mr PATERSON — Indeed, it would be a beneficiary of the bill were it to pass. It would be charging significant fees to appear before this tribunal, which we all know is really a fully fledged industrial relations commission.

So I think I have described the origins of this bill, and that is why it has caused such significant concern through the community. The opposition intends to spend the next several months consulting with the community — a feature which has been sadly absent from the government's approach to this bill. I encourage the government to take a leaf out of the opposition's book and embark on a period of legitimate and bona fide consultation on the bill with the affected parties.

Mr LANGUILLER (Sunshine) — As a former union official I am proud to support the bill today. I was a member of the Health Services Union and before that the Amalgamated Metal Workers Union. This is a terrific bill and one that I am very happy to support. Its main purpose is to provide for a fresh system of employment regulation in Victoria and to establish a fair employment tribunal.

It is long overdue and is welcomed by the community — not only by workers but by the business community, particularly scrupulous members of the business community. Consultation on the bill has been wide ranging to an extent not seen under the previous government, and the Victorian community has recommended that the bill be introduced.

The proposed legislation will prescribe a set of minimum standards of employment to apply to employees, including annual leave, long service leave, unpaid parental leave, personal sick and carer's leave, bereavement leave and annual leave loadings. These are important conditions that should be in place in a country like Australia and a state like Victoria, as they are in other states around the country and in other developed nations, particularly the members of the Organisation for Economic Cooperation and Development. They include simple but fair standards for hours of work, including meal breaks and rest pauses, notice of termination and consultation requirements. Those are, I repeat, standard conditions.

Yesterday the Leader of the Opposition railed at length against the trade union movement. I challenge the opposition to show when, particularly during times of significant market reform and the introduction of new technologies to make Australian industries more efficient and effective in the 1980s and early 1990s, any employer organisation indicated that unionism was an impediment to market reforms, productivity or company profitability. None of the employer organisations said at that time, or at any time since, that unionism is an impediment to productivity, efficiency or the embracing of new technologies and other processes of integrating the Australian economy into the global market. None of them suggested any of that for a moment.

It amazes me that we still hear such unsophisticated arguments from the opposition. Organised labour has been a major contributor to the modernisation of the Australian economy. The opposition should reflect on that matter and recognise that the union movement has the right to exist and to organise, and it should ask the employers and employer associations how much unions have contributed to the economic growth of the nation.

The opposition said yesterday that the devil is in the detail. On the contrary, God is in the detail of the bill. The details are good for workers and for all members of the business community who are prepared to work in a scrupulous manner.

I have noted some of the concerns registered by members of the business community, one of which is about the right of entry and access by unions. No scrupulous organisation or employer should be concerned about that. Unions have the right to organise and to form associations. Australian governments, like many others, have endorsed International Labour Organisation conventions on the matter, and employers should not worry about it. Indeed, the bill protects the small employer who is prepared to do the right thing by the law and abide by agreements and regulations and who wishes to provide good and reasonable conditions.

At present such people are being affected by unscrupulous organisations that want to employ people at $2 an hour. Labor is an item that should be factored into any business budget, just like electricity, gas and all the other budget items. A business should not work

on the basis of paying a worker $2 an hour, not giving a worker permission to attend a funeral or not allowing a worker to take a meal break. Employers who wish to operate on that basis should reflect on whether they should be in business at all. The proposed legislation protects employers who are prepared to do the right, scrupulous and Australian thing by the community.

I conclude by saying I commend the bill. I have consulted with the Sunshine Traders Association and other business associations in the electorate of Sunshine. They are not concerned about the bill because they are scrupulous; they do the right thing by the workers of this state.

Debate interrupted pursuant to sessional orders.

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

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to the gallery Mr Stellios Papathemelis, who is a member of the Greek Parliament for the electorate of Thessaloniki. Welcome, Sir.

QUESTIONS WITHOUT NOTICE

Manufacturing: investment

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to today's unfortunate decision by Pacific Dunlop to close its South Pacific tyre plant, costing 495 Victorians their jobs, and to yesterday's decision by Qenos to shed a further 120 Victorian jobs. I also refer him to the comments made by the branch secretary of the Australian Manufacturing Workers Union, who said:

> … the Premier has done nothing to improve employment in the state's manufacturing industry and needs to lift his game.

I ask the Premier when his government will lift its game and halt the exodus of industry jobs from Victoria.

Mr BRACKS (Premier) — I will answer the different parts of the question asked by the Leader of the Opposition in turn. The first parts of the question referred to two companies, Qenos and Pacific Dunlop. The government will obviously support the people who have lost their jobs in seeking redundancy packages or payouts and other jobs in the future.

In both — —

An honourable member interjected.

Mr BRACKS — I will answer the question. I will deal with the first two parts of the question in turn, and I will then outline the general picture, which was referred to in the last part of the question.

Qenos is consolidating and planning to invest a further $70 million to focus on growth market segments, and the government is currently working with it in creating new investment in the chemical sector worth some $168 million. The company is retracting its low-margin, low-profit operations but expanding its high-profit operations. That practice is usual in manufacturing, and it has been so for a long time.

Secondly, I refer to Pacific Dunlop. That company will invest $40 million in its tyre operations and across its textiles, clothing and footwear manufacturing operations in Victoria. Pacific Dunlop has also formed a joint venture with Andersen Consulting for a new high-tech business processing and IT centre in Richmond. That new state-of-the-art facility will house 500 staff members and is expected to expand to create new job opportunities.

Both companies have made commercial decisions about moving away from low-profit operations towards high-profit operations in the future. That is an understandable decision because manufacturing is changing.

Towards the end of his question the Leader of the Opposition asked about what is happening in the manufacturing industry overall. I will tell him. New figures have just been released. The previous figures showed that some 20 000 new jobs in manufacturing were created in the past 12 months, but the figures released yesterday by the Australian Bureau of Statistics show that the figure is not 20 000 but is in fact 38 900.

Furthermore, if one looks at the latest employment statistics in Australia and compares the figures for jobs growth between each state one sees that the state with the highest number of new jobs is Victoria. Some 81 500 new jobs have been created in Victoria. That figure is higher than the figure for New South Wales; it is higher than every other state in Australia.

Thirdly, I noticed that the opposition leader — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr BRACKS — I noticed that the opposition leader quoted the secretary of the Australian Manufacturing Workers Union, Craig Johnston. I will quote from statements made on radio today by the Australian Industry Group chief executive Paul Fennelly — the head of Victoria's manufacturers — who said:

> In actual fact, the manufacturing sector is quite vibrant.

Why would he not say that when the figures are clear?

Dr Napthine interjected.

Mr BRACKS — The opposition leader is laughing at Paul Fennelly.

Honourable members interjecting.

Mr BRACKS — He is laughing at the head of the manufacturers in this state. Paul Fennelly went on to say, and all his statements are quite accurate:

> We'll see companies change their production processes —

yes of course we will, because that is what manufacturing is about —

> [and] we'll see companies wind down. But we're also seeing … the Australian industry is seeing, real growth in jobs, and, importantly, growth in investors. And we can't lose sight of the bigger picture.

We are not losing sight of the bigger picture. There have been 38 000 new jobs created in manufacturing in the past 12 months. Eighty-one thousand jobs have been created under this government, the highest of any state in Australia, and — —

Honourable members interjecting.

Mr BRACKS — Let me give the house only one more figure.

The SPEAKER — Order! I remind the Premier that he needs to be succinct.

Mr BRACKS — In finishing, I will give one more figure that offers the opposition leader a comparison with the period in which he was in office and was a minister. Australian Bureau of Statistics figures released yesterday show that in the last 12 months of the Kennett government 11 000 manufacturing jobs were lost in this state. That's his legacy!

Stawell: open-cut goldmining

Mr RYAN (Leader of the National Party) — I refer the Premier to the Minister for Planning's recommendation that no approval be granted for the proposed open-cut goldmine in Stawell. Given that the mining company is prepared to meet all the conditions set down by the independent panel and that the refusal to grant a permit puts in jeopardy 220 jobs and the existing mining operation, will the Premier censure his minister for failing to honour Labor's election pledge to support responsible development in country Victoria?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question.

Honourable members interjecting.

The SPEAKER — Order! I have called the honourable member for Mordialloc to order a number of times. I ask him to cease interjecting.

Mr BRACKS — In answer to the honourable member's question, the Minister for Planning has received a report from the panel, the finding of which was that the project does not provide an acceptable balance of economic, social and environmental outcomes. They are always the issues the Minister for Planning has to balance. The environment effects statement (EES) process was independent, as one would expect.

As the Leader of the National Party would know, the government has brought in new mining legislation to make sure that mining is in balance and that we have a vibrant mining industry in the future. Since we brought in that legislation National Party members have been running around the state criticising it, even though we want more mining jobs in the future. Not only that, the opposition leader was up in Bendigo saying he would oppose the bill — and we have a newspaper cutting on this — but when the bill came into this house he did not oppose it.

There is an independent — —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General.

Honourable members interjecting.

Mr BRACKS — I will get the clipping.

Honourable members interjecting.

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

Mr BRACKS — There are always difficult issues to balance. I believe the Minister for Planning has made the right decision in this case in considering the EES panel and in considering his responsibility to balance

economic, social and environmental issues. I think the Minister for Planning has done the correct, appropriate, balanced and right job.

Lake Eildon: tourism

Ms ALLEN (Benalla) — Will the Premier inform the house of the support the government is providing to promote Lake Eildon and surrounding regions as a tourist destination?

Mr BRACKS (Premier) — The honourable member for Benalla is referring to the enormous benefit the increased water in Lake Eildon offers for tourism this summer and over the holiday period. On Monday this week I had the pleasure to visit Lake Eildon — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Mordialloc.

Mr BRACKS — On Monday this week I had the pleasure of visiting Lake Eildon with officers of both the Delatite and Murrindindi shires, along with tourism operators who have suffered under very difficult conditions because of the low water levels in Lake Eildon. The good news for everyone in Victoria is that Lake Eildon is back in business. It is a great tourism destination and has opportunities for the future.

The local member, the honourable member for Benalla, certainly recognises that. Since she has been in office she has worked tirelessly with tourism operators to ensure that they receive the level of support required and that tourists return to Lake Eildon. In that respect I indicate to the house that in the past 12 months the government has already provided $66 000 for a marketing strategy for tourism operators in Lake Eildon, $53 230 for four new boat ramps to assist in encouraging tourists back to the area, $45 000 for business planning and, on Monday, a direct grant of $50 000 for advertising — just for Lake Eildon. That comes on top of the $200 000 that was already provided for the whole region.

Lake Eildon is a great holiday destination. It has fishing, houseboats, wineries, four-wheel-drive tours and walking tours. It is a place for Victorians to return to. I congratulate the honourable member for Benalla on all she has done in making sure that the government has a high focus on tourists returning to Lake Eildon. The government has provided that support. I encourage all Victorians to consider Lake Eildon as a great tourism destination over the summer period.

Business: tax reductions

Ms ASHER (Brighton) — Given the government's recent announcement about delaying the reporting date for the review of state business taxes, I ask the Premier when the Labor government will stop talking and start lowering taxes to provide an incentive for business to remain in Victoria?

Mr BRACKS (Premier) — The answer is reasonably simple, and would be obtained from a cursory reading of the budget papers, which I encourage the shadow Treasurer to undertake — that is, the government has committed to tax cuts. By when? By the next budget. And by when? By the budget after that.

We have two tax tranche instalments coming up. They will be delivered in the next budget and in the budget after that. That is in the forward estimates. It is clear that the direct answer to the question asked by the honourable member for Brighton — 'When will tax cuts occur?' — is, 'In the next budget'.

Information technology: new jobs

Mr LEIGHTON (Preston) — Given the Victorian government's strong support for the information and communications sector, can the Minister for State and Regional Development inform the house about employment outcomes in this area?

Mr BRUMBY (Minister for State and Regional Development) — I am pleased to advise the house that new figures confirm that Victoria is performing well above the national average in new information technology (IT) job growth. New figures from IT industry analysts Whitehorse, which has the largest database across Australia, indicate that in the year 1999–2000 information and communication technology (ICT) employment in Australia increased from 230 000 to 240 000 jobs, an increase of 4.3 per cent.

In Victoria, direct ICT employment increased from 69 600 jobs to 74 300 jobs, an increase of 6.8 per cent, way above the national rate of job growth in the industry. These figures confirm that Victoria is outperforming the nation in growing new jobs in IT. In telecommunications, employment is up by 4.2 per cent; in hardware, 6.7 per cent; in software, 7.6 per cent; and in distribution, 9.5 per cent. In the area of IT systems consulting, which is important in terms of jobs across the economy, jobs have increased by a whopping 20 per cent.

These figures come on top of the recent Morgan and Banks survey which found that Victoria's IT

employment prospects were the most buoyant in the nation. The survey found that:

> Victorian IT employers are the most buoyant in the nation with a net effect of 74 per cent reported. This is up a massive 21.1 percentage points over the previous survey.

In five years of reporting by Morgan and Banks it was the highest figure they ever recorded in this state. All these findings reflect the fact that Victoria has a great skills base, excellent IT infrastructure and a state government providing national leadership in IT and ICT.

The government is also providing national leadership in attracting new investment: some of the new investments are AAPT in Bendigo, $4 million and 400 jobs; Adacel in Wodonga, $22 million in investment and 226 jobs; Corning Noble Park, $37 million investment and 100 jobs; and, most recently, Infogrames, $25 million investment and 110 jobs. I advise the house that another major IT investment will be announced shortly by the Premier.

In conclusion, the data from Whitehorse shows that the government is out there, outperforming the nation, leading the way in IT jobs and skills development. The Morgan and Banks survey indicates the government is leading the way with the best figures ever recorded in five years of surveying. The investment numbers show the government is increasing its share of national investment in IT and is providing national leadership in the industry.

Snowy River

Mr SAVAGE (Mildura) — My question is directed to the Premier. In view of the orchestrated campaign to convince irrigators that water entitlements and affordability are under threat because of the government commitment to restore the flow of the Snowy River, will the Premier assure the house that the first option the government will pursue will be the investment in infrastructure, and the last option will be to purchase water; and if it is purchased it will be done in such a way that does not impact on the price?

Mr BRACKS (Premier) — I can give the honourable member for Mildura the assurance he seeks. The arrangement struck between the governments of New South Wales and Victoria — that is, that $300 million, being a $150 million commitment from Victoria and $150 million from New South Wales — was struck on the basis that there was no negative effect on the flow of the Murray, and no effect on irrigators. The foundation for the $300 million arrangement was established on those two key principles.

Both Victoria and New South Wales have commissioned reports which have identified significant water savings that can help achieve the 28 per cent flow. Further, the water needed to achieve the target of 28 per cent is only 10 per cent of the total water lost to the Murray–Darling Basin system each year. So enormous savings are to be made which accrue from infrastructure work to prevent seepage and evaporation and to ensure the flow into the Snowy River is more efficient. Enormous capital improvements can be made to increase the flow of the Snowy without any effect on irrigators or on the Murray.

However, it is even better than that because the government can also assist the flow into the Murray through an arrangement with the federal government. On behalf of the coalition, Senator Minchin has been positive in his support for the proposal — more supportive than the federal environment minister. I understand Senator Minchin is pushing hard — and I wish him well — to ensure the federal government is part of the arrangement with New South Wales and Victoria; and in contributing some $75 million to the proposal, which the National Party member for Gippsland South also wants, the federal government would ensure that any additional water saved would go into the Murray system.

That is a win-win-win situation: a win for the Snowy, a win for the environment, and a win for the Murray River. Irrigators are protected and the Murray River will be protected and enhanced if the commonwealth government agrees with the deal as anticipated by Senator Minchin.

McIvor Health and Community Services

Mr DOYLE (Malvern) — Can the Minister for Health explain the debacle at McIvor Health and Community Services where the government sacked three board members against the board's wishes and without reason; and where four further board members resigned in protest at the minister's high-handedness; and where the hospital's annual general meeting overwhelmingly passed a motion of no confidence in the minister?

Mr THWAITES (Minister for Health) — You will be well aware, Honourable Speaker, that the honourable member for Malvern's last question was handed to him by the former head of the Metropolitan Ambulance Service, Mr Firman. He is now asking questions from the ex-board members who were replaced at McIvor health services. It seems that the honourable member for Malvern cannot ask his own

questions; all he can do is ask a question from people in the gallery.

Opposition members interjecting.

The SPEAKER — Order! The house will come to order. The Leader of the Opposition and the Deputy Leader of the Opposition will cease interjecting, as will the honourable member for Glen Waverley.

Mr THWAITES — The honourable member for Malvern — —

Mr Smith interjected.

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

Mr THWAITES — Honourable members opposite do not want to hear the answer.

Honourable members interjecting.

The SPEAKER — Order! I will not allow question time to proceed with that level of interjection.

Mr THWAITES — The honourable member for Malvern is under a misapprehension. He seems to believe that boards appoint themselves or that hospital board members have jobs for life. I advise him that they do not. The Bracks government believes boards should comprise a mix of existing members and new members who will bring refreshing new ideas to the hospitals. When honourable members opposite were in government they followed the same rule.

Across the state many new boards have been appointed. In most places existing boards have been reappointed. However, problems have occurred in other places, and McIvor health services was one of those places. In the run-up to the appointment of the board the chief executive officer resigned, and the staff passed a vote of no confidence in the board. Questions arose about the financial records of the hospital, which are now being examined, so it is not inappropriate for new board members to have been appointed. The government stands by its decision because its first priority is to the people who require health care.

Opposition members interjecting.

The SPEAKER — Order! The honourable members for Bentleigh and Malvern!

Mr THWAITES — The government's priority is not reappointing people to positions because they are friends or mates. Across Victoria the Bracks government is putting a high-quality system in place. As with other hospitals, McIvor Health and Community Services is receiving increased funding of some 7.7 per cent, which will mean that the hospital with a new board will go from strength to strength.

Schools: global budgets

Mr LONEY (Geelong North) — I ask the Minister for Education to explain to the house how the government's new school budget formula announced today removes the injustices of the former government's policy and provides for greater equity, flexibility and transparency.

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Geelong North for his question. School global budgets are the bank from which each principal can pay teachers and buy programs, and under the Labor government what a bank it is! Today 1631 individualised global budgets will go out to 1631 schools across the state. Each school will have an individualised, customised school budget. Today those budgets will be completely renovated.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Dr Napthine interjected.

Ms DELAHUNTY — A lot of money is being put into schools, Denis — some $50 million extra in the last budget. The new, renovated school global budgets will have more money, more transparency and more flexibility, which is what parents and principals have been asking for.

The Leader of the Opposition asked for more money for schools. I advise him that additional funds have been allocated to implement the teachers' agreement and further implement the class-sizes pledge. Primary schools will receive an additional $20 million and a further $15 million has been allocated to secondary schools to implement the Managed Pathways projects recommended in the Kirby report. Those funds are additional to current funds such as the special payments already in school global budgets.

Opposition members interjecting.

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

Ms DELAHUNTY — Those funds are in addition to central funds now going into each of the school

global budgets such as accreditation and acceleration money.

The SPEAKER — Order! I ask the house to come to order, particularly the honourable members for Knox and South Barwon.

Ms DELAHUNTY — Members opposite spent seven years savaging public education and now they do not want to hear the good news of reinvestment in education. I will remember that as individual members come to me asking the government to fix up problems in their schools.

There is now more money and more transparency in school global budgets. From 2001 schools will be charged the actual cost of their level 1 teaching staff rather than the state average as in the past. This is a much fairer and transparent way to fund our schools. At the moment the higher cost schools are being subsidised by the lower cost schools. As a result of this change for 2001, smaller schools, particularly in rural Victoria and in some of our lower socioeconomic areas, will find they have more money in their school global budgets. The benefit is clear across the state. Unlike the situation under the former government which subsidised a handful of schools under the flawed self-governing schools model, this is equity and transparency for all of our schools.

Parents and principals have been wanting flexibility in their school global budgets. They want to be able to attract and keep good teachers. They want a mix of experienced and younger teachers and, most importantly, they want to be able to keep top teachers. That is what these school global budgets will do. As far as education is concerned, Victoria is the place to be.

Police: strength

Mr WELLS (Wantirna) — I refer the Minister for Police and Emergency Services to Labor's election promise of 800 additional operational police in the government's first term. I refer also to the latest Victoria Police annual report which shows that instead of increasing by 200 to meet the government's target, the level of fully operational police officers has in fact decreased. How can the people of Victoria believe the promises of this minister when he has failed at the first hurdle?

Honourable members interjecting.

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

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington.

Mr HAERMEYER (Minister for Police and Emergency Services) — I congratulate the honourable member for Wantirna on asking his first question. I hope he did not run it past the private prison operators first. However, his question is founded on inaccuracies.

Mr Wells — This is your report.

Opposition members interjecting.

Mr HAERMEYER — What a rabble.

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

Mr Wells interjected.

The SPEAKER — Order! The honourable member for Wantirna has asked his question.

Mr HAERMEYER — The honourable member needs to go out and discover the facts rather than getting his information from the Neil Mitchell program. The reality is that this government is committed to increasing the size of the police force by 800 officers over the course of this Parliament. In that time we will recruit in excess of 2500 police officers to ensure that that target is met. That stands in very stark contrast with the deliberate cutbacks in police numbers by the previous government.

I will set the honourable member straight. I know he is new to the game so I will assist him. As at 13 October this year the number of full-time equivalent police officers in Victoria Police was 9610.5. That is 110 more than the 9500 officers as at the middle of last year. The previous government set about cutting police and we are about increasing police numbers in this state.

Opposition members interjecting.

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

Mr HAERMEYER — Since Labor came to office some 650 new recruits have gone through the police academy which is more than five times the number the previous government put through in its last four years in office.

A government member interjected.

Mr HAERMEYER — They do hate police. The government is working together with the Victoria Police Association and police command to reduce

attrition rates within the police force. Let me put the record straight: the attrition rate in July this year was 103. That arose from the fact that many officers maximised their entitlements under the emergency services superannuation scheme and saw that as an ideal opportunity to get out. However, there were no such factors at work in July 1999 and then the attrition rate was 82. That was due purely to low morale because of the policy of the former government. The Kennett government deliberately set about cutting police numbers. In August this year the attrition rate was 42; in September, 47; and in October, 35. That is about the 400 mark for the year, which is the historical rate. As I indicated, we have a joint working party comprising the Police Association — —

Opposition members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the honourable member for Mornington to cease interjecting.

Mr HAERMEYER — The joint steering committee comprising representatives of the Police Association, the Victoria Police and the Department of Justice was formed, firstly, to keep the attrition rate down and attract police officers back to the Victoria Police and, secondly, to recruit new officers. We are about to embark on a massive recruiting campaign. We are determined to undo the damage done by members opposite.

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood.

Mr HAERMEYER — I find it incredible that having sat on the government benches during the days of the Kennett government and never asked a question or raised the issue of police numbers when they were being cut back, the honourable member for Wantirna comes into the chamber with his tongue still stained with Jeff Kennett's boot polish and starts talking about police numbers. He is one of the people who lit the fire and he is complaining about us not pouring enough water on it. Good heavens, what hypocrisy!

Opposition members interjecting.

The SPEAKER — Order! I warn the honourable member for Mornington.

Ride to Work Day

Mr HOWARD (Ballarat East) — Given that today is Ride to Work Day, can the Minister for Transport inform the house of what the Bracks government is doing to encourage cycling and improve cycling infrastructure and activities?

Honourable members interjecting.

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

Opposition members interjecting.

The SPEAKER — Order! The Deputy Leader of the National Party! The honourable member for Sandringham!

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for the opportunity to inform the house of the success of this major event and, more broadly, the success of cycling in Victoria. Today is Ride to Work Day and for most participants it was a huge success.

Ride to Work Day is a terrific event. It is coordinated by Bicycle Victoria, which should be congratulated on its efforts. I rode in this morning along the Merri Creek trail, the Yarra bike path and over the Burnley boardwalk, which was recently opened at a cost of $4 million. I was joined by the honourable member for Coburg and a member for Melbourne Province in another place, who also rode their bikes.

The Bracks government strongly supports cycling and the provision of new cycling infrastructure. Over the past 12 months it has spent $4 million on new bike paths, which is double the expenditure on bicycle activities by the Kennett government in its last year in office.

An honourable member interjected.

Mr BATCHELOR — That's right. Seven years of neglect of cycling, which means this government has had to increase its expenditure to catch up. I was also joined by the Leader of the Opposition and the federal Minister for Employment, Workplace Relations and Small Business, Peter Reith.

An honourable member interjected.

Mr BATCHELOR — I did too. I didn't want to stand next to him.

An honourable member interjected.

Mr BATCHELOR — Denis didn't want to stand next to him either.

The SPEAKER — Order! The minister should address members by their proper titles.

Mr BATCHELOR — The government has been trying to encourage cycling, but it has had one noticeable failure: the Leader of the Opposition participated in Ride to Work Day by being driven there and driven away again.

Ms Duncan interjected.

The SPEAKER — Order! The honourable member for Gisborne!

Dr Napthine — My point of order, Mr Speaker, is on the minister's debating the question and in the interests of accuracy. If the minister would like to check with Harry Barber, the head of Bicycle Victoria, he would know that the arrangement was for me to ride from Southbank to here. That was cancelled — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Springvale, the Attorney-General, the Deputy Leader of the Opposition and the Leader of the Opposition should cease interjecting forthwith.

I do not uphold the point of order and I will not allow the Leader of the Opposition to make a personal explanation.

Ms Kosky interjected.

The SPEAKER — Order! The Minister for Post Compulsory Education, Training and Employment!

I remind the minister of his obligation not to debate the question but to answer it.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BATCHELOR — Having been driven there, we encouraged the Leader of the Opposition to participate in cycling activities, which is consistent with the policy of the Labor government. When the time came for the photo opportunity, a bike was provided for him.

The federal minister took it slightly more seriously. He rode his bike, but he was embarrassed to admit where he had ridden from. He moved the departure location to the Shrine of Remembrance for an unauthorised stunt that caused great offence to the security guards. But the real issue is why Peter Reith was there. It was because — —

Mr Perton — On a point of order, Mr Speaker, the honourable member clearly asked what the government was doing about bicycle tracks and bicycle riding in Victoria. I do not know what the minister has had for lunch, but he is turning Parliament into a farce. I ask you to bring him back to order.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order. The honourable member for Ballarat East asked what the Bracks government was doing to encourage cycle riding in Victoria. However, I ask the Minister for Transport to confine his comments to the question.

Mr BATCHELOR — The government likes to encourage cycling. One of the things it has done is spend $1 million on a 2.2-kilometre stretch along Brighton Road in Elwood that provides a connection to the St Kilda Road bike paths. These are the bike paths that the federal minister rode along. He should have stuck to them rather than intruding on the shrine precinct, causing difficulties for the security guards there.

Honourable members interjecting.

Mr BATCHELOR — He should have understood when the Prime Minister said, 'Peter Reith, on your bike'.

Honourable members interjecting.

The SPEAKER — Order!

Mr BATCHELOR — He should have resigned then.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Mordialloc to vacate the chamber for 30 minutes.

Honourable member for Mordialloc withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Ride to Work Day

Questions resumed.

The SPEAKER — Order! The Minister for Transport, concluding his answer.

Mr BATCHELOR (Minister for Transport) — Notwithstanding the difficulties today, the government will continue to promote cycling and encourage people to use bikes. It will also continue to build infrastructure and to seek to change people's mode of travel from cars to bikes. The government hopes the Leader of the Opposition will take the year between now and the next Ride to Work Day to get a bike and get on it.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed.

Mr KOTSIRAS (Bulleen) — The Fair Employment Bill is about a payback to the union movement by the ALP for the support it has received over the past few years. It is an early Christmas present from the Labor Party to the trade union movement. Unfortunately it was the trade union movement that created the bill and gave it to the ALP to wrap up and present it back as a Christmas gift. It also unfortunately illustrates just how spineless government backbenchers are because they refuse to stand up to their ministers and to the trade union movement. They are doing absolutely nothing for the workers. They are just paying back the union movement for all the work it has provided them with over the years.

While the previous speaker represents a party that is anti-business, anti-growth and anti-employment, the Liberal Party wants to see Victoria grow with business opportunities and business confidence and to continue the growth in employment achieved during the former government's term of office. The bill does nothing to achieve those goals.

It might have been more appropriate to call the proposed legislation the 'Union-only Employment Bill' or the 'Fair Go for Unions Employment Bill' or the 'Union Control Employment Bill' because, make no mistake, it was written by the union movement and not by the government. And it is that same movement that is running Victoria and this spineless government. The Labor government has no vision, no aims and no plans for a stronger Victoria in the future. With membership in unions decreasing, something had to be done, and this is one way to try to attract more members into the union movement.

The bill is anti-business and anti-employment. It is pro-union and pro-Labor lawyers, which are the only two groups that will benefit from the bill. The bill brings the unions back into the state and back into control. But it does more than just illustrate that the government is hostage to the union movement. The bill attempts to control small businesses by allowing unions to enter premises at any time.

Clause 218 deals with the power of entry of an information services officer, who is perhaps the type of person one might expect to provide information brochures at places of employment. The clause states:

> (1) An information services officer may enter —
>
> (a) any premises at which the officer has reasonable grounds for believing that work is being or has been performed; or
>
> (b) any premises, being a place of business at which the officer has reasonable grounds for believing that there are documents relevant to the purposes set out in section 217(1).
>
> (2) Entry under this section may be made —
>
> (a) during ordinary working hours; or
>
> (b) at any other time …

Someone could walk into your house at any time of the day. Even if you were to disagree, the officer could enter and have a look round.

The clause continues:

> (3) If an information services officer exercises a power of entry under this section, without the owner or occupier being present …

An information officer can enter premises without the owner being present. So the person can break down a door or break through a window just to get in and have a look at what is going on.

It is very important that businesses, employers and employees know about this clause and about the bill. It is important that we have ample time to consult with all our constituents. It is complex legislation. There are many employees and employers who are not too sure how the bill will affect them. The bill has been introduced without prior consultation.

The bill consists of 176 pages. There are 276 clauses and more than 35 amendments. The government is trying to push the legislation through Parliament in two

weeks. As I said, the government is trying to ram it through the house to please its union mates.

The bill will increase costs for businesses throughout Victoria. That view is supported by the Australian Retailers Association. In a press release of 25 October it states:

> Retailers have given the thumbs down to industrial relations changes being proposed by the state government.
>
> …
>
> Retailers expect the bill, due to be introduced into Parliament tomorrow, could increase employment costs by up to 25 per cent … may allow many senior managers to claim overtime rates.

Ms Duncan — Source?

Mr KOTSIRAS — It is from the Australian Retailers Association. I will make the document available.

The bill will also unionise small businesses and, as I said earlier, give officers the right to enter business premises even if the owner and the employers object. In other words, the unions are back in town. The bill will cost jobs. Unfortunately the Labor Party, which claims that it represents the workers, does not care if a few workers lose their jobs over the next couple of months. The Victorian Employers Chamber of Commerce and Industry (VECCI) estimates that 22 000 people will lose their jobs as a result of the bill.

Ms Duncan interjected.

The DEPUTY SPEAKER — Order! The honourable member for Gisborne!

Mr KOTSIRAS — In his article in the *Age* of 11 November Neil Coulson states:

> The state government's decision to reintroduce a comprehensive state industrial system in Victoria is a lost opportunity and a threat to Victorian business.
>
> …
>
> The state government now proposes to turn its back on this reform and instead reintroduce a state-based system —

as in the past.

That is also reinforced by Mike Nahan's article in the *Herald Sun* of 4 November, in which he states:

> 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 is to provide for greater union influence in workplaces.

A government member interjected.

Mr KOTSIRAS — Let us not forget that under the present government Victoria has lost 7000 jobs over the past few months. This will cause more people to lose their jobs. As I said, VECCI estimates that more than 22 000 jobs will be lost.

What will the bill do for independent contractors? The tribunal will have power to review contacts and to intervene in disputes between principals and contractors. The bill will deem all contractors to be employees, opening up a new set of unfair dismissal laws. That, too, will cost thousands of jobs. An Australian Industry Group media release of 26 October states:

> 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.

The bill will cost jobs and threatens economic growth. I hope the government supports the reasoned amendment moved by the Leader of the Opposition, which would give us more time to review the bill and to consult.

The Victorian community needs more time to learn about the bill's damaging impacts on employment and business costs. I ask government backbenchers to stand up to those four ministers just once — although B1 and B2 are the ones who run the show.

Unfortunately, the Premier has to consult with the unions every time he makes a decision. One has to also ask why David Ford, the former chief protocol officer, left the Department of Premier and Cabinet. He left because he was sick and tired of the Premier ringing up the union movement to get advice on protocol matters. The Premier will not move unless he checks with Trades Hall, which is a shame. I urge the backbenchers to show some spine and stand up to the four ministers who are controlling things.

Mr BATCHELOR (Minister for Transport) — The Fair Employment Bill is about returning balance and fairness to Victoria's industrial relations system. It is about ensuring that people are given a fair go and that there is a decent safety net for employees and contractors. It is also about protecting low-paid employees, many of whom are not members of unions, who rely on a legislative safety net and an independent umpire to protect their rights and ensure they are able to earn a decent living.

It is worth noting that the safety net of minimum employment standards proposed by the bill is no wider than the safety net provided by the Howard government under the federal industrial relations system. One therefore wonders why the opposition has expressed such hostility to and anger about the bill.

A government member interjected.

Mr BATCHELOR — The honourable member interjects that the opposition hates workers. Clearly that is evidenced by the comments that have been made during the debate.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask members to stop interjecting across the table, particularly the honourable member for Bentleigh, to whom I have spoken before.

Mr BATCHELOR — It explains their innate opposition to giving workers and contractors a fair go. A particularly pleasing aspect of the bill is the inclusion of provisions that allow unfair contracts to be reviewed and varied by the Fair Employment Tribunal. Such a power would be particularly relevant to owner-drivers in the road transport industry, many of whom enter into contracts with low rates of pay and other unfair conditions because of their lack of bargaining power in the marketplace. They are mostly independent small business people, the very people one would have thought the Liberal and National parties would support, give a fair go to and assist by allowing the state to protect them.

Clause 108 allows the Fair Employment Tribunal to make an order declaring void any contracts that it believes contain terms that are harsh, unconscionable or unfair. One wonders why the Liberal and National parties are seeking to prevent the benefits of that clause being made available to independent contractors and small businesses. When the Fair Employment Tribunal is asked to make such an order, it must consider a range of factors. They include the relative bargaining powers of the parties to the contract that is being reviewed and, importantly, whether any undue influence has been exerted on a party to the contract or whether any unfair tactics have been used in getting a party to a contract to sign up.

Such protection is not new in Australian jurisdictions. Similar provisions have been in force in New South Wales for many years via that state's industrial relations system, and legislative protection for owner-drivers dates back to the 1950s. This is hardly new or revolutionary, and clearly it is long overdue.

Recent actions by independent contractors in Victoria have shown that many are at the end of their tether in trying to make ends meet and that they are in desperate need of support and assistance. One wonders why the opposition is so frightened about having a successful system in Victoria. Given the fact that it has been working well in New South Wales for such a long time, it is not surprising that there is widespread support for the Fair Employment Bill among owner-divers and other players in the road transport industry.

Yesterday in this chamber during the debate on the government business program the opposition argued that the bill should be unduly delayed. During the debate the Minister for Education tabled many hundreds of letters to the Leader of the Opposition from independent contractors and small businesses requesting the opposition to support the bill. In light of what could be regarded as widespread community support, industry support, and the support of those whom the bill seeks to help, the government is concerned at the delaying tactics of the opposition Liberal and National parties.

The provisions contained in the bill will allow for greater fairness and for greater certainty in contracting arrangements, particularly in the road transport industry, by allowing unfair contracts to be varied. They also provide for steps that can be taken in exceptional circumstances.

I wholeheartedly support attempts to look after the subcontractors who, in the transport area, are the owner-drivers. I have taken the opportunity of meeting with them on a number of occasions and have also had the opportunity to discuss the proposed legislation with the Transport Workers Union, which is supportive of those provisions and the bill generally. It is interesting to consider the position of owner-drivers who carry out an industrial task and might have regarded themselves in the past as small business people, not naturally aligned with any trade union. I congratulate the TWU for its leadership in the work it has done with the owner-drivers. The union has been able to provide assistance to them and, in return, the owner-drivers are becoming members of the TWU in increasing numbers. I suspect that trend will continue.

I support the bill and recommend to members of the opposition that they take note of the hundreds of letters from subcontractors given to the Leader of the Opposition yesterday and allow passage of the bill through both houses of Parliament.

Mr COOPER (Mornington) — I support the reasoned amendment to the Fair Employment Bill

moved by the Leader of the Opposition, which calls upon the house to refuse to read the bill a second time until adequate consultation has been conducted on the economic, employment, social and business impacts of the legislation.

I refer the house to comments made in the other place on 5 September by the Minister for Industrial Relations. She told members of that chamber the government would carefully consider the recommendation of the task force to conduct research on the economic impact of the proposed legislation prior to adopting any of the recommendations.

The DEPUTY SPEAKER — Order! It is not appropriate for the honourable member to quote from statements made by a minister in the other place.

Mr COOPER — I am not quoting from *Hansard*, Madam Deputy Speaker. I am quoting from my own synopsis of the words used by the minister.

The DEPUTY SPEAKER — Order! That is fine. I am just clarifying the issue.

Mr COOPER — The minister said the government would carefully consider the recommendations of the task force and conduct research to consider the economic impact, and also that it would ensure that, prior to adopting any of the recommendations, it would make itself aware of the potential impact of any of the changes on small business and employment in Victoria.

I listened carefully to the words of the Minister for Transport, and they sounded very nice. If the bill was as the minister portrays it, I do not understand why the government would not be prepared to listen to the voices of employer organisations throughout the state about the way it is dealing with the bill. If the government wants the bill passed and is keen to see it adopted, why the haste? Why the rush? Why the pell-mell push to get the bill through this place. The government's stated intention until yesterday was to have the bill passed through all stages by last night. It has reconsidered that decision but it will still guillotine debate on the bill at 4.00 p.m. tomorrow. What is the rush?

Are the Minister for Transport, the Premier and other members of cabinet and the government not paying any attention to peak employer organisations in the state? Those organisations have made it quite clear the legislation is being rushed through without due consideration. The Victorian Employers Chamber of Commerce and Industry, an organisation that I believe the Premier said was backing him totally — it is not, so he has misled the house, and not for the first time or probably the last — issued a press release on 26 October which states in part:

> 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.
>
> One can only question: why such haste?

The Australian Industry Group in its press release of 26 October states:

> 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.

The Restaurant and Catering Association of Victoria states in its recent media release:

> The government is trying to push the legislation through without allowing the opportunity for everyone to fully understand the implications of the bill and the economic study undertaken by the government has clearly not identified all of the possible impacts.
>
> This bill takes away any flexibility or opportunity small business has had in the past to negotiate with their staff and come to a good working relationship with them.
>
> It will enable the unions to enter premises without consent of the owners and allow for information officers to hand out on-the-spot fines to employers.

The Australian Retailers Association Victoria, in a letter to the Premier dated 13 November, states:

> 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.

In an email to all members dated 14 November the Victorian Farmers Federation states:

> The Fair Employment Bill goes well beyond addressing the issue of appropriate minimum conditions of employment. It defines both employees and employers very widely. 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.
>
> The bill is poorly drafted and inappropriate and the government should withdraw it.

We are not hearing mild words from those employer groups. We are not hearing mere criticism or muted concern, we are hearing strong words from those bodies. They are saying the same thing. They are all singing from the same hymn book. They are saying that this bill needs to be looked at in great depth not only by employers but by the people who will be affected by it, particularly employees who currently may or may not class themselves as contractors.

All employees would have some concerns about the job losses major employer organisations are predicting may result if the bill is passed. Those issues need to be looked at thoroughly, but they cannot be looked at by the opposition and members of the wider community in a fortnight — particularly given the fact that one of the weeks the bill was in the public arena was Melbourne Cup week. That is simply unfair, and it is unreasonable for the government to expect that a lack of consultation will result in the wider community supporting the bill. The government needs to get the wider community on side if it wants support for the bill.

If the government pushes the bill through Parliament and its operation has the impact employer organisations are warning about, what will the government do? Will it say it is terribly sorry and go into reverse gear? I suggest it will not. It will probably try to explain the situation away, but in the meantime many thousands of jobs could be lost and the economic viability of many businesses could be threatened.

The reasoned amendment moved by the Leader of the Opposition does not say that the opposition opposes the legislation; it merely says that the opposition and the wider community need a reasonable time to consider and analyse the legislation properly. The opposition is being supported and urged by peak organisations to take that approach. Why does the government not listen to the requests by those organisations? Why does it consider that approach to be unreasonable? What is so unreasonable about taking more time to deal with this bill, which is groundbreaking legislation and of great significance not only to employers but also to employees and the economic viability of Victoria?

The opposition is not saying debate of the bill should be delayed for years. It is not even saying it should be delayed for six months. It is simply saying that it should be delayed for some time, probably until February 2001 — that is only three and a half months away — so that organisations, groups and individuals can look at the bill and satisfy themselves that it is all the government says it is.

Governments come and go, and one of the important points to remember is that most people like to make up their own minds. There is nothing wrong with that, but in this case they are being denied that right. I speak strongly in favour of the reasoned amendment. It is only fair and reasonable for the community to be given the opportunity to look at the bill properly. A fortnight, one week of which was Melbourne Cup week, is not enough time for people to analyse a bill of this size and complexity.

If the government is fair dinkum about getting the bill up and running, it should not reject the reasoned amendment. It should take the bull by the horns and delay the passage of the bill to enable a review by community groups and employer organisations to take place over the next couple of months. That would enable the government to bring the bill before the house during the autumn sessional period with a great deal more surety than it now has. The surety would be that the government would know exactly what the community and the peak employer groups around Victoria think about the bill. Having given them time to analyse the bill properly, the government would know where it stands with the people who will be so dramatically affected by it. I urge the house to support the reasoned amendment.

Mr LONEY (Geelong North) — I welcome the opportunity to join the debate on the Fair Employment Bill. At the outset of my contribution I put on the record my support for the government's legislation.

Honourable Deputy Speaker, if you listen to the contributions of opposition members you could almost be forgiven for being lulled into thinking they were sincere. But if you look at their record you quickly realise that that is not the case.

The opposition's industrial relations record is one of total failure. Opposition members claim they acceded to the federal government's request with some magnificent gesture, but as those who were members of the previous Parliament would recall, it was the ultimate cop-out. They opted out of industrial relations in this state. They mucked it up so badly that all they could do was handball it off to the federal government, because they were incapable of running an industrial relations system themselves. So their move to go to the federal system was a case of opting out and not of having thought it out at all.

It is even more important to go back to the events of 29 October 1992, which many of us would well remember. Let us judge what opposition members are saying today in light of what occurred on 29 October

1992, when the Minister for Industry and Employment, the former honourable member for Hawthorn, Mr Gude, introduced the Employee Relations Bill. After completing his second-reading speech the minister moved that debate be adjourned from 29 October to 5 November — one week!

I take up the comment made earlier by the honourable member for Mornington about the Melbourne Cup and indicate that that was Melbourne Cup week. Not only did the then minister — and some of us in the chamber will recall this — move a one-week adjournment on that huge piece of legislation of such great importance, but also insufficient copies of the bill had been produced for every member of Parliament, let alone members of the community. There were not even enough copies of the bill to circulate among members of Parliament.

The bill was also introduced a little over three weeks after an election and with no consultation — there could not have been open consultation in that time. We were also able to establish — and I will return to this point — that there were briefings for government mates. Prior to the bill being read a second time the employer organisations in this state had prepared a 280-point briefing kit for their members — before the legislation had been seen by members of Parliament because not enough bills were available.

Opposition members now complain about consultation and say there should be more time for consultation. I will review the history of their attitudes and actions at that time.

An honourable member interjected.

Mr LONEY — That is an interesting interjection, because they certainly would not have claimed this one as a success. A short while later they had to shoot down their own piece of legislation and handpass it off to the federal government.

The second point made in the debate by opposition members is that the government should be working with the federal government rather than introducing this bill. What did the former minister say when he introduced his bill into the house? He said that Victoria needed its own system and that the naughty feds should not interfere in Victoria's affairs. That was the position adopted by the Liberal Party on 29 October 1992. There was no consultation and it wanted no federal involvement because it was of the view that the state could run its own affairs.

Today we are seeing a pretty fair rewriting of history by the Liberal Party. But we know why it has rewritten its policy. It was a total failure in industrial relations. That is what this is all about. Opposition members are saying today: 'We were a total failure in industrial relations, so nobody else should be able to do it'.

The third point is that opposition members keep telling us about the Victorian Employers Chamber of Commerce and Industry survey. Now VECCI has clearly taken a partisan approach on the legislation. When one refers back to the events of 29 October 1992 one understands why. At that time VECCI was responsible for getting the legislation before the Parliament and it prepared the briefing kit. Today Liberal Party members are paying off their mates; that is what this is about. In this instance VECCI cannot be held up as some sort of non-partisan independent authority.

Mr Honeywood interjected.

Mr LONEY — The honourable member for Warrandyte keeps interjecting about his love for VECCI. That's fine: if he loves VECCI, so be it. Other people may have other views, and quite frankly I do not want to spend long discussing the honourable member for Warrandyte's loves.

Opposition members say the government should give them more time. But the VECCI survey they keep quoting was done before it saw the legislation and was based on a worst-case scenario. It was a very partisan job; even the Liberal Party would have to admit that it was partisan.

The clear fact is that this bill is about bringing balance and fairness into the system and about protecting people in industry, such as outworkers, who are being savagely exploited within the system and should be protected. Yet Liberal Party members say, 'Don't worry about that, we can put off protection for those sorts of workers this year or next year' — or sometime never, as far as they are concerned. That is not good enough. This bill has to be dealt with and it should be dealt with. It is about fairness and balance and it deserves the support of the total Parliament.

Mr HONEYWOOD (Warrandyte) — I join the debate today on the so-called Fair Employment Bill. In doing so I point out that I have spoken to a couple of acquaintances — one of whom is a good friend — who are industrial relations lawyers — and they are celebrating and have broken out the champagne. Why? Because this legislation is good for the legal fraternity. This legislation is exactly what the Slater and Gordons and fellow travellers in the ALP legal fraternity wanted.

It is no coincidence that the Attorney-General, who represents Labor lawyers here on behalf of the ALP government, is in the chamber today. He has a vested interest in paying back the mates of the Labor lawyer fraternity who stand to do so well from this legislation.

Mr Hulls — On a point of order, Mr Acting Speaker, I draw your attention to the recent comments made by the honourable member. I take offence at those comments and I ask him to withdraw. He has indicated that I am here representing the sectional interests of Labor law firms. I am here to represent the people of Niddrie. By his comments that I am here representing Labor lawyers he is casting aspersions on my character. I am here representing the people of Niddrie, and I would hope he is here representing the people of whatever electorate he comes from.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Warrandyte has made remarks to which the Attorney-General has taken offence. Under the standing orders I ask him to withdraw.

Mr HONEYWOOD — He is being a little precious, but I withdraw.

In question time it is okay for the Minister for Transport to lie about the ride to work of the Leader of the Opposition, but the Labor Party gets precious — —

Mr Hulls — On a point of order, Honourable Deputy Speaker, again the honourable member has made an unparliamentary comment about another member of this place, and I ask him to withdraw. He knows what I am talking about.

Mr HONEYWOOD — On the point of order, the honourable member in question is not in the chamber, and it is up to him to request a withdrawal. I understand why the Attorney-General would like to rush to his mate's aid, but I point out that in doing so he has again abrogated the forms of the house.

The DEPUTY SPEAKER — Order! I have heard enough on the point of order. Members cannot seek to have words withdrawn on behalf of another member, but I ask the honourable member for Warrandyte to use parliamentary language in his discourse.

Mr HONEYWOOD — Of course, Madam Deputy Speaker. The lawyers are celebrating because of the payback. The former government tried to ensure a sensible system of industrial relations in Australia. It has taken almost a century to fix the road rules and train gauges so the transport system is uniform, but when it comes to industrial relations the Labor Party wants to go backwards.

The Labor Party preaches about a republic, nationalism, and being one nation, but what is it doing? It is taking us back to the good old days of the split between the states with different jurisdictions to ensure that the different rules suit different Labor governments around the nation.

The lawyers are celebrating because the bill is another statute that furthers big government and will ensure over-regulation for employers. The industrial relations legal fraternity is already saying employers will have to pay big fees to find out what the bill means. It turns the existing industrial relations system on its head, a system employers had just got used to. It was simplified and standardised and was fully understood because it matched the federal industrial relations jurisdiction. The costs will be passed on to consumers, and it is well known that the Labor Party could not give a damn about consumers anyway.

Let us look at the methodology employed by Professor Ron McCallum in putting together his industrial relations task force document. Who did he go to for objective advice about the number of employees supposedly not covered in the Victorian industrial relations jurisdiction and the federal award? He went to that well-known objective research body the Australian Centre for Industrial Relations Research and Training (ACIRRT). Who was involved in the research? John Buchanan, a well-known Labor mate and member of the Labor Party. It is like one of those shonky surveys the Labor Party is known for: 'Here is the answer we want, go out and ask the questions needed to ensure we get it'. So John Buchanan went out and did two sample surveys and a couple of door knocks and made a few phone calls, and for a high fee this Labor crony came up with the answer. The Labor Party can afford to spend on consultancies given the $1.7 billion legacy it was left. You only have to ask the Minister for Education about that and look at her contractor budget.

So John Buchanan did the right thing and Ron McCallum did the right thing and they came up with the magic number of 356 000 individuals affected by this industrial relations situation. Are they rubbery figures? No, they are the figures the Labor Party needed, so the right thing was done by the Labor mates for the industrial relations minister. The surveys are methodologically unsound and have exaggerated the number of employees that rely on schedule 1A of the federal Workplace Relations Act. Using ACIRRT to do a survey like that is pathetic. The legislation lacks objectivity and credibility.

My other point is that in Queensland, renowned for having a jurisdiction that is favourable to employers, the Labor government has ensured that employees can be paid in lieu of long service leave. Under clause 56 of the bill, however, payment in lieu of long service leave is not permitted. Like yourself, Madam Deputy Speaker, I am a parliamentarian. I do not recall long service provisions in our award. I do not recall long service leave at all for politicians. If it is good enough — —

Mr Hulls interjected.

Mr HONEYWOOD — The honourable member for Niddrie will have to wait quite a while for his pension, but then he is known as a double dipper. He has already walked away with a pocket full of dough from the federal Parliament, so the double dipper rushes to defend himself.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask the honourable member to return to the bill.

Mr HONEYWOOD — Instead of having a standardised act and a simplified jurisdiction, a road map of industrial relations that is understandable across the entire nation, we return to the Dark Ages of John Cain and Joan Kirner doing the right thing by the unions — by having a separate industrial relations commission. It will be full of Labor mates. They will probably recycle — —

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster has just entered the chamber. I ask him not to interject from out of his seat and not to be disorderly.

Mr HONEYWOOD — The membership of the industrial relations commission can be predicted already. It will be the usual pensioned-off trade union leaders on a nice retainer and, of course, you can see it now, they will recycle Ian Macphee or Alan Hunt as the Liberals on the industrial relations commission. They will be the so-called conservatives balancing the three or four Labor Party branch members who will be paid $140 000 a year. It remains to be seen whether they will receive the chauffeured cars!

What will they do? They will ensure that leapfrogging and any number of demarcation disputes will take place between federal and state jurisdictions; they will be the first point of call when the Victorian unions want to try something on nationally to gain a new allowance or benefit; they will trot off to their Labor-cronyised Industrial Relations Commission as they used to do and, lo and behold, an argument will be put before the federal Industrial Relations Commission that as the independent Victorian Industrial Relations Commission has granted a benefit to workers why should that benefit not have national jurisdiction?

The answer to that is simply that employers are already waking up to what is happening in Victoria, whether it concerns Workcover premiums, payroll tax or the raft of stamp duties and other tax situations. The passage of the Fair Employment Bill will ensure scenarios will be created which force employers to vote with their feet and move their operations elsewhere.

Ms DAVIES (Gippsland West) — I appreciate the opportunity to speak on the Fair Employment Bill, and I will be supporting both the legislation and the circulated amendments. The first point I wish to make is that I seriously considered the wish of the opposition to delay debate on the bill. However, the review leading to the bill has been happening for almost six months, and I note the inability of the opposition to make up its mind about whether it is Arthur or Martha. Arthur is very impatient with the government's level of consultation and the number of reviews taking place and accuses the government of being unable to make decisions on a range of issues. Meanwhile, Martha accuses the government of being dictatorial, non-consultative and rushing through decisions, including debate on the Fair Employment Bill. It will be easier to listen to the opposition when it has made up its mind whether it is Arthur or Martha. Its current identity problems are making life hard for us all!

Mr Perton interjected.

The DEPUTY SPEAKER — Order! I ask the honourable member for Doncaster to cooperate with the Chair.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster will cease interjecting out of his place.

Ms DAVIES — The second point I wish to make is that various individuals have faced serious injustices and hardships for many years. Some people have been without protection and without rights to decent working conditions. I have accepted the argument that the matters referred to in the bill will take time to organise and that it is important to undertake this debate and commence the process before Christmas.

Currently, Victorians not working under federal awards have access to only five minimum workplace standards: 4 weeks' leave, 1 week's sick leave, 12 months' unpaid maternity leave, no set full-time hours and no overtime. The bill aims to add various minimum rights and conditions, including carer's leave of up to 5 days with a certificate, bereavement leave, long service leave, public holidays and the definition of full-time work being set at 38 hours.

The former government's legislation was so harsh and draconian that every group of workers that could flee to the federal system into the warm, worker-loving arms of the federal Minister for Employment, Workplace Relations and Small Business, Peter Reith, did so! I stress that on many aspects of the bill my measurement standard has been 'If it's good enough for Reith, it's good enough for me'. In this case that standard applies to working conditions, the right of entry to workplaces for union or government inspectors and to matters the tribunal must take into consideration.

Clauses 87 and 88 in division 4 of the bill refer to matters to which the tribunal must have regard. The tribunal will deal only with people earning less than $71 000 a year. Those matters which the tribunal must take into consideration include practice and standards operating throughout Australia; international obligations; changing social arrangements; circumstances — and this is important — of the relevant industry or class of employee; and wage relativity set by the federal Industrial Relations Commission.

The bill aims to be consistent with federal awards, to bring in the forgotten ones and to help raise the conditions of those on the lowest scale of salary and conditions, including outworkers and many people in rural areas who work in poor conditions for very low wages. I spent considerable time with the former government trying to tell its ministers that enforcing a user-pays mentality into an area where some 45 per cent of the population live on less than $400 a week would not work. Although some of those people were living on social security, considerable numbers were working hard in low-paid jobs. Life — paying bills and basic survival — has been too hard for too long for those people. When the bill is enacted I hope their lives become more survivable.

The fear vociferously expressed by the opposition, the Victorian Employers Chamber of Commerce and Industry and other employer groups is that of union domination, inflexibility and excessive demands. The call is that of potential economic ruin.

I hear their fear, which needs to be considered carefully. Even after the bill is enacted we will need to carefully watch the work of the tribunal in practice.

Mr Perton interjected.

Ms DAVIES — I am not the one who does not know whether she is Arthur or Martha.

The DEPUTY SPEAKER — Order! The honourable member should ignore interjections.

Ms DAVIES — However, I am impatient with those who do not recognise that the Kennett government put some employees in this state in a dreadful situation and that most of us wish to live in a civilised society in which the needs of both industry and working people must be considered. There is a clear, demonstrable need to push the pendulum back towards the centre. I have no wish for the pendulum to swing too far the other way. I know, and I hope the government is aware, that any government wishing to do that would lose power.

However, I am also impatient with those who peddle fear without any basis. I caution organisations and individuals who spread statements about the bill that are patently inaccurate to take care. They should read the bill carefully, just as I read their letters carefully. I am not oblivious to their fears, and I will be watching the impact of the legislation and the amendments closely.

I believe it should have been possible to establish a proper, unified and honest federal industrial relations system. However, that has not been possible given the current relationships between the federal and state governments. The employment situation in Victoria was not improved by the vicious system introduced by the previous government. Under the bill the conditions of casual workers will stay as flexible and casual as they are now, and real contractors will remain as independent and flexible as they are now. However, where low-paid working people have been exploited by notions of 'casual' and 'contract' the tribunal may be able to assist them, if they want it to.

I accept the ongoing need to check, review, consider and talk to all the people involved in the implementation of the bill. However, I also believe there is a strong and demonstrable need for the bill, which should be given the opportunity to work. I repeat, if it goes too far in one direction, the government will lose office, just as the previous government lost office because it went too far the other way. That is democracy, and that is good.

Mr LEIGH (Mordialloc) — This bill is typical of the Victorian ALP.

Mr Hulls — Thank you.

Mr LEIGH — I am glad that the Minister for Manufacturing Industry said, 'Thank you', because he deserves all the thanks he will get from supporting the bill! If members close their eyes and think back to the 1980s, they will find that these are the same issues Parliament was confronted with then. When I was first elected to this chamber someone told me that the issues never change, only the faces — and my God, that's true. When I close my eyes and listen to the Premier carrying on about this piece of legislation I hear John Cain, Jr. Off we go again along the same trail! We are having the same arguments we had in the 1980s. In those days Labor introduced similar measures such as its Workcare reforms, which by the mid-1980s had brought the state to its knees with losses in excess of $2 billion.

I have done a small calculation that I think is a reflection of where this piece of legislation is going and why the government is so out of touch. Prior to becoming a member of Parliament I was a subcontractor in the building industry. In the 1970s in particular the employment of subcontractors in the building industry took off. The house should be aware of what the statistical calculation I have done says about the government. According to the information in the *Victorian Parliamentary Handbook* there are a minimum of 13 former trade union officials on the government side.

Mr Wilson — How many?

Mr LEIGH — Thirteen. However, that is not the true figure, and I will come back to that. There are 10 former teachers and 23 former ministerial advisers or electorate officers, and some of those ministerial advisers and electorate officers were also trade union officials, so we can multiply the figure a bit. There are two former bureaucrats —

An Opposition Member — How many small business people?

Mr LEIGH — I will come to that. There are four lawyers — —

Mr Hulls — Good ones, too.

Mr LEIGH — The Attorney-General is a bit biased. I will let members guess who the journalist is.

The DEPUTY SPEAKER — Order! I ask the member for Mordialloc to address his comments through the Chair.

Mr LEIGH — I will indeed. There is one journalist, and there are three 'others'. In that category I include members who may or may not have been in small business in their time. I refer to members such as the member for Ripon, who at various stages worked in the Bendigo electorate office of former Senator Gareth Evans — who was never there. The member for Ripon later pretended to be a service station operator.

We need to know where members opposite come from to get a perspective on the bill. There is nobody from the subcontracting industry on the government side. Having the Minister for Transport come in here as he did earlier and blather on about whatever he was saying demonstrates where he comes from. The occupations of members opposite clarify where Victoria is heading with the bill. The Minister for Transport was an official of the Furnishing Trades Union.

Ms Gillett — On a point of order, I do not see the relevance of the occupations of members on this side of the house to the bill. I ask you, Honourable Deputy Speaker, to bring the member back to the bill.

Mr LEIGH — On the point of order: first, the second-reading debate is wide ranging, and second, I am talking about why the government has come to the conclusions it has in introducing the bill and who is involved in that. What we have all done is entirely relevant in favouring or opposing the bill. I seek your indulgence, Deputy Speaker, because I am coming to the points I wish to make.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. The member for Mordialloc has just started speaking, but I hope he will do no more than make passing reference to those matters.

Mr LEIGH — The leader of the government — the Premier — in a sense defines where the government is going, and most people will agree with what I am saying. The former Premier, Mr Kennett, was from small business. His thinking was biased towards fighting for the interests of small business.

A government member interjected.

Mr LEIGH — Here we go again! Members opposite have said all sorts of things in this chamber but they have been proven wrong, so they should just sit there and be quiet. The fact is that the Premier has had a great impact on the bill. He was a ministerial adviser, ran the Youth Guarantee scheme, was a schoolteacher

and worked for Neil O'Keeffe, Joan Kirner and John Cain.

This is a piece of the 1980s revisited. One thing people in industry, particularly subcontractors and those in the trucking industry, need to understand is that the bill is not necessary.

What is necessary from the government's perspective? It has argued that the legislation will help outworkers. But who is holding up a piece of legislation in the federal Parliament that deals with the problems of outworkers? None other than the federal Labor Party, which is delaying the legislation in the Senate in its obstructionist way.

If the Labor Party can pass a piece of legislation in the Senate that solves the whole problem, why has this bill been introduced? It is a disguise, and 75 per cent of the legislation is about destroying Victoria's subcontract industry. This is just the beginning.

As the Leader of the Opposition's reasoned amendment says, nobody has had time to deal with the proposed legislation. The government says it has held an inquiry among its 327 inquiries — or 328 if you listen to what has been said today. It says that because the inquiry was held everybody has been consulted. When the Premier introduced the bill his aim was to have the legislation dealt with in this chamber and go through to the Legislative Council in the hope that it would be passed and would wreck the state's subcontracting industry.

Over the past few days I have spoken to many subcontractors about the legislation, including courier companies, builders, motor mechanics and even people in the computer industry, where there are many subcontractors. The legislation puts those people at risk. If I were in the subcontracting industry I would want to get out and make people understand what the bill will do to them. Union-dominated, official-type arrangements will be put in place that will authorise entry to work premises and infringe workers' rights.

Yesterday the amendments were circulated. They were designed to make the three Independent members of Parliament look good, so that it looked as though they had taken a principled stand to make the government back down on some of its ideas. But the real agenda was there all along, it was not masked by the phoney acts in the house yesterday when the Independents — who say they want to introduce consultation to the chamber and the community — voted to make sure that Victorians have little or no opportunity to have a say in the process. Why did they do that?

I have spoken to courier companies from Mildura that are outraged that the legislation was introduced when they had had no opportunity to complain to anybody. The honourable member for Mildura does not think much of me, and perhaps sometimes I feel the same about him, but I assure the house that when those companies rang me I gave them the phone number of the honourable member for Mildura because I think it is important that his constituents educate him about what is going on in the real world.

This is the beginning of the destruction of subcontracting in Victoria. It is the first step in an arrangement the government will continue to pursue into the future, as former Labor governments did in the 1980s. If you close your eyes you can imagine that we now have John Cain, Jr, back sitting in the Premier's chair and the mess is beginning again.

The Auditor-General said yesterday that the government was losing money. I say to the subcontracting industry that the opposition is seeking to delay the passage of the legislation until the New Year to give the community a chance to have its say so that better arrangements can be put in place. If the government truly believes in consultation, it should show it.

I close on this note. Remember the numbers 13, 10, 23, 2, 4, 3 and 1. They are not bingo numbers. They are the government's numbers, and they refer to public servants, union officials or teachers. They point up what is wrong with the legislation. I hope it can be fixed.

Mr WYNNE (Richmond) — I rise to support — —

Mr Wilson — Here's a true believer!

Mr WYNNE — Indeed. I support the Fair Employment Bill, and it gives me great pleasure to make a contribution to the debate on the bill.

The previous government introduced the Employee Relations Bill in 1992 with no consultation. It ignored the incredible public opposition. We all clearly remember the rally that took place eight years ago this month. I was pleased to participate, along with 200 000 others, to express the absolute community outrage at the capricious action of the former Kennett government, which stripped away the rights of workers. I joined with men and women, working people, schoolchildren, parents, retired people, professional and blue-collar workers. Victorians remember that day. It was at that point that many Victorians realised that the Kennett government was not a government for workers but a government that ignored their concerns and

rushed legislation through Parliament to suit its own agenda.

Since December 1999 discussions have taken place between the Victorian and federal governments about changes to the federal system to make it a fairer model. Those approaches have led to nothing. No alternative was proposed by Minister Reith, so the Bracks government began an extraordinarily thorough process of consultation to arrive at the bill we have here today.

The bill before the house is about fairness, which is a cornerstone of the Bracks government. The legislation will restore fairness in Victorian workplaces. It was not drafted over a bottle of Scotch whisky. It was drafted with the key stakeholders.

An Opposition Member — With the unions.

Mr WYNNE — With the unions, employers and the working people. The opposition has a gall to accuse the government of rushing the legislation through the Parliament. What utter hypocrisy!

An honourable member interjected.

Mr WYNNE — Indeed, it is correct. When the Kennett government introduced the employee relations legislation it gave less than two days notice of its intention to debate the bill. One day to consult with key stakeholders — employers, unions and the opposition — and less than 2 hours of debate. No wonder the legislation was fraught with errors; it did not work for employers or employees.

The commitment of the Bracks government is very different from that of its predecessors. A fair and accountable process has been undertaken. The Growing Victoria Together summit held in April, which I had the opportunity to sit in the gallery to observe, recommended the establishment of an independent task force to review the system of industrial relations laws applying to Victoria. Honourable members opposite who were engaged in the discussion will recall that the summit was a bipartisan meeting. It involved all the key stakeholders — the Victorian Employers Chamber of Commerce and Industry, other major employer groups and unions — and it was an excellent initiative by the Premier. A task force was developed from the summit that conducted the widest possible consultation process ever undertaken on industrial laws in Victoria, including 11 public forums, 5 in regional areas — —

Ms Overington interjected.

Mr WYNNE — Indeed, as my colleague says, including Ballarat. Hundreds of submissions were received over a four-month period and the date was extended as a result of the incredible interest generated by the public consultation process. Not surprisingly, no submissions were received from the Liberal or National parties. If members opposite have not had the opportunity to have a look at the task force report I recommend that it is well worth them doing so. Some of the key findings were:

> Victoria has a greater proportion of its work force in low wage jobs compared with NSW and with the national average. About 24 per cent of Victorian employees earned under $12 per hour in 1999, compared with 19 per cent in New South Wales (and 21 per cent nationally). When it comes to very low wage employees the differences are much weaker. About 10 per cent of Victorian employees earned under $10 per hour, compared with 8 per cent in New South Wales …
>
> …
>
> There are several industries in Victoria which are notable for their concentrations of low wage workers:
>
> > retail trade: where 39 per cent of employees earn under $12 per hour;
> >
> > accommodation, cafes and restaurants: where 45 per cent of employees earn under $12 per hour …
> >
> > personal and other services: where 32 per cent of employees earn under $12 per hour …

Chapter 8 of the *Independent Report of the Industrial Relations Task Force* specifically addresses the issue of outworkers. As honourable members would be aware, my electorate in Richmond has historically been a significant employment base for the textile, clothing and footwear industry. My electorate more than most has traditionally hosted those industries and has been a base for a significant number of people who are employed in an outworker capacity. By any measure these people are utterly exploited by the marketplace. Historically the workers are women, but not exclusively, and from a migrant background, who have been left open to the capriciousness of the industry within which they work.

Chapter 8 of the report points to the fact that most outwork is undertaken by migrant women aged between 25 and 35 years who have young children at home. They do not have the possibility to gain employment in the work force and they are forced to work for piecemeal wages without any conditions or security that an award system offers.

Ms Overington — No sick pay.

Mr WYNNE — No sick pay, no holiday pay and no conditions whatsoever. They are completely at the

whim and capriciousness of their employer in the workplace.

The Industrial Relations Commission of New South Wales described outworkers in its finding of the pay equity inquiry of 1998 as:

> … without exception, an impressive group of people, who are treated oppressively in their ordinary working lives and exploited both in terms of the payments received and their conditions of work. The circumstances of their work are disgraceful.

I have listened to the contributions of members opposite and the ideologically driven hoppo-bumpo by the honourable member for Mordialloc was truly spectacular.

Mr Robinson — Even by his standards.

Mr WYNNE — Even by his standards! This is a Labor government that stands by low-paid workers. It stands by and seeks to bring through the bill a structure that will support some of the most exploited people in the community — outworkers and subcontractors who were out at the front of Parliament House a couple of days ago from the transport industry. They are the people the Labor Party will stand up for. They have been exploited in industries. This Fair Employment Bill is excellent legislation. It is an important initiative of the Labor Party and it is a Labor thing to do. I commend the bill to the house.

Mr LUPTON (Knox) — In my contribution to this debate I will limit my comments to the opposition's reasoned amendment, which seeks to delay consideration of the bill until early next year. The request is made because the opposition would like there to be public debate on the bill. We want to go round and find out from other people just what they want to do.

In many respects the bill reminds me of the introduction of the Workcover legislation earlier this year. That bill was introduced, the second-reading speech was made and consultation with industry was supposed to take place during the Easter break when everybody was away — a period of two weeks. All honourable members know exactly what the industry thinks about the Workcover legislation, which was rammed through. Unfortunately it is now the workers of Victoria who are suffering, because in many cases employers can no longer afford to employ the number of people they previously employed.

I believe this legislation requires further consultation because it was only introduced into the house on 24 October and the second-reading speech was made on 26 October. For a government that claims to be open and transparent to rush it through in such a short time is not good.

Following the second-reading speech on 26 October, which happens to be the day before my birthday — it was a lovely gesture — we had another week. Last week was cup week, and as everybody knows cup week is not a good time for consultation. However, even though there were not many people around, it was interesting to see how many people contacted me about their concerns and their opposition to the bill. I would therefore like more time to examine the bill. Those who contacted me were the Victorian Employers Chamber of Commerce and Industry, some bloke by the name of Peter Walsh, the Restaurant and Catering Association, the Victorian Farmers Federation, Troubleshooters Available, the couriers of Melbourne, the Australian Retailers Association, the Australian Industries Group, the Housing Industry Association, the Institute of Public Affairs, and so on. In fact, even the *Age* of 6 November published an article that does not speak about the bill in glowing terms. The *Herald Sun* of 4 and 8 November also indicated concerns.

I will refer to some of the items raised by the Victorian Farmers Federation, which states that the costs of the bill will be much higher than was claimed, labour costs to agriculture have increased and, what is perhaps more interesting, the legislation will be a lawyers' picnic. Most of us would be aware of the way Labor lawyers love the sort of legislation the government is bringing in. The VFF says the contract provisions are themselves unfair, and the Victorian Fair Employment Tribunal would second-guess the federal system.

All I ask is that the bill be delayed until early in the new year so that we can consult with industry. The Labor Party said it wanted open and accountable government, yet here we are for the second time in 12 months ramming through legislation with a minimum time allowed for it to be discussed, for consultation to take place and for the whole procedure to be gone through.

I was fortunate enough with the Workcover bill to attend a couple of briefings with industry. I will be honest; industry did not believe it would happen or that the results would be so bad. The opposition has talked to organisations that thought it would happen but they did not think it would be nearly as bad as it has turned out to be. After the Workcover legislation was passed they suddenly realised things were much worse than anticipated, and now the hue and cry has been taken up throughout the community. I do not want the same sort of hue and cry to be taken up in the community when

people find out that their jobs are in jeopardy because of the draconian provisions of the bill.

Mr Wynne interjected.

Mr LUPTON — The honourable member for Richmond asks if I have read the task force report. It is a wonderful report. I received 11 copies of it. Each was delivered separately to my office at $5.65 a time.

A Government Member — For your birthday!

Mr LUPTON — My birthday does not last that long. I have a few copies here. How's that? How much did it cost to print? It cost $5.65 a time to deliver — absolutely amazing.

But that is because the government stuffed up. The department stuffed up. The department put it through. It did not know what it was doing and sent 11 copies or more to the offices of every member of the opposition.

An Opposition Member — In individual envelopes!

Mr LUPTON — They would not have a clue! They were in individual envelopes and delivered by mail — absolutely amazing. What a waste of time. However, we still got it, and we read it, and we are now saying — —

A government member interjected.

Mr LUPTON — That is magnificent. Here we have the government benches saying they wasted all this money on Australia Post to give a bloke a job. That is what the honourable member for Narracan is saying from out of his place.

The fact is the legislation is being pushed through. The opposition wants to defer the bill so it can be discussed. As I have already said, the number of organisations that have raised their objections to the bill means further consultation is required.

Representatives of one organisation who came to my office could not believe how badly it would affect their particular business. That organisation had a meeting about it last Wednesday, and when other members of the group found out how bad it would be they started to panic and wonder how they could continue to exist. That is not good. We are all here to create jobs in Victoria. We want to see small business grow. We do not want to see jobs lost and small businesses go down the tube, because if that happens Victoria finishes up badly.

I must admit I have concerns about the bill, and one I have talked about with small businesses concerns the appointment of information service officers to police the new system. One of the rights those officers will have is to enter any place of business and examine the offices. Most members of Parliament have offices in their homes. How would it be if those jackbooted people decided they wanted to investigate your house? They would have the right to go into your home and examine the books and other things in your home. Although they may not be supposed to go into the living quarters, they can still enter your home. I would love to be there the first time a Labor member ever gets a jackbooted inspector coming into his or her home to examine the books. It will be interesting.

All I am saying — I really mean this — is that more time is needed for the bill to be examined. To defer the bill until February next year will still not give us enough time, because we need about another three weeks. Victorian industry will close down about 16 December and remain closed until Australia Day, which is 26 January, and we are looking at adding another month after that. It is not much time to debate a huge bill, to consider, consult and examine in detail the ramifications of the bill before the houses. All we are asking for is the right to defer consideration of the bill so that a value judgment can be made about the advantages and disadvantages, if any, to both industry and the employers, and the employees of Victoria. All I ask is that the reasoned amendment be agreed to so the opposition can consult throughout the length and breadth of Victoria.

Ms GILLETT (Werribee) — I feel proud and humbled by the opportunity to contribute to the debate on the Fair Employment Bill. I am also proud to be able to say that, like other honourable members who have spoken before me, I have been a union official. The only difference between me and my colleagues and comrades on this side of the house is that I worked for the best of the unions — the Commonwealth Foremen's Association, the Federated Storemen and Packers Union of Australia and, lastly, the National Union of Workers.

I congratulate my colleague and comrade in another place, the Minister for Industrial Relations, for the fantastic work she and those close to her have done to produce this magnificent piece of legislation.

They say that if you live long enough you will see and hear everything. That could explain the contributions made by members of the opposition on the Fair Employment Bill. One always tries not to lose one's sense of humour and balance, but today I have been

pushed to the limit by the comments of opposition members.

It beggars belief that as a member of the Bracks Labor government and a former union official I can sit and be lectured by the opposition on consultation — and more importantly, on the lack thereof. There has been consultation on fair employment and on the difficulties with the employment legislation introduced by the failed former Kennett government and the soon-to-be-failed Howard coalition government since 1992. In that time consultation has taken place inside this chamber and outside it, and 200 000 people have marched up Bourke Street. I thought we did well in Werribee when 15 000 marched against a toxic dump; but to walk as one of 200 000 is something I will never forget.

A government member interjected.

Ms GILLETT — I know the honourable member was there, too, because I saw him. Many of my colleagues and comrades on this side of the house were there, and it was a proud moment for all of us. Our pride came from being together, solid and committed — but it was a devastating thing to have to march against. What made it worse was hearing the bombastic, stupid and repugnant comments of the former Minister for Industry and Employment, who told the house with that idiot grin on his face that he had drafted the legislation over a bottle of scotch. Clearly he killed more brain cells than he intended to, and the legislation reflected that.

Today's debate has been full of other furphies as well. The idea that the opposition should seek further time to debate the bill is ludicrous. We could be generous and say that members opposite have learnt the lessons of the 1999 election and are now committed to a process of consultation, but my colleagues might say that is naive as well as overly generous. The point is that the opposition does not have to run its arguments in this place because, unfortunately, it has a majority in the other chamber and can defer the bill for as long as it likes. Members opposite are speaking hypocritically about the need to defer the bill for further consultation because they will not do that. They know precisely the bill's intention: the restoration of fairness and balance in the working lives of working people and their families.

The stand of opposition members is also disingenuous because, as was discussed today on radio, their tactics will be to defer the bill in the other house for however long they wish, further depriving the working poor of Victoria, whom they damaged from 1992 onwards.

The Bracks government went to the last election seeking a mandate to introduce legislation such as this. If ever a government had a mandate to act, this government has a mandate to introduce the Fair Employment Bill. Members of the opposition have known about the Labor Party's problems with the coalition's legislation since 1992. In spite of that, and in spite of the 200 000 people who marched up Bourke Street, they have not listened — and they will not listen now. The government will have to engage them in argument to get them to take seriously their responsibility to ensure that Victorians understand that the legislation has a mandate and should be passed.

It is strange to hear honourable members opposite talking about the trade union movement and trade union officials in a way that only people of my grandfather's age would have heard. For the 15 years I worked for a modern and progressive union I was lumped in with the likes of Simon Crean, Bill Kelty, Greg Sword, the Honourable Monica Gould, the Minister for Industrial Relations, the Honourable Nicola Roxon, MHR, Charles Donnelly and Lloyd Freeburn — all absolute barbarians and radicals to a man and a woman!

In the trade union movement 15 years ago industrial partnerships were part and parcel of everything we did. I can understand why that would annoy and terrify the living daylights out of members of the opposition. Their worst nightmares were industry-wide superannuation and solid, cohesive and cooperative working arrangements. Even so, over 15 years those things were achieved by modern and progressive unions that delivered great results for their membership.

The unions will go on doing the good and progressive work they have been doing for so long. Over a generation the trade union movement has matured, developing strong and lasting relationships with its industrial partners and sometimes particular communities. Why is it, then, that to a man and woman the opposition has no idea what the modern trade union movement is like?

They do not have a clue; they are totally clueless. The movie must be about them! If I still had any measure of influence with any of the unions I have been connected with I would implore them to take those sorry souls on board because they have been so far out of the industrial relations loop for so long that they still believe in reds under beds and the yellow peril! They should work for a union for a week. We should start them working in alphabetical order. However, I do not know whether I could convince any of my colleagues in the trade union movement to do that after they read the pathetic contributions of opposition members. My

union colleagues would probably see no merit in leading them anywhere except to precisely where they are now — the opposition benches.

Mr Robinson interjected.

Ms GILLETT — The honourable member for Mitcham is correct, there are minimum standards. If it were possible for them to work for the unions it would do them the world of good. Trade unions understand business and business understands trade unions. They have been working in partnership for two decades and have effective, cooperative and mature working relationships. It is a great pity the government cannot have a mature, cooperative and sensible working arrangement with the opposition. The people outside this place have had to show the way. It beggars belief that the opposition is still running the same arguments as those being run in the 1950s — the scare campaigns about a communist threat. I hope we can manage to get the *Hansard* record of this debate to businesses, the community and the modern and progressive trade unions to show them what the government has to put up with. The opposition is a long way behind the pace; it has not watched or taken any interest in what the government is doing. It is simply ideologically opposed to the bill, and I am fearful of what may come of that.

I congratulate the minister on her work. I am acquainted with some of the fine minds that have worked hard to produce the bill. I know they have applied their minds, their spirits and the blood, sweat and tears of their experiences as working union officials for a long time. I would hate to see the bill suffer an ideologically driven fate through the actions of the opposition. The opposition has the numbers in the upper house, and I urge opposition members in that place to seriously discuss their views with their constituencies, the representatives of the trade union movement and the good members of the business community. Those groups were together at the Growing Victoria Together summit, so the crocodile tears coming from the opposition about a lack of consultation do not wash.

The bill is critical legislation. I urge members in the other place to recognise that the opportunities the measure provides for Victorian working people and their families may be missed if they do not take the bill seriously and let it pass through both houses.

Mr ROWE (Cranbourne) — It is interesting that the government does not believe the opposition cares about those outworkers being exploited and believes they should be protected by industrial relations changes. If the Labor Party were genuinely concerned about the welfare of those outworkers they would speak to their federal colleagues in Canberra and ask them to stop stalling the amendments to the federal industrial relations legislation that are designed to address the problems raised by the government.

It is also interesting that the Labor Party is saying it has consulted widely. How can it have consulted widely when one of the largest employers of contract labour in Victoria did not know about the bill's existence or its consequences for building operations until last night? What about those subcontractors employed to build houses in my electorate — the fastest-growing electorate in Victoria — whose right to operate businesses will be jeopardised by the bill? They do not know of the existence of this bill nor its contents.

Car dealers who employ contractors to install mobile phones and sunroofs in cars — as some of the ministers would know — do not know of the existence of the bill. The small business people in Cranbourne who operate the food outlets in the local shopping centre and employ 2, 3 or 4 staff members do not know of its existence and its consequences for them as employers. The staff members they employ are also unaware of how the bill will affect them.

The people employed in the white goods and furniture stores in Cranbourne do know about the bill. Those businesses are now starting to open on weekends. Harvey Norman has come into the town and it is possible that a Myer bulk store will also come to the town, so the small businesses will have to operate seven days a week to compete with the larger retailers. They are now talking about not employing more staff because of this government. Those people have not been consulted; they have not been told about the government's legislation.

The vegetable growers in Cranbourne, who employ contract labour, have not been told about the legislation and the impact it will have on them as employers, nor have their employees been told of its impact.

What about the subcontractor carpenter who runs his own business, has an Australian business number, and has two or three labourers or other chippies working for him putting up housing frames? A lot of them are proprietary limited companies or companies in partnerships with their wives. Under this legislation they could be deemed to be employees. If they were so deemed what effect would that then have on their taxation standing and on their ability to continue to deduct legitimate business expenses from their income? It would go out the window. Their ability to claim petrol, depreciation on tools, their wives' wages and the

running expenses of the cars their wives run around in to do the banking could be placed at risk — because they will be determined to be employees.

Mr Lenders interjected.

Mr ROWE — You know the Australian Taxation Office loves grabbing money and wiping out people's benefits as much as it can to get more money.

It would take the opportunity of saying that where contractors are deemed to be employees they would not be entitled to be incorporated bodies and not be entitled to claim business expenses. Therefore those contractors' livelihoods and ability to operate would be affected.

Mr Lenders interjected.

Mr ROWE — Definitely. They are just a few of the people who have not been consulted. Look at the furniture stores, the lighting stores, the food outlets, and the auto repairers who employ contract labour. What about the chiropractors who employ people on a contract basis through family companies and the like? They will be caught up by this type of legislation, but they know nothing about it.

More than a thousand horses a week are trained at the Cranbourne racehorse training complex, the largest in the Southern Hemisphere. What about the contract farriers, saddlers, and transport operators who take the horses around? They have not been consulted about the legislation and do not understand the ramifications it will have. None of those people has been consulted. None of them was asked by the so-called consultative task force to make submissions. None of them was consulted when the bill was being drafted. These are the people to whom the opposition wants to speak.

In addition to wanting to consult, I find a number of the provisions of the bill totally abhorrent and designed only to give unions unfettered power of entry and intimidation over businesses in this state. The Victorian Farmers Federation believes the legislation will cost jobs. I will ensure that the VFF branches in Mildura, Gippsland East and Gippsland West get copies of the contributions by the Independents, because they have not consulted with the VFF members in their electorates about the ramifications of the bill. They have just decided that, despite being in favour of more open and transparent government, they will side with the government — as they always do on major pieces of legislation — in its attempt to ram the bill through Parliament without any consideration for those people in their communities who will be affected.

I would imagine that the proprietor of the general store in Swifts Creek in the Gippsland East electorate has probably not been consulted about the ramifications of the bill, and that neither has the company that makes timber pallets and contracts tree-fellers and contract drivers to bring the trees to the sawmill to be cut. They do not know of and have not been consulted on the ramifications of this bill. They are the people with whom opposition members want to consult. We want to tell them about what will happen to contractors and about the bill's provision for the Stalinist thought police who will have rights of forceful entry which will be more than those of the Victoria Police.

Labor complains about the Liberal government having given Victoria Police more power to seize, to demand names and addresses, and to take DNA samples. But that pales into insignificance when compared to the powers given to the thought police by the bill. The police force would have given its right arm to have the powers provided for in the bill conferred on them by a Labor government. But because they are likely to be union thugs who are employed to do the work, that is okay. They are members of the Labor brotherhood. They are comrades, as they say.

The house should defer the bill to allow the opposition to consult with a number of the people I have mentioned. People in my electorate need to be consulted with, have the bill explained to them, and be able to say whether they think it will be a problem for them and they want something done about it.

Mr HARDMAN (Seymour) — It is a proud day because I am standing to speak on the Fair Employment Bill, which is about fair employment conditions for all workers in Victoria. Currently hundreds of thousands of workers are not covered by any award protection. The opposition has tried to turn the debate into one on a fear of unions bill rather than on the provisions of the Fair Employment Bill. It reminds me of McCarthyism and the Reds under the beds and other such fear campaigns that were run in the 1950s. Perhaps that is an indication of where the conservative parties in Victoria are heading.

It is important to note the significance and urgency of the bill. The last government, which was a miserable government, left 140 000 outworkers without any fair employment conditions. To me being paid $2 to $4 an hour sounds like unfair employment conditions. I do not know how people could live on that, even if they did work 15 hours a day, seven days a week in their garages at home.

It is also important to point out that this bill provides those hundreds of thousands of employees without award protection with such entitlements as bereavement leave, annual leave, sick leave, carers leave, parental leave, long service leave, and hours of work provisions. What happens after outworkers work 38 hours? If they are paid by the hour are they subject to overtime provisions or do they keep getting $2 to $4 an hour?

All the fair employment conditions in the Fair Employment Bill have been discussed by employer and employee representatives and community representatives. Therefore it is a widely consulted piece of legislation that will allow all Victorian workers to have decent award conditions.

The opposition supports people working in Third World conditions. The working people of Victoria have had to put up with a disgraceful set of circumstances. The government cannot afford to allow such appalling conditions to be imposed on employees.

A recent newspaper article described a Vietnamese woman who came to Victoria for a better life but who found herself working 15 hours a day, seven days a week, for about $2 an hour. Hers is not a happy existence, and maybe she is wondering whether she would be happier elsewhere. That is not what Australia is about. It is about fairness, and that is why the government has introduced the Fair Employment Bill.

It is important to remember that the bill will protect largely non-union members. The Labor government — a compassionate, caring and decent government — sees the need to bring in a system to look after those people.

It is also important to recognise fair dinkum employers. People on the other side of the house may not believe the legislation is necessary because their general constituency is small business people. It is probably fair comment that the workplace environment is not the same as it was when unions first tried to organise workers. There are not too many shonky employers who set out to rip people off, but there are some. Members of the conservative parties also fear unions — I hear them use words such as ‘thuggery’ — but modern unions are different from what unions once were.

Honourable members interjecting.

Mr HARDMAN — The opposition can give one or two examples, but 20 or 30 years ago they might easily have been able to name 10 or 12. Now there is a modern trade union movement, exemplified by Leigh Hubbard, the secretary of the Trades Hall Council. People have nothing to fear from this great legislation, which protects the most disadvantaged and vulnerable workers in society. The bill is about social justice for all Victorians — words that have been forgotten, along with the word ‘consultation’.

During the Kennett years consultation meant telling people what would happen and then going ahead and doing it. The Labor government talks to and listens to people, reviews the situation and comes back with appropriate legislation. People might not always get exactly what they want from the consultation process, but everyone gets a go. The government has to make decisions and get on with the job. Maybe the opposition should take a leaf out of the government’s book. Consultation does not mean having everything go your way or consulting until every single person has had his or her say. The government consults with community group representatives who represent the views of others.

I am aware that many members want to speak on the bill, which I support because it is good legislation. I have been disappointed by some of the comments from the other side, which I find extreme. The language suggests members opposite have coupled fear with ignorance to try to make an argument. I would like to see that change and a more reasonable attitude taken to the debate. With no further ado, I commend the bill to the house.

Mr RYAN (Leader of the National Party) — It is my dubious pleasure to join the debate on the bill. I am conscious that time is of the essence and that there are many members on both sides of the house who wish to speak, so I will limit my remarks, particularly because I have not had a thorough look at the legislation.

I have not been through it page by page or clause by clause, as one should. While on the one hand I apologise for that, on the other hand I do not, because I am like many other Victorians. The bill runs to 185 pages, with 276 clauses and a couple of schedules, but in effect it has been in the market only for a week. It is nonsense to claim that the bill has been advertised de facto for a long time, because coming up to the last election the government said it would carry out a process of consultation and establish a taskforce, after which the bill would be introduced.

The critical issue is the legislation that derives from such a process. The reality is that people have simply not had enough time to examine the bill. If sufficient time is not allowed, people will be in the position I am today when I say, unashamedly, that I am not right across the legislation. Without sufficient time, how can one hope to be right across the content?

Coming from a rural perspective, one thing that strikes me is that many small businesses operate well because of the excellent relationships that exist between employers and employees. I fear the bill will inevitably introduce a degree of tension where there is none at the moment. The most recent contribution was made by the honourable member for Seymour, who spoke about the problems faced by outworkers.

I digress to say that the National Party accepts that there were difficulties and that a body of people were in varying ways disadvantaged in their work environments. That is a valid point. The National Party also accepts that either through the Industrial Relations Commission or through negotiation with the federal government the position of those people under commonwealth legislation should be examined. Where the National Party and the government differ is on the mechanisms employed, which the government says gave rise to the legislation. However, if the primary intent of the bill is to accommodate those people, the government is employing the reverse of throwing the baby out with the bathwater — and it is using a sledgehammer to crack a nut.

In the brief time available to me I will examine a couple of issues that illustrate that point. Before I entered Parliament I was a member of a legal practice that was run as a partnership. At varying stages over a period of 15 or 16 years the partnership comprised 7 or 8 and up to 13 people. People came into and went out of the partnership as they bought different shares. A partnership agreement governed the way in which the partners conducted their affairs.

Clause 5(1)(d) refers to an employee as being:

> each person, being 1 of 4 or more persons who are, or claim to be, partners working in association in an industry …

When the legislation is enacted members of a partnership will be deemed to be employees, which is a dreadful state of affairs. People who have independently structured their arrangements in a fashion that is perfectly appropriate to their needs will find themselves dragged into the legislation by default.

Ninety-five per cent of the 250 000 employees who come under the provisions of schedule 1A of the commonwealth act are small business people employing eight people or fewer. An enormous number of people operating small businesses will find themselves subject to the legislation. The bill will have a negative impact not only on the traditional employer–employee relationship but on business confidence generally.

I turn now to the language employed in the bill. Rather than the Fair Employment Bill it should be called the State Industrial Relations Commission Bill. The tribunal should not be called the Fair Employment Tribunal but the State Industrial Relations Tribunal because the functions of both the bill and the tribunal deal with processes that the alternative titles I am using would more properly describe. The information service officers referred to in the bill are inspectors, so why not call them inspectors? The language that is used carries a terrible message about what the bill sets out to achieve.

Clause 6 relates to those who are on contracts to provide services. If a union decides that it wants to bring those people under the banner of 'employees' — whether they want it or not — it can apply to the tribunal. Given the starting point that drove the Labor government to introduce the bill, it is a nonsensical outcome. The bill will have an impact on the liability of principal contractors, not only in the short term but also in the longer term. Situations will arise where people who believe they have engaged subcontractors who in turn have engaged others to work for them may find themselves having primary responsibility for a range of obligations. I am sure the general community does not understand that that is so.

Chapter 5 deals with compliance provisions, and part 1 of that chapter deals with information services. Clause 214 refers to the appointment of information services officers, and clause 215 refers to the need for those officers to be issued with identity cards. Clause 216 allows information services officers to ask for the assistance of members of the police force in the discharge of their duties. Division 2 of chapter 5 refers to the wide-reaching powers of information service officers, and clause 217 describes when those powers may be exercised. Clause 218 refers to the power of entry and states:

> (1) An information services officer may enter —
>
> (a) any premises at which the officer has reasonable grounds for believing that work is being or has been performed;

Heavens to Betsy!

Clause 219 describes what information services officers can do when they gain entry to premises — and again, those powers are wide ranging. They have the power to require the production of documents, and they can retain those documents. Division 3 refers to the search warrants information services officers may obtain. I remind the house that we are debating the Fair Employment Bill, which supposedly governs the relationship between employers and employees.

Part 2 of chapter 5 refers to entry and inspection by recognised organisations. Again, in the context of the way the government paints this legislation this is a terrible provision to incorporate into the measure. Clause 225 refers to inspection permits and subclause (1) refers to an officer or employee of a recognised organisation. I had to go to the definitions clause to find out what a recognised organisation is and it then refers to clause 260. Clause 260 basically indicates that it is a union. Therefore, an officer or an employee or a union may apply to the registrar so the registrar is the individual who assists with this arrangement.

The ACTING SPEAKER (Mrs Peulich) — Order! I advise the honourable member for Carrum that whenever an honourable member passes the mace at the end of the table he or she must bow in acknowledgment of the Chair.

Mr RYAN — An officer or employee of a union may apply to the registrar in the form approved by the registrar for an inspection permit. What does that mean? What does the person do — write the registrar a letter? Can the form be verbal? Can one ask and get one of these things or will there be some documented basis for obtaining one?

Clause 226 refers to the authority of an inspection permit, and again it is very wide ranging. Clause 227 is an absolute classic in the context of my saying that this is an issue which needs further examination. When I look at this clause I recall the days when I was running my legal practice in the fine city of Sale. There we are, a big happy band doing our best for truth, justice and the Australian way of life, and under the terms of this legislation in rolls one of these inspectors, whatever the title, to make an inspection. Clause 227 states in part:

> (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 …

I again went to the definitions clause to find out what an industry sector order is. I discovered that it is made under clause 8 of the bill. As I understand it, the tribunal will have the power to declare certain sectors of industry to be the subject of an industry sector order. I imagine legal practices and people who work in legal offices will be one of those sectors. The inspector will be able to roll into my front office because it is a workplace where an industry sector order applies. Clause 227(1)(a) goes on to say:

> … 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 …

Let me break that down. I have a group of people working in my legal office in Sale, people who may or may not be part of an union but who would clearly be eligible to become members of a union, and out in the foyer I have one of these inspectors waving one of these permits around and he can come into the place.

An Honourable Member — What is wrong with that?

Mr RYAN — I will get to the punchline. Obviously the honourable member has not read it either. Paragraph (b) states:

> employees who are, or are eligible to become, members of that organisation work —
>
> for the purpose of holding discussions …

He can walk in with this permit and hold discussions. What is he going to hold discussions about, for God's sake? I have people there who have come to work. We employ them and they love coming to work and being employed by us in our firm, and these inspectors turn up and they are going to hold discussions with them. I can tell honourable members what they are going to talk to them about. They can hold discussions with any of those employees who wish to participate. For how long can they have those discussions? Can they turn up at 9.00 a.m. and keep yakking about it until 5.00 p.m.? What am I supposed to do? I am employing those people and I have one of these permit-holders standing in the foyer gathering my staff up to have a bit of a yarn to them for the whole day. What a circus!

I am only up to clause 227 and time is against me, so I will not keep going. There is a great article by Mike Nahan, the executive director of the Institute of Public Affairs. Honourable members have already referred to it in their contributions. The bottom line of the article is that this is all nonsense and Victoria really does not need it.

Although the honourable member for Seymour has left the chamber, I will grant this: with the best will in the world there is an intent on the part of the government to look after a group of people whom we, in a bipartisan sense, recognise need help. However, the government has gone mad. The house has before it a piece of legislation which goes way beyond the bounds of what could reasonably have been intended to happen for the purpose of looking after the interests of that group of people or the 250 000 schedule 1A workers. I venture

that the vast majority of those people are perfectly happy in their work environment and do not want this.

At the end of the day, this demonstrates what happens when one dances with the devil. The Premier comes into the chamber and says we had a summit earlier in the year, all these people came along, we talked about all these wonderful things and this is one of the outcomes of it. To give credit where it is due, it is a good ploy; everybody who was here — and I was one of them — is said to have some ownership of the outcome. That is the ploy.

Mr Delahunty — It's your fault.

Mr RYAN — It turns out it is my fault. I am in part to blame for this legislation because I attended the summit. The organisations that came here in a spirit of goodwill and in the interests of Victoria have been dudded by this legislation. We are now starting to hear from them out in the community — not only the Victorian Employers Chamber of Commerce and Industry but various others that are now saying it is time for the community to wake up. We have been had. It is yet another example of this government having a lend of these people. That is why we are getting the comments around Victoria and why we are getting the articles to which I have referred in my contribution — and there are a lot of them. Above all else it is why we need to stop this nonsense, support the reasoned amendment of the Leader of the Opposition and call all this off for the moment to get the bill out to the community and allow people to have a proper look at it.

Mr SEITZ (Keilor) — I support the bill and congratulate the Minister for Industrial Relations in the other place for the amount of work which has been done to bring the bill before the house. Unlike the previous speaker, I feel it is important to understand that a civilised society can only exist with certain rules and regulations that are fair to everyone. After the Kennett government abolished the state's industrial relations legislation we had the law of the jungle out there where only the fittest survived. Those 250 000 people had no protection. They were not covered by the federal industrial relations legislation — the Reith legislation, which was not fair in any sense of the word. This bill is trying to bring some protection and fairness into the system for those people who are caught up in the network without any protection.

I urge opposition members to support the bill and not play politics if they care about those people in this state. The sooner the legislation is passed and implemented, the sooner it will benefit all concerned. Members opposite should not be going around scaremongering and saying that this legislation will be horrific for the employers. What about the employees? It is a fair bill — its name says it all. It has a limited number of ground rules which should apply to everybody in the work force in this state regardless of their strengths. Industry and international investors should be looking for an organised, safe, well-controlled work force capable of being trained to meet their needs. Many of the people who have fallen out of the network need that protection. They need the development and they need to be brought into the fold by joining a union and having advice from that union. In many cases it will save the employer problems down the track, particularly with Workcover requirements by having safe work practices and the minimum standards required to overcome the stress and strain suffered by some employees.

A relationship that is far better for everyone is developed so that people do not find themselves in a master–servant position. The bill is nothing to be afraid of. It sets minimum standards, and only scaremongers will misinterpret it and spread rumours. Every member of Parliament would expect his or her relatives, be they his or her children or other immediate or distant relatives, to be covered by the minimum standards of protection in employment. It is vitally important for all workers, whether they are called a subcontractor or casual employee, to have that protection.

McDonalds announced yesterday that it will offer its casual staff maternity leave. One of the radio stations picked up that information because McDonalds is not known to employ mature people. Only one person who rang the Neil Mitchell program knew someone who was pregnant when she was working for McDonalds, and she had her children after she left the company's employment. Maternity leave is easy to hand out when you have only teenagers working for you. It may be good publicity for the company, but it is of no benefit to the employees.

People need solid protection because often they do not know their rights. Young people in particular are sometimes pushed into employment by their parents. If they live in isolated communities they might take any job just to keep the work ethic going. Such people are often underpaid, misused and not covered by minimum standards. Subcontractors in the truck industry also want proper pay standards so they do not undercut each other, forcing families beyond the breadline and into poverty.

The legislation moves towards correcting the industrial relations destruction in the seven years of the former government, bringing respect back to employees. I urge

opposition members, despite their rhetoric, to support the bill in the upper house. If they believe in the Victorian community they will support the bill. I commend the bill to the house.

Mr ASHLEY (Bayswater) — I join the debate not with pleasure but with a certain regret.

When I talk to schools about the role of Parliament and parliamentarians I often resort to the analogy of a motor service centre or garage. Parliament is like a big garage where cars are booked in for regular servicing. Most changes in legislation are relatively small and most amendments are like running repairs — a grease and oil change, a quick tune-up, a precautionary wheel balance and alignment. There are few major overhauls, and seldom does it ever build a brand-new engine.

In the case of this industrial relations bill, Parliament is more like a dry dock where an attempt is being made to install a replacement engine in the ship of state. It is a big job, and at the end of the day the problem is that no-one really knows how well the engine will perform and whether the ship of state will ever be seaworthy. Yet the specifications for the engine-building task have been pulled from the cabinet's bottom drawer and sprung on the Parliament in the past couple of weeks. That is just not good enough. There has not been time to pore over the plans or make a considered evaluation of whether they are up to scratch.

That is why I concur with the Leader of the Opposition's reasoned amendment saying that the bill should not be read a second time until adequate community consultation has been conducted into its economic, employment, social and business impacts.

First and foremost there has not been adequate public examination of the bill and the ramifications it may have for Victoria's economic and social health. It is all very well for the Premier to argue that industrial relations has been on the agenda for some time and to say that his party's commitment to review Victoria's industrial relations system was part of Labor's election manifesto. The Premier added that it was flagged at the Growing Victoria summit earlier this year and has been widely canvassed as a result of the task force's work and report. But none of those stages of the process has focused on the actual detail — only the bill does that. The crunch is not in Labor's election documents or in the conceptualising work of the task force, it is in the clauses of the bill and what happens when they have the force of law behind them.

Whatever the devil is or may be it lurks in implications and impacts; it lurks in the specifics and in the details of the bill. That is why it must be dissected and put under the microscope in the public arena. To rush through Parliament a major engine-building job like this understandably evokes the suspicion that the government is indulging in something sneaky, underhand or manipulative and that it has a hidden agenda or is doing the bidding of some overly influential group in the community. The government would not want that!

My second reason for wanting to delay the passage of the bill is that it may well be unnecessary legislation.

The previous government ceded Victoria's industrial relations powers to the federal government. It offered both the opportunity and the potential to build a unitary system. In our kind of world, the post-industrial world, nothing is more necessary than to have a unitary system where there are no convolutions or fewer convolutions and doublings-up, and so on. That is what a highly competitive, new technology world demands.

There is a good case for ensuring there is some kind of safety net for vulnerable, low-paid employees who often work on the least profitable margins of our economy. We need to come to terms with that, but I have no doubt it can best be done at the federal level without resorting to reintroducing a wholesale, revisionist regime of industrial relations. The bill purports to safeguard the vulnerable, but it is monumental overkill. It is like trying to suture a gash in the body politic with a front-end loader.

The government is falling prey to the reality behind the old adage about the best laid plans of mice and men. In other words, the bill is destined to fashion a system that will have counterproductive consequences for marginal industries and marginal workers in those marginal industries, including farming, retailing, housing and the vulnerable sector of struggling, old-economy manufacturers. If enacted, this unnecessary legislation is more likely to destroy jobs in all sorts of strange ways than to safeguard them.

The third reason I oppose the bill is that it appears to be seriously misrepresentative. It begs the question of what the word 'fair' means. Is it fair to impose massive increases in business operating costs, if per chance that is what it does? Is it fair to oppress small businesses operating in the new economy with old-world, trades hall-dominated closed-shop mind-sets?

Is it fair, in a diverse economy, to treat independent contractors as employees? What would the mentality of one size fits all do to individual performance and motivation? Is it fair to give union inspectors the right

to use sheriff-and-posse-style muscle to heavy their way, if they deem it necessary, into business premises, despite the unanimous objections of a given company and those associated with it? They are not in my definition of fairness. They are some of the possible hidden horrors in the bill. They are shocking and draconian in their dimensions.

Finally, I oppose the second reading of the bill because we need to determine whether or not the legislation is Neanderthal, archaic and sclerotic. Without that assurance it is likely to visit on Victoria a regime of industrial relations the final chapters of which were written in the now past industrial age. There is every chance that its passing would weld Victoria to the age of the rust bucket. This is not to demonise unions or union members, who play important roles. Nothing in what I say should be taken as denigrating them or the contributions they make. I am talking about the effect of a system on a whole society.

I lived in Glasgow in the early 1970s, when two shop stewards, Jimmy Reid and Jimmy Airley, gathered up the community and tried to hold them together when the Clyde shipbuilding company was sold off and went into liquidation. Those were bad times for the people on Clydeside. When I got back to Britain in the early 1980s a sea change had occurred. The old union bosses were leading the steelworkers and mining workers into dead-end conflicts over matters that were long finished in industries that were dying.

That is the kind of industrial complex we could reintroduce into Victoria if we are not careful. It is the kind of thing that was popularised by the song that Paul McCartney's brother, Mike, sang when he was a member of the group called Scaffold. It went: 'You won't get me I'm part of the union, you won't get me I'm part of the union, you won't get me I'm part of the union, 'til the day I die!'.

Mr Leighton — Sing the song, encore!

Mr ASHLEY — I should sing it: 'You won't get me I'm part of the union, you won't get me I'm part of the union'. The song reflected the spirit of that age, but it is no longer the spirit of this age.

The spirit of this age is different. I am troubled that industrial relations legislation such as this will introduce a period of renewed conflict, of argy-bargy and of industrial constipation, based on a notion of work which is stuck in a time warp and in which men and women laboured with their hands and bodies on machines and processes that were bolted to factory floors.

The bill has nothing to offer the new world in which men and women increasingly have psychological contracts with their employers that are constantly being renegotiated. That is part of their coming to terms with the changes and rapid movements around them. That kind of industrial relations mentality does not sit well with a legislated vehicle. The bill is likely to be dead-end legislation from a time long past. It has the potential to bury Victoria in its past and to cut young Victorians and resilient young companies off from the intellectual founts of new world wealth creation.

Mr LEIGHTON (Preston) — As a former assistant secretary of the Health and Community Services Union, or as it was known back then the Hospital Employees Federation no. 2 Branch, and as a current financial member of that union I am pleased to have the opportunity to speak on the bill. If that gives me a personal interest, I am proud to declare it to the house, as have a number of other members on this side of the chamber.

The irony is that the legislation is not about the large, well-organised unions whose members work in large workplaces, just as it is not about the large bulk of reputable employers the Victorian Employers Chamber of Commerce and Industry represents, or indeed the employers the opposition wants a relationship with. It is really about disreputable employers and sweated labour in areas not subject to scrutiny. It is people such as outworkers — who certainly live in my electorate — who work as sweated labour. It is ironic that no matter whether it is VECCI or the opposition who is objecting, it is not doing the large bulk of employers any favours, because they pay the price of having their labour costs undercut by employers who use outworkers and who, under the guise of contracting, avoid paying the bare minimum entitlements, annual leave, the 17.5 per cent leave loading and so on.

The opposition has made a big song and dance about consultation and wants a deferral of the bill. The standard line from the opposition is to criticise Labor when it sets up a working party or a review or engages in community consultation, which is just what the government has been through with this legislation. An independent task force was established last April, a report was published some time ago and the legislation has been introduced. The Labor Party had a very clear election platform on industrial relations, but the opposition is silent on all that.

The opposition wants to oppose the legislation, to vote it down. It would be far more honest if the opposition had the guts to come out and say, 'We oppose the legislation and will be seen publicly to vote against it'.

But the opposition does not have the guts or the integrity to do that. Instead, it is dressing up its concerns as lack of consultation.

As a member who was around in 1992 I can recall not only the speed with which the previous government's industrial relations legislation was rammed through this place, but also some of what was done behind the scenes. It was done in secrecy. The Kennett government wanted to hide its legislation as long as possible, so it did not take it through the usual parliamentary counsel and public service process. It had private lawyers draft the legislation secretly so it could ram it through at the last minute. I can recall one piece of industrial relations legislation, one piece of anti-union legislation where the minister — it may have been the previous Premier — gave his second-reading speech in the afternoon, adjourned the debate for a couple of hours and then brought the bill back on for debate that evening. The way the Labor government has consulted is in absolute contrast with the way the previous government did things.

In the time available to me — members of the government have only a few minutes each — I will touch on two other matters. The first is the issue of the federal system versus the state system. The legislation is necessary because more than 200 000 workers have been trapped in no-man's-land. As a union official who grew up in a state industrial relations system and argued before state tribunals for most of his career I had an attachment to that system, but towards the end of the 1987–88 rounds I formed the view, along with many others, that there should be one universal federal system. Although this legislation is necessary, ultimately there ought to be one universal federal system.

The second matter I wish to refer to concerns electorate officers. Until the 1980s they were a group of workers who did not have an award. It was the previous Labor government that brought in an award for them. They again find themselves without an award because that original award has expired. Although I should not go too far down that path, I would hope there is a resolution that again gives them an award and justice, particularly in view of some outstanding matters of nexus with their federal counterparts. We are aware of the long hours they put in, often with no overtime, and that in our absence from our electorates they are our human face. In fact, our fate depends upon them. I would hope their matter is resolved very soon.

In closing, although this is called the Fair Employment Bill, it could really be called the Bare Minimum Employment Bill. It provides for simply a few basic conditions such as the right to annual leave, a leave loading and bereavement leave. The opposition does not have the integrity to say that it is opposed to Victorian workers getting even the bare minimum conditions provided in Reith's federal legislation. That is all that is being proposed, and I am pleased to support the bill.

Mr SPRY (Bellarine) — If ever there were a bill that revealed the true nature of the relationship between the Bracks Labor government and the unions, this surely is it. To most if not all Victorian employers the proposed legislation is positively frightening. The number of letters and telephone calls I have received, particularly in the past few days, testifies to the fact that the overwhelming concerns of employers centre on the lack of consultation on this union-inspired legislation.

The legislation is based on the so-called independent report of the Victorian industrial relations task force. In retrospect I believe that could be seen as a window-dressing exercise designed to give the legislation legitimacy. The fact is that the consultation that was carried out was so low key that the far-reaching economic and moral effects are now only just beginning to dawn on employers, and they are deeply concerned.

Some regard the legislation as thinly disguised union recruitment. I am not suggesting unions do not have a legitimate place in the Victorian industrial relations landscape, they do. But I have seen the ugly side of unionism. Some years ago in the early 1970s I was engaged as a shearer in western Victoria. Ironically at one stage I was employed by pastoral interests with paternal connections to the current Minister for State and Regional Development.

An Opposition Member — Johnny's daddy!

Mr SPRY — That is the boy. But the interesting thing is that when I walked into that shed as a shearer I was held over a barrel — I either joined the union or they would pull all the work force out of that shed. When you are involved in something like that you begin to wonder where some of the union representatives are coming from.

That is the sort of thing you learn to fear as you get a little older and watch this sort of legislation being introduced. The opposition seeks simply to defer debate on details of the bill until adequate community consultation has been conducted. That is a position which advocates transparency and accountability, which was meant to be a hallmark of the Bracks Labor

government, and with which I would have thought any reasonable government would concur.

The fact that the Bracks Labor government is ignoring the growing discomfort of the employer bodies both big and small and refuses to entertain further consultation is deeply concerning, and one wonders why that is so. I have not heard any reasonable explanation from the government side of the house. The government argues that the legislation is all about protecting the rights of outworkers in particular, but it goes much further than that.

As the Victorian Farmers Federation asserts in an urgent note to all members of Parliament:

> 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.

I would have thought that was a reasonable attitude to adopt.

The bill appears on the surface to be a smoke-and-mirrors exercise. It translates into an old-fashioned warts-and-all grab for power by unions through the puppet Bracks Labor government. The government, by showing it has the hide to bring the legislation into the Parliament in its unadorned form, reveals that it is controlled by the unions.

A cursory glance at a couple of the provisions in the bill can be very revealing, as previous speakers in the debate have shown. Some of those provisions need to be exposed to public scrutiny, which is precisely what the opposition is seeking. One would expect a government with nothing to hide to be happy to cooperate on the matter of scrutiny.

Clause 6 is headed 'Power to declare persons to be employees'. I will not quote from the bill itself, but suffice it to say the clause turns the subcontracting culture on its head. Much of the state's work force, especially in the construction industry, is based on the time-proven efficiency of the subcontracting system — or the 'subbie system', as it is known to many people. A glance at clause 6 reveals that most if not all subcontractors would be brought into the general definition of employees. Goodness knows what effect that would have on their status with the tax office!

Clause 94 is another ripper. Clauses 115 and 116 concern the proposed Fair Employment Tribunal. Under clause 116(2) members of the tribunal are appointed by the Governor in Council on the recommendation of the minister. Clause 116(1)(b) states that members of the tribunal are:

> (b) as many Vice Presidents and Commissioners as are necessary for the proper functioning of the Tribunal.

Given the limitless level of confusion and dispute likely to be generated by the proposed legislation, there is also likely to be a limitless number of people appointed to the tribunal to try to deal with those disputes and confusions arising out of the legislation. Never mind any arrangement or contract already negotiated, the bill gives the tribunal power to overturn any such arrangement retrospectively for some six years back.

I suggest that the bill is potentially dynamite. Sadly — and ironically — it could eventually backfire on Victoria's work force; and many employers believe the proposed legislation could smother small business.

As I said earlier, employer groups throughout Victoria are on the edge about the legislation. They universally predict heavy inflationary effects and subsequent job losses. Even the government predicts that job losses will be an outcome of the proposed legislation. If all the predictions come true the result will be a further loss to Victoria of business investment similar to the disastrous effects of the Workcover legislation the Bracks Labor government introduced earlier.

The opposition therefore urges the Bracks Labor government to put the brakes on the legislation, to give it time for further consultation and consideration and, above all, to give employers more time to become aware of the consequences of the provisions in the bill. I urge honourable members to support the opposition's proposed amendments to the bill.

Ms ALLAN (Bendigo East) — Like the government member who spoke earlier on the Fair Employment Bill, I am proud to say I come from a family of trade unionists and trade union members. My grandfather is a life member of the Australian Railways Union and my father is a member of the Electrical Trades Union. I too was a member and shop steward of a union, the Shop, Distributive and Allied Employees Association. I was also a member of the Community and Public Sector Union. I am proud to put that history on the table and say I am a member of the union movement, and proud to be speaking on the bill.

The legislation is designed to look after some of the most disadvantaged workers in the state. I am absolutely appalled and outraged by the comments of members opposite about the lack of consultation that has occurred about the bill. At least the National Party members were honest enough to come out early and say

they opposed the bill. We knew where that party stood, so that was a positive. The Liberal Party is still thrashing around trying to decide whether it will oppose the bill or just block it in the upper house. That is a gross act of hypocrisy considering that in 1992, immediately upon coming into government, the Liberal Party stomped on workers' rights.

The Bracks Labor government is trying to reinstate the rights of the most disadvantaged workers in the state, and yet the only thing honourable members opposite wish to do is run those workers down.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Bendigo East, without assistance.

Ms ALLAN — The bill restores entitlements lost since 1992 by workers not covered by federal awards. It restores, for example, eight days sick leave a year, paid bereavement leave, limited hours of work standards, a notice of termination provision and consultation provisions. All of these are consistent with the federal award now in place — a federal award administered by the federal Liberal Party and its Liberal minister, Mr Peter Reith. There is nothing different about that.

I refer briefly to the impact the bill will have on my electorate of Bendigo East. The first example concerns an agricultural producer that has two parts to its work force: one is covered by a federal award and the other is not. The employer acknowledges that the award-free employees are atrociously paid and deserve better entitlements, which the bill is endeavouring to give them. The bill will allow the employer to treat the two groups consistently. The employer recognises the inherent discrimination in the current system, which means he has two groups of workers working side by side but being paid differently.

The group covered by the federal award receives bereavement leave, annual leave loading, overtime rates and penalty rates for public holidays. The second group, which is not covered by an award, receives nothing. The rate of pay is much lower and the workers are entitled to only the basic 5 days sick leave, whereas their federal award colleagues are entitled to 10 days. Remember, these people are working for the same employer — some in the processing part of the business and some in the agricultural part — but they are treated differently.

The second example concerns a nursery worker in my electorate. He would greatly benefit from the opposition supporting the passage of the award conditions in the bill. Currently, on top of working a normal five-day week he must work on Saturdays without getting paid penalty rates. If the bill were passed he could be paid a reasonable sum for a reasonable day's work.

Many employers in the agricultural and horticultural industries try to do the right thing by their workers. If the bill were passed they would no longer fear being undercut by competitors who do not do the right thing by their employees, such as some employers in the shearing and horse-training industries, the owners of bowling clubs, golf clubs or nurseries, employers in the construction industry, poultry farmers and fruit growers — and the list goes on. The bill will bring some fairness back to the system.

I congratulate the minister and all the other people who have worked hard in preparing the bill. I am pleased that there has been broad consultation on its provisions in my electorate, which involved the task force visiting Bendigo. The minister also visited Bendigo last week, when he met many members of the community who are interested in this bill. The minister also travelled to many parts of country Victoria to talk to local communities. For all those reasons I am pleased to commend the bill to the house.

Mr VOGELS (Warrnambool) — I notice the union people have left the chamber; it must be past knock-off time. I am pleased to make a contribution to the debate on the Fair Employment Bill. I support the reasoned amendment moved by the Leader of the Opposition, which seeks to delay debate on the bill until the autumn sessional period next year. The bill is straight out of the socialist manifesto that holds that everything must be controlled by legislation. The government is systematically bringing in a raft of bills to kneecap small business — and I refer particularly to the Workcover legislation.

On 13 April, the Minister for Workcover told the house that the average premium rate increase as assessed by the actuary engaged by the Department of Treasury and Finance would be 15 per cent. Less than one month later he interjected during the debate on the Workcover bill to ask the honourable member for Box Hill, 'When was the last time the actuaries were right?'. Events have proved that, in his scepticism, the shadow minister knew exactly what would happen. The minister later assured the house that the costs of restoring common-law rights were confirmed and that containing the costs of the scheme was fundamental. However, by 3 August he publicly acknowledged that there would be premium increases of more than 27 per cent and warned employers about growing payrolls.

On 9 August the Minister for Small Business admitted in a public hearing of the Public Accounts and Estimates Committee that many small businesses had been distressed by the receipt of Workcover premium notices outlining massive increases. He said the government recognised the great concern and confusion — not to say anger — in the business community about those massive increases. The government had not done its homework, yet again.

The government is now reaping a whirlwind of its own making. It was warned repeatedly by the opposition at all stages of the Workcover bill's progress that it was 'contorted, anomalous, flawed and destructive' and would create extreme injustice. The government's determination to be seduced by its own ideology was matched only by its arrogant assertions of the bill's fairness. Despite the warnings given not only by the opposition but by many and varied interested parties — similar to the warnings it is now being given about this bill — the government pressed on with undue haste, and we now know the results. The opposition will not allow the Fair Employment Bill to proceed with undue haste; it has learnt a lesson.

The honourable member for Bendigo East said she is proud to be a member of a union. I am also proud to be a member of a union. I refer to a letter from the Victorian Farmers Federation and the United Dairyfarmers of Victoria, of which I have been a member all my life. The letter, which was written to every member of Parliament, states:

> 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.

Obviously the Bracks government has no confidence in the federal Labor government winning the next election in about 11 months time.

The letter continues:

> The Fair Employment Bill goes well beyond addressing the issue of appropriate minimum conditions of employment. It defines both employees and employers very widely. 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.

Mr Walsh of the VFF goes on to say:

> The bill is poorly drafted and inappropriate and the government should withdraw it. If the government is not prepared to do so the opposition parties have no responsible option other than to reject the bill in the Legislative Council.

I have received a few more letters. One I received yesterday is from the City Memorial Bowls Club in Warrnambool, which states:

> I believe that there will be briefings throughout country Victoria on the proposed bill over the next two weeks run by VECCI. There should be time allowed for Victorian employers to understand the potential impact —

of these proposals. The letter also asked me to try to get the bill adjourned if possible.

Those letters highlight the unfairness of the bill. There has been a lack of consultation with employers and employees in my electorate. I have received many more letters, and I will quote from a couple of them. One is from Barry Proud of Amazon Printing, which currently employs 13 people. He states:

> Sir, I ask you to fight on behalf of small business, the backbone of this state, and not to take this matter lightly, because if these proposed changes take place then we will be on a rapid downward slide and lose once again what has made this state of Victoria what it is today!

Another letter, from Organic Recyclers in Warrnambool, which employs 25 people, states:

> I urge you on behalf of Organic Recyclers and all other businesses of Victoria to represent us vigorously in opposing any changes to the current system and in doing so assisting us to retain the confidence required to continue employing Victorians in real jobs.

I will not read any more, but as I said I have received a heap of them, the writers of which have all asked me to try to have the bill postponed so that over the summer people can be fully informed about its contents. I do not believe anyone in the community understands what will happen if the bill is passed. The Leader of the National Party explained it well when he talked about trying to read the bill. I have also tried to read this huge bill of 260 pages, to which amendments keep being added. I do not understand it and do not intend voting for it. However, I will have to go back to the employers in my electorate to try to explain it to them.

Being a farmer, I have contractors tending to my silage and hay and milking my cows. None of them understands anything about the bill. I will feel embarrassed when I go back tomorrow and tell them, 'I

do not think any of us understand it'. I have no problem with voting to adjourn the bill until the autumn sessional period.

Mr TREZISE (Geelong) — It is with great delight that I support the bill. As a former Department of Labour wage and salary adviser, I am glad that the bill will introduce information services officers to Geelong and the surrounding regions.

In regional areas such as Geelong those types of officers are well and truly appreciated not only by employees looking for information about their rights but also by honest employers looking for information. As I said, it is with delight that I support the bill.

In my role as a departmental adviser I spent many hours on the road investigating wage complaints. I can assure the house that there were many exploited employees in rural areas throughout the south-west region. In saying that, I must point out that the vast majority of employers were honest people. However, there were some examples of people who worked 80 or 90 hours for board and keep and who were required to stay in corrugated iron lean-tos in back paddocks. Some of them, generally migrant women who could not speak English, worked from home-based sweat shops for something like $2 an hour. That occurs in the south-west region of Geelong, which I hope the honourable member for Bellarine is aware of.

Some teenagers in the south-west region are exploited by unscrupulous operators, especially in the hospitality industry. In saying that, I again point out that the vast majority of the employers I came across were honest people who were good to their employees. However, there were numerous instances of dishonest people who exploited vulnerable people who had no protection. The legislation will put in place safeguards and rights to protect employees in rural and regional areas who are exploited.

The exploitation that occurs in country areas is due to the nature of casual work, which in turn is due to the high rate of youth unemployment. Many times younger people are told, 'If you don't want the job you can go to the end of the queue and we will employ the next person on the line'.

I implore those honourable members opposite who represent rural and regional areas, especially National Party members, to look after the employees in their electorates by supporting the bill. Frankly, they need their protection. If members opposite do not support the bill, they will be selling the rights of those workers down the drain. I wish the bill a speedy passage.

Debate adjourned on motion of Mrs ELLIOTT (Mooroolbark).

Debate adjourned until later this day.

CRIMES (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Dr DEAN (Berwick).

Second reading

Dr DEAN (Berwick) — By leave, I move with pleasure:

That this bill be now read a second time.

This bill seeks to correct an anomaly that prevents the police fully investigating crimes committed against our community. It does so without lessening the civil rights of those serving a prison sentence. It allows those prisoners to be questioned with respect to crimes committed in Victoria, sometimes of a gross nature. It is long overdue.

Section 41(3) of the Corrections Act provides that any request from a member of the Victoria Police force to the governor of a prison to visit a prisoner, irrespective of the purpose for such a visit, be refused if the prisoner advises the governor that he or she does not desire to be visited. This means that the police cannot directly request the prisoner to answer questions or even set foot in a prison for that purpose.

Under section 464B of the Crimes Act the police may apply to a magistrate for an order that a prisoner be delivered into their custody for the purpose of questioning, but such an order may not be made without the prisoner's consent.

This bill amends the Crimes Act by inserting section 464BA, which enables a magistrate to make an order that a member of the police force be permitted to enter a prison for the purpose of asking a prisoner questions under specified circumstances.

The amendment includes in section 464BA all the safeguards found in section 464B and adds further safeguards to ensure the prisoner's civil rights are protected.

As in section 464B the application under section 464BA must be served on a prisoner, who has a right to appear at the hearing. The applicant must demonstrate to the magistrate that he or she believes on

reasonable grounds that the prisoner has information relevant to the investigation of an offence or suspects on reasonable grounds that the prisoner has committed an offence other than the offence for which the prisoner has been sentenced.

If an application is granted the magistrate must ensure that the same rights, including the right to contact a lawyer, are afforded to the prisoner as are afforded to a person charged with an offence.

The order must specify the maximum period for the interview as well as conditions which ensure that the person is fully informed of his or her right to silence and that both the room where the questioning takes place and the way the questioning is conducted are fair and reasonable.

All the provisions concerning the procedures for questioning currently set out in the Crimes Act apply, including videorecording and tape-recording.

The section applies only to adult prisoners.

I am confident that evidence obtained in circumstances where the compulsion is no greater than when a person is arrested on a charge and when the protections are greater would be admissible in a court of law because that evidence was not obtained under duress. To remove any doubt as to the applicability of the normal rules of evidence and as to the admissibility of an admission or confession only because it was obtained pursuant to this section, a declaration section is included.

The police have made it clear that experience dictates that notwithstanding any initial indication to the contrary, upon advising the interviewee of facts known by the police, the interviewee often provides by way of response invaluable information relevant to crimes committed by the interviewee or by others.

The police should have, within the bounds of the rules of natural justice, the ability to interview a prisoner in the same way that they have been able to interview an ordinary citizen who has been charged with an offence. This is particularly pertinent given that Parliament has already enacted legislation to enable police to obtain a DNA sample from a prisoner without his or her consent.

There is clearly an anomaly in our criminal justice system which this bill now corrects. Criminals are currently able to thumb their noses at the police and the criminal justice system, but this reform will ensure that victims of crime get justice.

I commend the bill to the house.

Debate adjourned on motion of Mr HAMILTON (Minister for Agriculture).

Debate adjourned until Wednesday, 29 November.

DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Mr HAMILTON (Minister for Agriculture).

Government amendments circulated by Mr HAMILTON (Minister for Agriculture) pursuant to sessional orders.

Mr McARTHUR (Monbulk) — In responding to the legislation I advise honourable members that the Liberal Party supports the legislation, and I thank the minister for the briefings we have received and the early advice on the amendments that have now been circulated. Discussions have been held on the amendments and the minister has picked up a suggestion of ours about a minor drafting error in the initial form of the bill, so the amendments are introduced with goodwill and cooperation on both sides of the house.

The legislation is minor in the sense of the wider world. It is not earth-shattering legislation, and it makes only minor amendments to the principal act, the Domestic (Feral and Nuisance) Animals Act. That act was introduced into this place by the previous government largely as the result of an enormous amount of work carried out by a committee chaired by the Honourable Richard de Fegely, a former member for Ballarat Province in another place who retired at the last election.

I wish to place on record the opposition's gratitude to Dick de Fegely for his work in negotiating a successful outcome to what had previously been an intractable problem. When the current honourable member for Oakleigh was previously in the Parliament she tried to do what Dick de Fegely achieved. She was unsuccessful and lost her seat at the 1992 election partly as a result. Dick de Fegely successfully negotiated and drafted legislation which, until now, has proved to be very effective.

The Domestic (Feral and Nuisance) Animals (Amendment) Bill provides some relatively minor amendments to the principal act but in reality only introduces one new matter. Clearly, under the principal act a power existed for authorised officers to deal with

stray dogs and cats. However, an anomaly existed in the notification process in that they were required to notify the owner of seized and impounded animals. In the case of many stray dogs and cats there is no identifiable owner and municipal councils and authorised officers were placed in a quandary about what they could do. The bill resolves that anomaly and makes it clear that councils and their authorised officers have the power to remove stray dogs and cats on private property and elsewhere where an owner cannot be found.

The bill also contains provisions relating to dangerous dogs and guard dogs. The requirement for municipal councils to go through the process of declaring a guard dog a dog that is being used to guard commercial premises or which has received attack training is removed. It removes the requirements on councils to go through the process of setting up a special committee meeting and declaring a dog to be a dangerous dog. Under the bill before the house any dog which is used on commercial premises for the purpose of guarding those premises or any dog which has received attack training will automatically be classified as a dangerous dog, and the opposition welcomes that. Those dogs are then brought under the existing provisions for dangerous dogs.

The bill introduces a new definition of ‘menacing dog’ to deal with the large number of reported complaints about dogs rushing at and menacing members of the public or people going about their normal course of business. The bill empowers municipal councils to declare a dog a menacing dog and if that menacing behaviour is maintained the dog may then be declared a dangerous dog. The method will prevent serious injury before it occurs and is welcomed by the opposition. It is hoped the clause will not result in a rush of vexatious complaints about menacing dogs. If that happens the opposition is sure that the Minister for Agriculture will take steps to deal with the situation.

For the first time the bill provides a definition for the offence of a dog rushing at people. Despite some of the recent media comments that offence is covered in the principal act. Section 29(1) clearly states that if a dog rushes at, attacks, bites, worries or chases any person or animal the owner is guilty of an offence. The bill separates the offence of ‘rush at’ a person from the offence of ‘biting’ a person or an animal. Under the principal act the penalty for rushing at a person or animal is up to $500. I doubt whether a court has ever imposed that penalty, but it is in the act. This bill provides for a fine of up to $400 for the offence of ‘rushing’ and maintains the fine of $500 for biting a person or an animal.

The bill clarifies the situation which has existed in the past where a court has ordered the seizure of animals after an offence and an authorised officer has arrived at the property only to find the animal locked inside the house. Doubt exists as to the ability of the authorised officer to enter the residence to seize the animal. The bill makes it clear that where owners try to be too smart by half and lock the offending animal inside their place of residence the authorised officer will have, with the order of the court, the authority and ability to enter the residence and seize the animal to be dealt with as the court orders.

The bill includes other minor amendments. It was the intent of the original legislation to prevent the sale of dogs and cats at regular weekly or monthly markets that operate in many places. The bill makes it clear that a domestic animal business cannot be carried on at the local market, but must be operated from fixed premises during normal weekly trading hours. The bill will prevent fly-by-night operations in the breeding of dogs and cats and will avoid much of the impulse buying that results in so many sad and abandoned animals after Christmas and birthdays.

By and large the changes are sensible and are welcomed by the Liberal Party. It hopes they improve the management of domestic, stray and feral dogs and cats across the state.

I must point out that the very sad attack on the young lad last week is something all members of this place would regret and hope does not happen again. However, sadly, it will happen again; there will be other cases where people are bitten by dogs and suffer injuries as a result. Sometimes it will not be the dog’s fault and sometimes it will. It is the responsibility of all pet owners to responsibly manage and care for their animals and ensure that they do not harm or inconvenience others. Legislation already provides that any dog which bites any person is guilty of an offence unless some fairly stringent conditions are met in terms of exemptions, such as the victim provoked the attack or was trespassing.

The provisions are sensible. The bill does not in any way deal with specified breeds. Despite the comments made by the Premier earlier, it is not the intent of the legislation to prohibit or proscribe a stated breed or mixture of breeds. I doubt whether that can be sensibly achieved in legislation. The president of the Royal Society for the Prevention of Cruelty to Animals, Dr Hugh Wirth, has urged that to happen. I invite Dr Wirth to attempt to draft some legislative clauses that will hold up in court and clearly proscribe a particular breed. That would be a very difficult task.

I will not delay the passage of the bill much longer. It is sensible legislation and I believe all members welcome it. I thank the Minister for Agriculture for his cooperation on the issue and hope the legislation meets the objectives which have been set for it. If further amendments are needed at a later stage, I will be happy to discuss them with the minister and I hope we can come to agreement on them if necessary. There is much to be supported in the legislation but it should be recognised that it is not a ground-breaking measure; these are minor technical amendments to what is already a good piece of legislation and one that has worked well.

Mr STEGGALL (Swan Hill) — I join the debate briefly, and even more briefly than I thought I would. Any time a former councillor now sitting in Parliament sees the introduction of legislation dealing with dogs he realises just how much fun he had as a councillor trying to sort out the many, many problems that our society has with dogs. I left the council a long time ago, and the same problems now exist with cats; cat registration did not exist in my day but it does now. The legislation is a continuation of the former dog act and is designed to improve the rules and practices that we as a society are trying to apply to our animals. The bill basically comes from local government organisations around the state which have been caught by anomalies in the act. Most of the amendments are clean-ups to make the original intent of the act clearer and to sort out certain issues.

Yesterday members saw a carry-on which frightened a lot of people. It was deliberately timed by the *Herald Sun* to frighten everyone and make them think that the legislation before Parliament today was along the lines set out in the article. The bill contains some of the provisions described in the article, but the leaked report of the animal welfare committee was designed to frighten the living daylights out of many people, and it did just that.

The penalties for most offences in the bill range from $500 to $1000. It is interesting to note that the article referring to the leaked report mentions penalties of up to $10 000. The penalties applying to this area of our law and the way we live with and treat our animals are very difficult. If any group or any minister in any Parliament were to bring in the sorts of draconian penalties suggested in that article such laws would fail and break down. That is not the way to resolve these issues. The legislation helps to pick up the bits and pieces causing concern.

The biggest issue around now and one that is generated by the Royal Society for the Prevention of Cruelty to Animals is that of dangerous dogs. The bill includes a process to deal with that. Dangerous dogs are extremely difficult for any society to handle. The emotion the problem brings about is doubly difficult to deal with. Being a country member who has owned sheepdogs and worked with dogs all his life I have no doubt about the difficulties faced by a society trying to impose penalties and take away dogs from their owners if offences or problems occur. It is extremely difficult.

If members follow the act and look at the additions the bill makes to it, they will see that the process is not a bad one. It is far better than some other suggestions such as automatically placing breeds of dogs into the dangerous dogs category. Councils may automatically declare guard dogs to be dangerous dogs, and those dogs make up the bulk of that category. They may also declare dogs which have received attack training to be dangerous dogs; again, they are mainly guard dogs. About 350 dangerous dogs are registered in Victoria today. There are also other dogs which have caused some serious injury to a person or animal and against whom councils have taken action.

I will work briefly through the bill. Under the legislation property owners will be allowed to seize or have seized dogs and cats which are on private property without permission. There is council discretion to serve notice and any further entry by that dog to the property will result in an offence. If the animal is not identified it will be impounded. A guard dog with attack training is designated as dangerous so appropriate controls on housing and keeping are provided in the legislation.

I found the provisions regarding pet shops to be quite fascinating. As the member for Monbulk said, the intent of the original legislation got a little bit blurred by the fact that people were using the term ‘casual marketplace’ to say it was not casual if they were in the same place every week at the same time. That was not the intention of the original legislation because of the 3-day cooling off period and the 10-day health guarantees. That has been corrected.

Councils may make orders in respect of private property open to the public. That includes a place such as a university car park because I understand there was some difficulty in Geelong with a court throwing out a case because it deemed the legislation to cover a public place and not public property. The bill picks up that anomaly.

The bill also deals with dogs rushing and chasing. It is three-strikes-and-you-are-out type legislation. It cleans up the old rush-and-worry section of the act and replaces it with a rush-or-chase section, which makes it a lot easier to understand.

It is nice to see councils getting caught up with the Council of Australian Governments as they have. Under the legislation anything they do in a commercial vein will have to be registered. Only their shelters and pounds will remain there.

I was surprised to learn the current legislation does not have a provision enabling officers to go onto private property to take a dangerous dog. They will be able to now, and that is a sensible provision.

Another thing that surprised me was the procedures for the recovery of seized animals and the requirements for proof of ownership and evidence of the current registration before someone can pick up his or her dog or cat. I would have thought that was automatic and would have happened, but obviously it did not. The other surprise was the requirement for application for registration before an animal can be released. If someone is buying an animal from the pound, he must apply for registration before he can get the animal. I would have thought that was pretty obvious, but it is not in the current act.

In conclusion, the National Party supports the legislation. It wishes it well on its journey through Parliament and looks forward to assisting the Minister for Agriculture during the committee stage later on.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for Monbulk and the Deputy Leader of the National Party not only for their comments on the bill but the manner in which they were made. It is appreciated.

This is a useful piece of legislation dealing with what has been a serious problem for a number of councils and indeed the community. I trust the committee will be able to get through the amendments fairly quickly, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 13 agreed to.

Clause 14

Mr HAMILTON (Minister for Agriculture) — I move:

1. Clause 14, lines 17 and 18, omit "or animal".

Amendment agreed to; amended clause agreed to; clauses 15 to 18 agreed to.

Clause 19

Mr PLOWMAN (Benambra) — Proposed section 38(4), which is inserted by clause 19, states:

> The owner of a dangerous dog must ensure that if a dangerous dog is kept on non-residential premises, the dangerous dog is kept —
>
> (a) when it is guarding the premises …

I ask the minister what the situation is when the dog is used to guard residential premises and not non-residential premises.

Mr HAMILTON (Minister for Agriculture) — I believe the answer is covered in proposed section 38(4)(b), which states:

> in any other case, in an enclosure that complies with the prescribed structural requirements.

In other words, if the dog is not in its prescribed enclosure at the place it is guarding, it must be kept in another enclosure that meets the prescription.

Honourable members interjecting.

The ACTING CHAIRMAN (Ms Barker) — Order! I ask the committee to come to order so that honourable members can ask a question if they wish.

Mr SMITH (Glen Waverley) — With a dog similar to the one we heard about before where, through its own ingenuity, it is able to dig out underneath and get out from its enclosure — which happens in my particular case a lot — is there a second chance for one of these valuable mutts that do that, or is it just 'gerzoonk' at the first attempt when the incident is reported?

Mr HAMILTON (Minister for Agriculture) — I take the question seriously because the government is concerned about making sure that dogs which are dangerous or may be prescribed to be dangerous are kept in suitable enclosures and not allowed to be a danger to the public. In the case referred to in clause 19 the prescribed structural requirement would be one from which a dog could not escape — that is, with a concrete floor, steel mesh cage and a lock-in enclosure.

Honourable members interjecting.

The ACTING CHAIRMAN (Ms Barker) — Order! I know the committee is discussing feral animals, but I ask for a bit of order.

Clause agreed to; clauses 20 to 32 agreed to.

Clause 33

Mr HAMILTON (Minister for Agriculture) — I move:

2. Clause 33, page 23, line 9, after "section" insert "23(1) or".

Amendment agreed to; amended clause agreed to.

Clause 34

Mr HAMILTON (Minister for Agriculture) — I move:

3. Clause 34, after line 1 insert —

'( ) In section 80(1) of the Principal Act for "section 77(1)(a), (2) or (3)" **substitute** "section 23(1) or 77(1)(a), (2) or (3)'.

Amendment agreed to; amended clause agreed to; clauses 35 to 39 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL

Second reading

Debate resumed from 26 October; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — I am pleased to have the opportunity to speak on the Magistrates' Court (Committal Proceedings) Bill because it continues the Pathfinder process which was commenced under the previous government. At that time I was the parliamentary secretary to the brilliant and much loved Attorney-General, Jan Wade, and I was chairman of the board of the Pathfinder process.

It was an interesting process because its purpose was to try to rationalise and modernise the criminal justice system, as I know the honourable member for Richmond would agree. The extraordinary thing about the process was that it broke all the boundaries of consultation. KPMG was called in to work with a special unit in the Department of Justice. They put together a program of brainstorming and consultation that has probably never been seen before. It went on for more than 12 months and included judges, barristers, solicitors, legal service providers such as community legal centres, registrars, the police, officials from the Office of Corrections, bureaucrats and academics. A series of consultation and brainstorming groups came up with an enormous number of ideas for improving the justice system.

Through the Pathfinder process that information was sifted and organised and put into a form that people could coordinate. I know the honourable member for Richmond would have read the Pathfinder report, being the conscientious person he is. As there are only 10 volumes I am sure he has read them all, so he will know what an extraordinary effort it was. That groundbreaking process ended up changing our justice system forever.

Once the information was tested by the stakeholders in the legal justice system, a number of new initiatives were proposed. The first was an information bank that could be accessed by prosecutors, defenders, other counsel and the courts. However, Chinese walls were erected to prevent certain people having access to parts of that information. If the information system that was recommended by the Pathfinder process were carried through — that has not happened, so there is something for the Attorney-General to look at — it would mean that a defendant could have access to the prosecutor's brief, the prosecutor could have access to the defendant's defence and the court would be notified immediately. Even the client could get through on his or her computer and look at the prosecutor's case or the defendant's case, so the access to information would be extraordinary. I hope that some day the Attorney-General decides to run with that, because it will modernise the criminal justice system to a point that would make it a world leader.

There was also a proposal to share information, not just through the information bank using computer technology but also through a set of procedures whereby the prosecutor could get his or her hand-up brief as soon as possible, to which the defendant could respond as soon as possible. It was based on the notion that the process could be speeded up if the defence and the prosecution shared information, instead of the adversarial system, where nobody tells anybody anything until the trial stage. That was one of the processes that was introduced, and it was a good idea.

Another recommendation was for considerably more face-to-face contact. In other words, the judge should be allowed to control the process to ensure that he or she had ample opportunity to set timetables, scold those barristers who were not keeping up, and sort out issues before trial as well and as quickly as possible. Sharp timetables were introduced to move the system on,

albeit carefully. Part of that led to a shift in culture for barristers, who had for years protected their clients. Defence counsel ensured that they did not share any of their information with the prosecution, and for years prosecutors took the view that they were in a war and would not give defendants a break before they got to trial. Many of those attitudes were broken down, which worked out well.

The Pathfinder process was revolutionary. If the honourable member for Richmond reads those volumes, he will find an absolute wealth of amazing information. He could make a hero of himself by putting those fabulous ideas into practice and introducing legislation to revolutionise the justice system. However, one of the sad things about the process was that once it had been concluded, KPMG had gone home and the special departmental unit had been disbanded, the implementation phase did not match the creative phase in motivation and expertise. Unfortunately — and this is a criticism I make of the previous government as well as the present government — the implementation phase has been spasmodic and bogged down in bureaucracy. No-one has driven the engine of implementation to ensure that those fabulous ideas are put into practice.

Having said that, a number of recommendations were introduced and had 12 months worth of practice in the real world. It was a process of evolution — —

Mr Ryan — Gestation.

Dr DEAN — Gestation is a wonderful word, which I will adopt thanks to my clever colleague, the Leader of the National Party. Even though the process had been going on for 12 months, it was clear that it was evolving. The programs had to be tested and finetuned to ensure that they worked. As a consequence a committee was put together, the members of which came from all sides of the adversarial conflict. Prosecutors, defence counsel, magistrates, registrars and a range of other people were needed to examine the process over the previous 12 months. They came up with some changes that will streamline the process.

I do not wish to go into the details of those changes, but I will make a few remarks about some of them. The first was the test to be applied in considering an application to cross-examine in committal — that is, whether the topic of cross-examination was substantially relevant to the facts at issue. That was a heavy test, and the resulting fights over applications to cross-examine were taking up more time than the cross-examinations would have taken. To try to get over that, the amendments will now make it easier to get permission to cross-examine the prosecution's witnesses at committal.

That is not a bad thing, although it has to be kept under control because we do not want one trial at committal and another trial after the committal.

One of the notable differences concerns those under 18 years of age. Under the existing legislation it is difficult to succeed in an application to cross-examine a person under 18 at a committal. In fact the test, according to clause 13 of schedule 5 of the Magistrates' Court Act, was: 'Is it in the interests of justice and is it a fact that justice could not be adequately served except by granting leave?'. That was a pretty heavy test, and as a consequence it was only rarely that under 18s were cross-examined at committal, so they were inevitably cross-examined at trial, which was a much more traumatic experience.

Under the bill the test for under 18s will be the same test for cross-examining all people — namely, 'What is the issue and is it relevant to the case?'. But in deciding whether to grant permission certain things have to be taken into account. For young people the judge must take into account trauma, age and relevant characteristics of the child.

The bill gives an increased power to the judge to stop cross-examination if he or she believes it is going too far. On the one hand, it is much easier to get the right to cross-examine the prosecution's witnesses at committal, which is a privilege so you require an application to do it; on the other hand, there is more control over the process. The judge will have power to stop questioning if questions are oppressive, misleading, confusing, intimidating or — interestingly enough — annoying.

I find that last criterion very interesting. The judge will now be able to make a decision to stop counsel cross-examining a witness if he or she finds the cross-examination annoying. If that provision was implemented to its fullest in my day and judges stopped barristers cross-examining witnesses when they found the process annoying, most of my cases would have collapsed and cross-examining would have been brought to a halt very quickly.

Cross-examining is, by its nature, annoying. You have to annoy the witness a bit because you are testing the witness to see whether that person under pressure will say the same thing he or she said when not under pressure. That will be an interesting one, but I am sure the judges will be happy about it because they have to sit and listen to hours and hours of cross-examination.

They say to themselves, 'When I was a barrister I would never have allowed this to happen, but in the interests of justice I will sit here and listen to this garbage'. Now they will be able to say, 'No, I find you annoying'. For example, if it were my colleague the Leader of the National Party, the judge would say, 'Sit down, Mr Ryan, I find you annoying', a thing a judge would never have been able to say before.

Mr Ryan — Thank you very much.

Dr DEAN — I often put that to him myself, but it never has any impact.

The added safeguard for determining whether the judge should grant permission is the question of whether the witness has received legal advice. The judge must assure himself that the court has been provided with all the important information necessary.

Another interesting point is that the defendant can now be present during compulsory examination. I should explain that compulsory examination is an interesting aspect of the process. There is a dispute going on at present about whether prisoners can be examined or asked questions in prison. Honourable members may have seen the furore about that in the papers. Under section 56A of the Magistrates' Court Act it has always been possible for the police to go to a magistrate and say, 'We have had this particular person down at the police station and asked him questions. He has refused to say anything. The telephone books have not worked!'. No, I withdraw that, this is not a frivolous discussion.

The police can say to the magistrate, 'The person is not saying anything so we ask you for permission to cross-examine the person in front of you'. That provision has always been there, but the defendant was never able to be there while it was being done. Under the new provisions the defendant can be present and listen to what is happening. The defendant cannot join in the cross-examination, or do anything else except make some comments at the end of the cross-examination if he or she wants to.

One thing we have been trying to work out is what happens if the cross-examination does not go the way the prosecution or the police want it to and instead delivers all the wrong answers. That has not happened to me, but it does happen on occasion to barristers who do not know the answers to the questions before they ask them. It happens when the barrister stops and thinks, 'I do not know the answer to that question; is it worth asking it or not?', is on a knife edge, looks at his or her watch, and asks it. Then out comes an answer that completely crushes the case. When you are in that position all you want to do is get your witness to stop talking, but you can't. You try to interrupt your own witness and the judge says, 'No, you cannot interrupt your own witness'. That can happen.

An interesting question is whether the defendant, after being present, can then get access to the material. When the matter comes to trial, can the defendant ask for that material to be put forward? If not, the defendant will have to call that person himself, put the information to the person and ask, 'Did you answer that way at a certain time and in a certain place?'. That is something the Attorney-General might like to consider.

Overall, the bill simplifies the procedure and adds a few more safeguards, and it tries to ensure that the very complicated process of criminal justice proceeds more smoothly. Committal proceedings are probably among the most expensive processes we have. Civil litigation is very expensive; but criminal cases are always adversarial, often take a very long time and are unbelievably expensive. There is no way out of that because justice demands that the defendant has every right to a fair trial. The defendant must be able to put his or her case and test the prosecution witnesses. The adversary process of criminal justice is essential.

However, criminal justice is incredibly expensive, so it would be good if we could find ways to make it less expensive and speedier so there are fewer delays.

I commend the government on continuing to implement the recommendations of the magnificent report of Project Pathfinder, which, it just happens, I chaired. I hope the government will continue to implement them. Modesty prevents me from saying any more!

Mr RYAN (Leader of the National Party) — It is a pleasure to join the debate on the Magistrates' Court (Committal Proceedings) Bill. I used to enjoy committals immensely. I am old, grey and battle worn enough to remember the days when committals were held before justices of the peace. There was a sense of inevitability about them, which was wonderful. Over the years I have found that the most difficult court cases to fight are those that involve a sense of uncertainty. With due respect to the justices, the great thing about a committal proceeding was that you knew with certainty before it even started that the justice would commit your client to trial. That was also true of a substantial proportion of cases before magistrates.

For many years the whole idea of committal proceedings for defence counsel was to embark on a fishing expedition. In some instances you would

literally fish for days. I am not a fisherman by nature, but being involved in a committal was as close as I ever got to being one. You could spend as much time as you wanted using all manner and means to ask any question on any matter remotely connected to the issues before the court. The whole exercise was based on the hope that, by happenchance, something may materialise by accident or design that could be used in the subsequent trial.

For example, if you put a proposition to a witness and that proposition was accepted or denied, as the case may be, six months later at trial you might find that after the same proposition was put to the witness a different answer was given. You could then grab the transcript of the committal hearing and refer the witness to the answer he or she gave at the time. The process was a complete free-for-all. There were no constraints on the fishing expedition; you could spend as much time pursuing information as you wanted.

That process has been gradually refined with the passage of time, which I must say is a good thing. I have long harboured doubts about the value of committal proceedings. The work that was done under the expert guidance of the honourable member for Berwick and shadow Attorney-General prior to the bill being introduced — —

A government member interjected.

Mr RYAN — A good man, I agree. The work that was done under the expert guidance of the shadow Attorney-General and his predecessors is the culmination of a process that has evolved over a couple of decades. As a result, the committal hearing process has gradually been narrowed to the process outlined in the bill.

The bill is good legislation because it is another step in ensuring that committal proceedings are conducted in a manner that best serves the purposes of all concerned. At the end of the day we are talking about ensuring that the process of deciding whether there is sufficient evidence to justify an accused being committed for trial is done in the best way possible. It is therefore important to deal with the specifics in an orderly manner.

The bill is a further stage in the evolutionary process, and National Party members support it. We believe it has much to recommend it. I have the advantage of being given an excellent briefing by the department personnel, who were their usual cooperative selves. I have also been favoured by being provided with a document that draws the usual comparisons, which I will unashamedly plagiarise. I see the honourable member for Richmond looking over the table. Since I am obviously referring to the document I know the thought of asking you, Honourable Deputy Speaker, to direct me to table it is buzzing through his mind.

Mr Wynne interjected.

Mr RYAN — He also has the document, so it does not matter — although I suppose I could gazump him and table it first. It is a useful document, and it is to the department's great credit that it has been produced. As the honourable member has observed on previous occasions, despite the popular wisdom, at the end of the day the bulk of legislation is passed through this place with bipartisan support. This bill is another example of that sort of legislation.

So it would be to the advantage of all concerned if the departmental document I have before me were made available to the house. At the end of the day it can only advance the process in which honourable members are engaged.

The bill contains some essential provisions. Clause 6 relates to the compulsory examination procedure. I will digress for a moment, as it my wont, to say that I had the honour of chairing the Scrutiny of Acts and Regulations Committee in the previous Parliament, when the coalition government occupied the Treasury benches.

Dr Dean interjected.

Mr RYAN — Yes, I will not keep talking about it; we will all break down in tears. In the course of my chairmanship we undertook an examination of the critically important issue of the right to silence. That was upon a reference from the then Attorney-General, the Honourable Jan Wade. For the purpose of undertaking that exercise, apart from conducting public hearings in Victoria and in different parts of Australia, the committee travelled to England and Ireland and spent a lot of time carefully examining all the issues relating to the question of the right to silence.

As part of that function we interviewed members of the serious fraud squad in London. In terms of investigation and compliance in the English justice system, members of that squad are what might colloquially be termed big hitters. They are engaged in major fraud inquiries and have, under English legislation, a very broad-based capacity to undertake investigations in a manner that is not undertaken in Australia — although some Australian federal law is probably as close to the English law as our law can get. By the same token, one

of the processes available to them is the notion that is encapsulated in the proposed legislation.

Before this debate I meant to look at the report of the committee I chaired, but as time was of the essence in other circles I have not done so. As I recall it, the notion contained within this bill is very similar to the process which applied in England and which was available to that country's serious fraud squad.

It deals specifically with the following position: an individual is employed at a particular bank branch; a major fraud is committed; and the individual may, or more particularly may not, be a suspect in the crime. The major fraud squad, or the police in whatever form, arrive. They know the crime has been committed, and they search for the mechanism by which it has happened so they might then identify those who have been involved.

What they have historically run into is that the witness who might otherwise be able to assist in their inquiries — as the classic statement goes — is constrained from doing so because of difficulties with confidentiality arising from the contract of employment with the bank. As I understand the provision contained in the bill, its intention is that that individual can be brought before the court for the purpose of being examined under oath to ascertain whether material facts which he or she can provide, which might be of relevance to the crime under investigation, can be made available to the inquiry. That process overcomes the difficulty that travels with the confidentiality which would otherwise apply and, in turn, enables the police to make their inquiries in a more properly calculated manner to bring about a satisfactory conclusion — as they would define it at least.

In the document to which I refer — and I am in the process of destroying the speech by the honourable member for Richmond, but I will go ahead anyway — the compulsory examination procedure is spoken of in these terms. At the present time the position is, as the documents states:

> If a witness refuses to give a statement, the prosecution may apply for a court order to examine the witness under oath in open court. The defence does not have the right to be present at the examination.

That has always seemed to me to be a terribly contradictory statement in terms of searching for justice. At the end of the day if a person has been charged, he or she ought to be able to be present at the time this process occurs. Historically that has been a deficiency in the situation which has applied.

The bill proposes that there will be a compulsory examination procedure and a variety of safeguards, which take the following form:

> … the application may only be made if a charge has been filed …

I believe that is a fair thing, because it accommodates the circumstance in which a position of uncertainty would otherwise apply for those who say to the court, 'We should be there'. By definition, if someone has been charged, then more power to them for the fact that they are entitled to be there.

The next safeguard is:

> the application to the court must contain additional information — for example, whether the witness is a suspect in the proceedings and whether the witness has received legal advice concerning the proposed examination and whether the witness has been made aware of the application …

All these issues go to the same question — by extrapolation — of the right to silence, and more particularly, the long-held institutionalised concept that people are not obliged to incriminate themselves. It is important, therefore, that the court knows, as a matter of certainty, that the appropriate warnings have been given to the individual to overcome any such assertion. The document further states:

> the court will only make an order where it is satisfied that it is in the interests of justice to do so;
>
> the defence will be allowed to be present at such an examination and, where there are exceptional circumstances, address the court …

Again that seems to me to be a sensible state of affairs, because issues might arise in the course of examination of the witness by which a magistrate might be tempted to a view that on the face of it might seem obvious. It seems only fair that if the accused is represented at court, a different set of fact circumstances might make a difference to the interpretation which the magistrate applies. That is not to say that defence counsel can give evidence from the bar table, although that has happened as a matter of convention from time immemorial, but by the same token the defence counsel may be able to add something pertinent to the consideration of the court.

The final safeguard is:

> if a person is so ordered to attend court for examination, he or she may be represented and may address the court on the proceeding.

That is also fair, and I support it. The one gap in it about which I invite the government's consideration is the question of costs. Potentially the position can arise

whereby a witness who is an entirely innocent party and who is not under threat in any way, shape or form of process being issued against him is dragged into the proceeding because an application is issued in the way I have outlined, finds himself having to go along to court, believes — and it is probably sensible advice — that he has representation, but then ends up picking up the tab, only to find at the end of it all that nothing reflects upon him or personally but that he is left with a bill for $5000 because he has had to get representation. There ought to be at least a discretion on the court to be able to make some appropriate order on the matter of costs. I invite the government's consideration of that issue.

Clause 7 contains provisions relating to the notion of cross-examination.

That comes back to my original comment. In the halcyon days you could go your hardest on whatever topic you liked. Now constraints have been built into the legislation that narrow the issues that can be the subject of cross-examination and govern the way in which the cross-examination takes place.

The 1999 amendments, which refer to applications for leave to cross-examine, state in part:

> The application which must be made to the court must outline the scope and the purpose of the questions and indicate why each question or topic or topic of questions has substantial relevance to the issues in the case. Furthermore the court must not grant leave unless the proposed questioning has substantial relevance to the facts in issue.

Clause 7, which amends clause 13 of schedule 5, provides that the court must not grant leave unless:

> … the defendant has identified an issue to which the proposed questioning relates and has provided a reason why the evidence of that witness is relevant to that issue; and
>
> … the court is satisfied that the cross-examination of the witness on that issue is justified.

By implication, an application must be made to the court before the committal process commences so that appropriate orders can be made to set the parameters of any cross-examination. In determining whether the cross-examination is justified, the court must have regard to a number of matters — for example, the need to ensure a fair trial and whether the prosecution case has been adequately defined.

Huge advances have been made over the past decade, such as the obligation on the prosecution to disclose the basis of its case. The statements and supporting material in the hand-up brief are made available to the defence before any position is taken on whether the proceedings will be defended. They are good advances that are intended to avoid trial by ambush. I used to engage in it. You always felt that if you had a good card to play, you might as well play it without the other side knowing about it. However, the disclosure provisions in the civil and criminal law are constructive because they achieve a proper outcome for everybody concerned.

One separate but crucial matter of great delicacy is the cross-examination of witnesses aged under 18 years. I was often cross-examined in the early days, particularly in interlocutory applications. Even if you are in complete possession of the facts and are dealing with familiar issues, being cross-examined is difficult. Being cross-examined in any forum is hard enough for those of senior years or those who have obtained their majority, but for children under 18 it can be traumatic. Over the past couple of decades the law has been at pains to protect younger witnesses in a manner that best serves the interests of justice. That includes balancing the interests of witnesses and the rights of the accused to defend himself. In the interests of getting through the debate I will use the masculine gender. I am sure no-one will be offended, and it does not seem to be troubling the Attorney-General.

In dealing with an application to cross-examine the court must not grant leave where a witness is under 18 unless it is satisfied that the interests of justice cannot be adequately served except by granting leave. It is now proposed that in addition to the matters I have already referred to, the court must have regard to the provisions set out in proposed new clause 13(5B) of schedule 5.

They include the need to minimise the trauma that might be experienced by the witness; the importance of the witness to the prosecution case; any relevant condition or characteristic, including age, culture, personality, education and level of understanding; and any mental, intellectual or physical disabilities. Why do these things need to be codified? In a sense they are obvious. However, it is a good guide, particularly for the cross-examination of witnesses under the age of 18.

Clause 8 refers to questions asked at the committal stage. The current law says that the court may disallow questions which have no substantial relevance to the facts in issue, which are beyond the scope for which leave is granted, which are repetitive and which are oppressive in the form or manner asked. I am pleased that the notion of repetitive questioning did not apply in the days when I was cross-examining witnesses. If it had I might have been struck out with monotonous regularity. The court may also disallow questions that are not justified or where the defence has not properly identified an issue. Various other criteria have to be

satisfied. In the end, the important point is that the court has the final say. The magistrate or the judge, as the case may be, will always have the final say on whether the discretionary powers are applied one way or the other.

As I have said many times in this place, I am a strong believer in the notion of judicial discretion in the running of a court. Things such as the body language at the time and the way the evidence is being delivered are pertinent to the magistrate, and it is good that the bill has been drafted in the way that it has been.

Clause 9 provides for leave to be granted to reopen the committal. Under the current law there is no such right. The bill proposes that after the committal either party will have the right to apply to have the evidence of a person taken by the court where a new witness is found who makes a statement or if a witness who was examined at the committal makes another statement.

Those are sensible additions because with the best will in the world it can happen that either a witness who was intended to be called at the committal was not available — for whatever reason; he may have done a runner or could not be found — when the committal came on and did not contribute. Alternatively, an additional witness can have been obtained, in which event it is a good thing that the evidence of the additional witness can also be taken. The aim of the committal process is to narrow the issues so that everybody can properly gauge the strength of the case that may give rise to the defendant being committed for trial and, having been committed, the attitude taken by the defendant, and then whether in the role of the accused he or she may plead guilty to the charge or otherwise.

In summary, the National Party supports the provisions of the bill. It is a further aspect of the evolutionary process that has unfolded over the years. In the earlier years I was involved in much of that. I am not now directly involved, but I am pleased to contribute to the debate and I wish the bill a speedy passage.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick and the Leader of the National Party for their contributions to the debate. I also indicate the tremendous support I have received in making my contribution from the honourable members for Bennettswood and Bulleen, both of whom have coached me in my presentation.

The Magistrates' Court (Committal Proceedings) Bill is important legislation. It forms part of the Bracks Labor government's reform package, and I am delighted to have the opportunity of being in the chamber with the Attorney-General to debate yet another piece of legislation to reform the court network.

The Magistrates Court hears the most criminal cases of all Victorian courts. In 1998–99 more than 105 000 cases were finalised, compared with the some 2000 criminal cases, excluding appeals, heard in the County and Supreme courts each year. A committal must be held in all cases where a person has been charged with an indictable offence, unless it is heard summarily. The purpose of a committal hearing is to determine whether the matter should proceed as a trial in a higher court.

In March this year the Department of Justice established a committal proceedings monitoring committee to monitor and identify any problems with the committal system. I do not know whether that was a further initiative of Project Pathfinder, referred to by the honourable member for Berwick, as I was advised by my departmental colleague that Project Pathfinder was more involved in technological change in the court system. Nevertheless I have had an opportunity to consider some elements of the Pathfinder report.

The problems identified by the monitoring committee have been incorporated into the drafting of the legislation. I welcome the contributions of my colleagues on this side of the house to this important bill. They have obviously come into the house not only to listen to my contribution but also to support this important reform agenda. The concerns of the committee fall into three categories: ensuring a fair trial; effective use of resources; and minimising trauma, particularly for young witnesses.

I will deal briefly with two particular matters. The first is leave to cross-examine witnesses and the second is additional factors for granting leave to cross-examine children under the age of 18 years. Those initiatives are important and intrinsic to the bill. The test for obtaining leave to cross-examine a witness at committal was considered by the committee to restrict cross-examination and waste resources. The bill simplifies the test, so that rather than satisfying the court that the scope and purpose of the proposed questioning has substantial relevance to the facts in issue the defence will be required to identify an issue and explain why that issue is relevant.

The current hearings for leave to cross-examine are complex and protracted, as has been indicated by the Leader of the National Party. They also take considerable effort to prepare, wasting the time of the court and the legal representatives involved. The reform

is important and will streamline the process. Significant changes to the committal system were made in 1999, both by the former government's amendments to the Magistrates' Court Act and rules made by the Magistrates Court itself.

I turn now to the question of granting leave to cross-examine children under the age of 18 years. In the view of the Attorney-General the amendments to the act made by the former government proved to be too restrictive, and a disturbing trend emerged. More witnesses under the age of 18 years were cross-examined at trial.

The committee set up by the Attorney-General found that amendments were required to reduce the cross-examination of young witnesses at trial. The committee advised the government that too many applications for leave to cross-examine witnesses, particularly young witnesses, were being refused at committal, leading to more young people being cross-examined at trial and thus increasing the traumatic impact on those young witnesses.

Anybody who has been in a court — —

Opposition members interjecting.

Mr WYNNE — I am under extraordinary duress here. Anybody who has been in a court would understand the difficulties faced by young people in having to present in a court — quite an intimidating environment — particularly when they are asked under cross-examination to recount traumatic events in their lives. I think this Parliament would support any opportunity to limit the trauma caused to young people by the court process. The legislation may lead to more children being cross-examined at committal proceedings, but that can result in the avoidance of a trial and therefore could minimise the trauma to young people.

The bill also requires that when an application is made to cross-examine a young witness the court must take into account a range of other factors including the need to minimise trauma, the age of the witness and any relevant characteristics of the witness such as culture, personality, education and level of understanding. The legislation contains a humanising element. The Attorney-General has recognised the importance of, wherever possible, balancing the importance of the judicial process and respecting the rights of young people and trying so far as possible to shield them from the more traumatic elements of the trial process. These factors will also be taken into account in determining whether to disallow a question. That is quite important. Additionally, a question may be disallowed because it is misleading, confusing, annoying, intimidating, oppressive or repetitive.

I want to conclude with the following point: the restrictions concerning the cross-examination of young witnesses are far greater than those that applied prior to the 1999 amendments. The present test for witnesses under the age of 18 is that a court must not grant leave for cross-examination unless satisfied that the interests of justice cannot be adequately served except by granting leave.

As I said, the legislation will assist in reducing the trauma to young people by providing an opportunity for them to be cross-examined at the committal stage and therefore possibly avoiding the need for a trial and cross-examination in a more formal and public court setting. The legislation protects young people as much as is possible. The court retains the power to refuse leave to cross-examine a child victim if it cannot be justified.

It is important that we understand that we draw much of our law from the British system. A person in a witness box could find himself in quite a traumatic situation if he found himself up against a particularly pugnacious bulldog of a prosecutor. The legislation is a further important step forward by the Attorney-General. I wish it a speedy passage, and I thank my colleagues in the chamber for their excellent contributions in support of the bill.

Mr HULLS (Attorney-General) — I thank all honourable members for their important contributions to the debate on this bill. I also thank the erstwhile parliamentary secretary for the work he did in putting the bill together and his assistance to me in relation to this bill and others.

This is an important bill, and I am glad it has bipartisan support. We all know the importance of committal proceedings. They can often flush out whether matters should proceed to trial, and they give a person charged with an offence the opportunity to hear the evidence the prosecution has against him or her.

Committal proceedings need to be conducted appropriately and properly, but the last thing we want is for them to be tied down in a range of procedures and cross-examinations that do not relate to the proceedings themselves. Unfortunately that has happened in the past, particularly with juvenile witnesses — a whole lot of time has been taken to establish whether a particular juvenile witness can be asked particular questions. As a

result committal proceedings are not achieving the purpose for which they were originally established.

As my parliamentary secretary, the honourable member for Richmond, said, the Department of Justice established a committee to monitor the committal system, and it concluded that a number of changes needed to be made to our proceedings. The problems the committee identified include: the extensive focus on compliance with the procedural steps in the committal system, which has been at the expense of the objectives of committal proceedings; the time frames were too tight and inflexible; defence applications for leave to cross-examine a witness at committal proceedings often take considerable time to prepare for very limited gain in the objectives of committal hearings; hearings of applications for leave to cross-examine were becoming protracted; and rulings as to what could and could not be asked were, of necessity, being departed from.

The committee also found that far too many applications for leave to cross-examine witnesses, particularly young witnesses, were being refused, leading to more young people being cross-examined at trial, thus increasing the trauma to young witnesses. Finally, the committee found that in an effort to avoid the procedural difficulties an increased number of defendants had been bypassing the committal process altogether by electing to proceed directly to trial without a contested committal. Of course, that was leading to a range of injustices and substantial trauma, particularly for young witnesses. The time that elapses between a person being charged and a trial is obviously a lot longer than the time that elapses between a person being charged and a committal, and memories can fade in the meantime.

These sensible amendments have been recommended by the committee. In the main they have the support of all stakeholders in the criminal justice system. I thank all honourable members who spoke for their contributions to the debate, and I, too, wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

National Party amendments circulated by Mr KILGOUR (Shepparton) pursuant to sessional orders.

Mr WELLS (Wantirna) — As shadow Minister for Police and Emergency Services it gives me great pleasure to contribute to the debate on the Country Fire Authority (Amendment) Bill. From the outset I indicate that the opposition will not be opposing the bill, although it will be supporting the amendments circulated by the National Party because they make such good sense.

The opposition welcomes the thrust of what is intended to improve the corporate governance and organisational efficiency of the Country Fire Authority (CFA) in order to maintain its reputation as a world-class firefighting emergency response organisation. However, the opposition has some legitimate concerns about the allocation of power to the new position of chief executive officer (CEO).

There is no doubt that the CFA has been a long-respected organisation within the community, whether it be in the outer eastern regions of Melbourne or rural Victoria. Every summer the threat of fire, property loss or potential loss of life remains constant in the minds of Victorians, particularly those residing in isolated rural areas. There are very few places on earth that have the same risk of fire as Victoria, and that is why the CFA is held in such esteem. Some 63 000 volunteers make up the CFA and the amount of work they do is to be commended.

The bill provides for the appointment of a part-time chairman and a full-time chief executive officer of the CFA. Currently the CEO role is not defined in the Country Fire Authority Act and the chairman, as defined, assumes the executive functions of the CEO. Clause 8 deals with situations of conflict of interest of members of the authority.

Clause 1 separates the roles of the chairman and chief executive officer. This move follows the successful separation of roles within the Metropolitan Fire Brigade in 1997 made on the recommendation of the Public Bodies Review Committee inquiry in 1994 which was chaired by the honourable member for Mornington.

An article headed 'Current events' in the September-October edition of *Brigade News* written by Len Foster states:

> Approximately 12 months ago the CFA board instigated a review of our corporate governance processes resulting in a recommendation that the role of executive chairman be split into that of a part-time chairman and a full-time chief executive officer.
>
> This is because the workload is such that it is no longer possible for the two positions to be held by one person. The proposed splitting of the position had strong support from both the authority and myself. The next step was to ask the Minister for Police and Emergency Services to consider making the changes to the CFA legislation to enable the position to be redefined.

Clause 7 allows for a part-time chairman to be employed outside the CFA. It makes perfect sense that if you are paying a part-time chairman who may only work 10 or 20 hours a week, he has the right to work outside the CFA in some other capacity.

Ms Duncan — Or she!

Mr WELLS — Or she, although that is an interesting point because the wording in the bill is 'chairman'. It was a point that was raised with me by the United Firefighters Union secretary, Peter Marshall. He said perhaps the word should be changed from 'chairman' to 'chairperson' — but maybe the CFA is not quite ready for that, so it will remain 'chairman'.

The bill reduces the concentration of power and changes in accordance with modern corporate organisational principles. The opposition does not have a problem with that provision.

Clause 4 inserts a definition of chief executive officer and the provisions to establish the positions of the chief executive officer and acting chief executive officer. I am not sure how the CEO is to be dismissed. I understand it will be set out clearly in the new CEO's contract, although it is not in the legislation. The opposition assumes it will be in the contract and takes the minister's word in good faith on that point.

Clause 6 provides for the chairman and deputy chairman to be appointed for a three-year term in line with other authority members.

Clauses 5 and 10 cause the opposition some concern. The clauses allow for the power to declare total fire danger periods and total fire bans to be transferred from the chairman to the CEO. I have received a number of pieces of correspondence from CFA brigades across the state. They are concerned that if the authority is transferred from the chairman to the CEO and the minister appoints a lawyer or accountant to fill the role, as is his right after consultation with the board, that person may not have any firefighting experience. The volunteers are saying that perhaps the chief officer should declare the fire danger period or a total fire ban day. I understand that there are legal implications if the legislation were to be changed to read 'chief officer' because he is not the most senior person at the CFA. It is for that reason that the CEO has to make that declaration.

The role of the CEO is becoming more complex. He has to deal with the 63 000 volunteers and work with the enterprise bargaining agreement. Unfortunately time does not permit me to go into the problems with the enterprise bargaining agreement. That will be saved for another time.

But I would like to raise the point regarding the transfer of power. As I said, the chief officer is the person who runs the CFA on a day-to-day basis, and he has the greatest knowledge of what a total fire ban day or fire danger period should be.

Many volunteers feel that they are being isolated from the consultation process. At the next election the Liberal Party will be working closely with the volunteers to ensure there is proper consultation with the rural and urban associations that involves the volunteers in any large decision-making process, whether they are operational or not. The Liberal Party wants them to be part of the process.

I hope the minister is keen to look at the amendments put forward by the National Party. They are straightforward, and they give more power to the board rather than to the CEO. I hope that is being looked at, because it is a real issue in country Victoria where volunteers need to feel part of the CFA. If they do not feel part of it, the volunteer numbers in the CFA will fall from 63 000 down to an unworkable level.

With those few comments I again emphasise that the Liberal Party will not oppose the bill, but it will support the amendments put forward by the National Party.

Mr KILGOUR (Shepparton) — It is with great pleasure that I rise tonight to support the Country Fire Authority (Amendment) Bill. Members of the National Party will not be opposing the legislation, although we will be moving some amendments that we believe will go to support the volunteer firefighter organisation.

The main purpose of the bill is to provide for the appointment of a chief executive officer (CEO) and a separate part-time chairman. I congratulate the minister on bringing the bill into the house and ensuring that

Victorians will see a better structure in the Country Fire Authority (CFA) than they have in the past. The bill will strengthen the authority with the appointment of a part-time chairman, who will then preside over a board with a full-time CEO. It is extremely important that we ensure that the best volunteer organisation in the world continues to operate in a way that is needed in country Victoria.

With more than 63 000 volunteers and 800 staff, the CFA is one of the largest volunteer organisations in the world. It provides emergency services for all of regional Victoria. One would have to come from country Victoria and live in a regional district to understand what the CFA means to each of those small communities.

As I grew up in the small community of Katamatite in northern Victoria I became a member of the Katamatite fire brigade. And what an intrepid lot of firefighters we were with our Austin fire tanker! When the fire siren blew on top of my father's store, we jumped into the fire tanker, went out and saved properties and haystacks and fought wildfires in stubble.

It is of vital importance that the people of country Victoria have an organisation that ensures that they are protected and that when they need that emergency service it is there. The CFA is a valued organisation throughout country Victoria, and we need to ensure that we support it as much as we can.

The great organisation of the Country Fire Authority has encountered problems in recent times. We see a line drawn in the sand following the Linton bushfires. On Wednesday, 2 December 1998, five firefighters tragically lost their lives when they were overtaken by wildfires near the small town of Linton while attempting to achieve final containment of a fire that had been burning since early afternoon. The Geelong West tanker was overrun following a sudden escalation of the fire activity. It was a very sad affair. Since that time an inquiry has taken up thousands of hours and a lot of effort from people involved in the CFA and other organisations.

In years to come when we look back at the history of the Country Fire Authority we are going to see a pre-Linton authority and a post-Linton authority. Since the Linton fires competency-based training has come into operation in the CFA. People realise that we cannot send untrained volunteers out on fire trucks onto a fire ground. We now have prescribed standards for firefighters, and they are more professional. Minimum skills are being taught about what to wear and so on. Volunteers are taught how to work a pump on the back of a tanker, how to work a radio and how to read maps. We are now benchmarking the skills they will need to ensure that nobody is in danger when a team goes onto the fire ground.

We are going to see an improved service in the CFA, and with that we need to have a board that is set up with a chairman and a CEO understands the need to equip the teams with what is required. Some 26 000 volunteers are being trained. However, I am not saying that it is all easy. There are some problems because the United Firefighters Union is in charge of training and some of the volunteers are not happy about that. Some volunteers do not see the union as the body of people that should be providing training. Some volunteers found that when they wanted to get their training under way the people who were supposed to be providing the training were not available to do it.

We need to train our people so they have the appropriate skills to do the job in each community, because each community is different. As I said, the Katamatite area, which is where I grew up, is prone to grassfires and wildfires. Some of the towns have structures that volunteers have to learn to look after. Volunteers also need to know how to handle the chemical spills that can result from fuel tankers turning over. They must also be equipped and trained to fight forest fires and chemical fires.

The training standards must be acceptable to the industry across Australia so that somebody who shifts from Victoria to South Australia will be able to join the South Australian fire brigade and handle any work that needs to be done by volunteers there.

Although there are many operational jobs that need to be done, it is important to realise that a number of fire brigade jobs do not need people who are trained to go onto fire grounds. About 26 000 people are now being trained, and there is a volunteer force of somewhere around 60 000. Those who do not want to undertake fire training can find jobs in administration support, equipment maintenance and operational support. They can make a valuable contribution to the brigade without having to do the training.

When the minimum skills training commenced many volunteers were unhappy; they felt the training was not necessary. Now that the need for it has been explained to them, particularly after the Linton fires, they know that people who are not properly trained cannot go onto a fire ground, particularly when they are working with the Department of Environment and Natural Resources fire service. Firefighters cannot be endangered by somebody who is not trained. Some of the people who

felt they were not equipped to do that training have now done it and therefore understand that it is a matter of commonsense. They now know that with the right training they can undertake those tasks.

The fire brigades in each town will now comprise two groups. One will consist of people who will be trained to go out on a truck and onto a fire ground, and the other will consist of people who will support the administration, look after the equipment and perhaps look after the training as well. The changes in those brigades will, I am sure, result in a better service.

The bill provides for a part-time chairman of the Country Fire Authority. For the past 10 years or so the CFA has had an executive chairman, Mr Len Foster, who has done a tremendous job in getting the organisation to where it is today. I sincerely hope that in moving outside his position Mr Foster will apply and be successful in rejoining the authority as the chairman of the board. It is necessary to headhunt somebody for the Country Fire Authority who is capable of looking after the 60 000 volunteer force and ensuring they understand what is required. We must ensure that the new chief executive officer is paid well. I am sure the minister will take note of whatever is necessary to properly compensate whoever is in that position. Some members have expressed concern about the appointment of the chief executive, and I will say more about that later when moving amendments in committee.

A group in the volunteer force have concerns about some of the decisions the authority has made. We have not been able to bring those people on board, so work needs to be done in that area. The chairman, the board and the CEO must go out and talk to the volunteers, understand how they feel and bring them on board, because it is hard enough to get volunteers into fire brigades.

In the outer urban fire brigades we have to look at establishing a three-tier operation where there is a fully staffed fire brigade between, say, 8 o'clock in the morning and 7 o'clock at night, with volunteers doing the night service and, of course, the full volunteer brigade on call.

Some people have raised with members of the National Party their concerns about the appointment of the chief executive officer. They feel the minister should be consulted, but they believe strongly that the appointment should not be made based on the approval of the minister. Instead, they believe the minister should decide in cooperation with the board. Those people also want to ensure that the chief executive officer has the functions of the board in mind when he is delegating duties. They also believe the volunteer force needs to be dealt with in a way that encourages support for the chief executive officer so that any delegation by the CEO should be done with the approval of the authority.

We have spoken to people throughout country Victoria in the past couple of weeks. We spoke only yesterday with members of the urban association and the rural association, both of which were keen for us to put the amendments we will be putting during the committee stage.

In closing, I repeat that members of the National Party do not oppose the legislation. We support a stronger and better Country Fire Authority. We want to ensure that Victoria has the best possible chief executive officer, whether that person comes from outside Victoria or within Victoria, to support what we believe is the best fire authority in Australia bar none. I believe that in the future we will look back and say that the legislation has given the Country Fire Authority the opportunity to move into the new century and to go from strength to strength. I wish everybody in the CFA every success and hope they get behind the legislation.

Mr INGRAM (Gippsland East) — The Country Fire Authority (Amendment) Bill is a simple bill that provides for the appointment of chief executive officer and part-time chairman and also clarifies provisions relating to conflicts of interest. The board approved the changes in the bill before it was introduced.

The CFA is extremely important to community Victoria. It is based on volunteers who play an essential role in fighting fires and performing emergency services. Those volunteers give a large amount of their time, and they will be expected to put in even more time from now on, given the additional requirements for training and other activities.

Seventy-five per cent of the electorate I represent comprises national parks or state forests. They are at risk every year from bushfires and grassfires, and the same it true right across country Victoria. The work of the volunteers is essential in putting out those fires.

Every year the fire risk increases, particularly in my electorate. The reduction over recent years of controlled burning through most of our national parks and state forests has changed the way our bush is managed, with the result that fires are now much more intensive, which leads to greater losses of vegetation. We do not have to look too far for examples of that — and I refer to the Caledonian fire in the Alpine National Park.

There is anecdotal evidence that the forests in East Gippsland used to be more open and parklike. The early settlers used to be able to ride their horses and drays through the forests.

That evidence suggests that fire management by the indigenous people of East Gippsland in earlier times led to the open development of the area — still visible — by white settlers in past years. It is quite obvious, however, that one cannot now ride a horse through any of our bushlands and the basic reason is that preservationists rather than conservationists are managing them. That needs to be looked at in the future otherwise fires in country areas will be bigger — even though most national parks and state forests are managed by Department of Natural Resources and Environment fire crews. There will be a requirement for Country Fire Authority crews to fill that void, and that will put them at risk.

The CFA has raised many issues, and various heated debates have been conducted on a number of them. One issue that has generated a lot of lobbying in my area concerns minimum skilling and related issues. A number of people are very passionate about the Country Fire Authority and have put some concerns forward for debate, including minimum skilling. The brigades are also concerned about compulsory criminal record tests for new recruits, the length of recruitment forms, excessive time demands of training, transfer of local control to an incident controller and the legal liability of brigades. Those issues place an onus of responsibility on the CFA brigades and I, like most other country members, am very aware that the CFA boards do a lot of lobbying about that.

The amendments proposed by the National Party have been put forward as a result of those concerns, and the amendments must be dealt with. The state cannot afford to have volunteers go missing as they are an essential part of the fire management role of the authority. As the lead speaker for the National Party indicated, CFA volunteers are required to attend roadside accidents such as when fuel tankers or other vehicles roll over on highways. It is essential that volunteers have a high level of skill. They are required to do things for the CFA that they would never previously have done.

Members of the CFA have raised a number of future problems with me, including use of experience and recognition of local people in support roles — something that is not legally allowed unless they are accredited. Country people go to the assistance of their neighbours in time of need, but when they do they are acting illegally if they do not have accreditation from the CFA. Those found unlawfully present on fire ground, for example, fall outside the umbrella of the CFA. Such matters as legal liability need to be addressed because they have been imposed and, if not fixed, will affect the future ability of CFA brigades to recruit new members and operate properly.

The risk to community members stemming from the advent of larger fires has increased greatly. More fuel is on the ground these days, yet the ability to use resources to put out fires has been reduced because some equipment does not meet minimum standards. Members of brigades are also under increased pressure because they are forced to withdraw some of their number from the fire ground, and the use on fire ground of privately owned fire equipment is no longer allowed. Many farmers have tanks they can put on the backs of trucks, but they are not allowed to use those tanks if they do not meet official standards. Such issues need to be addressed.

The community cannot afford to fully fund the requirements, and the fires will get worse. I support the bill and thank members for their time.

Mr WYNNE (Richmond) — I support the Country Fire Authority (Amendment) Bill and express my appreciation of the bipartisan support being shown for the Country Fire Authority. The CFA is an important organisation in rural Victoria and, as has been indicated by other speakers, plays a fundamental role in the lives of many rural people.

The particular expertise of CFA members was seen and widely recognised by the Australian community when a team of CFA professionals and volunteers attended the recent raging, devastating fires in the United States. All the accounts I read indicated that they acquitted themselves extraordinarily well and brought their particular expertise, developed in Australian conditions, to good effect on those fires. I am sure those firefighters have now also brought back to Australia additional expertise picked up in the United States. It is to their great credit that our fire authorities stood ready at a time of need and in a country so far away to send such an expert force.

The bill deals with the administrative structure of the Country Fire Authority. As honourable members are aware, the Country Fire Authority Act 1958 established the CFA as a statutory authority with a constitution and powers as set out in the act. It provides for an authority consisting of 12 members, being a full-time chairman, who is also the chief executive officer, a part-time deputy chairman and representatives of the Minister for Environment and Conservation, the urban and rural fire brigade associations, the Insurance Council of Australia

and the Municipal Association of Victoria. That brings into the governance of the CFA an important mix of local government, professional associations and a representative of the minister.

As other members have indicated, the board of the Metropolitan Fire Brigade decided to split the positions of president and chief executive officer in 1994, and the bill is a mirror of that action in that it proposes to split the positions of chairman and chief executive officer.

That is important, because it mirrors the Australian model for good corporate governance and provides for the separation of the roles of the chairman and the chief executive officer except in limited circumstances. The separation of those roles provides for appropriate checks and balances in the corporate structure in an environment of openness and transparency, which is the hallmark of the Bracks government.

The model is underpinned by the views expressed by the Bosch committee — that without appropriate accountability power is dangerous, and that no person should have the power or influence to enable his or her interests to be preferred over those of the company as a whole. The second aspect of the bill is the setting out of the procedures to be adopted when a member of the authority has a conflict of interest. Those provisions are relatively straightforward.

The third aspect of the bill concerns the powers of the chief executive officer. He will be appointed by the relevant authority only after the minister has agreed to the appointment. I understand there are some amendments to that clause that will be debated during the committee stage. The final matters dealt with by the bill are consequential amendments and transitional provisions, which are also relatively straightforward.

The bill is important because it deals with the issue of CFA governance. It mirrors the Metropolitan Fire Brigade legislation, and it is important that we have similar structures for the two organisations. I commend the minister on the initiative and wish the bill a speedy passage.

Mr LUPTON (Knox) — The Country Fire Authority (Amendment) Bill is significant because it brings the CFA into the 21st century. It is important to remember that the CFA has changed over a number of years. I recall that during the 1962 fires any people wanting to fight a fire just turned up on the back of a truck and away they went. Since then the training of personnel has been required, which has dramatically improved firefighting skills.

The bill splits the role of the chairman and the chief executive officer, which is important. The community should be aware that as a result of the training CFA volunteers now have to undergo, and given the fact that they are now an integral part of the community, they are expected to take on far greater roles than they have taken on in the past.

One of the concerns I have with the bill, which was referred to by the honourable member for Gippsland East, is that because of the practices of environmentalists throughout Victoria control burns often do not take place. That means fires are now of greater intensity and generate more heat than formerly, so the lives of the firemen — this applies particularly to the volunteers, who because of the rural aspect of their lives are required to fight bushfires — are now at greater risk. That issue must be addressed.

In the Dandenong Ranges where I live there has not been a fire since Ash Wednesday in 1983. The undergrowth has become lush over the past 17 or 18 years, and each year for the past five years the CFA has warned that it could be a bad fire year. The growth will increase dramatically with the rain we have had over the past few weeks, and I am concerned for the lives of the volunteer and paid firefighters who put life and limb on the line to protect our properties. The government must look at ways of ensuring that control burns are undertaken at an appropriate time of the year so that the lives of our volunteer and paid CFA firefighters are not put at risk.

As a result of the separation of the roles of the chief executive officer and the chairman of the board the volunteers have expressed concern that the chief executive officer will have the responsibility of declaring fire danger periods. They would like the chief fire officer to have that control. My understanding is that the chief fire officer will report to the chief executive officer, who will then bring down the necessary ruling to enforce the daily fire restrictions and declare the start of the fire season.

I cannot emphasise enough the importance of the government doing something in the short term so that control burns can be undertaken. During the Ash Wednesday fires, when I was mayor of the City of Knox, I went with some of the firefighters to the fires and saw the conservationists deliberately stopping the CFA trucks from going into areas to combat fires. That is stupid, dumb and irresponsible. The Parliament and the people of Victoria should address that issue to ensure that this year's fire season is controlled in the best way possible to provide adequate protection for

volunteer and other CFA firemen employed by the Department of Natural Resources and Environment.

The bill is sensible legislation. It brings the CFA into the 21st century. It will enable the authority to operate more efficiently. The combined role of chairman and chief executive officer was far too big for one person to handle. Len Foster has held the position for a number of years, and he is to be congratulated on the way he has carried out his duties. However, given the work involved and the strains that were placed on him, it is now time for the roles to be split. The opposition will support the amendments to be moved by the National Party.

Ms DUNCAN (Gisborne) — The bill amends the Country Fire Authority Act to bring it into line with changes that were implemented in 1997 to the Metropolitan Fire Brigade (MFB). Essentially the changes separate the roles of chairman and chief executive officer (CEO), allow for the appointment of a part-time chairman and lift the restrictions on the chairman engaging in other paid employment.

The bill also allows for a full-time CEO, establishes the CEO's duties and responsibilities and, most importantly, outlines the processes for dealing with conflicts of interest, should they arise, for any member of the authority and provides penalties if there are breaches.

The bill also amends the principal act to provide for the chair and the deputy chair to be appointed for terms not exceeding three years. They are to be appointed in the same manner as other members of the authority.

The separation of powers of the chairman and the CEO is a necessary change and is in line with the change made to the MFB legislation, which came about as a result of a recommendation by the Public Bodies Review Committee in 1994. Those changes were put into effect in 1997. It is generally accepted that the MFB changes have worked well. This bill makes the same changes for the CFA to give effect to what is now seen as good corporate governance. The positions as they currently exist concentrate powers within the authority. All honourable members would agree that that is not desirable.

The CFA performs a critical role, particularly in my electorate, which has a very high fire risk. The bill will modernise the authority's structure and allow it to continue the great work it does. I wish the Country Fire Authority all the best in the coming fire season. We are grateful it has some water to fight fires with. I wish the bill a speedy passage.

Mr SMITH (Glen Waverley) — The Country Fire Authority (Amendment) Bill is administrative legislation. The former chief executive officer (CEO), Len Foster, has been a tower of strength within the Country Fire Authority since he was first appointed in I think the latter part of the Kirner years. He was certainly running the CFA during the time the Kennett government was in power, when the previous government had many dealings with him because it was a very volatile period for the authority because of both weather conditions and union conditions. I have ascertained that Mr Foster is very satisfied with the arrangements made under the bill. He has reached the stage of wanting his job to be split in two, and he is satisfied with acting as the part-time chairman, a role I am satisfied he is accepting voluntarily.

Once the bill is passed an appointment will be made to the CEO position. I hope the best person will get the job. The new CEO will have as part of his problems the involvement of the union. Obviously the current organisation with its great background and fine tradition of being a volunteer organisation will resist any further attempts at unionisation, particularly attempts made by a union that is egged on by a Labor government. I believe the new CEO will be aware of the forces acting against the better interests of the volunteers in the system.

A case in point is the community support facilitator position created by the former government. The person in the position was in effect — —

The ACTING SPEAKER (Mr Nardella) — Order! The time for me to interrupt debate under sessional orders has come.

Sitting continued on motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr SMITH (Glen Waverley) — Prior to the interruption of the debate I was talking about the position of community support facilitator, which was a paid position. The officer working in that position acted as the administrative officer for the local fire chief, and the position worked very well throughout the state.

In trying to politicise the CFA the government has abolished the position and created two in its stead. That means the position has lost its autonomy, because whereas that officer previously worked just for the fire chief the present officers are reporting to regions. The move is greatly regretted by the volunteers and was forced upon them under the enterprise bargaining agreements. It needs be said on the record that that is something the new CEO will need to resist, because

pressure will constantly be placed upon him to further politicise the CFA.

I am sure the CFA will not accept that without strong resistance and that it will ensure that the government gets its message. So, although the opposition does not oppose the bill, it has a number of reservations about it, and this is one of them. It will watch carefully for any further attempts to politicise the Country Fire Authority.

Ms OVERINGTON (Ballarat West) — I am pleased to speak on the Country Fire Authority (Amendment) Bill, which separates the roles of chairman of the board and chief executive officer. It has been a long time coming.

Unfortunately prior to this the chairman had to take responsibility for both roles. Anybody who knows any of the history of the Country Fire Authority knows that it was an extremely responsible and time-consuming role, which unfortunately precluded the chairman from having any employment outside that role. I very much welcome the bill, as do the members of the CFA brigades in my area.

I wish to acknowledge the CFA units in my electorate, particularly Sebastopol, which has a long history of dedication to the local area, Wendouree, and of course Ballarat City. Beyond their firefighting duties, which I will get onto in a moment, the officers in those areas take part in some wonderful community activities. I think I have mentioned to the house in the past that as a contribution to the community, on Christmas Day members of the Sebastopol brigade dedicate their time to visiting Sebastopol and Delacombe in their fire trucks and giving out lollies and gifts to the children.

I am proud to be a sponsor, presently as a member of Parliament and previously as a local councillor — and the City of Ballarat is always a proud sponsor.

The wonderful work that these volunteers do needs to be recognised. The men and women of the Country Fire Authority are volunteers who take on intensive training from the time they enter the brigade. It not just a matter of jumping on a fire truck and believing you can fight a fire. The men and women undertake intensive training, which can then progress to their learning to use the jaws of life. People do not realise that in regional areas it is the CFA members who have to cut accident victims out of the dreadful situations they end up in.

The other important area of their work — and in my electorate it is the responsibility of the Sebastopol brigade — is dealing with the chemical spills that occur following accidents or fires.

In supporting the bill I commend the men and women of the Country Fire Authority brigades. This year $28 million has been given to CFA brigades in regional Victoria — a 30 per cent increase on last year and the biggest in any given year. Yes, I support the bill; and yes, I support the CFA.

Mr PLOWMAN (Benambra) — I too have pleasure in speaking on the bill because I speak in support of the foreshadowed amendments. I was a member of the Country Fire Authority for just on 30 years and recognise its strength as one of the principal volunteer firefighting organisations in the world. Therefore, it always gives me great pleasure to speak in support of the CFA.

In many respects the CFA is under siege. An article in today's *Weekly Times* states:

> A state meeting of the Victorian Rural Fire Brigades Association — representing 21 regional councils across Victoria — carried the motion against CFA management and board chairman Len Foster.
>
> CFA volunteer Alex Hooper —

a previous member of the board —

> said the motion was an indication of the discontent and unrest felt by the CFA's 64 000 volunteers.
>
> The issues include the lack of consultation over enterprise bargaining agreement, training issues, the chief officer standing orders and the introduction of a chief executive officer.

The other reason I have pleasure in speaking on the bill is that about a week ago, together with the shadow Minister for Police and Emergency Services, I had a brief meeting with three of the leading CFA members of north-eastern Victoria — Ed Baines, Brian Keenan and Rob McDonald — along with Alex Hooper, the former member of the board. They all expressed their concerns about the bill. The amendments overcome those concerns, which is why I will support them.

The *Weekly Times* article also explains that:

> CFA volunteers fear the appointment will be a political one.

Given the wording of the bill, if I were a CFA volunteer I would fear that the appointment of the CEO would be a political one. However, the clever wording of the amendments gives the power back to the board and takes it away from the minister — and I say that with no disrespect to the minister. A volunteer organisation needs to have its future in its own hands. That is why, as I said, I will fully support the amendments.

The article goes on to say:

> Under the legislation, the CFA's choice of chief executive officer must be approved by the minister for emergency services.
>
> 'In practice, this means the minister will tell the authority who he'll approve and the authority will have no alternative but to ratify that appointment', Mr Hooper said.
>
> He said the CFA was unique because most operations were carried out by volunteers.
>
> 'It is not a corporate structure and should continue to go under the control of the board', he said.

That is what Mr Hooper and other volunteers are looking for in the amendments they have put to members of the Liberal and National parties. Their actions will strengthen the organisation, especially its volunteer component, and take away the opportunity the minister could have to control the board and the appointment of the chief executive officer.

While on the subject of the CFA I point out that I have written five letters to the Minister for Police and Emergency Services — on 17 January, 2 February, 1 March, 29 March and 1 May — and I have not yet received a response from him.

I cannot understand it. I requested clarification of the issues about which volunteers in my major brigade, the Wodonga Urban Fire Brigade, were concerned. The letter states:

> The volunteer members of the Wodonga Urban Fire Brigade wish to express to you our concerns of the actions recently taken by the United Firefighters Union. This brigade is outraged and disappointed at the UFU's attempts to undermine public confidence in the volunteer members of the CFA and to interfere in issues which are the concern of the volunteers.

That is the gist of the letter. I wrote to the Minister for Police and Emergency Services at that time seeking clarification of the issue and requesting that he act to overcome the impasse between the volunteers and the professional firefighters. In all that time, despite the five letters I have written since, there has been no response. As a member of Parliament and with a letter of that nature — I was not abusive, nor was I in any way demeaning of the minister or his responsibility — I expected a response, which I still hope to receive.

Mr MAXFIELD (Narracan) — I support the Country Fire Authority (Amendment) Bill. The Country Fire Authority is one of the finest volunteer organisations in the state and I am proud to be a member. It has served the community well over many years. Many volunteers have gone out of their way in the middle of the night to assist with fires, car accidents and in other ways required by the community. The involvement of the CFA in a local rural community such as mine should be held in high regard.

The bill concerns the separation of the role of the chief executive officer from that of the chairman of the board. It is important that the CFA has the best possible management structures in place at the top and that the volunteers, paid CFA officials and those who work on the front and in administrative areas have full confidence in its management. All honourable members will be aware that difficulties have occurred recently.

I thank the government for its support for the CFA. I am proud to be a member of a government that has given the CFA probably its biggest injection of funds. In Warragul in my electorate a new CFA fire station is being built. I had pleasure in visiting the site a few days ago to see the foundations being laid for a fire station that I know will serve the Warragul community for many years.

I could continue speaking for hours about the loyal and dedicated CFA volunteers. I am proud to have been a member of the Drouin West brigade for many years. Unfortunately, since becoming a member of Parliament my involvement has not been as strong as it should be, although I attended my last fire only a few months ago. I hope to continue that role when the need arises in the community.

I have a high regard for those involved in the Drouin West CFA, including its captain, Graham Higgs, who has done a tremendous job over many years. He is a dairy farmer, and on many occasions he has had to leave his cows to rush off to fires, which has placed his family in difficulty. His wife Trish not only supports her husband in his CFA activities but also fills a communications officer role in the brigade. The CFA is a family affair and many families assist. The brigade's lieutenants, Ian Maddill, Colin Cheesman and Ian Smythe, care for the brigade in a fantastic way and I place on record my admiration for the secretary, Glen Garden, and assistant secretary, Jody Peddler, who all carry out fantastic roles. I am immensely proud to support the Country Fire Authority (Amendment) Bill.

Mr STEGGALL (Swan Hill) — I am pleased to follow the honourable member for Narracan with his glowing feelings and expressions of regard for the Drouin West Country Fire Authority (CFA) brigade and his chums there. There are large numbers of people such as those he has described throughout most country areas. I do not know the exact number of brigades in my electorate but they are spread throughout the whole area and play a vital role in the structure of our society and the protection of our properties.

Because of the way it has been funded over recent years, and the way it continues to be funded today, the CFA is able to strategically place a strong firefighting force throughout Victoria. Victoria has a top-class organisation in the CFA and at critical times it has been called on by other states and in other areas.

The Country Fire Authority (Amendment) Bill is a small piece of legislation that changes some administrative structures but it has one need — the need to ensure that the government takes the CFA with it on the journey it is travelling. I do not know if the government is aware, but for the first time country areas are experiencing difficulty in recruiting volunteers to the CFA.

When one reflects on the 1980s and 1990s, volunteerism was well regarded and people had pride in their participation. I now fear that with the choices available and the changes in our society volunteers are not coming forward to the same extent and they are vital to the CFA, as they are for other organisations.

The National Party has a word of warning for the Minister for Police and Emergency Services. The reason for the amendments is to give some confidence to the CFA volunteers, who are the ones that count. Although their skills are built, the need for the social requirement of their organisation and the enjoyment that goes with it must not be forgotten. The other night we were launching a tanker at the Nyah district brigade. It is becoming more and more evident that we must not let the Parliament, ministers or bureaucrats get too far away from the fact that we have a strong base of volunteers in the CFA.

In his brief contribution the honourable member for Benambra mentioned some of the pressures which are bubbling around. From time to time over the past five years the former government has had some interesting meetings with CFA volunteers to try to ensure that the importance of the volunteers is maintained. We had some problems with the former government in ensuring that our leaders understood the special needs of volunteers. I suggest the government accept the amendments circulated by the honourable member for Shepparton to ensure that we give some credence and comfort to those volunteers.

The CFA is not just made up of firefighters; we have the women's groups, the juniors and the sporting groups.

Mr Haermeyer interjected.

Mr STEGGALL — Yes, we have women firefighters — the minister is dead right. The issues we are facing now are of concern. Honourable members have mentioned the skills issues, the problems associated with the disaster at Lynton and the effect that could have on our attitude to volunteers. If we impose skill levels that our brigades might have difficulty meeting, we will put the volunteers at risk. We should take them along in plenty of time and not push and force them because we have some fragile areas of volunteerism in the state. When we look at the skill levels and the training which is vital, as it must be, and our first-class equipment, we must ensure that CFA volunteers are looked after and understood.

I ask the Minister for Police and Emergency Services to take that into account because the minister and his government have not yet won the confidence of the volunteers. I suggest that acceptance of the amendments foreshadowed tonight will go a long way to gaining some confidence in this government among Victorian CFA volunteers. They are a vital part of our community and they need the support and confidence that the government can provide.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to contribute to the debate on this bill which is largely about the separation of the roles of the chairman and chief executive officer of the Country Fire Authority. This has been a wide-ranging debate and I wish to enter into it in that spirit. I represent one of the electorates which is served by both the Metropolitan Fire Brigade and the CFA. Although that sometimes causes difficulties, both organisations are utterly professional in their attitudes. Their prime concern is not whether they are MFB, CFA or members of the United Firefighters Union; their prime concern is the community and I applaud them for that professionalism. It does not matter whether they are full-time firefighters or volunteers; the main concern of firefighters in my area is the community.

I applaud the Minister for Police and Emergency Services for the injection of funds into the CFA. I remind the house that this is a minister who has laid down good plans. He is not prepared to bank on the weather and see what happens in the firefighting season. He has injected $28 million into the strategic resource initiative on top of the $11 million that was already in the CFA budget. The government has provided a total of $39 million which is more than a 30 per cent increase. The people of Tullamarine have been badly hurt by water restrictions which I hope will be lifted this year through good initiatives. On behalf of those people I thank the minister for the good planning that he has undertaken as we enter the fire season.

I also inform the house that Sunbury has a new fire station which will possibly be opening on 20 December. I have promised one of the firefighters whose birthday is that day a birthday cake to celebrate the opening of the new CFA fire station. We will not start a fire with the candles on his birthday cake, but I can think of no better way to celebrate a firefighter's birthday.

Returning to the separation of the roles, I indicate that the bill provides appropriate checks and balances in the corporate structure and in an environment for which the Bracks government is so well known — that is, the environment of openness and transparency. The model is underpinned by the views expressed by the Bosch committee which said that power without appropriate accountability is dangerous and no person should have power or influence which would enable their interest to be preferred over those of the company as a whole. Of course, this went out to community consultation and there was general consensus among the bodies represented by the CFA that the change to the structure is appropriate. No concerns have been expressed about this bill.

On behalf of the people of Sunbury who are serviced by the CFA, I again pay tribute to the minister who has planned so well for the coming fire season.

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable members for Wantirna, Gippsland East, Richmond, Knox, Gisborne, Ballarat West, Benambra, Narracan, Swan Hill and Tullamarine — —

Mr Steggall — And Shepparton

Mr HAERMEYER — And Shepparton, I do apologise. I thank those members for their contributions to the debate. While there have been a few instances of political point scoring, which is to be expected, and a little bit of gilding the lily for local press releases, by and large what we have seen tonight has been a general expression of bipartisan support for the work that the Country Fire Authority (CFA), and particularly the 63 000 volunteers which are the heart and soul of that authority, do for this community.

The government introduced this bill with a view to giving effect to the recommendations the Public Bodies Review Committee made in respect of the Metropolitan Fire Brigade. Those recommendations also apply to the CFA in respect of corporate governance. That is effectively about separating the roles of chairman and chief executive officer within the organisations. That is what this bill does. That separation gives the CFA more control over its chief executive officer than it has at the moment. I will deal with that in a little more detail when we come to the amendments proposed by the honourable member for Shepparton.

If one considers the Country Fire Authority Act and the amendments made to it by the previous government, one can see that section 6A deals with the accountability of the authority. It states:

> (1) The Authority is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.
>
> (2) The Minister may from time to time give written directions to the Authority.

These are powers which did not exist until the previous government, the members opposite, introduced them.

Section 7 of the act states:

> (1) The authority shall consist of 12 members appointed by the Governor in Council of whom —
>
> (aa) one shall be appointed by the Governor in Council to be the chairman of the authority.

The chairman is also the chief executive officer. So the Governor in Council through the minister appoints the chairman and the CEO of the authority. The bill separates the role of the chairman, who is to become a part-time chairman, from the role of the CEO. The CEO will be appointed by the authority itself but with the approval of the minister. It gives the authority a degree of autonomy that it does not have at the moment.

I turn now to the some of the issues raised by honourable members. The honourable member for Wantirna expressed concern that some of the operational powers would vest in the CEO, such as the power to determine a total fire ban, and that the CEO would have no firefighting experience. I remind the honourable member that this was a power that was previously vested in the office of the chief fire officer but was amended by an act of the previous government. It is a power that the coalition government changed and this government is not proposing to amend it in the bill. The bill separates the role of chairman from the role of CEO in order to provide good corporate governance, so the person who is doing the day-to-day administration and the person who is chairman of the authority which oversees the executive of the authority are separated.

The honourable member for Shepparton raised some matters which deal with the specific amendments he is proposing to move. I will address them in committee as they are moved.

The honourable member for Gippsland East has once again shown his strong commitment to the CFA volunteers in his area. He has probably the most fire-prone electorate in the state and has a deep understanding of the factors that affect the propensity to fire and some of the important matters in dealing with fire in his electorate.

The honourable member for Richmond also made a valuable contribution which I am sure will be appreciated by the highly bushfire-prone Richmond electorate.

On a bipartisan basis the honourable member for Knox, who has the best interests of the CFA at heart, made an important contribution, recognising that the bill brings the CFA into the 21st century. He made a valuable point about the need to ensure controlled burn-offs take place at a reasonable time of year so CFA volunteers are not placed at risk.

He also expressed his respect and support for the role played by Len Foster, the outgoing chairman and CEO of the CFA. It is my expectation that Len Foster will carry on as the part-time chairman of the CFA, as is his wish. I echo the respect and support for Len Foster indicated by other honourable members tonight. The CFA has gone from strength to strength under Len Foster. He has a difficult job because the CFA is not like most other firefighting services in the country. It has a pyramidical structure in an operational environment.

It is an almost political organisation and requires some well-tuned political skills to run it. Mr Foster has balanced the very demanding roles well. Barely a weekend has gone by when I have not received a call from him in some remote corner of Victoria where he and his wife Jenny have been opening a fire station or talking to some CFA brigade. He has put his heart and soul into the CFA and he deserves the gratitude and respect of every member of the house.

The honourable member for Benambra made a political point about what he referred to as — —

An honourable member interjected.

Mr HAERMEYER — Heaven forbid there should be political points made in the Parliament, especially from the honourable member for Benambra. He referred to what he regarded as a lack of consultation over the enterprise bargaining agreement. The government met extensively with both firefighting associations on a number of occasions over that agreement so there was no lack of consultation. I think it was a slip of the tongue but the honourable member for Benambra made a distinction between professional and volunteer firefighters. I regard professionalism as having nothing to do with whether one is paid to do a job and having everything to do with one's attitude to the job. I regard the career firefighters of the CFA as professional.

The honourable member for Narracan, who has served as a volunteer firefighter, also made a valuable contribution. I will leave it at that and we will deal with the amendments in committee as they arise.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 8 agreed to.

Clause 9

Mr KILGOUR (Shepparton) — I move:

1. Clause 9, line 20, omit "with the approval of" and insert "after consultation with".

Clause 9, which deals with the appointment of a chief executive officer, goes to the nub of how the volunteers feel about their involvement with the CFA — and in many cases they feel the authority is growing away from the volunteers.

There has been a great deal of comment around country Victoria, as the minister mentioned, about the enterprise bargaining agreement (EBA). It is felt that the government bought in the EBA along with the dollars that were put into the CFA. Although the members were certainly happy to see it, they believe it was done because the enterprise bargaining agreement was signed. Because of that, CFA members throughout country Victoria believe it is not for the minister to approve the appointment of the new executive officer. They are happy to see the minister involved, in consultation with the board, but in the words used by people from around country Victoria, they are worried that the minister will have control over the appointment and will refer it to the authority only for ratification.

The firefighters believe it is for the authority to appoint the new executive officer in association with the minister. Although the difference is subtle, it is important to the firefighters, who believe the minister could become all powerful and say, 'This is the person I want and you will put that person in because you need my authority'. The volunteers want the board to put up

some names and, in consultation with the minister, appoint that person.

The National Party supports the subtle change in wording from 'with the approval of' to 'after consultation with'. It is something the volunteers would be extremely happy to see, because they would then feel they had more ownership of the person who was in charge of the authority. It would mean that their board, the members of which are nominated by the associations of which their representatives are part, would have the ability to nominate and appoint the CEO.

Perhaps an Australia-wide process would result in the best people applying for the position. The board would have the say, informing the minister of the person it believed to be appropriate. I do not believe the board would appoint somebody that the minister clearly did not want. After all, the minister is the person who funds the board, so it needs to ensure the minister comes along with it. However, people in country Victoria feel strongly that it should be a board decision. They believe the board — their board — should ensure that the right person is appointed to lead their organisation into the future and that the minister, after consultation, should be able to go along with that.

I have pleasure in moving the amendment and ask the chamber to support it.

Mr WELLS (Wantirna) — Liberal Party members will be supporting the amendment. After extensive consultation with the volunteers, especially the members of the rural association, we believe the power to appoint the chief executive officer of the Country Fire Authority should rest with the CFA board and that the appointment should not be an ALP lap-dog or a lackey. We have already seen this minister try to interfere in an appointment to police command. The CFA volunteers do not want that to happen. They are keen to see the board, in consultation with the minister, appoint the CEO.

Mr PLOWMAN (Benambra) — Clause 16A(1) will prevent the Country Fire Authority from appointing a chief executive officer without the approval of the minister. As things stand, the minister will have control over the appointment, which he will refer to the authority only for ratification. I suggest that the amendment goes to the nub of the issue by giving that responsibility back to the authority. Therefore I have pleasure in supporting the amendment, because it is precisely what the volunteer members of the authority wish to see.

Mr DELAHUNTY (Wimmera) — I support the amendment, and I also support the 63 000 volunteers of the Country Fire Authority.

As I say, the government must work and consult with the volunteers. This year there is a great deal of fire material around, a fact that no-one has mentioned. Rural Victoria needs a well-trained and enthusiastic Country Fire Authority to handle this dangerous time of year. The amendment will assist in that process by providing support for the newly appointed chief executive officer. I support the amendment.

Mr HAERMEYER (Minister for Police and Emergency Services) — I have to say I am disappointed in the amendment, given that the government had had some indications of bipartisan support for the bill and that the debate was timed to satisfy the requirements of the honourable member for Shepparton.

Firstly, there has been no attempt to consult with the government over the amendments. Whenever members of the National Party have amendments, we are happy to discuss them in a reasonable manner. But we are not happy to have them sprung on us on the night of the second-reading debate. We are happy to debate any amendments in good faith, but I have to say this amendment is a nonsense, given that it talks about the ability of the minister to have a say over the appointment of the chief executive officer of the Country Fire Authority.

Let me explain to honourable members how the CEO of the CFA is appointed at the moment, bearing in mind that the CEO is also the chairman.

The act says:

> (1) The authority shall consist of twelve members appointed by the Governor in Council of whom —
>
> (aa) one shall be appointed by the Governor in Council to be chairman of the Authority …

At the moment it is exclusively a Governor in Council appointment — in other words, the minister recommends the executive council appointment to cabinet. The amendment requires the appointment to be made by the CFA board. However, the board must seek the approval of the minister. Given that $140 million of taxpayers' money is at stake, that does not seem an unreasonable requirement. It gives the CFA board a greater level of autonomy in appointing a CEO than it has at the moment or ever has had.

However, it is a nonsensical amendment. Section 6A, which is headed 'Accountability of Authority' and

which was inserted into the act by members opposite when they were in government, says:

(1) The Authority is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.

It then goes on to say:

(2) The Minister may from time to time give written directions to the Authority.

The amendment is absolutely nonsensical. Members opposite have given the minister the power to direct the authority, but now they are saying, 'We want the authority to be independent in appointing the CEO' — despite the fact that he or she gets $140 million of government money. Members opposite are saying, 'We do not want the minister to have any say in that, but we are happy for him to have a general power to direct'. As I said, this is absolute nonsense! It is Monty Python stuff, and the government will not support it.

Committee divided on amendment:

Ayes, 45

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

Noes, 40

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

Amendment negatived.

Mr KILGOUR (Shepparton) — I move:

2. Clause 9, lines 27 and 28, omit "its functions" and insert "such of the functions of the Authority as are delegated to the Chief Executive Officer by the Authority".

Members who have spoken to us around country Victoria are concerned that the chief executive officer should bear in mind that he is answerable at all times to the board. That brings us back, once again, to the fact that the volunteers want to feel they hold ownership of the board and the organisation — —

The CHAIRMAN — Order! There is too much audible conversation. I ask honourable members to lower their voices.

Mr KILGOUR — The concern of volunteers throughout country Victoria is that without this amendment the chief executive officer could carry out the functions of the authority and report to the authority only after he has exercised his powers under the act. Adding the words 'such of the functions of the authority as are delegated to the chief executive officer by the authority' simply ensures that the CEO acts under the direction of the authority. The fear is that the CEO might go out and do things the authority is not happy with or that it has not okayed.

The CHAIRMAN — Order! I ask honourable members to lower their voices or leave the chamber.

Mr KILGOUR — The amendment ensures that the authority is at all times making the decisions and that the CEO acts under its direction. I urge honourable members to support the amendment.

Mr WELLS (Wantirna) — The opposition supports the amendment.

Mr PLOWMAN (Benambra) — I will speak briefly in support of the amendment. The current situation means in practice that the chief executive officer will carry out the functions of the authority after he has exercised his power. The amendment merely suggests that that should happen as a result of the powers delegated to the chief executive officer by the authority. I support the amendment.

Mr HAERMEYER (Minister for Police and Emergency Services) — The amendment would mean that the CFA board would run the day-to-day business of the authority. Good governance occurs when a board runs general policy and determines the general direction of an organisation and the chief executive officer has responsibility for the day-to-day running of the organisation.

The amendment would mean the board was also responsible for the day-to-day running of the organisation. That would be nonsense and an insult to the current executive chairman of the CFA, about whom everyone tonight has said that he has done a wonderful job. Now some honourable members are proposing to cast aspersions on the way he has been carrying out his responsibilities.

The amendment moved by the National Party and supported by the Liberal Party is unfortunate and opportunistic. It seems they are still in coalition. No amendment can make up for seven years of closing country railway lines, country hospitals and country schools and seven years of neglect of the Country Fire Authority.

Amendment negatived.

Mr KILGOUR (Shepparton) — I move:

3. Clause 9, page 6, line 17, after "may" insert "with the approval of the Authority".

CFA volunteers have spoken to the National Party about concerns they have about the delegation of powers of the chief executive officer. They are concerned that the operation of the authority may be put at a disadvantage if it learns about decisions only after they have been made instead of authorising the actions of the chief executive officer.

The amendment will ensure that the authority is in charge, understands what is happening and gives the direction to the chief executive officer for the work he has to do. The volunteers believe the authority is all-important and that it must give the directions for the work to be carried out by the chief executive officer.

Mr WELLS (Wantirna) — The opposition supports amendment 3 moved by the honourable member for Shepparton. It is absolutely essential that the power is with the board and that the delegation is clear-cut. The word 'may' is not clear enough; the delegation must be done with the approval of the authority.

Mr PLOWMAN (Benambra) — The point to be made in support of the amendment is that if the board is to have authority to delegate powers it must be made clear that the delegation will be effected only with its approval. The amendment takes the delegation power away from the chief executive officer and gives it back to the board. It will ensure that the responsibility rests with the board and not with the chief executive officer.

Mr RYAN (Leader of the National Party) — I have followed the debates on the second reading and the amendments with much interest. I would have stayed out of the debate but for the patronising comments of the minister. If he really thinks the membership of the CFA is at ease with having him as the responsible minister he should think again. The people who have asked for the amendments to be moved are the people who make up the general membership of the CFA, and I can assure the minister that he is reading the amendments in entirely the wrong way, as is his wont, if he thinks they are derived from the parties that are involved in moving them.

The fact of the matter is that the minister is not in touch with the membership of the CFA. I can assure him that if he is going to make the sorts of comments he has just made, which are based in the belief that honourable members themselves had a hand in putting forward the proposals, he is sadly mistaken.

Mr HAERMEYER (Minister for Police and Emergency Services) — The amendment has been moved by the Claytons opposition, which is what the Liberal and National parties are — they work as a Claytons opposition.

The amendment is completely nonsensical. It would mean that the chief executive officer of the CFA would not be responsible for delegating powers to the people under his authority, the people who work for the CFA. The chief executive officer is the person responsible for the day-to-day operation of the organisation, and to say that the day-to-day operational powers of the chief executive officer need to be checked daily, given that the board meets only about once a month is absolute nonsense.

The amendment is totally hypocritical, given that it comes from a group of people who came into Parliament a few years ago and moved amendments to the act to give the minister the absolute power to direct at any time. The amendment is nothing more than crappy window-dressing that will do absolutely nothing for the good governance of the Country Fire Authority.

Amendment negatived; clause agreed to; clauses 10 to 13 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Police: shopping centre safety

Mr WILSON (Bennettswood) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek from the minister is that he instruct his department to immediately implement Labor Party policy on the issue of community safety, particularly shopping centre safety.

Prior to the 1999 state election the Labor Party campaigned strongly on the issues of crime, community protection, and better policing. The action of the government has not matched its rhetoric in opposition. The Labor Party's 1999 election policy entitled 'No more excuses on crime — Labor's community protection action plan' under the heading 'Shopping centre safety' states:

> Victorians feel increasingly insecure in public places, with brazen offences being regularly committed in shopping centres and other community venues. Labor believes it is time to reclaim these public venues for the community.
>
> The key features of Labor's approach will be to:
>
> > introduce police booths or shopfronts at key targeted shopping centres to improve police visibility;
> >
> > …
> >
> > involve retailers, venue operators, local government, police and the community in the development of dynamic, ongoing crime prevention plans for retail and entertainment precincts; and
> >
> > enhance police foot patrols and bike patrols.

I am concerned, as are my constituents in Bennettswood, that there seems to be very little action with regard to the establishment of police booths in shopping centres in my electorate and the broader eastern suburbs. I would nominate Box Hill Central, Kmart in East Burwood and Eastland in Ringwood for particular attention.

I ask the minister: if the concerns outlined in the ALP community safety election policy were of such magnitude only 12 months ago, why has the government not acted accordingly?

Ethnic communities: aged care funding

Mr MILDENHALL (Footscray) — I raise with the Minister for Aged Care an issue — —

The ACTING SPEAKER (Mr Savage) — Order! I have given the call to the honourable member for Footscray by error. I will call the honourable member for Murray Valley next. I apologise to him.

Mr MILDENHALL — I refer the minister to the position faced by isolated frail and aged Victorians from different cultural backgrounds. I request the minister to ensure that there is a more sensitive targeting and adjustment of state-funded aged services to better meet the needs of the culturally diverse aged community. Almost half of residents aged 70 years or over in the western suburbs belong to culturally and linguistically diverse communities. Many have settled in Australia under family reunion programs and do not have the language skills to connect effectively with mainstream aged care services.

A recent report highlights the difficulties for older Polish women. When I attended the launch of the report I thought it might have been a country and western music launch, because the report was called *Lonesome No More*, but it was produced by Australian Polish Community Services. It found that many women from the Polish community had arrived in Australia in their later years as part of the reunion program. The report revealed that even if regular family contact occurred it did not necessarily address a sense of isolation. Many had little opportunity to connect with formal Polish community networks, they lacked English language proficiency and also access to transport. Only 20 per cent of those who were surveyed have their own means of transport.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member has 1 minute. He must seek some action.

Mr MILDENHALL — I already have, Acting Speaker. I asked the minister to direct state-funded assistance programs in a more sensitive fashion. Loneliness and depression were identified as key health issues for many of the women surveyed. The report called for culturally specific social support programs for women of culturally diverse backgrounds.

I am also aware of a similar report that was prepared for the Filipino community. The Inner Western Migrant Resource Centre has additional research material that reinforces these issues across a broad range of cultural groups. It is an issue that is continually raised and is growing in intensity, and I seek — —

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

Boating: border anomalies

Mr JASPER (Murray Valley) — The matter I raise for the attention of the Premier relates to border anomalies affecting the residents of towns in both Victoria and New South Wales. Those of us living along the border understand the great problems that have arisen and the corrections that have been made since the establishment of the Border Anomalies Committee in 1979. But concerns are still being raised about uniformity and assistance is still required for people living along the border of the two states.

Earlier this year I raised for the attention of the Premier the concerns of commercial operators on Lakes Mulwala and Hume who are seeking single licences to operate commercial vehicles on those lakes. I wrote to the Premier drawing the issue to his attention. In the response I received dated 5 April he said in part:

> The New South Wales and Victorian governments are currently finalising an intergovernmental agreement, to be supported by complementary legislation, in relation to the enforcement of boating provisions on Lake Hume and Lake Mulwala. This will overcome jurisdiction problems currently being experienced in enforcing relevant New South Wales and Victorian boating legislation on both lakes.

Subsequently I informed the commercial operators on Lake Mulwala that that had been approved by the Premier and that action would be taken by the New South Wales and Victorian governments to ensure that there would be a single licence for the operators. However, I have been informed that nothing has happened. An operator on Lake Mulwala, Mr Phil Smith, has contacted me indicating that he still has to have two licences and that running into the summer period that is just not good enough. It appears to me that the New South Wales Boating Authority and the New South Wales government have approved the regulation for a single licence and it now rests with the Victorian government, the Premier and his office to agree.

I seek from the Premier action to ensure that there is a positive response on the matter, about which the Premier wrote to me back in April. It is high time the government cooperated and ensured there was one licence for commercial operators on Lakes Mulwala and Hume.

It goes further than that, because Goulburn-Murray Water is imposing a charge on operators using Lake Mulwala, and there are other difficulties associated with the control of the foreshore. Those concerns extend beyond the approval granted for a single commercial licence to operate in the area. That will involve not only the Premier approving a single licence but also cooperation from the Minister for Environment and Conservation, from whom I have had difficulty in getting responses on the issue. We are looking for action from the Premier to expedite the matter immediately.

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

Forests: box-ironbark

Mr McINTOSH (Kew) — The matter I raise is for the attention of the Minister for Environment and Conservation. The Environment Conservation Council (ECC) has undertaken an important investigation into the box-ironbark forests of central Victoria. As part of that process they are undertaking public consultation and have released a draft report for comment. I understand that a number of individuals, groups and communities that use public land in the forests sought to make submissions. The interested stakeholders include Crown land licensees along the Broken, Boosey, Major and Nine Mile creeks.

In a belated response the Environment Conservation Council sent the licensees notice of a public meeting in Nathalia on 7 August. Many of those interested, including landowners in the small town of St James, received the notice on 3 August. The ECC representatives at the meeting indicated that the closing date for submissions was 8 August — the following day!

The people of St James expressed the desire to make a submission and were informed they would be entitled to make a late one. They did a lot of detailed work in preparing their submission and lodging it with the ECC. Regrettably they were sent a pink slip telling them that their submission would be treated only as correspondence. I do not know the difference, but the people of St James are concerned. The most important point is that those people put in all that work, only to be told that the material will be treated as correspondence, not as a submission.

I ask the minister to assure the people of St James that their submission will be treated seriously. I ask her

what steps she proposes to take to address this inequitable situation and to ensure that those people will be given a voice and that their concerns will be listened to rather than being paid mere lip-service.

Child care: funding

Ms DUNCAN (Gisborne) — I raise a matter for the Minister for Community Services. Although I acknowledge that child care is a federal government responsibility, I ask the Minister for Community Services to ensure that the state government continues the magnificent work it has done in creating, building and supporting communities. In particular I ask the minister to do all she can to help community-based child-care centres and out-of-school-hours services to continue the great work they do.

Child care, which is critical for working families, can often be the cause of great angst. The difficulties families face with child care often relate to access and affordability, lack of space and increasing costs that, for some, are prohibitive. Communities often struggle to maintain facilities and equipment, as a result of which the services become increasingly difficult to maintain.

Child care is critical for many people, but it is of particular concern to the people of my electorate, which is some distance from Melbourne. A majority of the people who live in the township of Gisborne work in Melbourne, which extends their working day and makes child-care facilities, particularly after-school care, even more important.

Recently, local child-care services have been in difficulty. One has closed, and the angst that caused parents was amazing. A number of women spoke to me suggesting that unless there was a change to those arrangements they would have to consider leaving their jobs, which would make life even more difficult for them.

I ask the minister to ensure that the government continues to do what it can to assist in supporting child-care services.

Gippsland: supported accommodation

Ms DAVIES (Gippsland West) — I ask the Minister for Housing, in cooperation with the Minister for Community Services, to take all necessary steps to properly fund supported accommodation, particularly for older adolescents in south-west Gippsland. We have none: there is an enormous supported accommodation black hole in the region.

This year 60 students are living independently in the shires of Bass Coast and South Gippsland. Of those, 21 have left school, which usually happens within three to six months of their living independently and unsupported, because they find it too hard to cope with managing school as well.

It is vital that our young people can stay in their own communities. Being moved off to the Latrobe Valley or Sale or Bairnsdale is grossly inappropriate. Our closest supported accommodation facility is in Morwell, which means that our vulnerable young people are taken out of their own communities — and that is the occasional one or two, without even pretending to deal with the real numbers.

Once they leave their own territory young people are left out of the education system. During the day they are left to their own devices, which means they are at risk. Those who are left in unsupported accommodation are also at risk of losing the continuity in their education that is so vital.

Recently I was involved in a graphic case of real need. The local police rang me at 10 00 p.m. on a Saturday. They had a troubled adolescent who had been placed in supported accommodation in Morwell, out of her patch. She absconded back to Wonthaggi and got into trouble. She was not in enough trouble to be charged, but it was not good.

No-one on any of the so-called after-hours numbers was prepared to accept responsibility for that young person. No police vehicles were available, although she was not formally their responsibility. Two options were putting her in a cell overnight, which would have been illegal, or putting her out on the street, which would have been irresponsible. We took the third option, which was to send the local minister to Morwell in a taxi, a trip of 1½ hours late at night, which I had to pay for.

It is not good enough. We are dealing with young people who cannot live at home. The government has a duty of care. Proper, well-supported youth accommodation and support services are needed south of the Strzelecki Ranges in the South Gippsland and Bass Coast shires. I ask the minister the give the matter her urgent attention to make sure the problem is solved.

Workcover: premiums

Mr ASHLEY (Bayswater) — I refer the Minister for Workcover to some top shops in downtown Bayswater, probably the most famous of which is the Bayswater Cake Kitchen, which was runner-up in the great vanilla slice competition in 1998, won it in 1999

and has won it again this year. Another famous shop is Quick'n'Creative Catering in sunny Station Street.

The problem Quick'n'Creative Catering has is a confusing case of Workcover premiums. In 1999–2000 it paid $340.76. On 22 July it received an initial annual premium notice that amounted to $629.53. On 17 October it received a confirmed premium notice of $616.71, which is a 65.57 per cent increase on the 1999–2000 premium. On 17 October it also received a breakdown showing that an increase of $244.24 had occurred between the two years. On 11 October — five days earlier — it had received an invoice statement which added the $244.24 to the $662.66 for a final outcome of $906.90 which, if that is true, is an increase of $534.43, or 143.48 per cent. That sounds rather more quick and creative than Quick'n'Creative Catering at its best!

I ask the Minister for Workcover to clarify or unscramble the situation.

Ethnic communities: skill recognition

Mr CARLI (Coburg) — I refer the Minister for Post Compulsory Education, Training and Employment to concerns of many highly qualified people in my electorate who have obtained their qualifications in their countries of birth and are uncertain as to what processes they should undertake to have those qualifications recognised in Australia.

As the minister knows, my electorate of Coburg is a vibrant and diverse community and is home to people from many countries. Some 37 per cent of residents were born in non-English-speaking countries. Highly skilled people have come from many countries — historically from Italy, Greece, Lebanon and Vietnam, but more recently from Iraq, China and Sri Lanka. They have settled in the areas of Brunswick, Pascoe Vale and Preston, parts of which are in my electorate.

Many of those people have terrific skills and are highly qualified. They often have skills in trades that are very much sought after in Australia and are the reasons they were accepted as immigrants. Many of them have been unable to fully use the services to ensure they are assessed to have their qualifications recognised. Recognition of qualifications is the first step in ensuring that people from non-English-speaking backgrounds have opportunities to secure employment in Victoria. Recognising and utilising the skills of our migrant communities makes economic sense and is about utilising our skill base.

I seek a commitment from the Minister for Post Compulsory Education, Training and Employment to ensure that information is provided about services, the processes to be undertaken, the institutions that are recognised and in what cases bridging courses are required. Information such as this is often lacking in communities in my electorate. The area is complex, but there are enormous opportunities for Victoria in fully utilising the valuable skills brought to the country by many immigrants rather than deskilling them and placing them in jobs that do not recognise and fully utilise their skills.

Fishing: government policy

Mr VOGELS (Warrnambool) — I call on the Minister for Environment and Conservation to listen to and meet with a delegation of rock lobster, abalone and recreational fishermen from the communities of Warrnambool, Port Campbell, Portland, Port Fairy, Apollo Bay, Lorne and Anglesea to discuss the impact of the Environment Conservation Council report on coastal communities.

The recommendations in the ECC report could spell the death knell to coastal townships throughout south-west Victoria, and their residents are very nervous. The ECC report, together with the quota system that was announced by the minister yesterday, will destroy the ambience of Victoria's local rock lobster and recreational fishing communities. The quota system will be a nightmare for small operators. They have accused the government of making an ignorant decision that will cost jobs.

Portland professional fisherman and researcher in crustacean biology, Andrew Levings, said the quota system was not the answer and called for an inquiry into the government's decision. He said the argument that a quota system will ensure long-term sustainability of fish stocks was deceitful. The fishermen of south-west Victoria need to sit down and discuss both the quota system and the ECC report with the minister and be reassured that their concerns will be taken into account before any government decisions are made.

The fishing communities of south-west Victoria have grave concerns that the government has a hidden agenda in its decision-making process and they wish to be a part of that process. They would like to be consulted. The government has some 360 consultancies running at present and perhaps the fishing communities of south-west Victoria could be added to the list.

Environmentalists, residents of coastal towns, fishermen, tourism operators, local government and communities all have a role to play in coastal resources. All of them wish to be consulted and involved. Once

again I invite the minister to the electorates of Warrnambool, Polwarth, Portland and South Barwon to meet with the people whose livelihoods are at stake. They are prepared to meet and consult, but is the minister?

Bridges: Geelong

Mr TREZISE (Geelong) — I raise for the attention of the Minister for Transport the upgrading of the Breakwater Road bridge east of Geelong in my electorate. As the minister is aware, Breakwater Road carries significant amounts of traffic east–west on a daily basis. The road services traffic travelling from Bellarine and East Geelong to the Highton–Grovedale area, out into the suburbs and on to the west of Victoria, including Colac. My concern is that when the Barwon River floods that important arterial is cut by floodwaters. People are then forced to find lengthy alternative routes to travel to their destinations, generally along Barwon Terrace and the Moorabool Street bridge.

Over the past couple of months a community group led by Mr Paul Turner has organised a petition seeking an urgent upgrade of the bridge. The petition has been signed by about 700 local residents and others who use the road. I ask the minister to note the petition and to take into account the views of the 700 petitioners.

In asking for that action I note the work the community has done in seeking the bridge upgrade. The group led by Mr Turner has raised the issue in the local press over many months, as well as with me and the honourable member for South Barwon. We both met the group on the site a number of months ago. Breakwater Road is an important arterial road. It is part of the east–west traffic flow problem in eastern Geelong, extending from Eastern Beach Road to Malop, McKillop and Kilgour streets. It is an important arterial road, and I look forward to the minister's response.

Housing: Preston

Mrs SHARDEY (Caulfield) — I raise for the attention of the Minister for Housing an issue relating to the maintenance of public housing. I recently raised a similar issue, which the minister said she would investigate, but I have never had a response. I ask the minister to take action to fix this problem, which concerns the housing estate in Hannah Street, Preston, which was referred to in a report in the *Preston Post-Times*.

Les and Sandra Bailey have lived in a house in Hannah Street for some nine years. The roof leaks, the gate is fastened by a shoelace, the fence needs replacing, a bedroom remains half-painted and windows are literally falling out of the walls.

A government member interjected.

Mrs SHARDEY — That is the member's responsibility. The result is the couple's 18-month-old child can easily escape onto the busy road and is therefore at risk. A burglar was able to push in a window to gain access, and water poured through a ceiling light, causing damage.

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

Responses

Ms PIKE (Minister for Housing) — The honourable member for Footscray raised for my attention the responsiveness of aged care services to people from non-English-speaking backgrounds. It would come as no surprise to honourable members that the number of older people from culturally and linguistically diverse backgrounds is growing all the time. By next year we expect that one in four older people will come from those diverse backgrounds.

I am pleased to advise the honourable member for Footscray that earlier this week I had the pleasure of opening a conference run by the Australian Polish community and funded by the Department of Human Services. The conference aimed to publicise and promote good practice in providing services to older people from culturally and linguistically diverse communities in the western metropolitan region.

A particular focus of the conference involved planned activity groups and day programs. In the last budget the government allocated more than $12 million to expand and extend the hours of day groups for frail older people. The half-day conference was very successful and promoted some best practice models that are innovative, responsive and culturally appropriate. The sharing of ideas was beneficial to all the agencies involved. I am confident that steps such as those being taken by the government will lead to an improvement in services for frail older people from non-English-speaking backgrounds in the Footscray electorate and other places.

The honourable member for Gippsland West raised for my attention the problems faced by vulnerable young people in her community who are unable to live at home. They have been cut off from the youth allowance by the federal government and are in need of some support. I am extremely concerned about the

general issue and the particular instance the honourable member raised. Young people at risk who are not supported are in a vulnerable state, and that is bad for them and bad for the community.

The issue has already been raised with me as part of the work being done on the government's homeless strategy. I acknowledge that there are some issues that need to be raised with the Minister for Community Services. I will seek more information about the instance raised by the honourable member for Gippsland West and the broader matter of the provision of appropriate supported accommodation in the area.

The honourable member for Caulfield raised for my attention a report in a newspaper regarding the maintenance of public housing in Hannah Street, Preston. I will certainly investigate the issues and respond.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The matter raised by the honourable member for Coburg, which he has raised with me on many occasions, is about ensuring that people from overseas are able to have their qualifications recognised in Australia. As we know, many migrants are well qualified in their own homelands but on arrival in Australia they have difficulty in having those qualifications recognised. Thirty-two per cent of the residents of my electorate were born overseas, so I am very aware of the issue. I have also worked in the area and dealt with their frustrations over a long time.

As I said, the honourable member for Coburg has raised the matter with me on many occasions, as has the Minister assisting the Premier on Multicultural Affairs. I am pleased to announce that as part of the state government's multicultural employment program a radio advertising campaign will commence on SBS radio on Sunday evening. The campaign is designed to alert people from culturally and linguistically diverse backgrounds about a free service that can assist them to have their overseas qualifications recognised in Australia.

Opposition members interjecting.

Ms KOSKY — The opposition mocks the fact that people from overseas who have very good qualifications cannot have them recognised here. Members opposite do not believe it is possible. It may not have been possible when the will was not there, but the will is there now following the election of the Bracks government.

The overseas qualifications unit in the Department of Education, Employment and Training assesses whether overseas academic qualifications are comparable to Australian qualifications. There is also an information and referral service to assist migrants to register and practise their profession in Victoria. Their assessments are based on guidelines issued by the National Office of Overseas Skills Recognition. I will give two recent examples that may help the opposition understand what the issue is all about.

Mr Honeywood — Been there, done that.

Ms KOSKY — 'Been there, done that', says the honourable member for Warrandyte. If the opposition had been there and done that it would have fixed the problem, but it failed to do so. It is worried that the government may succeed. The government is committed to the issue.

A woman from Bosnia came to the overseas qualifications unit to have her qualifications assessed. They were assessed as being comparable to an Australian bachelor's degree. With that assessment she was able to undertake postgraduate studies in statistics and is now working for the Australian Bureau of Statistics, which is fantastic for her and also fantastic for the ABS.

Another woman who came to the overseas qualifications unit was a qualified nurse from China with more than seven years experience.

Mr Wilson interjected.

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

Ms KOSKY — She had been in Australia for five years, working casually as a housekeeper and a community care worker. She contacted the overseas qualifications unit and asked for an assessment. Although her qualifications were not immediately recognised, the unit assisted her to obtain a place in an English language course — —

Mr Leigh interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc can leave the chamber if he wants to persist with his conversation with the Minister for Workcover.

Ms KOSKY — To upgrade her nursing qualifications she studied during the day, and she was able to work at night with the assistance of the unit. It

also assisted her to prepare a resume. She later obtained employment in a nursing home as a personal care attendant.

It is vital that we recognise the overseas qualifications that people from culturally and linguistically diverse backgrounds bring to Australia, and where their qualifications do not meet Australian requirements we must assist them to get their qualifications recognised.

The advertisements will run in 14 community languages in two phases over 16 weeks. Where regions do not have access to SBS radio, they will run on community radio.

Mr Leigh interjected.

Ms KOSKY — The honourable member for Mordialloc says this is good work, and indeed it is. It has been promoted by the honourable member for Coburg and the Minister assisting the Premier on Multicultural Affairs. Without their assistance, this would not have been possible.

Further information is available on 1800 042 745, which members of the opposition may like to ring. I am glad the honourable member for Coburg has raised the matter. Without his help and persistence the government may not have been able to respond in the way it has.

Mr CAMERON (Minister for Workcover) — In raising a matter for my attention the honourable member for Bayswater, who has left the chamber, quoted a series of numbers. There appears to be a difference between the initial premium notice and the confirmed premium notice. The reason is that confirmed premium notices take various matters into account, including the actual remuneration in that particular year. Confirmed premium notice funds are collected pursuant to an order made in the middle of last year by the former government.

If the honourable member sends me all the material I will ask the Workcover authority to get in touch with the agent and provide the explanation he seeks concerning the premium order.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Bennettswood referred to the Labor Party's commitment to provide shop-front police booths in shopping centres. I thank him for his endorsement of Labor's policy at the last election. It certainly was not followed by members opposite, given the policies they put to the electorate at the time.

The government will implement that aspect of its policy, but before it is able to do so it needs to undo the damage done by members opposite. It is in the process of recruiting officers to fill Victoria's police stations, which were left understaffed by the former government. When it has achieved that task, it will be in a position to allocate police officers to those sorts of positions. The government's crime reduction policy is being and will be implemented. The honourable member can rest assured that that will occur.

The honourable member for Mitcham has been proactive in working with me and the police to try to improve safety at the shopping centres in the eastern suburbs referred to by the honourable member for Bennettswood. The booths will be delivered, but as I said, the government must first undo the damage done by the previous government over seven years.

Ms CAMPBELL (Minister for Community Services) — The matter raised by the honourable member for Gisborne is important for families and children. I am pleased to inform the honourable member that the Bracks government, while recognising that child care is primarily a federal government matter, has decided to ensure that after-hours and community-based child care will be provided with additional support.

The government acknowledges that child care is absolutely crucial for families. The government has allocated over $2 million to community-based child care in the current financial year, which will provide the centres with a $3000 payment. After-hours school services will be provided with $1500 — —

An Honourable Member — New money?

Ms CAMPBELL — New money, as part of the government's commitment to provide an additional $6.25 million over the next three years.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Murray Valley raised a matter with the Premier. I think he spoke to the Premier earlier about border anomalies and dual licences at Lake Mulwala and Lake Hume, which is a fantastic part of Victoria. I am sure that that serious issue will be taken up.

The honourable member for Kew raised with the Minister for Environment and Conservation a matter about box-ironbark forests, particularly as they relate to St James, expressed a feeling that some submitters would not be able to make their submissions properly and asked whether the minister would consider those matters. I will pass those concerns to the minister.

The honourable member for Warrnambool raised a matter with the Minister for Environment and Conservation seeking a delegation of rock lobster, abalone and recreational fishers regarding the Environment Conservation Council report. I will raise the matter with the minister.

The honourable member for Geelong raised with the Minister for Transport the upgrading of the Breakwater Road bridge in East Geelong. I understand there have been discussions with the minister and his office about the issue. A petition has been collected by the local community. I will pass on details of the matter to the minister.

Motion agreed to.

House adjourned 11.55 p.m.