

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

22 March 2001

(extract from Book 1)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

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

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, Andrea Coote G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and G. W. Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, G. W. Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

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

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

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

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

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

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

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

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

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

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Manager: Mr M. L. Bromley

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, P. R. Hall, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:

The Hon. M. M. GOULD

Deputy Leader of the Government:

The Hon. G. W. JENNINGS

Leader of the Opposition:

The Hon. M. A. BIRRELL

Deputy Leader of the Opposition:

The Hon. BILL FORWOOD

Leader of the National Party:

The Hon. R. M. HALLAM to 20 March 2001

The Hon. P. R. HALL from 20 March 2001

Deputy Leader of the National Party:

The Hon. P. R. HALL to 20 March 2001

The Hon. E. J. POWELL from 20 March 2001

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Cooté, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

THURSDAY, 22 MARCH 2001

PETITION	
<i>Fair Employment Bill</i>	129
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Victorian universities: superannuation</i>	129
PAPERS	129
LAND (FURTHER REVOCATION OF RESERVATIONS) BILL	
<i>Second reading</i>	129
HEALTH RECORDS BILL	
<i>Second reading</i>	130
HEALTH SERVICES (AMENDMENT) BILL	
<i>Second reading</i>	135
<i>Third reading</i>	148
<i>Remaining stages</i>	148
FAIR EMPLOYMENT BILL	
<i>Second reading</i>	148, 160
QUESTIONS WITHOUT NOTICE	
<i>Petrol: adulteration</i>	155
<i>Consumer affairs: 'Better car deals'</i>	155
<i>Liquor: licences</i>	156
<i>Industrial relations: commonwealth act amendments</i>	156
<i>Petrol: prices</i>	157
<i>Sport: women</i>	157
<i>Land tax: small business</i>	158
<i>Boating: safety grants</i>	159
<i>MCG: ground manager</i>	159
<i>Seniors: information handbook</i>	160
QUESTIONS ON NOTICE	
<i>Answers</i>	160
CORPORATIONS (COMMONWEALTH POWERS) BILL	
<i>Introduction and first reading</i>	181
FORESTRY RIGHTS (AMENDMENT) BILL	
<i>Introduction and first reading</i>	181
ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL	
<i>Introduction and first reading</i>	181
BUSINESS OF THE HOUSE	
<i>Adjournment</i>	181
ADJOURNMENT	
<i>Schools: woodwork materials</i>	181
<i>Rural Victoria: fire insurance levies</i>	181
<i>Barrabool Road, Ceres: upgrade</i>	181
<i>Police: Heidelberg complex</i>	182
<i>Hampton tea-house</i>	182
<i>Rochester: power station</i>	183
<i>Brimbank: graffiti</i>	183
<i>Gaming: taxes</i>	183
<i>Liquor: licences</i>	184
<i>Housing: builders liability</i>	184
<i>Motor vehicles: security</i>	184
<i>Human Services: consultancies</i>	184
<i>Port Melbourne: helipad</i>	185

<i>Planning: VCAT procedures</i>	185
<i>Minister for Small Business: performance</i>	185
<i>Rail: gauge standardisation</i>	186
<i>Electromagnetic radiation</i>	186
<i>Commonwealth Games: lawn bowls venue</i>	186
<i>MCG: members pavilion</i>	187
<i>Queen Victoria Market</i>	187
<i>Local government: parking ticket machines</i>	187
<i>ASU: rule changes</i>	187
<i>Responses</i>	188

QUESTIONS ON NOTICE

TUESDAY, 20 MARCH 2001

1001. <i>Police and Emergency Services: Country Fire Authority — Workcover premiums</i>	191
1005. <i>Police and Emergency Services: Metropolitan Fire and Emergency Services Board — Workcover premiums</i>	191
1062. <i>Premier: Office of the Chief Parliamentary Counsel — Workcover premiums</i>	192
1064. <i>Multicultural Affairs: Victorian Multicultural Commission — Workcover premiums</i>	193
1126. <i>Youth Affairs: consultancies</i>	193
1129. <i>Premier: CPSU industrial agreement</i>	194
1179. <i>Police and Emergency Services: former Yugoslav Republic of Macedonia</i>	194
1180. <i>Corrections: former Yugoslav Republic of Macedonia</i>	195
1193. <i>Industrial Relations: consultancies</i>	195
1196. <i>Sport and Recreation: consultancies</i>	196
1197. <i>Youth Affairs: consultancies</i>	196
1203. <i>Multicultural Affairs: consultancies</i>	197
1217. <i>Major Projects and Tourism: consultancies</i>	197
1235. <i>Premier: Olympic Games functions</i>	198
1248. <i>Multicultural Affairs: Olympic Games functions</i>	198
1249. <i>Treasurer: Olympic Games functions</i>	199
1250. <i>State and Regional Development: Olympic Games functions</i>	199
1269. <i>Minister Assisting Minister for Workcover: Olympic Games functions</i>	199
1273. <i>Minister Assisting Minister for Multicultural Affairs: Olympic Games functions</i>	200
1277. <i>Industrial Relations: department tenders</i>	200
1280. <i>Environment and Conservation: Rye back beach</i>	201
1356. <i>State and Regional Development: Rural Community Development scheme</i>	201
1370. <i>Multicultural Affairs: grants to organisations</i>	202
1371. <i>Multicultural Affairs: Community Building Grants program</i>	202
1372. <i>Multicultural Affairs: chief of staff — Canberra trips</i>	202
1373. <i>Multicultural Affairs: interpreting services</i>	203

Thursday, 22 March 2001

The **PRESIDENT (Hon. B. A. Chamberlain)** took the chair at 10.03 a.m. and read the prayer.

PETITION

Fair Employment Bill

Hon. G. W. JENNINGS (Eumemmerring) presented a petition from certain citizens of Victoria requesting that the Fair Employment Bill 2000, in the form proposed by the government, be supported by the Legislative Council as a matter of urgency (27 signatures).

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Victorian universities: superannuation

Hon. R. M. HALLAM (Western) presented report, together with appendix and minutes of evidence.

Laid on table.

Ordered that report and appendix be printed.

PAPERS

Laid on table by Clerk:

Faraday Arch Pty Ltd — Treasurer's report of 19 March 2001 of receipt of the 1999 and 2000 reports.

Florida Banner Pty Ltd — Treasurer's report of 19 March 2001 of receipt of the 1999 and 2000 reports.

Statutory Rules under the following Acts of Parliament:

Accident Compensation Act 1985 — Accident Compensation (WorkCover Insurance) Act 1993 — No. 21/2001.

Fisheries Act 1995 — No. 20/2001.

Motor Car Traders Act 1986 — No. 115/2000.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 115/2000 and 20/2001.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 113 and 114/2000.

LAND (FURTHER REVOCATION OF RESERVATIONS) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The bill provides for the revocation of permanent reservations of land described in the schedules to the bill. The bill removes these reservations either to facilitate disposal or because the purpose of the reservation is no longer appropriate for the future use of the land.

I turn now to the particulars of the bill.

Clause 3 of the bill deals with a 4462 square metre portion of public purpose reserve adjoining the Barwon Heads Golf Club at the end of Golf Links Road, Barwon Heads.

A formed road is present on the reserve which provides access to a housing estate at Stephens Parade. The road also encroaches onto Barwon Heads Golf Club land. However, as this road is not formally proclaimed, there is no legal access to Stephens Parade and the housing estate is essentially land locked. Legislation is required to formalise access across the reserve to Stephens Parade. Due to the topography of the land, it was not feasible to locate the road entirely on the subject land and a portion of the access road is located on freehold land owned by the golf club. The opportunity is also being taken to formalise a longstanding occupation of part of the reserve by the golf club. In order to proclaim the road and properly rationalise property boundaries a series of land exchanges between the Barwon Heads Golf Club has been proposed.

Clause 4 of the bill deals with approximately 4 hectares of an asylum for indigent members of the old colonists association reserve at Ballarat. The land was reserved in 1929 and vests in the trustees the Old Colonists Association of Ballarat incorporated by virtue of a restricted Crown grant.

The Old Colonists Association of Ballarat is a benevolent organisation which was established in post gold rush Ballarat to honour the 'enterprise and energy of the early settlers' and assist elderly and indigent old colonists, their widows and descendants.

The Charles Anderson Grove cottages at Gillies Street, Wendouree, comprise 27 houses/units providing

accommodation for elderly members of the association and their descendants.

The association has applied to purchase the site to further its benevolent activities and the site has been assessed as having no public land values to warrant its retention in the Crown estate.

Clause 5 of the bill deals with a 90 square metre sliver of a public purposes (wharf and associated tourist facilities) reserve adjoining the south bank of the Yarra River and adjacent to land controlled by the Docklands Authority. The reserve is managed by the Yarra River Maritime Reserve Committee of Management Incorporated.

As part of the upgrade of infrastructure for the Dockland development, the Charles Grimes Bridge has been duplicated. Vicroads was engaged to project manage the contract on behalf of the Docklands Authority. Construction of the bridge was contracted to a private construction firm.

During the course of construction of the bridge, it became apparent in June 1999 that the eastern side of the structure encroached into the reserve as a result of the contractor proceeding with a non-conforming design. It was established that a redesign of the bridge would lead to substantial additional costs and time delays resulting in the bridge not being completed by the proposed opening date for Colonial Stadium.

The current government has sought and been given an assurance by Vicroads that it will take all necessary steps to recover from the contractor the costs of the land acquisition and all other related costs.

Vicroads will be responsible for the management and maintenance of the Charles Grimes Bridge as a declared highway in accordance with the Transport Act 1983.

I commend the bill to the house

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

HEALTH RECORDS BILL

Second reading

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

This important bill is a significant step forward in strengthening the rights of users of health services. It will give individuals a legally enforceable right of access to their own health information which is contained in records held in the private sector; and establish health privacy principles that will apply to personal health information collected, used and held in both the public and private sectors.

This bill is intended to be a companion to the Information Privacy Act. That act applies to all personal information other than health information.

In both of these reforms the government has introduced a comprehensive legislative package to apply across the public sector.

In addition, whereas the government decided to confine the operation of the Information Privacy Act to the public sector and funded agencies, it has taken the view that in the case of health information broader legislation is required.

A key reason for the broader scope of this bill is the need to ensure uniformity of standards across the public and private sectors. The health industry consists of a vast array of health service providers, with many different kinds of organisations, professions and specialities within professions. One patient may attend a public hospital for treatment of a particular condition, whereas another may attend a private hospital for the same treatment. Similarly, both private practitioners and community health centres provide general practitioner services.

Further, many patients move between the two sectors in relation to the ongoing treatment of a chronic condition. For example, a cancer patient may receive treatment at a public hospital, attend a specialist for follow-up monitoring who may be a private practitioner, and have tests performed by a private pathology laboratory for tests.

The same information may be held by a number of providers, and in principle should generally be subject to the same kind of privacy protections.

It is also the view of the government that in the case of health information the legislative standards must be tailored to health information, and they should not be capable of variation through codes of practice. In essence, the modification of general privacy principles has already been undertaken in the drafting of the health privacy principles contained in this bill. As such, further modification should not be required.

This broad application of these principles will give consumers certainty about the manner in which their health information is collected, used, disclosed and stored.

Health information is arguably the most sensitive category of personal information that exists about an individual. The government considers that regulation of the private sector in this particular area is warranted, especially in light of the failure of the commonwealth government to take action to adequately protect health information.

In sponsoring this bill and the Information Privacy Act, the government recognises, and is responding to, community concerns about the threat to privacy posed by the exponentially increasing capacity of modern technology. While new technology brings many benefits for individuals and the community as a whole, the potential exists for technology to be misused, and for people to suffer discrimination or other kinds of harm as a result.

Nowhere is this more evident than in the case of health information, particularly in light of the increase in the use of genetic tests to predict the likelihood of future illness.

While the bill provides strong legal rights of access to, and privacy of, health information, such rights of access and privacy are not, and cannot be, absolute. These rights must be balanced against other important public policy considerations. The bill endeavours to strike an appropriate balance between the desire of consumers for privacy on one hand, and the need to safeguard the health and safety of individuals and the public, and promote safe and effective health service delivery, on the other.

For instance, in circumstances where providing a person with unfettered access to his or her health records would pose a serious threat to his or her life or health, or the life or health of another person, or where granting access to certain information would have an unreasonable impact on the privacy of another person, the bill permits access to be denied in order to protect the person at risk.

Although the consent of an individual to whom information relates is generally the basis on which the bill enables health information to be collected, used and disclosed to another organisation, the bill also recognises that there are situations in which it is not practicable to obtain specific consent in each case.

I will now provide a general overview of the bill.

Scope of the bill

The bill applies to:

- a 'health service provider', being a public or private sector organisation, to the extent that it provides a health service in Victoria; and
- any other public or private sector organisation in Victoria, to the extent that it collects, holds or uses health information.

The bill applies to health information, which is a subset of 'personal information'. Personal information is information about an individual whose identity is apparent or can reasonably be ascertained from that information.

The bill applies to a number of different kinds of personal information relating to health.

It applies to traditional medical records including information about a person's physical, mental and psychological health. It also extends to information about donation of body parts, and genetic information that is in a form that is, or could be, predictive of the health of an individual or their descendants.

The bill refers to the holder or collector of health information as an 'organisation'. This includes natural persons as well as incorporated and unincorporated bodies. Most of the obligations in the bill apply to an organisation, regardless of whether or not that organisation is a health service provider.

However, where appropriate the bill includes additional standards in relation to health service providers. For example, the bill applies to all personal information collected about an individual by a health service provider in the course of providing a health service.

The term 'health service' is broadly defined and includes activities claimed to assess, maintain or improve the individual's health. It also includes diagnosis or treatment of illness, injury or disability, the provision of disability, aged care or palliative care services, and the dispensing of prescriptions.

Examples of non-health service providers include health insurers with insured persons' records, employers with health information of their employees, schools with vaccination records and fitness gymnasiums with health charts about their customers.

Health privacy principles

Under the bill, health information that is collected, held or used by organisations must be handled in accordance

with the health privacy principles in schedule 1. The principles cover many different aspects of information handling. They are binding and a contravention of the principles is 'an interference with the privacy of an individual'.

Principle 1 sets out the framework for collection of health information. It requires collection to be an accountable and transparent process. Organisations are generally required to obtain the individual's consent for collection, or to be covered by one of the public interest grounds that permit collection.

Principle 2 regulates the use and disclosure of health information. In general, use or disclosure is permitted for the purpose for which the health information was collected or, otherwise, with the consent of the person to whom it relates. Secondary use or disclosure is also permitted in cases where there is a strong public interest in doing so (for instance, where there is a serious threat to life or health, where disclosure is required by law, or for the purposes of research which is in the public interest and complies with guidelines developed by the Health Services Commissioner).

Principle 3 is about ensuring data quality. It requires health information to be accurate, complete, up to date and relevant to the functions of the organisation that holds the information.

Principle 4 sets out general requirements to ensure appropriate security and retention of data. It generally requires health information held by a health service provider to be stored for at least seven years subject to any specific legislation to the contrary. This reflects current good practice.

Principle 5 encourages transparency by requiring organisations to document clearly their policies on management of health information and to make those policies available to the public.

Principle 6 provides individuals with a right to access their health information and to make corrections to it, where necessary. This principle generally applies to health information held by the private sector. The Freedom of Information Act will continue to apply to health information contained in documents of public sector organisations.

Limited grounds for refusal of access are set out in the bill. If only part of the health information is covered by a legitimate ground for refusal, the organisation is required to provide the rest of the health information to the applicant.

Principle 7 imposes limits on the assignment of identifiers that are intended to uniquely identify individuals in relation to their health information. It also restricts the adoption, use or disclosure of identifiers assigned by a public sector organisation.

Principle 8 preserves, where lawful and practicable, the right of individuals to remain anonymous in transactions with an organisation.

Principle 9 puts certain limits on the flow of health information outside Victoria.

Principle 10 regulates what a health service provider must do with its stock of health records when a practice or business is sold, closed or amalgamated.

Principle 11 provides individuals with a right to have their health information that is held by one health service provider made available to other providers. Since the disclosure is from one health service provider to another, the grounds to refuse access that apply under part 5 and principle 6 do not apply.

Interaction with other legislation

The health privacy principles do not override other legislation. Existing provisions in other statutes governing the confidentiality, use and disclosure of health information, as well as those that regulate access to certain kinds of personal information, have been preserved. Specific statutory provisions that were designed with particular circumstances in mind will override the general standards in the Health Records Bill to the extent of any inconsistency.

The bill also makes consequential amendments to certain provisions of other legislation to ensure that those statutes will operate consistently with the bill, and to clarify that certain disclosures of information will not constitute an offence.

For instance, section 141 of the Health Services Act and section 120A of the Mental Health Act make it an offence for certain health service providers to disclose information that could identify a patient except where this is specifically permitted by one or more of the exceptions specified in those sections. Those provisions currently enable health information to be used for the purposes of research where this is permitted by an institutional ethics committee and does not conflict with any prescribed requirements.

In contrast, the bill only enables research to be carried out where more detailed criteria are met, including compliance with guidelines for research issued or approved by the Health Services Commissioner. The

bill therefore makes a consequential amendment to sections 141 and 120A in order to ensure that these additional standards in the health privacy principles relating to research also apply under these provisions.

The bill also amends section 141 of the Health Services Act to ensure that it is not an offence for information to be shared between public hospitals through an electronic system for the purpose of treatment of a patient, whenever that patient presents for treatment. A similar amendment is made to section 120A of the Mental Health Act in relation to the sharing of information between approved mental health services. These amendments also authorise the making of regulations that could impose conditions and additional requirements regarding the way in which this may occur. This will assist the legislation to keep pace with developments in technology, and will allow additional controls to be introduced as appropriate.

The Freedom of Information Act will continue to regulate individuals' access to their own health information where it is contained in documents of public sector agencies such as public hospitals and government departments. However, the draft bill contains amendments to that act that have the effect of enhancing the right of access available under that act. These additions are modelled on key elements of the right of access in relation to private sector organisations under the bill.

For instance, under the Freedom of Information Act an individual currently has a right to receive a copy of their health information or to view their file. The bill will amend that act to also enable an individual to request an explanation of his or her health record from a health service provider, in addition to the rights that currently exist.

The bill will also amend the Freedom of Information Act to provide that, where there is a concern that access to certain health information poses a serious threat to the life or health of the applicant, the relevant procedure in division 3 of part 5 of the bill applies. An individual may seek a second opinion about the merits of that decision from a registered health service provider of their own nomination.

The internal review mechanisms and the VCAT appeal rights under the Freedom of Information Act continue to apply. The bill adds to these by providing that where an applicant wishes to challenge a decision to refuse access to health information under the Freedom of Information Act, that person may in some circumstances elect to seek conciliation by the Health Services Commissioner instead of seeking internal

review by the public sector agency. If conciliation is successful, the agreement can be enforced as provided for in the Health Records Bill. If conciliation fails, then the complainant may apply to VCAT under the Freedom of Information Act.

In this way the bill preserves the application of the Freedom of Information Act, but also supplements the rights under that act by incorporating into it a number of the elements of the Health Records Bill. This enables a greater level of uniformity to be achieved in relation to the access rights across the public and private sectors.

The bill is also designed to operate concurrently with any relevant Commonwealth laws.

Right of access to information

By giving individuals an enforceable right of access to their own health information held in the private sector, the bill will enhance the ability of consumers to make informed health care decisions. It will also enable individuals to check the accuracy of health information held about them if they wish, and ensure that their current treating practitioner has their complete medical history. This will assist health practitioners to provide safe and effective treatment and care.

The right of access of individuals to their health information applies to all such information collected after the commencement of the bill. A more limited right of access also applies to certain health information that is collected prior to the commencement of the bill, including:

- the individual's health or disability history;
- the results of an examination or investigation;
- a diagnosis or speculative diagnosis;
- a plan or proposed plan of management;
- services provided or action taken;
- genetic information that is or could be predictive of health; or
- other personal information about a donation of body parts.

This recognises that, to date, the law has treated health records as practitioners' own notes, and that existing records were prepared on the understanding that individuals would not be able to access them as of right.

The bill enables an individual to request health information collected after commencement in a number of ways. Access can be by way of inspection, the provision of a copy (or a summary if the individual agrees), or an opportunity to view the record accompanied by an explanation by the health service provider.

Access may also be granted in one of these forms to information collected prior to the commencement of the bill where the provider agrees to this. In the absence of any agreement, the bill entitles the individual to receive an accurate summary of the information.

The bill requires a request for access to be refused where information has been provided in strict confidence or where it poses a serious threat to the life or health of the applicant or any other person. There are several other grounds for legitimate refusal of an access request set out in principle 6.

An organisation is not able to refuse access on the grounds that another person or organisation has copyright in the health information. The bill operates to make it an implied term of a contract to provide health services that an individual may have access in accordance with the bill.

Fees

The bill permits organisations to charge a fee for providing access, so they may recover costs associated with complying with a request for access such as photocopying. The fee charged must not exceed the maximum fee, which will be prescribed in regulations. The regulations will also set out the kind of charges that may be imposed. A health service provider who explains a health record to the individual in a special consultation will be able to charge their usual fee for a consultation of comparable duration.

Exemptions

Division 3 of part 2 sets out the general exemptions from the bill. As media freedom is widely recognised as an important aspect of democratic societies, an exemption has been provided for 'news activities' as defined in clause 3. The exemption is confined to genuine 'news activities' where these are conducted by organisations whose dominant function is disseminating news.

In recognition of the importance of judicial independence, the judiciary and quasi-judicial bodies are also exempt when exercising their judicial or quasi-judicial powers. However, the employee records

of court and tribunal staff will come within the scope of the bill.

An exemption also applies so that family discussions and records that are genuinely private, family matters can continue without the risk that they would be in breach of the bill.

The bill does not provide an exemption for employee records held by employers, or health information disseminated between related corporate entities or for political parties, members of Parliament or their contractors. Given the particular sensitivity of health information, such exemptions are not considered to be appropriate.

Enforcement

The Health Services Commissioner will have principal responsibility for monitoring compliance with the Health Records Bill and for resolving complaints about interferences with privacy.

The commissioner's functions and powers for dispute resolution are modelled on those that currently exist under the Health Services (Conciliation and Review) Act 1987, and on the comparable powers of the Victorian Privacy Commissioner under the Information Privacy Act 2000.

The Health Services Commissioner may conciliate a complaint under the bill. The commissioner can also investigate a complaint, and if appropriate, may make a ruling. A ruling would be appropriate if the commissioner finds that there has been an interference with privacy. In such a case the commissioner can recommend the course of action that should be taken by the organisation to remedy the breach. A ruling is not binding, although the organisation must inform the commissioner as to whether it intends to comply with the ruling.

If the complaint is not resolved to the complainant's satisfaction, he or she will be able to seek a binding decision from the Victorian Civil and Administrative Tribunal. VCAT will be able to make a variety of orders to rectify or remedy an interference with privacy. Organisations may also appeal to VCAT against rulings and compliance notices imposed by the commissioner.

Other enforcement mechanisms include criminal penalties for serious breaches of the act.

Like the Victorian Privacy Commissioner, the Health Services Commissioner will be able to serve a compliance notice on an organisation that has performed an act or practice that is a serious or flagrant

contravention of the act, or is a breach which is of a kind that has been done or engaged in by the organisation on at least five separate occasions within the previous two years. A failure to comply with a compliance notice is an indictable offence. A respondent can apply to VCAT to have the decision to serve the notice reviewed.

A key aim of the legislation is to ensure that complaints are resolved informally, wherever practicable. The alternative dispute resolution mechanisms set out in the bill are designed to minimise the risk of escalation of disputes, for example by encouraging conciliation. However, the VCAT appeals procedure and the compliance notice process are available to address situations where these mechanisms are not adequate.

The commissioner will also have the function of issuing or approving binding guidelines as required under the health privacy principles and will have an important role in educating the community about the operation of the legislation.

Section 85 statement

Clause 99 of the bill states that it is the intention of clause 8 to alter or vary section 85 of the Constitution Act 1975.

I therefore wish to make a statement pursuant to section 85 of the Constitution Act 1975 of the reasons why that section is to be altered or varied by the bill.

Clause 8 provides that the bill does not give rise to any civil cause of action or create any legal right enforceable in a court or tribunal other than as specifically provided in the bill. Similarly, nothing in the bill is to be construed as giving rise to criminal liability except to the extent expressly provided for.

The bill is intended to create specific rights and obligations in relation to the privacy of health information, which can be enforced through the dispute resolution mechanisms set out in the bill, including through conciliation, investigation and rulings by the Health Services Commissioner and review by the Victorian Civil and Administrative Tribunal.

The bill is not intended to give rise to broader rights and obligations outside those expressly provided in the bill. It is not intended to create any other legal means of enforcing those rights. The reason for the alteration or variation to section 85 of the Constitution Act 1975 is to ensure that the scope of the bill meets these expectations.

Conclusion

A draft of the Health Records Bill was released for public consultation last year to give consumers, organisations and other interested persons an opportunity to comment on the proposals. The government greatly appreciates the contributions of all of those who made submissions on the draft bill.

The feedback received as part of the community consultation process has confirmed the need for the legislation, and has assisted in refining the operation of the provisions contained in the bill.

Both the access regime and the health privacy principles in the bill are designed to protect privacy and promote patient autonomy, whilst also ensuring safe and effective service delivery, and the continued improvement of health services.

I commend the bill to the house.

Debate adjourned on motion of Hon. M. T. LUCKINS (Waverley).

Debate adjourned until next day.

HEALTH SERVICES (AMENDMENT) BILL

Second reading

Debate resumed from 20 March; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. M. T. LUCKINS (Waverley) — The opposition does not oppose the bill, which aims to change the Health Services Act to restore community-elected representation and participation in the governance of community health centres. In the second-reading speech and in the debate in the other place the government said this bill supposedly fulfils a government election commitment to restore community-elected representation to community health centres. What is proposed in this bill is a shandy: it will be a partly elected and partly appointed board appointed through Governor in Council on the recommendation of the minister. The Labor Party has not fulfilled its promise to restore a fully elected committee.

It became evident during the consultation process that on the whole community health centres were happy with the arrangements put in place by the previous Kennett government in 1997 under which the community health centre boards were appointed. One of the important reasons for choosing to have appointed boards was that the former government believed it was

crucial to have a good range of skills and experience on the board. Forty-one registered community health centres in Victoria provide a wide range of services and have large budgets. Board members from the community have voluntarily taken on the enormous workload of administering large community health centres without having the necessary legal skills, fiscal management experience and management advice, which could be quite perilous and could have an impact on patient care.

The government undertook a consultation process in the middle of last year, and I note that the Honourable Glenys Romanes was part of the process of reviewing the arrangements for the governance of community health centres. I am sure the honourable member will make a contribution to the debate. The government received 113 written submissions from 29 forums held across regional Victoria. Of the 113 submissions only 33 strongly supported and advocated for full election of boards of management. Twenty-six out of 113 supported fully appointed boards and 54 supported the proposal before the house today, which is for partially appointed and partially elected boards.

It is important that the government has listened to the people it consulted with and the stakeholders. The government may have broken its election promise but at least it listened to the people, and I commend it for that. Community health centres play an important primary care role in the community, and they are to be commended for their hard work and commitment over many years. It is crucial to have a strong community health centre organisation in rural areas where it is often difficult to access basic services and general practitioners.

In the past board members, whether elected or appointed, have worked extremely hard because of their commitment to their communities, and they have been strong advocates for health care for their communities. They are to be commended for their hard work in the past, and I hope it will continue in the future under the new arrangements. I hope the government has made the effort to write to all members of community health centre boards throughout Victoria to thank them for their hard work and contributions since 1997, which has been without remuneration and for the betterment of the health of their local communities.

During debate following the joint sitting yesterday there was much discussion about the importance of prevention with regard to the drug problem, and the old saying 'Prevention is better than cure' is correct.

In primary health at a community level we are able to provide early intervention, counselling and advice, health care and access to general practitioners and dental care for those from lower socioeconomic groups. We can also ensure that the services are relevant to the area in which the community health centre works and that all the programs are easy accessible, relevant to the needs of each community and also culturally sensitive. In that way we ensure that where there are high numbers of people from multicultural backgrounds, particularly those multicultural backgrounds where English is not the first language, those people have access to the services equally, and that culturally sensitive programs are developed to ensure that they gain the best health care. Unfortunately we often find in our community that such people are the most disadvantaged and much of that has to do with the fact that in their country of birth they did not have access to proper preventive treatment in childhood.

I hope the government's agenda in changing the bill is to concentrate on improving patient care and access to services and not one of political ideology to capture the health centre boards. The Leader of the Government may laugh, but having reviewed the debate in 1997 about the appointment of boards as opposed to the election of boards, I take note of the scare tactics used by Labor members in suggesting that somehow the Liberal Party was going to stack every community health centre and that people in the Liberal Party would be seeking appointment to those boards to help them in their preselections. That was obviously a furphy and proven to be so.

I find it interesting that for all the passionate speeches and concerns raised by the Labor Party in 1997 they have done a complete backflip now and in caucus and cabinet have supported the shandy arrangement because they too have come to the conclusion that it is best to have some percentage of community health service boards appointed rather than elected. Part of the reason given by the government for the decision to partially elect boards was a reported disfranchisement of communities from their health care centres. An example during the Human Services Department briefing was that there was a reported decline in community health centre memberships as a result of the decision to appoint board members and that the community did not have any reason to become involved in the community health organisation. The fact is — it has not changed under this government — that the rolls of electors and the members of community health centres exist only to elect boards. They do not have any role. They do not have any input. Had that been a valid concern of the government in drafting the bill, it would have been amending legislation to give the

members of the community health organisation a chance to contribute. Those members, who have shown their commitment to primary care — they may be consumers themselves — should be given the opportunity to contribute to the debate about future services and service delivery and have real input into the future of their centres. But the government has chosen not to go down that path.

Another reason given is that consumer and community involvement has been identified as a process that constitutes best practice in primary care. I have not found any empirical evidence at all for that. There is no evidence that having an elected board of a community health centre improves patient outcomes or patient care at all. The fact is that anyone on the board of a community health centre should have a deep commitment to ensure that the services are available to meet the needs of the local people.

The composition of the boards is important. Boards will have no fewer than seven and no more than nine members. The elected members will constitute no fewer than four and no more than five of the members of the board so that the elected number of board members will always be equal to or greater than the number of appointed board members. I can see problems down the track when there is division on the board. The concern will be that during a debate on the future direction of a health service some members may say, 'Well, we have been appointed by Governor in Council; we have more authority than you'; and the elected members may say, 'No, no, no! I was elected by my community, therefore my view is more important than yours'. So I can see division, and that in part is why in 1997 the former Kennett government decided to go down the path of appointment rather than accepting this shandy situation.

The new terms of the community health centre boards will be three years. The bill makes provision for elections and appointments to be held every three years for all board members. There are also processes to fill casual vacancies.

The cost of the elections is staggering. The elections will be based on a system of proportional representation and the Victorian Electoral Commission will be in charge of the conduct of the elections for every 1 of the 41 community health centres in Victoria. The anticipated cost for the VEC to conduct the elections is \$300 000 for each community health centre across Victoria over three years or \$100 000 each year. In my opinion that is just a complete waste of money. It is not only the cost of the Victorian Electoral Commission; it

is also the cost to the health department in having to coordinate, run and advertise for those positions.

There may be cases where the health centre may not have enough members to nominate for the positions available, and there is provision in the bill for that. But the fact is that in 1997 the smallest community health centre membership was 11 and it was unable to fill the 12 positions. The largest in 1997 was 775 members at the Bellarine Community Health Centre, but although that seems like a good representative number it represents only 2 per cent of the whole of the community. So it may be that the minister is having to appoint more board members if others are not available or willing to take on positions in their local communities.

The eligibility criteria to be a member of a community health centre has also changed. Those eligible to vote and stand for board membership now have to be over 18 years and live, work or be enrolled as a student in an educational institution in the centre's gazetted catchment area and/or a client of the centre regardless of where the client lives. I have some concerns about the extension of those provisions. It is all very fine and well for an organisation to have wide representation and wide membership, but one risk with fully elected or even partially elected boards for community health centres is that they can be captured by minorities. You can have a situation where one group in the community seeks to increase the membership, stack the community health membership and elect its own people to pursue the group's goals over those of the community.

I will provide a further example. The Monash Link Community Health Centre is in my electorate. Basically, any student enrolled at Monash University or working at Monash Medical Centre would be eligible for membership of that centre.

That could enable small groups in our community to take over the agenda and concentrate on smaller areas of care to the detriment of the community as a whole. Proposed new section 50(3) states:

The Governor in Council, on the recommendation of the Minister, may remove a member of a board from office whether the member was appointed, elected or co-opted to that office.

That provision alarms me somewhat because it does not seem to be a reviewable decision. In the past there have been instances where whole boards have been removed from the stewardship of community health centres because of real concerns about the management of the centres. For example, in 1986, the St Albans community health centre board was sacked by a Labor

government for mismanagement, nepotism and misconduct. David White, the Minister for Health at the time and a member of this place, sacked the St Albans board because of very real concerns about how it was conducting community health in the area which was obviously to the detriment of the community the board members were elected to assist. Also in 1986, Whittlesea and Lalor community health services were sacked after a departmental review exposed misappropriation of funds at those centres. Maureen Lyster, another former Labor health minister, sacked the Broadmeadows community health centre board for being incapable, inefficient and negligent. So examples have occurred in the past.

I am not concerned about the removal of individuals on genuine grounds for mismanagement of the centre, their conduct or their representation of the community in fulfilling the obligations to the community through their membership of the community health centre boards. However, I am concerned that under proposed new section 50(3) the minister could remove anyone without having the decision reviewed, without any consultation with the other board members, or perhaps even the chief executive officer (CEO). I am concerned that if the minister were to use that power it could be to the detriment of community health centres across Victoria. Real divisions could occur at community and board levels if the reasons were not communicated properly or did not warrant the action the minister took.

Under the new arrangements local government must be invited by the local community health centre boards to participate on the selection of local panels. This is very important if you have elected and appointed representatives to the board.

Local government works hand in hand time and again with community health services. Often they auspice the same programs. So the input of local government is welcomed and will ensure the best outcomes for the whole of the community. Local councils have demographic and population information at their fingertips at all times, which will help to ensure that the services offered by the community health centre are relevant to the needs of the community and its age and cultural mix.

I have referred already to the Monash Link Community Health Centre, which will be affected by these changes. Monash Link was previously part of the Southern Health Care Network. In about 1997 the Southern Health Care Network joined with local community health centres to ensure better services could be provided through the south-eastern corridor. Some of the community health centres that remain part of that

group are Berwickwide Community Health Service, Cardinia shire health service, Cranbourne and District Community Health Service, Dandenong Community Health Service and Springvale Community Health Service. Monash Link decided to go its own way rather than staying part of the network. That was mainly because of its concerns about regional boundaries rather than the structure of the network. The centre is literally positioned between the southern and eastern health regions. It was very difficult for it to be under the umbrella of the Southern Health Care Network when many of the services it conducted were in the eastern region. The other community health services are very happy with the existing arrangements. That was borne out during consultations last year on the structure of the new networks after the Duckett report.

My family has a long history of involvement with community health boards. My mother was heavily involved with the Springvale Community Health Service, Monash Link Community Health Service and Berwickwide. She was a very strong advocate of these bodies joining in partnership with the Southern Health Care Network, and it has worked very well. On a personal level I am very aware of the commitment and hard work of board members. Over the years I have met many people who are involved with the boards and I have found them utterly committed to ensuring that the services they provide are timely, relevant and properly delivered within their local areas.

I had the pleasure of visiting Bendigo last week and spoke with the CEO of Community Health Bendigo. I was extremely impressed by the attitude of this community health organisation. It has absolutely thrived under the present board, which was appointed by the Kennett government in 1997.

Hon. R. A. Best — Something I will refer to.

Hon. M. T. LUCKINS — I am sure Mr Best will refer to it. However, I will make quick reference to the range of services it offers. I have both the Springvale Community Health Centre and Monash Link within my electorate. Both are very responsive to the needs of those individual communities. Similarly, Bendigo Health has a fantastic range of services, including even a family day care service, which traditionally is organised and run by local councils. It has also secured victims of crime assistance funding. It conducts counselling in financial and general areas. It has a fantastic primary health program that includes general practitioners. One of the challenges in rural areas is access to GPs. That is something the Honourable Dr Michael Wooldridge, the federal health minister, is committed to and is addressing. I am sure

my colleague the Honourable Ron Best will talk about the clinical program that will be developed in Bendigo. It deals with the whole — —

Hon. R. A. Best — I was not going to refer to that.

Hon. M. T. LUCKINS — You might want to now! The Bendigo centre is a fantastic example of a community health centre that, under an appointed board, has moved from strength to strength to expand its services and make them relevant to the needs of its community. I commend it for that.

As I said, I commend all members of community health centre boards throughout Victoria. I thank them for their contribution since 1997. I look forward to the appointment of new boards and I hope the government will continue to ensure that community health centres are properly resourced and receive the support and financial certainty in their funding that they need to continue their great work. The opposition does not oppose the bill.

Hon. G. D. ROMANES (Melbourne) — The Health Services (Amendment) Bill will amend the Health Services Act to establish a new model of governance for the 41 autonomous community health centres throughout Victoria.

The new arrangements for governance of community health services reflect the government's election promise to restore elected community representation to boards of community health centres in Victoria. That commitment at the time of the September 1999 election was in response to the widespread disfranchisement keenly felt by so many members of community health centres across the state who had previously been participants in elections and activities within the range of responsibilities of the community health centres.

In her contribution the Honourable Maree Luckins said community health centre boards and managers have been happy with community health centre board appointments since the former government introduced that system in 1997. They may have been happy with the appointed boards and with the new tidy system, because democracy is never tidy, but many members of the community and many former board members were not happy with it. That has been reflected in a drop in membership and involvement and participation in decision and policy making in community health centres throughout the state. I can provide the house with many examples. In 1996 membership at the North Richmond Community Health Centre was 356. Despite a continuing emphasis on community participation at that centre over the past three years its membership has

fallen to 265. Numbers at the Castlemaine Community Health Centre have fallen from 188 to 36; at the Cobaw Community Health Centre membership has fallen from 177 to 70; and at the Peninsula Community Health Centre membership has fallen from 800 to 170.

I witnessed the impact on the relationship between a local community health centre and its community as a result of the system of government-appointed boards at a public meeting at Kensington last year. The meeting was called by the Kensington Association to discuss the operations and future plans of the Dousta Galla Community Health Centre which operates partly in Kensington and in other parts of Moonee Valley and Melbourne municipalities. It appeared that the strong historic relationship between the community health centre at Kensington and the community had broken down. More than 120 people attended the meeting and there were gaps in the knowledge and confidence of the attendees about the operation and planning of the Dousta Galla centre. Antipathy and aggression were expressed towards board members who were absent from the meeting and who appeared to be largely unknown to the community. They were viewed as strangers and outsiders. The nexus between the community and the Kensington Community Health Centre, which is part of the wider Dousta Galla Community Health Centre service, had broken. Community participation, involvement, decisions and policy making had been diminished.

The Bracks government was well aware of the different views about community health centres governance when it began a thorough public consultation process last year. Its representatives were involved in 29 regional community forums with a wide range of stakeholders to examine a proposal for the restoration of elected representation on community health centre boards. There were two stages of consultation. After the first round of consultation a second discussion paper was produced which put forward proposals for two models based on the feedback of the first consultation round. The government was open and transparent about ideas it had for restoration of community representation on boards of community health centres.

Part of the process of talking to the community about these proposals involved the establishment of a review committee, of which I was part, together with the Parliamentary Secretary for Human Services, to oversee the process. On that review committee there were representatives from community health centre boards, currently appointed boards, community health peak bodies, local government and consumers. The review committee considered the result of the regional consultations together with 113 written submissions

that were put to the government on the question of a desired model for restoration of the democratic governance of community health centres.

Some 86 of those submissions expressed the view that elected boards are a critical component of democratic participation and community involvement. Of the 86, 54 preferred a part-elected, part-appointed board with the majority of the board elected. The other 32 expressed the view that they would prefer a fully elected community health centre board. That represents 76 per cent of the written submissions. Some 23 submissions expressed support for the current appointment process and 4 were unclear about the preference for another model. A range of views were expressed during the consultation process. Six groups opted for a part-elected and part-appointed model, eight opted for a fully elected board and six supported the current arrangements.

The government has put forward a dual model of a part-elected, part-appointed board for community health centres. That is in response to the strong support for the restoration of elected governance, but also acknowledging that a significant group wanted to keep the current appointment arrangements because of the option that that gives for recruitment of individuals with particular skills and expertise to complement the skills and expertise that will come to the table through the election process.

The bill provides for boards to comprise seven to nine members, a majority elected board, the minority of which are appointed by the Governor in Council. There is a commitment for the minister to consult with the current board on appointments. That commitment is explicit. It is a commitment to democracy. Consultation on appointments will be with the community and local government. That commitment flies in the face of the comments made by the Honourable Maree Luckins who expressed concern about wholesale dismissals of boards of community health centres, something which was witnessed under the former government. It is not the Bracks government's desire to undertake wholesale sackings of boards similar to those that occurred under the Kennett government in 1997.

Mismanagement is always an issue that must be addressed by any minister and he or she must handle that situation in an appropriate manner. One would expect a minister of the Crown to take control in those isolated situations.

Proposed new section 47 to be inserted by clause 3 will provide for three-year terms for board members of community health centres. Elections will coincide with

the annual general meetings of boards and there is provision in proposed new section 49 for filling casual vacancies. Proposed section 51(4) provides for the Electoral Commissioner to conduct elections.

The Honourable Maree Luckins referred to the cost of the new system. She said it would cost extra and be a waste of money. The current employment process undertaken annually is estimated to cost community health centres and the department about \$139 000 a year, while the new system will be a three-year process, which it is estimated will cost \$155 000 — a difference of \$16 000. Surely that is a small price to pay to enable people to be involved directly in community decisions about their health and wellbeing.

Contrary to what the Honourable Maree Luckins said about there being no evidence of benefits for the community in allowing members of the community to make decisions about their health, substantial research shows the benefits of allowing people to make decisions about their own health and welfare. I am sure the department would be happy to make that research available to members of the opposition. The benefits recorded in the research include improved health outcomes, increased control over health status and disease management, increased understanding of health issues and services, higher quality services and projects, greater accountability for public funds and reduced complaints and litigation. The more involvement people have, whether through the election process or some other means, in community health centres the better for the community. That is surely the message coming from the drug forum yesterday — the need to strengthen and build communities and involve them in decisions about their own health and futures.

Proposed part 10 provides for further transitional arrangements for boards of community health centres. It will ensure continuity of the boards up to their first annual general meetings in October this year. It is important to acknowledge the efforts of current board members and the important contributions they have made. The government is committed to thanking those board members in writing for the important work they have done in a voluntary capacity over the past three or four years. Not only that, there is a commitment to encourage current board members to nominate and stay involved in community health centres boards as nominated or elected representatives on the new boards.

That highlights the difference between the Bracks Labor government and the previous Kennett government. The former government terminated the services of members of 41 elected board across the state. It did not encourage them to apply for

appointment to the new boards of management. Did the previous government thank those retiring board members in writing for their many years of hard work and the time and emotional energy they spent in working for community health centres throughout the state? I put in many years as a councillor and mayor of the municipality of Brunswick, and on 22 June 1994 I was sacked by the Kennett government after being given 2 hours notice. Weeks later I received a letter from the then Minister for Local Government, the Honourable Roger Hallam, thanking me for my work as a mayor and councillor. But I felt that after the way I and my colleagues in local government had been treated it was a hollow gesture. The Labor government will write to former board members thanking them for their work and encouraging them to nominate and continue their involvement in community health centres.

The provisions relating to eligibility for voting were touched on by the Honourable Maree Luckins. I do not share her pessimistic view about people who are elected through a democratic process. I believe the provisions for gazetting an area around community health centres where people work or are students will enable those people to make a decision to get involved and help build membership. It will enable clients to be members and be eligible for election as board members.

This bill is an important step in restoring elected members of boards to community health centres. The government is restoring democracy to local community organisations. There will be a majority of elected representatives on boards. Members of boards will have equal status. But democracy is not just about who you elect as representatives; it is also about encouraging community involvement and decision making and accountability.

The speakers at the drug forum yesterday drew our attention as members of Parliament to various community organisations that play an important role in our society. They include community health centres, local government and a range of other organisations that all play a role in responding in a holistic manner to the range of concerns in the community, including health issues such as drugs. It is extremely important to take action to strengthen those community organisations and build up the social capital through them. There can also be advantages in not just restoring representative democracy but increasing the participation of communities by involvement in the strategic planning of health centres, policy development and service design, delivery and evaluation. For example, I am sure program advisory committees on the drugs issue will be important initiatives for the

community health centres and will be very much part of delivering the response to the drugs problem that we want to see in our community.

The exclusively corporate board models we have in place across Victoria have not delivered the degree of community participation or involvement we need and desire. That is why the people of Kensington at the meeting I attended clearly demonstrated from the things they were saying that they were frustrated and anxious and felt they had been left out of the process over the past few years.

This bill will go a long way towards beginning the rebuilding of the relationships between community health centres and their communities. It will help us to strengthen communities and have in place bodies that are able to provide the sort of support needed for the most vulnerable in the community who may be facing drug addiction or other health crises. I commend the bill to the house

Hon. R. A. BEST (North Western) — It gives me pleasure to contribute to the debate on behalf of the National Party, which does not oppose this legislation. As has been explained, the bill addresses changes to the governance arrangements for community health centres. The Health Services (Amendment) Bill will restore elected board members to the boards that govern community health centres.

As we have heard, in 1997 the previous government introduced legislation that saw skills-based boards appointed to govern community health centres. The Health Services (Community Health Centres) Act was seen by Labor members at the time as an opportunity for the Liberal and National parties to stack the boards. They felt it would potentially see the end of community health centres and their roles in the community. I do not think it is unfair to say that given their contributions to the 1997 debate, which I will refer to shortly, the Labor members could have been accused of paranoia. What they claimed would occur and what did occur are two completely different things. They claimed it would be the end of community health centres. They claimed community health centres would be amalgamated into hospital networks. Labor members even suggested that community health centres would be starved of funds and that funds would be redistributed to other areas that met the government's agenda. One Labor member even suggested that the government of the day would consider privatising community health centres. That is extraordinary logic.

Labor asked how anyone could run a community health centre board if they were not part of the community and

knew what the community wanted, and that is even stranger logic. Just because someone is an elected member of a community health centre board does not necessarily give them the management skills required to identify the programs that should be delivered by a community health centre. It is strange that a current government minister of the Crown would run a line such as that — that is, unless you are a community member you do not know the services that are required by a community health centre. I will address that later in my contribution.

When the legislation was passed in 1997 the Labor Party formed a policy that it would restore elected community members and community representation to the governance of community health centres. That was the policy the Labor Party took to the people before the election and it is very different from the legislation provided to the house today. The government has gone for a mix of elected representatives and appointed board members.

Hon. G. D. Romanes — Because we are prepared to listen.

Hon. R. A. BEST — I would like to put on the record that Ms Romanes said the government is prepared to listen. I am pleased about that and I will take that interjection up shortly. We will now see boards comprising between seven and nine members governing community health centres; four to five members will be elected and two to four members will be appointed.

Why has the government done this given its stance before the 1999 election? It said it would be returning democracy to community health boards. What the Labor Party said in opposition and what it has done now are two different things. The one thing that is consistent with this government is that it is striving to be popular. It will manipulate its principles and standards in an effort to ensure that it is popular. That is fine because that is part of politics and ensuring that the party receives the votes and is re-elected.

However, as I intend to point out in my contribution, there is a difference between the involvement of a board member at management level and a competent chief executive officer managing a community health centre. The differentiation I want to highlight in the debate is where board members set policy parameters and become involved in management decisions when they have no right or expertise to do so except for the claim that they are community representatives and know what is good for the community.

I am concerned that the days of the past will return to haunt us and we will see elected board members interfering in the governance and management of community health centres, particularly the management. I have no difficulty with board members setting the policy parameters for management to institute. I think that is the way boards should operate, but I have a major concern and I will refer to the circumstances that occurred in Bendigo.

There are currently 65 community health centres across the state. Of those, 33 centres are incorporated under the Associations Incorporation Act. One is an incorporated company and is therefore exempt from the appointment process. Nineteen are in the metropolitan area and 16 are in rural Victoria. Thirty-one community health centres are part of a public hospital system in the metropolitan and rural areas and some are multipurpose centres. The Honourable Barry Bishop and I have one of those in our province, and they are incorporated under the Health Services Act. There are 24 such centres in rural Victoria and 7 in the metropolitan area.

I am quite prepared to give the government credit for consultation. It is important that the government has learnt through the consultation process that the ideology and the policy it took to the election were wrong.

Hon. G. D. Romanes interjected.

Hon. R. A. BEST — I am pleased that Ms Romanes admits that she was wrong. I am pleased that what the government saw before the election as a populist way to go by appealing to a range of different people across the electorate has been changed. The government has received information that told it people do not want community-elected people to run or to govern these centres. There is a difference between running a centre and setting policy. People do not want community-elected people to necessarily be the sole arbiters of the policy setting in community health centres.

I wrote to a range of community health centres including the Victorian Healthcare Association to seek their views to include in my contribution. I received a letter from the Bellarine Peninsula centre which, as we have heard, has one of the largest memberships of all the community health centres across the state. On 12 February its chief executive officer, Moyneen Curtis, wrote to me stating:

I am writing on behalf of the board of Bellarine Peninsula Community Health Service to thank you for your letter seeking feedback on the minister's second-reading speech re legislative changes to community health centre boards.

The Bellarine Peninsula Health Service board has provided extensive input into the consultation process both written and verbal.

Mr Garry Spry, MP, from Bellarine is to meet with Mrs Nan Lukey, Bellarine Peninsula Community Health Services board president and myself this week also.

Thank you again for your invitation and interest.

Interestingly there was no comment on whether the health centre board supports the legislation.

I also received a letter from Sue Clarke dated 7 February. She is the chief executive officer of Community Health Bendigo as it is now known. She states:

The board and senior management of Community Health Bendigo (CHB) have participated in a range of consultative forums over the past few months in regard to this matter. In general we have no specific comment to make concerning the bill as the board considers that the proposed changes to the act reflect the majority of comments made during the consultative process.

That is fine, because I have an enormous regard for the management of Community Health Bendigo. It has done a fantastic job.

The Victorian Healthcare Association sent me a copy of not only its submission but also the recommendations it made regarding the structure of the proposed legislation. In its recommendations it states:

While there is no clear support in the field for one particular model, there is general support for a range of models being endorsed by the Department of Human Services from which the community health centres and their communities can select as for their community. Given the diversity of arrangements in place and the diversity of views of members this seems to be the best way forward.

The association was looking for an opportunity for each of the boards of the community health centres to choose which model best suited its area. That is a reasonable suggestion, but the bill proposes a mix.

I enjoy reading past debates, and it is a pity the Minister for Industrial Relations has left the chamber because I want to recite to the house some comments reflecting her paranoia that she made in 1997 when the government was in opposition and was formulating its policy prior to the election. I refer to page 385 of *Hansard* of 23 April 1997, where Ms Gould is reported as saying:

The bill will take the community out of community health centres and stack them with government mouthpieces who will be willing to do the government's bidding.

That is the opening line of her contribution! Regardless of whether she understood the contribution community health centres had made to the regional consultation process, I see that contribution to debate in this place about the outcome of changes made in 1997 as rhetoric reflecting the paranoia of the present Minister for Industrial Relations. It was ideological claptrap! She further stated:

The bill is about taking community representatives out of community health centres and replacing them with government-appointed board members.

Further in her contribution she said:

Is the government going to use the argument that if a company is not operating properly you just sack all the directors? Why have democracy at all? If the government is to use that argument it should sack any minister whose department is not operating properly and appoint someone to take his or her place.

How prophetic are those words from a minister who is now struggling with her portfolio! How can anybody understand the logic associated with her argument? I repeat some of what she said in 1997:

Why have democracy at all? If the government is to use that argument it should sack any minister whose department is not operating properly and appoint someone to take his or her place.

I remind honourable members that when they make contributions in this place sometimes the words come back to haunt them!

The most interesting contribution to the debate in 1997 was from my fellow member of Parliament in Bendigo, now the Minister for Workcover and the Minister for Local Government in the other place. There was an even greater leap in his logic, which is certainly worth putting on the record. I will not read the vitriol that was so much part of the then opposition's contribution in 1997. I refer to *Hansard* of 3 April 1997. At page 389 the then opposition member for Bendigo West in the other place said:

What is wrong with communities electing the people they want to represent them for appointment to boards of community health centres? No-one has yet been able to answer the question.

He was saying he did not want appointments but wanted the community to elect all the representatives. It is terrific that he should hold that view because it is the opposite to mine; I am comfortable knowing that I oppose his view.

He went on to say, as recorded at page 391:

How can you have a community health centre where people who represent consumers is not a criterion for appointment to the board? According to the bill all board members must have financial and other expertise. Surely one of the criteria must be that members of the board should be people who represent consumers, the people who have ideas about the direction in which they want to see community health services go.

He was saying that unless you were a member of the community you would not know what the community wants. That is a wonderful leap in logic by the now Minister for Workcover, because if you apply that thinking to his Workcover portfolio it must be said that unless you are on Workcover you do not know how Workcover works, and more importantly, how does he handle his Workcover portfolio? Do you have to be on Workcover payments to be a member of the Victorian Workcover Authority? Does he want people who are on Workcover payments to run the Workcover system? Does he suggest they are the only ones who know what is best for Workcover?

Hon. W. R. Baxter — It sounds like it.

Hon. R. A. BEST — Yes. I regard his logic as a minister of the Crown to be incredible. In 1997 he said all board members must be involved in management issues. That is the last thing we want board members to be involved in, and I will give the house a perfect example.

The example is in the minister's own home town. Prior to 1997 the then Bendigo Community Health Centre, formerly the Eaglehawk–Long Gully Community Health Centre, was virtually insolvent. It was broke. It may be fine for the Labor Party to have used community health centres as a forum to promote political candidature, but my assertion stands: members of governments should be policy setters, not policy managers.

The problems at the Eaglehawk–Long Gully Community Health Centre were appalling. It was broke and the Department of Human Services was continually baling it out of trouble. The board then consisted of nine people. One board member at the time was the present honourable member for Bendigo East in the other place. She was taking part in the decision-making process that sent the community health centre broke. If you cannot run a community health centre, how can you contribute to running the state?

Hon. P. R. Hall — Not very well.

Hon. R. A. BEST — No! The Labor Party continued to assert that electing skills-based boards was the worst possible way to go — but that is contrary to the bill! I understand that three of the 1997 board

members have been appointed to continue to run Community Health Bendigo because they have skills and are expected to be good contributors. Apparently they can identify the difference between governance and management and between setting policy, implementing policy and meddling in policy.

I congratulate those members. Toni Reilly, the president of Community Health Bendigo, has done an outstanding job. She has a cohesive board that acknowledged it was lacking management skills. They have recruited one of the most professional managers that I know to run Community Health Bendigo, Sue Clarke. I wish her all the best because I am fearful that unless there is strength on the board we may go back to a position of possible interference through community representation.

Dr Robert Jamieson has been a board member since 1997. I also mention Garry Thorne, a political adversary of mine. He stood as a candidate against me in 1996. He is a fantastic fellow who is totally committed to the spirit and heart of the Eaglehawk community and to his representations on any organisation. I am not disappointed that those people have been appointed to the board. They have done a fantastic job because they were previously on the board and have served Community Health Bendigo very well.

It is interesting to compare the situation in 1997 to the current one. A complete transformation has taken place of not only the finances but also of the service delivery that is provided through Community Health Bendigo. A strategic directions plan is in place for 2000–03. The policies and directions for the health service provider are clearly enunciated, and that is healthy.

Unfortunately in 1997 it was a divided community health board, and it was broke. People were on the board purely to promote themselves as political candidates, and they constantly interfered with the management and the running of the board.

The National Party does not oppose the bill. However, I have some fundamental concerns around the issue of elected board members and a move away from skills-based boards. Community health centres have an important role to play in delivering a range of services across the community. As we heard yesterday at the joint sitting, the Victorian Health Promotion Foundation, of which I am a board member, constantly works in partnerships with community health centres to help promote messages of prevention, risk and advocacy aimed at improving people's health. I enjoy those partnerships and I particularly enjoy the partnerships I have had with various community health

centres across my electorate, as you do, Mr Deputy President.

However, I have a fundamental area of concern with regard to the governance and implementation of policy, because they are different. Board members must use money wisely, meet identified outcomes and set strategic directions and policies. They should not get involved in management. Eaglehawk is a great example of the past and the future. There has been a complete turnaround financially and there is now good governance and outstanding management. My concern for the government is not to damage the good work by having people interfere with management of the boards of community health centres. A governing structure is required to set policy, be visionary and to reflect the views of what should be provided by a capable and competent health service.

I do not oppose the bill. I just register my concern at the direction and consequence that may arise from some of the provisions in the bill becoming law.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak in support of the Health Services (Amendment) Bill. I understand the decision of the opposition parties not to oppose it, although concerns have been expressed. Today honourable members have spoken of restoring democracy and of the commitment the Labor Party had to its voters before the election. The Labor Party has spoken of restoring democracy to local government and to community health centres.

Health centres are grassroots health service providers to the community. Many years ago I lived in the high-rise flats in North Richmond and frequently went to the North Richmond Family Health Care Centre, which is now the North Richmond Community Health Care Centre. The centre looked after many ethnic communities in the area.

Community health centres have played an important role in providing health services. The situation today is different from many years ago because of the drug problem. Community health centres play an important role in tackling the problem by working with parents and community members who are concerned about the issue. Health centres should be modified and reformed to make them more appropriate to meeting community needs. That point has been made by both sides of politics, but the important issue is how to deliver the services to the community. Different communities have different needs. Country Victoria has different needs from metropolitan Victoria. People who live in high-rise estates have different needs from those who live in the eastern suburbs. People in the western

suburbs have different needs from others. It is therefore important to consider how to utilise and mobilise community participation in our health centres.

The North Richmond Community Health Centre has clients from different ethnic backgrounds. It encourages people to be members of the board and take part in its deliberations. At meetings interpreters are provided to translate for Chinese, Greek and Turkish community members. People are therefore able to understand how the process works. Community health centres provide more than just health services. They provide a place for people to meet with others from their own ethnic groups during working hours and on weekends. I used to go there attending community concerts. The community health centre does not organise these things but leases the premises out to the community. The community feels part of the centre, and its members are proud of the work they do around the centre. For example, there is community participation in planting the trees, renovating the buildings and making sure the place is nice and tidy outside. From time to time the community group does voluntary work. We get young people to plant the trees and develop things around the centre.

The centre is not just about providing doctors, it is also about providing social workers and welfare officers so people can come to the centre for a variety of services — for example, treatment for depression, mental illness or other conditions. A doctor is there to check their health and they can see the welfare officers to help them with other problems in their lives. For instance, if they have nowhere to live or they have a financial problem, they can get somebody to help them organise their life better. Many people feel isolated, and the centre gives them somewhere to go and someone to talk to. Those things are important to develop people's personal life.

Newly arrived groups need the centre because they can go there to learn how to get a start to their new life — how to answer a phone call or understand the letters that come in. If they do not understand what is going on, they ask the welfare officers to help them solve their problems. And elderly people go there, too. The centre set up a committee of older people, and now the elderly can meet there, play chess and do other things during their spare time. The centre is very important to those disadvantaged groups and to newly arrived groups.

We want to encourage the people to participate, not because of having an interest in being a board member but because of a desire to work with the centre to deliver services to the community. The bill clearly states the terms of appointment. From seven to nine

members will be elected. To ensure that they are run properly elections will be run by the Victorian Electoral Commission.

I refer also to local government. I am glad to see that the bill allows for local councils to be part of health centres, because primary care needs to come from somewhere close to the community. The local council can play a vital role in the community health centre. Community health centres are always keen to obtain expertise from councillors or local staff who understand community issues. Councils can also offer services for youth and for the elderly.

The bill provides an open door for people who wish to become involved in community health centres, to look after their communities and their friends and to understand community needs.

I do not want to repeat what other people have said, but I wish to reassure the opposition that we are not trying to bring politics into the community. We are here to make sure that the community participates, becomes involved, and is able to speak up and reform the community centre so that it can become a meeting place for the community and can provide a range of services. I support the bill.

Hon. J. W. G. ROSS (Higinbotham) — It gives me great pleasure to speak on the Health Services (Amendment) Bill and to put on the record that the opposition will not oppose the proposed legislation.

We recognise that the ALP took the proposal for democratisation of community health centres to the 1999 state election. It was the ALP's intention to restore fully elected boards. The situation that has since developed proves that policy position to have been impractical and unable to be implemented. The arrangement now before the house is that community health centre boards will consist of not less than seven and not more than nine members, the elected members to be not less than four and not more than five, and appointed members are to constitute not less than two or more than four members. In addition, elected board members will always be equal to or greater than the number of appointed board members.

It is a cumbersome arrangement, because not only does the Victorian Electoral Commission need to become involved with the election of board members but the board members who are then elected in consultation with local government will go on to select and appoint further board members.

I should put on the record that I have had a long-term involvement with the community health program. I was

on the board of management at the East Bentleigh Community Health Centre as it was then named for about a decade and was president of that community health centre from 1991 to 1994. I gained a good understanding of the arrangements for the governance of community health centres. Also, in a previous life as assistant director of planning with the Victorian Health Commission in the mid-1970s I was involved in planning the reporting arrangements for the community health program, which had been effectively badged by the Whitlam government.

It is commonly believed the Whitlam government implemented the community health program, but the truth of the matter is that a range of services was in existence to provide community health services and it was effectively the badging of the program that was accomplished by the Whitlam government. I certainly was appreciative of that at the time. Nevertheless, I think we need to recognise the way the governance of community health programs evolved in the mid-1970s from a different sort of community service to the ones we saw subsequently.

Certainly in my electorate there was heavy settlement of families after the Second World War. There were no arrangements for made roads to be laid before people commenced building their houses and there was obviously a dearth of community services in these new neighbourhoods of Bentleigh, Moorabbin and other suburbs in my electorate. However, in those postwar years a spirit of collective action developed to enable the establishment of community facilities. I recall my father, the late John Sutherland Ross, as a councillor in Moorabbin frequently visiting homes in East Bentleigh where cars were bogged up to the axles in mud during winter. These streets were known at the time as heartbreak streets.

In that time a genuine spirit of community and volunteerism developed. It was also necessary to lobby government for the establishment of community hospitals and to lobby councils for the implementation of maternal and child health services, kindergartens and other facilities for young families. That was the background that preceded the advent in the mid-70s of elected community health boards.

Subsequently, those arrangements and spirit of community were not as positive and strong as they had been immediately after the war. During the time I was president of the community health centre and on the board, we progressively saw that the skills that were required for the effective management of what has become a multimillion dollar program were simply not available. Indeed, in approaching people and suggesting

that they stand for the board in order to get the correct mix of skills, there was often very real resistance to individuals facing an election and the potential embarrassment of not succeeding. Such people were local pharmacists, leading financial advisers and accountants. It was easy to see why there was often some resistance on their part to put themselves forward for election.

It was in that spirit of enabling the governance of community health centres to acquire the correct mix of skills that changes were made by the previous government. It was perfectly clear that the system was not working. In 1995 no elections were required for the 45 community health centres because the number of nominations did not exceed the number of positions available. Not only had that evolution taken place in the community health program; it certainly had taken place in hospital governance. As I said, one of the first things new communities wanted when they settled after the Second World War in my locality was a community hospital. People raised money by selling raffle tickets and bought the land. They usually got seeding funding and the Hospitals and Charities Commission, as it then was, was willing to match their community activities on a dollar-for-dollar basis.

These days the sorts of boards of management that are required to manage hospital networks and even rural and community hospitals are no longer appropriate. Even the ALP is not proposing that we regress to the situation of elected boards of management for the major health networks and rural and community hospitals. I make the point that it has simply not been possible to put the genie back into the bottle. Nevertheless, I recognise that the government made an election commitment and then consulted with community health centres and the community on the model that it has ultimately brought before the Parliament.

There are two community health centres in my electorate. The first, which I have alluded to, is now known as the Benteigh Bayside Community Health Centre. It indicated in the consultation process and submissions it made that it was absolutely satisfied with the current arrangements. Indeed it had a very favourable relationship with the previous Minister for Health, the Honourable Rob Knowles. The Southern Health Care Network was very keen to absorb community health programs within its catchment areas and into its own network arrangements. Both the Central Bayside Community Health Centre and the Benteigh Bayside Community Health Centre made strong representations to me that they wanted to maintain their autonomy and independence. I raised that issue on an adjournment debate, with the

Honourable Rob Knowles, and he provided a cast-iron guarantee that their autonomy and independence would not be compromised. I believe the previous government was fully sensitive to the aims and aspirations of the community health program.

In making its submissions to the present government the Benteigh Bayside Community Health Centre was perfectly satisfied with the current arrangements. In fact, its register of members has declined from something like 450 members to one. It is now faced with the situation of needing to re-establish its register of members and will probably have to charge a fee in the order of \$5 to fund the time required for management and the chief executive officer to re-establish the constituency.

The Benteigh Bayside Community Health Centre and the chief executive officer, Mr John Turner, have also put to me that there is a real problem with arrangements whereby all community health centre boards will have their contracts terminate at the same time. It is possible to envisage a situation where there is a complete turnover of the board. They certainly preferred an arrangement where a third of the board retired year by year over a triennium in order to provide continuity of governance. That is their situation.

The Central Bayside Community Health Centre has indeed retained its membership of about 450 subscribing members. However, if the intention of this legislation is to produce democratisation of the system, you have to consider the numbers. If over the next six months Benteigh Bayside Community Health Centre is able to reassemble its voting constituency to around 450 individuals, and Central Bayside Community Health Centre already has 450 members, the total constituency will be approximately 900 members serving a catchment area well in excess of 150 000 people. That is hardly democratic. The government should maintain a focus on the quality of service and client satisfaction. These new arrangements of governance in community health centres make not one jot of difference to the quality of services delivered.

The estimated \$100 000 a year for the Victorian Electoral Commission to arrange for the election of community health board members would be far better spent on providing a range of services that are offered by the community health centres. I know that to be the case in my province.

The prospect of each of the community health centres in my province receiving \$50 000 a year extra would be welcomed. The truth is that neither of them subscribes to this model. The Benteigh Bayside Community

Health Centre was happy with the current arrangement and the Central Bayside Community Health Centre advocated fully elected representation. I recognise the diversity of opinion that exists in that relatively limited locality, but the truth is that neither centre received what it wanted. That was the story throughout the whole consultation process.

The opposition recognises that the ALP has a partial mandate from the last state election to implement these community health centre changes, and for that reason the opposition will not oppose the bill.

Motion agreed to.

Read second time.

Third reading

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

I thank the opposition and the National Party for their support of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed from 21 November 2000; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. M. A. BIRRELL (East Yarra) — The so-called Fair Employment Bill has caused considerable community controversy and debate. It is overwhelmingly clear from the public response and responses from individuals and businesses that to pass the bill would be manifestly against the public interest.

There are 10 clear reasons to reject the bill that I shall outline in my contribution on behalf of my colleagues. We look forward to this debate because it is clear that the bill exposes the true ambitions of the Bracks Labor government and that it is owned and operated by the trade union movement.

In introducing my remarks I refer to an editorial in the *Herald Sun* of 16 March that sums up in a few short words the key themes of the bill:

The draft legislation, which the Liberal Party is expected to oppose when it reaches the upper house next week, is anything but fair to both workers and small business.

The Liberals are supporting a more equitable federal arrangement in which workers will be entitled to minimum pay rates and the full protection of industrial law.

It is clear that the bill would be bad news for employees and for small businesses in particular and would also harm the state economy. At a time when commentators agree that the Victorian economy is slowing, it is perfectly obvious that the last thing the state needs is legislation that would ensure the state slowed down.

I shall quote from the Labor Party's favoured economists, Access Economics. In their January publication the Labor Party's preferred economic advisers said:

The next few years may see the gains made by the state relative to the rest of the country gradually ebb away.

That economic advice is that the economy in this state is turning down, and the Labor Party should listen to its preferred economists. We do not want to see the economy turning down as a result of unpopular, unwelcome and unnecessary legislation, which is what this bill is.

We are concerned about one single issue — jobs. The bill would cost jobs. Even the government concedes that is the case. Even the Australian Labor Party says, 'If we pass this law jobs will be lost'. I have never in this Parliament previously heard a minister introduce a bill and say in the second-reading speech that if the bill is passed people will be retrenched, people will lose their jobs.

Hon. M. M. Gould — Over a 10-year period.

Honourable members interjecting.

The PRESIDENT — Order! I do not want a situation where members are shouting at each other. The Leader of the Government will get an opportunity later. The Deputy Leader of the Government will be the next speaker.

Hon. M. A. BIRRELL — It may be acceptable to the ALP for people to lose their jobs over the next 10 years, but it is not acceptable to us! The government's own dodgy economic impact survey, which it was forced to carry out, of the effects of this proposed legislation said that about 2000 people would lose their jobs. That may be fine for the ALP, but it is not fine to us or for ordinary Victorians, as is reflected in the *Herald Sun* editorial.

A far more detailed economic analysis than that has been carried out as a result of the extra time gained because the Legislative Council made the bill the subject of public debate, as a result of our decision to adjourn debate on the bill from November last year. A detailed analysis was carried out by ACIL Consulting for the Victorian Employers Chamber of Commerce and Industry on 8 February 2001. That report measured the economic impact of the so-called Fair Employment Bill, and I congratulate VECCI on commissioning an independent analysis of the impact of Labor's plan for Victoria. The analysis says that:

The Fair Employment Bill could result in job losses in Victoria, ranging from 21 000 on conservative estimates to losses in the order of 42 000.

Some 42 000 jobs could be lost as a result of the wish of members of the Labor Party to pass ideological legislation, and they hope no-one will know. They wanted to rush this legislation through Parliament in November. They forced it through the Legislative Assembly with their three trusty allies, the Labor Independents, and it is up to the Legislative Council to stand up for the state and the long-term interests of Victoria by saying, 'We have analysed it and we have listened to the responses, and this bill must be defeated'.

The VECCI analysis prepared by ACIL Consulting importantly analyses the government's dodgy economic analysis — which the government tried to have people believe indicated that the bill was fine because it cost only 2000 jobs. When we look behind the minister's rhetoric and press releases about passing the bill we see that the government had not asked its consultant to analyse the full impact of the bill. It had only asked its consultant to analyse the introduction of the new minimums. Any proper economic analysis would ask what the impact of the bill was over, say, the first year, or the first two years or even the first three years, but not just the first day. VECCI's analysis did measure that impact. It states:

The analysis also explains the different conclusion reached in the ACIL report compared with the government's own economic analysis. The government's analysis carried out by the National Institute of Economic and Industry Research, predicted the loss of 1900 jobs in the longer term. However, it excluded any assessment of the impact of decisions of the proposed Fair Employment Tribunal.

In other words, the government's economic analysis did not measure the impact of the decisions made by the body the bill proposes to establish.

Hon. G. W. Jennings interjected.

Hon. M. A. BIRRELL — If the impact of that tribunal is measured, it is estimated that between 21 000 and 42 000 jobs will be lost. The Deputy Leader of the Government says, 'Tell us what it measures'. I can only take it from his interjection that he has not read the VECCI submission that was sent to him on this matter because it is in that document. The honourable member is showing his negligence.

Hon. G. W. Jennings — I want to put on the public record what its methodology is.

Hon. M. A. BIRRELL — The honourable member should be up to date on all the issues and surveys that are sent to him.

Hon. G. W. Jennings interjected.

Hon. M. A. BIRRELL — You are only reinforcing your ignorance. That is the problem with the Labor Party, as I will explain in a moment. It has not looked at or read the submissions. If honourable members opposite had bothered to read the report they would see it does have the methods. I challenge Mr Jennings to read it. If he will not, he can remain in blissful ignorance.

The first issue that concerns the Liberal Party of the ones I want to outline is jobs — lost jobs as a result of the Labor government's plan. We know that the Labor government's plan was never to help employees. It is to help unions.

Honourable members interjecting.

The PRESIDENT — Order! This is a serious matter and I am sure the house wants to hear the views of all honourable members in due course. It is now Mr Birrell's turn. I ask the house to keep quiet.

Hon. C. C. Broad interjected.

The PRESIDENT — Order! The minister should recognise that the Chair has to take firm control in relation to these debates. I ask the minister to cooperate.

Hon. M. A. BIRRELL — The Liberal Party has always known the true motives of the Labor Party, given that Labor as a political party is simply an extension of the labour movement. However, it was well expressed in some comments made by a senior Labor identity in the *Herald Sun* of 25 January. John Ferguson's article in the *Herald Sun* raised questions about where the government was heading given its allegiance to the trade union movement. He states:

The government must also fight the perception in sections of the business community that its reforms to industrial relations

law and workers compensation make the state a less attractive place to invest.

He then went on to quote so-called senior Labor figure who summed up the Labor Party's opinion in one single sentence:

We are always going to look after our own first. Business knows it and we know it.

Indeed they are! They will look after their own at the expense of the state. They will look after their own at the expense of Victoria's long-term economic and social needs. In simple terms, the Liberal Party will not let them do that against the interests of the state.

The second clear concern the opposition has about this bill and this debate is expressed in two words: small business. The Liberal Party is concerned about employment; it is equally concerned about the long-term viability of small business. There is no doubt that if the bill was passed small business would be immeasurably harmed. There is no doubt from the extensive consultations conducted by the opposition with small businesses throughout Melbourne and major regional centres such as Bendigo and Ballarat that there is a clear response from small business that it opposes the bill, would be harmed by it and would have to lay off staff if it were passed.

The Australian Retailers Association represents nearly all retail businesses in the state. It made it clear the bill needs to be defeated. It states:

The bill, if implemented, would cause severe disability 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 the practical implications of the provisions and the impact on small business. It must be recognised that small retailers do not earn as much as their employees.

The Australian Retailers Association is unequivocally against the bill. The proposed legislation will ensure that small businesses suffer, that they will lay off staff and put their charges up. Therefore the state will be worse off.

It is not just businesses in the retail sector that are affected, but medium-sized businesses outside the retail industry, including some in broader industry, particularly manufacturing. That is why the views of the Australian Industry Group (AIG) are relevant. It issued a press release on 14 March 2001 headed 'Victory for commonsense opens way for withdrawal of Fair Employment Bill'. A statement by Paul Fennelly, the director of the AIG, states:

Today's announcement by the Minister for Employment, Workplace Relations and Small Business, Mr Tony Abbott,

of proposed changes to schedule 1A of the federal Workplace Relations Act removes the need for the Victorian government to proceed with its Fair Employment Bill.

...

Australia has less than 9 million people in its work force and there are already six industrial relations jurisdictions. Instead of turning back the clock by establishing a seventh jurisdiction, the Victorian government would be better advised to provide leadership in bringing about changes that enable other states to join Victoria and the commonwealth in a unified system.

I share those thoughts and words of the need to protect medium-sized industry from this legislation, but also to pursue the aim that we have long had of a unified industrial relations system. Small business and small industry are going to be hit and should not be hit by this legislation. In particular, they know the government's agenda and the agenda of the embattled Victorian Trades Hall Council and the declining influence of the union movement in the state. They know the aim of the unions is to have the compulsory introduction of the 17.5 per cent holiday leave loading. That is the aim. That is what the government wants, what Trades Hall Council wants, but it is what small business opposes.

Small businesses know very well that that is the agenda of the government and the Trades Hall Council and that this tribunal has been set up to bring it in. The tribunal has the power to bring it in, and the government will support it being brought in. That is another reason to oppose that occurring.

Small businesses have said to the opposition on a one-to-one basis that the government must face reality. They say that if this legislation comes in and if all their employment costs go up they will not be able to just pass that on and they will have to lay off discretionary staff. They would lose the part timers or the last person put on because they would not be able to afford them. That pressing issue is on the minds of members of the opposition. On the first two topics of my contribution, jobs and small business, the conclusion is quite clear.

Of course it is not simply businesses that would be negatively affected by the Labor government's controversial plans. Bodies like local government would face increased costs. They would have no way of recovering those costs and would have to cut services. I cite as one example of the negative response to this bill from local government a letter from the Hindmarsh Shire Council. This letter, dated 23 January 2001, reflects the conclusion of the council. It states:

The council resolved to express its concern that the passing of this bill would lead to duplication and confusion regarding federal and state employment provisions, would deter Victorian employers from recruiting new staff, leading to job

losses, and reduce the competitiveness of the Victorian economy.

The council is already a respondent to federal awards. The duplication of many aspects of the federal system, including re-establishment of a separate state tribunal and separate state laws, will increase our administrative employment costs.

The letter goes on to say that this bill would:

... have a deleterious effect on Victoria's employment and business competitiveness.

I congratulate the council on taking a stand in the face of the normal union intimidation about going public on these types of issues. The council points out an issue the government refuses to address — that costs could go up for local government. What are councils meant to do? Just put the rates up? Turn a blind eye to it? Reduce services? That council speaks for many about what would happen in this state if this bill became law.

The third topic I wish to discuss is perhaps the most important in the context of this debate — that is, the reforms and initiatives of the commonwealth government. The commonwealth government has announced through the new minister for workplace relations, Tony Abbott, that it will reform the federal Workplace Relations Act. That action, linked with others, means there is now no need for this bill at all. All the genuine issues raised in the consultation period we created have been dealt with as a result of the federal minister's bold and practical suggestions. What the Honourable Tony Abbott has announced, and what the Honourable Monica Gould refuses to discuss with him, is a series of important reforms that ensure we will receive the outcomes we need in this state in respect of changes to the federal law and ensuring that we boost conditions for employees.

The changes will introduce protection for outworkers and will ensure that we protect the state from the negative impact of this bill. The *Age* said these federal reforms will boost the conditions of all employees in this state. In doing so it summarised the benefits that will flow to employees as a result of the federal government choosing to amend its workplace relations laws. In simple terms the federal government has responded to the argument, for example, that there is no bereavement leave under schedule 1A of the federal act. That is perhaps the most significant issue the Honourable Monica Gould has tried to campaign on in the past three months. Any interview she gave, and there were not many, centred on there being no bereavement leave. What does the federal government want to do and the ALP not want to discuss? The introduction of bereavement leave. Problem solved.

We were told that carers leave must be introduced. Well, the federal government will introduce it. The issue is solved. There are other reforms, all of them welcome and desirable, all of them being put forward by the federal government and all of them solving every issue in the consultation on this bill that we made possible.

Tony Abbott's constructive tactics are historic in that they also make the very significant decision that the federal government will, for the first time in history, legislate to protect contract outworkers in the textile, clothing and footwear industry. Such action was never taken by the Hawke or Keating governments, but it is being taken by the Howard government. It should be welcomed by all Victorians. However, as testimony to the fact that the ALP did not want this to happen, the state Minister for Industrial Relations refuses even to discuss these reforms with the federal minister for workplace relations. Some interest the ALP has in fair outcomes!

The government was using these issues as a Trojan Horse for the rest of its Fair Employment Bill. Tony Abbott and the federal government deserve congratulations on making timely reforms that deal with genuine issues. They also deserve congratulations on ensuring that the true agenda of the Fair Employment Bill does not become law in this state. It was crocodile tears from the ALP about outworkers and employees who allegedly did not get bereavement leave. Solving those problems was never the government's aim. When the federal government announced it would provide exactly those rights there was not a word of gratitude, only statements to the effect that the government preferred to have its legislation instead.

If the government had its legislation instead we would get a lot worse than that. We would get the government coming forward with the pro-union elements of the Fair Employment Bill. There is nothing left other than the union elements, and that is why the government is persevering with the bill today. That is why the overwhelming union membership of the parliamentary Labor Party is so concerned about the opposition's plan to defeat its bill. We know that when Labor members come in here they speak for the people who bred them, they speak for the union movement. The Liberal Party does not speak for one side of the debate or the other, it speaks for the public interest.

Honourable members interjecting.

The PRESIDENT — Order! Four members on my right are trying to shout at the same time, and it is

obvious that not all can be heard. If one interjects, that is part of debate. Take it in turns, but not four at once.

Hon. M. A. BIRRELL — It is a normal tactic of the trade union movement to try to intimidate its opponents, so it does not surprise me that its allies come in here and try to shout me down. All I can say is that no matter whether things are thrown at us or yelled at us, it will not change the destiny of this bill — the government has failed!

Organisations like the Victorian Farmers Federation have been key proponents on this matter. The VFF speaks for groups different from the ones I have mentioned such as the Australian Retailers Association or the Australian Industry Group or the Victorian Employers Chamber of Commerce and Industry, it speaks particularly for farm-based businesses. The Victorian Farmers Federation is a strong opponent of this bill and particularly embraces the third point I am raising about the need for the federal reforms and therefore the lack of need for any state legislation.

In a press release issued two days ago the VFF said:

The Liberal and National parties' decision to reject the Fair Employment Bill is an important win for rural Victoria.

VFF President Peter Walsh said the legislation was falsely dressed up by the state government as necessary to protect the working standards for 250 000 Victorians who are not employed on federal awards.

Under this pretext the government tried to garner support for the bill from some business groups, churches and even the ethnic community.

The government's real objective was to re-create a state-based industrial relations system and with it complex bureaucracy, regulations and tribunals that unions could use to re-exert influence over the Victorian work force outside the federal award system.

From the outset the VFF has consistently opposed this bill ...

He welcomes the actions of the federal government in dealing with the genuine issues raised in the debate. The Victorian Farmers Federation is concerned about the extreme elements of the bill as they affect farms and farm-based businesses.

We want to ensure, through the debate, that the public's view as expressed so clearly in faxes to the opposition and public discussion about what the bill may mean is properly described. I give credit to the acting chief executive officer of the Victorian Employers Chamber of Commerce and Industry, Neil Coulson, who described it in simple terms: the bill is a wolf in sheep's clothing. He made the point that the bill is not what the Labor Party wants to pretend it is to the media; the bill

has more to it. When people became aware of that during the consultation period, they became concerned about the legislation.

One must ask: when was consultation held on the bill? This is my next topic. Only after the Liberal and National parties intervened to ensure that consultation occurred. The only person who saw the Fair Employment Bill before it was introduced into Parliament was Leigh Hubbard of the Victorian Trades Hall Council because the THC would be the principal beneficiary of the bill. No small business group, no farming body, no community or business groups saw it! The Labor Party wanted to butter up the THC by saying, 'Here is the payback for the debt'. There was no consultation with any Victorians, which is why the opposition intervened.

The government said, 'There was consultation, we established an independent task force'. In that context the word 'independent' has the same meaning as 'fair'. That context is Orwellian in its nature because the government did not want to listen to small business, let alone tip it off about what was to happen. It did not want to listen to farmers or small businesses; it tried to sneak the bill through.

The opposition forced the consultation. The government's task force was a fait accompli because it was dominated by the people, including its chairman, who agreed with the government's position. It is highly regrettable that the government would pretend to consult with the community over an industrial relations topic but would not get to a position where it could be said that individuals understood the legislation.

Hon. T. C. Theophanous — That's right, attack the umpire!

Hon. M. A. BIRRELL — It was not an independent umpire. Professor Ron McCallum has a history of working for Labor governments and the Labor Party. The Queensland and New South Wales Labor governments have used him, and I understand that most recently he is advising the federal Labor opposition on industrial relations policy.

I regard Professor McCallum as an eminent academic and an extremely specialised expert in the field of industrial relations. As an individual, because of his blindness, he has gone through an extreme period of challenge in his life. He was one of my lecturers in law school; I admire and respect him, but I do not regard him as independent because he has specific views on the matter and should not pretend not to have views that

are sympathetic to those held by the government of the day.

I refer the house to the Edward Gough Whitlam memorial lecture he gave on the issues. Government members may like to look at the Australian Council of Trade Unions web site to find out his views.

It is patently clear that during the process the task force did not uncover large-scale discontent about the operation of the present laws. The level of public interest in the task force was minimal to the point of obscurity. The government cleverly did not put on the table its plans during the task force period. It did not want to consult but to use the process as an excuse for saying, 'We can therefore bring in the changes'. The public will not wear that.

The Minister for Industrial Relations then reinforced her arrogant approach when she belittled anybody who criticised the government's proposal. I refer to the Ballarat *Courier* of 14 December 2000. It called the minister to account on this important matter. It should be said that the so-called consultation process of the minister in areas like Ballarat, Bendigo, Geelong and elsewhere was, on average, attended by about 10 people because, firstly, nobody had confidence in the government consultation process; and secondly, no small business person wanted to raise their hands and say, 'I am against the bill' because they knew that another person in the audience was the local union organiser.

In its 'Room for a view' column in the Ballarat *Courier* of 14 December 2000 Ian Bell, the contributor, talks about the dubious attitude demonstrated by politicians towards small business people and particularly takes aim at the indifference and arrogance expressed by Ms Gould. His article states:

I believe it is an insult when politicians use the term 'consult' in the context used by Monica Gould. The Oxford dictionary defines the act of consulting as 'seek(ing) permission or approval from (a person) for a proposed action'. In this instance, as pointed out by Monica Gould, this bill was a pre-election policy and government did 'explain its reforms to major unions, employer groups and community organisations including small business employer representatives'.

We have a timing problem here. Presenting a finished product to someone to discuss the minor details does not, in my eyes, constitute consultation.

Let's face facts. The party drafted the legislation and party members were instructed to go out to sell it.

I do not know Mr Bell.

Hon. D. G. Hadden interjected.

Hon. M. A. BIRRELL — I don't. He speaks for ordinary small businesses that opposition members encountered in places such as Bendigo and Ballarat. The consultation was a con; consequently, there was no proper dialogue with small business. They did not hear the views of bodies at ground level, such as the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group, the Australian Retailers Association or other excellent bodies who have made advocacy on this matter, such as the Restaurant and Catering Association of Victoria, the National Farmers Federation or the Business Council of Australia. They did not want to listen to those bodies.

The next point I raise in the debate about why the bill must be defeated is simple: it is all about union power! There is no doubt that at the heart of the bill is the wish to increase the power of the declining trade union movement and particularly to increase the rights of union organisers to intimidate small businesses. I have no doubt that unions would love those powers, but unions should never get them. That is why they do not have them in Victoria.

Hon. M. M. Gould interjected.

Hon. M. A. BIRRELL — It is not a justification to say that the corner store, which is not subject to a union right-of-entry provision now, should be subject to the same rules as a Coles Myer Ltd store under the federal law as that company is subject to a union right-of-entry clause.

Small businesses in this state have been free from the intimidation of union organisers bowling into workplaces and demanding that they photocopy their books. I have not found one small business that wants that type of intrusion. Of course they do not.

It is known that the union movement very much wants this bill because it is the only lifeline it has to deal with its problem of falling membership. Unions cannot organise properly in these small businesses; they cannot get people to join unions. They want to be able to come in and photocopy the books of small businesses, farm or home-based businesses, get names and enforce those people to join unions.

The Liberal Party will not allow them to have that type of power. It does not believe it is proper for them to have that power. It knows, of course, that if they do have that right-of-entry provision it will cause great concern. The Liberal Party does not want to give unions in this state a leg-up to undertake disruptive action. There is a right for unions to exist and operate but they

do not deserve to have special privileges that help them achieve compulsory union membership.

This is all happening against a backdrop of concerns about rising industrial disruption in this state. These are not just my views but are views expressed very adequately by *Business Review Weekly* on 9 March.

Hon. C. C. Broad — Who is the author?

Hon. M. A. BIRRELL — Nicholas Way. I suggest that the minister read it and learn something. Perhaps she could duck out now and get a copy from the library. The article states:

... there is a perception of a Victorian union movement out of control.

That is correct, because they have their heads up. They can look around and see that the government is not going to discipline them so they can get away with a lot more than in the past. It is not the Liberal Party's wish to entrench the capacity for them to do more damage to the Victorian economy. They can do their work; they can exist; they can thrive on their own merits, but it should not be for Parliament to prop them up. I do not believe they will be able to do just that.

An associated issue with regard to that of union power is: why will the government not bring in legislation on that issue alone? Why does it insist on hiding the union power provisions behind this Trojan Horse? It will not bring in its union power provisions on their own because it would expose the true attitude of the Bracks government in a clear light. I challenge the government to do so. After the bill is defeated, it should introduce union right-of-entry legislation.

Hon. G. W. Jennings interjected.

Hon. M. A. BIRRELL — The opposition will hold you up to the scrutiny you deserve, because it will be the first time you wear your colours honestly.

The government is trying to hide behind the bill. The government is trying to ensure that people do not focus on the union right-of-entry provisions. However, I can tell honourable members that because of the consultation the opposition forced, people have been able to focus on that point.

The sixth impact of the bill is that it would, as the critics have described, become a lawyers' picnic. It would create a state industrial relations system that overlaps the federal industrial relations system. Victorian businesses would have to operate under two systems, not one. They could not choose between the systems, nor could employees choose between them.

Because of the sloppy way the bill has been drafted, those businesses would end up being covered under both systems.

I am not suggesting that that is what the government said it wanted; it is not something the government says is in the legislation. However, based on the legal advice provided by the commonwealth government and publicly available for the state government to refute, we know very well that the legal analysis of the Fair Employment Bill and the advice received from the Australian Government Solicitor shows substantial scope for jurisdictional overlap between the federal system and the system proposed. To use the words of the federal department:

This would give rise to uncertainty, confusion and potentially dual regulatory obligations upon employers and employees in Victoria covered by federal awards.

The minister representing the Labor Party on industrial relations issues would have been able to explore this problem in the bill with the federal minister if she had been prepared to pick up the phone and have a conversation. Of course she was not prepared to respond and not prepared to have any discussions. This major problem has caused great difficulty for ordinary businesses.

The Australian Industry Group and the Business Council of Australia have been arguing that this would be the worst possible outcome for Victoria. The real problem of shifting back to a state industrial relations system is overshadowed by the fact that Victoria would have a state industrial relations system that overlapped the federal industrial relations system, so it would become a lawyers' picnic. If you do not win in one jurisdiction, you go to the other. If the union is not happy with a decision of the Australian Industrial Relations Commission it would trump up a different charge but with the same aim under a state tribunal. If it did not get what it wanted under the state tribunal it would head off to the AIRC under some of the minimum prescribed conditions. Lawyers agree that this is a deadly weakness of the bill that the government does not want to address and does not want to know about. It may well be an unintended consequence but there is no doubt it is there and it is a key reason for not supporting the bill.

The National Farmers Federation (NFF) has made it clear how this would be problematic. It published a press release on 13 November 2000, not in past weeks, publicly raising the issue. Once again, it was not addressed by the state Labor government in the intervening months. The press release states:

The National Farmers Federation has today warned that if the Victorian government passes the so-called Fair Employment Bill, it will be creating a lawyers' picnic, partly because of provisions the legislation contains to claw back regulation from federal awards.

The NFF is right. That organisation does not normally get involved in state politics but it was so concerned about the implications of this bill for the federal industrial relations system that it felt it needed to blow the whistle.

The seventh issue of major concern is that under the proposal contractors would be deemed to be employees for the first time in state history. In other words, contractors the union movement wanted to unionise would be treated as employees for the purposes of this tribunal so that that end could be met. No public justification was put up by the government for this move. Indeed, very little public discussion was held by the government on the issue because it was hoping instead it could talk about outworkers, who need genuine protection and will gain it under the federal reforms, or could just talk about bereavement or carers leave, which will be introduced but which of course the state government was never particularly interested in. It was used only as an excuse of an argument.

The Liberal Party is concerned at the idea of saying that someone who decides to be a contractor and acts like a contractor will all of a sudden find themselves before an employee-based workplace tribunal and have their contract reviewed by that tribunal even though they willingly entered into it. That is the government's ambition and it should wear the argument in public extensively because it is extraordinarily unpopular throughout Victoria.

It is also known that the government has done some massive backflips on this issue in other parts of the legislation. Only hours after the Labor Party rammed the legislation through the Legislative Assembly, the Minister for Industrial Relations said, 'No, we will amend the bill'. It was rammed through the Legislative Assembly and then the government said it would amend it. Subsequently the government made even more amendments.

Was this essential legislation or was it just an ambit claim? As it comes from union roots, I believe we can now see what it was — it was an ambit claim the government forced through the Legislative Assembly. It was then happy to make some changes. The government forced the Legislative Assembly to pass a law that the Bracks Labor government does not now support. That was not as a result of consultation; it was to be a ruse so that we could then hear the government

saying to the public, 'We will be responsive'. If it did not want that in the first place it should not have put it in the bill. However, it did, and it particularly wanted sweeping provisions to bring in controls over independent contractors in this state.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Petrol: adulteration

Hon. BILL FORWOOD (Templestowe) — My question is to the Minister for Consumer Affairs. Just over a month ago a number of vehicles filled up at a service station in Werribee, drove about 200 metres and stopped. They had been sold adulterated fuel. The fuel was apparently cut with kerosene. That was not only damaging to vehicles but dangerous to people. The minister investigated the issue, and she knows it was not the first time this particular service station had sold adulterated fuel. Will she now, in the interests of consumers, name the service station in question?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The honourable member is correct in that the department has certainly taken action over a service station selling fuel that is suspect and is asking questions about what was contained in that fuel. Investigations are continuing, and hopefully they will lead shortly to legal action. As soon as we are certain of our facts we will name that service station.

Hon. Bill Forwood — So in the meantime people buy dodgy fuel?

Hon. M. R. THOMSON — I was informed that the service station is not currently operating and selling fuel. If that is different, we will certainly be naming the service station.

Consumer affairs: 'Better car deals'

Hon. E. C. CARBINES (Geelong) — Will the Minister for Consumer Affairs inform the house of what action she and her department have been taking to encourage responsible trading and to ensure that consumers are informed of their rights concerning the motor car industry?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — With the grand prix and the motor show recently we saw a great emphasis on motor cars, so while people are thinking about cars the Office of

Consumer and Business Affairs decided to concentrate on the motor car industry. With the Victorian Automobile Chamber of Commerce (VACC) at the motor show I launched the 'Better car deals' booklet, which contains important information for consumers and dealers alike in that it gives guidance on how to purchase a car from the various types of dealers consumers may deal with right through to private car sales. It tells consumers of their rights and obligations under the legislation and also has helpful hints on the questions to ask when getting a car repaired either mechanically or through a panel beater. It is a good sized brochure that could be kept in the glove box of the car and would be most useful.

In an address I gave at the Melbourne International Motor Show International Women's Day luncheon I talked about the project known as Women as Consumers, which is now about to go into its second stage. The project looks at the way women are discriminated against in dealing with motor car traders, motor mechanics and panel beaters. The research has now come through, and we will be working with the VACC, the Consumer Law Centre, the Victorian Women's Trust and the Financial and Consumer Rights Council to develop those issues.

We have also been running a blitz on two aspects of licensed motor car trader operations. We have issued 300 infringement notices to motor car traders who have not been providing the correct detailed information required on the history of a motor vehicle.

We also had the Dob in a Rogue Trader campaign. At this point it is very important for me to say that the majority of motor car traders are responsible and deal with their customers in a considered and considerate way. They look after the customers who come in their doors to seek to buy a car from them. Unfortunately however, there are a number who bring those traders into disrepute. The VACC agrees with me that it is in the best interests of its industry and of consumers to make sure that those traders be brought to account.

Hon. Bill Forwood — What about service stations?

Hon. M. R. THOMSON — They will be brought to account as well, Mr Forwood. It is important to ensure that when people are thinking about buying a car they are aware of their rights. For many people, the second most expensive item they will purchase is a car, therefore it is important that when they buy their car they know what questions they can ask and what kind of information they should be provided with. In that context the 'Better car deals' booklet provides very handy information.

Liquor: licences

Hon. M. T. LUCKINS (Waverley) — The Minister for Small Business is aware that Woolworths, through the purchase of Liberty Liquor, is flouting the 8 per cent limit on packaged liquor licences. Given the detrimental impact this unfair competition is having on small independent liquor retailers and country pubs throughout Victoria and in my own electorate, will the minister advise the house what action she intends to take in the face of Woolworths' purchase of Liberty Liquor?

Hon. M. R. THOMSON (Minister for Small Business) — The honourable member will be aware that the 8 per cent legislation that currently exists is flawed and has many loopholes. In some instances the problems she faces in her electorate are based on the current legislation. The former government had an opportunity to close those loopholes when it brought in the legislation.

Honourable members interjecting.

Hon. M. R. THOMSON — They deliberately — —

The PRESIDENT — Order! Will both sides of the house settle down and allow the minister to be heard.

Hon. M. R. THOMSON — Against advice it was given by people at the time, the former government deliberately chose not to close those loopholes. There is legislation in place that will deal with the 8 per cent. The government is seeking advice from the government solicitor on Woolworths' purchase of Liberty Liquor and will be looking at the options it has available to maintain the intent of the 8 per cent.

Industrial relations: commonwealth act amendments

Hon. KAYE DARVENIZA (Melbourne West) — I ask the Minister for Industrial Relations: in light of the recent announcement by the federal workplace relations minister, Tony Abbott, concerning amendments to the federal Workplace Relations Act as it applies to Victoria, will the minister advise whether these amendments implement recommendations made by the industrial relations task force to boost education, compliance and enforcement services in Victoria?

Hon. M. M. GOULD (Minister for Industrial Relations) — In the proposal put forward by the federal minister — —

Honourable members interjecting.

Hon. M. M. GOULD — It is just a bandaid attempt to address a serious problem. The industrial relations task force — that is, the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry, the trade union movement representatives and the community groups — unanimously agreed that the federal system that was looking after information for employers was not working. Resources and staff have been reduced. Honourable members who were listening to radio 774 this morning would have heard mothers ringing up about their children working on trial in workplaces and not being paid. When they ring Wageline they are told they have to wait three weeks before they can get an appointment. Tony Abbott is proposing to broaden the powers to look after non-federal award coverage. It cannot even look after the ones it has now!

The industrial relations task force employers agreed that employers want to be able to pick up the phone and get user-friendly, easy and accessible advice. At the moment they cannot do this. Tony Abbott's proposal will not fix it. The task force found — and employers said — that the workplace relations Wageline does not service regional and rural Victoria. It does not even look after all of the metropolitan area. Many people rang up this morning concerned about their kids being ripped off by unscrupulous employers. Will Mr Abbott's proposal fix it? No, it will not. It will not fix it because he has not given any commitment to increase staff. He has done absolutely nothing to look after Victorians who are being ripped off by unscrupulous employers. The proposal will not look after those covered under schedule 1A. The federal government cannot even look after those who are covered by federal awards. Mr Abbott will not give any more assistance to regional and rural areas. He is not proposing that. He is not proposing any improvements to Wageline. This is yet another example of Mr Abbott's proposals and the fact that he has little or no respect for Victorian workers. It is an outrage for him to suggest such a thing.

Petrol: prices

Hon. P. R. HALL (Gippsland) — Does the Minister for Consumer Affairs know why petrol prices in Queensland are 10 cents a litre lower than they are in Victoria and, if so, why? Will she share that knowledge with honourable members?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I do not have responsibility for — —

Honourable members interjecting.

Hon. M. R. THOMSON — The honourable member asked a question about petrol pricing on Tuesday and talked about excise arrangements for petrol. I reiterate that Victoria does not collect fuel excise.

Hon. P. R. Hall — On a point of order, Mr President, that was not the question. My question had nothing to do with the tax implications of petrol. It is completely different from the question asked on Tuesday. It is her responsibility as Minister for Consumer Affairs looking after Victorian consumers to have some knowledge why one state can have significantly lower petrol prices than Victoria. I simply asked the minister whether she knows why petrol prices are lower in Queensland. I asked her to share that knowledge if she did know the answer. The point of order is that I claim the minister has not answered the question.

Hon. M. M. Gould — On the point of order, Mr President, fuel pricing is obviously an issue for the federal minister.

Opposition members interjecting.

The PRESIDENT — Order! As Minister for Consumer Affairs and acting in the interests of Victorian taxpayers and motorists the minister has shown a keen interest in the price of petrol. She has provided a monitoring service of petrol prices throughout the state. This question relates to the price of petrol and asks why there is a great difference. The question is in order. It is up to the minister whether she answers it. Therefore the question is allowed to be asked and answered.

Hon. M. R. THOMSON — As best we can without the support of the federal government we have done a full investigation into the pricing regime of fuel in Victoria. As I said, I am not responsible for the taxation regime in Queensland. I have explained on previous occasions the arrangements that were entered into by the previous government on GST which saw fuel excise being included in the new taxation arrangements. That meant Victoria will not be in the black until 2007–08.

Sport: women

Hon. G. D. ROMANES (Melbourne) — Given the low level nationally of young women participating in sport, what steps has the Minister for Sport and Recreation taken to boost the participation and retention of Victoria's young women in physical activity?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Honourable members will be well

aware that retaining young women in sport is an issue that continues to cause concern for this government and should also be of concern for governments across the country.

Statistics show that participation rates for girls in sport and physical activities has declined between 1998–99 and 1999–2000. There is extensive evidence to show that the youth of today are less active and more overweight than only a few years ago. For those women who do persist with sport and physical activity, there are significant benefits, particularly in terms of health, wellbeing and community connectedness. Nothing exemplifies that better than the Sydney Olympics, which provided an excellent example of how Australian women can be competitive on a world sporting stage. In particular, I refer to the tremendous role models of Cathy Freeman, Lauren Burns, the women's water polo team and the women's hockey team.

I am pleased to advise the house that this morning I hosted the Active Girls Breakfast at the Melbourne Convention Centre. More than 600 young women from around Melbourne attended. The event brought together school-aged girls who might be considering not opting for sport as they reach a crucial age where they have many other choices. The intention of the event was to ensure that a number of role models attended each of the tables to speak to the girls on a personal basis. There were also role models on a panel to talk about their sporting experiences, be it performing or administration. Those role models included a number of sporting women from around the state: Clair Mitchell-Taverner, who won a hockey gold medal; Jo Fox, who won a water polo gold medal; Kitty Chiller, modern pentathlon; Lisa O'Keefe, tae kwon do; Kerri Tepper, table tennis; Pam Ryan, track and field; and Amy Safe, rowing.

The objective of the morning was to demonstrate to young girls and young women that women can participate significantly in sport, that they can excel as well as participate and also juggle demanding schedules, such as jobs or schooling, and continue their involvement in sport. The Melbourne breakfast was certainly a success and in coming weeks we will be holding similar events in regional Victoria with breakfasts taking place next week at Sale, Ballarat, Horsham, Wangaratta and Shepparton.

Land tax: small business

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I understand that last week the Minister for Small Business visited Berwick and had discussions with

traders about the government's land tax grab as recommended by the Harvey report. Will the minister explain which chambers of commerce and small business groups she spoke to about this issue, and what was their response?

Hon. M. R. THOMSON (Minister for Small Business) — In stark contrast to the federal government's implementation of the goods and services tax (GST) that failed to consult about tax reform adequately, it was decided —

Honourable members interjecting.

The PRESIDENT — Order! I suggest the house settle down and allow the minister to be heard.

Hon. M. R. THOMSON — The Harvey report was an independent report to government on taxation on business in Victoria. It was released publicly for comment and for the government to consider its recommendations. We welcome the responses from business directly to the Treasurer on that report.

The Treasurer has had a round-table meeting with business organisations, and I have also attended a number of consultations with business organisations —

Honourable members interjecting.

The PRESIDENT — Order! Mr Smith is not helping on his side and government members are also not helping. They should allow the minister to finish.

Hon. M. R. THOMSON — A number of local members have conducted consultations with their local business communities. Business has an opportunity to contribute directly with the Treasurer and the government through that process. Consultation has taken place with a number of business organisations and their concerns about the Harvey recommendations will be considered by the government to ensure that our tax cuts are delivered in the most effective manner.

Hon. G. K. Rich-Phillips — On a point of order, Mr President, the question was clear: I asked the minister with which groups had she discussed the land tax proposals and what was their response? The minister has not answered either part of the question.

The PRESIDENT — Order! The minister was asked to identify the groups, but I think the second part of the matter has been dealt with in her general response.

Hon. M. R. THOMSON — I did so extensively.

Boating: safety grants

Hon. R. F. SMITH (Chelsea) — Will the Minister for Ports advise the house of the financial support provided by the Bracks government to organisations to enhance safe recreational boating on Victoria's waterways?

Hon. C. C. BROAD (Minister for Ports) — I am pleased to advise the house that the Bracks government has significantly boosted efforts to improve boating safety and the enjoyment of safe recreational boating on Victoria's waterways, a matter that is of great interest to some members opposite. The government has already committed \$15 million to improve recreational boating over the next five years as a result of the introduction of boat operator licensing from the end of this year.

In addition to those funds, I am pleased to announce details of grants which will be provided to various organisations directly involved with water safety. Grants totalling \$160 000 will be allocated as part of the Boat Safety Grants program in the categories of search and rescue, education and training, and special needs.

Some \$70 000 has been provided under the search and rescue category which will be distributed among various volunteer marine search and rescue groups for the purchase of safety equipment and, most importantly, rescue craft. Recipients include lifesaving clubs, sailing clubs and rescue services in 25 Victorian locations, including clubs in Hampton, Wonthaggi, Geelong, Lorne and Warrnambool. This funding is in addition to the \$180 000 that was provided at the end of last year to the Australian Volunteer Coast Guard Association to assist with the purchase of four rescue boats that were much needed.

A further \$70 000 has been provided under the education and training category. These funds will be used by boating-related organisations to improve the education and training of the general boating community and volunteer search and rescue crews. Some of the recipients include the Victorian Yachting Council, the Volunteer Marine Rescue Association, and the Boating Industry Association.

For the first time there is also a funding commitment of \$20 000 under the special needs category to allow organisations to increase the availability of boating opportunities for people with special needs who would have difficulty getting access to these activities.

In addition to those categories under the program, grants totalling \$95 000 will be provided to improve boating safety signage as part of the Bracks

government's focus on improving signage on boat ramps across Victoria's waterways. Signage alerting boat operators about local conditions, boat restrictions and regulations will be the first priority to improve safety.

This grant program is evidence of the Bracks government's commitment to improve services to the whole state, and to make our waterways a safer place for all Victorians to be.

MCG: ground manager

Hon. I. J. COVER (Geelong) — I ask the Minister for Sport and Recreation whether the government will give a guarantee that the Melbourne Cricket Club will remain ground manager of the Melbourne Cricket Ground?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — There are a raft of issues involving the Melbourne Cricket Ground. One of the great things that is happening is that it is able to deliver a stand in time for the Commonwealth Games. The project is worth approximately \$400 million and the government is working extremely hard to progress the development and bring together all the parties, which include the Melbourne Cricket Club (MCC), the Melbourne Cricket Ground Trust and the Australian Football League. All parties are working hard to make sure the stand development is completed not just for the good of sport in the state but also in time for the Commonwealth Games.

One of the key issues will be the involvement of the MCC. The government has a tremendous rapport with the MCC, particularly the president, Mr Bruce Church, and the secretary, Mr Stephen Gough. It is working hard to ensure that the development takes place on time. The matter may relate to the tenure of the rights of the MCC, but I am sure we will deal with that in the course of the negotiations.

What is most important is that the project, worth approximately \$400 million, is completed, because it will be a huge driver for economic development.

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to remain silent. I ask the minister to conclude his answer.

Hon. J. M. MADDEN — The project will have significant effects because it is a huge economic driver for Victoria. It will reinforce that the Labor government can do these sorts of developments with the MCG, as it

did with the Great Southern Stand — something the opposition could never get its head around when in government.

Seniors: information handbook

Hon. JENNY MIKAKOS (Jika Jika) — Given that it is Senior Citizens Week, will the Minister for Consumer Affairs explain what assistance is available from Consumer and Business Affairs Victoria for senior citizens?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — This is an important week for our senior citizens, and I hope these members of our community have an opportunity to enjoy this week and the activities organised around Senior Citizens Week.

In association with Senior Citizens Week, Consumer and Business Affairs Victoria is involved with Jampacked, the senior citizens expo at the Exhibition Building. Yesterday, the Minister for Aged Care, the Honourable Bronwyn Pike, launched on my behalf a booklet entitled ‘Older and wiser — a handbook for senior Victorians’. It is an important handbook given the vulnerability of seniors to scams or shonky deals with tradespeople who may rip them off. It is important that senior citizens have access to information that will enable them to ask the kinds of questions they need to ask to ensure they are not vulnerable to scoundrels.

The handbook contains a lot of relevant and useful information for our senior community and older constituents. It contains information on the latest scams, to make people aware, and provides information on Internet shopping — something our seniors are taking up. Senior citizens are using new technologies and need to understand what to look for when shopping on the Internet so they are confident they are dealing with proper organisations at the other end and that the goods will be delivered.

The handbook provides information on door-to-door sales requirements and how to deal with tradespeople. It is important for senior citizens and will help them deal with the pitfalls they may come across in their everyday lives. I urge honourable members to make sure it is made available to the older members of their electorates.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have an answer to question on notice 1298.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I have answers to questions on notice 1008 and 1211. The answers will be incorporated in *Hansard*.

FAIR EMPLOYMENT BILL

Second reading

Debate resumed.

Hon. M. A. BIRRELL (East Yarra) — Before the suspension of the sitting I was indicating why the Liberal Party opposes the bill. I said there were 10 fundamental objections. I now move on to the eighth reason for our opposition to the bill — the cost to the Victorian taxpayer. If the proposal were to become law, in addition to the obvious penalties for so many individuals and businesses throughout the state there would be a direct and unwelcome impost on state revenue. A conservative estimate by the government of the cost of setting up a separate industrial relations system is \$10 million a year — \$10 million for a folly that no clear-thinking person wants. That \$10 million for an industrial relations system that duplicates the federal IR system is an expensive way of repaying the Labor Party’s debt to the trade union movement.

There are far better ways of using that \$10 million per annum. For example, it would mean the government could permanently employ 45 extra teachers, with all the on-costs, in our schools. It could cover 40 extra ambulances for emergency services.

Hon. K. M. Smith — Every year!

Hon. M. A. BIRRELL — Yes, every year. The government could establish about 100 new nursing home beds throughout the state. There are clearly higher priorities for the expenditure of what are meant to be scarce public funds. The government has shied away from exposing the cost of this project and does not want to debate it up front. In our view this is a low priority for spending the funds, particularly given that we already have a comprehensive industrial relations system and that as a result of the initiatives announced by the federal government last week that system will be even more extensive.

The ninth major reason for opposing this bill relates to the fact that by taking this action we are confirming what the government expects and what many cool heads in the Australian Labor Party believe is correct. There is no doubt that the government has not had its heart in this bill. It has not argued for it loudly and convincingly. At best one would call the government's efforts amateurish. It is true that many government members who are close to the Trades Hall Council have tried to give the impression that this is an important priority for the government, but I have gained none of that impression at all. Firstly, if one chooses Monica Gould as a spokesperson one is clearly sending out a message about the priority one is placing on the issue! Secondly, if this is not part of the stump speech of all other ministers, if they are not saying why they want the bill, clearly they do not regard it as something they want to sell to the broader community. I have been present at a number of speeches ministers have made to industry and business groups, and this is not part of their stump speeches. Why? Because it would alienate the audience.

In simple terms, the Labor Party knows in its heart that this proposal has only been put forward because the union movement wants it, not because the community supports it. The government has shied away from selling it hard because it knows the bill is unpopular, particularly with small business, and there is a higher degree of unpopularity in regional Victoria, an area the government is very conscious of.

I find it extraordinary that the opposition has effectively been baited by the ALP to defeat the bill. One does not encounter that all that often. The Minister for Industrial Relations put out a press release on 14 February in which she baited the opposition to do what she now says she opposes. The press release said:

The worst kept secret in Victoria is that the Liberals will oppose the legislation when the Legislative Council resumes on 20 March ...

It is very unusual to find a minister putting out a press release sealing the fate of her own legislation by effectively asking the opposition to oppose it.

Another example is a letter distributed in February to Mitcham traders by Mr Tony Robinson, the member for Mitcham in the other place. He invited the Liberal Party to do what it is now doing by using baiting terminology along these lines:

Since the introduction of the bill several months ago the Liberal Party has had two chances in the Parliament to reject it — but has not done so. If they genuinely believe the legislation is flawed, why have they failed to vote against it when the opportunity has been presented?

The Labor government-endorsed line on its bill is to say that the Liberals have had a chance to vote against it and ask why they have not done so. That type of selling of any bill is almost unprecedented. The government has been sending out a message inviting the opposition to do what it is now doing.

I suspect the reason behind that is the cooler heads in the government know that they do not want to alienate the small business community and that a single industrial relations system is in the long-term interests of the state. It lives well beyond passing political attitudes or fashion and any political party's need to pay back a constituency.

We had this debate in this chamber in 1996. A request was made by the Liberal Party and me as minister to refer the state's industrial relations powers to the federal government, and the ALP said yes. The ALP spoke in favour of referring the industrial relations legislation to the federal government, it did not vote or speak against the measure. Even more instructive is the fact that it did that while Peter Reith was the federal minister for workplace relations, the person members opposite most love to hate — that is unfair, the Labor Party has such a list of people it wants to hate. Peter Reith is among those the ALP most loves to hate, but it was happy to cooperate with him. In this chamber in 1996 the lead speaker for the then opposition was the Honourable Theo Theophanous. He said:

Of course, the opposition supports the principle of a single national system of industrial relations.

Hon. Bill Forwood — Say it again: 'We support that'.

Hon. T. C. THEOPHANOUS — We support the principle of a single national system of industrial relations.

Hon. Bill Forwood — Run by Peter Reith.

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

We know that behind closed doors the ALP says it is just doing this to get the Trades Hall Council off its back and hopes the upper house knocks it off so it will not have any problem with it from then on. The government wants this outcome. It did not sincerely argue the case for this bill, and it is happy that the legislation will never see the light of day.

We know that individuals in this chamber have publicly canvassed their preference for changes to the federal Workplace Relations Act rather than having a state system. I need go back no further than 11 April 2000,

when in an article in the *Australian* the Honourable Bob Smith put on the record his support for that outcome. To quote Michael Bachelard, the workplace relations writer who wrote this story:

But the member for the upper house seat of Chelsea Province and a former Australian Workers Union secretary, Bob Smith, advocates trying to spread the more generous federal award minimums to the disadvantaged state workers rather than setting up a new system of state awards.

...

But Mr Smith also voices the fears of the minimalists (who are confronted with some of the most militant unions in the country) that a tribunal would give those unions a permanent public forum to embarrass the government.

Bob Smith was worried about creating a state tribunal that would harm his government. I will not use the expletive, but he concluded by saying:

The left would want to go back to that earlier system ... they abuse the current Industrial Relations Commission, so why not f... the state system.

That is a quote from the Honourable Bob Smith. I do not know whether it is uncontested, but I have not seen it being withdrawn. We know that the cool heads and the backroom people in the Labor Party do not want this bill. They do not want a state industrial relations system, and they are slapping their sides and laughing because the upper house is here to save them from their idiocy. We are and we will, but we do it for a slightly broader reason than that.

I will finish on what is perhaps the most important issue. The 10th reason for opposing this bill is that at the end of the day it is the solemn duty of any member of Parliament to balance the arguments and try to protect the long-term public interest. Therefore, there is no option but to defeat what for Labor is a politically fashionable piece of legislation which has only a few zealots behind it and which any future government would have to try to undo.

We know there is no need for the legislation, but we in the Liberal and National parties also know that some of the issues that have arisen as a result of the consultation we forced on the government over the past three months need to be addressed. They are the excellent federal changes on carers and bereavement leave, the strategically and historically important decision of the commonwealth to legislate to protect outworkers and the other changes, such as giving the state of Victoria the right to intervene in any major industrial dispute in the Australian Industrial Relations Commission. Those changes are welcome and unprecedented; they meet the concerns of workers.

I commend my colleagues who, with me and others, visited a number of outworkers, particularly in the Vietnamese community, in the past three months. We were particularly concerned to meet their needs because their needs are important. We are delighted that for the first time in history Australia will have a comprehensive national system of protection of contract outworkers within the system and framework that will serve them best.

Since the late 1980s, under the Australian Industrial Relations Commission, outworkers have had a degree of important protection. In 1987 Deputy President Riordan made an award to specifically cover outworkers in the textile industry. That award protecting outworkers was updated and expanded in 1995 by Deputy President Williams. In addition, as a result of the Workplace Relations Act amendments in 1996, particularly to section 89A(2)(t) of the federal act, the AIRC has the power to make awards regarding fair and reasonable conditions of employment for outworkers. The reforms that we negotiated go further and protect them even more.

I say to the outworkers who spoke to us, and I particularly say to the Vietnamese community which deliberately and genuinely consulted with the opposition, 'Thank you for your input, for your advocacy and, as a result, you will get the outcome that will protect and help your workers in the long term'. The association representing the Vietnamese community in Victoria has provided sound and strong advocacy, and I have greatly admired it.

The balance of public interest that is required in dealing with any legislation, therefore, leads the opposition to a conclusion that the bill is unworthy and would harm the Victorian social and economic framework. There is no doubt that what we have left after the federal government's reforms is simply the core reason the bill was introduced. In a major article it has published on the bill the Institute of Public Affairs has explained the impact of the bill on industrial relations throughout Australia. In its executive summary the institute says that the bill is designed to try to resuscitate the ailing union movement, on which the Labor Party relies for funding and personnel.

At the end of the day that is all that is left; that is the only part of the so-called Fair Employment Bill the house is dealing with. Given that we have been able to address the needs of employees and small business, the issue of the absence of consultation, the fact that the legislation would be a lawyers' picnic, that it would create overlapping and complex industrial relations systems, and that we know within its heart the Labor

Party wants the bill stopped anyhow, there is no doubt it must be defeated.

Hon. G. W. JENNINGS (Melbourne) — I commence my speech by responding to the way the Leader of the Opposition has made his contribution. In my heart I support the passage of the Fair Employment Bill. In my heart I will passionately defend the rights of the working conditions, pay and entitlements of the 260 000 Victorian workers the government believes will be affected by the bill, leading to the take-home pay and quality of life for them and their families.

Unfortunately, the fundamental difference between the government and the opposition is that the opposition refuses to recognise the humanity that underpins the legislation. In my heart I support the measure and I condemn the opposition for flagging its intention to send the legislation down.

In my contribution I will outline the objects of the bill. I will run through the sorry history of the industrial relations climate in Victoria since 1992. I will outline in some detail the failures of the current commonwealth proposals to address the industrial relations climate in Victoria. I will outline why the proposals by the federal Minister for Employment, Workplace Relations and Small Business are inadequate in achieving the desired result, proposals that the Leader of the Opposition simplistically and superficially described as deriving benefits to Victorian workers.

I will refer to the work of the Victorian industrial relations task force and reassert that the government has great confidence and belief in the work undertaken by the task force. The government has a significant belief in the evidence provided to the task force on which it based its recommendations.

The contribution to the debate by the Leader of the Opposition was clearly lacking in detail. Not one piece of supporting empirical evidence resulting from any survey undertaken by the Liberal Party, the Victorian Employers Chamber of Commerce and Industry or any other organisation referred to by the Leader of the Opposition has been put to the house to explain the methodology adopted by the opposition in its assessment of the economic impact of the bill. The opposition has led not one skerrick of evidence on the methodology it used to conclude that its economic credibility is more impressive than that of the government. During his contribution of about 90 minutes the Leader of the Opposition provided not one piece of empirical, economic evidence or primary data to underpin his arguments.

Hon. C. A. Furletti — Where is yours?

Hon. G. W. JENNINGS — I will provide that evidence during my contribution and I will go through the methodology. I will reiterate the aims of the bill and I will reassert the belief the government has in the bill and that the proposals introduced by the Minister for Industrial Relations, and publicly advocated by the Premier during the past year on many occasions, garner our confidence. In the total absence of an appropriate unified Australian industrial relations system the government believes it is now essential for the introduction of this legislation until the Victorian government can be satisfied that the federal jurisdiction can live up to the expectations of the Bracks government on behalf of its citizens to protect their working conditions — something that has been so clearly lacking since 1992, or at least since 1997.

I will outline to the house the methodology and the economic analysis relied on by the government in augmenting the work of the industrial relations task force to underpin its decision and confidence in the economic impacts of the bill. I will conclude my contribution by discussing the paltry and tawdry politics that have led to the Leader of the Opposition signalling today his intention to vote against the bill. The Leader of the Opposition has already circulated to the media his press release talking about the demise of the bill and the fact that the legislation has already bolted. But that is not the case because the debate is still alive. While I maintain a pulse I will be happy to maintain the government's argument to support the passage of the bill. I counter the opposition's stance in that during every resonance of the Leader of the Opposition's speech I could hear a tap, tap, tap on the nails in the coffin of the relevance of this chamber in its appropriate scrutiny of bills. By the time this debate is concluded there will be a banging on those nails. I anticipate that the National Party, when it enters the debate, will be banging on the nails of the coffin of the credibility of its members to represent the working poor in regional Victoria.

Many accusations have been levelled during the course of the debate and in question time, and the bill has been mentioned many times over the past five or six months in this place, on the basis that little consultation has taken place. I contest that claim and say the reality is quite the contrary. One of the most extensive consultation processes has been undertaken on this bill by any government, which is in stark contrast to the way in which the previous coalition government introduced industrial relations reforms from 1992 to 1997.

Many rounds of consultation have been undertaken, both in terms of the distribution of information packages and of forum consultations, hearings and face-to-face contact with employers, representatives of the community, workers and, dare I say, representatives of unions. The government has relied on face-to-face connection with people rather than the tawdry, paltry fax survey that the Leader of the Opposition undertook to underpin his submission. Not one fax or return has been referred to during the course of debate today. No empirical evidence has been provided by the opposition.

I will now outline the processes adopted by the government that led to the bill's introduction. Information on the bill was broadly circulated by the Minister for Industrial Relations through electorate offices. Indeed, the minister was condemned on a number of occasions by opposition members last year because she was overly generous in the distribution of this information material. Instead of opposition members taking the opportunity to use this well-constructed plain English version of the reforms and discuss them with their communities, the minister was condemned and ridiculed by opposition members who were obviously not in the business of face-to-face consultation or information distribution.

The intentions of the government and the intent of the bill were clearly outlined in the fair employment legislation information kit, which was broadly distributed. Opposition members have relied on the pathetic position that consultation was inadequate because people did not discuss the bill. How often in the public domain do people go through a bill clause by clause? They are more concerned with its effect and intent.

Clearly that has been the basis of the government's undertaking. The information kit outlined the reforms in April last year, almost 12 months ago. The government also commissioned an independent industrial relations task force comprised of employer, union and community representatives to review the industrial relations system in Victorian workplaces. The kit states:

Eleven public consultations were conducted, five of which were held in rural Victoria. Three urban meetings were also held, as well as three targeted meetings for young people, migrants and women. Hundreds of people attended these forums.

Over 200 submissions were received from employers, employer organisations, unions, employees, community organisations and individual members of the community.

The task force handed its report to government on 31 August 2000. The government considered the recommendations of the task force and prepared the following economic impact assessment.

The bill containing a number of core recommendations of the industrial relations task force report was presented to the house on 23 October. It is designed to supplement the federal award system. The information kit further states:

The new fair employment system will create fair minimum conditions of employment. This will replace the current five minimum conditions contained in schedule 1A of the federal Workplace Relations Act, which apply to Victorian employees not protected by federal minimum conditions in awards and agreements.

The system will be administered by a new Fair Employment Tribunal.

...

The new act will prescribe a set of minimum standards of employment to apply to employees, including:

- (i) Annual leave, long service leave, unpaid parental leave, personal (sick and carer's) leave and bereavement leave, and annual leave loading.
- (ii) Simple but fair hours of work standards, including meal breaks and rest pauses.
- (iii) Notice of termination and consultation requirements.

...

The Fair Employment Tribunal will decide other conditions of employment on an industry basis, taking into account the needs of industry and small businesses. These conditions could include:

- (i) Rates of pay
- (ii) Work classifications
- (iii) Allowances
- (iv) Hours of work ...
- (v) Payment, time in lieu or substitution days for work undertaken on public holidays
- (vi) A supported wage system
- (vii) Other forms of leave
- (viii) Redundancy or severance pay arrangements.

The tribunal will also:

Have a small claims capacity for the recovery of wages and related matters

Deal with enforcement matters and grievances

Have power to review unfair contracts

Have power to declare low wage dependant contractors as employees

Provide for a system of mediation of industrial disputes.

The kit further explains all aspects of the bill that I have described. It was widely circulated by the government through the office of the Minister for Industrial Relations.

Hon. K. M. Smith — Who to?

Hon. G. W. JENNINGS — Through electorate offices, peak employer organisations, trade unions and directly to community organisations.

Honourable members interjecting.

Hon. G. W. JENNINGS — Opposition members are obviously keen to hear what community members were saying, and I will be pleased to tell them. I will deal with that point at great length in my contribution, but at this stage I turn to the difference in approach between the current and former governments.

In the deferral motion of this legislation on 21 November last year I indicated to the house the sorry story of the industrial relations reforms introduced on a number of occasions by the Kennett government. The first that I recall is that at the time of the 1992 election, articles appeared in the metropolitan media to outline the fact that the incoming Kennett government intended to alter Victoria's industrial relations laws, which was vehemently denied by the then Leader of the Opposition, Mr Kennett, and his industrial relations spokesman, Mr Gude. On the eve of the election it was vehemently denied, and those articles appeared on election day on 2 October 1992.

However, surprisingly, by 28 October, after being elected to government, the exact reforms that had been so vehemently and passionately denied were introduced. Within 26 days the truth became apparent to the people of Victoria. Hundreds of thousands of Victorians regaled against those industrial relations reforms and stormed up Bourke Street to confront the Parliament at the time the monumental fraud was exposed, and the industrial relations reforms were rammed through this place. The industrial relations reforms were introduced on 28 October and by 12 November — all of 15 days later — they had passed through the Parliament. It was an extraordinary round of honesty and consultation with the people of Victoria about industrial relations reform!

In 1996 leading up to an agreement struck in 1997 — as the Leader of the Opposition indicated today — this chamber did not in any way, shape or form apply appropriate scrutiny to the referral to the commonwealth of the state jurisdiction. At no stage did

the government accept responsibility to ensure that the working conditions of ordinary working men and women in Victoria were satisfied by any other guarantee than 5 minimum standards, compared with the rest of the nation where 20 minimum standards applied to the working conditions of all workers.

Since the signing of that agreement on 30 May 1997 by the now Leader of the Opposition in this place and the former federal industrial relations minister, Peter Reith, Victorian workers have had minimum standards far below those that have applied to the rest of the nation. That agreement guaranteed that Victorian workers would flounder, because since then no appropriate recourse has been found to ensure that those conditions are protected.

Regardless of how much the Leader of the Opposition would today like to gild the lily, the reforms were rammed through this place. I seriously suggest that members of the opposition have a good hard look at their bona fides on this question. I seriously question whether any members of the opposition could stand up and say that they have credibility on the score of protecting the working condition of men and women throughout Victoria. That is especially so given the sorry history that has come about since 1997 and was only corrected on the way to Damascus. Perhaps the Ryan by-election is somewhere near Damascus! The federal industrial relations minister had an awakening on the way to the Ryan by-election. He decided to pick his head up and at least give some pretence that he was prepared to support the working conditions of men and women throughout this state in a way that would shore up some credibility about his ability to protect ordinary working families. That sorry message fell well short of reaching the constituents in the Ryan by-election. As we speak the outcome of the by-election in that previously blue-ribbon Brisbane seat is still unknown.

It is appropriate at this time to explain why the Victorian government believes the offer by the then federal industrial relations minister is not a satisfactory response to the concerns of the Victorian government and does not meet its expectations except in part. Although this is a late conversion by the Minister for Industrial Relations, let us give credit where it is due, and I will indicate where that may apply.

Let us go back through the past 15 months. Since the Victorian Labor government came into being it has given a consistent message about what it expected of the federal jurisdiction to protect the interests of Victorian workers. The consistent approach emanates from the submission the Victorian government made to the Senate Employment, Workplace Relations, Small

Business and Education Committee inquiry into the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill in 1999. I will briefly read from that submission.

As a result of the referral of certain of Victoria's industrial relations powers to the commonwealth with effect from 1 January 1997, all Victorian employers and employees have been subject to the provisions of the Workplace Relations Act 1996. As a result of the referral of industrial relations powers to the commonwealth, a significant proportion of Victorian workers are covered by the (limited safety net) award system, or certified agreements made under the Workplace Relations Act. However, a significant number (up to 600 000) of workers in Victoria continue to be covered by the minima prescribed in part XV and schedule 1A of the WR Act. These provisions are inadequate.

...

... the Victorian government supports the establishment of a fair national system of workplace relations based upon the following:

- a comprehensive award system that reflects the full range of issues affecting the wages and conditions of employees;
- an independent industrial tribunal;
- an end to secret individual contracts; and
- a genuine no-disadvantage test.

That position has been clearly and consistently articulated by the Victorian government since that submission was made and remains the Victorian government's position. It underscores why the Victorian government believes the response of the federal industrial relations minister at this time does not satisfy the expectations of the Victorian government in its desire to protect the conditions of the working people of Victoria.

To indicate the consistency of approach I have a letter from my colleague the Minister for Industrial Relations dated 25 February 2000 addressed to the then federal industrial relations minister, the Honourable Peter Reith, MP, which outlines the Victorian government's position on these matters. I will read in part from that letter:

The amendments to the Workplace Relations Act sought by the Victorian government are set out below —

1. A comprehensive award system that reflects the full range of issues affecting the wages and conditions of employees

Part XV and schedule 1A of the WRA must be expanded to make them fair and reasonable. We seek amendments that would allow the Australian Industrial Relations Commission to make common rule awards in Victoria with no limit on the types of matters that can be included in such awards. It is

anticipated that such awards would include commission test case standards.

2. An independent industrial tribunal

The government fully supports the role and independence of the commission in industrial relations matters. Consistent with the changes sought in respect of common rule awards, we seek amendments that would expand the commission's jurisdiction so it would have powers of compulsory conciliation and arbitration over all terms and conditions of employment for Victorian workers.

3. An end to secret individual contracts
4. A genuine no-disadvantage test

The letter continues:

The scrutiny of AWAs by the commission, and the introduction of Victorian awards that contain appropriate terms and conditions of employment will assist in providing a genuine no-disadvantage test that properly assesses the fairness of agreements.

5. Intervention by state in AIRC

The Workplace Relations Act does not give Victoria, or indeed any state, the right to require that industrial disputes be brought before the commission for determination. This is clearly unacceptable as it gives the government no recourse in the event of industrial disputes that have the potential to seriously damage the Victorian community as a whole.

Accordingly, I seek that you agree to amend the Workplace Relations Act to provide that, in respect of an industrial dispute occurring within the state:

the state can require that the matter be called before the commission;

the state has a right to intervene in such proceedings, by amendments to section 44 of the Workplace Relations Act and in respect of applications to terminate or suspend a bargaining period under section 170 MW of the Workplace Relations Act ...

The letter goes on to describe international obligations that the Victorian government believes should be satisfied within the Workplace Relations Act. I want to make the connection between the capacity of the Victorian government to intervene in the AIRC. I applaud the current federal minister for industrial relations because that is one item that has been picked up within the reform package that he has communicated to Victoria within the past couple of weeks. That is the one item that the Victorian government believes is a net benefit to the Victorian community from the package that has been introduced by the federal minister.

I would like to outline the scope of what the federal minister has written to the state of Victoria to offer in relation to reforms in the industrial relations system. The letter was dated 14 March and addressed to the

Honourable Monica Gould, Minister for Industrial Relations. It is structured in a similar way to a letter that I am now reading from, which is a letter to the Premier. It commences:

I write to advise that the federal government will seek the support of the federal Parliament for measures which further improve workplace relations arrangements for Victorian workers under schedule 1A of the Workplace Relations Act 1996.

A specific bill will be introduced into the Parliament which will:

improve legislated safety net entitlements for Victorian workers not governed by federal awards or federal agreements —

that is, the schedule 1A work force, and I will go on in a moment to describe what those items are —

specify legislated rights for the Victorian government to intervene in Australian Industrial Relations Commission (AIRC) proceedings concerning wages for schedule 1A workers and in AIRC proceedings concerning the settlement of major Victorian industrial disputes; and

improve compliance and enforcement arrangements for outworkers in the clothing, textile and footwear industry in Victoria, and their access to enforceable minimum rates of pay.

They are the significant items that the minister has suggested it is the intention of the federal government to introduce into the Australian Parliament. All honourable members will note a glaring failure of that correspondence to recognise the notification requirements that were laid out in that disappointing agreement that was struck in 1997 between the then state government and commonwealth that requires under point 7:

Except by written consent by Victoria, if the commonwealth proposes to amend or repeal any provision of part XV of, or schedule 1A to, the commonwealth act, it will give not less than six months notice in writing of the proposal to Victoria.

Unfortunately the federal minister did not feel constrained by that agreement in terms of constructing his correspondence to the Premier and the state Minister for Industrial Relations, and perhaps with the imminent Ryan by-election and the debate within the Victorian Parliament felt the need to fast-track his correspondence and ignore that requirement of the formal arrangements between the state of Victoria and the commonwealth.

In an attachment to the Honourable Tony Abbott's letter he outlines what he means by the terms and conditions of employment that he seeks to amend to in some way claw back some of the disadvantage that Victorian workers have been subjected to since 1997

and to add to a number of conditions that have not been available to Victorian workers compared to those available to workers in the rest of the nation. Those items define that he would be prepared to legislate for up to five days per year paid entitlement for caring purposes and up to two days paid bereavement leave on the death of an immediate family or household member. He would be prepared to support a wage system and to legislate for the right of schedule 1A employees with disabilities to have AIRC apply the existing supported wage system to minimum wage orders.

In point 4, which deals with payment for work in excess of 38 hours, I think all members of the opposition and the Victorian community should note that this offer is somewhat diluted in terms of the anticipated expectation out in the community. It says it will legislate provisions for payment of work in excess of the currently prescribed 38 hours per week. It does not indicate that there may be penalty payments that apply to it, but just that people will be receiving some payment after 38 hours of work per week.

Point 5 deals with the annual sick leave entitlement and contains details of the calculation and accumulation of currently prescribed annual leave and sick leave entitlements. We are short of the details of how the formula may apply. I am sure we would like to be optimistic and anticipate that the federal minister may have some degree of largesse towards workers, but we cannot be certain about that. Surprise, surprise! The very important stand-down provisions are a fundamental component of this package. Some elements of this package have been considered for quite some time in the federal Parliament and have been logjammed through the Senate in many forms, given the very low horizon and expectation that the federal government has had for Victorian workers during the course of the last year until the revelation of the Ryan by-election. We can all be grateful that that piece of legislation has not been packaged.

The positive note in relation to this offer from the commonwealth — if it is in fact an offer — is the capacity for the Victorian government to intervene in the AIRC in legislated guarantee rather than it being at the discretion of the commission. It is very important for the house to take note of the paucity of information in terms of the rigour that underpins this proposition from the federal industrial relations minister on compliance and enforcement. There is no undertaking within this letter to indicate that there is any desire to improve the commonwealth's capacity for compliance and enforcement of the regime that would apply. All honourable members should be acutely aware that the

compliance and enforcement regulation that has applied in this jurisdiction as a combination of the state and federal jurisdiction has been reduced to 25 per cent of its capacity prior to the transfer of power in 1997. We have one-quarter of the capacity to assess the compliance and enforcement of the industrial relations regime within Victoria that that we had prior to 1997.

The greatest sleight of hand in the correspondence from the federal industrial relations minister to the state of Victoria is about the effect on outworkers in the state and the absolute insistence that outworkers are considered to be contractors. There is a clear demarcation between the undertaking the Victorian government gave to outworkers and what the federal jurisdiction is offering.

I shall outline the fundamental differences as they affect the daily lives of outworkers in the state, the differences between the intention of the bill and what is offered by the federal minister. Under this bill outworkers will be deemed employees, thus giving them access to the rights of employees. Outworkers in New South Wales, South Australia and Queensland are already deemed to be employees under state legislation. Under the current federal legislation outworkers are not deemed to be employees and therefore do not have access to the Australian industrial relations system.

The federal minister insists on defining outworkers as contract outworkers and does not deem them as employees. Under the state proposal outworkers will be able to recover unpaid moneys and wages up the contracting chain, they will have access to the Fair Employment Tribunal to claim unpaid wages and other conditions and they will not have to prove that they were employees to gain unpaid wages under the federal jurisdiction as it currently applies and is intended to apply under the commonwealth's proposed reforms. If outworkers want to claim underpayment or non-payment of wages and other conditions they must now take individual cases to the federal court and prove that they are employees. Under Tony Abbott's reforms outworkers will still have to go on a case-by-case basis to the Federal Court for underpayment and non-payment of wages and other entitlements. That process is expensive and time consuming.

I wish them all possible strength in the case the Textile, Clothing and Footwear Union of Australia is currently running for seven outworkers in the federal court. The federal government has not intervened and has never taken a case forward on behalf of outworkers — there has been not one skerrick of support in federal court cases involving outworkers.

Under the Victorian Fair Employment Bill outworkers will be entitled to core working conditions, including annual leave, public holidays, sick leave, bereavement leave, overtime and superannuation. Under the federal minister's proposals outworkers will be denied access to those entitlements, the minimum conditions that apply to workers throughout the nation. The way the federal minister responsible for workplace relations seeks to deem outworkers as contractors means they will have no guarantee other than having a minimum wage, and we have already identified that the commonwealth's capacity to ensure that that is delivered is minimal.

The Victorian government has no confidence in the intent, the spirit or the delivery of what was conveniently cooked up in the lead-up to the Ryan by-election and conveniently cooked up between the Leader of the Opposition in this place and the federal Minister for Employment, Workplace Relations and Small Business prior to the debate in this place. The Victorian government has not been swayed one iota from its support for ensuring that outworkers are deemed to be employees and, as a consequence, will be entitled to minimum standards and conditions and receive reasonable entitlements that should apply to any worker in the nation.

An article in the *Age* of 16 March written by Paul Robinson and Meaghan Shaw encapsulates the response to this sleight-of-hand proposal by the federal workplace relations minister. The article states:

The Victorian Liberal Party, not workers, would be the main beneficiary of planned changes to national workplace laws unveiled this week, the ACTU said yesterday.

ACTU president Sharan Burrow said the Howard government's plan to add token benefits to its workplace laws was timed to short-circuit Victoria's move to re-establish its own industrial system.

She said the federal plan contradicted a recent independent survey by Sweeney Research which showed 80 per cent of Victorian small business owners believe the government should strengthen protection for low-paid workers. The survey also revealed that more than 70 per cent supported Victoria's Fair Employment Bill.

Clearly the Victorian government believes the analysis of the Australian Council of Trade Unions (ACTU) has rung the bell on this tawdry offer from the federal minister. The words the Leader of the Opposition has used during the course of this debate are a political contrivance designed to create the illusion that the substantive issues the Victorian government has been seeking to correct on behalf of the low-paid workers in this state have been achieved.

No critical analysis would give credence to the position offered by the Leader of the Opposition in this debate. There has been no evidence to suggest that the working conditions of even one Victorian would be better on the basis of these federal industrial relations changes. It is clear that the repackaging of the second-wave proposals has been in existence for the best part of two years and was subject to scrutiny. The Victorian government has responded consistently since the Senate inquiry of November 1999, and continues to do so to this day.

Much discussion has taken place in the lead-up to this debate and during the debate about the consultation undertaken in the preparation of the bill, the analysis that underpins the bill, the government's bona fides on consultation and the proper disclosure of issues that surround the bill. The consultative process the government adopted is as extensive as any such process on any legislation for the past decade. There has been a great deal of public debate and scrutiny of the intention of this legislation over a protracted period. The bill was introduced on 23 October last and has not yet been passed.

I remind honourable members that in 1992 changes introduced by the incoming coalition government on 28 October were passed on 12 November — 15 days later. We should be honest in the way we assess the preparation of legislation that affects industrial relations in Victoria. I go back to a very public event that took place in March last year that saw the kick-off of the industrial relations task force in Victoria, the recommendations of which ultimately led to the creation of this bill.

I refer to the Growing Victoria Together summit that took place in the Legislative Assembly chamber on the 7 and 8 March last year. I read a brief extract from the communiqué of the summit:

The summit agrees on certain fundamental principles and processes for achieving our shared objectives of Growing Victoria Together. We have been able to do this because of: first, a mutual recognition of the legitimate aspirations of the various interest groups represented at the summit and, second, a shared realisation that those aspirations are most likely to be achieved by a corporate approach to maximising economic growth within a just and inclusive society.

All agree that a viable and prosperous private sector, capable of generating and attracting investment to expand existing and create new enterprises, is essential for economic growth and job creation ...

We know consultation and participation are a positive feature of successful industrial relations and ask the foreshadowed Industrial Relations Taskforce to address: (a) appropriate community status for all workers irrespective of their legal status, and (b) how these standards will be enforceable in an accessible forum. It is also agreed there is a need for further

discussion about mechanisms for moderating the increasing insecurity of work and that safe workplaces are an absolute priority.

The unanimous agreement of the Growing Victoria Together summit, which brought together members of the government and the opposition, employer and employee groups, community groups, unions and ordinary members of the Victorian community, was to recommend that an industrial relations task force be established to examine the industrial relations framework that currently applies in Victoria.

One of the things that the opposition hates about the current Labor government is that it has the capacity to talk to people. It is a Labor government that is the worst nightmare of the opposition because it has the capacity to be inclusive and to bring together all sections of the community. It does not matter whether they are the peak body representatives of business or small businesses, this government listens to people, and it is on that basis that it responds to the legitimate aspirations of all stakeholders in the Victorian community. The Labor government understands financial management and discipline and the important role that stability and security play in underpinning economic prosperity. This government is your worst nightmare! That is the major problem the opposition has, and it is something it has not been able to come to terms with.

In his contribution to the debate the Leader of the Opposition demonised the connection between the Labor Party and the labour movement. Every single argument and all 10 points, were based on demonising the connection of the Labor Party and the labour movement. This government is proud of that connection. It knows that in the interests of the labour movement and working people, particularly the working poor, it has to ensure that whatever industrial relations framework is put in place and whatever financial discipline is brought to bear within the state, it must ensure that it underpins the economic development of the state and does not jeopardise it. The government understands that. It also understands there is a high degree of confidence in the operation of the bill.

The opposition is unable to justify its position on the bill. It has not listened to the people. The very reason it is in opposition is that it has not listened to the people of Victoria. In the past few months the Prime Minister has learnt the lesson. He saw the road to Damascus just before the by-election for the federal seat of Ryan. He is now a very different Prime Minister from the one we have had during the course of his period in office. It is essential that we listen to the stories related to us. My

main criticism of the Leader of the Opposition today is that he did not bring one direct economic analysis or bit of empirical evidence, not one primary source, to the chamber to underpin his arguments. His arguments were based on the demonising of the Labor Party and the labour movement and raising hysteria about that.

It was a sad contribution from the Leader of the Opposition. He has demonised Professor McCallum on many occasions during the past 12 months. He made some attempts to square the ledger today, but it was a pathetic attempt after his maligning of Professor McCallum over the past 12 months. The ledger will not be squared. Mr Birrell's contribution was ordinary because he again demonised the work of Professor McCallum and his contribution to the nation.

Professor McCallum and his industrial relations task force spent many months touring Victoria. The task force received more than 2000 submissions and held 11 consultations during the middle of last year, a significant number of them in regional Victoria. Some of the consultations were specifically targeted to the needs of young people and women. In fact, I will take the house through some of the heartfelt stories on the record of the industrial relations task force and provide, if nothing else, a snapshot of the lives of the working poor in Victoria.

The testimony of those who provided submissions to the task force has been compiled, and I urge all honourable members to make sure they read it before making their contribution to this debate. They should see where their hearts lie in relation to the arguments they put forward about the bill. Their contributions will be hollow if there is not a welling up of concern and consideration for the wellbeing of the working poor after reading those stories.

The first element of the work of the industrial relations task force to which I refer is the status of the workers covered by the task force's review and the people who come within the scope of section 1A of the Workplace Relations Act and whether their circumstances are addressed by the Fair Employment Bill. To give an outline of the snapshot of those workers and where they work I rely on the primary data the task force relied on — an analysis of earnings-employment benefits and industrial coverage in Victoria undertaken by the Australian Centre for Industrial Relations Research and Training from the University of Sydney.

That body published its report on 12 July last year. About 45 per cent of Victorian workplaces have schedule 1A employees, 1 per cent have a combination of federal awards and schedule 1A employees, and

45 per cent have employees with federal coverage. About 33 per cent of Victorian employees come under schedule 1A and the remaining 67 per cent have federal coverage. In absolute numbers there are about 561 000 schedule 1A employees and about 1.1 million federally covered employees in Victoria.

The report contains an analysis of the coverage of workplaces by industry sector. Table A on page 8 of the report shows by workplace which industries in Victoria employ the majority of schedule 1A workers. In agriculture 52.5 per cent of workplaces employ schedule 1A workers; manufacturing, 50.4 per cent; electricity, water and gas, 72 per cent; construction, 63.6 per cent; wholesale, 54.5 per cent; finance and insurance, 55.1 per cent; government, 50.8 per cent; and health and community services, 56.5 per cent.

The report contains an analysis of the demographics of workplaces. Table 20 shows the characteristics of the workers and indicates that a high proportion of women in the workplace come under the scope of schedule 1A.

Hon. W. R. Baxter — What is the point you are making?

Hon. G. W. JENNINGS — Good question.

Hon. N. B. Lucas — He has come to a grinding halt.

Hon. G. W. JENNINGS — I acknowledge that after being on my feet for the best part of an hour I have come to a temporary halt, but honourable members should not worry about that. Figure 2 is an interesting comparison.

Hon. R. M. Hallam — Do you know why?

Hon. G. W. JENNINGS — It compares the industry sectors that I referred to earlier as in table 8. The significant point of this is the preponderance of workers in those industry sectors who receive low wages. When we drop to the bottom line, that is the significant point.

The report contains an analysis of workers who receive less than \$10.50 an hour, which is the base scale applied to this research. In the agricultural sector in Victoria it is estimated that 17.3 per cent of workers covered by a federal award receive less than \$10.50 an hour. However, 26.2 per cent of those covered by schedule 1A receive less than \$10.50 an hour. In the mining and construction industry 8.3 per cent of workers under federal awards receive less than \$10.50 an hour, as do 24 per cent of schedule 1A workers. In wholesale and manufacturing the difference

is 12.6 per cent of workers under federal awards and 17.9 per cent under schedule 1A. In the hospitality, recreation and personal services sector only 9.6 per cent of workers covered by federal awards receive less than \$10.50 an hour, yet 27.6 per cent of schedule 1A workers receive less than that amount. In infrastructure 1.4 per cent of workers under federal awards receive less than \$10.50 an hour compared with 16.2 per cent of workers under schedule 1A.

In total, only 10.2 per cent of workers covered by federal awards receive less than \$10.50 an hour, yet 17.8 per cent of workers covered by the provisions of schedule 1A receive less than that amount. The conclusion is pretty clear. There is a correlation between being employed on schedule 1A terms and conditions and receiving low pay. It is a clear correlation in those industry sectors.

The report shows that there are substantial pockets of disadvantage in workplaces which come under schedule 1A. Only 10 per cent of workplaces with federal coverage have minimum rates of \$10.50 an hour and the comparable figure for schedule 1A workplaces is 80 per cent. In some industries such as agriculture and hospitality more than one-quarter of schedule 1A workplaces are paying minimum rates of less than \$10.50 an hour.

There is a strong geographic dimension to this disadvantage. In non-metropolitan workplaces the differences in coverage are stark; 22 per cent of schedule 1A workplaces are in the less than \$10.50 an hour bracket compared to just 8 per cent of federal award workplaces. This leads one to the conclusion that the low wage dimension of schedule 1A coverage is much more likely to surface in non-metropolitan areas. I am happy to see that there are three members of the National Party in the chamber at the moment.

An opposition member interjected.

Hon. G. W. JENNINGS — My apologies, Mr Deputy President, there are four members of the National Party here to receive that important message from the Australian Centre for Industrial Relations Research and Training.

Hon. W. R. Baxter — If you are using figures to best advantage, you had better say that 80 per cent of us are here to listen to it.

Hon. G. W. JENNINGS — Very good. The report shows that about 42 per cent of all schedule 1A employees are sitting on minimum rates whereas the comparable figures for federal employees is just 26 per cent. Schedule 1A employees are overrepresented in

low-wage work. While they comprise only one-third of all employees, schedule 1A employees make up 52 per cent of employees in the \$10.50 an hour bracket.

That is the significance of the report. I may have floundered for a minute or two but that is pretty compelling evidence. It is not just a facts survey. There is some economic analysis and the credibility of that body from the University of Sydney is measured by there being no counterargument that I am aware of. I have not been alerted to any argument from any opponents of this legislation suggesting that there is a different story out there. There is a clear correlation between workers being covered under schedule 1A and their receiving lower wages, particularly in regional and rural Victoria. That is due to the lack of federal award coverage and the lack of protection provided by the schedule 1A conditions which were imposed on the workers of Victoria under that terrible agreement reached between the commonwealth and Victorian governments in 1997.

It is a sorry story. I will now move on to the testimonies. This is a sample of the testimonies included in the report of the industrial relations task force entitled *Voices from the Workplace* published on 20 October. The much maligned Professor McCallum has demonstrated not only that he has credibility but that he has compassion. He concludes the report with the following words:

Industrial relations is not just about economics, figures and account sheets. Industrial relations is about the way that people work, it is also about the way they live and interact in our community ... it is important that their stories are recognised and remembered ...

I ask all members of the opposition to recognise and reflect on the validity of those stories when they prepare their contributions to the debate and in their daily lives when they leave this house.

The first story I refer to is from Ralph, who works as a casual shop assistant at a large supermarket. He has had more than six years experience in the industry. In his testimony Ralph states:

Over that time I have observed a marked decline in working conditions, which I would attribute principally to the extension of trading hours accompanied by reductions in legislative protection for workers.

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

These items include:

no penalty rates of pay for late nights, weekend or public holidays;

no minimum or maximum periods of continuous work;

no overtime rates;

no minimum breaks between shifts;

no specified break periods during shifts;

no additional penalties for extra responsibility (e.g. duty manager);

no regularity of rostering;

no specified periods of notice of roster changes.

I consider myself a valuable employee in retail. I am aware of my rights as a worker and hold reasonable expectations of my employer. I am backed by a well-organised, well-resourced and highly supportive union.

Hon. W. R. Baxter — *Who wrote that?*

Hon. G. W. JENNINGS — *Listen to it, because he then states:*

My employer has been demonstrated to be fair and reasonable in relations with me as an employee. Yet I am unable to negotiate for myself satisfactory and acceptable working conditions.

Ralph is not a whinger. He has given his employer the benefit of the doubt, given that he is aggrieved about receiving none of those entitlements. Ralph believes he has no capacity or scope in the current industrial relations framework to achieve a satisfactory outcome from an employer about whom he is generous in his description.

Mark Brown, a hairdresser, called for an equalisation of conditions in the industry. He states:

My colleagues on federal awards receive penalty rates for late nights, Saturdays and Sundays, compensation for public holidays, overtime rates for working in excess of 38 hours and their equipment is supplied, whereas I have to supply my own to the tune of several hundred dollars a year. My colleagues on federal awards are entitled to longer lunch times, paid morning and afternoon breaks plus a tea break for 12-hour shifts. Under a federal award they are entitled to one Sunday off in a month. At one stage I worked all but three Sundays in a year. Two were taken off under doctor's orders.

I want equalisation in an industry where I am underpaid —

Honourable members interjecting.

The DEPUTY PRESIDENT — *Order! There is too much noise in the house. Honourable members will have ample opportunity to put their views later.*

Hon. K. M. Smith — *Give us the bloke's name and the employer. You are making it up.*

The DEPUTY PRESIDENT — *Order! Mr Smith will have his opportunity later.*

Hon. G. W. JENNINGS — *I appreciate the support offered by Mr Smith. My submission will not change thanks to the interjections of Mr Smith.*

The importance of what I want to put on the public record is that the cases I cite involve real people who gave testimony to the task force hearings. They are people who have been gracious to their employers. They are interested in achieving a reasonable system within the industrial relations system in Victoria.

Mark Brown's conclusion was:

I want equalisation in an industry where I am underpaid for my skills and qualification as it is, let alone having to endure these conditions whilst I search for an employer who is covered by the federal award.

John McBain's submission to the task force was particularly detailed. He expressed a desire for work in his industry to have a more secure and professional future. In his evidence he said:

Under taxation law the definition of an owner driver/carrier is that of a self-employed subcontractor, not employee. Therefore, one would think that the subcontractor has some input into his rates of payment and general working conditions. This is not the case.

Due to the vagueness of the law, courier companies are able to use and abuse owner driver/couriers with the knowledge that the owner driver/courier is totally ...

Businesses purporting to be courier companies selling vehicles to workers then not providing any work for the owner/driver or passing on the owner/driver to another (company) that hires them for a low (slave) wage to pay the vehicle.

Owner/drivers have to work long, arduous hours to enable them to earn a bare living wage. (12-14 hours a day is not unusual) I have proof of a courier —

Honourable members interjecting.

The PRESIDENT — *Order! I ask honourable members to be quiet and desist from conversations across the chamber.*

Hon. G. W. JENNINGS — *His evidence continues:*

Courier companies getting the owner/drivers to bid over the radio for consignments and then taking the lowest bid, although they had started the bidding below the consignment price.

Courier companies not showing full job prices.

Gross overloading of jobs by courier companies ... driver starts jobs so early he is not caught by transport police,

therefore increasing hours of work. (Some drivers have been starting at 0330 hours)

Couriers are being paid as little as 11.1 cents per kilometre per job.

Couriers carrying dangerous cargoes (eg, blood products in Glad snap bags, carriage of gas cylinders in an enclosed, non-ventilated vehicle).

Teresa was employed in a lingerie company in Ringwood after she answered a job advertisement in a local newspaper. Originally Teresa refused to be paid on piece rates, which is a common form of payment in the industry, but was instead paid an hourly rate as a subcontractor without additional pay requirements. It may surprise Mr Smith that Teresa is a real human with real work experience. She states:

The employer told me that I was a subcontractor ... she tried to suggest that I be paid by how many pieces I cut. I did not agree to this.

She said I would be on trial for four weeks and would be paid \$150 a week for 15 hours a week. Over this trial period I was paid an hourly rate of \$11.61. I was not paid any public holidays, sick leave, annual leave and no superannuation. I worked at this company as a cutter from 28 April 1997 to 11 November 1997.

I was told my work was finished and if their work picked up I will be called back. I received no notice or final payment, only payment for the number of hours I had completed.

Approximately two months later I called her and said I was interested in doing sewing work. I began working on 20 May 1998 as a machinist. There was already one machinist working there on a piece rate. She never stated how I was to be paid. I know the other machinist and her outworkers were paid by the piece and that I was expected to work this way.

For the first month I didn't receive any pay. I kept asking for the piece rate sheet so at least I could work out much I would get paid per garment and compare it to the amount of time I spent making them.

A month after beginning the machining work, she gave me the price list and paid me. The price sheet she gave me was what I was paid by. I was also instructed to do other tasks such as take phone calls and serve customers, open and lock up the shop.

Mai is an outworker and she spoke of her experiences as an outworker with a fashion company she briefly worked for this year. She worked long hours with the assistance of her daughter to produce 196 vests, for which she received \$4 each.

The following is a poignant story, if you can ever be certain about who you work for and where they will be when you want to get paid:

I worked with my daughter Vivien for 12 hours a day seven days a week. It worked out that we only got paid \$2.20 an hour, but even that, they still did not pay me for hard work my

daughter and I have done for them. We worked a total of 32 days each for this company to get the work completed and have received \$1065 for 768 hours work.

I went to the factory to pick up payment — —

Hon. W. R. Baxter interjected.

Hon. G. W. JENNINGS — The testimony states that she was paid \$1065 for 768 hours of work.

I went to the factory to pick up payment for our work. But when I arrived at the factory no-one was there and the shopkeeper downstairs from the factory told me that the factory had moved, but I couldn't find out where Irene had moved to.

Opposition members are uncomfortable with these testimonies and do not like to have them put on the public record. However, they are so compelling that even the *Herald Sun* felt it had to publish them. In the one moment of concern expressed by the *Herald Sun* over this issue in the past year, a page feature was published on 12 November profiling two workers. The article is entitled 'Push for lowest paid'. The subheading is 'Churches have joined the state government in supporting a wages and conditions bill that affects 200 000 low-paid workers and threatens to change Victoria's economic and political landscape, Kate Ashley-Griffiths reports'. The case study outlines the story of Hong, who works 15 hours a day for \$2.60 an hour. The article states:

For most of the past seven years machinist 'Hong' has laboured 15 hours a day, seven days a week for an average of \$39 a day.

Her work conditions are appalling — she is paid less than \$2.60 an hour and receives no holiday pay, sick pay or superannuation.

...

She earns from 50 cents to \$1.20 for each garment, but sometimes she may not be paid at all.

If Hong injures herself at her repetitious work she is not entitled to compensation.

Hong, 34, too scared to reveal her real name for fear of losing her job, is one of the thousands of people working under similar conditions in Victoria.

It is impossible to know exactly how many outworkers operate in Victoria because they are isolated, but estimates range from 20 000 to 140 000.

While the city partied on Melbourne Cup Day, most of these hidden workers slaved over sewing machines to make fashionable clothes they could not afford to buy.

...

Hong was paid just \$1.20 for the 30 minutes it took to make a detailed ruffled shirt for the Myer Miss Shop.

She had to borrow \$4500 over five years to buy a second-hand, high-speed sewing machine.

...

'I don't have time to spend with my children or for myself', Hong said. 'Sometimes I have been very sick, but I can't stop working.'

That testimony is significant for many reasons. The reforms the Leader of the Opposition relies on coming from the federal minister responsible for industrial relations do nothing to affect the sick leave provisions or any other working conditions that Hong could receive but currently does not receive and under the federal jurisdiction will not receive because those issues are not addressed. There is no recourse under the proposals put by the opposition and the federal government to deem Hong as an employee and give her access to the federal industrial relations jurisdiction or any other entitlements at all. Not surprisingly, on the basis of the testimony presented to the industrial relations task force, which even the *Herald Sun* felt compelled to publish, there has been significant support for the government's legislative reform from churches in Victoria. The feature story concludes:

This week Melbourne's Anglican Archbishop Peter Watson, Catholic Bishop Hilton Deakin and Uniting Church Moderator Alistair Macrae urged Dr Napthine to support the bill.

Mr Macrae said outworkers in Victoria operated in a hidden Third World economy.

'It's an indictment of a society that prides itself on being decent and fair', he said.

The Leader of the Opposition came into the house today and said that our hearts are not in it. That may be a massive transference. Any member of the government who speaks on the bill will enter into the debate with a degree of compassion in their hearts for the working conditions of the working poor in Victoria and will do whatever they can to ensure that either on this occasion or in times to come there will be some justice meted out to working men and women in this state.

Hon. M. A. Birrell interjected.

Hon. G. W. JENNINGS — In response to the Leader of the Opposition, I state that I look forward to the federal election later this year. I look forward to the reforms of an incoming Labor government that will be significant rather than superficial.

Hon. M. A. Birrell interjected.

Hon. G. W. JENNINGS — Consistently in the Victorian government's submission, since the Senate inquiry in 1999, through correspondence — and it is on

the public record and reasserted today — the Victorian government has said that its preference is for a unitary system of industrial relations in Australia. I have indicated at length to the house today why the Victorian government cannot rely on the current federal government to provide a unitary system we could be confident would be fair and would level the working conditions playing field for Australian workers. We could not be confident it would bring the entitlements of Victorian workers up to the same basic standards as the rest of the workers throughout Australia and provide humane living conditions for the working poor in Victoria.

Part of the problem for opposition members is that the government is wedded to outcomes that support workers. It is extremely offensive to the opposition that the government seeks to restore the balance and restore the industrial relations system to provide comfort and support to workers. Unfortunately the ledger has been unbalanced since 1992, and the situation in Victoria was exacerbated in 1997.

I will briefly go through what has transpired in the passage of the bill. In the second-reading speech the government restated its commitment to these outcomes. Rather than being accused by the opposition of being disingenuous, I totally reaffirm those undertakings given to Parliament by the Premier and reiterated by the Minister for Industrial Relations, who introduced the bill.

I briefly indicate that the second-reading speech says that fair and reasonable working conditions for the working poor in Victoria are an integral part of what the Victorian government seeks to provide. It reiterates that the stimulation for the work of the industrial relations task force, which led to the bill, was a unanimous outcome of the Growing Victoria Together summit. In turn, the summit came about as a result of this government taking much care and effort to ensure that all members of the Victorian community — whether they be employers, employees, unions or ordinary members of the community — came together with an agreed agenda for moving forward.

We hope the shelf life of the agreement struck in Parliament yesterday in a bipartisan response to the drug issue is longer than that of the bipartisan agreement that emanated from the Growing Victoria Together summit, which was given a very short shelf life by the opposition. We hope the opposition will have a greater degree of commitment to the longer term agreements that are struck during special sittings of the Parliament or on special occasions such as the Growing Victoria Together summit, which was held in

Parliament House. We hope the opposition has the capacity to come on board with the government in its intention to have all sections of the Victorian community work together to underpin an appropriate economic and social development in this state.

The second-reading speech says the centrepiece of the Fair Employment Bill is the introduction of a fairer system of employment conditions and a legislated safety net for standards for Victorian employees. It goes on to describe the entitlements that will be protected for all workers, not just the lucky ones who are covered by federal awards or the lucky Australian workers who live in other states but for all the workers who live in Victoria. It will establish industry sector conditions using the current 18 industry sectors. At this time the government does not seek to reinvent the wheel but to supplement the industrial relations claims, whether in Victoria or not, for those 18 industry sectors that were in limbo from 1993 to 1997, when you could not tell from one day to the next what applied or did not apply or whether they even existed. The former Victorian government was in a state of denial for about four or five years about whether an industrial relations framework applied in this state.

As I said, the bill will not reinvent the industry sectors; it will provide that framework to the tribunal to create industry sector conditions. It outlines the creation of the Fair Employment Tribunal and the qualities and capabilities of those who will sit on the tribunal. The bill provides a potential for there to be cross-pollination between the Fair Employment Tribunal and the Australian Industrial Relations Commission. It provides for tribunal members to sit on the commission, so clearly the government is flagging that it wants to make sure that the Victorian system has a smooth integration and supplements the federal jurisdiction and the role of the Australian Industrial Relations Commission. In fact, wherever possible in terms of the intellectual and procedural discipline, it transfers between one jurisdiction and the other. We seek to ensure that there is no inefficient duplication or, as the Leader of the Government described it, a lawyers' picnic — that is the first time I ever heard that expression!

In a letter to the Minister for Industrial Relations dated 25 February Peter Reith acknowledged that there are some issues that have already led to a great deal of confusion. He used that as a justification for making more onerous the conditions of employment covered by the Workplace Relations Act, which I thought was a fairly extraordinary proposition if he had at that time any intention of improving the industrial relations climate between Victoria and the commonwealth.

The conclusion of the second-reading speech tidies up a number of the operational procedures, including the grievance resolution and mediation powers, the small claims jurisdiction, the recovery of wages from principal contractors and unfair contracts. It reminds the house of the significant point that is a blind spot in the opposition's current support for the proposition of the federal minister responsible for industrial relations: there is a diminished capacity by the commonwealth to enforce compliance with the industrial relations framework in this state and in fact there has been a significant erosion of the capacity of the commonwealth to enforce compliance.

The state Minister for Industrial Relations has been criticised morning, noon and night by the opposition for her response to consultations and the expressed desire of employee and employer groups by amending this piece of legislation. In fact, rather than being congratulated on recognising legitimate concerns that a number of employers and employee groups have brought to the consideration of this bill she has been condemned for introducing amendments that respond to those concerns. The opposition parties have a double standard. If the minister had not responded to those issues she would have been condemned for not being responsive to the concerns of employer bodies, but when she does respond she is still criticised.

Honourable members interjecting.

Hon. G. W. JENNINGS — The minister believes the employer groups generally expressed their concern over the application of the bill to independent contractors. Community organisations such as Fairwear advocated that the bill should proceed to ensure fairness and protection for vulnerable workers such as outworkers. Other organisations such as the Brethren, a religious society, expressed concern about the application of right of entry to premises operated by the Brethren that have Brethren employees.

Honourable members interjecting.

Hon. G. W. JENNINGS — The government also received representation from owner-drivers, outworkers — —

Hon. M. A. Birrell — What about the Brethren?

Hon. G. W. JENNINGS — The government listened to them all and in fact introduced five amendments into the other place. I will outline them.

Honourable members interjecting.

The PRESIDENT — Order! I suggest that both the Leader of the Opposition and the Leader of the Government keep out of the debate and leave it to the deputy leader to advance his case.

Hon. G. W. JENNINGS — The thrust of the amendments introduced by the government in December is contained in five matters. The first was the simplification of the definition of employee. The amendment was to:

Omit from clause 5(1)(d) four or more partners being regarded as employees. Instead, whether or not a partner is an employee will be determined on the principles of common law.

The second amendment, which limits the circumstances in which contractors could seek to be deemed employees, states:

Limit the availability of the Fair Employment Tribunal to declare contractors as employees under clause 6 of the bill, so that an order may only apply to persons who have consented to the application in writing, who earn \$71 200 per annum in remuneration or less, and may only operate prospectively from the date of the order.

The third amendment was to omit the annual leave loading as a legislated minimum condition of employment — something that the Leader of the Opposition did not pick up in his contribution to the debate this morning. Further amendments were:

4. Clarify the rights of an employer organisation, a union or a peak council to appear before the tribunal.
5. Provide an exemption from right of entry of unions to a workplace based on religious grounds.

In the months since those amendments were moved and accepted by the Legislative Assembly, the minister and her team have continued to consult and reflect upon the clauses of the bill. If it were not for the clear intention of the opposition to send this bill down, further amendments would be considered by the government to a number of other aspects. The utility of that is brought into the question by the ideologically and hysterically driven desire of the opposition to see this bill fail.

However, the Minister for Industrial Relations would be interested in further refining the legislation if it were to come into practice. Firstly, her amendments would limit the ability for employees to recover unpaid wages from a principal contractor to outworkers in recognition of the overwhelming evidence of rife underpayment and non-payment in the textile, clothing and footwear industries and limit the right to a review of alleged unfair contracts for services to those persons who work under contracts for services and perform work as owner-drivers, security guards, child-care workers or in

cleaning or property maintenance. In addition, the minister would have had the intention of making it specifically clear that all domestic building disputes would continue to be dealt with through the Victorian Civil and Administrative Tribunal.

The opposition has tried to gain a lot of territory over one point — namely, the right-of-entry provisions. The underlying point in each point of the 10-point plan put to the Parliament by the Leader of the Opposition was to whip up hysteria in relation to the right-of-entry provisions and the role that unions play in the industrial relations framework. Much mischief has been made by the opposition and a number of peak organisations about what this clause may mean. To make it absolutely clear that the government's intention was always to parallel the application of right-of-entry provisions with the Workplace Relations Act, the minister intended to provide for exactly the same wording.

The unfortunate aspect of today's debate and the press release circulated by the Leader of the Opposition to the media about the demise of this bill is that there is again little opportunity for Parliament to address these matters and consider them properly to establish an appropriate industrial relations framework for Victoria. It is another opportunity that this Parliament and this chamber in particular has lost to add value to the Victorian industrial relations framework and to protect the lives of ordinary workers in this state. This has been a test that has received much discussion in the public domain over the past few months.

There have been consistent references in the media through a number of quarters about whether the opposition would pass this test. There was a series of articles during the passage of this bill from one chamber to the other that have asked the question, 'Will the opposition pass the test? Will the opposition demonstrate that it has listened to the legitimate aspirations of working men and women in this state?'. We are being told today that we have not passed the test. However, I put on the public record that this is not a trick question or test. There has been plenty of foreshadowing of this dynamic in the public domain.

On 30 October an article appeared in the *Age* — the opposition will respond well to this because the author is Leigh Hubbard, the secretary of Trades Hall — entitled 'Napthine faces his fairness test. Only Victoria has laws making some workers second-class citizens'. The challenge was thrown out to the Leader of the Opposition and his party to respond to the legitimate aspirations of working people in this state. The article states:

The introduction of the Fair Employment Bill 2000 by the Bracks government last week has no doubt initiated some soul searching within the opposition. So it should, because the bill is about restoring fairness. It goes to the heart of whether the opposition has really listened to the people.

Is it fair that half a million Victorian workers don't have a legal right to go to the funeral of a parent or child in paid time? The 1.1 million workers under federal awards in this state have no such right.

Is it fair that federal award workers receive annual leave loading, but the victims of the Kennett 'reforms' do not?

...

After state awards were abolished in 1993, unionised workers were largely transferred to the federal award system; those in small and largely non-unionised workplaces were then left to fend for themselves with only five basic conditions.

In an oral submission to the task force 'Kath' summed it up: 'I should not be a second-class citizen because I started work after March 1993. All workplaces should have the same conditions of work regardless of when you start'.

...

VECCI and the state opposition need to be more honest. I don't recall them opposing the 22 per cent increase in executive salaries over the past year — or increases for parliamentarians awarded through the extensive remuneration tribunal that sets comprehensive standards.

Why do the conservatives always make the poorest and most vulnerable pay a price? This is nothing less than hypocrisy.

It is surprising that the federal industrial relations minister has in some ways picked up the challenge that was not picked up by the state Liberal Party. In fact its fellow travellers in the federal jurisdiction, the Democrats, were also put on notice. We might see a little action from the Democrats given that there is a bit of scrutiny coming upon them. This clearly is an issue that affects the Democrats and was given some prominence as far back as 22 November when Sid Spindler in a letter to the *Age* put the acid on the Liberal Party leadership in Victoria. It may have been a foretaste of what was to come within the realms of the Democrats in the federal jurisdiction. In this article, which appeared on the opinion page, Sid Spindler states:

The merciless exploitation of outworkers has been well documented by the 1996 Senate inquiry into outworkers in the garment industry and in subsequent research.

Witnesses have detailed the 18-hour days, the miserable pay (in one instance 77 cents an hour), the way school-age children become part of the effort to meet unrealistic deadlines, the effect on the health of outworkers and their families, the mysterious ways some companies disappear without paying their debts to outworkers.

In the Fair Employment Bill, outworkers are deemed employees with rates of pay determined by the agreed timing manual, with access to the Fair Employment Tribunal and the

capacity to recover debts. Similar provisions have been legislated in New South Wales, South Australia and Queensland.

...

This legislation is an opportunity to remove a shameful blot from our industrial landscape and should be passed without delay.

The *Age* editorial on the same day said that:

The workplace bill deserves to pass. The fate of the Fair Employment Bill is a test of sincerity for the Liberal upper house majority.

...

A genuine national system of workplace law does not yet exist, with the result that some Victorian workers whose entitlements are insufficiently protected under federal law are disadvantaged, while the Victorian government is handicapped by its capacity to influence the course of industrial disputes. The case for restoring a state-based system until the states and the commonwealth can agree on a unified national system is compelling, yet the opposition seems intent on obstructing it.

The government has agreed to amend the bill now before Parliament, in response to criticisms by employer groups.

...

The changes have resulted in the wilting of employer resistance to the bill, with the Master Builders Association, the Housing Industry Association, the Road Transport Association and the Victorian Automobile Chamber of Commerce all now declaring their support for it.

...

The Liberals claim that they use their majority in the supposed house of review responsibly. If they wish to vindicate this claim, they could start by acknowledging that the bill has been modified to meet employer objections, and allow it to pass in the present session of Parliament.

The Leader of the Opposition today relied heavily on the basis of the assumed economic consequences of the impact of this legislation. At no stage did he provide any economic analysis or documented, anecdotal or testimonial evidence on the bill. He was prepared to malign the government's research that was commissioned to assess the impact of the bill.

I presented to the Parliament today a number of extracts of work prepared by the National Institute of Economic and Industry Research on behalf of the government to analyse the economic impacts of this legislation. That body is well revered throughout the nation and internationally for its capacity for economic modelling.

The leader of the organisation, Peter Brain, has a proven track record on economic assessment and led public discussion when the economic meltdown in the South-East Asian region was imminent. He also predicted the economic demise of Japan. Some months ago he was one of a few economic commentators who

indicated the expected downturn in the Australian economy.

When he and Duncan Ironmonger entered the public debate on the anticipated economic downturn in Australia during the course of this year Duncan Ironmonger was maligned by the federal government because of his capacity to predict what has turned out to be true. The Victorian government has a great degree of confidence in the economic credentials of this organisation.

This morning I indicated to the Leader of the Opposition during his contribution that the government would like to see the method he relied on for his analysis. I am not surprised that the method adopted by the National Institute of Economic and Industry Research was challenged by the opposition. However, it has not demonstrated that it has economic analysis to the contrary.

I shall briefly go through an explanation of the method, analysis and conclusions contained in the report. The independent task force report states:

The report of the independent task force on Victorian industrial relations includes 106 recommendations. However, many of these recommendations are administrative in nature and some of them confirm existing practice.

...

The impact of the enhancement of minimum standards was assessed in terms of gross state product (output) and employment (hours worked), by ANZSIC major industries. The steps in determining the impact were as follows:

1. Estimate the number of employees likely to be affected (these are essentially low-paid schedule 1A employees).
2. Where a measure affects a subset of these employees, estimate the number affected.
3. Estimate the increase in employer wage cost, for affected employees, as a result of the increased minimum standard.
4. Convert this cost to the increase in total employer wage costs across all employees.
5. Prepare a base-case projection of Victorian employment and GSP using the IMP model. (This was National Economic' standard forecast.)
6. Revise wage costs by industry in the light of step 4, and prepare a revised projection for comparison with the base-case projection taking into account the macroeconomic effects of the increase in minimum standards (i.e. the change in the distribution of income, and employer reactions to the increase in wage costs).

The government's method stands up to scrutiny and is based on an economic model that underpins what was

sorely lacking from the contribution by the Leader of the Opposition. The report continues:

The paper is restricted to fairly direct impacts on GSP and employment. It assumes that the increases in minimum standards are implemented without any negative effects on business confidence, and does not attempt to cover potential benefits in such areas as improved safety, improved employee health and improved employee morale. It assumes that the improvements to minimum standards are implemented as a package.

It then goes on to describe what it considers to be total effects, and states:

The increases to minimum standards proposed for legislation cover sick, bereavement and carers leave, an annual leave loading, redundancy pay and conditions for outworkers. It was estimated that approximately 13 per cent of the work force would benefit from increased leave entitlements, approximately 8 per cent of the work force would benefit from the annual leave loading (many schedule 1A workers are entitled to this already) and less than 1 per cent of the work force would benefit from the extension of redundancy payments.

The increases in minimum standards provide a low-wage schedule 1A permanent employees with an effective increase in pay of 2.3 per cent. However, the eligible employees are a small minority, and this equates to an increase of 0.21 per cent in total wage costs to employers.

The analysis provides an assessment of the overall macro effects on the Victorian economy. It states:

Enhanced minimum standards: the Victoria-wide impact

This section will present the flow-on effects of the direct wage and salary cost increases estimated previously. The results from the IMP model of the Victorian and national economies.

Enhanced minimum standards: the impact on industry output

In the short run total Victorian gross industry output increases slightly, by less than 0.1 per cent.

The reason for the overall increase in output in the short run is due to the positive stimulus to the economy from enhanced minimum standards being stronger than the real income reduction effect from the short run increases in prices. The positive stimulus from the gross income enhancement effect is based on the full addition to business costs ...

There are negative short-run effects from the margin absorption effect and the loss of competitiveness. However, the short-run effects from these factors are relatively small. They reduce, but do not overcome, the gross income enhancement effect.

In the long run, that is after 10 years, it is a different outcome. Gross total Victorian industry output declines by 0.1 per cent compared with the base case forecast.

Enhanced minimum standards: the impact on employment

Despite the positive short-run impact on economic activity, the impact on employment is uniformly negative across

industries, though the total statewide impact is considerably less than 1000 jobs. The negative short-run impact for employment is due to the strength of the hours/employment substitution effect.

In the long run the loss of industry employment compared with what would otherwise have been the case is 0.2 per cent ...

The conclusion states:

The study assumes that the increases in minimum standards are implemented without effect on business confidence, and does not include any benefit for improved employee health, morale or safety. It also excludes intangible benefits from improved personal incentives, improved equity and the strengthening of the sense of community which may result from increases in the minimum standards of employment closer to the standards enjoyed by most permanent employees.

The blanket statements by the opposition talking down the Victorian economy and the employment effects are not based on any detailed economic modelling or projection of how the Victorian economy will travel. They are based on a preferred political direction that the opposition has embarked on in the name of shoring up its electoral standing in opposition. In fact, in his contribution Mr Birrell, in a spurious way, tried to make a connection between on the one hand some statements government members had made either in their current life or a previous life demonstrating their commitment to this legislation and on the other hand whether they were heartfelt in this industrial relations reform.

I almost discounted that in a superficial way because an article in the *Herald Sun* of 16 March — one of the preferred outlets of the opposition for message distribution, and a reasonably effective communication tool — entitled 'Work, gay laws to fail' by Felicity Dargan and John Ferguson states:

Next week marks a critical new phase for the opposition, which is still battling poor polls. Senior Liberal sources believe the opposition must step up its profile by using its upper house majority to undermine government policy.

So, despite the opposition not having any evidence, economic analysis or arguments it is determined to undermine the passage of this bill. It does not recognise the limitations of what the federal minister is doing. It is ignoring the evidence and the fact that Victorian workers have been floundering behind the rest of the nation for the past four years. It is living in a state of denial, yet it is determined to knock off this bill. It has the gall to say that the government is not listening and is not responsive to community representation.

The National Party is confronted with a fundamental problem. In the *Herald Sun* of 18 February an article by

David Wilson entitled 'Outworkers heading for starvation' states:

More than 150 000 outworkers in the clothing trade, earning an average of \$2 an hour, could be driven to near starvation by a National Party decision.

The Textile, Clothing and Footwear Union says party leader Peter Ryan's decision to reject the state government's Fair Employment Bill in the Legislative Council puts the government's proposed legislation in doubt.

...

Archbishop George Pell has urged the opposition not to reject the legislation on partisan grounds. Dr Pell said it was important outworkers and low-paid workers had something more than a bare minimum coverage for their working conditions.

He said it was crucial for them to have an umpire or independent tribunal in case of disputes.

The state secretary of the Textile, Clothing and Footwear Union, Michelle O'Neil, said about 145 000 outworkers in Victoria worked from home.

Another 10 000 worked in small factories, many of which were sweatshops.

'Most of these people are earning about \$2 an hour and they work 12 to 15 hours a day, seven days of the week', Ms O'Neil said.

...

'Mr Ryan and the Nationals are condoning Third World-type exploitation'. Ms O'Neil said the Fair Employment Bill would help to protect outworkers and give them some of the rights and base salaries that other workers had.

'There are a lot of employers who are in favour of this legislation because it would help clean up the industry', she said.

'Some small employers want to pay correct pay rates but unscrupulous employers undercut them'.

The article then quotes Mr Ryan. It states:

... the Premier had claimed the proposed laws would only affect 1900 people — 'that is, put them out of a job.

But industry experts say it will be more like 20 000 people who will lose jobs ...

It's probably somewhere in between.

I congratulate the Leader of the National Party on recognising that the truth may lie somewhere in between the estimate of the National Institute of Economic and Industry Research and the estimate based on hysteria whipped up by VECCI, which is half of what the Leader of the Opposition said in this place. I give credit where it is due. The Leader of the National Party recognises there is some credibility in the government's economic model and the impact it has had on this debate.

Victorian citizens who read my contribution in *Hansard* will be surprised to learn that the most passionate and vehement interjections by the opposition came at the time when I was providing the testimony ordinary citizens of Victoria presented to the industrial relations task force. Where is the compassion and consideration of the opposition? Honourable members opposite fired up today to prevent me from putting on the public record the testimony of workers in Victoria. It was a significant test for the opposition, but it failed miserably.

On 22 November last year the important test Mr Birrell failed today was put on the public record by Pamela Curr from the Fairwear organisation. She is reported on the opinion page of the *Age* in an article entitled 'Don't vote for exploitation, Mr Birrell'. It states:

In every political life there comes a moment when a decision governed not by politics but by decency and respect for human rights is called for.

...

Last week a delegation of 11 outworkers in the home-based clothing industry sat in the office of the state opposition's upper house leader, Mark Birrell, and told him about their working lives and begged him to pass the Fair Employment Bill. He listened to their stories about \$2-an-hour wages, about 14 to 18-hour workdays and, worst of all, about not being paid for their work.

...

These are the same stories that have been documented since 1996 by Senate inquiries, commissions, courts and most recently by the state industrial task force. No-one is disputing the facts of the exploitation of outworkers.

Back in 1996 when the Senate discussed the possibility of legislation, employers proposed a voluntary industry outworkers code of practice. It has taken four years for Fairwear and the TCF union to drag 140 retailers and manufacturers kicking and screaming to sign the code.

...

The Fair Employment Bill would give outworkers in the clothing industry the status of employees, and with it the right to a minimum wage. It would allow them to recover unpaid wages. These are not luxury conditions; they are basic rights which are now denied.

While we all know legislation is not a magic wand, at least it provides a framework for change from a dirty, exploitative industry to one where workers get a fair go.

... It is hard to imagine politicians could hear the stories of the conditions of outworkers and still vote against this bill. To do so would be to condemn them to continued exploitation. It would be an act of unmitigated bastardry.

What do you say, Mr Birrell?

Mr Birrell gave us the answer today. And what a pathetic, sorry answer it was! The opposition has failed Victorian workers consistently since 1992. It failed

them in 1997 and has guaranteed through its intention to vote against this bill that it has no commitment to the working poor in this state. The opposition has no commitment to effecting improvement in any way, shape or form to the working conditions of those 260 000 Victorian workers and their families. It has no commitment whatsoever.

A political sham was drawn up in the lead-up to the Ryan by-election by the federal Minister for Employment, Workplace Relations and Small Business. However, I congratulate the minister on several small components that indicated there may be a skerrick of credibility in his proposals. I look forward to the federal jurisdiction finally delivering a unitary system that is based on fairness, a system that at last provides for outworkers to be deemed as employees and treated like any other worker in the nation, a system that provides for Victorian workers to receive the minimum standards that have been consistently applied to other Australian workers for the past decade.

Victorian workers have been consistently let down by the parties that are now in opposition, which have refused to listen to the legitimate aspirations of working people in this state. That is a contributing factor to those parties now being in opposition. It is one of the contributing factors to the federal workplace relations minister being converted. The federal government is showing that unless it can demonstrate that it listens to the concerns of people its shelf life will be extremely limited.

The message the opposition parties in this state are sending is that the human concerns of these 260 000 Victorian workers and their families are of no importance. They will send this bill down without any economic analysis being put on the table by the Leader of the Opposition today. He did not provide one skerrick of economic analysis in the lead speech for the opposition to justify his argument for sending this bill down. It was a pathetic demonisation of the Labor government and its connection to the labour movement.

The opposition has clearly indicated that this government is the government of its worst nightmare. It is a government that wants to operate in an inclusive way. It is a government which underpins appropriate economic development in this state and which will work with all sectors of the economy and the community to deliver a fair and just industrial relations systems to this state. That is why I wholeheartedly support this bill.

Debate adjourned on motion of Hon. W. R. BAXTER (North Eastern).

Debate adjourned until next day.

CORPORATIONS (COMMONWEALTH POWERS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD
(Minister for Industrial Relations).

FORESTRY RIGHTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD
(Minister for Energy and Resources).

ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD
(Minister for Energy and Resources).

BUSINESS OF THE HOUSE

Adjournment

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the Council, at its rising, adjourn until Tuesday, 3 April.

Motion agreed to.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Schools: woodwork materials

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter with the Minister for Sport and Recreation, who is the representative in this place of the Minister for Education. I have recently received representations from a constituent of mine who lives in

Berwick and has a son in the junior years at Berwick Secondary College.

My constituent recently had an opportunity to tour the new technical facility at Berwick Secondary College which will be officially opened in the next couple of weeks. He was disturbed to see that in the woodworking facility students work with medium-density fibreboard (MDF) rather than using natural timbers. MDF is a man-made particle board composed of some type of resin and wood fibres and has the potential to be injurious to students' health when it is cut and worked. My constituent is concerned that his son and other children participating in woodwork at Berwick Secondary College and other colleges in the state system could be exposed to unnecessary risks by using MDF rather than natural timber.

I ask the Minister for Education to investigate why the schools use MDF rather than natural timber. Previously they have used pine. I ask her to investigate and report back to me whether health risks are associated with the use of MDF.

Rural Victoria: fire insurance levies

Hon. P. R. HALL (Gippsland) — I direct a matter to the attention of the Minister for Sport and Recreation as the representative in this place of the Minister for Police and Emergency Services. I have been contacted by a gentleman living in Nyora, which is not in my electorate, but I did not want to burden my colleagues, the Honourables Ron Bowden or Ken Smith with it!

The gentleman queried the fire levy he paid to his agent on his building insurance. He was informed by the agent that the fire levy was directed to the Metropolitan Fire Brigade even though the communities at Nyora and Koo Wee Rup are well served by local Country Fire Authority branches. He is concerned that his levy will be directed to the MFB, not to the local brigades.

I ask the minister to check whether that is true and whether fire levies collected through insurances paid in country areas are directed to MFB revenue. If that is true, I ask the minister to explain that practice, because country people who pay insurances expect their levies to be returned to assist services in the areas where they live.

Barrabool Road, Ceres: upgrade

Hon. E. C. CARBINES (Geelong) — I direct a matter to the attention of the Minister for Energy and Resources as the representative of the Minister for Transport in the other place. Recently I was invited by

my constituent Lex Gugger, who lives in Ceres, to inspect a section of Barrabool Road between Anderson and Devon roads. When I went there with him I discovered that that section of Barrabool Road is narrow. It has unsealed shoulders and no dividing white lines have been marked. It also contains a rather sharp bend where two telegraph poles are located dangerously close to the road.

On behalf of Mr Gugger and the Barrabool Landcare group I bring that section of the road to the minister's attention and ask him to give me his advice.

Police: Heidelberg complex

Hon. C. A. FURLETTI (Templestowe) — The matter I draw to the attention of the Minister for Sport and Recreation, who is the representative of the Minister for Police and Emergency Services in the other house, relates to the Heidelberg police complex.

In the May 1999 budget the Kennett government committed funds to the redevelopment of the police station and Magistrates Court complex in Heidelberg. The proposal involved almost doubling the size of the complex, which would have dramatically improved the facilities for the occupants. In December 1999 when I sought from the Labor government assurances that the development would proceed, I was advised that the project was under review. That gave rise to serious concerns about whether the project would proceed.

In June 2000 the government said the redevelopment was still on its books. It was not until October last year, almost a year later, that the Minister for Police and Emergency Services announced that the complex was a goer and that work should commence in the second half of this year. I refer to an article in the *Heidelberg* of 31 October in which minister is quoted as having said:

Now it is actually happening and we will have a facility on the ground.

The problem is that the minister did not speak to the police. In February, about four months later, the officer in charge, Superintendent George Fisk, publicly stated that the government proposal was effectively a waste of money and more funds were necessary to ensure that the redevelopment provided adequate accommodation and facilities. He recommended the demolition and rebuilding of the police station. He went public in the *Heidelberg* on 13 February. He is reported to have said:

There has not been enough money put in to do the job properly in the first place.

All credit to the minister, because he has reconsidered the proposition. In the *Heidelberg* of 20 March the minister is quoted as saying:

The previous government said they were going to rebuild the station and we continued that undertaking.

...

He said it was a priority, but whether it occurred in the next budget or the one after that was a matter for the cabinet to decide.

The DEPUTY PRESIDENT — Order! What is the question?

Hon. C. A. FURLETTI — There could be a three-year delay. I urge the minister to ensure that a favourable cabinet decision is made, and I seek his assurance that, given the surplus inherited by the government, work will commence within six months, as he promised last October.

Hampton tea-house

Hon. C. A. STRONG (Higinbotham) — I have a follow-up question concerning the Hampton tea-house issue I raised last night with the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation in the other place.

Last night I recounted to the house the fact that this community project had been developed over 10 years. The community had put the project together and obtained council approval in 1994 before the local government amalgamations, but the process stalled. In late 1999 the group again went through the whole process of getting council approval, but the process stalled again.

In an endeavour to break the hiatus the group that had been promoting the project for more than 10 years, the Friends of the Hampton Tea-house, wrote to the Minister for Environment and Conservation and invited her to accompany its members on a visit to the site so they could explain it and ease any concerns she may have had about environmental impacts. They wrote to her on 20 January but have received no response to that letter. They wrote to her again on 21 March asking her to visit and inquired whether she had received the previous correspondence, but four months after sending the original letter they have still received no response from the minister.

Will the minister respond to the Friends of the Hampton Tea-house, a legitimate community group that has been canvassing the development of the project for more than 10 years? Will the minister favour the group with a visit to the site? A visit would be a

positive move for the minister, and the group deserves that courtesy.

Rochester: power station

Hon. E. J. POWELL (North Eastern) — I refer a matter to the Minister for Sport and Recreation, representing the Minister for Planning in the other place. The matter is also appropriate for the attention of that minister in his capacity as the Minister for Health, represented here by the Leader of the Government.

A constituent of mine, Mr Frank Hoffman, the spokesperson for the Rochester EMF Action Group — EMF standing for electromagnetic field — has contacted me a number of times recently and has also written to the Premier and others about an important issue concerning Powercor's decision to construct a power station with high-voltage powerlines on a property owned by Powercor on the corner of Pascoe and Cohen streets, Rochester, which is in a residential area. The property was formerly owned by the State Electricity Commission of Victoria for about 15 years and was zoned low-density residential.

During the planning scheme process of the Shire of Campaspe a transcription error occurred prior to gazettal and the zoning was changed to that of a public, conservation and resource zone. The shire now wishes to rezone the land so that Powercor can proceed with the construction of its power station. The shire has exhibited amendment C15, which restores the original zone, and has written to the Minister for Planning requesting the appointment of an independent panel to consider submissions lodged for amendment C15.

The community is very concerned about the public health risk of electromagnetic field radiation and other issues, such as noise levels, property devaluations and interference with TV and radio signals. It is also concerned about the many reports that have linked childhood leukemia as well as cancer in adults to EMF radiation. Thirty children live in this residential area.

The community believes this type of development should not be constructed in a residential zone, and Powercor has indicated that it would build a power station elsewhere in the shire if it could relocate at no cost to it. Mr Noel Maughan, the honourable member for Rodney in the other place, has been actively involved over quite a long period trying to resolve the issue.

I ask the minister to undertake research on the effects on health of EMF emissions, to investigate funding solutions to find alternative land, and to ensure that the independent panel, when chosen, has experts in this

field. This issue must be resolved urgently in the interests of the Rochester community.

Brimbank: graffiti

Hon. S. M. NGUYEN (Melbourne West) — The matter I raise is for the attention of the Minister for Local Government in another place. The Brimbank City Council is considering a proposal whereby property owners would have to bear the cost of removing graffiti from their homes or shops. The residents have approached me and expressed concern about the proposal. Will the minister please advise on strategies to prevent the scourge of graffiti and alternatives to the proposal put by the Brimbank council?

Gaming: taxes

Hon. K. M. SMITH (South Eastern) — I direct my question to the Minister for Energy and Resources for reference to the Treasurer in the other place. Page 133 of budget paper 2 of the 2000–01 budget states:

Overall, gambling tax revenue in 2000–01 is expected to fall 19 per cent to \$1235 million. In future years revenue growth is expected to be lower than in recent years as the market enters a mature phase ...

I have some concerns, and I ask whether, despite all the crocodile tears regarding problem gamblers and the conning of people about the removal of poker machines from certain areas in Victoria, the Treasurer has been prepared to take an additional 20 per cent in increased gaming taxes since the government took office in 1999. The increase has in fact amounted to more than \$200 million a year over that time.

Surely the current government must be seen as being the most hypocritical in Victoria's history. It is now suggesting that machine operators should pay an additional \$4000 per machine in an additional rip-off tax. It must also be seen as the least transparent and the most misleading government in Victoria's history!

I ask when the Treasurer will start keeping the promises he made before the election of the most transparent, honest and accountable government — —

Honourable members interjecting.

Hon. K. M. SMITH — You are a hopeless lot of people, and you are a pack of hypocrites! That's what you are — a pack of hypocrites!

Honourable members interjecting.

Hon. M. M. Gould interjected.

Hon. K. M. SMITH — You are the worst!

The DEPUTY PRESIDENT — Order! Mr Smith!

Hon. K. M. Smith interjected.

The DEPUTY PRESIDENT — Order! Mr Smith has made his contribution!

Liquor: licences

Hon. M. T. LUCKINS (Waverley) — In question time today the Minister for Small Business said she was waiting for advice from the Victorian Government Solicitor before taking action against Woolworths, which is flouting the 8 per cent cap on liquor licences. An article in the *Herald Sun* of 12 March quoted comments made by the minister on 9 March, some two weeks ago. The article states:

Small business minister Marsha Thomson said on Friday her office was seeking 'urgent legal advice from the Victorian Government Solicitor's Office on the implications this (purchase) has'.

Has the minister received the advice and, if not, when does she expect to receive it, given that she requested it urgently two weeks ago?

Housing: builders liability

Hon. W. R. BAXTER (North Eastern) — I raise with the Minister for Consumer Affairs the issue of house builders guarantee liability insurance. With HIH Insurance going into provisional liquidation concern has been expressed in border regions about whether people building homes in Victoria might have their insurance coverage undermined by this turn of events, particularly as I understand HIH is the underwriter for the guarantee scheme of the Master Builders Association.

Significant concern has also been expressed in New South Wales where it is known as home warranty insurance. I understand the law in New South Wales is somewhat different from that in Victoria. I believe in Victoria this is not a matter for concern, and if the underwriters were to go out of business there is sufficient provision to make sure that home builders have ongoing cover. If that is the case, I invite the minister to make an appropriate statement so that home builders in Victoria are reassured.

Motor vehicles: security

Hon. R. H. BOWDEN (South Eastern) — I raise a matter with the Minister for Consumer Affairs. On Tuesday night a program on one of the commercial

television channels immediately following the news aired an interesting item about a new technological device that has implications for car theft. Car theft is a major community problem that affects all Victorians, and, sadly, many thousands of vehicles are stolen. The newer vehicles are equipped with remote control devices, such as remote locking, unlocking and so forth, and generally the electronics have been improved with the goal of making car theft more difficult.

The thrust of the television item was that recently an electronic device has been released on the market in Victoria which can read the signal from the normal units located on key rings. So, if someone is close to a vehicle that the legitimate owner is locking, the device is capable of reading the code as it is radioed out from the owner's key pad, and that gives a potential thief an instant means of opening the vehicle when the owner has gone. It was stated that this new device costs as little as \$50.

A simulated theft was shown with the thief standing near a vehicle watching the owner lock his vehicle before going away. There are undoubtedly legitimate opportunities for people in the automotive industry to use such reading devices, but I am concerned about their use in the wrong hands. Already reports are being made of people hanging around large shopping centres and other such places where very expensive, modern vehicles are being quickly stolen.

As this is a consumer affairs issue, I ask the minister to initiate an urgent investigation into the availability of these electronic signal devices and consider what action, including banning them, the government may take in response to their illegal use.

Human Services: consultancies

Hon. D. McL. DAVIS (East Yarra) — I refer the Minister for Industrial Relations to the same issue I raised last night, the \$45 000 consultancy contract entered into by the Department of Human Services with Neil Pope and the waiving of the normal procedures and policies concerning the awarding of that contract.

I refer to the minister's answer in the adjournment debate last night that the minister was aware of the contract. I cannot quote directly, but she indicated that she had been advised by the Department of Human Services of the letting of the particular contract. If I understand correctly what the minister said last night was that she was aware of the contract. If she was aware of the contract, was she aware that the procedures in that important industrial relations contract

had been waived and the contract had been awarded without the usual requirement for tendering?

Port Melbourne: helipad

Hon. ANDREA COOTE (Monash) — I refer the Minister for Ports to the application by Jayrow Helicopters to use vacant Melbourne Port Corporation land on the southern end of Todd Road near Dockside Road for a helipad to launch weighted advertising signs.

The proposed site is close to houses, White Reserve and the foreshore. I am certain the users of the beach do not want a helipad so close to the beach. Just recently a weighted sign fell off a helicopter onto Sandridge beach near Webb Dock and the helicopter had to land on the beach to pick it up. Luckily no-one was hurt.

The Port Phillip council is very much against the proposal, as are the residents. In a press release of 14 March, Julian Hill, the mayor of Port Phillip, states:

With safety, noise and amenity issues for the people living in the area, this proposal is outrageous. As the ward councillor for Port Melbourne, it is just not on.

I cannot understand why Jayrow have to introduce the proposed helipad, because there is one near the former Herald and Weekly Times building and others at pier 35 and the Mission to Seamen. Will the minister oppose such a facility being developed on Melbourne Port Corporation land?

Planning: VCAT procedures

Hon. P. A. KATSAMBANIS (Monash) — I raise with the Minister assisting the Minister for Planning as the representative of the Minister for Planning in the other place the operation of planning regulations and how they have affected a number of my constituents who have lodged their concerns with me.

The constituents were objectors to a development in Armadale in my electorate and through the process they did the right thing and lodged their objections with the responsibility authority, which is the local Stonnington City Council. The council rejected the application and the developer appealed to the Victorian Civil and Administrative Tribunal which he is of course entitled to do under the planning processes. The constituents who came to see me then received a notice from VCAT letting them know that an appeal had been lodged and that they had certain rights.

They were particularly concerned that the process seemed to work in a way that did not encourage them to continue with their application but in many ways to

discourage them. The process is such that when an appeal from the decision of a responsible authority is made to VCAT the objections lodged with the responsible authority are not forwarded to VCAT. The form entitled 'Information for objectors' sent out by VCAT to objectors contains the following statement:

Normally the tribunal does not have copies of the objections made to the responsible authority so it should not be assumed that the tribunal is aware of any statement you may have made previously.

That seems illogical to my constituents and me, especially in 2001. The people who came to see me made the comment that it would seem extremely easy for the responsible authority to forward to VCAT the objections with the rest of the file and that the process should automatically take note of the objections made to the responsible authority. Furthermore, the process could be refined so that if those people wanted to either withdraw their objection or add to it when it got to VCAT, they could, but otherwise their original objection should stand without their having to expend more time, more resources and in some cases more money to have their interests represented at VCAT.

I ask the minister to submit to the Minister for Planning in the other place that this would be a logical alteration of the state's planning rules and regulations. I trust the Minister for Planning will give it his serious consideration.

Minister for Small Business: performance

Hon. W. I. SMITH (Silvan) — I raise with the Minister for Small Business a letter to the editor that was published in the *Ballarat Courier* of 6 March.

The minister has indicated to the house on numerous occasions that she advocates on behalf of small businesses, that she is totally aware of the issues that concern them and that she listens to and responds to them.

The letter in question was from a Ms or Mrs J. Smith of Sebastopol and is headed 'Small business minister unable to answer queries'. It states:

I attended the Women in Small Business luncheon last Friday with the Honourable Marsha Thomson, Minister for Small Business and Consumer Affairs.

I asked the minister three questions about the Fair Employment Bill which will affect all small businesses.

How will the tribunal be set up?

Am I liable for the unpaid wages of the employees of my subcontractors?

That is obviously a very important question because it refers to clause 93, which is one of the extremely contentious clauses in the Fair Employment Bill because it concerns whether households will be caught up in the process of businesses changing the status of contractors to that of employees. The third and final question is:

Are my managers (members of the managing body) personally liable for obligations under the bill?

The letter continues:

The minister was unable to answer these questions.

I was totally surprised at her (and her advisers') total ignorance of this bill. Does she not know about the Fair Employment Bill? Does she really understand the challenges that face small business today?

Why does the minister not understand the impact of this small business bill? When is she going to come to grips with it?

Rail: gauge standardisation

Hon. B. W. BISHOP (North Western) — I direct the attention of the Minister for Energy and Resources in respect of her principal portfolio and also in her capacity as Minister for Ports to the issues of rail standardisation, dual gauging and upgrades.

My interest and concern is driven by the huge opportunities in the mineral sands industry in the north-west of Victoria, which reside particularly in the transport, port and employment sectors of the economy. I have said before and I will say again that in the Murray–Darling Basin there are 60 million tonnes of mineral sands worth an estimated \$13 billion that will generate 450 direct jobs and 1100 ancillary jobs over the next 30 years. It is just about to take off.

The Murray Basin Titanium company has finished establishing its separation plant, and it is operating in Mildura. The company's mine at Wemen is now under way and there is six years work ahead of the company there. The company's open day at Wemen was extremely successful. I believe 450 people took the opportunity to see the site and how it operates. I believe the company will soon start a larger site to the north in New South Wales. Iluka will soon start at a place called Kulwin, which is south of Wemen.

Murray Basin Titanium has selected Portland as its preferred port for bulk deliveries, and obviously it will send its containers to Melbourne. As I understand it the company has now committed to send 35 000 tonnes per year by road to Portland. The reason for the road use is simple — there is no access into the port of Portland on

broad-gauge rail; it is standard gauge locked. I note the minister's announcement of the dual gauge line at the port of Geelong, which is welcomed because of the need for flexibility in the grain trade.

Everyone agrees that full standardisation would be the best result. Therefore, will the government guarantee that all lines will be standardised, and if so, when?

A few weeks ago the National Party suggested that dual gauging from Maryborough to Portland would give access to all Victorian ports — Melbourne, Geelong and Portland — for all products from southern New South Wales and Victoria. That suggestion was to give the mineral sands industry some support. We do not want to have that business snapped up by New South Wales or South Australia, which, as the minister well knows, have progressively lobbied for it.

There are now six rail studies running. When will a decision be made to ensure that we in Victoria can maximise our transport and port employment opportunities?

Electromagnetic radiation

Hon. N. B. LUCAS (Eumemmerring) — I refer the Minister for Energy and Resources to electromagnetic radiation. Sir Richard Doll, an eminent British public health scientist, as a result of reviewing several studies undertaken over a lengthy period concluded that there appears to be a link between powerline radiation and leukaemia. The British government, through its National Radiological Protection Board, is reported to be about to issue an official warning. It is sad that studies over the years and anecdotal evidence have not resulted in a more conclusive situation. In 1974 a United States study found that children with leukaemia were twice as likely to live near powerlines.

In Melbourne an electrical engineer, Roger Lamb, has called for urgent action to review the Australian standard safety levels and the Anti-Cancer Council has called for electrical distributors to report electromagnetic radiation levels in suburbs built near high-voltage powerlines. What action has the minister taken on this issue, and what further action does she intend to take?

Commonwealth Games: lawn bowls venue

Hon. I. J. COVER (Geelong) — I refer the Minister for Sport and Recreation to his answer yesterday during questions without notice about the state lawn bowls centre being located at Northcote. Would the minister be prepared to meet a delegation comprising representatives from the City of Whitehorse and the

Box Hill Bowls Club to explain why the government reneged on an election promise to build the state lawn bowls centre in the eastern suburbs?

As I understand it, the City of Whitehorse bent over backwards to satisfy government requirements and with the bowls club and its members put hundreds of hours into the bid. They believed the centre would be built there. There are now concerns that the process was flawed, that the requirements varied between the cities of Darebin and Whitehorse and that Darebin was a done deal all along. I call on the minister to meet the people of Whitehorse face to face rather than hiding behind a press release which announced the bad news for the eastern suburbs.

MCG: members pavilion

Hon. ANDREW BRIDESON (Waverley) — I raise an issue with the Minister for Sport and Recreation. The minister would be aware that it was the City of Greater Dandenong that inappropriately spent ratepayers' funds and crossed local government boundaries in the City of Monash to have Waverley Park placed on the heritage register. Is the minister aware whether the City of Greater Dandenong, or any other group or council, is attempting to do the same with the members stand at the Melbourne Cricket Ground — that is, place it on the heritage register? Does the minister have any contingency plans if that occurs, and what are those contingency plans to ensure Melbourne has a first-class facility for athletics at the 2006 Commonwealth Games?

Queen Victoria Market

Hon. BILL FORWOOD (Templestowe) — I raise a matter with the Minister for Small Business. Yesterday I met with Michael Presser, the president of the Queen Victoria Market Traders Association, and three other members of the association, Nick Commisso, Dora Bergman and Mary Chapman.

The minister is no doubt aware that 1500 traders operate from the Queen Victoria Market. They have raised with me serious concerns about their rights as individual traders in the market and are keen to speak to the minister about these issues. Apparently they wrote to her on 5 March seeking her intervention on some of these issues. However, on their behalf I would be grateful if the minister could meet with Mr Presser and the Queen Victoria Market Traders Association and help to address issues that concern them.

Local government: parking ticket machines

Hon. B. N. ATKINSON (Koonung) — My question is directed to the Minister for Consumer Affairs. I am concerned about parking issues in a number of municipalities. In the past couple of weeks there has been talk of quota systems applying to a number of parking contractors, which I would have thought was not in the interests of proper traffic and parking management and control and more about revenue raising.

I do not think that is in the interests of consumers and motorists looking to park their cars, or indeed organisations that are trying to go about their business. I understand it is not the attitude of the police to go about revenue raising. On many occasions they have rejected the prospect of quotas.

I raise with the minister a case with the City of Port Phillip, which is probably the Quick Draw McGraw when it comes to issuing parking tickets. The council has installed ticket machines in a number of areas, including some in the vicinity of the Park Royal Hotel off St Kilda Road and along St Kilda Road. I am concerned that there is inadequate information about how those machines work for motorists parking their vehicles.

The machines require a \$2 payment per hour. If you put in a \$2 coin and then put in another \$1 coin, you get no extra time at all. You are not advanced beyond the first hour. That is not the way parking machines operate in other areas. Firstly, consumers need information on how those machines operate and, secondly, the machines ought to be checked by the weights and measures unit so that they operate in a way that delivers value to motorists parking their cars.

I might add that a particular parking machine I used in the vicinity gave me 10 minutes less time than I was supposed to have after inserting a \$2 coin. I am not aggrieved, because I did not receive a parking ticket. However, this consumer issue ought to be raised with local government because there is a matter of fairness for motorists.

ASU: rule changes

Hon. G. B. ASHMAN (Koonung) — I raise a matter with the Minister for Industrial Relations. I understand some 9000 members of the Australian Services Union, Victorian Services and Energy branch members recently received information concerning union rule changes. The change that is proposed is to

eliminate member-elected delegates. Delegates in future will be appointed by the branch leadership.

I ask the minister whether this is true. It strikes me as being undemocratic. What action will she take to ensure that proper, reasonable, democratic principles are maintained within this union and across the union movement?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable David Davis referred to the matter he raised with me during the adjournment debate last night. It concerns a consultancy into which the Department of Human Services entered. I said my branch had been advised of that course and was going to appoint a consultant. As to the process, I was not involved. It was done through the Department of Human Services.

Hon. D. McL. Davis — You didn't approve that at all?

Hon. M. M. GOULD — It is the Department of Human Services. You have the FOI documents there.

The Honourable Gerald Ashman raised a matter about 9000 members of the Australian Services Union. I do not think the union has as many members as that — I would be pleased if it did. With respect to registration in the trade union movement, that is Tony Abbott's portfolio area, not mine.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Elaine Carbines requested the Minister for Transport to provide advice to her on the condition of Barrabool Road between Anderson and Devon roads, and I will refer that request to the minister.

The Honourable Chris Strong requested the Minister for Environment and Conservation to respond to correspondence from the Friends of the Hampton Tea-house and to consider a visit to the proposed site. I shall certainly pass that request on to the minister.

The Honourable Sang Nguyen requested the Minister for Local Government to advise on a strategy for an alternative to the proposal from Brimbank council, and I shall refer that matter to the minister.

The Honourable Ken Smith raised a matter for the attention of the Treasurer, and I wish him all the luck in the world in getting a response.

The Honourable Andrea Coote referred to a proposed helipad site on Melbourne Port Corporation land and to objections to that proposal. I am not familiar with the proposal, but I shall certainly seek advice about it, including what the proper process is for dealing with that proposal, and I will respond to her directly on that matter.

The Honourable Barry Bishop raised the very significant opportunities that are available to mineral sands developments in the Murray Basin in north-western Victoria and related to that proposals for standardisation of rail tracks. He referred to six rail studies, I believe, that have been conducted to date to deal with this problem, which we have inherited from the days of Federation.

I can indicate to him that, as I said in my ministerial statement, the Murray Basin Mineral Sands Working Group has been working assiduously in guiding the development of the Murray Basin mineral sands resources. Having this single consolidated point of contact between the government and its department and resource developers has been very important in enabling a positive exchange and process involving all of the parties that are necessary to solve this very large problem.

I have personally met with all the developers now to hear their proposals on how the problem might be solved. Of course the Bracks government has committed \$40 million towards solving this problem from the Regional Infrastructure Development Fund, and that commitment stands.

In terms of where we are up to now, we have a major feasibility study that spans the three states and supports gauge conversion of a number of lines. As Mr Bishop has indicated, however, there are a range of problems relating to which lines should receive the priority in these conversions.

In determining its final position for funding of standardisation, which will take into account what developers may be willing to contribute to this process as they are some of the main beneficiaries, the government is considering all the submissions it has received.

I suspect that in the coming weeks there will be further contact with key stakeholders, including proposed developers, about the next phase. That will depend on what commitments they are willing to enter into in addition to the government's standing commitment.

Hon. Bill Forwood — Money in the budget?

Hon. C. C. BROAD — I have indicated \$40 million, which is a standing commitment. The Treasurer would kill me if I indicated what is or is not in the budget. Nice try!

The Honourable Neil Lucas raised the matter of electromagnetic radiation. A great deal of public comment and discussion has taken place about a number of studies, most recently a study in the United Kingdom. As Minister for Energy and Resources I have an interest, as does the industry, in the studies. I understand the radiation unit in the Department of Human Services has primary carriage of monitoring and analysing the studies. I am certainly keeping a close eye on how those studies are analysed and what implications may come from them.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Maree Luckins asked about Woolworths and the legal advice. We have sought legal advice and will consider the options available to deal with the issues that Woolworths now presents with its purchase of a liquor licence.

Hon. Bill Forwood — On a point of order, Mr President, during question time today the minister said she had sought advice. The question asked of her tonight was whether she has received that advice, given that it was asked for more than two weeks ago. The question tonight was specific: have you now received the advice you asked for more than two weeks ago? The minister is deliberately not answering the question.

The PRESIDENT — Order! Do I understand that the minister does not yet have the advice?

Hon. M. R. THOMSON — I have answered the question.

The PRESIDENT — Order! You have not answered the question. Do you or do you not have the advice?

Hon. C. C. Broad — She has answered the question under the terms required in an adjournment debate.

The PRESIDENT — Order! The minister has completed her response. However, for the minister to say that she has answered the question, ‘Have you or have you not received the advice?’ is not the case. You have not responded to the question.

Hon. M. R. THOMSON — The Honourable Bill Baxter raised the matter of HIH Insurance, which is of concern throughout Australia, being the underwriter for the Master Builders Association guarantee scheme. I understand it has dealings with other insurance

companies in relation to the home guarantee scheme. It is a private insurance scheme operating for home builders. The government has had discussions with the accounting firms and the industry associations about what is occurring. I understand work is being done on transferring the insurance coverage. I do not have any other information.

The Honourable Ron Bowden raised the matter of the devices that interfere with and grab the signals of electronic locking systems on our cars. That is probably why we now have engine immobilisers. I will take up the matter with the Minister for Police and Emergency Services.

The Honourable Wendy Smith raised the matter of J. Smith, a woman who came along to a women’s luncheon held in Ballarat. A number of women at that luncheon wanted to speak to me about a number of issues. J. Smith raised with me an industrial relations matter, and on discussing it with her it became clear that her employees are covered under the federal award and are therefore not subject to the state bill.

The Honourable Bill Forwood raised the matter of Michael Presser and the Queen Victoria Market Traders Association wanting to meet with me. I understand they have written to the department, and on that basis they will no doubt get an appointment to see me. I do not think there is a problem.

Hon. C. A. Furletti — That be would an exception, wouldn’t it?

Hon. M. R. THOMSON — No, it would not.

The Honourable Bruce Atkinson referred to parking ticket machines, which in the main are a matter for the Minister for Local Government.

Hon. B. N. Atkinson — It would be a consumer affairs matter.

Hon. M. R. THOMSON — Can I finish? I will ask Trade Measurement Victoria to look at the issue of the machines being inaccurate and follow that up on your behalf.

Hon. B. N. Atkinson — And also the information they provide to consumers on the operation of those machines.

Honourable members interjecting.

Hon. M. R. THOMSON — I will certainly get Trade Measurement Victoria to look at that.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will refer the matter raised by the Honourable Gordon Rich-Phillips relating to the Berwick Secondary College and issues surrounding the materials used in the manual arts areas to the Minister for Education in the other place.

I am happy to refer the matter raised by the Honourable Peter Hall regarding a fire levy on house insurance and the direction of that levy to the Metropolitan Fire Brigade or Country Fire Authority to the Minister for Police and Emergency Services in the other place.

I will refer the matter raised by the Honourable Carlo Furlletti regarding the Heidelberg police station and courthouse complex redevelopment and related issues to the Minister for Police and Emergency Services in the other place.

The Honourable Jeanette Powell referred to issues raised by a constituent from the Rochester EMF Action Group relating to electromagnetic fields. I will refer that matter to the Minister for Planning in the other place.

I will refer the matter raised by the Honourable Peter Katsambanis relating to the operation of planning applications, associated appeals and existing information with responsible authorities to the Minister for Planning in the other place.

In relation to the matter raised by the Honourable Ian Cover regarding the state lawn bowls centre and local issues surrounding that, I am happy to communicate with or have my department communicate with the relevant groups about those issues. I will clarify for the Honourable Ian Cover the situation with the two proposals, one from the City of Whitehorse and the other from the City of Darebin.

The City of Whitehorse proposal was initially on a greenfield site, and a new centre was to be developed at an estimated cost of \$8.3 million. That capital cost estimate to deliver the project was provided by the consultants to the City of Whitehorse. The City of Whitehorse proposed putting \$2.5 million into the project, with the state government contributing \$2.5 million. That left the project with a significant shortfall of \$3.3 million and no additional funding available to meet it. In addition, the proposal required a merger or partnership between two to three existing clubs. That had not been achieved, and late in the assessment process the council tried to reduce the scope and cost of the project. None of the options considered met the project requirements.

The major advantage of the City of Darebin proposal over the City of Whitehorse proposal is that the Darebin

proposal is for an already established site with three existing greens and clubroom facilities that would require less complex siteworks than the City of Whitehorse proposal. The Darebin proposal therefore required significantly less capital contribution, with a total capital cost estimate provided by the City of Darebin consultants of \$3.6 million. That would require a state contribution of \$2.5 million and a City of Darebin contribution of \$1.1 million. Construction of the centre no doubt offers the sport of lawn bowls an exciting opportunity for further development.

The Honourable Andrew Brideson asked me about heritage-related issues concerning the Melbourne Cricket Ground. One of the key issues that has been prominent in the media recently relates to the facility being redeveloped and whether or not the members pavilion will be retained. The early advice I have is that a significant increase in construction cost would occur if the pavilion were retained, and there would be ongoing operational and functional difficulties that would reduce the financial viability of the redevelopment. That is public knowledge, and I believe it has been explained.

I am advised that the Melbourne Cricket Club and the trust are continuing their investigation of this issue and canvassing the views of MCC members. On 22 December last year the MCC nominated the MCG, including lights, the Gallery of Sport and the practice nets, for the Victorian Heritage Registry. The nomination was accepted by Heritage Victoria, which has commenced a notification period and will determine by 5 April whether to register the MCG. No doubt the MCC and the MCG trust are being proactive on the issue and will manage it accordingly in the future.

Motion agreed to.

House adjourned 6.06 p.m. until Tuesday, 3 April.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 20 March 2001

Police and Emergency Services: Country Fire Authority — Workcover premiums

1001. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): In respect of the Country Fire Authority:

- (a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.
- (b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.
- (c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.
- (d) What is the Workcover initial premium for 2000-2001.
- (e) What is the rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated.
- (f) What is the Workcover industry classification or classifications of the Authority and if there is more than one industry classification, what is the rateable remuneration of the Authority for 2000-2001 in respect of which each industry classification is applicable.
- (g) Did the Authority provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.
- (h) What amount did the Authority budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed that:

For Workcover premium purposes, the Country Fire Authority is an employer in their own right. The Honourable member should seek information directly from the Authority.

Police and Emergency Services: Metropolitan Fire and Emergency Services Board — Workcover premiums

1005. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): In respect of the Metropolitan Fire and Emergency Services Board:

- (a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.
- (b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

- (c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.
- (d) What is the Workcover initial premium for 2000-2001.
- (e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 is calculated.
- (f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000-2001 in respect of which each industry classification is applicable.
- (g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.
- (h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed that:

The actual Workcover premium levels are still to be finalised and are subject to agency discussion with the Treasurer in regard to funding. The department is working with Workcover and the Metropolitan Fire and Emergency Services Board to reduce the Workcover premiums.

Appropriate details will be released when finalised.

Premier: Office of the Chief Parliamentary Counsel — Workcover premiums

1062. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): In respect of the Office of the Chief Parliamentary Counsel:

- (a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.
- (b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.
- (c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.
- (d) What is the Workcover initial premium for 2000–01 for the Office.
- (e) What is the rateable remuneration for the Office on the basis of which the initial premium for 2000–01 is calculated.
- (f) What is the Workcover industry classification or classifications of the Office and if there is more than one industry classification, what is the rateable remuneration of the Office for 2000–01 in respect of which each industry classification is applicable.
- (g) Did the Office provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.
- (h) What amount did the Office budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Office of the Chief Parliamentary Counsel is not a separately-reporting entity and its figures are included in those of the Department of Premier and Cabinet.

Multicultural Affairs: Victorian Multicultural Commission — Workcover premiums

1064. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): In respect of the Victorian Multicultural Commission:

- (a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.
- (b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.
- (c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.
- (d) What is the Workcover initial premium for 2000–01.
- (e) What is the rateable remuneration for the Commission on the basis of which the initial premium for 2000–01 is calculated.
- (f) What is the Workcover industry classification or classifications of the Commission and if there is more than one industry classification; what is the rateable remuneration of the Commission for 2000–01 in respect of which each industry classification is applicable.
- (g) Did the Commission provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.
- (h) What amount did the Commission budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Victorian Multicultural Commission is not a separately reporting entity and its figures are included in those of the Department of Premier and Cabinet. To provide the information requested would require an inordinate amount of time and resources.

Youth Affairs: consultancies

1126. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Youth Affairs: In relation to consultancy contracts entered into by the minister, or his department:

- (a) How many consultancies have been entered into since 20 October 1999.
- (b) What are the names of each individual or organisation or company awarded contracts.
- (c) What is the purpose or objective of each consultancy.
- (d) What is the cost of each consultancy contract.
- (e) What criteria or process was used in the awarding of each contract.

- (f) When was each tender for each consultancy advertised and when were they let.
- (g) If tenders were not advertised, why were they not advertised.

ANSWER:

Further to my previous response to the above question, I now provide the following additional information in response to parts (b), (d), (f) and (g):

(b) The two organisations awarded contracts were:

- A consortium of Victoria University of Technology, Institute for Youth Education & Community & Effective Change
- The Department of Justice & Youth Studies and the RMIT University.

(d) The cost of the first contract was \$76,010 and the second \$14,973 respectively.

(f) The first consultancy was advertised on 12 August 2000 and let on 25 September 2000.

(g) The second consultancy was not advertised but expressions of interest were invited from four suitably qualified organisations.

Premier: CPSU industrial agreement

1129. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What is the expected cost of the recent CPSU industrial agreement for public servants in the Premier's Department for 2000–01 and 2001–02, respectively.

ANSWER:

I am informed that:

The one-year agreement provides a 3% pay increase for all staff covered by the Agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as has applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

In addition to the salary increase the Agreement continues to recognise the role of performance pay in providing motivation for continual improvement in productivity, efficiency and service delivery.

Those employees who meet or exceed performance expectations are recognised by receiving payments drawn from within the Department's existing budget.

The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements in that 2.5% of the non-executive salary budget is reserved for performance pay.

Police and Emergency Services: former Yugoslav Republic of Macedonia

1179. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services):

- (a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

Please refer to my answer to question on notice no. 235(l) in the Legislative Assembly (copy attached).

[Hansard reference: Legislative Assembly, 27 February, 2001, vol. 450, page 237.]

Corrections: former Yugoslav Republic of Macedonia

1180. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Corrections):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the Minister does intend to do so, what will the directive or instruction be.

ANSWER:

Please refer to my answer to question on notice no. 235(l) in the Legislative Assembly (copy attached), answered in my capacity as Minister for Police and Emergency Services.

[Hansard reference: Legislative Assembly, 27 February, 2001, vol. 450, page 237.]

Industrial Relations: consultancies

1193. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

Further to my reply to this question tabled on 16 November 2000, I am advised as follows:

Name of consultant	Commencement Date	Completion date	Purpose of Consultancy	Approved Cost (GST included)	End Cost
Corrs Schneider	27/07/2000	18/08/2000	IRV Review of Structure and Role	\$42,879	\$42,879
Aspect Computing P/L	25/07/2000	15/09/2000	Review and modification of IR Update Newsletter Data base Consultancy - Part 1	\$11,000	\$11,000
Essential Media Communications	6/09/2000	22/12/2000	Communicating the report of the Industrial Relations Taskforce	\$14,475	\$14,475

Name of consultant	Commencement Date	Completion date	Purpose of Consultancy	Approved Cost (GST included)	End Cost
NIEIR	11/09/2000	26/10/2000	To consider the impact on the Victorian Economy (if any) of the recommendations of the report of the Industrial Relations Taskforce	\$27,500	\$27,500

Sport and Recreation: consultancies

1196. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation:

- (a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister’s department.
- (b) On what dates was each contracted.
- (c) For how long was each contracted.
- (d) What was the nature of each consultancy.
- (e) What is the basis and rate of each of their payments.

ANSWER:

Further to my reply to this question tabled on 16 November 2000, in relation to parts (a) to (d), my Department has advised me as follows:

- (a) The Strategy Shop
- (b) Commencement date: 1 August 2000
- (c) Completion date: 30 September 2000
- (d) Review of Victalent and Country Action programs

Youth Affairs: consultancies

1197. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs:

- (a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister’s department.
- (b) On what dates was each contracted.
- (c) For how long was each contracted.
- (d) What was the nature of each consultancy.
- (e) What is the basis and rate of each of their payments.

ANSWER:

I am informed as follows:

Since the 1 July 2000 two consultants have been employed at a total cost of \$90,983.00

Multicultural Affairs: consultancies

1203. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

- (a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister’s department.
- (b) On what dates was each contracted.
- (c) For how long was each contracted.
- (d) What was the nature of each consultancy.
- (e) What is the basis and rate of each of their payments.

ANSWER:

I am informed that:

Since the 1 July 2000 details of consultancies related to my portfolio are as follows:

One consultancy was utilised for a total cost of \$35,200. This consultancy was contracted through the Victorian Office of Multicultural Affairs. Sweeney Research was engaged to provide background material for the development of the Racial and Religious Tolerance Discussion Paper and Model Bill.

Major Projects and Tourism: consultancies

1217. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism):

- (a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister’s department.
- (b) On what dates was each contracted.
- (c) For how long was each contracted.
- (d) What was the nature of each consultancy.
- (e) What is the basis and rate of each of their payments.

ANSWER:

Further to my answer to this question tabled on 16 November 2000, I am advised as follows:

Name of consultant	Date Approved	Length of consultancy	Purpose of Consultancy	End Cost
Holding Redlich	May 2000	June – August 2000	To provide advice in relation to Lynch’s Bridge – Abattoirs project	\$2,264
Gadens Lawyers	February 2000	From 23/2/00 to 26/6/00	To provide legal advice in relation to the Museum of Victoria contract	\$2,646
Geocomp Consulting	June 2000	1 week	To report on scaffolding for the Museum of Victoria	\$3,330
IF Thomas & Associates	July 2000	July/August 2000	To provide occupational health and safety advice in relation to sub-contractors at the Museum of Victoria	\$1,394

Name of consultant	Date Approved	Length of consultancy	Purpose of Consultancy	End Cost
Holding Redlich	August 2000	10 – 30 October 2000	To provide legal advice in relation to the National Gallery project	\$5,000
Maddock Lonie and Chisolm	July 2000	July 2000	To provide advice on insurance claim relating to the State Library Phase 2	\$2,200
Golder Associates	18 July 2000	6 weeks	To undertake a geotechnical investigation for MSAC Stage 2	\$5,000
Marshall Day Acoustics	11 July 2000	6 weeks	To provide acoustics report for MSAC Stage 2	\$1,000
IT Works Consulting	July 2000	1 month	Cultural Broadband Network project – Stage 1 report	\$7,800
Frontier Software	30 July 2000	½ day	Systems advice and training	\$280
Ipex ITG P/L	30 September 2000	1 day	Systems advice	\$420

Premier: Olympic Games functions

1235. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Will the Premier provide a list of the sporting, business and social events, meetings and/or functions the Premier attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Premier attended; (ii) of whom the Premier was the guest; (iii) who paid for the Premier's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Premier has advised as follows:

I attended the Olympic Games in Sydney in an official capacity between the dates of Friday 15 September 2000 to Sunday 17 September 2000 and Monday 25 September 2000 to Sunday 1 October 2000.

I attended a range of functions relating to the Olympic Games in Sydney.

While at the Games I attended events as a guest of SOCOG under the accreditation arrangements that were extended to all State Premiers.

My travel expenses were met by the Department of Premier and Cabinet.

My accommodation was paid under the arrangements entered into by the previous Government.

Multicultural Affairs: Olympic Games functions

1248. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Minister for Multicultural Affairs has advised as follows:

I attended the Olympic Games in Sydney in an official capacity between the dates of Friday 15 September 2000 to Sunday 17 September 2000 and Monday 25 September 2000 to Sunday 1 October 2000.

I attended a range of functions relating to the Olympic Games in Sydney.

While at the Games I attended events as a guest of SOCOG under the accreditation arrangements that were extended to all State Premiers.

My travel expenses were met by the Department of Premier and Cabinet.

My accommodation was paid under the arrangements entered into by the previous Government.

Treasurer: Olympic Games functions

1249. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Will the Treasurer provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Treasurer attended; (ii) of whom the Treasurer was the guest; (iii) who paid for the Treasurer's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Honourable member is referred to the response to question number 1250.

State and Regional Development: Olympic Games functions

1250. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Olympic Games in Sydney in an official capacity between the dates of 15 and 17 September 2000 under the arrangements entered into by the previous Government.

As Minister for State and Regional Development, I was guest speaker at an IBM dinner function in Sydney on Tuesday 19 September. I also attended an industry breakfast with e-Australia and was guest speaker at an information technology luncheon at Business Club Australia in Sydney on Monday 25 September.

Minister Assisting Minister for Workcover: Olympic Games functions

1269. THE HON. D. McL. DAVIS — To ask the Honourable the Minister Assisting the Minister for Workcover: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Honourable Member is referred to the response to Question Number 1237, (Hansard Reference: Legislative Council, Book 8, 30 November 2000, page 1922)

Minister Assisting Minister for Multicultural Affairs: Olympic Games functions

1273. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Multicultural Affairs): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I did not attend the Olympic Games in Sydney in my capacity as Minister Assisting the Minister for Multicultural Affairs. My attendance was as Minister for Major Projects and Tourism, and I have provided a separate response in those capacities.

Industrial Relations: department tenders

1277. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Industrial Relations: Given the Minister's assurance that the decision to award the consultancy to the Australian Centre for Industrial Relations Research and Training complied fully with Departmental Guidelines:

- (a) On how many other occasions since the election of the Bracks government has the secretary of the department exercised a discretion to waive the normal requirement to go to public tender.
- (b) What were the circumstances in each case.
- (c) What procedure applies in respect of recording and reporting each such occasion under the departmental policy on purchasing.

ANSWER:

Further to my answer to this question tabled on 22 November 2000, in relation to part (b) I am advised that in each case special circumstances existed which led the Secretary of the Department of State and Regional Development to conclude, in accordance with departmental guidelines, that it was neither practical nor expedient to invite public tenders.

The Department has advised me that the circumstances were as follows:

- *Case 1:* There was no significant competition in the relevant market area, and a competitive tendering project would have required significant effort without any guarantee of benefits and with a significant loss of estimated savings. A competitive proposal had been negotiated with the service provider.
- *Case 2:* The nature of the contract was to conduct a tender process on behalf of the government. It was considered that the selected contractor would be able to secure specialist services from the most appropriate and reliable companies at competitive rates, in a time of high demand, and complete the tender process in a shorter timeframe due to its knowledge of the market and its ability to select the most appropriate suppliers.

- *Case 3:* The project in question needed to commence immediately to address risk management issues and to utilise the Department's capital works budget. It was ascertained that few contractors would be in a position to tender because of high industry demands due to the introduction of the GST.
- *Case 4:* The consultants were of high quality with relevant expertise in a specialised area, they represented very high value for money relative to other consulting expertise available, the quality of their work and outputs was known and highly regarded, and there would be a transfer of skills and expertise to DSRD staff.

Environment and Conservation: Rye back beach

1280. THE HON. K. M. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What are the Government's plans for improvements to 'Rye Back Beach' (Mornington Peninsula National Park) and its facilities.

ANSWER:

I am informed that:

The Government commenced the refurbishment of facilities at Rye Ocean Beach in 1998/99 in accordance with a Master Plan prepared in 1998 for the upgrading of visitor facilities at Rye Ocean Beach, Gunnamatta and Flinders Ocean Beach. Works undertaken to date at a cost of \$200,000 have included the provision of reticulated water, new toilet facilities, upgraded beach access tracks and resurfacing of the overflow car park.

State and Regional Development: Rural Community Development scheme

1356. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the Rural Community Development Scheme:

- (a) How many grants have been awarded under this scheme.
- (b) Who were the grants awarded to.
- (c) How much money was given for each grant.
- (d) What projects were each of the grants for.
- (e) Which local Council supported each of the projects awarded grants.
- (f) How many people (in total) have applied for a grant under this scheme including those not given a grant.

ANSWER:

During the period 1 July 1996 to 30 June 2000, the Rural Community Development Scheme provided grants for 486 projects. The grants were made to all of the 47 Councils in rural and regional Victoria who submitted a total of 486 applications.

The grants varied on a case by case basis up to a maximum grant of \$50,000, with a total amount of \$13 million awarded across all projects over the four year life of the program.

Examples of funded projects included community, public and town halls, streetscapes and town squares, amenity blocks, barbecues and picnic facilities, wayside stops, travellers rests and visitors facilities, business area walkways and boardwalks.

Multicultural Affairs: grants to organisations

1370. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): What are the details of any one-off grants to multicultural organisations, groups, institutions or individuals since the Government's election showing the recipients, the purpose of the grant, the outcome and amount, and the source of each grant.

ANSWER:

I am informed that:

The details sought by the Honourable Member showing the recipients, the purpose of the grant and amount of each grant are included in the Victorian Multicultural Commission's 1999/2000 Annual Report and in the Community Grants Programs Guidelines.

With respect to the outcome of the grants, organisations are required to submit 'Accountability Reports' to the Victorian Multicultural Commission, detailing how the grant monies have been spent. These reports are due six to twelve months from the date of receipt of the grant monies.

Multicultural Affairs: Community Building Grants program

1371. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): What are the details of grants that have been made in the last twelve months under the Community Building Grants Program administered by the Victorian Multicultural Commission, showing the recipients, purpose, outcome, amount and time frame for completion of the project being funded.

ANSWER:

I am informed that:

The details sought by the Honourable Member showing the recipients and the purpose of the grant are included in the Victorian Multicultural Commission's 1999/2000 Annual Report and in the Community Grants Programs Guidelines.

With respect to the outcome of the grants, organisations are required to submit 'Accountability Reports' to the Victorian Multicultural Commission, detailing how the grant monies have been spent. These reports are due twelve months from the date of receipt of the grant monies and projects are required to be completed within this time frame.

Multicultural Affairs: chief of staff — Canberra trips

1372. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): What are the details of trips to Canberra in October 1999 by Mr. John Unger, the then Chief of Staff of Multicultural Affairs, and in respect of each of these trips (if more than one) — (i) what was the purpose of the trip; (ii) what was the duration of Mr Unger's stay; (iii) where did he stay, giving the name and address of the accommodation; and (iv) what appointments did he have on each day of his stay with whom and where; on what day or days; at what time; and for what purpose did the appointments take place.

ANSWER:

I am informed that:

Mr Unger attended the Annual General Meeting of the National Accreditation Authority for Translators and Interpreters (NAATI) and the regular meeting of the Standing Committee of Immigration and Multicultural Affairs

and associated committee meetings on 28 and 29 October 1999. Mr Unger attended these meetings in his capacity as the Victorian Member of NAATI and as the then Assistant Secretary of the Multicultural Affairs Unit.

The principal meeting of the Standing Committee was held at the headquarters of the Commonwealth Department of Immigration and Multicultural Affairs in Belconnen, ACT.

Mr Unger departed Melbourne on 27 October 1999 and returned from Canberra on 29 October 1999. While in Canberra, he stayed at the Parkroyal Canberra Hotel.

Multicultural Affairs: interpreting services

1373. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

- (a) What proportion of contracts for the provision of interpreting services to each Victorian Government Department since the Government's election have been awarded to the Victorian Interpreting and Translating Services (VITS) to date.
- (b) What are the details of each contract with the respective department showing the purpose and duration of the contract including commencement and termination dates, the cost to the Department of the services provided, the number of tenders received for each contract and the respective tender prices.

ANSWER:

I am informed that:

Victorian Government Departments report that they have not awarded any new tenders or contracts for interpreting services in the period under question. Instead they have continued previous practice either to purchase services one-off, as required, or to maintain/extend existing contracts. Funding arrangements for the provision of interpreting services across the public sector vary from Department to Department and across departmental programs. They do not readily permit apportionment in respect of individual provider agencies.

Premier: Socom Public Relations — government consultancies

1376. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier):

- (a) How many consultancy contracts, giving the details in tabulated form, have been let by the Government since 20 October 1999 to the organisation referred to as Socom or Socom Public Relations Pty Ltd.
- (b) What is the total cost of each contract.
- (c) What was the purpose of each contract and was each contract tender conducted in accordance with departmental guidelines.

ANSWER:

The Premier has advised the following:

I understand that the matters raised by the Honourable Member were the subject of an adjournment debate. I have written to the Honourable Member in response to his request and I refer him to that letter.

Premier: Sheila O'Sullivan — government consultancies

1377. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier):

- (a) How many consultancy contracts, giving the details in tabulated form, have been let by the government since 20 October 1999 to the person referred to as Ms Sheila O'Sullivan.
- (b) What is the total cost of each contract.
- (c) What was the purpose of each contract and was each contract tender conducted in accordance with departmental guidelines.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has not engaged the service provider identified as Ms Sheila O'Sullivan under a consultancy contract since 20 October 1999.

Treasurer: Brighton and East Brighton — payroll tax

1378. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer):

- (a) How many businesses located in Postcodes 3186 and 3187 (Brighton and East Brighton) were levied with payroll tax in 1999-2000.
- (b) What was the total value of payroll tax in each of these Postcodes for 1999-2000.

ANSWER:

I am informed that:

There were 74 registered employers within postcodes 3186 and 3187 in the period July 1999 to June 2000. Of that number, 65 employers paid pay-roll tax amounting to \$8,708,152.22. Nine employers were registered but paid no tax during that period.

Treasurer: Brighton and East Brighton — land tax

1379. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer):

- (a) How many properties in each of the areas represented by Postcodes 3186 and 3187 (Brighton and East Brighton) were levied with land tax in 1999-2000.
- (b) What was the total value of land tax in each of these Postcodes for 1999-2000.

ANSWER:

I am informed that:

- (a) Number of properties levied were 5,881 for the listed postcodes.
- (b) Total value was \$4,355,480.

Treasurer: Brighton and East Brighton — stamp duty on property transfers

1381. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer):

- (a) How many properties in each of the areas represented by postcodes 3186 and 3187 (Brighton and East Brighton) were levied with stamp duty on property transfers in 1999–2000.
- (b) What was the total value of stamp duty in each of those postcodes for 1999–2000.

ANSWER:

I am informed that:

The State Revenue Office does not collect the information requested that would enable me to provide an accurate response.

State and Regional Development: Regional Infrastructure Development Fund

1382. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide a list, in tabulated form, of all successful and unsuccessful applications to the Regional Infrastructure Development Fund of — (i) the amounts asked for, (ii) the amounts allocated to successful applicants, indicating whether each of them met the guidelines, and (iii) the reasons for each of the unsuccessful claims not being granted.

ANSWER:

The Government announces successful applications to the Regional Infrastructure Development Fund (RIDF) as details of each grant are finalised. Applications are assessed comprehensively and objectively against established eligibility and assessment criteria. All successful applications are consistent with the published RIDF Guidelines.

It would be inappropriate to release information about unsuccessful RIDF applications.

The Government does not propose to release details of the amounts requested by applicants, as active consideration of alternative funding sources may result in the leveraging of a significantly larger investment in Regional Victoria than the \$170 million available under the Fund.

Environment and Conservation: bathing boxes

1383. THE HON. K. M. SMITH — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): How many “Bathing Boxes” are there on the foreshores of Port Phillip Bay.

ANSWER:

I am informed that:

There are approximately 1847 bathing boxes or similar structures on the shores of Port Phillip Bay.

Transport: TAC — illuminated advertising signboard

1384. THE HON. W. R. BAXTER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Is the Transport Accident Commission the leaseholder of an illuminated advertising signboard located adjacent to the Murray Valley Highway near Bundalong.

ANSWER:

The Transport Accident Commission (TAC) is not the leaseholder of the illuminated signboard located adjacent to the Murray Valley Highway near Bundalong.

Attorney-General: CPSU industrial agreement

1385. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): Further to the answer to Question No. 1138 given in this House on 16 November 2000 in relation to the CPSU industrial agreement, given that the average “further payment” (to staff who exceed expectations) for all Departments is 1 per cent, what is the anticipated actual percentage in the Department of Justice.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources that are not available.

Industrial Relations: CPSU industrial agreement

1386. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations: Further to the answer to question No. 1137 given in this house on 14 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister’s Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–2001.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–2001.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–2001, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: CPSU industrial agreement

1387. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources: Further to the answer to Question No. 1133 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister’s Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

I am informed that:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Small Business: CPSU industrial agreement

1388. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Small Business: Further to the answer to Question No. 1140 given in this House on 14 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister's Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Sport and Recreation: CPSU industrial agreement

1389. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Sport and Recreation: Further to the answer to question no. 1139 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister's Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Education: CPSU industrial agreement

1390. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): Further to the answer to Question No. 1135 given in this House on 14 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister's Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.

- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

I am informed as follows:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Health: CPSU industrial agreement

1391. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Further to the answer to Question No. 1131 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister’s Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

State and Regional Development: CPSU industrial agreement

1392. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 1134 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister’s Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Attorney-General: CPSU industrial agreement

1393. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): Further to the answer to Question No. 1138 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Attorney-General's Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

The provision of the information requested would require an inordinate amount of time and resources that are not available.

Environment and Conservation: CPSU industrial agreement

1394. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Further to the answer to Question No. 1136 given in this House on 16 November 2000 in relation to the CPSU industrial agreement:

- (a) What was the total cost to the Minister's Department of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01.
- (d) What is the anticipated cost of the “further payment”, paid as a bonus and/or pay increase, in 2000–01, and will this “further payment” be met by the Department within its existing budget.

ANSWER:

I am informed that:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Small Business: bank branch closures

1395. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the 25 bank branch closures in metropolitan and country Victoria announced by the National Australia Bank in September 2000:

- (a) Has the Minister met with senior officials of the National Australia Bank to discuss bank branch closures and their impact on small business; if so, on what dates did the Minister meet with these officials and what were the names of the officials with whom the Minister met.
- (b) What other contact did the Minister have with senior officials of the National Australia Bank to discuss bank branch closures and their impact on small business.
- (c) On what date(s) (if any) did the Minister undertake these contact(s) with these officials and what were the names of the officials with whom the Minister made contact.
- (d) What was the nature and outcome of the above discussions and contacts.
- (e) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

The Victorian Government supports the concept of minimum banking standards which, amongst other key consumer protections, would require banks contemplating bank closures to follow a set procedure. The procedure could include the undertaking of extensive community consultation prior to any such closures, and if the closure is to proceed, the giving of adequate notice of the closure. A number of jurisdictions, including Victoria, sought discussion on this issue in good faith and in the interests of consumers at the last Consumer Affairs Ministerial Council Meeting. The Commonwealth dismissed the suggestion banks should be required to apply minimum standards and claimed that the level and quality of banking services are best determined by the financial institutions themselves as a response to competition, and that consumers should simply shop around for a suitable product.

The Victorian Government will continue to pursue the Commonwealth Government on minimum banking standards and their attitude to bank branch closures.

Small Business: bank branch closures

1396. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the 25 bank branch closures in metropolitan and country Victoria announced by the National Australia Bank in September 2000:

- (a) Has the Minister written to senior officials of the National Australia Bank to discuss bank branch closures and their impact on small business; if so, what was the date of these letters and what were the names of the officials to whom the Minister wrote.
- (b) What was the nature and outcome of the correspondence.
- (c) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

I refer the Honourable Member to my response to Question No. 1395.

Small Business: bank branch closures

1397. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the 25 bank branch closures in metropolitan and country Victoria announced by the National Australia Bank in September 2000:

- (a) Did the Minister make telephone contact with senior officials of the National Australia Bank to discuss bank branch closures and their impact on small business; if so, what were the dates of those telephone contacts and what were the names of the officials with whom the Minister had telephone contact.

- (b) What was the nature and outcome of the discussions and contacts.
- (c) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

I refer the Honourable Member to my response to Question No. 1395.

Small Business: bank branch closures

1398. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the branch closures in metropolitan and country Victoria announced by the Commonwealth Bank in August/September 2000:

- (a) Has the Minister met with senior officials of the Commonwealth Bank and discuss bank branch closures and their impact on small business; if so, on what dates did the Minister meet with these officials and what were the names of the officials with whom the Minister met.
- (b) What other contact did the Minister have with senior officials of the Commonwealth Bank to discuss bank branch closures and their impact on small business.
- (c) If any, on what date(s) did the Minister undertake these contact(s) with these officials and what were the names of the officials with whom the Minister made contact.
- (d) What was the nature and outcome of the above discussions and contacts.
- (e) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

I refer the Honourable Member to my response to Question No. 1395.

Small Business: bank branch closures

1399. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the branch closures in metropolitan and country Victoria announced by the Commonwealth Bank in August/September 2000:

- (a) Has the Minister written to senior officials of the Commonwealth Bank to discuss bank branch closures and their impact on small business; if so, what was the date of these letters and what were the names of the officials to whom the Minister wrote.
- (b) What was the nature and outcome of the correspondence.
- (c) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

I refer the Honourable Member to my response to Question No. 1395.

Small Business: bank branch closures

1400. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: In relation to the branch closures in metropolitan and country Victoria announced by the Commonwealth Bank in August/September 2000:

- (a) Did the Minister make telephone contact with senior officials of the Commonwealth Bank to discuss bank branch closures and their impact on small business; if so, what were the dates of those telephone contacts and what were the names of the officials with whom the Minister had telephone contact.
- (b) What was the nature and outcome of the discussions and contacts.
- (c) Following the above discussions, what action has the Minister taken regarding bank branch closures and their impact on small business.

ANSWER:

I refer the Honourable Member to my response to Question No. 1395.

Premier: Victorian economic summit — accommodation

1401. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): How many people attending the Victorian Economic Summit held by the Government in March this year were provided with accommodation at the Windsor Hotel at the Government's expense and what was the cost of that accommodation.

ANSWER:

I am informed that:

Nine people were provided with accommodation at the Windsor Hotel. during the 'Growing Victoria Together Summit'. The total cost for accommodation was \$1,900.

Premier: Victorian economic summit — catering

1402. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What was the total cost to the Government of food and drinks provided by Parliamentary Catering Services in Parliament House for those who attended the Victorian Economic Summit held by the Government in March this year,

ANSWER:

I am informed that:

The total cost for food and drink provided by the Catering Department of the Parliament of Victoria over the two day period during the 'Growing Victoria Together Summit' was approximately \$9,700.

Premier: Victorian economic summit — catering

1403. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What was the total cost to the Government of food and drinks provided by the Government, other than by Parliamentary Catering Services in Parliament House, outside of Parliament House, for those who attended the Victorian Economic Summit held by the Government in March this year,

ANSWER:

I am informed that:

The total cost for food and drink, other than that provided by the Catering Department of the Parliament of Victoria over the two day period during the 'Growing Victoria Together Summit', was approximately \$10,900.

Premier: Victorian economic summit — transport

1404. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): How many people attending the Victorian Economic Summit held by the Government in March this year, were provided with transport in relation to the Summit at the Government's expense and what was the cost of that transport.

ANSWER:

I am informed that:

Two people were provided with air transport during the 'Growing Victoria Together Summit'. The total cost of airfares was approximately \$1,500.

Environment and Conservation: East Gippsland rail trail

1405. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the East Gippsland Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

\$185,000 has been made available to improve and extend the East Gippsland Rail Trail. The funds will be allocated over three years 2000/01-2002/03 as part of the package associated with the recently concluded Regional Forest Agreements. The 2000/01 component of the allocation has not yet been finalised but is likely to be of the order of \$90,000.

This funding will upgrade the 20 km Nicholson-Bruthen section of the Rail Trail and complete the Bruthen-Nowa Nowa section of 28 km. These works will ensure that 60 km of the East Gippsland Rail Trail provides a high quality recreational experience. The works will also provide a feeder trail to the proposed walking track from the Rail Trail at the Colquhoun Forest to Lakes Entrance.

The total amount of Government funding allocated to the East Gippsland Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$25,000 (administration and salaries associated with Trail works)
- (ii) for capital works on the existing trail;
\$70,000 (upgrading of the Nicholson-Bruthen section (20 km))
- (iii) for capital works to extend the trail;
\$90,000 (extension of the trail from Bruthen to Nowa Nowa (28 km))
- (iv) for maintenance works on the existing trail;
\$ nil

- (v) for control of pests, plants and animals on the total rail trail corridor;
\$ nil
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ nil.

Environment and Conservation: Warburton rail trail

1406. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Warburton Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

Funds (estimated at \$80,000) have been committed by VicRoads for the installation of user-operated traffic lights where the Rail Trail crosses the Warburton Highway at Launching Place. This will greatly enhance the safety of Trail users and reduce disruption to traffic flow on the Highway.

The total amount of Government funding allocated to the Warburton Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$80,000 (est) (user-operated traffic lights at Launching Place)
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
\$ nil
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ nil.

Environment and Conservation: Bellarine rail trail

1407. THE HON. E. G. STONEY — To ask the Honourable Minister for Energy and Resources (for the Honourable Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Bellarine Rail Trail for the 2000–01 financial year, broken up into the following categories — (i) to assist Committees of Management — administrative costs, etc.; (ii) allocation for capital works on the existing trail; (iii) allocation for capital works to extend the trail; allocation for maintenance works on the existing trail; (v) allocation for control of pests, plants and animals on the total rail trail corridor; (vi) allocation for maintenance and repair of historic structures; and (vii) other.

ANSWER:

I am informed that:

No Government funds have been allocated to the Bellarine Rail Trail in 2000/01.

Environment and Conservation: Bonnie Doon rail trail

1408. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Bonnie Doon Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Bonnie Doon Rail Trail in 2000/01.

Environment and Conservation: Yea rail trail

1409. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Yea Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Yea Rail Trail in 2000/01.

Environment and Conservation: Great southern rail trail

1410. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Great Southern Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

The Central Gippsland Catchment Management Authority has made \$33,550 available for revegetation activities on the Great Southern Rail Trail. The funds have been allocated as part of a coordinated program to re-vegetate disused railway corridors in the region. The total funding allocated to all projects on participating Rail Trails in 2000/01 amounts to \$130,823. Participating Rail Trails include Great Southern, Gippsland Plains, Moe-Yallourn, Bass Coast and Mirboo Nth-Boolarra.

Activities involve spraying and clearance of weeds, planting of indigenous species, protection of existing indigenous species and fencing. The works involve a high component of voluntary labour.

The total amount of Government funding allocated to the Great Southern Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
Included in (vii) below
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ 33,550 (revegetation)

Environment and Conservation: O’Keefe rail trail

1411. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the O’Keefe Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the O’Keefe Rail Trail in 2000/01.

Environment and Conservation: Moe–Yallourn rail trail

1412. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Moe–Yallourn Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

The Central Gippsland Catchment Management Authority has made \$2,925 available for revegetation activities on the Moe-Yallourn Rail Trail. The funds have been allocated as part of a coordinated program to re-vegetate disused railway corridors in the region. The total funding allocated to all projects on participating Rail Trails in 2000/01 amounts to \$130,823. Participating Rail Trails include Great Southern, Gippsland Plains, Moe-Yallourn, Bass Coast and Mirboo Nth-Boolarra.

Activities involve spraying and clearance of weeds, planting of indigenous species, protection of existing indigenous species and fencing. The works involve a high component of voluntary labour.

The total amount of Government funding allocated to the Moe-Yallourn Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
Included in (vii) below
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ 2,925 (revegetation)

Environment and Conservation: Murray to the mountains rail trail

1413. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Murray to the Mountains Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

\$425,000 (to be funded through the Community Support Fund) was allocated to the Murray to the Mountains Rail Trail in January 2000 for expenditure in 1999/00 and 2000/01. This funding will enable completion of the full 93 kilometres of the Rail Trail between Bowser (near Wangaratta) and Beechworth /Bright. When completed, this Rail Trail will be the premier rail trail in Australia. It is anticipated that it will play a significant regional tourism role as well as catering for local recreation needs.

The total amount of Government funding allocated to the Murray to the Mountains Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$425,000 (extension of the trail from Everton to Bowser)
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
\$ nil

- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ nil.

Environment and Conservation: Camperdown–Timboon rail trail

1414. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Camperdown–Timboon Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Camperdown-Timboon Rail Trail in 2000/01.

Environment and Conservation: Bass Coast rail trail

1415. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Bass Coast Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

The Central Gippsland Catchment Management Authority has made \$56,363 available for revegetation activities on the Bass Coast Rail Trail. The funds have been allocated as part of a coordinated program to re-vegetate disused railway corridors in the region. The total funding allocated to all projects on participating Rail Trails in 2000/01 amounts to \$130,823. Participating Rail Trails include Great Southern, Gippsland Plains, Moe-Yallourn, Bass Coast and Mirboo Nth-Boolarra.

Activities involve spraying and clearance of weeds, planting of indigenous species, protection of existing indigenous species and fencing. The works involve a high component of voluntary labour.

The total amount of Government funding allocated to the Bass Coast Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil

- (v) for control of pests, plants and animals on the total rail trail corridor;
Included in (vii) below
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ 56,363 (revegetation)

Environment and Conservation: Ballarat–Skipton rail trail

1416. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Ballarat–Skipton Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Ballarat-Skipton Rail Trail in 2000/01.

Environment and Conservation: Bandiana–Cudgewa rail trail

1417. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Bandiana–Cudgewa Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Bandiana-Cudgewa Rail Trail in 2000/01.

Environment and Conservation: Walhalla goldfields rail trail

1418. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Walhalla Goldfields Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

No Government funds have been allocated to the Walhalla Goldfields Rail Trail in 2000/01.

Environment and Conservation: Gippsland plains rail trail

1419. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Gippsland Plains Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

Parks Victoria has allocated \$12,000 under the Community Grants Scheme for construction of a bridge over the Macalister River at Maffra. The allocation was made to the Friends of the Gippsland Plains Rail Trail and to Maffra Pride of Place Committee (\$6000 each). The funds will enable development of the Trail between Tinamba and Maffra and also create a link with local walking tracks along the River.

The Central Gippsland Catchment Management Authority has made \$28,545 available for revegetation activities on the Gippsland Plains Rail Trail. The funds have been allocated as part of a coordinated program to re-vegetate disused railway corridors in the region. The total funding allocated to all projects on participating Rail Trails in 2000/01 amounts to \$130,823. Participating Rail Trails include Great Southern, Gippsland Plains, Moe-Yallourn, Bass Coast and Mirboo Nth-Boolarra.

Activities involve spraying and clearance of weeds, planting of indigenous species, protection of existing indigenous species and fencing. The works involve a high component of voluntary labour.

The total amount of Government funding allocated to the Gippsland Plains Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
Included in (vii) below
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$28,545 (revegetation)
\$12,000 (bridge construction at Maffra).

Environment and Conservation: Mirboo North–Boolarra rail trail

1420. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the total amount of Government funding allocated to the Mirboo North–Boolarra Rail Trail in 2000–01 — (i) to assist Committees of Management — administrative costs, etc.; (ii) for capital works on the existing trail; (iii) for capital works to extend the trail; (iv) for maintenance works on the existing trail; (v) for control of pests, plants and animals on the total rail trail corridor; (vi) for maintenance and repair of historic structures; and (vii) for other purposes.

ANSWER:

I am informed that:

The Central Gippsland Catchment Management Authority has made \$7,740 available for revegetation activities on the Mirboo Nth-Boolarra Rail Trail. The funds have been allocated as part of a coordinated program to re-vegetate disused railway corridors in the region. The total funding allocated to all projects on participating Rail Trails in 2000/01 amounts to \$130,823. Participating Rail Trails include Great Southern, Gippsland Plains, Moe-Yallourn, Bass Coast and Mirboo Nth-Boolarra.

Activities involve spraying and clearance of weeds, planting of indigenous species, protection of existing indigenous species and fencing. The works involve a high component of voluntary labour.

The total amount of Government funding allocated to the Mirboo Nth-Boolarra Rail Trail in 2000-2001 is:

- (i) to assist Committees of Management – administrative costs, etc;
\$ nil
- (ii) for capital works on the existing trail;
\$ nil
- (iii) for capital works to extend the trail;
\$ nil
- (iv) for maintenance works on the existing trail;
\$ nil
- (v) for control of pests, plants and animals on the total rail trail corridor;
Included in (vii) below
- (vi) for maintenance and repair of historic structures;
\$ nil
- (vii) for other purposes
\$ 7,740 (revegetation)

Treasurer: performance pay

1421. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer):

- (a) What was the total cost to the Department of Treasury and Finance of performance pay in 1997–98, 1998–99 and 1999–2000, respectively.
- (b) What is the anticipated cost of performance pay in 2000–01.
- (c) What is the anticipated cost of the “increase of 1 per cent for staff who meet or exceed expectations” in 2000–01, as referred to in the answer to Question 1130 given in this House on 21 November 2000.

ANSWER:

I am informed that:

The provision of the information requested would require an inordinate amount of time and resources which are not available.

Transport: Vicroads vehicle registrations

1422. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many vehicles were registered and what total revenue was

collected in each of the years 1998, 1999 and 2000 in each of the following VicRoads vehicle registration categories — (i) private passenger transport vehicles; (ii) commercial passenger transport vehicles; (iii) private goods carrying vehicles; (iv) commercial goods carrying vehicles; (v) private motorcycles; (vi) commercial motorcycles; (vii) private miscellaneous vehicles; and (viii) commercial miscellaneous vehicles.

ANSWER:

The categories listed are Transport Accident Commission levy classes. Registration revenue is not specifically accounted against these categories. However, the numbers of vehicles registered in each of the categories for the periods requested are:

Group	1997/98	1998/99	1999/00
Private Passenger Vehicles	2,578,093	2,654,271	2,690,511
Commercial Passenger Vehicles	25,192	28,744	32,511
Goods Carrying Vehicles	503,429	521,515	532,586
Cycles	71,844	77,354	81,895
Miscellaneous	100,139	102,261	102,310
Totals	3,278, 697	3,384,145	3,439,813

Gaming: AFL footy tipping competition

1423. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Gaming): Will the AFL Footy Tipping Competition be reported as a separate entity and on the basis of the AFL season as opposed to the financial year.

ANSWER:

I am informed that:

The Act requires the licensee to provide transparent and meaningful accounts to the Government, which must table the accounts in the Parliament.

There is little value in having a requirement to report on the basis of the Australian Football League (AFL) season. Other sports betting operators are not required to report on a seasonal basis and it would be anomalous in the case of the AFL footy tipping competition to make an exemption.

Consumer Affairs: fuel excise

1424. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Consumer Affairs: Will the Minister supply the documentation substantiating claims made by Premier citing ‘Consumer and Business Affairs Victoria’ as the authority upon which he relied to claim that the federal government was receiving a windfall gain of 2.5c per litre of fuel as reported in The Age on 25 September 2000.

ANSWER:

This figure of 2.5 cents per litre was drawn from the second report of the Victorian Fuel Price Monitoring Initiative released by the Victorian Government in October 2000.

The report presents the results of fuel price monitoring for unleaded petrol, LPG autogas, 45 kg bottled gas and diesel between May and September 2000.

The Premier was very conservative when he reported the estimated impact of GST on fuel price increases between June and September 2000. While the Premier referred to a 2.5 cents per litre increase in average prices, this figure

only relates to LPG autogas. The impact on unleaded petrol was even higher, with GST contributing to an increase of 3.9 cents per litre, or a 4.6% increase in the average price of unleaded petrol in Melbourne.

Copies of this report were circulated to Members of Parliament in late October 2000. The report is also available on the Consumer and Business Affairs Victoria web site at: 'www.consumer.vic.gov.au'.

State and Regional Development: Regional Infrastructure Development Fund

1428. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the names and addresses of all successful applicants to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1429. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the names and addresses of all unsuccessful applicants to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1430. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the amount applied for by each successful applicant to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1431. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the amount applied for by each unsuccessful applicant to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1432. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the amount allocated to each successful applicant to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1433. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form where successful applicants to the Regional Infrastructure Development Fund received a lesser amount of money than was requested, the reason(s) and the amount being granted in each case.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1434. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the name of each successful applicant to the Regional Infrastructure Development Fund that did not meet all the guidelines for receiving a grant and in each case, what guidelines were not met.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1435. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister provide in tabulated form the reason(s) why a grant was not made to each unsuccessful applicant to the Regional Infrastructure Development Fund.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

State and Regional Development: Regional Infrastructure Development Fund

1436. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Will the Minister make available for the public scrutiny the details of all successful and unsuccessful applications to the Regional Infrastructure Development Fund; if so, when will they be made available, and if not, why.

ANSWER:

I refer the Honourable Member to my answer to question no. 1382.

Ports: Department of Infrastructure annual report

1437. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Ports: In respect of the superseded Department of Infrastructure annual report for 1999–2000 tabled in the House on 1 November 2000:

(a) How many copies were printed.

- (b) Were they distributed; if so, how many and what was the distribution cost.
- (c) What was the printing cost.
- (d) What was the cost of any set-up expenses of production, including but not limited to, graphic art and design, typesetting, photography costs and other production costs.
- (e) Who authorised the printing.
- (f) Did it contain errors; if so, how many errors were there and who discovered them.
- (g) Has the Government destroyed some of the copies; if so, by what means and how many.
- (h) Who authorised their destruction.

ANSWER:

- (a) 100 copies
- (b) 100 at nil distribution cost
- (c) \$1,633
- (d) Pre-press: \$13,060; photography: \$9,743
- (e) Production Manager, Public Affairs Branch, Department of Infrastructure.
- (f) 2 errors were noted by Department of Infrastructure staff.
- (g) No
- (h) Not applicable

Ports: Department of Infrastructure annual report

1438. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Ports: In respect of the Department of Infrastructure Annual Report for 1999–2000 tabled in the house on 22 November 2000:

- (a) How many copies were printed.
- (b) Were they distributed; if so, how many and what was the distribution cost.
- (c) What was the printing cost.
- (d) What was the cost of any set up expenses of production, including but not limited to, graphic art and design, typesetting, photography costs and other production costs.
- (e) Who authorised the printing.

ANSWER:

- (a) 2000
- (b) 1350 distributed to date at a cost of \$372
- (c) \$24,000
- (d) No additional costs were incurred.
- (e) Production Manager, Public Affairs Branch, Department of Infrastructure.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Thursday, 22 March 2001

Police and Emergency Services: Victoria Police — Workcover premiums

1008. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): In respect of the Victoria Police:

- (a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.
- (b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.
- (c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.
- (d) What is the Workcover initial premium for 2000-2001.
- (e) What is the rateable remuneration for Victoria Police on the basis of which the initial premium for 2000-2001 is calculated.
- (f) What is the Workcover industry classification or classifications of Victoria Police and if there is more than one industry classification, what is the rateable remuneration of Victoria Police for 2000-2001 in respect of which each industry classification is applicable.
- (g) Did the Victoria Police provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.
- (h) What amount did Victoria Police budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed that:

Government departments and agencies normally receive budget supplementation to cover any increases in Workcover premiums resulting from the impact of government policy changes. Therefore, in line with existing practice, the Victoria Police will receive budget supplementation of up to \$ 5,704,078 (based on current estimates) to cover the increase for 2000-01 premium due to the introduction of the new benefit package.

Existing practice is to encourage Government departments and agencies to improve workplace safety thereby reducing the size of the increase in their Workcover premium. Departments are therefore expected to absorb changes in the premium resulting from changes in claims experience as these are related to a department or agency's workplace safety record. Therefore, based on the initial premium for 2000-01, the \$8,564,179 increase in premium due to a change in claims experience will be met by the Victoria Police.

The Herald Sun in an article on the 23rd of February 2001 ran an article which stated, "Workcover statistics revealed that 16 percent of all workplace injuries among police officers were caused by stress." Anecdotal evidence suggests that stress related claims increased following the deliberate reduction of police numbers by 800 during the

last 3 years of the previous Government. The Bracks Government is well on track towards reducing police workload and stress with its commitment to increase police numbers by a net 800 by mid 2003.

Meanwhile, Workcover and the Department of Treasury and Finance are working with senior management of the Victoria Police on occupational health and safety strategies which, together with better claims management will reduce the Workcover costs of the Victoria Police and lead to a low injury rate for its members.

Other projects presently under way to improve the health and safety of members and reduce Workcover premium rates include an Organisational Health Project, a new Infectious Diseases Prevention Program and a Health and Fitness testing program for all employees.

I welcome the new Chief Commissioner and look forward to working with her in the key role she will play in implementing the strategic plan on workplace safety currently being developed, and continuing the important work that has been commenced.

Current government policy is to not provide supplementation for costs associated with the GST.

Post-Compulsory Education, Training and Employment: consultancies

1211. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post-Compulsory Education, Training and Employment):

- (a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister’s department.
- (b) On what dates was each contracted.
- (c) For how long was each contracted.
- (d) What was the nature of each consultancy.
- (e) What is the basis and rate of each of their payments.

ANSWER:

I am informed as follows:

Please refer to the attached table for details in relation to consultancies engaged since 1 July 2000.

(a) NAME OF FIRM OR INDIVIDUAL	(b) DATE CONTRACTED	(c) PERIOD	(d) TYPE	(e) AMOUNT APPROVED	FINAL COST \$
Smart Consulting	04/07/00	3 July 2000 – 16 August 2000	Policy Research & Advice <i>Funded by the National Education Performance Monitoring Taskforce (NEPMT)</i>	\$24,090	\$23,112
Professor Sam Ball	03/07/00	4 July 2000 – 17 July 2000	Policy Research & Advice <i>Funded by the National Education Performance Monitoring Taskforce (NEPMT)</i>	\$25,000	\$13,750
Faculty of Education, Monash University	25/06/00	5 July 2000 – 17 July 2000	Strategic & Organisational Issues <i>STB Project</i>	\$8,000	\$7,150
Damon Anderson	23/06/00	3 July 2000 – 17 July 2000	Strategic & Organisational Issues <i>STB Project</i>	\$13,090	\$13,090

QUESTIONS ON NOTICE

Thursday, 22 March 2001

COUNCIL

229

(a) NAME OF FIRM OR INDIVIDUAL	(b) DATE CONTRACTED	(c) PERIOD	(d) TYPE	(e) AMOUNT APPROVED	FINAL COST \$
Frontier Economics	23/06/00	3 July 2000 – 17 July 2000	Strategic & Organisational Issues <i>STB Project</i>	\$36,575	\$31,928
Lin Thompson & Associates	23/06/00	13 June 2000 – 31 October 2000	Strategic & Organisational Issues	\$49,710	\$49,710
KPMG Consulting	08/08/00 Additional Work 04/10/00	7 July 2000 – 17 October 2000 Now 24/11/00 Then 31/01/01, Then Mid-March 2001	Other professional/ scientific/ technical advice <i>ANTA Funded</i>	\$71,500 Now \$83,043	
Smart Consulting	24/08/00	25 July 2000 – 31 October 2000	Strategic & Organisational Issues <i>ANTA Funded</i>	\$47,700	\$47,700
Sweeney Research Pty Ltd	05/10/00	2 October 2000 – 10 November 2000	Market research and public relations	\$47,000	
Dench McLean	25/10/00	2 October 2000 – 16 November 2000 Now 31 March 2001	Strategic & Organisational Issues <i>ANTA Funded</i>	\$99,140	
Royce Communications Pty Ltd	20/10/00	16 October 2000 – 5 January 2001	Market research and public relations	\$44,300	\$45,927
National Centre for Vocational Education Research Pty Ltd	28/10/00	23 October 2000 – 05 February 2001 Now 30 April 2001	Other professional/ scientific/ technical advice	\$49,704	
Smart Consulting	13/10/00	16 October 2000 – 20 November 2000	Policy Research & Advice <i>Funded by the National Education Performance Monitoring Taskforce (NEPMT)</i>	\$10,000	\$7,735
Galeforce Strategic Marketing	16/10/00	16 October 2000 – 09 November 2000	Market research and public relations	\$15,950	\$10,450

Health: Austin Repatriation Medical Centre redevelopment brochure

1298. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): With reference to a recently produced brochure ‘Austin Repatriation Medical Centre Redevelopment & Mercy Hospital for Women Relocation’:

- (a) Who authorised the publication.
- (b) What was the cost of production associated with the publication.
- (c) Where were the brochures distributed.
- (d) Who distributed the brochures.
- (e) What was the cost of distribution.

ANSWER:

- (a) The publication was authorised by the A&RMC Redevelopment and MHW Relocation Project’s Project Director, Dr Campbell Miller.
- (b) The cost of production associated with the publication was \$6998.20

QUESTIONS ON NOTICE

230

COUNCIL

Thursday, 22 March 2001

- (c) The brochures were distributed in a radius around the corner of Studley Road and Burgundy Street, Heidelberg to 15,000 homes.
- (d) The brochures were inserted into the *Heidelberger* and distributed by Leeds Media Communication Services.
- (e) The cost of distribution was \$775.78.