OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AMENDMENT BILL 2009

Second Reading

Resumed from 11 March.

HON SALLY TALBOT (South West) [8.50 pm]: I have already indicated to Hon Barry House, who has carriage of this legislation, that the opposition will support the Occupational Safety and Health Legislation Amendment Bill 2009. As Hon Barry House pointed out, when he second read this legislation into *Hansard*, essentially it is the same legislation that the Labor Party brought to this house when we were in government. No substantial changes have been made to that bill. I will not speak for long because a couple of my colleagues want to take up a few points.

I will draw the attention of the house to a couple of interesting points concerning this legislation. The reality is, as I often point out as I move around the electorate, that contrary to the public's perception of how we operate in this place, we actually agree on about 85 per cent of the legislation that comes to us for debate. Of the remaining 15 per cent, in the order of 85 per cent is negotiated out in the process that we are going through now. Actually we disagree on far fewer issues than the public popularly believes. Nevertheless, some of the questions that are addressed in this bill have been around for an extraordinarily long time and have not always elicited the kind of bipartisan support that that this bill has.

My next point goes back to before my time in this chamber. I was surprised that one of the provisions of this bill is tidying up the provisions that bring the police within the Occupational Safety and Health Act 1984. This goes right back to 1999 when a former Premier of the state, Geoff Gallop, introduced a private member's bill into the other place. In June 1999, the then Leader of the Opposition, Dr Geoff Gallop, MLA, introduced the Occupational Safety and Health Amendment Bill 1999, which would have had the effect of extending the act to cover police officers. Dr Gallop said —

> Labor is not prepared to see our police officers continue to be exposed to this lack of basic industrial law and employment protection.
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> Undoubtedly, the police work in hazardous situations. … However, other workers also work in high-risk situations. … Instead, for far too long the unique nature of policing has been used as an excuse to avoid the standards that apply to other workers and in other workplaces.

Sadly, at that time the then coalition government did not support the passage of that bill and it did not progress beyond the second reading debate stage and lapsed before Parliament was prorogued for the state election in 2001. There is some history behind this legislation. This is an issue that has been taken up over the years by various members on this side of the house. My colleague Hon Kate Doust, who intends to contribute to this debate, raised it very eloquently in her inaugural speech in 2001. This bill is tidying up provisions to clarify that for the purposes of the act, the Crown is considered to be the employer of police officers.

Another point I wish to draw to the attention of members is the clarification in this bill of the operation of provisional improvement notices. There has been a misunderstanding and misrepresentation about what exactly a provisional improvement notice intends to do. I am pleased that there is bipartisan support in this place for clarifying those provisions. It has already been placed on record in this chamber in the second reading debate in the previous Parliament that a PIN cannot be used to shut down an operation. A minimum of seven days has to be provided for a problem to be remedied before the PIN can take effect. This bill makes clear who can apply for a PIN, and it protects the person who issues the provisional improvement notice, which is very important. It is something of a mystery that it has taken an amount of time for this provision in the act to be clarified.

At this point I draw my comments to a close and leave it to other members to make specific points on the provisions of this bill in which they are interested.

HON GIZ WATSON (North Metropolitan) [8.56 pm]: The Occupational Safety and Health Amendment Bill 2009 is in all material aspects identical to the bill that was introduced last year by the previous government and passed with the support of the then opposition in the other place. That bill had not been considered in this place when the election was called last year, and that is why it has now been introduced into this house.

The Occupational Safety and Health Act 1984 was reviewed in 2002. Arising out of that review, the act was amended in 2004. The Greens (WA) supported the 2004 amendments. Our main concern then was that the legislation reflect the seriousness of industrial manslaughter, which is an issue that this bill does not address. It has been discovered since the 2004 amendments were implemented that some of the amendments may not have achieved what the Parliament intended, or may have been interpreted differently to the way the government intended. This bill is intended to rectify this and ensure that the Crown is still treated as the employer of police officers in respect of occupational safety and health, as the previous speaker pointed out; that in alternative labour arrangements, for example labour hire situations, the contractor has the duties of an employer and the

workers have the duties of employees; that in situations in which a safety representative issues an employer with a provisional improvement notice to remedy a contravention of the act, the usual responsibilities, rights and protections of safety representatives continue to apply; that the jurisdiction of the Occupational Safety and Health Tribunal includes referral of decisions and determinations by the WorkSafe Western Australia Commission commissioner, rather than these being dealt with by a magistrate; and that clarity is provided regarding the appointment of a commissioner to the Western Australian Industrial Relations Commission of a person with knowledge of and experience in occupational safety and health, the act, and the Mines Safety and Inspection Act 1994. It is worth noting that clause 34 of the explanatory memorandum states that the Western Australian Industrial Relations Commission is happy with the bill's provisions in this regard.

I undertook to make inquiries on this bill by consulting the Employment Law Centre of Western Australia, UnionsWA and other representative bodies. The WA Industrial Relations Commission supports the amendments that relate to its function. The second reading speech states that the Commissioner for Occupational Safety and Health, the WA Industrial Relations Commission and the State Solicitor's Office were consulted on this bill.

This bill is consistent with our position in 2004. I note that clause 4 will improve occupational health and safety provisions for police officers, which is welcome.

I indicate that the Greens are happy to support the bill but would like to note some matters for the record. I will comment first on the alternative labour arrangements that are covered in clauses 5, 6 and 7. Clause 5 deals with contractor situations and ensures that the provisions of section 19A, which deals with penalties for an employer's gross breach of duty, section 20A, which deals with breaches by employees—for example, middleman contractors are also treated as employees—section 23H, which deals with an employer's breach of duty to provide safe premises if accommodation is provided, and section 23J, which deals with an employer's breach of duty to notify of disease injury or death, will apply. Clause 6 deals with other labour arrangements and is in similar terms to clause 5, but with the omission of section 23H. Clause 7 deals with labour hire arrangements and is in similar terms to clause 6, but also with the omission of section 23H. Therefore, section 23H has been omitted from two of these three clauses. However, Unions WA advises that in some labour hire arrangements, it is not uncommon for a donga to be provided.

Although this issue is outside the scope of the 2004 amendments and hence outside the scope of this bill, I want to raise this issue today with the parliamentary secretary. I have also raised this issue with the minister's office. I am advised that WorkSafe has now noted this issue as an appropriate matter for consideration during the next statutory review of the Occupational Safety and Health Act. I put that on the record as the response that we have received. We are pleased that will form part of that review. That matter will also be considered by the National Review into Model Occupational Health and Safety Laws process. Recommendation 20 of the review's first report deals with the issue of an employer's duty of care in respect of workers' accommodation and recommends that the detail be contained in regulations. The minister's office has advised me that a framework for model recommendations is due in October this year, with the bulk of the model recommendations due in 2010.

Another matter that I want to raise in the context of this bill is the problem that arises when more than one worker is affected by the same occupational safety and health incident. This matter is not covered in the bill, but it is an issue that was raised with my office by the Communications Electrical Plumbing Union and Unions WA. Section 26(1) of the Occupational Safety and Health Act 1984 deals with a worker who stops work because he or she has reasonable grounds to believe that to continue to work would expose him or her or any other person to a risk of imminent and serious injury or imminent and serious harm to his or her health. Workers who stop work pursuant to this section are entitled to a continuation of pay and entitlements. If there is a dispute about this matter between the employee and the employer, under section 28 of the act the matter must be referred to the Occupational Safety and Health Tribunal. Because the test in section 26 is subjective, each worker is required to submit an individual claim about his or her state of mind. The problem is that if the dispute relates to a large number of workers all affected by the same OSH incident, the system breaks down. Unions do not have the capacity to make a large number of applications on behalf of workers, and even if every worker makes an application, the tribunal lacks the capacity to deal with those applications.

To give members an example, I was told about a dispute that had involved 300 people who had stopped work at a Collie power station construction site based on an allegation that fine lead paint dust from material brought in from overseas was spreading around the construction site and causing an occupational safety and health hazard. I was told that the unions and the tribunal had been swamped with about 1 000 claims arising out of just three incidents such as this. The inability of the system to cope with such a large number of employers means that unpaid workers are discouraged from asserting their right to a safe work place, and their right to pay. The solutions to this situation would be to change the subjective test to an objective test, and either enable the union to refer the claim to the tribunal on behalf of a group of workers, or enable the tribunal to hear all the claims together. That is obviously a material change that is beyond the scope of this bill, which is to make the 2004

amendments workable. However, this matter can also be considered via the National Review into Model Occupational Health and Safety Laws process. Recommendations 121(a) and (e) of the review's second report are relevant to these issues. The minister's office has advised me that an exposure draft on the model legislation is due for release for public comment in May 2009. I hope the minister will ensure that this matter is covered during the national review. I note again that it is beyond the scope of what we are dealing with today. However, it is an important occupational safety and health matter, and that is why I wanted to put it on the record during the debate this evening. With those comments, the Greens support the bill.

HON JON FORD (Mining and Pastoral) [9.05 pm]: I support the Occupational Safety and Health Legislation Amendment Bill 2009. However, I would like to make a few comments, particularly about provisional improvement notices. The bill deals with some clarifications with regard to civil liability as it applies to occupational safety and health representatives who issue PINs. It also clarifies the role and the obligations of employers in supporting occupational health and safety representatives by providing training and the facilities that they need to carry out their job. Under the Occupational Safety and Health Act, an occupational safety and health representative has an obligation to report things in the workplace that need to be improved from an occupational safety and health perspective. I welcome this clarification. However, the reason we need this clarification is that in many workplaces around Western Australia, there is no trust between employers and employees. I will give members an example of how this may work in a practical sense. A mining company may decide as a matter of policy that it will no longer employ a spotter in the dump truck area. The role of a spotter is to stand on the dump pad and radio to the truck driver when he has come to the end of the dump pad so that he can stop in time. An employee may tell his employer that he believes it is wrong to abandon that policy, other mining companies still employ spotters, and he will not feel safe if a spotter is not employed. The employer may counter that by saying that the employee is engaging in industrial action, because it is not about safety; the employee is just arguing against company policy. Unfortunately, this sort of attitude is widespread across not just mine sites but many work sites. The employee may then say to the employer that he is arguing about an occupational safety and health issue, not an industrial issue, and there needs to be some clarification. The employer may then threaten the employee across the table by saying that he knows it is an industrial matter, and the employee had better be careful or the employer will sue him for lost production. Those are the sorts of comments that go backwards and forwards on work sites. The companies in which this sort of behaviour occurs usually have very poor safety statistics. In companies in which this sort of behaviour does not occur, the number of fatalities, and the number of lost time injuries and reportable first aid cases, is usually very low. Those types of companies do not need this legislation, because they usually have in place a far better occupational safety and health regime than legislation can deliver. In fact, most of the companies in the resource sector in Western Australia have such a regime in place.

I can give an example of that. Yesterday, I, along with other members of this place and the other place, was invited to a presentation by Woodside Petroleum on its Pluto expansion. That is a great expansion for the state and, indeed, for the country. The first thing the company members did, before they welcomed everybody, was point out to everybody in that meeting—they were lobbying us—where the alarms were and where the exits were to get out of the room. After the welcome, the first thing Don Voelte, the chief executive officer of Woodside, did was talk at length about the safety performance of the company, how it was striving to achieve an injury-free project, and how it had achieved days without injury across the whole company. This is a company with 3 000 direct employees and tens of thousands of indirect employees, including contractors. However, it had not achieved months without injury. When the company talked about injuries, it actually came down to the level of LTIs—lost time injuries—across the board. The company members did not try to exclude their contractors; they included everyone who worked on their sites. That is an example of a company that takes safety very seriously. I acknowledge that there must be that same commitment to safety at the other end by employees. I can detect a very different environment as soon as I walk onto some work sites. That is obvious in that the ground is dirty, the place is generally untidy, and the employees complain and look as though they just want to get through the day and out the other end. That is what this legislation is about. I therefore welcome this legislation, but at the same time wish that we were not in this place debating it now. When there is trust between employees and employers and they are allowed to build on that trust, they do not need this legislation. We are a long way as a state from getting there. We could have a debate, but not this evening, about the reasons we are in this position in this state, and indeed across Australia.

Provisional improvement notices are, therefore, a very essential part of safety in the Western Australian workplace because they give ownership of safety responsibility through legislation to individual employees, and that allows them through statute to have some say in their workplace—employees have an obligation to report safety breaches and employers can also see that the state through this Parliament is serious about safety. The legislation therefore helps employers and employees. I must say that a lot of employees also do not get the message about safety, and therefore must understand that they have a responsibility to themselves and a responsibility to their workmates. This bill sets out a good framework for that and makes only minor changes to

the current legislation. I am very pleased that the government is proceeding with the amendments, but I wanted to make those comments about the relationship in a lot of companies between the employers and their employees to show that we need this legislation to push for safety in this state. With those comments, I welcome the speedy passage of the bill.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [9.13 pm]: I too rise to speak on this bill this evening. I acknowledge that it was a bill that was first introduced into this place by the then Labor government, and I therefore support the amendments that are being made. It is not a complicated or lengthy bill. However, I want to make some comments, because a number of events have occurred and a number of issues have been raised with me since the original introduction of the bill that I need to put on the record.

Last Monday a number of members attended a commemoration at Solidarity Park to remember all those workers who have died as a result of injuries or accidents in their workplace. Those types of events bring home the fact that we have a long way to go in this state in dealing with occupational health and safety, be it in a general workplace or in a mining workplace. I will therefore refer to some areas and go through a couple of points.

This bill is very important because it clarifies a number of grey areas. My previous work in the trade union movement was to deliver training on safety. When I was teaching safety representatives about the legislation, the grey areas of the legislation were always a key issue because, quite frankly, for a lot of people in workplaces it was difficult to sit down with the employer and work through some of the areas of the legislation that were not too clear. Hon Giz Watson alluded to the difficulties with section 26 of the Occupational Safety and Health Act about the right of workers to stop work when they have a reasonable belief that there is an imminent danger to their health. Not many workers utilised that section of the act because they were unsure of the steps they needed to take. However, over the years, that area of the act has been expanded and clarified, as have areas involving the rights and responsibilities of safety reps and employers. It is important that, as workplaces evolve and the nature of work changes, this type of legislation also evolves to keep up to date. Clarifying those very important areas for the police was a good thing. I know that we dealt many years ago with the inclusion of police under the occupational safety and health legislation, but there was always some difficulty about who their actual employer was and who bore the ultimate responsibility for providing them with a safe workplace, for providing them with equipment and for resolving issues for people working in those situations. I believe this bill has gone a long way towards resolving those issues by simply clarifying that the Crown is considered in this instance to be the employer of police officers.

Also, the clarification of labour-hire arrangements is important. There is still a lot of work to be done in that area. I know from feedback I get that there is still a lot of difficulty for workers hired under those situations with the inadequacy of training, of monitoring, of the management of their work once they get out to the workplace and of ensuring that they know how to perform in a safe manner the tasks that they are employed to perform. Although the legislation has been clarified, there needs to be a lot of work done on the ground to ensure that these things are delivered on.

In terms of clarification of safety reps, a couple of members talked about provisional improvement notices, which are an important part of this legislation. I think Victoria was the first state under Jeff Kennett to introduce legislation for safety reps to issue PINs in their workplace. Given that that was back in the early 1990s, that decision was quite an adventurous step for somebody like Jeff Kennett to take because, at that time, historically, he was quite possibly the only Premier one would have thought would not have gone down that path. However, he did, and I know that at that time it gave workers, unions and industry—particularly workers and unions—great hope that the government of the day in this state would also follow. From memory, when the regulations were changed in 1996 by then Minister Kierath, it was thought that the Liberal government of the day would also introduce PINs, but, unfortunately, it did not. Hon Jon Ford raised the point about the relationship between employers and employees that can sometimes create a difficulty in which they are unsure about issuing PINs or unsure about the processes to be used or how the boss will deal with PINs. I know that in a lot of cases when I was not in the training room, I was out on the road working both with industry and people on the shop floor about how they could go through the process of resolving issues. It was always felt that if there was the capacity to issue a notice, such as an alert to say that there was a problem that the employee wanted the employer to do something about and take seriously, that should have been able to happen.

Often, issues could be resolved at the workplace without having to go through all the processes and ultimately for WorkSafe to conduct a more formal inquiry and perhaps even going down the path of issuing improvement or prohibition notices. I refer to the core reason for introducing this type of legislation. This particular legislation is based upon what came out of the Robbins report in the UK back in the 1970s. The key emphasis in that report was on workers and employers working together in their workplaces to resolve these matters, and whenever we talk about occupational health and safety, that should be at the forefront of people's minds; that is, people working collaboratively to achieve a common goal of reducing any potential incidents or accidents in the

workplace. It is very good that this legislation is constantly being reviewed in an attempt to improve it so that people can build those good working relationships and provide clarity about the various players' rights and responsibilities in the workplace. In that way the players can do their utmost to remove hazards, reduce incidents, prevent accidents from happening and, ultimately, we hope, prevent accidents from occurring in workplaces. It is very important that these types of reviews are undertaken.

I note that Hon Giz Watson alluded to the national proposals that are flagged for later in the year. That will be a very interesting process. The legislation in Western Australia has been developing very well. As somebody who has worked in that area my concern is that when we pare things down, or even things out across a national system, we sometimes lose the good things that are in our own state. In the past, I thought Western Australia had better systems for occupational health and safety in the area of training and development of safety reps, so they could work within their workplaces with their employers to improve health and safety. I thought our legislation was quite good, whereas some of the other states still had a way to go. I will be very interested to see how that national legislation progresses.

I am not debating this bill simply to get up and have a go at the government. I want to put this on the record, because I have always been quite passionate about this issue. It is something that I keep in touch with to see what changes are happening. However, whenever Liberal governments are in office, they do not seem to pay the same degree of attention to this issue or to understand the importance of occupational health and safety in the workplace. When I was working in the trade union movement I saw a watering down of legislation and regulations that perhaps in hindsight may have been better off staying as they were as a way to strengthen the role of occupational health and safety in the workplace.

One issue that set alarm bells ringing for me within the three per cent efficiency cuts related to the WorkSafe library. I was contacted by a number of WorkSafe employees who were concerned when they were informed that the library would be shut down as part of the three per cent efficiency cuts. I do not know how many members in this place have utilised that library, but it is a fantastic, dedicated resource. It is a place where industry, safety reps, ordinary people off the street, students and academics can research any aspect of health and safety. Material, safety data, up-to-date journals, periodicals, and a range of things can be accessed not just at a state level but from all over the world. One of the best parts of that library is the highly skilled staff who work there. They will find the information for users, set them on the right path and give them assistance. I was really concerned that if this state lost that facility there would be a major gap, a big black hole for health and safety practitioners in this state. I was very relieved when the government announced a week later that it would not be closing the library. I was relieved not just for the people who utilise the library, but also the people in the department. It is an essential resource for the ergonomists, the hygienists and the inspectors who work in the department to keep up-to-date with the latest information and solutions to assist them in their work in trying to resolve issues; and also in providing potential solutions to safety reps or employers in workplaces. A very important part of their role is to provide suggestions for improvement in workplaces. That set off alarm bells for me. I hope the parliamentary secretary will take my comments to his minister.

The next issue that set off alarm bells came from feedback from WorkSafe inspectors that they can no longer carry out spot inspections or targeted inspections. They cannot just rock up at a workplace and say, "We are here to check things out to make sure the regulations are being adhered to." I do not know if that is because of cutbacks or a change in work practices. However, that has been one of WorkSafe's very important roles: where an issue has arisen in the workplace, an inspector can be called out to carry out an inspection straightaway. That is actually the best time to find out whether something is going wrong, rather than giving advance notice. I have seen situations in which the problem can be tidied up so that everything looks okay, but the work practices may not necessarily be okay. I ask that the parliamentary secretary take these issues to his minister: The fact that WorkSafe inspectors are now being told that they cannot do spot inspections or targeted inspections is a grave concern as potential problems may be overlooked simply because an inspector is not able to do routine inspections in workplaces. In fact, that is a very important role because sometimes those types of inspections can throw up issues, and the solution is simply to point out the problem to the employer. For example, the employer might have a problem with poor lighting in a warehouse. I had this problem at Coventrys, where the guys were walking round with torches during the day. An inspector could go out and check everything with a lux meter, and if it did not meet the Australian standard, the employer had to fix the problem. If WorkSafe does not have the capacity to send people out to conduct random spot inspections, problems could be overlooked and standards deteriorate. That is a real concern.

Another issue is that while it is really important to ensure that legislation is kept up to date—and it is all very well to have it in black at white—I have real concerns about the number of safety reps being elected in workplaces and whether they are being trained in workplaces so that they can do the job of engaging with their employer and their workmates and of going through the processes of inspection, investigation, working on

committees and gaining the confidence to deal with these situations. I would be very interested at some point—it is not something we need to do now—to find out what is happening in the area of training.

I note that funding for UnionsWA and the Chamber of Commerce and Industry of Western Australia has now been cut for the provision of safety training in this state. I know that a number of other providers exist in the city, but I am interested in knowing how safety reps are being elected, in what sort of numbers, and whether there is some sort of reporting mechanism for this. That is an issue that I have raised previously. Brian Bradley will probably be able to provide that information. It is something I used to drive him crazy about many years ago. It is very important that the safety representatives in workplaces be a key element of this whole system. We should be doing everything we can to encourage people to put their hands up and take on this vital role. They will save employers money in the long term, because of the work they do identifying and reporting hazards and getting employers to take action to remove those hazards to prevent incidents and injuries.

I hope this will not be the last time we see health and safety legislation amended in a positive way in this state during the term of the present government. I know that the recent tragic deaths in the mining industry will be dealt with in a separate area, but we should not focus only on the mining and resources area. We need to focus also on general workplaces, because sometimes simple incidents can lead to tragic outcomes. We should make sure that appropriate training takes place in all workplaces, both at the commencement of employment and on an ongoing basis, for not just the workers but also the employers, so that health and safety is always at the forefront of their minds. I have always taken the view that this is the key issue in workplaces. It does not matter how much workers take home each week; if the worker cannot go home as healthy as when he went to work, no amount of money can compensate for the loss of activity or enjoyment of life, or the loss of a loved one. I hope that over the three or four years before the next election this government places a high level of importance on occupational safety and health and continues the good work that has been done since the early 1980s in developing this legislation and building relationships between all the players. We should also be looking at how we include all the other components of the workplace as it evolves.

With those few words, I support this bill. It is very good that grey areas are clarified. I remember the provisional improvement notices. I do not know whether this has been done, but it would be very useful if there were some mechanism for clarifying these. Perhaps a template for a provisional improvement notice can be included in the schedule so that people have some idea of what to look for and the sorts of things that should be included. That may very well have already happened in the mining industry, but I do not think that is the case in other workplaces. If we are to ensure that people do the job, we must give them examples of how it is to be done. With those few words, I look forward to the passage of this bill.

HON BARRY HOUSE (South West — Parliamentary Secretary) [9.34 pm] — in reply: I thank members for their words and their support for the Occupational Safety and Health Legislation Amendment Bill 2009. Hon Sally Talbot correctly pointed out that this bill was previously introduced by the Carpenter government and had gone through most of its parliamentary passage before the election. Only the election interfered with its inevitable passage through the entire process. The Liberal Party supported it then, and we support it now. That is why it has been reintroduced.

Hon Giz Watson raised an issue about section 26 of the principal act. She has already queried this and sought some advice through the Department of Commerce, and I am pleased that she has received an assurance that the issue will be addressed in the current review at national and state levels, and will be addressed in the next round of tidying this legislation. Hon Jon Ford made a very good point on which I think we agree, about not only this legislation but also a lot of other legislation that comes before the house: the workplace that exists with harmony and trust is the best possible practice of the lot. It is a pity that we have to legislate for every little item involved in that trust and the inevitable partnership that exists between employers and their workforce. I sometimes question why we go into such a great amount of detail in legislation. It is the old situation that one exception to the rule may cost someone's life or provide an avenue for some unscrupulous employer or employee to abuse the system. Regrettably, a set of rules is necessary to operate by.

The honourable member spoke primarily about the mining industry. I have a little insight into the situation in that industry. My niece and her husband run a growing contracting business in the mining industry at some of the important operations around the state. They place an extremely high emphasis on safety. That is their first and foremost goal in promoting their business. They have a great safety record, and to their credit they place that high on their list of credentials.

Hon Jon Ford: It is good for business.

Hon BARRY HOUSE: Yes, it is good for their business and for the companies that hire them on the mine sites, and, most importantly, it is good for the people involved at the coalface.

The points made by Hon Kate Doust about the workplace library, WorkSafe inspectors, the safety representatives and the provisional improvement notices have all been noted. They have been well made. The

point she made about the need for this legislation to continually take account of changing circumstances in the workplace is also valid. We know that we live in a rapidly changing world, particularly in regard to the way things are done and our technological advances. The honourable member also made a valid point that it does not always make sense and does not always necessarily have to follow that we go to national and uniform legislation. That is not always the best remedy. Sometimes having our own state legislation based on our own perspective on things is a very valid way of doing things.

The honourable member gave Jeff Kennett credit for bringing in some of this legislation in the 1990s, and that is very interesting. Jeff Kennett is a very interesting person—a man full of contradictions. Some have said that the softest thing about Jeff Kennett is his teeth, and that the only method he knows is to crash or crash through. That has been his approach in the political arena in certain circumstances, and now, as the president of the Hawthorn Football Club, he has taken on the Australian Football League hierarchy. He could be just the person to loosen up its rigid and inflexible approach to certain aspects of Australia's national game. The league seems to be adopting a pretty tough and uncompromising view about the world, and will not listen to anybody. He is a contradiction. As Hon Kate Doust pointed out, he introduced this legislation in Victoria in the 1990s. He heads up the valuable organisation beyondblue and makes a contribution in a lot of other areas.

I thank members for their support of the legislation. Obviously it had the support of everybody prior to the election and it has the support of the government since the election. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Barry House (Parliamentary Secretary)**, and transmitted to the Assembly.