

licensed plumber, except where the work is specialised plumbing work.

This has an impact on housing affordability as the work can only be undertaken by a licensed plumber. The proposal will enable a suitably qualified registered plumber to do specialised plumbing work under the supervision of a licensed plumber.

Enabling registered plumbers to carry out specialised plumbing work under the supervision of licensed plumbers opens up specialised work to a larger number of qualified people without removing the controls designed to ensure amenity, health and safety. Having more plumbers able to do the work will reduce the cost to consumers. It will also enable licensed plumbers to have greater flexibility in how they run their businesses.

Make minor amendments

This bill also makes a small number of additional amendments which are designed to improve the operation and effectiveness of the act.

These proposals will also contribute to consistency in the building sector by bringing aspects of the plumbing regulatory regime into line with that applying to building generally.

The proposals remove a number of anomalies from the plumbing provisions of the Building Act, namely:

- clarifying that the act empowers regulations to prescribe product standards;

- clarifying that the offence of breaching plumbing laws applies to plumbers directly not only when a licensed plumber supervises work that is defective or in breach of plumbing laws;

- enabling an owner to obtain the compliance certificate within a specified time from a registered building practitioner who has been given the compliance certificate;

- realigning the enforcement of plumbing laws with existing arrangements for the rest of the act by allowing an infringement notice to be issued for a prescribed offence under part 12A or the plumbing regulations; and

- in relation to inspection of plumbing work enabling after-hours access to dwellings with the agreement of the occupier.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 3 May.

*** EQUAL OPPORTUNITY AMENDMENT BILL**

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Equal Opportunity Amendment Bill 2007 (the bill).

In my opinion the bill, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Equal Opportunity Act 1995 to include a new attribute of employment activity on the basis of which discrimination is prohibited. The new attribute aims to protect employees from discrimination where the employee, in their individual capacity:

- makes a reasonable request to their employer for information regarding their employment entitlements

- communicates to their employer a concern that they have not been, are not being or will not be given some or all of their employment entitlements.

The bill also inserts a definition of 'employment entitlements' into the Equal Opportunity Act 1995 which means the rights and entitlements of an employee under an applicable:

- contract of service, which includes a workplace agreement, employment agreement or award within the meaning of the Commonwealth Workplace Relations Act 1996;

- contract for services;

- Victorian act (for example the Long Service Leave Act 1992) or an enactment (which is defined in section 4(1) of the Equal Opportunity Act 1995 to mean a subordinate instrument, such as regulations);

- law of the commonwealth, which includes employment entitlements that arise under the Workplace Relations Act 1996 such as the Australian fair pay and conditions standard.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

Section 3(1) of the charter defines discrimination, in relation to a person, to mean discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act.

The effect of adding the attribute of employment activity into the Equal Opportunity Act 1995 will mean that discrimination under the charter will now include a new ground on the basis of which discrimination is prohibited, namely, a person's employment activity.

For example, section 8(2) of the charter provides that everyone has the right to enjoy his or her human rights without discrimination. This will now be taken to mean that everyone has the right to enjoy his or her human rights without discrimination on the basis of employment activity (as inserted by the bill).

The bill therefore enhances human rights without limiting them.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with, and does not limit, the human rights protected by the charter.

ROB HULLS MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In March this year, we marked the first anniversary of the commencement of the commonwealth's WorkChoices legislation. This legislation has severely undermined the conditions and security of working families across Australia and has radically shifted the balance of the employer-employee relationship away from Victorian working families.

The Howard government's changes to workplace relations laws have caused confusion for many working Victorians. The refusal of institutions such as the Australian Fair Pay Commission to publish wage scales, for example, has meant that no commonwealth agency is prepared to take responsibility for publishing accurate information for Victorian workers about their entitlements.

This government has responded to WorkChoices by acting to protect the rights of Victorian workers wherever possible. We have established the office of the workplace rights advocate to ensure Victorian workers have access to information about their entitlements.

However, in the equal opportunity area, the government is concerned that employees are not adequately protected from discrimination if, in their individual capacity, they query or raise concerns with their employer about their wages and conditions.

An employee should be able to approach their employer about these issues without fear of reprimand or penalty. However, some employees are afraid to do so, feeling vulnerable and insecure even in these standard interactions.

In part this is a consequence of the retrograde changes to unfair dismissal laws by the Howard government. These changes have created a climate of fear and vulnerability for working Victorians. This makes some employees reluctant to raise issues about their entitlements at the workplace.

This is particularly the case for employees such as young workers with little workplace experience and limited knowledge of their entitlements, workers returning to the workplace after extended leave and workers for whom English is not their first language. Many employees with these backgrounds have considerable concerns about raising legitimate queries at their workplace about their entitlements.

While collective industrial activity is protected under the Victorian Equal Opportunity Act 1995 this does not protect employees acting in their individual capacity. Furthermore, federal industrial relations laws provide only limited redress. Unfair dismissal rights have been removed from many employees, including those who work at companies with less than 100 employees or those employed for less than six months. Federal unlawful termination provisions are narrow in their scope and are unlikely to be helpful to employees in this situation. Federal freedom of association provisions would only provide protection if the employee complained to an enforcement agency or their union but would not protect an employee who raised issues directly with their employer.

The government believes that no Victorian worker should be fearful when asking their employer about their employment entitlements.

This bill addresses the limitations by amending the Victorian Equal Opportunity Act, which is an act that provides an important means of ensuring fair treatment for all Victorians. The act prohibits discrimination on the basis of specified attributes in certain areas of public life, one of which is employment.

In amending the Equal Opportunity Act in this way the Bracks government is delivering on one of the