

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

Tuesday, 28 March 2006

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CONTENTS

TUESDAY, 28 MARCH 2006

DEPUTY LEADER OF THE OPPOSITION	539	<i>Public transport: Bass Coast</i>	556
ABSENCE OF MINISTER.....	539	<i>Rail: Ballarat line</i>	556
QUESTIONS WITHOUT NOTICE		<i>John Galvin</i>	556
<i>Southern Cross station: construction costs</i>	539	<i>Nilumbik: WaterSmart strategy</i>	557
<i>Commonwealth Games: achievements</i>	539	<i>Police: Commonwealth Games</i>	557
<i>Snowy Hydro Ltd: sale</i>	540	<i>Kalorama Park</i>	557
<i>Commonwealth Games: volunteers</i>	540	<i>Selby Primary School: signage</i>	558
<i>Rail: regional links</i>	541	<i>Country Fire Authority: enterprise bargaining</i>	
<i>Commonwealth Games: public transport</i>	542	<i>agreement</i>	558
<i>Minister for Police and Emergency Services:</i>		<i>Lindsay Hewitt</i>	558
<i>conduct</i>	542	<i>Australian Political Exchange Council: Japan</i>	
<i>Commonwealth Games: security</i>	543	<i>visit</i>	558
<i>Royal Children's Hospital: financial</i>		<i>Goan community carnival</i>	558
<i>management</i>	544	<i>Commonwealth Games: Cleanevent</i>	559
<i>Commonwealth Games: benefits</i>	544	<i>Pharmaceutical industry: children's health</i>	559
BUSINESS OF THE HOUSE		<i>Yan Yean electorate: bowls tournament</i>	559
<i>Notices of motion: removal</i>	545	INTERPRETATION OF LEGISLATION (FURTHER	
<i>Program</i>	549	AMENDMENT) BILL	
FINANCIAL MANAGEMENT (MISCELLANEOUS		<i>Second reading</i>	580
AMENDMENTS) BILL		<i>Remaining stages</i>	584
<i>Introduction and first reading</i>	545	EDUCATION AND TRAINING REFORM BILL	
PETITIONS		<i>Second reading</i>	584
<i>Lake Mokoan: decommissioning</i>	545	ADJOURNMENT	
<i>Education: home-schooling</i>	546	<i>Commonwealth Games: sporting equipment</i>	604
<i>Retirement villages: residents rights</i>	546	<i>Industrial relations: WorkChoices</i>	605
<i>Melbourne Youth Music: funding</i>	546	<i>Rail: Horsham station</i>	605
<i>Schools: religious instruction</i>	546	<i>Maribyrnong College: sports programs</i>	606
<i>Rosebud Hospital: upgrade</i>	547	<i>Planning: Deauville estate, Beaumaris</i>	606
<i>Motor registration fees: concession</i>	547	<i>Edith Bendall Lodge: community bus</i>	607
<i>Racial and religious tolerance: legislation</i>	547	<i>Port of Melbourne: Footscray wharf</i>	607
<i>Hazardous waste: Nowingi</i>	547	<i>Courts: interpreter services</i>	608
SCRUTINY OF ACTS AND REGULATIONS		<i>Bright: Easter trading restrictions</i>	609
COMMITTEE		<i>Mill Park Lakes P-9 school: access</i>	609
<i>Alert Digest No. 3</i>	548	<i>Responses</i>	610
<i>Review 2005</i>	548		
<i>Statute Law (Further Revision) Bill</i>	548		
<i>Terrorism (Community Protection)</i>			
<i>(Amendment) Bill</i>	548		
DOCUMENTS	548		
ROYAL ASSENT	549		
APPROPRIATION MESSAGES	549		
DRUGS, POISONS AND CONTROLLED			
SUBSTANCES (VOLATILE SUBSTANCES)			
(EXTENSION OF PROVISIONS) BILL			
<i>Extension of scope</i>	549		
<i>Second reading</i>	560		
MEMBERS STATEMENTS			
<i>Victorian Volunteer Small Grants program:</i>			
<i>funding</i>	553		
<i>Fruit bats: control</i>	554		
<i>Commonwealth Games: achievements</i>	554		
<i>Marcus Wills</i>	554		
<i>Belmont Bowling Club: centenary</i>	555		
<i>Land tax: increases</i>	555		
<i>Commonwealth Games: cultural events</i>	555		

Tuesday, 28 March 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

DEPUTY LEADER OF THE OPPOSITION

Mr DOYLE (Leader of the Opposition) — Following the resignation from that position of the member for Warrandyte, I have great pleasure in informing the house that the member for Brighton has been elected Deputy Leader of the Liberal Party.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Tourism, who is also the Minister for Racing and the Minister for Gaming, will be absent today, and questions addressed to him will be answered by the Treasurer.

QUESTIONS WITHOUT NOTICE

Southern Cross station: construction costs

Ms ASHER (Brighton) — My question is to the Premier. Has an amount of compensation been agreed with Leightons for Southern Cross station overruns, and if so, how much?

Mr BRACKS (Premier) — I thank the Deputy Leader of the Opposition for her question, and I congratulate her on her new position as Deputy Leader of the Opposition in Victoria.

As most members would know, Southern Cross station is one of the most exciting developments here in Victoria. The project will not only upgrade country and interstate travel into that important hub in Melbourne, it will also be a significant architectural statement for our city and help rejuvenate that whole area of Melbourne as well.

Leightons has agreed to an in-principle financial settlement with Civic Nexus, which is in fact the developer — Leightons is not the developer; it is the contracting company to Civic Nexus, which is the company which has contracted with the government as the developer of the project — and has a contract with the state. Contract documents are being finalised to reflect the terms of the settlement to protect the position of the state, as members can imagine. The details of the settlement will not be disclosed until the documents are completed and signed and secure on that basis.

Commonwealth Games: achievements

Ms McTAGGART (Evelyn) — I refer the Premier to the government's commitment to making the Melbourne 2006 Commonwealth Games the best ever and ask him to update the house on the success of the games.

Mr BRACKS (Premier) — I thank the member for Evelyn for her question and her commitment to the Commonwealth Games, which extends to her recently winning the politicians clay target shooting championship against, I understand, members on the opposition benches, including The Nationals. It was a great victory to the member for Evelyn, who did very well.

Can I firstly say we have all seen the commentary now that the Commonwealth Games are concluded, and everyone in this house should be very proud of the fact that we ran the best Commonwealth Games ever in their history. Sunday night marked the end of a great 12 days of contest and elite sportsmanship here in Victoria, probably rivalled only by the 1956 Olympic Games. The legacy left from 1956 is one which members on both sides of this house have been enjoying for a long time, having had superior logistical capacity to hold major events in this state. Just as 1956 left a great legacy, so too will 2006 leave a significant legacy for Victoria, particularly in the redevelopment of the Melbourne Cricket Ground (MCG), which everyone saw at its best at the opening ceremony, during the athletics championships and again at the closing ceremony. This 100 000-seat stadium is undoubtedly the best of its type in the world.

We also saw the legacy in the redeveloped Melbourne Sports and Aquatic Centre with its new outdoor competition pool and all the improved facilities which are part of that redevelopment. We saw it in the State Lawn Bowls Centre at Darebin, which is an excellent new centre and an addition for elite-level lawn bowls in this country. We saw it in the better access to our sporting precincts, to the MCG and the Olympic Park precinct through the Birrarung Marr park onto the William Barak Bridge. That bridge was absolutely jam-packed with people going to events. What a great legacy, to make sure we get better access to the best sporting facilities in the country!

One of the innovations of our Commonwealth Games is an innovation that will be replicated in other major events around the world — including, I understand, London, when it holds the Olympics. Lord Sebastian Coe was here to see what we did effectively and well, and to take that information back for the organisation of

the London Olympics. That innovation was involving as many Victorians as possible in the games. Even if they could not get there, even if they could not get access to tickets, they could be part of the cultural festival, the river festival or the regional events in Ballarat, Bendigo, Traralgon, Moe and Geelong. All those regional events worked successfully and well, as did the river festival and the cultural festival.

In fact, more people from Victoria, interstate or overseas went to the cultural festival, the river festival and the outdoor sites than went to the Commonwealth Games themselves. We sold a record 1.5 million tickets for the Commonwealth Games — that is the highest number ever in Commonwealth Games history — but we had something like 2 million people who attended the cultural events which were conducted around Melbourne and our major provincial centres. That is an outstanding outcome, involving so many people.

Whilst they were the friendly games, they were also the inclusive games, with as many people as possible being involved. I think that will be a hallmark of other games events around the world. The games showcased the livability of Melbourne to the rest of the world. I think that was a stunning exposition in the opening and closing ceremonies, and it was done effectively and marketed our state effectively. I think everyone involved — it has been a great effort.

An enormous amount of planning and preparation went into every part of the Commonwealth Games. Securing resources was important; having a budget that was achievable was important — which our government undertook; and making sure we had the right legislation in place, legislation that was adopted by this house, was important to ensure that we had the right governance arrangements backed up by legislation for the Commonwealth Games. It was also important to make sure that every organisational detail was covered effectively.

I congratulate everyone involved, in particular the Commonwealth Games minister; the head of the Commonwealth Games organising committee, Ron Walker, who did a great job with his committee; and Meredith Sussex, who headed up the government coordinating committee across government more broadly. It was a combined effort which every Victorian was a part of. I thank Victorians for coming along in numbers, and I thank the people of Victoria more broadly for holding what has been the best Commonwealth Games in the history of the event.

Snowy Hydro Ltd: sale

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Will Catholic and independent schools receive a fair share of the proceeds from the sale of Snowy Hydro Ltd?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. He would be aware that in the last budget we provided a record amount of money for Catholic and independent schools. I can remember coming to government at a time when Victoria had the lowest per capita spending on the Catholic and independent systems of any state in Australia, and members opposite know it! We have more than doubled the expenditure going into Catholic and independent schools. That is why we have had the ringing endorsement of the Catholic and independent systems for the extra money going in.

In relation to Snowy Hydro, we made it clear from the start that that was to be an injection of capital into our government school sector — and it will be. We made that clear from the very start. The Catholic and independent schools can be assured that the neglect that happened under The Nationals and the Liberal Party in the past has been redressed and that we are on target to achieve a better funding base, a funding base which reflects the average funding of other states in Australia. We were the lowest spending state; we are now in a better position. The previous Liberal Party and National Party government starved independent schools of funds.

Commonwealth Games: volunteers

Mr LIM (Clayton) — My question is to the Deputy Premier in his capacity as the Minister for Victorian Communities. Can the minister outline what action the government is taking to build on the outstanding contribution of the Commonwealth Games volunteers?

Mr THWAITES (Minister for Victorian Communities) — I thank the member for Clayton, who is the parliamentary secretary responsible for volunteers, for his question. I am sure that all members of the house would acknowledge the outstanding effort of the 15 000 volunteers during the Commonwealth Games. What really stood out was their enthusiasm and their friendliness, which was infectious and which forged an excellent impression of Victoria for our international and interstate visitors. We know that Victoria is a very friendly and multicultural state and that it is also a very socially cohesive one.

The volunteers at the games certainly showcased those traits. It is interesting to note that the volunteers came from a range of backgrounds and spoke at least 10 different languages: English, Arabic, Turkish, Cantonese, Mandarin, Croatian, Spanish, Greek, Macedonian and Italian. And they came from all over Victoria. The games demonstrated that volunteers help build community pride and community spirit. We have a great tradition of volunteering in this state.

Our government wants to build on that. That is why we have established a \$21 million program to support volunteering and community enterprise through the Department for Victorian Communities. I am very pleased that \$160 000 from that program will be dedicated to helping link volunteers to new volunteering opportunities after the Commonwealth Games. Already some 7000 volunteers have indicated that they want to do more volunteering after the games. The Department for Victorian Communities will be linking those 7000 people to local opportunities for volunteering, such as helping in local sports clubs and helping new migrants to settle in our state. On top of that the department will also be providing another \$200 000 to help 1000 games volunteers to gain accreditation in sports in order to become officials and administrators.

The games have showcased to the world what a great contribution our volunteers can make. Our government recognises that volunteering contributions are made every day all over the state. We have more than 1 million volunteers in Victoria, which is the equivalent of a work force of about 100 000. Our Department for Victorian Communities was established to help support volunteers and encourage more people to become volunteers, and that is exactly what we are doing.

I am very pleased to be able to advise the house that the number of people who are volunteering in Victoria is increasing, up from 33 per cent in 2000 to 41 per cent in 2005. We will continue through the department to support that expansion in volunteering. The last time I looked the opposition supported the abolition of the Department for Victorian Communities. Our government will not go down that path; we will continue to assist communities to help and support volunteers so that communities and citizens right around our state can help themselves.

Rail: regional links

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer to the latest \$3 million cost blow-out in the regional fast rail project, and I ask: what lame excuse can the minister offer this time?

Mr Maxfield interjected.

The SPEAKER — Order! The member for Narracan should not interject in that manner when a question is being asked.

Mr BATCHELOR (Minister for Transport) — We would like to extend our commiserations to the member for Polwarth on being rolled in the deputy leadership stakes. He had been practising for this big event for such a long time. We were all going to vote for him!

The member for Polwarth asked me about normal variations which are part of the fast rail project.

Mr Doyle interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to stop that continual interjection. The minister will continue, without assistance.

Mr Mulder interjected.

The SPEAKER — Order! I remind the member for Polwarth that it is inappropriate to continually interject while the Chair is on her feet. If he does it again, I will remove him from the chamber.

Mr BATCHELOR — Variations are a normal part of any project, whether you are building a home or building a piece of important infrastructure, such as rebuilding the rail lines to country Victoria. On 22 March variations in relation to the regional fast rail project were posted on the government web site, and the member for Polwarth has accessed those variations. We are a very transparent and open government, and the member for Polwarth should be thankful for that. All the additional costs that were revealed in those variations are contained within the contingency amount of the project and are within the project budget of \$750 million. This will provide a much better, safer, quicker rail service to country Victoria.

This is not the first time the member for Polwarth has asked this, so it is to be expected on this occasion, as the member has done in the past, and I predict as the member will do in the future when further variations are posted on the web site in relation to the project contingency — —

Mr Mulder — So there is more!

The SPEAKER — Order! I ask the member for Polwarth to cease the continual interjection.

Mr BATCHELOR — As part of the \$750 million budget for this project there is a project contingency, as there is with almost every — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass! I warn members that if they persist in interjecting I will remove them from the chamber. The member for Polwarth has asked a question, and it would seem reasonable to therefore allow the minister to answer the question.

Mr BATCHELOR — As with all major infrastructure projects — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BATCHELOR — As with all major infrastructure projects there is a contingent arrangement within the project budget for these variations — for example, dealing with unexpected works like the removal of asbestos. I suppose the member for Polwarth assumes we should leave asbestos and not deal with these types of unexpected issues, but they have been provided for in the project budget, and it is entirely in line with what happens on major projects. Perhaps one day, if the member were ever to become the transport minister, he would understand this.

Commonwealth Games: public transport

Mr CARLI (Brunswick) — My question is to the Minister for Transport. Can the minister detail for the house how Victoria's transport system contributed to the success of the Melbourne 2006 Commonwealth Games?

Mr BATCHELOR (Minister for Transport) — Passengers, transport operators, transport staff and transport unions all made an outstanding contribution to the overwhelming success of public transport during our very successful Commonwealth Games. The public transport system has put in a world-class performance coping with a massive increase in demand over the last 12 days. Around 30 000 extra bus, tram and train services were provided during this period of time. About 1.8 million people travelled to and from the games on top of the normal commuter load. In total there were an additional 4 million trips on our buses, trams and trains, and V/Line itself provided about 100 000 trips through the \$10 tickets for people travelling to and from the games in Melbourne or in their regional areas.

About 75 per cent of all spectators used public transport to get to and from those Commonwealth Games venues. The concentration of events around the sports

and entertainment precinct, coupled with the high use of public transport, meant that on several nights the system was coping with the equivalent of three grand final crowds at once — that is, three grand final crowds leaving that area at the same time — and it was able to cope due to the cooperation of those parties I mentioned before. The passengers, the operators, the staff and the unions worked well to deliver the service.

Metlink has carried out surveys and found that 90 per cent of people taking public transport to the Commonwealth Games rated the service as good or excellent. That was a fantastic response, but it is also a recognition of how successful the task was. Importantly people from country Victoria also benefited from extra V/Line services to get people to events in Melbourne and to get people to Commonwealth Games events in regional centres. V/Line patronage was well up, and on some days during the games patronage on those V/Line services increased by more than 100 per cent on the normal load for those services. The special \$10 games return fare was a huge hit — —

Mr Mulder — On a point of order, Speaker, the minister is obviously reading from a document. I ask that he table that document, and while he is on his feet I ask him to explain how the \$1.8 million — —

The SPEAKER — Order! Points of order are not opportunities for members to try to sneak in other questions. I ask the minister whether he is reading from a document or quoting from notes.

The minister is quoting from notes. The minister, to continue.

Mr BATCHELOR — This successful work on our public transport system was the result of the detailed planning that had been undertaken during the preceding two-year period. It is clear that during the period of the Commonwealth Games, public transport staff worked tirelessly to meet the challenge that the games provided. I am sure that all Melburnians — indeed, all Victorians — would like to pass on their thanks to those public transport workers for their fine efforts.

Minister for Police and Emergency Services: conduct

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to two further gangland killings, the disappearance of accused drug dealer Tony Mokbel, yet another breach of the confidential law enforcement assistance program system, ongoing speed camera bungles and the shortage of police prosecutors, police

officers, police cars and essential police equipment, and I ask: given the enormous problems that plague Victoria Police requiring the minister's urgent attention, does he think it appropriate that he uses his time, his ministerial car, his office resources and ministerial staff to campaign against Labor colleague Dale Wilson and former federal Labor leader Simon Crean?

The SPEAKER — Order! I ask the Leader of the Opposition to rephrase his question. I remind members that under our guidelines they cannot ask for opinions in question time, which I think the Leader of the Opposition may have been doing.

Mr DOYLE — Given the enormous problems that plague Victoria Police requiring the minister's urgent attention, why is it that he has spent his time using his ministerial resources and his electorate office resources on internal ALP matters, campaigning against his colleagues, rather than working in the interests of the state?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. He reminds us that in the Labor Party we have an enormous number of people who would like to be in this Parliament, whereas on the Liberal Party side there are an enormous number of people who cannot wait to leave this Parliament! I invite the Leader of the Opposition to reflect on his true friend sitting there on the back bench, waiting to provide his support in whatever way he can.

Mr Thompson — On a point of order, Speaker, question time is an opportunity for government members to respond to matters of government administration, not to reflect upon other members of the house.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr HOLDING — In recent months many issues have occupied my attention as Minister for Police and Emergency Services — whether it has been security for the Commonwealth Games, which I would welcome a question from the Leader of the Opposition on, the extraordinary effort of volunteers across the state in fighting fires between 19 and 29 January this year, or the storm incidents that State Emergency Service volunteers responded to. It has been a huge effort, and I am pleased to have been closely involved with all our emergency services agencies and Victoria Police in responding to those issues.

Commonwealth Games: security

Ms BUCHANAN (Hastings) — My question is to the Minister for Police and Emergency Services, and I ask: can the minister update the house on the success of Victoria Police in providing a safe and secure Commonwealth Games?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Hastings for getting in, even before the Leader of the Opposition, to take up the invitation in relation to Commonwealth Games security. It is a great opportunity for us to reflect on what has been an enormously successful security operation, not only by Victoria Police but also by Australian Defence Force (ADF) personnel, by those involved with the Country Fire Authority (CFA), the Metropolitan Fire Brigade (MFB), the State Emergency Service (SES) and indeed private security operators from around Australia who have supported what has been an extraordinarily successful event, and one that we are very pleased has occurred in Victoria in a safe and secure way.

I would like to begin by thanking and complimenting both the Chief Commissioner of Police and also Commander Bannan, who lead the Victoria Police involvement in providing security for these games. The preparations have occurred over many years and have involved many thousands of Victoria Police personnel. We thank those personnel for agreeing to the deferment of training and cooperating with the postponement of leave and a whole range of different arrangements which enabled Victoria Police to increase by about 20 per cent the availability of police personnel to support the Commonwealth Games.

We also want to recognise and thank police personnel from across Australia who came to Victoria and were sworn in as special constables to provide support with bomb disposal, with tactical response capabilities and also with forensic services. We thank and recognise the Australian Defence Force personnel who also supported our Commonwealth Games events. We had something like 2500 ADF personnel from either Victoria or other parts of Australia providing support with Operation Acolyte, and we particularly recognise Brigadier Andrew Smith, who led and coordinated those efforts. Those personnel provided a huge amount of support in securing the Commonwealth Games athletes village itself as well as the games venue at the Melbourne Cricket Ground, the Melbourne Sports and Aquatic Centre and in many of the other games venues. We thank them for that tremendous support.

It would also be appropriate to recognise the Metropolitan Fire Brigade personnel who not only staffed a fire station at the games village, along with the police station that was established there, but also provided firefighting support for games venues in different parts of the metropolitan area; and, of course, Country Fire Authority volunteers and career staff who also provided an enormous amount of support in regional Victoria as well as providing a stand-by capability to support the Metropolitan Fire Brigade.

We thank SES volunteers — something like 500 volunteers — who were also deployed in support of the Commonwealth Games efforts and would have been available if certain incidents had occurred, which thankfully they did not. It was a huge effort by volunteers and career personnel right across the state. We thank Victoria Police, the ADF, the CFA, the MFB, the SES, paramedics and ambulance staff — all of those who provided support in making sure that these games were a safe and secure event and one that could be enjoyed not only by all Victorians but by people from throughout Australia and across the world.

Royal Children’s Hospital: financial management

Mrs SHARDEY (Caulfield) — My question is to the Minister for Health. I refer the minister to the Liberal Party’s freedom of information (FOI) request that her department release the memo of 23 January 2006 that outlines a financial crisis at the Royal Children’s Hospital, and I ask: why is the minister’s department deliberately delaying release by insisting it cannot find the document, despite the fact that its date, author, title and content were detailed in the opposition’s FOI request?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. Freedom of information processes are governed by an act of Parliament, and my department is complying with those procedures.

Commonwealth Games: benefits

Mr LONEY (Lara) — My question is to the Minister for State and Regional Development and acting Minister for Tourism, and I ask: can the minister detail to the house the economic benefits of hosting the 2006 Melbourne Commonwealth Games for the state of Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Lara for his question. Of course, as the Premier has said today, the

Commonwealth Games were a stunning success for Melbourne, for Victoria and for Australia. The number of tickets sold, 1.6 million, was an all-time Commonwealth Games record. We now have confirmation from Tourism Victoria that something like 90 000 visitors came to Melbourne. I can say that the direct expenditure by those tourists was \$270 million and that around 30 per cent of all the ticket sales for the Commonwealth Games were to interstate or overseas visitors. We also had, of course, more than 4000 athletes and 15 000 volunteers.

In addition to all this, the Commonwealth Games Business Benefits program, run by the state government, was a great success. In partnership with Austrade and the federal government we had the Commonwealth Games Business Club, and that was also an outstanding success. It had more than 6000 members, with 40 per cent from overseas, including membership from Scotland, England, Wales, India, New Zealand and Canada — with the biggest contingent of all, of course, from India. Interestingly we had more than 100 members of the business club from China, even though it is not part of the commonwealth — but it is now our largest trading partner and the fastest growing world economy.

In addition, around 30 business club functions were held throughout the games. I know that the Premier attended many of those, and I attended many of those, as did other economic ministers, the Minister for Commonwealth Games and many federal ministers, as well as the Governor and others. There were also teamed arrangements with a number of provincial cities across the state. Ballarat has built a great relationship with India, and I attended the lunch there last Thursday. Bendigo has built a great linkage with Scotland, which I think will pay us great dividends building up to Glasgow in 2014. We also held events in Geelong and the Otways. There were also networking breakfasts, and there were seminars on the latest developments in biotechnology and design and on manufacturing and financial services.

We also had something like 320 international observers who came to the games from 31 countries. They were representing the London Olympics 2012 bid committee, the Delhi Commonwealth Games 2010, the Beijing Olympics 2008 and the Doha Asian Games 2006, and there were groups like that from Rio for the Pan American Games in 2007.

The games in every sense were a huge success for Victoria and Australia. They have shown that in event management we have again proven to be a world leader. We are the standout in terms of event

management. Our major events are worth something like \$1 billion a year to Melbourne and Victoria. We have more than 1900 sport and recreation businesses operating in Victoria, and they provide jobs for almost 90 000 people and contribute \$2.3 billion annually to gross state product.

There were some great stories of businesses during the games. One of the best would be Ramler Furniture, which is based in Cheltenham. It of course provided the furniture, the fit-out and a lot of the equipment for the games. As a result of that and all the visitors who were here during the games, that company is exceedingly confident that it will pick up work in Beijing for 2008. The Premier and I attended the China breakfast at which the consul general from China spoke. Beijing will be letting 500 contracts before the end of the year. It just shows what an extraordinary opportunity this market is for us internationally.

Overall we had something like 1800 Victorian companies win \$226 million worth of games-related expenditure, and 340 companies participated in the infrastructure projects across the state, including of course the Melbourne Cricket Ground redevelopment.

Finally, I will give a couple of examples, if I can. An email sent yesterday from Mike Power, the chief —

Mr Thompson — On a point of order, Speaker, the minister has been speaking now for over 5 minutes. Pursuant to the standing orders, 4 minutes is the recommended amount of time for an answer. I understand that there is a notice of motion to be debated in the chamber this week which may canvass the Commonwealth Games, and I ask that you direct the minister to wind up and make his contribution on Wednesday.

The SPEAKER — Order! I understood the minister to have started that sentence with the word ‘finally’, so I think he is winding up his answer.

Mr BRUMBY — The chief operating officer of the London games organising committee, Mike Power, said:

You have set the new gold standard for the Commonwealth Games.

The Canadian games boss, Ross Outerbridge, is reported in the *Border Mail* as saying:

Melbourne has raised the bar in every respect.

Finally, the general manager of Australian Pacific Touring said that, based on his company’s experience of the Sydney Olympics and the Brisbane expo, often

you can get off a fall-off in tourist numbers, but in a letter he sent today he said:

However, due to a number of factors and through the cooperation of the City of Melbourne and Tourism Victoria, I may just have to moderate our catchery to ‘Business bonanza for the future of tourism in Victoria’.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 112 to 115 and 216 to 226 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in their name to be continued must advise the Clerk in writing by 6 o’clock today.

FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Financial Management Act 1994 in relation to budget management, powers over land and financial regulations and directions and for other purposes.

Mr CLARK (Box Hill) — I ask the Treasurer to give a brief explanation of the purposes of the bill.

Mr BRUMBY (Treasurer) — The bill makes minor and largely technical amendments to the Financial Management Act. These are to do with the adoption of accrual accounting rather than cash management principles in relation to some revenue retention appropriations, aligning the tabling provisions of the annual budget estimates with current practice, as well as a couple of other minor, technical amendments.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Lake Mokoan: decommissioning

To the Legislative Assembly of Victoria:

The petition of water users in the Broken Valley and concerned citizens draws to the attention of the house that the government has discontinued irrigator involvement in the decision-making process regarding the decommissioning of Lake Mokoan.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to:

reinstatement of the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken system;

undertake an independent assessment of the current reliability of water supply provided by the Broken system, including Lake Mokoan;

ensure commitments given by the former and current ministers for water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full;

investigate the possibility of a permanent storage in the bed of the lake to ensure reliability of supply to water users.

By Dr SYKES (Benalla) (13 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home-education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home-education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home-education in line with the existing Education Act's requirement that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Dr SYKES (Benalla) (15 signatures)
Ms ALLAN (Bendigo East) (9 signatures)
Ms ASHER (Brighton) (6 signatures)
Mr LONEY (Lara) (6 signatures)
Mr DIXON (Nepean) (6 signatures)
Dr NAPHTHINE (South-West Coast) (15 signatures)

Retirement villages: residents rights

To the Honourable the Speaker of the house and members of the house assembled in Parliament:

The petition of the undersigned citizens of Victoria draws to the attention of the house of the continuing distress of many retirement village residents due to problems with the implementation of the retirement villages legislation.

We believe that the Parliament's decision, following the review of the act, provided reasonable exit provisions for new residents. These provisions have not yet been proclaimed. Further, we believe that existing residents do not have appropriate protection or avenues of redress where they have entered into complex and unfair contracts.

The petitioners call on the house to ensure that the Victorian government:

1. takes immediate action to proclaim all the remainder of the amendments to the Retirement Villages Act adopted by the Parliament in 2005;
2. requires retirement village contracts to specify and protect residents rights;
3. regulates for contracts to be in a form that can be understood by residents, prospective residents and their legal or financial advisors;
4. provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions.

By Mr STENSHOLT (Burwood) (82 signatures)

Melbourne Youth Music: funding

To the Legislative Assembly of Victoria:

The petition of the supporters of the Melbourne Youth Music draws to the attention of the house that the MYM Saturday music program is nationally and internationally recognised for its unique and diverse musical education. The Bracks government's funding cut of \$100 000 for 2006 and \$250 000 in 2007 and 2008 will have a serious adverse impact on the program offered to young talented musicians.

The petitioners therefore request that the house force the government to restore the strategic partnerships program grant to Melbourne Youth Music to ensure students may continue to gain equitable access to the program.

By Mr PERTON (Doncaster) (1937 signatures)
Dr HARKNESS (Frankston) (7 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in

question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools, and to provide additional funding for school chaplains.

By Mr MERLINO (Monbulk) (329 signatures)

Rosebud Hospital: upgrade

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the demand for hospital treatment has found many people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital, and that the emergency ward at Frankston is overworked, leaving patients without proper care.

The petitioners therefore request that the Legislative Assembly of Victoria solve this problem by upgrading the Rosebud Hospital to treat a wider range of medical conditions.

By Mr DIXON (Nepean) (38 signatures)

Motor registration fees: concession

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the state government's decision to halve the pensioner concession on car registration fees is discriminatory to the people of Victoria. A large number of Mornington peninsula pensioners rely on their car for transport because of the low levels of public transport in the area.

Your petitioners therefore pray that the government reverse its decision to halve the pensioner concession on car registration fees.

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

By Mr DIXON (Nepean) (21 signatures)

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that —

1. Religious freedom essentially includes the freedom to teach, preach and propagate one's beliefs and to express opinions about other world views. This applies to all religions, and certainly to the Christian religion where

Christ commands His followers to propagate their faith — Matt 28:18–20.

2. The Racial and Religious tolerance Act 2001 aims to outlaw vilification, but its enforcement places 'an intolerable curb on religious freedom' and threatens free speech itself.

In any case the legislation is unnecessary in a community that has always had effective mechanisms for correcting intemperate or offensive statements (whether on religion, race or any other topic) — namely, public forums in newspapers, open debate and discussion, talkback radio et cetera.

In view of the fact that the Australian constitution:

forbids the making of any commonwealth law 'prohibiting the free exercise of any religion' (section 116), and

decrees that 'when a state law is inconsistent with a law of the commonwealth, the latter shall prevail' (section 109) —

your petitioners therefore request that the Racial and Religious Tolerance Act 2001 be repealed.

By Mr HARDMAN (Seymour) (61 signatures)

Hazardous waste: Nowingi

To the Honourable the Speaker and members of the Legislative Assembly of Victoria assembled:

The petition of certain citizens in the state of Victoria draws attention of the house that the proposed toxic waste facility to be located at Nowingi/Hattah, south of Mildura, is an absolute disaster for the families and communities along the Calder Highway.

The proposed toxic waste facility will destroy families, their heritage, communities and the work of generations of farmers who have developed highly successful local economies.

The proposed toxic waste facility will ruin the clean green food status of the producers in the highway corridor due to the toxic trucks passing through it and the associated risks.

The communities of the Calder Highway call upon the government to implement its 2000 election promise to reduce the waste stream and abandon landfill technology.

By Dr NAPTHINE (South-West Coast) (627 signatures)

Hazardous waste: Nowingi

To the Honourable the Speaker and members of the Legislative Assembly of Victoria assembled:

The petition of certain citizens in the state of Victoria draws to the attention of the house that the proposed toxic waste facility to be located at Nowingi/Hattah, south of Mildura, is an absolute disaster for the families and communities directly affected. The toxic waste facility would seriously impact on the wider community.

The proposed toxic waste facility will destroy families, their heritage, communities and the work of generations of farmers

and horticulturists who have developed highly successful local and export trade for their excellent produce.

The proposed toxic waste facility will ruin the clean good status, for which Sunraysia has been widely recognised, and turn north-west Victoria from a clean, green food bowl to the toxic waste capital of Victoria.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria abandon the proposal to place a toxic waste facility in the Mildura region.

By Dr NAPTHINE (South-West Coast) (103 signatures)

Tabled.

Ordered that petitions presented by honourable member for South-West Coast be considered next day on motion of Dr NAPTHINE (South-West Coast).

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

Ordered that petitions presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petition presented by honourable member for Frankston be considered next day on motion of Dr HARKNESS (Frankston).

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

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 3

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 3 of 2006 on:*

Disability Bill

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

Melbourne Sailors' Home (Repeal) Bill

Road Safety (Drugs) Bill

**Statute Law (Further Revision) Bill
Sustainable Forests (Timber) (Amendment) Bill
Valuation of Land (Amendment) Bill**

together with appendices.

Tabled.

Ordered to be printed.

Review 2005

Ms D'AMBROSIO (Mill Park) presented report, together with appendices.

Tabled.

Ordered to be printed.

Statute Law (Further Revision) Bill

Ms D'AMBROSIO (Mill Park) presented report, together with appendices.

Tabled.

Ordered to be printed.

**Terrorism (Community Protection)
(Amendment) Bill**

Ms D'AMBROSIO (Mill Park) presented minutes of evidence relating to *Alert Digest No. 1*.

Tabled.

DOCUMENTS

Tabled by Clerk:

Commonwealth Games Arrangements Act 2001 — Order under s 18 (three orders)

Conservation, Forests and Lands Act 1987 — Code of Practice for Fire Management on Public Land (Revision No 1)

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over the Sorrento Public Park Reserve

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report for the year 2005–06 incorporating the Quarterly Financial Report for the period ended 31 December 2005

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2004–05 annual report of the Northern

Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 of the Mildura Cemetery Trust, together with an explanation for the delay

National Environment Protection Council — Report for the year 2004–05

Parliamentary Committees Act 2003:

Drugs and Crime Prevention Committee — Inquiry into Strategies to Reduce Harmful Alcohol Consumption, Volumes 1 and 2, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Rural and Regional Services and Development Committee's Inquiry into the Cause of Fatality and Injury on Victorian Farms

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

- Baw Baw Planning Scheme — No C35
- Boroondara Planning Scheme — Nos C36, C65
- Brimbank Planning Scheme — No C90
- Golden Plains Planning Scheme — No C17
- Greater Bendigo Planning Scheme — No C60
- Kingston Planning Scheme — No C47
- Latrobe Planning Scheme — No C32
- Mansfield Planning Scheme — No C1 Part 1
- Mildura Planning Scheme — No C29 Part 2
- Queenscliffe Planning Scheme — No C15
- Surf Coast Planning Scheme — No C31
- Victoria Planning Provisions — No VC38

Project Development and Construction Management Act 1994 — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

Statutory Rules under the following Acts:

- Commonwealth Games Arrangements Act 2001* — SR Nos 20, 24
- Fisheries Act 1995* — SR No 17
- Legal Profession Act 2004* — SR Nos 19, 27
- Magistrates' Court Act 1989* — SR Nos 18, 25, 26
- Road Safety Act 1986* — SR Nos 22, 23
- Tobacco Act 1987* — SR No 21

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 19, 20, 22, 23, 27.

ROYAL ASSENT

Message read advising royal assent on 7 March to:

Crimes (Family Violence) (Holding Powers) Bill
Crimes (Sexual Offences) Bill
Guardianship and Administration (Further Amendment) Bill
Prahran Mechanics' Institute (Amendment) Bill
Terrorism (Community Protection) (Amendment) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Disability Bill
Road Safety (Drugs) Bill.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL

Extension of scope

Mrs SHARDEY (Caulfield) — I desire to move, by leave:

That, upon the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill being considered in detail, I will move:

That the scope of the bill be extended to enable consideration of amendments and a new clause to the Drugs, Poisons and Controlled Substances Act 1981, to provide for the creation of a new offence to sell aerosol spray cans containing paint or any prescribed volatile substance to minors.

Leave refused.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 pm on Thursday, 30 March 2006:

Disability Bill
 Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill
 Education and Training Reform Bill
 Interpretation of Legislation (Further Amendment) Bill
 Public Sector Employment (Award Entitlements) Bill.

These five bills on the notice paper, together with the Premier's motion on the Commonwealth Games, are bills and a motion to which I believe a number of members will want to make a contribution. In that context, although the government is providing a smaller government business program this week, these bills are likely to engender a large number of contributions from speakers from both sides of the house. Whilst there are other bills on the notice paper that we would be keen to proceed with, we are providing the opportunity this week for debate around the Commonwealth Games plus the opportunity for more members of the house to speak than would have been the case if we had more than five bills on the government business program. The program achieves the right balance between bills and speaking opportunities as well as the additional motion that was foreshadowed by the Premier today. I commend the program to the house.

Mr THOMPSON (Sandringham) — The opposition does not support the government business program for a number of reasons. Firstly, there has been some disarray in the presentation of bills to be debated this week. As recently as yesterday the Building and Construction Industry Security of Payment (Amendment) Bill was to be part of the program but it has now been taken off, and the Land (St Kilda Triangle) Bill also formed part of the original program.

There is some difficulty in members having the necessary briefings from the government on the range of bills and then preparing for the sitting in a timely fashion. The house may not be aware that the opposition generally does not receive notification of the bills to be debated until the Thursday before a sitting week, and it may be that some briefings have not been arranged by that time, which complicates the process.

The second issue relates to the motion on the Commonwealth Games. The Commonwealth Games in Melbourne were an outstanding success. The government used question time today to canvass a range of issues on the benefits of the games to Victoria, benefits which the opposition when in government was very much aware of in attracting the games to this state. We do not need to be persuaded about the merits of the games or their success in overall terms. However, this week the government has the debate on a matter of

public importance (MPI), and its proposal to separate that debate from a debate on the Commonwealth Games is unfortunate, because the government will utilise time outside the window of opportunity the opposition has to use the MPI debate to enable a number of speakers to make a contribution.

I have a further comment in relation to the size of the bills being debated this week. The Education and Training Reform Bill is a very significant bill, and there is widespread interest in it in the community. It will absorb a fair amount of debating time. The Disability Bill has attracted widespread comment, and more careful deliberation on elements of it may be warranted. It is for those reasons that the opposition does not support the government business program for this week.

Mr MAUGHAN (Rodney) — The Nationals will not be supporting this week's government business program for very similar reasons. I will deal firstly with the matter of the special motion which will be brought before the house in relation to the Commonwealth Games. The government has plenty of opportunity to use its matter of public importance (MPI) debate tomorrow if it wants to extol the virtues of the games. It goes without saying that all members of the house believe the games were an outstanding success, but we do not want to devote the time the government is now going to take to congratulating ourselves on a wonderful event. I think the government is unnecessarily taking time by using its MPI debate, which one would suspect will also be about the Commonwealth Games, and then having a special motion on the games. That is my first point.

The second point is that we have two very important bills before us this week. The Education and Training Reform Bill, which the minister says is one of the most significant changes to education legislation since 1876 or some time around then — —

Mr Robinson — It was 1872.

Mr MAUGHAN — Yes, it was 1872. It is a very significant piece of legislation, and this house should devote a great deal of time to it. It involves some very controversial matters concerning home-schooling, and the home-educators want an opportunity to have their views heard in that debate. It is a big bill.

The Disability Bill will bring very significant change to the legislation dealing with people with disabilities. The disability community is not happy with the way this has been rushed through. The government claims it has had extensive consultation and says you can look at the

table showing where it has had meetings and so on. But if you look at the number of people who have actually attended those meetings and take out the number of Department of Human Services staff and government representatives, there have not been all that many people. Given that we have 900 000 people with a disability in the state, there has not been extensive consultation.

Under a great deal of pressure the government at least introduced a draft bill prior to Christmas. I suggest that it would not have done so without a great deal of pressure from the disability community. The draft came out before Christmas so that the disability community would have time to put in submissions — but for heaven's sake, it was Christmas time and we are all busy over Christmas. Particularly for carers who are dealing with a disabled person, Christmas and New Year is a very busy time, and they have had little time to get their minds around the implications of the bill and all the changes — from memory I think there are 19 separate pieces of legislation that will be amended by this bill, so it has extensive implications for the whole of the community.

This government says it is all about honest, accountable and open government and about consultation and so on, but the message we are getting on this side of the house is that there has not been sufficient time for consultation. We do not think it appropriate for the Disability Bill to go through this week. Both the opposition and The Nationals opposed the relatively short period that was given for community debate when this bill was introduced, and we now oppose it being debated this week because we believe the community should have more time to look at the very serious implications of the bill and so that we can all make a more informed contribution to the debate, representing community views.

Mr SAVAGE (Mildura) — Like the opposition and The Nationals I oppose the government business program, but not for the same reasons. Like many other members I have had a large number of emails and letters from disability groups in Victoria — some very complimentary of the government, especially from the Yooralla Society — saying there needs to be more consultation on some elements of the Disability Bill. On that basis I think the bill could be removed from the business program, and I therefore move:

That the words 'Disability Bill' be removed from the motion.

The other issue I want to raise is that some other elements will impact on the business program — namely, the Commonwealth Games motion the Premier

foreshadowed. I have also had contact with the Christie Centre, which is a local disability group in Mildura, which has asked me to raise this issue on the basis that it wants more time to go through the bill in a consultative process. On that basis I am opposed to the government business program.

Dr NAPHTHINE (South-West Coast) — I also rise to oppose the government business program and support the comments made by the members for Sandringham, Rodney and Mildura. I want to oppose the program for a number of reasons. Firstly, to highlight the mismanagement of the government business program under the Leader of the House. Last week we were told there would be six bills to be debated this week; yesterday it was four bills. Then there were five bills to be debated this week, and today we were given notice of the introduction of another bill. I believe we are heading towards another crisis, and when we come towards the end of the session we will have a whole range of bills being jammed through with weeks where 10 to 15 bills will be passed without adequate debating time simply because of mismanagement. There are other bills on the table which could be debated this week.

I also raise concerns about the way the government is misusing the Parliament in relation to notices of motion. The government has the matter of public importance (MPI) debate this week, and if it wants to debate the Commonwealth Games and thank the volunteers and congratulate those involved, that is the ideal opportunity to do that. If it wants to do it by replacing the MPI with a motion, that is its prerogative, but to have a government MPI followed by a motion about the Commonwealth Games is a bit self-indulgent and denies members of this house effective debating time on important legislation.

In particular I highlight the legislation before the house this week, and that leads me to the third reason why I oppose the business program. Other speakers have made the point about the Disability Bill, which is a very significant piece of legislation that will affect all Victorians, but it will particularly affect people who have a disability or those who have a family member with a disability. It is vital that this bill is given proper consideration by this Parliament and that every member has an opportunity to express the views of their community.

One of the views that has been expressed quite strongly by people involved in the provision of services to people with disabilities and by families who have members with disabilities is that this bill is being rushed through Parliament, and therefore it should not be

included in the guillotine on this government business program. It should be allowed to be debated this week, if the government wishes to do so, but it should lie over for further debate and consideration and give the government an opportunity to listen to the people who have wise counsel and advice on this issue so that the bill can be amended and improved to deliver the best outcome for people with disabilities and their families.

The other major bill this week is the Education and Training Reform Bill, which is a massive piece of legislation which will require an enormous amount of debate. I understand, from what I hear, that virtually every member on the government side is very keen to debate that issue, as is every member of the Liberal Party and The Nationals. They are very keen to raise issues about education in their community, about their local schools' need for maintenance and redevelopment and the needs of their local school communities. These are very important issues which many members will wish to speak on.

We have the situation here, when significant bills need to be debated, that the government is using its numbers to impose on the Parliament both a government matter of public importance and further debate on a government-sponsored Commonwealth Games motion when those two could easily be rolled into one so that we could have one period of government debate on the Commonwealth Games, be it under the MPI heading or using the Commonwealth Games motion to replace the government's MPI. That would be more than sufficient to allow each member more time to debate the important issues as the Disability Bill, the education and training bill, the drugs, poisons and controlled substances bill and the public sector employment bill.

Finally, I reiterate my genuine concern and that of the people in my community about the inordinate rush on the Disability Bill. Every person involved in the provision of services to people with disabilities across Victoria is contacting their members of Parliament, including government members, and saying, 'Please delay this important legislation. Don't rush it. Don't get it wrong. Delay it. Listen to the community and get it right'. I urge the government to drop this bill from the program. It should not be guillotined this week.

Mr INGRAM (Gippsland East) — I also rise to speak on the government's business program. Previous members have expressed my concern that in a normal week we would get through the number of bills on the business program. Like other members, I may not be speaking quite as favourably on the motion about the Commonwealth Games. I would be raising a couple of issues there, but that is beside the point.

I would also like to support the move to remove the Disability Bill from the program, as all members have received a large amount of correspondence on that bill. I would like to raise an additional point about the Education and Training Reform Bill. It is an important piece of legislation. I think the majority of that bill is correct, but many members in this place have received communication on the bill. Some have not received as much correspondence as others, but I have been requested by — —

An honourable member — Where from?

Mr INGRAM — No, I said this was serious. I have been requested to move amendments to address some of the concerns from home-schoolers in my electorate, and it is important that this place addresses the needs of our constituents. Because of that I will be moving amendments to that bill. The nature of the guillotine means that if we are to have extensive debates — and I know that large numbers of members in this place will be hoping to speak on the education bill and on the Disability Bill — it is important that this Parliament gets to debate amendments moved by individual members of Parliament, irrespective of whether those amendments have the support of the chamber, to make sure that the legislation meets the needs of all the community. That is one of the main reasons why the Disability Bill needs to be removed.

We need to make sure there is time available to debate second readings and discuss amendments in the consideration-in-detail stage. I understand that The Nationals may also be proposing amendments to the education bill. It is important that this house gets the opportunity of discussing them in the consideration-in-detail stage of the bill. That is what I seek from the government — to make sure that occurs.

The SPEAKER — Order! I have heard six speakers on the motion. I will now put the question.

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

Ayes, 57

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr

Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Loney, Mr
McTaggart, Ms
Marshall, Ms

Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr

Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Wilson, Mr
Wynne, Mr

Hudson, Mr
Hulls, Mr

Wynne, Mr

Noes, 26

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Noes, 26

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Amendment defeated.

House divided on motion:

Ayes, 57

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr

Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Loney, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Wilson, Mr

Motion agreed to.

MEMBERS STATEMENTS

**Victorian Volunteer Small Grants program:
funding**

Mr LIM (Clayton) — In the wake of the tremendous success of the Commonwealth Games and the role the volunteers played in that success, today I would like to congratulate the Bracks government on the ongoing success of the Victorian Volunteer Small Grants program. Some \$3 million will be awarded to community organisations over three years under the innovative scheme. Already \$1.8 million has been awarded through about 600 grants since the program was launched in September 2004.

Victorian volunteer small grants are provided directly to community organisations so they can extend local volunteering opportunities. The grants are to encourage local community organisations to attract new volunteers from diverse backgrounds and create new volunteer opportunities. The Minister for Victorian Communities, on behalf of the Bracks government, will be providing grants up to the value of \$5000 to encourage people from diverse backgrounds to become volunteers. This is a great opportunity for all Victorians to experience the benefits of volunteering and at the same time help their communities.

One successful example of such a grant entailed a community organisation being awarded \$5000 for a festival volunteer recruitment project that aimed to increase the involvement of new volunteers from the community by promoting and staging a demonstration and practical workshop at a local community festival. These grants reflect the Bracks government initiative to recognise the wonderful contribution volunteers make

to maintaining an active, confident and resilient community.

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

Fruit bats: control

Dr NAPHTHINE (South-West Coast) — I wish to raise the concerns of fruit growers in the Yarra Valley about the enormous damage being done to their crops and their livelihoods by fruit bats. The bats fly into their area in their thousands — there are flocks of up to 15 000 — from their roosts in Ivanhoe and decimate crops of cherries, apples, pears, peaches and nectarines, causing millions of dollars of damage to the orchards and putting jobs and those orchards at real risk.

I recently visited the fruit growers in the company of Clive Larkham, the Liberal candidate for Monbulk, and Christine Fyffe, the Liberal candidate for Evelyn, who are locals who genuinely understand fruit growers and the importance of fruit growing to the economy of the Yarra Valley. In contrast to the Liberal Party, which is listening and responding to fruit growers, the only thing the Bracks government has done is to move the bats from the Royal Botanic Gardens to Ivanhoe so that they can more quickly get to the Yarra Valley to eat the fruit crops. Action must be taken to control these fruit bats. They can be described as nothing more than rabbits on wings. Action must be taken to cull the fruit bats.

The government needs to consult with the Royal Society for the Prevention of Cruelty to Animals and cull the bats at their roost sites. That might involve netting, gassing and destroying thousands of fruit bats, but it is absolutely essential. They are vermin. They are not native to Victoria; they are nothing more than rabbits on wings, and they deserve to be culled.

Commonwealth Games: achievements

Ms MORAND (Mount Waverley) — I am very pleased to take the opportunity to congratulate everyone involved with the Commonwealth Games on the outstanding success of this event. I bought tickets in the ballot for my family for the opening ceremony, the swimming and the hockey, and each event was thoroughly enjoyed, particularly by my children. Everywhere we went during the games, whether it was attending a sporting event or taking in the amazing atmosphere at Federation Square, we enjoyed the great positive atmosphere and felt really proud of our beautiful city.

The volunteers were just fantastic and managed to keep their smiles and enthusiasm going all day and well into

the evening. I acknowledge the residents of my electorate who volunteered during the games. The Connex staff I came across were equally friendly and keen to help, and the staff at Royal Park on the night we went to the hockey kept the waiting commuters amused.

Victoria Police did an outstanding job, and the presence of its officers was a reassuring sight everywhere. I congratulate the chief commissioner and all her team on their effort. I extend my congratulations to Ron Walker and the organising committee, the chief executive officer, John Harden, and all the staff at Melbourne 2006 on the amazing organisational effort that was put into this event, which went so well at every level.

I also extend my congratulations to the Minister for Commonwealth Games in the other place, the Honourable Justin Madden, and his staff on the job they did, as well as to the Minister for Transport and other ministers involved in ensuring the smooth running of public transport during the games.

I am sure that anyone who has just spent the last two weeks in marvellous Melbourne and enjoyed the glorious, perfect autumn weather would agree there is no better place to be than in Melbourne and Victoria.

Marcus Wills

Mr DELAHUNTY (Lowan) — I take this opportunity to congratulate Archibald Prize winner, Marcus Wills, who was born and raised in Kaniva in the Lowan electorate. With all the hype of the Commonwealth Games this achievement has not been given the recognition it deserves here in Melbourne.

Marcus is 34 years of age, and his enormous 6 foot by 8 foot painting, *The Paul Juraszek Monolith*, was one of the 35 finalists selected from 700 entries. I am told it is a very engaging painting that took two years of work to complete. Marcus is one of the youngest winners to receive Australia's oldest and most prestigious art prize, which was announced in Sydney last Friday. Interestingly, he was also the inaugural winner of the Brett Whiteley award. Not only were his parents, Wendy and Murray, delighted with his win, western Victorians were ecstatic because it again highlights the depth of talent we have in country Victoria.

In 1979 Marcus studied at the Wimmera Community College of TAFE, now the University of Ballarat, before moving on to the Victorian College of the Arts. At Horsham he had good teachers and appropriate materials, and he would even sneak back after hours to paint and draw until he fell asleep. His former TAFE

teachers, Ewen Ross, Trevor Tagliabeu and Graham Brindley, all spoke highly of his special talent and his vision in particular.

This award is a great reflection of what we can do in the region. It highlights the fact that Lowan is a vibrant arts community and needs the support of government, business and the general community. The Horsham Regional Art Gallery is looking to purchase Marcus's award-winning painting, and I trust the state government will assist with funding.

Belmont Bowling Club: centenary

Mr CRUTCHFIELD (South Barwon) — On Saturday, 18 March, Julie and I had the pleasure of attending Belmont Bowling Club's gala centenary dinner. This is something the club has been planning for years, and the subcommittee consisting of John Wilson, Dick Caldwell and Peter Blincoe should be commended on a very successful eight days of celebration.

Special mention must go to master of ceremonies John 'Always on Time' Wilson, director Os Nelson, men's president Steve Davies and ladies' president Lyn Barlow. Past director Richard Caldwell entertainingly interviewed Glad Bell, Ken Nankervis, Bruce Davies and Maurie Redfern about their collective recollections of the club, some of which cannot be repeated here!

We were also entertained by the Grovedale College Band and by Charles Smith on guitar. Director Os made it clear at the end of the night that the celebrations had been a real team effort. The ladies did their own catering for all the events over the week, and volunteers had painted inside and outside the building and weeded and tended the gardens, as well as making decorations and a magnificent new lectern. I was pleased to present a thankyou letter from the Premier and to acknowledge the significant, positive and enduring contribution the club makes to the Belmont community.

Finally, congratulations to Belmont's B3 team for winning the premiership that day. The team included people aged from 12 to their 80s, and I congratulate Tayla Rhodes, who is a 12-year-old, Andrew Walker, Hugh Wood and Ray Fitzgerald, the skipper; Peter O'Brien, Stan Batson, Richard Caldwell and Bill Gibson, the skipper; Keith Moore, Cam Cuthbertson, Bill McLennan and Eric Carbines, the skipper of the group, who is 83 years old and the father of Elaine Carbines from the other place; and Jim Connors, Phil Meulblok, Rowland Wissing and Ernie Simpson, the skipper. Well done to them all!

Land tax: increases

Mr CLARK (Box Hill) — I raise yet another case where the Bracks government's massive increases in land tax are threatening to close the doors of a small business and put 12 people out of work. Alan and Myriam Webster, who run DeMar Timber and Hardware in Hoddle Street, Clifton Hill, have seen their land tax bill rise from \$4000 a few years ago to \$24 000 last year and now almost \$30 000 this year. They operate in an industry where they must be competitive and hold down the prices they charge to their customers, but they are finding that the Bracks government is sending them bills that rise by thousands of dollars each year in order to pay for its waste, mismanagement and bungled projects.

The Websters have been in business for almost 22 years, but their ever-rising land tax bill is making it harder for them to stay in business and continue to provide jobs. Already they have had to scrap their plans to take on a trainee so they can pay their land tax bill.

The government has followed a deliberate strategy of leaving land tax and stamp duty rates unchanged for as long as possible and using the bracket creep effects of rising property valuations to generate huge increases in tax revenue. It is clear that only a Liberal government will wind back as much as is possible of the massive increases of recent years, regularly revise the land tax scale to take account of changes in land values, scrap indexation factors, base land tax on genuine assessments of market value and give taxpayers the right to object to their land tax valuations when they receive their tax bills instead of having to object months earlier when they get their council rate notices.

Commonwealth Games: cultural events

Mr MILDENHALL (Footscray) — Congratulations to Minister Delahunty, Minister Madden in the other place, the chair Sue Natrass and the whole organising team for the outstanding success of Festival Melbourne 2006. As the Premier revealed during question time, it is estimated that around 2 million people attended the cultural events, a greater number than purchased tickets to sporting events.

From visual arts exhibitions such as the textile display at the Royal Melbourne Institute of Technology gallery and the Flash sports photography at the Silvershot Gallery to the spectacular performing arts program centred on the Alexandra Gardens and the Yarra River, the community embraced the events with great enthusiasm. Particular congratulations also go to the young people from the Footscray Community Arts

Centre and from other areas such as Reservoir, Broadmeadows and Dandenong for their performances in the electric hip hop at the Festival Big Top. They did their communities proud.

It was also my pleasure to assist with the opening of two extraordinary geoglyph sculptures by world-renowned artist, Andrew Rogers — Bunjil and the Rhythm of Life — in the Geelong area last Friday. Developed in consultation with the Wauthorong people, a Bunjil has been built in a spectacular You Yangs site. It has a wingspan of over 100 metres and is visible from Flinders Peak. Congratulations to Andrew Rogers for this creative and monumental work, the partner organisations, the City of Greater Geelong, Parks Victoria and the Wauthorong community.

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

Public transport: Bass Coast

Mr SMITH (Bass) — I rise to condemn the Minister for Transport for his don't-care attitude to the public transport crisis in the Bass Coast area. I have raised this issue many times in this house and in writing to the minister. The best I can get is an insipid and uncaring response from the minister's chief of staff suggesting that Bass Coast residents are able to use three bus services a day to go from Inverloch to the city, Dandenong, or Cranbourne. That is great! One service leaves at 6.05 a.m., another leaves at 7.35 a.m. and the other one leaves at 12.35 p.m. What a great choice people have if they want to go to the city: three services a day! What about people from Cowes and other parts of the shire? This is no way to treat people in rural Victoria, and it would not be acceptable in the minister's electorate or in the electorates of some of those knuckleheads on the other side. It might be good enough for the minister, but it is not good enough for me.

The minister's chief of staff suggested that the department is looking at improving the service from Wonthaggi to Traralgon, but who wants to go to Traralgon — unless they are forced to by the government's health department, which is trying to force people to go to Latrobe Regional Hospital. It is not that the health service is faulty, but it is a 1½-hour drive through two sets of ranges and into unfamiliar territory. Most people from Bass Coast would rather go to Monash or Dandenong — or even, should I suggest, to the uncaring Casey Hospital.

Rail: Ballarat line

Mr HOWARD (Ballarat East) — I wish to commend the Leader of the Opposition, who, on Ballarat radio 3BA, recently endorsed the Bracks government's upgraded rail service between Ballarat and Melbourne. Having given the new V/Locity train service 'a try', as he put it, the opposition leader advised listeners that:

They're quieter and they're smoother than the old ones, that's for sure, and I enjoyed it, I must say.

This statement clearly contradicts all comments made to date by the shadow Minister for Transport, the member for Polwarth, who continues to deny the reality that the new fast rail service provided by the Bracks government has already brought about a significant improvement for travellers on both the Bendigo line and the Ballarat line within my electorate. The member for Polwarth continues to be in a state of denial. The opposition leader's positive comments align with all the comments I have received from many of the people who have travelled on the services to date. However, it was unfortunate that the Leader of the Opposition, based on the lack of advice he had received from local Ballarat advisors, then went on to embarrass himself by calling for an additional early morning service to Ballarat. This was, of course, announced in December 2005 and introduced on 23 January this year. I was very pleased — —

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

John Galvin

Dr SYKES (Benalla) — Last week, along with hundreds of other people, I buried a friend and colleague, John Galvin. John was born and raised in the western suburbs of Melbourne by a loving family, and through hard work and the application of his natural abilities he became a very successful and respected senior veterinarian in the Victorian Department of Primary Industries. John's career of over 20 years in the DPI was outstanding. John was a clear and logical thinker, decisive and prepared to live with the consequences of his decisions.

John was at his best under the pressure of managing his animal health team through fire, flood, droughts and outbreaks of anthrax and fowl plague. John liked his staff and they liked him. He had loyalty from his staff that other managers could only dream of. This loyalty was engendered by his integrity, work ethic, ability and compassion. John was also respected by professional colleagues throughout the world, by livestock

organisations and, most importantly, by those people who were impacted by the regulations that he was obliged to enforce upon them.

John loved footy, the horses, duck shooting, a beer, a good red wine and a port — and he had a larrikin grin. John also loved his family — his mum, dad and brother, his wife, Jenni, and their three children, Michael, Sally and Abby, of whom he was justly very proud and protective. John Galvin was the complete package — capable, hardworking, respected; a loyal friend and loving son, brother, husband and father. We will miss you, Galvo.

Nillumbik: WaterSmart strategy

Mr HERBERT (Eltham) — As I informed the house last year, both I and the member for Yan Yean chaired a local WaterSmart committee made up of Nillumbik council and sporting clubs, which developed an exciting plan to improve the condition of local sportsgrounds and make them water smart. It is a long-term project that seeks to link the state government, council and local sports clubs in water-saving efforts. The initiative sought to complement and showcase the government's water-saving agenda.

The work of the sports clubs and all involved to develop such an exciting plan has been well received by the local community. I am pleased to inform the house that the next and critical step to achieve the committee's aim has taken place with the completion of detailed ground audits. This process was officially launched by the Minister for Water last November. It has given Nillumbik the crucial details it needs to move forward. Importantly it has sharpened the original focus of the committee by identifying what types of water-saving initiatives are possible on our local sportsgrounds and how they would be best implemented. This week the WaterSmart committee met to discuss some of the key aspects of the audit, recommendations made and Nillumbik's submission to the state government. This is an incredibly exciting moment for the Nillumbik sports community. I congratulate both the Nillumbik council for the quality of its submission and sporting clubs for helping to generate such strong support for this initiative in the local community.

Police: Commonwealth Games

Mr WELLS (Scoresby) — This statement congratulates Victoria Police and its dedicated, hardworking members on their outstanding work during the Commonwealth Games. Victoria Police members can take a bow for the high level of

professionalism displayed during the games. They have really done us proud in the way they have performed their duties. The level of friendliness and good spirit shown by police members has been exemplary, and they have made games patrons, including many interstate and overseas visitors, feel safe.

The high police visibility, not just around games venues but right throughout Melbourne, was a major factor in ensuring that the games were largely incident free. It allowed people to move freely around the city in the comfort of knowing that police officers were close by if they required assistance. The visibility of police patrolling public transport, on railway stations and at all venues was very reassuring to many. Incredible goodwill was shown between the police and members of the public, exemplified by the very low number of reported incidents during the games. The manner in which police worked seamlessly with private security personnel, volunteers and other law enforcement agencies to provide a safe environment for the games must also be given special mention. The excellent spirit in which everyone worked was extremely refreshing and a pleasure to see.

Special thanks must be given to the many police who did an outstanding job by remaining in country Victoria to provide a high-quality service to local communities at a time when their resources were stretched to the limit by secondments to the games. I again congratulate Victoria Police. Well done!

Kalorama Park

Mr MERLINO (Monbulk) — On 14 March I was very pleased to take part in the official opening of new barbecue facilities at Kalorama Park. The 22-hectare park, located on Mount Dandenong Tourist Road, is part of the Dandenong Ranges National Park. It is a particularly important location as it is often the first stop for visitors entering the Dandenong Ranges via Montrose. The park offers panoramic views of the national park and the Silvan Reservoir. I take this opportunity to thank Friends of Kalorama Park, which in partnership with Parks Victoria developed the Kalorama Park concept plan. The plan outlines future management and improvements to the park. Other works completed include the rebuilding of the timber deck of the viewing platform at Five Ways lookout and disabled facilities in the existing toilet block. Congratulations to president David Morrow and the Friends of Kalorama Park, Parks Victoria and Optus, who contributed to the new facilities.

Selby Primary School: signage

Mr MERLINO — For the last 10 years Selby Primary School has lobbied for the installation of directional signage to the school. While this may seem a small issue, it has been an ongoing source of frustration to the school community. Selby Primary School is located on Morley Street, just off Belgrave-Gembrook Road. If you are not familiar with the school it is incredibly easy to miss. Visitors to the school, applicants for teaching positions, gasfitters responding to emergencies and even police and emergency services responding to a serious car accident last year have all had trouble locating the school. The member for Gembrook and I intervened on behalf of the school and spoke to the Minister for Transport. I am pleased to say that this year everyone who has needed to find Selby Primary School has been able to.

Country Fire Authority: enterprise bargaining agreement

Mr COOPER (Mornington) — All government MPs, particularly those in marginal seats where fire protection is provided by Country Fire Authority (CFA) brigades, need to understand the concern and very real anger that has been generated among the 58 000 volunteer firefighters in Victoria by the current enterprise bargaining agreement (EBA) campaign being waged by the United Firefighters Union of behalf of career firefighters. In 2001 the Bracks government and the Country Fire Authority signed a volunteers charter that committed them to consult with volunteers on all matters which might reasonably be expected to impact on them. The new EBA contains clauses which impact adversely on volunteers, and it is not unreasonable for the government to agree with the call that these clauses be reworded.

The current negotiations for a new EBA for career firefighters has seen no consultation with volunteers or the organisations that represent their interests. This is a blatant and disturbing breach of faith by the government and the CFA which demonstrates that volunteers come a very bad last when this government negotiates with its union mates. There are 400 career firefighters in the CFA and 58 000 volunteer firefighters. Government MPs need to understand the ramifications of those respective numbers for their re-election. Volunteer firefighters, their families and their many thousands of supporters will make sure the government pays the price for this treachery at the ballot box next November.

Lindsay Hewitt

Mr ROBINSON (Mitcham) — I congratulate Mr Lindsay Hewitt of Blackburn. Lindsay recently retired after more than 10 years service as the school crossing supervisor at Blackburn Primary School. His highly valued contribution has been greatly appreciated by staff, students and parents of students at the school, all of whom wish him well in his retirement, as do I.

Australian Political Exchange Council: Japan visit

Mr ROBINSON — I would also like to acknowledge the continuing valuable work of the Australian Political Exchange Council. I recently had the privilege of participating in an APEC visit to Japan that was hosted by the Japan Centre for International Exchange (JCIE), which did a magnificent job. The delegation was ably lead by federal MP Michael Keenan and included a combination of state and federal members of Parliament as well as Victorian Liberal Party president Helen Kroger. The group gained tremendous insights — —

Ms Asher interjected.

Mr ROBINSON — Yes, we all got along very well. The group gained tremendous insights into the culture and politics of Japan. I would particularly like to thank the JCIE founder and president Mr Tadashi Yamamoto, who has had a lifelong enthusiasm for fostering closer ties between Australia and Japan, as well as JCIE program officer, Mr Hyoma Ito, who was ably assisted by Ms Ayako Eto.

Goan community carnival

Ms BEARD (Kilsyth) — It was my very great pleasure and privilege on 25 February to attend with Ted and over 400 others a carnival evening organised by Melbourne's Goan community held at Kingston town hall. Constituents of mine originally from Goa invited me to this function, which was in many ways like our own Moomba festival, even to having a festival or carnival king, King Momo.

The carnival, which is three days of celebration, is traditionally held before the commencement of Lent. Highlights of the evening were the dances performed by young men and women of the Goan community, reflecting their Portuguese and Indian cultures. The dancers were stunning, as was the band After Dark. Everyone was requested to wear red and black, and this made a spectacular display.

Melbourne's Goan community is industrious and vibrant. While fully embracing our culture they are pleased and proud to invite us to share in their culture. We are fortunate to be the beneficiaries of this group of people opting to join our community. Only the mean-spirited and ignorant would denigrate the benefits we have received as a community from multiculturalism.

I congratulate Salus Correia and Oscar Lobo for their valuable contribution to this event and all those associated with the organising of this celebration, which was designed not to make profit but simply for the enjoyment of their community. I thank Linda, Andrea, Michelle, Chris, Roger and Jean Correia, Jan and Mick Watson, and Lorraine and Boyd and Rachael and Leanne Ewing for the wonderful opportunity to join them on this special occasion. Congratulations again to all those involved in organising this wonderful Goan community carnival.

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

Commonwealth Games: Cleanevent

Ms LINDELL (Carrum) — Cleanevent was contracted to provide housekeeping duties to the Commonwealth Games residential village. To facilitate the coordination of the work force necessary to perform the task, Cleanevent and Rotary entered into a partnership which in turn resulted in a huge effort by my local community of Chelsea. Led by the Rotary Club of Chelsea and involving students from Patterson River Secondary College, members of the Chelsea Historical Society, our local neighbourhood house, Longbeach Place, and members of the Bonbeach Baseball Club, 15 to 16 volunteers left Chelsea at 6.45 every morning for nearly three weeks, transported by the City of Kingston community bus or the Patterson River school bus to the athletes village at Royal Park to spend 5 or 6 hours making beds, vacuuming, cleaning bathrooms and clearing away rubbish. The funding received from this terrific effort will be directed to a community project that all participants have agreed upon — a sound shell in Bicentennial Park in Chelsea.

I was very honoured to share in this task with local community members. While it is difficult to single out individuals in such a joint effort, mention must be made of the tireless efforts of Kevin Harrison, from the Rotary Club of Chelsea, who coordinated the team of volunteers; Rod Bullen, who stepped up to the plate and oversaw the volunteer teams on many, many days; and the students of Patterson River Secondary College who gave up their holidays to volunteer. Congratulations!

Pharmaceutical industry: children's health

Ms LOBATO (Gembrook) — It is better late than never for our children, with investigations finally being made into a society that increasingly accepts the rampant medicalisation of our children through the use of mentally and physically damaging pharmaceuticals under the pretence of providing treatment. The *Australian* is to be commended for its investigation this week into the mind-altering effects endured by our children after being prescribed dexamphetamine to treat a diagnosis of so-called ADHD, a term created by the pharmaceutical companies in order to produce a so-called cure, to the detriment of the health and wellbeing of our children.

Does anyone wonder why, in a period of six months, prescriptions on the pharmaceutical benefits scheme for Ritalin increased 1000 per cent nationally? The *Australian* wrote about Janine Ritson and her son, who was demonstrating some challenging behaviour. She was told that Ritalin was their only effective remedy. Janine's son and the rest of her family suffered much trauma because of this ill advice, and after much research she started treating her son naturally, targeting his food and excluding all toxins, chemicals and preservatives. Janine Ritson now proudly claims her son is like a different child.

Provided with education instead of prescriptions, I believe every parent would conclude that providing nutritious foods and natural healing methods is the only option for the ultimate wellbeing of the next generation. The exposure of this profit-driven evil is timely, as on Thursday evening I will have the pleasure of launching the Children's Whole Health Foundation, an organisation committed to happy, healthy children reaching their full potential. I will also be launching its new book.

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

Yan Yean electorate: bowls tournament

Ms GREEN (Yan Yean) — After the success of the Commonwealth Games I want to particularly recommend the fantastic sport of bowls and the contribution this sport makes to the competitive spirit, health and indeed social scene in my electorate. Recently I had the privilege of hosting the first annual Yan Yean bowls tournament, played between the four clubs in my electorate — Hurstbridge, Whittlesea, Epping RSL and Diamond Creek — which did a great job in hosting the day due to the renovations here at Parliament.

The home ground advantage proved significant: Diamond Creek won the day, with new club Epping RSL runners up. I would like to thank all those who made the day a great success, including the players and club representatives who helped plan the day, and in particular Diamond Creek president Jack Davey and secretary Fay Penman. All enjoyed themselves, and I look forward to hosting the 2007 tournament here at Parliament House.

I want to thank Epping RSL Bowls Club president George Cairns for having me as his guest at Sunday's president's breakfast. I extend my congratulation to this new club, which is going from strength to strength. Awards went to singles champion Paul O'Farrell; runner-up Tony Towns; pairs winners Steve and Julie Brindley, who are playing in only their second year; 10-year-old Jack Brindley, who won the president's award; veteran Tom Culbertson; and many others. George very generously described me as the Bowling MP, which is a big exaggeration; but maybe I will be one day, given that I have access to the best coaching at Hurstbridge, Epping RSL, Diamond Creek and Whittlesea.

Bowls is alive and well in Yan Yean. The players are good sports and caring community members, as is seen on Anzac Day and as was shown by Whittlesea's recent fundraising effort of \$29 500 for the Make a Wish Foundation, which brought the total raised by this fantastic club over 12 years to \$300 000.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL

Second reading

Debate resumed from 1 March; motion of Ms PIKE (Minister for Health).

Opposition amendments circulated by Mrs SHARDEY (Caulfield) pursuant to standing orders.

Mrs SHARDEY (Caulfield) — I rise to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill 2006. I note with some disappointment that the government did not give me leave to bring forward the amendment, so I will have to wait until the end of the second-reading debate to see what transpires. However, I hope the government will see its way clear to offering an opportunity for this legislation to go into the consideration-in-detail stage some time tomorrow.

The original legislation, which was introduced in 2003 and came into operation on 1 July 2004, amended the Drugs, Poisons and Controlled Substances Act 1981. Within that legislation there is a sunset clause that provides for its expiry on 30 June this year. The primary purpose of this bill is to extend the provisions of the act for a further two years in order to continue to protect young people, as the government has said, from the risk of inhaling volatile substances.

This legislation, which gave police certain powers to take away from children the various things they use as inhalants in what is known as chroming, has the support of the Volatile Substance Abuse Protocols Advisory Committee, which I acknowledge has wide representation from within both government and the relevant community groups. The terms of reference for the advisory committee are: to offer advice on stakeholder consultation; to advise on the development of a protocol framework to support the implementation of the act; to assist in organising forums for specific sectors; to review existing operating practices that will inform protocol development; to provide advice on communicating to inform stakeholders and the broader community of the proposed legislation — as it was brought in — and protocol development; to provide advice on education and training needs for relevant stakeholders; and to advise on future monitoring mechanisms for the implementation of the act. There are quite a large number of people who are members of this body. I note that it is fairly representative, particularly of Aboriginal groups, youth groups, substance abuse groups and youth legal rights groups et cetera, and of course of the various departments which have dealings with justice and children.

There are issues in relation to what this review process has achieved, and I was disappointed to see that not much in the way of data has been collected. I will be asking for an update on some of that information. At the briefing that was kindly provided to us by the department we were informed that there was little data available at this point in time but there was an ongoing process. I hope there will be some data available very shortly. It is important for us to participate in reviewing the implementation of legislation and its success. The Liberal Party has a particular view in relation to what else could be done, and that goes to the heart of my amendment which seeks to ban the sale of spray cans to children under the age of 18. We think that would assist in this effort, but I will go into that later.

I thought it would be worthwhile to some extent to go back and reflect upon the original debate, because a great deal that is important was brought up during that debate. I suppose it also gives the background as to why

it was necessary to bring in legislation. Not everyone will like going back over some of those issues, but it is important for us to remember the problems and to acknowledge that perhaps they have not been solved. In some areas there are children, particularly children in care, who are continuing to participate in this habit, and this is having a disastrous effect upon them.

The legislation, as it was introduced, enabled police officers to detain youths whom they suspected were inhaling or were likely to inhale a volatile substance. In particular, it contained provisions stating that the officer may confiscate volatile substances and detain the youth until the youth was no longer under the influence of a volatile substance. It stated that the police can release a detained young person into the care of a parent, guardian or willing carer such as a youth worker and may use reasonable force to search a young person, seize a volatile substance or apprehend or detain a young person.

Most people will have been aware of the environment in which that bill and that debate came about. It involved chroming which had occurred in some of our taxpayer-funded children's care agencies. At that time, unfortunately, the then minister was said to have been aware of what was going on, and it caused a great many problems within the community and within the sector. A lot of the evidence in relation to this issue was revealed by the parliamentary Drugs and Crime Prevention Committee which was conducting an inquiry into the inhalation of volatile substances at the time. There was a lot of press coverage, but the only part of that I want to refer to is an editorial which appeared in the *Age* of 24 January in the year preceding the introduction of the bill and which said it would be wrong to demonise the Berry Street centre where this crime was apparently occurring. The article states:

It would ... be wrong to demonise Berry Street for adopting a policy that operated with the knowledge of Community Services staff and police. Somewhere along the line in Victoria there has been a failure to devise a consistent strategy to tackle substance abuse in children. According to welfare agencies chroming and glue sniffing are prevalent among children aged 11 to 14 because the inhalants are relatively cheap and accessible.

Obviously there was a huge problem that needed to be dealt with. The Drugs and Crime Prevention Committee had been given a reference to look at the issue in April 2001, and it completed its report in September 2002.

I would like to reiterate some of the principles underlying the recommendations of the report brought down by that committee. The first principle states:

It is an extremely complex problem that requires a coordinated, multifaceted all-of-community response.

I think we all agree with that. The second principle reads, in part:

The committee notes the totally inadequate level of research that has been undertaken in relation to volatile substance abuse ...

I think there are further questions to be asked about that issue, and I would like some updating.

In the third principle the committee acknowledged that volatile substance abuse is a problem for both younger and older people and adult users but recognised that it was primarily associated with younger people. It said that many of its recommendations were targeted at younger people, which of course they were. In its sixth principle the committee said that it considered it essential that partnerships be established at local levels between relevant stakeholders concerned about or affected by volatile substance abuse.

Finally the committee acknowledged that children in state residential care are some of the most disadvantaged, troubled and marginalised young people in Victoria and that many of these children use inhalants. It said that such children have specific needs and require special and intensive services.

We are all aware of those issues. I would like to look at the conclusion of the committee about mortality and morbidity, and usage in Victoria. On page 79 under the heading 'Volatile Substance Abuse in Victoria — age of users', it states:

The 1996 Victorian school students and drug use survey reported that 24 per cent of students had deliberately sniffed inhalants at least once during their lives ... Year 7 students were nine times more likely than those in year 12 to report having used inhalants in the last month (18 per cent compared to 2 per cent) ...

We would like an update on what is happening in this area because that study is now 10 years old and we would like to have a better and clearer understanding of the incidents of this kind of abuse among children in our schools.

In relation to morbidity and mortality, on page 110 it states:

Volatile substance abuse is a problem of significant proportions in Victoria. Despite the limitations of current data collection techniques, anecdotal evidence from a variety of sources consistently warns of increasing prevalence among young Victorians. Although mortality figures are relatively low these figures represent young lives cut short, often unexpectedly.

I will quote further from the committee:

Perhaps the most important issue that has emerged in the context of the above information, however, is a necessity for further data collection.

Again, I raise that as an issue because it is important. I, and I think this Parliament, would certainly like to have more detail as to what is occurring in this area. One of the recommendations of the committee — and, of course, this found its way into legislation — is recommendation 5b which sets out the basis for things. It states:

The committee recommends further that police be given power to seize and confiscate from an apprehended person any intoxicant, including a volatile substance product, and any instrument, article or receptacle associated with volatile substance abuse including, but not restricted to, plastic bags. A police officer should also be able to seize an intoxicant, including a volatile substance, and any instrument, article or receptacle associated with volatile substances from a person who is not an apprehended person if in the judgment of the police officer the person is using or is likely to use the substance or product for a purpose of intoxication and/or graffiti.

That is another area our community is tackling and which I believe my amendment would help address, but, of course, this government is not willing to go down that path.

Mr Andrews interjected.

Mrs SHARDEY — The member for Mulgrave, on his way past, throws off a little interjection about it not working. I do not think anyone in this place or anywhere else for that matter considers that just one thing is going to work — just one rule, one piece of legislation, one more effort to ban something. It takes a collection of —

Mr Andrews — Workable options!

Mrs SHARDEY — Good word. I really think we need to look at all options and we need to be prepared to put together a number of things to try to ensure that we make our lives safer for children, particularly children who are likely to get involved in substance abuse, and also make our suburbs much more pleasant places to live without disgusting graffiti all over the walls.

There was a further recommendation about supply reduction. The recommendation with regard to supply reduction was particularly important. Although the committee did not directly support the restriction of supply, as the Liberal Party did in its policy prior to the last election, significant interest groups also supported this notion of restricting supply, including the Victoria

Police and sectors of the indigenous community. Those things are very important, and we should certainly be prepared to take as much action as possible to assist.

The committee recommended that the proposed national steering coordinating committee undertake a further investigation into introducing mandatory age restriction on the purchase of volatile substance products, including spray cans. I seek the government's response — and perhaps the Attorney-General knows more about this — and we would like there to be some report to this Parliament on what work the national steering coordinating committee has done in relation to this issue.

In addition the government introduced and responded positively to the introduction of kits for retailers to try and reduce the sale of spray cans to teenagers suspected of using them as inhalants. I had actually asked to see a copy of one of those kits and I am not sure whether in the end I received it, but in any event I certainly think there should be some real assessment as to how effective this has been. I know there are some claims that it has been effective, but we need to continue to research this and to ensure that this particular step has achieved something.

The committee recommended that a state committee known as a volatile substance abuse coordinating committee be established, that a person be appointed as a volatile substance abuse coordinator, and that an emergency service protocol be developed by the state coordinating committee which should be implemented for use by police, ambulance services and the response network, and also that the state volatile substance abuse coordinating committee should at all times undertake its duties in accordance with the principles and guidelines established by the national steering and coordinating committee.

During the previous debate I asked for an update on what had happened in that respect. I now ask for a further update and I hope the government will oblige. At that time in debate I congratulated the committee on what it had done in this important area. Subsequently I managed to see a copy of guidelines that were made available for the Department of Human Services and other people who were working in facilities that care for children. Some of these guidelines I found a little disturbing. There were some observations about chroming in the guidelines which I thought were important. We need to continue to understand and continue to examine the effects of chroming. I will refer to some of the observations.

Page 12 of the management response to inhalant use guidelines for the community care and alcohol sector says this about children:

There is no safe level of inhalant use. They have the capacity to suddenly and unpredictably cause death. There are two primary causes of death in people who use inhalants.

1. Direct toxic effects of the substance, such as cardiac arrhythmia ... depression of breathing, vaso-vagal inhibition ... and hypoxia ... Deaths resulting directly from the toxic effects of inhaling volatile substances are known as 'sudden sniffing death' ...
2. Accidental injury whilst intoxicated, such as falling, inhalation of vomit, asphyxia from plastic bag, fire or explosion from ignited vapour.

This document notes that in Victoria between 1991 and 2000, 44 deaths associated with inhalants had been reported. In addition Page 18 under 'Detection and assessment' states:

Inhalants are absorbed into the bloodstream quickly and the onset of action is rapid. Recovery from the acute effects is also rapid, unless the person is heavily intoxicated. This recovery depends on the volatility and the length of exposure to the substance.

This document then outlined four progressive stages of intoxication. The initial stage, which occurs within minutes of use, is euphoria, excitement, sneezing, coughing and wheezing, heart palpitations, nausea, vomiting and diarrhoea. Secondly, in relation to the central nervous system there is slurred speech, delusions, disorientation, confusion, tremor and hallucinations. Thirdly, also in relation to the central nervous system, the effect is depression, and there is poor balance, ataxia and staggering. Fourthly, in relation to stupor the person can experience seizures, coma, cardiopulmonary arrest and death. This is very frightening, and it really tells us how important it is to understand the terrible effects of sniffing these inhalants.

I was somewhat concerned while reading these guidelines at what was being suggested. I would like to know if the guidelines have been changed, because this is very serious:

A proportion of people use inhalants as part of a group social activity. In this instance there are likely to be young people who are still in the experimental stage as well as at least one group member more experienced at inhalant use and possibly a chronic user. It is important that workers take into account the importance of social bonds and the sense of belonging derived from group activities, including when abusing inhalants in a group.

At that time I was totally shocked by reading that message in the guidelines that were being distributed within our residential units. I would like to ask if those

guidelines have been updated and changed. I would certainly like to think that the attitude might be somewhat different, because we all know that this is a very serious issue and that while bonding and group and social activities amongst children are very important, that does not include sitting around sniffing inhalants.

This is a huge issue. In my electorate of Caulfield I came out of my office one day and, after turning right onto Balaclava Road, saw four young kids on the corner of Hawthorn Road, two of whom had plastic bags into which bright blue paint had obviously been sprayed. They were standing right in the middle of the street, inhaling. I called my local police station and asked that someone do something about seeing that those kids got looked after. I do not think anyone underrates the importance of this issue.

While looking for clearer updates on what has occurred, I reiterate that the Liberal Party would like to see this next step taken. I do not say that banning the sale of spray cans to under-18s is a panacea, but it just might be something that helps. We should all be trying to take every step we can to assist on this issue, so although I have circulated an amendment to this bill, the Liberal Party supports the legislation and will be supporting it in the house. Therefore, along with my amendment, I wish it a speedy passage.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill. The primary purpose of this important bill is to amend the 2003 act so it can run for another two years. The amended Drugs, Poisons and Controlled Substances Act 1981 allows the searching of persons without a warrant in certain circumstances for the purposes of seizing volatile substances or items used to inhale volatile substances and the apprehension and detaining of persons under the age of 18 years to protect them and others from the effects of inhaling volatile substances.

The Nationals have consulted — not extensively, because we did so back in 2003, when we did not oppose the legislation — with Berry Street Victoria, which is about protecting our young people, and the Youth Substance Abuse Service. They do not see too many problems with the extension of the act. I am grateful for the briefing that was held by the department during the Commonwealth Games. It was very difficult to get a lot of things happening during the games, but we got the briefing, and I thank the department very much for that. The current act sunsets on 30 June this year. I say right up front that The Nationals will not be

opposing the extension of the 2003 act for another two years, but we think it is important to evaluate further the effectiveness of the 2003 legislation.

We are told that data on the 2003 legislation is being collected by Victoria Police, child protection services, alcohol and drug agencies and other relevant groups. I read in the second-reading speech that the data to date suggests that the 2003 legislation has been effective in responding to and protecting the health of young people found to be chroming. I asked for the data that the member for Caulfield has also spoken about today, and I thank Jodie for sending me that information. I will come back to that a little later in my contribution.

The background to this legislation can be found in 2002. At that stage there was a lot of controversy and a lot of media and political commentary about chroming, and in the autumn sitting of 2002 the Liberal Party introduced in the upper house a private member's bill on the issue which was passed but which the government did not bring into this chamber. At about that time the Drugs and Crime Prevention Committee issued a report that included 16 recommendations. One of those recommendations was that police be given search and seizure powers relative to volatile substance abuse, particularly by children. In 2003 the legislation that this bill is intended to extend was brought into the Parliament and was supported by a majority of people. In particular it gave the police detention, search and seizure powers and gave other powers to health and welfare agencies, and importantly it required that records be kept. As the act has been in existence for nearly three years now, we should be able to see a little bit more of the data. However, I have some, and it is pleasing to see that it shows an improving trend.

I often say that our youth are our investment in the future, and we must do everything we can to provide them with not only education and training but also jobs and the right environment so that they can develop their skills and become worthwhile members of our society. Unfortunately drug and alcohol abuse, and in this case volatile substance abuse, can have damaging effects on their lives; therefore, we are keen to see anything done that assists our youth to grow and develop.

Back in 1999 a secondary school survey showed that over 15 per cent of our year 7 students had used inhalants in the past month, and 35 per cent of them reported having used inhalants at that stage of their lives.

Volatile substances work as a depressant. They also have short-term effects such as aggression, vomiting, drowsiness and increased risk of accident. The health

implications of using volatile substances range from minor problems such as tremors, weight loss and irritability — and that can impact on a lot of people — through to extensive problems such as organ and nerve damage. In certain circumstances death can occur as a result of chroming.

I looked at the definition of 'volatile substances' in the act. It includes plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, gasoline or any other volatile product derived from petroleum, paint thinner and lacquer thinner. So many things are covered under the definition of a volatile substance.

During 2002 the chroming issue created a lot of headlines, and we all remember the unfortunate circumstances that lead to those headlines. The Nationals raised some concerns when the original bill was debated in 2003. We have not identified any further problems since then. However, we have identified problems with detention powers, particularly in country facilities. We have also identified problems with ambulance costs and whether there is appropriate training for police, ambulance staff and drug and alcohol workers who work in this area. From discussions we have had on this bill everything seems to be going all right.

I would like to talk about detention powers. Back in 2002 — and I am not sure if it has changed since then — there were only eight residential, long-term treatment beds in Victoria and only eight secure welfare beds available to clients. That is not good enough and I would be interested to know whether those figures have improved. In western Victoria the only facility is in Ballarat, which is 3½ hours from the border. I am not sure whether Ballarat services Mildura, which is 5 hours away.

Under the act police have an opportunity to detain persons. They can take them home or put them in an ambulance and take them to hospital. If the costs associated with that are passed on to those young people they could find themselves with a bill for \$500 or \$1000 depending on the distance travelled to their local hospital, particularly in country Victoria. I am not sure whether that has been a problem. We raised it as a concern in 2003. We have not identified it as a problem, but it is of concern to us. The other issue is that if they go to hospital and are assessed as needing further treatment they may need to go to Ballarat or Melbourne and, as I said, it is 3½ hours to Ballarat for some of my western Victoria hospitals. That cost is borne by the hospital. As the parliamentary secretary

knows, most hospitals are running on a thin budget and these unexpected costs are a burden on them.

The 2003 act does not make substance abuse a criminal act. A person under the age of 18 years picked up under the act must be told that it is not a criminal offence. But the police have detention powers. Persons cannot be held in lockups, in police cells or in jail, and that is a problem for us in country areas because it can be a long way to a hospital or to an approved facility. As I said, there are only eight in the whole of Victoria, and only one in Ballarat.

It is interesting to note that the police have worked with retailers who sell paints or solvents. I want to compliment Laurie Thomas who works at the Horsham police station. He did a lot of work with retailers to minimise the impact of our young people chroming. I have a copy of the retailer's chroming kit which was put out by the government in 2002. It is a good document and I know that other states including Queensland and the Northern Territory are using it. I compliment the Darebin council because I have been informed that it has translated the kit into other languages which is important for retailers who speak languages other than English. Again, I compliment the work done in relation to the retailer's kit. It highlights the work being done by people like Laurie Thomas and others.

The act has been in operation since 2003, and I thank Jodie for sending me some further information on the data that has been collected. A document she sent to me states:

The 2004 National Drug Household Survey found that 2.5 per cent of Australians aged 14 years and older had used inhalants in their lifetime. About 70 000 (0.4 per cent) had used inhalants within the last 12 months. Males were found to be more likely to use inhalants than females.

It continues:

The 2002 Australian Secondary Students Alcohol and Drug Survey (ASSAD) reported that 23 per cent of 12–15-year-olds had used inhalants in their lifetime, down from 29 per cent in the previous survey in 1999. In 2002, 11 per cent of students reported having used inhalants in the previous month as opposed to 13 per cent in 1999.

Reported recent use of inhalants decreased with age in both the 1999 and 2002 ASSAD surveys.

I think we all know that a lot of this stuff is experimental. We all experimented with things in our younger life.

Mr Cooper — You might have. I didn't!

Mr DELAHUNTY — I experimented with cigarettes although I did not touch alcohol too much. I think most people experiment with things and unfortunately we have a lot of young people experimenting with solvents and inhaling substances which is not good for their long-term health.

The data I have been given also includes three case studies. One concerns a young lady called Emma who lives at home with her parents in a metropolitan area. The second concerns Paul, a 17-year-old indigenous person who has a long history of inhalant abuse. The third case concerns Rachel, a 17-year-old living in a Department of Human Services-funded residential facility as a result of child protection intervention in her life two years ago. I will not go through the details, but they are good case studies.

It is important for us all to understand the data contained in a table I have which shows the number of clients in treatment who nominate volatile substances as their primary drug of concern. In 2000–01 there were 127 clients; in 2002–02 there were 195 clients — an increase of 53.5 per cent; in 2002–03 there were 229 clients — an increase of 17.4 per cent; in 2003–04 there were 385 clients, an increase of 68.1 per cent. But it is pleasing to see that in 2004–05 there were 316 clients who nominated volatile substances as their primary drug of concern, which is a decrease of nearly 18 per cent. So the figures seem to be turning, and I would be pleased to see any further figures that show that to be the case. Again, it is the reason why we are not opposing this legislation because we think it is pointing in the right direction and having some effect. Obviously we would like to see more. The figures and information I have collected show it to be pointing in the right direction.

Section 60A under division 2 of the act headed 'Volatile substances' states that the purpose of the division is to protect the health and welfare of persons under the age of 18 years. As I said earlier, youth are our investment in the future. All of us in this chamber, and the community in general, will do anything we can to assist our young people, and that is the main purpose of the act. We are pleased to see it is having an effect. We are also pleased to see that the figures are pointing in the right direction. Section 60B states that police are to take into account the best interests of the person under 18 years of age.

Like others I was fortunate enough to attend some of the Commonwealth Games events, and I compliment the volunteers on their work. They did a fantastic job, and so did the police force, from what I saw and heard. Obviously there was not too much trouble, although I

had a bit of trouble with a local policeman who had been called down here. He came up behind me, put his hand on my shoulder and said he had got me! That gave me a little bit of a fright for a while, but I do compliment the majority of the police on taking into account the best interests of these young people — and this legislation enforces that.

Section 60D of the act states that the police may use reasonable force, and unfortunately they have to use that on occasion, as shown by section 60E, which states that police may search persons under the age of 18 years of age without a warrant. It goes through the reasons for that, and The Nationals support it. At page 90 section 60K talks about the seizure of volatile substances and items used to inhale, and that people do not have to give the police an explanation of why they are doing it. Section 60N(2) and (3) talk about the retention time if people want to go back and collect those items. They have to do this within seven days, but there is a process there for young people to get back the items if they need to or want to. But the apprehension and detention orders are there under section 60L(1), which states:

A member of the police force may apprehend and detain a person if the member has reasonable grounds for believing that the person —

- (a) is under 18 years of age; and
- (b) is inhaling a volatile substance or has recently inhaled a volatile substance ...

I will just go on a couple more pages and mention section 60Q, a key part of which relates to records concerning searches, seizure, receipt or disposal of property, apprehensions and detentions. Section 60Q(1) goes on to say:

A member of the police force who conducts a search under section 60E must make a written record of the search containing the prescribed particulars.

That would be interesting to see. My information is that about 80 people have been detained or spoken to by police under this act in the last 12 months, but I am interested to know whether the figures have gone up or down in the last couple of years since this legislation has been in operation.

Overall the 2003 act is working well, and it is important that we give it time to make sure that continues. It will be interesting to see the feedback from the police and others because changing drug use and injection patterns pose significant challenges and volatile substances, as part of that package, are a problem for us all. This is particularly so when our young people probably will not learn from experience and there is obviously peer

pressure to experiment with these things. However, The Nationals are always keen to make sure that our youth are given every opportunity to grow and develop in their communities, whether that be in metropolitan areas or rural and regional Victoria. We want to make sure that we have the right legal process and laws in place to protect not only them but also others in their community. With those few words, I indicate that The Nationals will not be opposing this legislation.

Mr ANDREWS (Mulgrave) — I am very pleased to rise in support of the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill before the house today. I begin by acknowledging the support for these important measures of both the Liberal Party and The Nationals. There is some context to these matters and I also appreciate the support over the last two years from those opposite. The extension of provisions introduced in 2003, as has been mentioned, is sensible. The provisions will help build on positive experience to date and also allow for further critical analysis and evaluation of issues relating to inhalant abuse and the new regime or system we have put in place since the passage of legislation in 2003.

I wish to put forward some background issues in the time available to me and will then try to address some of the questions raised by the member for Caulfield and the member for Lowan. Time may be against me, but I am happy to give a commitment to provide answers to those questions either later in the debate or while the bill is between the houses. By way of background I will briefly go through the issue at hand. Inhalant abuse, or chroming as it is otherwise known, involves the sniffing of volatile substances from petrol to cleaning products and other aerosol sprays — quite a wide range of different substances. The issues relating to chroming which we are dealing with today are both complex and serious. It is important to note that the Victorian Coroner's Court estimates that some 38 Victorians died as the result of inhalant abuse between 1991 and 2000, so it is clear that a very high price is being paid for this particular substance abuse.

It is also clear that consistent chroming or consistent inhalant abuse has very real impacts in other ways, in a less drastic but equally important manner — for instance, on a person's cognitive abilities, general health and wellbeing and in the way they behave towards others. It is against that backdrop that the government introduced legislation in 2003 to give Victoria Police new powers to establish a new process for dealing with chroming in the Victorian community.

Other members have gone through the nature of the 2003 changes and the way in which they have operated, but essentially this Parliament gave Victoria Police the power to confiscate chroming paraphernalia and the power to detain a young person — that is, a person under 18 — who was reasonably suspected of chroming, and transport them to an adult. That appropriate adult, as defined by the act, could be a parent or guardian, a carer or somebody providing a service to that person — for instance, a drug and alcohol worker or a child protection worker. It is important to note that this was not and is not a heavy-handed approach to these complex and serious issues. Rather, it is a carefully considered and well-targeted response to a complex set of circumstances, and a substantial challenge in relation to the broader issues of substance abuse in our Victorian community. As has been said, the arrangements and provisions as enacted by this Parliament in 2003 sunset in June this year, so there is a need, and indeed it is seen to be an opportunity, for us to again address these issues and set a course for the future.

Before moving to some of the questions raised by honourable members opposite, can I say that it is important to note that whilst we are extending the provisions of the act here now, that is by no means the only feature of the government's response to these important issues. For instance, in terms of a retailers campaign — and other members have made reference to this — a kit entitled 'Responsible sale of volatile solvents' was developed in consultation with retailers to prevent the sale of volatile solvents to people who may abuse them. Some 4500 retailers have received a kit. The reception has been overwhelmingly positive, and it has had a great impact in terms of educating those who sell these types of products about their possible abuse.

Another government response has involved providing guidelines for the community care and drug and alcohol sectors — in other words, the members of our dedicated work force, both those who work for non-government organisations and the employees of the Department of Human Services. They have received guidelines and protocols regarding the way in which these issues are to be managed and care is to be given. That is very important in terms of bringing our dedicated work force along with us.

In relation to another target group, Koori or indigenous Victorians, those who work specifically with those often disadvantaged communities have been trained and have received comprehensive chroming information kits to make sure that they have the tools they need in order to provide the best possible care. On a similar theme, the Department of Education and

Training has also given its work force — teachers right across the state — a whole range of other resources to bring them up to speed on some of the challenges they face and to better equip them to meet the challenges we are here talking about today. So this is a detailed package, and the legislative provisions that are before the house today are only one part of it.

The member for Lowan raised a number of issues. I will go through them, and I will be happy to come back to them again either later in the debate or while the bill is between the houses. When ambulance costs were last raised I made the point that, just as with a heroin overdose, if someone were in need of ambulance transport following a chroming incident, then unless they had an ambulance subscription or a commonwealth health care card they would have to pay for that transport. I am not aware of any difficulties in that: I think that system has worked well.

In relation to the training of staff, I am advised and can advise the member for Lowan that drug and alcohol workers with Victoria Police and in other areas, but particularly with Victoria Police, have been well trained and well educated and that a whole range of programs has been put in place to make sure they are across the details of the new act and some of these issues.

I am happy to have a further discussion with the member for Lowan in relation to non-emergency patient transport, which is the issue he raised regarding costs. That is an issue many country hospitals have raised with me and with the Minister for Health. Budgets are provided, and there is a range of funding available to country hospitals to manage those matters. If the member is aware of instances where the call upon those resources has become greater because of the issues that are before the house today, I will be more than happy to speak with him about them.

The member for Caulfield raised a number of matters, firstly in relation to guidelines. I am somewhat at a loss, because I do not have the guidelines in front of me at the moment. The member for Caulfield was very critical of a section of them which sought to indicate to service providers and to staff that young people may chrome as part of a larger group and that there may be 4, 5 or 6 young people who chrome as a group. Can I say that the government's view is that that is unacceptable and we in no way condone it. The point is, though — and the guidelines speak to this — that staff and others who act on behalf of the government should recognise that one person's behaviour may well influence the behaviour of someone else and that in providing appropriate care you need to recognise that. We are not condoning it in any way, shape or form — I

want to be very clear about that — but if people are undertaking an activity as a group, then that is a material point in terms of providing appropriate care. I am not entirely sure what the member for Caulfield's criticism is, but again I see no problem with that.

I turn to the amendment circulated by the member for Caulfield and just say that it is the government's view that banning the sale of aerosol products to minors is not a feasible or practical option. As was indicated by the member for Caulfield, there are some 200 different products that could fall under such a ban. Most are sold for perfectly legitimate purposes, whether to minors or to people over the age of 18. Banning their sale to minors would be an unworkable thing for us to do, and on that basis we will not be doing it. It is far preferable in our view to educate retailers about some of the risks involved. As the member for Lowan has pointed out, the kit that was distributed to some 4500 retailers right across the state — and that has been picked up by other states — has led the way in educating retailers. A heavy-handed approach that would ultimately prove to be completely unworkable is no answer.

The member for Caulfield and the member for Lowan also raised some issues in relation to data. The act, although it was passed by this Parliament in 2003, did not come into effect until 1 July 2004, so it has operated for some 18 months. We have 12 months worth of data that indicates that over those 12 months under this act Victoria Police made some 80 individual contacts with young people. Most of them were young men, and most were in Melbourne's metropolitan areas. All the evidence to this point suggests that the system has worked well.

The member for Lowan also quoted some figures showing a substantial decrease in the number of people who have been subject to this act. I am happy to give a commitment to provide further information when that becomes available. I do not think that will happen in the next little while, but over time, and with the significant interest and goodwill shown by other parties in this house, I will be happy to keep them briefed on these important matters. I wish the bill a speedy passage.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill. This bill is quite simple in itself, but it deals with a very important issue. The original legislation covering this area was due to sunset in the middle of this year. This bill extends the sunset period for another couple of years to enable the powers contained in the legislation to continue to be used by the police and others within

the community to help reduce the risks with respect to chroming and other uses of volatile substances.

Chroming is a very serious issue. It is particularly dangerous for young people, particularly the vulnerable young people in our community. As the member for Mulgrave said, according to the Victorian coroner chroming was directly responsible for 38 deaths between 1991 and 2000. Chroming has also resulted in some very serious physical and mental health problems for young people across Victoria. To say that chroming is a minor matter or only involves young people experimenting is totally inappropriate. It is a very serious issue that has very serious health consequences.

The second-reading speech points out clearly on more than one occasion that it is an issue particularly linked to young people. The third and fourth paragraphs state that chroming 'has re-emerged among some young people' and that the 'abuse of volatile substances is concentrated among adolescents' — and that is true. While it is not exclusive to young people and adolescents, it is a practice that is most often seen among young people, particularly young people who are facing challenges and difficulties in life.

It is also important to note that while there are many substances that can be used for chroming or inhalation, within the Victorian context — and I make it clear that I am talking about the Victorian context — spray cans are used as the method of choice. They are commonly available, and they are the most widely used. Those who work dealing with the young people involved in chroming say that that is clearly the method of choice.

While I acknowledge what other speakers have said and what is said in the general community about our not being able to ban all the products that have the potential to be used for chroming, I suggest that we can do something about the most commonly used and commonly available substance. This is where this legislation falls short of the mark, and it is where this government falls short of the mark. I urge the government to give serious consideration to banning the sale of aerosol spray paint cans to people under the age of 18 and to immediately bring in legislation to do so.

The member for Mulgrave said that that is not feasible or practical. The truth is that it is feasible and practical. It is workable and it will make a difference, because it will make it harder for those young people to get spray paint cans, which are their main method of choice for chroming. Making it harder to get them will actually save lives. I do not think you can put that in the too-hard category. The member for Mulgrave and the rest of the government are copping out. They are

passing the buck by saying that the government is educating retailers. They are passing the buck onto retailers so that retailers will have to make judgments as to who they sell cans to and who they do not sell cans to. That is completely unacceptable; it is an abrogation of responsibility. That is the government duck-shoving on an issue of life and death.

This government ought to accept more responsibility than that. This government knows that chroming is a major cause of death and injury among particular sections of our young people. The government knows that the main source of the product used by those young people for chroming is spray paint cans. The government knows that banning the sale of spray paint cans to under-18s will reduce the use of those products and reduce the extent of chroming among those young people, which will therefore reduce injuries, mortality and other problems caused by chroming in our community. The government knows all that, yet it still does nothing. I think that is a dereliction of duty. The government is glossing over what would be a simple, easy-to-enforce and practical way of saving lives and reducing the problems associated with chroming in our community.

Mr Andrews interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Mulgrave has had his opportunity.

Dr NAPHTHINE — Unfortunately this government's track record on chroming is not good. We saw the previous Minister for Community Services get sacked because she failed to act on chroming. Indeed she had policies under her stewardship as minister whereby she permitted chroming to take place in government houses where young people were involved — —

Ms Campbell — On a point of order, Acting Speaker, that is a blatant lie. I ask the previous minister to withdraw.

Mr Cooper — That is not a point of order.

Ms Campbell — It is.

The ACTING SPEAKER (Mr Ingram) — Order! On a point of clarification on the point of order, a member can only ask for a withdrawal when it refers to the individual member.

Ms Campbell — On the point of order, Acting Speaker, he did refer to me, and I ask that he withdraw.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The member has taken offence to comments made by the member for South-West Coast. The practice of this house is that when a member takes offence to comments made by another member directly relating to the member, that member is entitled to ask for a withdrawal.

Dr NAPHTHINE — On the point of order, Acting Speaker, I am unsure as to what the member has taken offence to.

Ms Campbell — On the point of order, Acting Speaker, I ask the member to withdraw because he stated a blatant lie to this house, and he caused offence when he did so.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Pascoe Vale has taken offence to words that the member for South-West Coast has made directly relating to her, so I request that the member for South-West Coast withdraw the comments.

Dr NAPHTHINE — On the point of order, the member for — —

The ACTING SPEAKER (Mr Ingram) — Order! Is the member withdrawing?

Dr NAPHTHINE — I have nothing to withdraw. There is nothing to withdraw. If the member feels that there is a point made in debate that she disagrees with, she is welcome to make that point in her contribution to the debate or she can move a substantive motion.

Mr Andrews — Withdraw or sit down!

The ACTING SPEAKER (Mr Ingram) — Order! The practice of this house is that when a member takes offence to comments made directly to the person the — —

Honourable members interjecting.

Dr NAPHTHINE — Through you, Chair, I ask the member to identify which comments she has taken offence to. She has not told me what comments she has taken offence to.

Mr Andrews interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Mulgrave!

I again request that the member withdraw.

Dr NAPHTHINE — Acting Speaker, with due deference to you, I am completely at a loss to know what words are asked to be withdrawn.

The ACTING SPEAKER (Mr Ingram) — Order! The member's time has expired. I cease to hear the member for South-West Coast.

Ms MORAND (Mount Waverley) — It is a pleasure to make a contribution to the debate on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill. This legislation is about preventing substance abuse and protecting our young people. The powers that came into effect in 2004 allow the police to detain a person they believe is abusing volatile substances or is at risk of doing so. The police can search that person and take away volatile substances if they think the substances are being used to inhale, but most importantly the police link that person to a caring adult, a health service or a drug treatment service.

This legislation is not about a punitive response, a punitive approach to inhaling. It is not and will not be an offence to inhale, and we do not want these vulnerable people to be diverted to the criminal justice system, rather we want them diverted to somewhere where they can get appropriate care, attention and treatment. The police can take the person to what they consider to be a most appropriate place, depending on the circumstances. It might be a hospital emergency department, a drug and alcohol treatment service or back to their homes and families, or perhaps back to their residential care service.

It is important that the effectiveness of this approach be evaluated, and therefore the provisions enacted in 2004, which are due to expire in June this year, should be extended for a further two years to June 2008. The evaluation being conducted will be on data collected from Victoria Police, child protection and alcohol and drug services, and this will inform the decision-making process on this approach and perhaps on how effective it is in helping young people. It is really important that new approaches are evaluated and determinations are made about whether there could be any changes that might improve the way this problem is dealt with.

Volatile substance abuse is a dangerous practice and one that unfortunately led to 38 deaths in Victoria between 1991 and 2000. Unfortunately products that are used as inhalants are very common household products such as aerosol sprays, gas and petrol. There have been mixed findings regarding the trends in the prevalence of substance abuse. The prevalence of abuse is reported to be decreasing in one study, and the

number of adults who are getting treatment has increased. The Australian Secondary Students Alcohol and Drug Survey (ASSAD) — which by coincidence I did some work on during my time at the Cancer Council — is a study looking at the prevalence of alcohol, drug and tobacco use by secondary students that is conducted every three years across Australia. That study found that the percentage of Australian secondary students aged 12 to 17 years who had ever used inhalants decreased from 26 per cent in 1999 to 21 per cent in 2002.

I also want to refer to some other information on prevalence, and I am quoting now from the *National Directions on Inhalant Abuse* consultation paper by the National Inhalant Abuse Taskforce in June 2005. It says that inhalant abuse tends to occur in highly localised and spasmodic waves and that the number of people engaged in inhalant abuse fluctuates significantly, which makes it difficult to actually estimate the prevalence.

The 2004 National Drug Strategy Household Survey found that about 2.5 per cent of Australians aged 14 years and older had used inhalants in their lifetime, which I think is a very significant number. About 70 000 or 0.4 per cent had used inhalants within the last 12 months. Males were found to be more likely to have used inhalants than females. Inhalant use was found to be more likely to occur in metropolitan rather than regional locations. The 1994 National Drug Strategy Household Survey Urban Aboriginal and Torres Strait Island Supplement is the only national survey of drug use by indigenous Australians. This survey found that indigenous Australians were almost twice as likely as members of the general population to have inhaled solvents in their lifetime.

I will refer just briefly back to the ASSAD study, the report showing the decrease in use between 1999 and 2000. This was also consistent with research that suggested that young people's use of the substance is often experimental and that decreased reported lifetime use is a common finding in this sort of study. There are a number of probable explanations for this, and one is that some students might forget that they had used it in the past or perhaps do not want to go back to something that they consider they have experimented with and which they do not consider to be a drug use. It also should be noted that the ASSAD study only looks at people who are in mainstream education, so the results should be interpreted with care. It is not looking at people who are not in education, which of course is a factor for increased inhalant abuse.

As to the member for Caulfield's amendment and also the comments made by the member for South-West Coast about the banning of the sale of aerosol products, I agree with the member for Mulgrave: it is not really feasible. There are approximately 200 different products that are used for inhalant abuse, and most are sold for legitimate purposes, whether to minors or to adults. In fact the most common substances being used and abused are paint and glue. If you wanted to ban paint in aerosol sprays you would also need to ban the sale of glue to be effective in reducing the abuse of inhalants. I do not think that is the answer; the answer is responsible selling by retailers.

A couple of other initiatives I want to refer to in the government's approach to reducing inhalant abuse are the inter-agency protocol between Victoria Police and the nominated agencies, the Drugs, Poisons and Controlled Substances Act agreement — and that of course was developed to help the implementation of this legislation — and the information package for schools entitled *Volatile Solvents — A Resource for Schools*, which was developed and distributed by the Department of Education and Training. Also of interest is that the CSIRO has conducted scientific and technical trials to explore the feasibility of product modification, specifically to petrol, butane gas and aerosol spray paint, to deter abuse. Social research into the impact of product modification on the behaviour of inhalant users has been undertaken by Melbourne University, and we wait for more information on this research and how it might be effective in reducing the damage caused by young people's use of these substances.

In August 2003 the Ministerial Council on Drug Strategy approved the establishment of the National Inhalant Abuse Task Force. Information kits on inhalant use have been developed for Koori, health and community workers and parents and distributed widely throughout Victoria.

Finally, I commend the bill to the house. The extension of these provisions for another two years will protect young people and, importantly, allow time to properly evaluate the outcome of what is already in effect.

The ACTING SPEAKER (Mr Ingram) — Order! Before calling the honourable member for Mornington, I inform members that I will refer to the Speaker the matter of the point of order that was raised by the member for Pascoe Vale regarding the member for South-West Coast.

Mr COOPER (Mornington) — As has been said, this bill has as its primary purpose the extension of the

provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 for a further two years. The opposition supports this bill in itself. However, the legitimate question we ask — and, we believe, it would be asked by a great many people in the community — is: does the bill go far enough? Whilst the bill extends the provisions of the act, the damage from inhaling volatile substances continues.

While we have the tag that further evaluation is being carried out on the question of giving police additional powers over young people who are using volatile substances to take away their spray cans and put those young people into some sort of protective care, the government says it does not want to make this permanent and is waiting for further evaluation. There are legitimate calls from the community for stronger action; they should not be ignored by the government or anybody else. As we have seen elsewhere in this country and the world, action has been taken to ban the sale of spray cans and substances in an attempt to deal with the issue.

This issue was considered in some depth by the Drugs and Crime Prevention Committee in its report on its inquiry into the inhalation of volatile substances. I served, and still serve, on that committee, and the member for Footscray and the member for Richmond were also members of the committee at the time. Prior to this report it issued a discussion paper. I wish to quote from page 90 of the discussion paper, because it is very relevant to the issues we have heard about today in regard to the banning of the sale of volatile substances:

A further problem associated with the banning or restriction of sales of volatile substance products to juveniles is simply the huge range of products that can be used as inhalants, including many household products such as cleaners. It would be impractical, if not impossible, to ban the sale of all possible products. Moreover, some workers in the field have made the blunt comment that if some young people cannot purchase the products they will simply steal them. For example, the committee has received a submission from a Victorian supermarket manager ...

The discussion paper quotes from this submission:

In my employment as a supermarket duty manager I have had experiences with young people who use spray paint and plastic produce bags to obtain these highs. Occasionally the paint is purchased but generally it is stolen.

Initially when we had our problems, in agreement with the local police, we refused to sell spray paint to anyone who was not 18 years of age. This worked for a short time until it became easier for chromers to steal than buy.

The report goes on to make this important point:

Nonetheless, the restriction of substances is worth some consideration. The drugs policy branch of Human Services Victoria in a submission to this inquiry states:

To reduce the supply of solvents to young people a campaign directed at retailers may be equally effective as legal sanctions and could be conducted in lieu of or in support of additional legislation.

Now we have the situation where, while there is a strong case to be made out, as the committee said at that time, it is a very difficult matter to ban the sale of volatile substances — spray-can products — to some people. Nevertheless the drugs policy branch of the government's own Department of Human Services said:

To reduce the supply of solvents to young people ... may be equally as effective as legal sanctions ...

So there was consideration of it, and I assume there are still people at Human Services who are saying that we should be looking at this.

Mr Andrews interjected.

Mr COOPER — I know the member for Mulgrave, who has had his turn but still wants to debate across the chamber and does not want to listen, has his mind made up on this, and he says this will not work. He is quite clear, and he has obviously been briefed that this sort of approach will not work, yet the United Kingdom has brought in such restrictions. South Australia has brought in such restrictions. I would like to know whether this government has had a serious look at what has gone on in the United Kingdom and in South Australia in regard to that ban, or is it not prepared to have a further look at it?

I acknowledge, as the Drugs and Crime Prevention Committee acknowledged quite clearly at the time it presented its report to this Parliament, that it is a difficult and complicated issue and certainly cannot be regarded as simple. But as the member for South-West Coast said, the reality is that this is a major health issue. This is not something that can just be brushed aside as being of little moment or as being just another thing that can be equated with other forms of illegal substances use. This is an issue that muddles and corrupts the minds of the young people who become involved with it. It destroys their brains.

The committee heard evidence from young people who had been chromers and who displayed tremendous courage in coming before the committee and telling us of their experiences. I well remember a young girl of 19 or 20 years of age who asked to come to the committee and give us her story. She came with her mother, and she went through how she had become

involved in it and how she had been persuaded by her friends to become involved. They used to go on stealing campaigns down in the Werribee and Geelong areas; they used to steal the product. Then finally some sort of light shone in her head and she decided she wanted to stop it, and she did.

She told us this horror story of her three or four years as a very active and involved person who was abusing volatile substances. Just before the session of the committee closed she was asked by one of the members: is there anything that you now see has affected you? She looked at us all, tears welled up in her eyes, and she said, 'I do not remember things now as well as I used to. My memory has gone'. If ever there were a moment in the work of that committee that really impacted upon me and I think every member, it was that girl's evidence showing how dangerous this is.

That is the point I want to make to this Parliament today: this is a dangerous, terrible issue, and it is one that we cannot step back from and say, 'We will just take a couple of little steps. We will deal with this in a small way, and we will just evaluate and go on', because while we are doing that, while we are avoiding taking the drastic steps, the strong steps, more damage is being done out there. As we speak now in this debate there are young people in this state and elsewhere in this country — certainly in this state — who have their mouths and their noses in plastic bags inhaling these substances and destroying their minds, their brains and their futures. That is the point that everyone in this Parliament needs to have in mind as they consider this kind of legislation.

The point I made when I started to speak was that we on this side of the house support the bill but wonder whether it goes far enough. I think the answer is that it does not go far enough. It is a small step, perhaps an important step, but it is really a continuation of a step this Parliament took a couple of years ago. The situation now requires stronger action. It requires the government to bite the bullet and take much stronger steps. If that includes actively canvassing banning the sale of volatile substance products to people of 18 years and younger, then that should be canvassed, and it should be looked at very thoroughly. It should not be walked away from as if it will not work. Let us find out if there are aspects of that that will work. Let us see if there are other things we can do to ensure that our young people are safe and healthy.

We all remember the debacle, the scandal and the community outrage over the Berry Street incident when employees of the Berry Street home just stood to one side and watched young people who were in their care

inhaling substances. They said that they watched over them and made sure harm minimisation was taking place. Harm minimisation! There is no such thing when it comes to volatile substance abuse. Either you do it and damage yourself or you do not do it and you have a healthy life. That is the point I want to make to this Parliament. This is an important and vital issue; it needs to be addressed as such.

Dr HARKNESS (Frankston) — I rise to make a brief contribution to the debate on the bill before us. I note that the inhalation of volatile substances, commonly known as chroming, is an extraordinarily dangerous practice with both short-term and long-term physical and mental health consequences for those engaged in it. It is absolutely incumbent upon governments to ensure that every possible protection is put in place to discourage such dangerous examples of self-inflicted harm.

So far the government has implemented a very broad strategy to combat this problem, including, among a variety of initiatives, the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003. The bill before us today seeks simply to extend the provisions of the 2003 act for a further two years until 30 June 2008 for the completion of a more comprehensive review of the effectiveness of that legislation in protecting young people in particular who are at risk of volatile substance abuse.

The original bill was introduced and passed by this Parliament in 2003, and it came into operation the following year. That legislative initiative resulted from the recommendations of the 2002 Drugs and Crime Prevention Committee's inquiry into the inhalation of volatile substances, extracts from which have already been read into *Hansard*. As the Attorney-General noted in his second-reading speech on the original bill in May 2003, the Bracks government is committed to protecting the health and welfare of Victoria's children and young persons, who are often the most vulnerable members of our community. The very dangerous practice of chroming was identified as a particular problem, a prevalent behaviour by some young people and also a very disturbing trend among our indigenous communities. The inhalation of a volatile substance produces a depressive effect, which often results in a feeling of wellbeing, confusion, drowsiness, aggression, enhanced risk taking, vomiting and hallucinations. Of course there is also an increased risk of accidents, including fatal accidents, occurring while a person is in an intoxicated state.

Chroming over a long term results in very serious health problems, both physical and emotional. When

the parliamentary Drugs and Crime Prevention Committee inquired into the issue of the inhalation of volatile substances for the purposes of intoxication it made some 16 recommendations, including a proposal that police be given search and seizure powers in relation to volatile substance abuse by children. That was the main thrust of the act we are now seeking to modify.

The legislation sunsets in June of this year, and it is vitally important not to let it lapse, as I believe it offers protection to young people at risk of abusing volatile substances. The implementation of the act is being monitored and reviewed and so far the data suggests that the provisions have been pretty effective. However, more time is required to determine the longer term effectiveness of the legislation in protecting young people, and it is for this reason that an extension to these provisions without further amendment has been sought for a further two years. This will allow for the review to be completed and for recommendations to be made about possible ongoing legislation including whether amendments will be required into the future.

The act and this bill provide an appropriate balance between the right of people to possess legal substances and the need to protect vulnerable people from self-harm. Under the act police are able to search persons and seize volatile substances and items used to inhale and to link a young person with appropriate caring adults such as a parent, a care giver or a health or drug treatment service. Both the act and this bill are part of a commonsense effort that provides the police with the additional tools they need to deal with this problem. The bill has widespread support across the entire community, and I certainly wish it a very speedy passage through this Parliament.

Mr WELLS (Scoresby) — I rise to join the debate on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill 2006 and to make a couple of comments.

The bill re-enacts the current legislation that grants the police powers to apprehend and detain persons under the age of 18 whom they suspect have been chroming. A number of speakers have mentioned that over recent years there have been about 38 deaths linked to chroming. As parents, that would bother us all. However, the act does not create the offence of inhaling, nor does it criminalise the possession of inhalants. It merely allows the police to detain and then release the young person into the care of a person whom the officer reasonably believes is capable of taking care of that person and who consents to taking care of them.

The other part of the bill will extend the provisions of the act until 30 June 2008.

On looking at some of the results of the work of the Drugs and Crime Prevention Committee which has also been referred to, it bothers me to read that the conclusion to its 2002 report states that:

The 1996 Victorian school students and drug-use survey reported that 24 per cent of students had deliberately sniffed inhalants at least once during their lives ... Year 7 students were nine times more likely than those in year 12 to report having used inhalants in the last month (18 per cent compared to 2 per cent) ...

The conclusion continues, noting the 1999 report:

While 16.8 per cent of year 7 students reported having used inhalants in the past month, this gradually declined to ... 1.9 per cent —

when they reached year 12. I guess it is the issue of the experimental stage; and then, getting out of that stage, what bothers all of us is that, just by being part of a group with their mates, those people will have become hooked, obviously leading to serious health effects.

The member for Caulfield raised an important point — that is, that the opposition does not consider that the bill goes far enough. I understand the arguments on both sides, but the Liberal Party maintains very strongly that the sale of spray cans to people under the age of 18 should be banned. It is not good enough for the government to just say, 'Oh, it's too hard — there are too many complications; there are too many difficulties'. Clearly we do not allow people under the age of 18 to purchase cigarettes or alcohol. Members of the opposition want the same situation to apply to the purchase of spray cans. People are fed up with the ease with which young people can buy spray cans, whether they use them for chroming or for graffiti. People need look only in the outer suburbs to see the amount of graffiti that is being applied. Some people describe it as art. It is a criminal act and those people need to be punished.

The Liberal Party has already announced that on election to government it will be banning the sale of spray cans to minors under the age of 18. I understand it works well in Casey, where graffiti in any place is removed quickly through painting over or cleaning. That is an effective way of addressing the issue. In Knox, where I live, the same issue arises. Spray cans can be purchased by young people who can increase the amount of graffiti in our area. Now people employed by the Knox council have to paint over fences and buildings to try to clean up the place.

With just those few comments, I indicate that members of the Liberal Party support the bill but do not consider it goes far enough. It is not good enough for the government to say that it is too hard to ban the sale of spray cans. The government needs to start somewhere, and banning the sale of spray cans to minors would be a positive step forward.

Mr WYNNE (Richmond) — I rise to support the very important extension for a further two years of the sunset clause of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act. With the member for Scoresby I served on the all-party Drugs and Crime Prevention Committee, whose members did very important work in bringing together a comprehensive response to the very serious and quite insidious social problem of the inhalation of volatile substances.

All members know of the deleterious health effects of that very dangerous practice, which is undertaken primarily by young people, and often vulnerable and unattached young people. It was in that context that the members of the committee sought to both grapple with the social issues pertaining to the problem of inhalation and to have a comprehensive government response to the issue, but from a harm-minimisation perspective. We certainly did not wish to criminalise those young people but to indicate that there was a social problem that most particularly Victoria Police and the other emergency services people were having to confront and to find how best the government should seek to respond to that.

The Drugs and Crime Prevention Committee brought down a thorough and balanced report, and its recommendations were picked up by the government. Providing the power of a civil detention model to Victoria Police means that its members are able to detain a young person under the age of 18 who they believe has obviously been chroming. It is not difficult to recognise the signs. Anyone who has been confronted with a young person who has been chroming will know that it is very clear that they have done so. Often the young person's face is covered in paint and their demeanour is such that through the inhalation of volatile substances they put themselves or the broader community in a vulnerable situation. In that circumstance members of Victoria Police can take that person to their family, to friends or to some other safe environment so that they have the opportunity to recover from the episode. It is very clear, from the evidence available to us, that the particular model that the committee recommended and has been taken up by Victoria Police has been very successful.

The committee looked very carefully at the question of banning access by young people to spray cans at retail outlets. The only state in Australia that undertook that strategy was South Australia, where spray cans are locked in cupboards behind the counter where the retailer can get access to them.

Members of the opposition who are proposing a ban on the sale of spray cans to young people under the age of 18 fail to realise two things. First, retailers in Victoria can in fact refuse to sell spray cans to a young person if they are of the view that that young person is going to use the product inappropriately. Second, in the Coles, Safeway or other grocery outlets in any shopping centre there is any number of products available legally to young people if they wish to undertake the activity of inhaling. They include hair sprays, deodorants and various other aerosol products. In fact it is the accelerant in the cans that produces the toxic effect for a person inhaling. To suggest that the restriction of the sale of spray cans that are widely available in hardware stores and so forth will solve the problem is a complete nonsense. Members of the opposition then make that completely inappropriate linkage between the inhalation of volatile substances and graffiti. The view of the Drugs and Crime Prevention Committee, of which I was a member, was that no such link has been established.

I finish by indicating briefly that the government is very serious about graffiti. It is an urban blight. It is not art; it is a blight on the community. Only a very short time ago the Minister for Police and Emergency Services, who is at the table, indicated the seriousness with which the government is tackling graffiti — by the establishment of an anti-graffiti task force, a tag database and in fact dollars to clean up various sites around metropolitan Melbourne — and that work is proceeding well.

I really reject this notion that there is some linkage between the inhalation of these volatile substances and graffiti. In the view of the Drugs and Crime Prevention Committee on which I served, no such link was established. What we should be doing is dealing with the issue of today. The issue of today is an extension of what has been an important and balanced strategy by this government, implemented primarily and successfully by Victoria Police, to protect young people's lives. That is what this legislation is about, and I commend it to the house.

Mr THOMPSON (Sandringham) — The Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill makes a couple of changes insofar as it re-enacts the current

legislation which grants police the power to apprehend and detain persons under the age of 18 whom they suspect of chroming. It then provides the opportunity for the police to release such people into the care of someone capable of looking after that young person.

A number of years ago the parliamentary Law Reform Committee, of which I was then chair, took evidence from all around Victoria on a range of issues prevalent in rural and regional Victoria. We visited the towns of Mildura, Robinvale, Swan Hill, Echuca, Morwell, Bairnsdale, Geelong, Bendigo, Ballarat, Portland and Warrnambool and took evidence from youth workers, police, lawyers, clerks of court and other people in relation to issues that were relevant to them in their local communities. The feedback we received across a wide frontier of matters was very interesting.

The committee, which included the member for Kew, who made a very capable contribution to its work, finalised approximately 125 recommendations, a number of which have been implemented. They dealt with issues relating to public access to legal information, legal aid, community legal centres, people with disabilities, issues confronting women, people from non-English-speaking background communities, indigenous Victorians, children and young people, private legal professional services, the Magistrates Court in rural and regional Victoria, the circuit courts and alternative dispute resolutions.

One of the most striking observations I confronted during the course of that inquiry occurred during evidence we took in Gippsland. A local worker came along and explained the pattern of chroming that was prevalent among some members of the community. There were issues that were addressed by the local authorities and a lot of care was provided. In Gippsland there was a specialist alcohol officer whose funding was withdrawn by the current government, and that was an issue of major concern. People were referred to more generic services in the region when there were specific problems affecting specific communities in that particular part of Victoria.

The opposition does not oppose the bill. However, it has sought to take the matter further with its own amendment dealing with some other issues. The principal focus of my comments today is to point out the seriousness of chroming. The shadow Minister for Police and Emergency Services indicated that according to one framework of analysis some 24 per cent of young people had inhaled a substance which was not beneficial to them and which might be broadly considered as coming under the heading of chroming. My view is that one person on one occasion is one

person on one occasion too many. There are areas where the pattern of chroming is more widespread and the practice has been undertaken over a longer period of time. It would perhaps be one of the more heartbreaking situations I have encountered in my political life to see a young kid with some sort of can around their neck, which is another dimension of chroming, and the consequent loss of intellectual capacity and mobility for those for whom the practice has been widespread.

I wish to record it as a very serious problem in my capacity as Liberal spokesperson on indigenous affairs. I want to mark it as an issue that is of major concern across Australia. All legislative measures designed to address some of the issues which affect young indigenous Victorians should be implemented.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill because, as are many others in the house, I am concerned about inhalant solvent abuse happening around this state. Clearly it is affecting a number of young people within my electorate. It is a very disturbing habit and, as we have heard, a very damaging and dangerous habit.

The legislation before the house today is a very important component of the Bracks government's actions in response to this serious problem, but it is only one component and it adds to the range of other actions the government has taken which include an extensive retailers' campaign that has been put into something like 4500 stores around the state advising them of their responsibilities in relation to not selling solvents to people they believe are likely to abuse them and offering other advice on ways these products should be presented, and so on. That is one important thing. Guidelines for the community care sector in dealing with young people who may be affected in such a way have also gone out. There is certainly special support for Koori health workers across the state, including within my electorate, and a kit for teachers to use in schools.

The bill aims, as we have heard, not to criminalise the act of chroming but to ensure that police who believe that young people are chroming have the powers to have them detained and then put into appropriate care. This does not mean they will be interviewed by the police as such; rather it means they will quickly be directed to either a parent, if it is believed the parent can adequately take care of them, to an accredited worker in the youth services area or to another person with skills

who can clearly provide appropriate support for that young person.

The aim of this legislation is to ensure that there is adequate support and that the police can intervene in circumstances where they believe a young person has been chroming and, as quickly as possible, get them into the appropriate support services.

This government, I am pleased to say, has taken a lot of action to support young people over the full range of drug and alcohol concern areas, as it has with older Victorians. Substantial additional funding — something like 50 per cent additional funding — has been put into overall drug and alcohol services since 1999, just as additional funding has been spent in a range of ways that deal with the broader problem of drug and alcohol abuse.

We have a broad range of services that we have been building upon in order to act in a proactive way to dissuade young people within our community from taking any interest in habits like chroming. We now have an extensive network of youth outreach workers around the state, including around my electorate. Youth alcohol and drug day programs are in operation, as are rehabilitation treatment services and residential withdrawal care, if that is needed in extreme cases. There are also youth home-based withdrawal services, youth peer support programs and extensive services within the youth counselling and consultancy area, and that of course has been extended into supporting people within the Koori community.

I believe this legislation is very important, because it adds to the very broad range of actions that the government has undertaken to ensure that not only young people but all people across the community are taken care of. However we always have a particular concern when young people are involved. They should have bright, healthy futures, and we want to ensure that, as much as possible, they are supported to have bright, healthy futures. This legislation helps to achieve that, as do the other actions of the government, and I support the bill.

Mr LIM (Clayton) — I rise to support the bill before the house. The health and welfare of our young people are of seminal importance to us all, not just to the parents concerned. As a father I worry when I am not there to protect my sons from the wicked ways of the world, and I grieve when I see young people who have gone off the rails.

Young people have an energy and zest for life which is admirable but which sometimes leads them astray. We

cannot prepare young people for every danger that will face them in the world, but we should try our best. What sensible person would deliberately inhale the contents of a spray can of paint, we imagine? The answer is that young people do not always do the sensible thing, and some young people are either in such despair or are so easily led by others that they take up the practice of chroming, as it is commonly called, despite the well-known risks.

According to a report by Tom Stylli, alcohol and drug youth consultant for the Salvation Army, chronic chromers are generally young people, both male and female, between the ages of 14 and 17. They have low or damaged self-esteem and self-image, poor literacy and numeracy skills, and little connection with school, family and the wider community.

They are often on protective and justice orders and have little or no hope for the future. Further criminal sanctions against such disadvantaged young people are clearly not the answer. The Bracks government, to its credit, took a very sensible approach to chroming when it introduced the Drugs, Poisons and Controlled Substances (Volatile Substances) Bill in 2003. This legislation did not seek to criminalise young people who abused solvents, since the government took the view that this would not be the best approach. Instead it amended the Drugs, Poisons and Controlled Substances Act 1981 to enable police officers to apprehend and detain young people who they believe are either chroming or at risk of doing so.

Police may search young persons for paint cans and the like and may then refer them to appropriate caring adults or to a drug treatment service. The sole purpose of that legislation, no doubt, is to protect the health and welfare of children. The operation of the legislation has been monitored throughout its currency, and it appears that it has been effective in protecting the health and welfare of young people from suspected solvent abuse. The 2003 act has a sunset clause which means that it expires on 30 June this year. The bill extends the date for a further two years to enable a more thorough review of the effectiveness of this legislation and to continue the protection that it affords our young people.

The Volatile Substance Abuse Protocols Advisory Committee has oversight of the effectiveness of the legislation. This committee comprises a wide range of people from both government and non-government agencies, including the police, youth residential care services, indigenous organisations and community legal services. This is indeed a worthwhile bill that will do much to alleviate and prevent the pain experienced by

our young people as a result of substance abuse. I thoroughly commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I rise with great pleasure to support the Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill. I begin by congratulating the all-party Drugs and Crime Prevention Committee on its work, which began so many of the great initiatives that we have had outlined in this house today. At the time of its inquiry the committee was ably chaired by the member for Richmond, and I place on the record my admiration for the work of that committee and the work of the member for Richmond in his capacity as chair.

The house has heard of the catastrophic health effects that chroming has on individual users. We have also had the opportunity to hear about the impact on the wider community of the inappropriate behaviour of people affected by chroming. Then, of course, we have heard — both here and from others' experiences — of the long-term effect of chroming on the mental health and capacity of users.

We have to acknowledge that the committee's recommendations have allowed the community to put in place excellent strategies to help young people before they turn to chroming — particularly those who may be interested in experimenting. And in the event that they begin to chrome, we have put in place measures to ensure that they do not become chronic chromers. The results of the initiatives begun by the parliamentary committee's recommendations are now being seen, and they are very positive.

The government has acted on many fronts, and I want to outline a number of those. Some of them I was familiar with in my time in the ministry when I was responsible for children in state care. Again, I want to emphasise the importance of the work of the parliamentary committee in highlighting solutions and enabling funding to increase the provision of services. The first excellent response is the legislation which will sunset in June. We have had the chance to reflect on that and extend it for another two years. That will enable us to further evaluate the results of the initiatives in place.

A retailers campaign included a kit, 'Responsible sale of volatile solvents', developed in consultation with retailers, and that has been successful. The guidelines for the state's community care services and the drug and alcohol sector have been distributed to aid workers to manage and respond to inhalant abuse among children and young people. Since December 2001 there have been very clear instructions issued to all funded

agencies that any person who is a drug user is to be linked to either appropriate alcohol and drug detox or rehabilitation services. Prior to that time the clarity of guidelines was in question, but they have been even further enhanced since December 2001.

Koori health care workers have been provided with an information kit, and there is a kit for teachers. In no way should anyone believe that as a result of these initiatives chroming is being endorsed. These are positive initiatives that will minimise and hopefully eliminate chroming and minimise or eliminate any health damage. The treatment achievement statistics of this government are impressive. I remember instances that were brought to my attention in regard to linking people to alcohol and drug services when I was first responsible for state care, but the services were not there. They have been put in place as a result of funding initiatives and, again, the good work of that joint party committee.

The government has increased state funding for drug and alcohol services by 50 per cent since it came into office. We have increased the number of treatment beds from 431 in 1999 to 796 in 2006. Obviously if you have more beds, you can treat more people, and that is the best way to ensure that young people do not get on the merry-go-round of alcohol and drug abuse. Counselling waiting times have decreased from seven days in 2000 to less than one day in 2006. At the time the parliamentary committee took its evidence many of the state care providers were battling with inadequate resources, and that has been addressed.

The government has reduced waiting times for community withdrawal services by over 72 per cent and continued to keep waiting times under 10 days since 1999. What is particularly important is that there has been a 17 per cent increase in the provision of youth treatment in the age group from 12 to 21 since 1999. There has been a 100 per cent increase since 2000–01 in the number of clients treated where the primary drug of concern is ecstasy or amphetamines. We have a statewide strategy in place, and it is a good strategy.

The other figure that I particularly want to refer to relates to clients in treatment who nominate volatile substances as the primary drug of concern. I have outlined that we have provided far more beds and services, and as a result of the work of the parliamentary committee the funding was provided to enable this. The number of clients who were in treatment in 2000–01 who nominated volatile substances as their primary drug of concern was 127; in 2001–02, 195; in 2002–03, 229; and then with the big

funding boost in 2003–04 you are looking at 385, and the following year it dropped to 316. When that figure of 385 was released and it became apparent that more people were accessing services we had the sensationalism of tabloid media claiming that the situation was out of control.

We need a level of sophistication in our media that highlights that there is not a great trauma associated with the rise in treatment when people access services; that trauma existed beforehand. The fact that people are accessing services is something that should be commended. As an aside, the same thing could be said when we look at the increase in the number of women who are now reporting family violence. That should not be seen as a new trauma; the trauma existed before. It is now being highlighted and addressed. That is something that I, as a member of the Bracks government, am extremely proud of — that people are now being provided with services.

I will conclude on the final point I made in relation to sensationalism in the media and the many ways in which people's grave misfortunes in life are used to sell newspapers. It is extremely important that we as a community — the Parliament, parents, schools, out-of-home care and, very much so, the media — recognise that it is the responsibility of all of us to report accurately and not sensationalise people's misfortune.

Mr LEIGHTON (Preston) — As a former health professional who worked in mental health I had contact in a clinical setting with patients suffering from alcohol and drug abuse. The effect on the mind can be quite frightening. In the 1970s when we admitted patients who were acutely psychotic, at the back of our minds we asked the question of whether it could be a drug-induced psychosis. Back then I do not think we anticipated the prevalence of such incidents a couple of decades later. Drug-induced psychosis can be quite frightening, as is the long-term brain damage that can occur to people suffering chronic substance abuse. As a society we have an obligation to protect our young people from harm. Therefore, this is a very good bill.

Only a couple of years ago the situation with volatile substances looked a lot bleaker. I recall having the debate in my local community in the city of Darebin when we asked whether we should lock up our parks at night in an attempt to keep people out of them and away from chroming. Only a couple of years later the incidence has dropped substantially. I hope the legislation is working, but we certainly need more time to review what is going on. It would seem to be doing so but as it only came into operation on 1 July 2004, we

need more time. The act will sunset if this bill is not passed.

As a former health professional, when we debated the legislation in 2003 I was nervous about the involvement of the police. Certainly my approach has always been to treat the problem under a health model and to go for harm minimisation. But the evidence so far is that the police are not abusing their powers. They are not using this power to detain young people and hand them over to a guardian or to put them into contact with health professionals. It is being used sensibly and moderately, and as a legislator I have no difficulty in extending that power for another couple of years.

The aspect that I have been particularly interested in over the years is dual orders. When I trained, the then alcohol and drug branch of the health commission was part of mental health services. As each of those services has become more specialised, we have run the risk of a silo effect where people can be defined out of services, with each service pointing the finger at the other. I believe the work the government is doing on dual diagnosis is very important and welcome, especially the development of a statewide initiative aimed at building the capacity of mental health and alcohol and other drug services to respond to these issues effectively.

I hope the reduction of chroming in our community is a continuing trend, but we have to be vigilant as a whole range of new designer drugs appear, and make sure it is not replaced with other drugs such as ecstasy and speed. With those comments I support the legislation.

Ms BUCHANAN (Hastings) — The issue of teenagers and risk taking is not new; it is a generational reality. What is of concern to all Victorians today is the greater potency of the drugs that young people are now accessing. The reality of Australian society in 2006 is that some members of our community — predominantly our youth — continue to participate in high risk-taking behaviour such as the inhalation of volatile substances. Protecting Victorians so they realise their full potential is the greatest priority of our government.

When the legislation was enacted in 2004 it gave the police powers under which they could detain under-age substance abusers along with those at risk of participating in substance abuse activity, as well as the power to remove the offending substances and associated equipment. The legislation had a sunset clause of two years. The available evidence-based research to date indicates that the requirement to continue with this legislation is just, and the opportunity for police to have the power to continue to apprehend,

search and detain substance abusers is also warranted, hence the reason we are here today.

The legislation is working, as is evidenced by the reduction in the number of people detained under this act. The two-year extension will allow for a more thorough review of the effectiveness of the legislation. We want to be able to support our outstanding police force to undertake what is a combination of proactive and harm minimisation techniques. Inhaling any of the range of volatile organic substances can induce effects varying from intoxication to death. It is a game of Russian roulette for the participants, and we want to reduce those odds substantially. Part of it is understanding why such high-risk behaviour continues to occur, and this is where the subsequent critical analysis is so integral to protecting our young Victorians. Any adult who has come across a young chromer just after the event, and I have had the misfortune to do that, knows it is a terrifying sight. You have no sense of the extent of the impact of the substance on the victim's body.

In conclusion, I thank the Premier and the work that has been done through the Premier's drug committee to support disconnected youth to minimise their risk-taking behaviour to that of any normal teenager, relatively speaking. It has combined with the very supportive business sector to provide employment and training opportunities and has assisted with the sensible commercial selling of volatile substances, courtesy of the very informative and educational kit distributed to some of our 4500 businesses. I support the bill and commend it to the house.

Ms GREEN (Yan Yean) — I rise to make a brief contribution on the bill before the house. In 2003 the government introduced legislation to provide a well-targeted and supportive response to deal with the problem of chroming, primarily by young people. The primary purpose of the bill before the house today is to extend the provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 for a further two years in order to continue to protect our young people from the risks of inhaling these volatile substances.

The act has accorded police with limited civil powers to apprehend and detain persons under 18 years who they reasonably suspect are abusing volatile substances or are at risk of doing so. These powers enable police to search a person and seize volatile substances and items used to inhale, and to link the young person with an appropriate caring adult such as a parent, caregiver, health service or drug treatment service. It does not

bring young people into the criminal justice system but provides them with much-needed help.

I welcome the fact that this bill extends those provisions until June 2008 and contains provisions to allow further evaluation to assist our young people. I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 8 February; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — I rise to make a contribution on the Interpretation of Legislation (Further Amendment) Bill, and from the outset I say that the opposition will be supporting the bill. It is very much a technical bill. While it is significant, it is unlikely to raise too much emotion in either chamber.

Essentially the bill makes a number of amendments to the Interpretation of Legislation Act. The first provides that acts will be chronologically numbered in accordance with their passage through the chamber, which would seem to be axiomatic, since that appears to be what occurs at the moment — apart from last year, when there was a slight accident and there was no act no. 68. Perhaps in an abundance of enthusiasm the government moved straight to no. 69 without dealing with no. 68, and accordingly there is no act no. 68.

The bill clarifies this by saying that despite the requirement to have bills numbered chronologically the lack of a no. 68 in no ways upsets the validity of subsequent acts. It is simple and easily understood, and it is worthwhile doing it.

I note that the Scrutiny of Acts and Regulations Committee has merely raised the issue of this being a declaratory provision that puts beyond doubt anybody's right to challenge legislation due to an administrative oversight. However, this is regrettable, and it is certainly incumbent upon the government to get these things right. Administrative challenges occur from time to time, and any citizen is entitled to ensure that the government and the Parliament get these matters right. If anybody should get them right it is the government. It is regrettable that the government has had to make this

clarification, but having said that, I have no objection to ensuring that none of the acts passed due to an accident of numbering is prevented from coming into operation.

The bill also provides for the default commencement of an act of Parliament. Currently the Interpretation of Legislation Act provides that a bill comes into operation 28 days after royal assent if the act itself is otherwise silent as to its commencement. The vast majority of bills have a default commencement date, which is usually on proclamation. The operational effect of this amendment is to remove the current regime, which says that a bill comes into operation 28 days after royal assent, the reason being that, given that bills are online very quickly, the need to wait 28 days after assent is probably unnecessary. I certainly accept that a bill could come into operation upon proclamation or upon the first anniversary, if you like, of royal assent, whichever comes earlier. Certainly the vast majority of bills that go through this place come into operation upon proclamation, but this puts it beyond doubt.

I will raise one further matter, Acting Speaker, of which you would be intimately aware, which is the government's behaviour in relation to the Racing and Gaming Acts (Amendment) Act, which of course had no default commencement date, apart from the date when royal assent was given. On that occasion we saw the unprecedented step of the government advising the Governor to withhold consent. It had to be done by the Premier, and it could not be done in writing but had to be orally done — and that has never been clarified by the government. But it had to be oral advice given by the Premier and not by another person, so one would hope it was not a government flunky doing the Premier's bidding. However, the Premier orally advised the Governor that he should withhold royal assent to the Racing and Gaming Acts (Amendment) Act. It was done amid a whole lot of speculation that the government was seeking to assist the Tasmanian Premier in securing the location of Betfair in Tasmania at the time of the Melbourne Cup carnival. There was a lot of controversy, but it was controversy of the government's own making, because I believe it was not aware of the significance of the unprecedented step it was taking.

I say 'unprecedented', because there is no precedent anywhere in Australia for a government — that is, a premier or a prime minister — advising a Governor or Governor-General to withhold royal assent for a bill passed by Parliament. Having spoken to a former parliamentary counsel I understand that the accepted conventional wisdom is that a Governor, in providing royal assent, is undertaking a legislative function rather

than an executive function. In undertaking that legislative function it is without precedent that a representative of the Crown would withhold consent. But on this occasion, based on oral advice provided by the Premier alone — not written advice, because under the Australia Act written advice can have no authority or any constitutional validity at all, so we presume that is how it was done — the Governor withheld his consent to the racing and gambling bill.

The closest precedent in Australia is in New South Wales, but after a political controversy the Governor finally relented and gave royal assent. There is no instance where assent has not been given here, except in the case of the Racing and Gaming Acts (Amendment) Act, and the circumstances of that political storm have not been satisfactorily explained to the people of Victoria.

For the only other precedent you have to go back some 300 years to Queen Anne. She exercised her royal prerogative in not providing royal assent to a bill relating to the location of militia in Scotland. That is the last occasion when something like this occurred — but it has no constitutional precedent in Australia. However, this particular bill gets over that problem, because even if royal assent is not given and even if the government does not proclaim a bill or refuses to proclaim it — which is certainly a decision of the executive government — there is a default mechanism: at the anniversary of the passing of the bill, 12 months later, the bill will come into operation.

People on the other side of the house talk about the separation of powers, but it is very important that they and others understand that they took an unprecedented step in the way they behaved. The Governor, in exercising the ability to provide royal assent, is carrying out a legislative function, not an executive function. While the Governor must act on the advice of the Premier of the day, any written instrument that provides advice to withhold royal assent has no constitutional validity at all. Therefore it had to be oral advice. But I emphasise that in that circumstance the Governor is undertaking a legislative function.

Importantly — though it may seem trivial, and it would appear there has not been much political controversy about this — what the Premier was doing in advising the Governor to withhold consent was asserting the executive's primacy over the legislature. He was asserting that notwithstanding the legislature's will, the Parliament's will, to pass a particular bill, at the end of the day he could say, 'I have the right to advise the Governor orally not to provide royal assent and

therefore to override the legislative will of the Parliament'.

That is the significance of what occurred last year. It may have been a trivial matter; it may have been a trivial bill — and I say that advisedly in the circumstances, given the political controversy that unfolded — but this is a significant matter that should give us all pause. I put it down to the fact that perhaps the government did not quite understand the constitutional significance of that advice. But that advice was given, the Governor acted upon it and that royal assent was refused. The bill was ultimately assented to on 29 November, some two months after the passage of the bill through this house. Hopefully we can put that behind us.

But the most important thing that comes out of this is that the government demonstrated — probably through sheer ignorance rather than deliberate action — that it has no understanding of the constitutional make-up of this country or indeed of this state. Essentially the Premier was asserting that at the end of the day the Premier of Victoria, who is responsible to this house, and the executive could assert their rights over the rights of the legislature. That is the matter that is of enormous concern.

I do not propose to go through all the individual parts of this act.

Mr Ryan — I think you should.

Mr McINTOSH — I want to make sure you get on before dinner!

I will just mention one other matter, which is that there is a provision here in relation to overcoming a decision of the High Court in a case called the McNamara case. Traditionally Crown immunity can be bestowed upon statutory bodies or corporations that represent the Crown through the use in a statute of the words 'representing the Crown'. That has been traditionally accepted as providing all of the immunities that would otherwise vest in the Crown in the operation of an act of Parliament, but the High Court has now said that it does not necessarily by itself provide Crown immunity. One of the amendments in this bill provides that immunity, so that the use of the words 'representing the Crown' is sufficient to bestow upon a body or person all of the natural immunities of the Crown when the body or person is representing the Crown.

The opposition accepts that that is a worthwhile amendment, but it is worth taking note of another provision here which is something we have seen often in this place and something I comment on at every

opportunity, because it is a very important matter. The provision says that if somebody has commenced legal proceedings on the basis of the High Court's declaration — that is, if, given the High Court's ruling, a person is challenging the immunity of the Crown through legal proceedings — then that particular commencement of that particular proceeding is specifically preserved and that person's rights and entitlements are specifically preserved.

This is not the first time I have seen such a provision. It is important to note that it is very common. It relates to occasions when Parliament is seeking to change by legislation the rights and entitlements that might otherwise have been declared in courts. Then if someone has actually commenced proceedings on that understanding, that proceeding is actually specifically reserved.

We have seen one occasion when this government has sought to change that. Whether it was right or wrong, a fisherman in Gippsland chose to exercise his right to have the Supreme Court declare the rights between himself and the Minister for Agriculture, who purported to revoke a fishing licence. This was a very trivial and insignificant matter. It may have been done for all the right reasons, but what happened was — notwithstanding the fact that the fisherman had sought to challenge the administrative action of the minister in the Supreme Court — that by passing legislation the government chose to override that individual's right to have his rights properly declared and vindicated by a court.

The government did that on the basis that there were five other fishermen whose compensation would have been held up. It may have been done for all sorts of noble reasons, but it is a very significant step when any government seeks to introduce legislation in this place to override an individual who is seeking to have their rights vindicated by the courts. Those matters are not significant in themselves but are significant in relation to these amendments which are worthwhile, sensible and appropriate. With those brief comments, I indicate that the opposition will be supporting this legislation.

Mr RYAN (Leader of The Nationals) — It is a great pleasure to join this debate on what some would say is an apparently innocuous but, as many would also say, extremely important piece of legislation. One of the many joys of practising law is the use of language and its proper construction. This legislation is at the very pointy end of the use and interpretation of language. One of the joys of being in Parliament is that we are often engaged in a necessary process involving the enunciation of a particular policy, its translation into a

form of legislation and then its interpretation by the courts where necessary — and it is a process which may eventually end up back in Parliament.

Often amendments have to be made to existing pieces of legislation, as opposed to the general thought that prevails in the community at large — namely, that all legislation that comes before the house is new and has a unique element to it. In fact I think about half the legislation which is debated in this place — 'half' in the sense of the number of bills that go through — have to do with amending bills and therefore making changes to legislation which is already in existence. The bill we are now debating is of that ilk, because it seeks to make amendments to the principal act which was passed in 1984.

It is significant because the content of the legislation before the house once again emphasises how important it is that when you want to communicate an idea and then translate it into the written word which is going to be the law of the land, or in this instance the law of the state, you have to be absolutely precise about how you do it. That is particularly the case in situations when people's rights are likely to be affected, when a remedy which may have been available to an individual is sought to be removed by a government of any persuasion or when people find that there is a legislative impact of a particular provision so that a course of action which they may have intended to adopt has been removed from them because of the content of a legislative instrument that has gone through this place or because of a subordinate instrument which has followed the passage of a bill through this place. Therefore it is imperative that there be utter accuracy about the way in which the legislation is expressed and the manner in which it is constructed.

That is why, in turn, the Interpretation of Legislation Act 1984 has been so critical in the way in which our laws operate in the state of Victoria. When I was practising law many were the occasions when reference was made to the principal act for the purpose of interpreting some aspect of a legislative instrument which was before the court. That highlights again how imperative it is that there should be utter accuracy in the way in which that process occurs.

This legislation makes a series of apparently innocuous amendments. The member for Kew has done an analysis of what I think are the main aspects of the bill. The thing of most interest from the point of view of someone who is looking at this from relatively afar is the position that applied in McNamara's case. The legislative amendments contained within clause 12 are precisely reflective of the comments I have made.

Sometimes assumptions or presumptions are made as to the import and impact of a bill that is before the house for debate, whereas when those provisions are subjected to the careful scrutiny that occurs in a court, and more particularly in the environment which, as I have also just described, may relate to the impact upon someone's rights, those provisions are sometimes found wanting.

Such was the case in the proceedings in *re McNamara*. Clause 12 inserts into the principal act new section 46A, which will make it absolutely beyond any doubt as to which entities may or may not have the immunity which flows from representing or, as it may be, not representing the Crown. It is just reflective in one small part of the necessity for this sort of accuracy to be in the statutes so that the people who are subject to them — namely, the citizens of Victoria — can be utterly assured that the laws are drawn in a fashion which does justice to the very important ways in which people live their lives in our state and, most particularly, where rights are sought to be affected in some way, shape or form.

I have described the content of this bill as being innocuous. I say that with respect to those who have drawn it, because to actually go through it on a clause-by-clause basis would be a task that I certainly do not intend to undertake. I notice the member for Footscray, on behalf of the government, is warming up in the traces, and it may well be that he will take the house through these important provisions line by line.

Bearing in mind that the honourable member must be anxious to climb to his feet and make a contribution on this important bill, I simply say that the legislation is supported by The Nationals. Subject to the contribution to debate by the member for Footscray, we wish the bill a speedy passage.

Mr MILDENHALL (Footscray) — The opportunity to make a contribution to this debate becomes an awesome responsibility, Acting Speaker. The house is blessed on this occasion by one of the more detailed second-reading speeches to have been provided for a bill in this house, where each clause is analysed and explained in some detail, and I note it has formed the basis of the contribution by the member for Kew. I note the support for the bill by the members for Kew and Gippsland South.

I reiterate the significance of the bill; while its contents do not seek to make major changes to the Interpretation of Legislation Act 1984, as previous speakers have indicated, the importance of the accurate construction, effective operation and appropriate shortening of

language used in acts of Parliament and subordinate instruments is a matter of some importance for this house and for the statute book.

It is also the case, unfortunately, that inadvertent errors and slight oversights in either the numbering or the expression of provisions in statutes can form the basis of legal challenge and can provide unintended weaknesses or vulnerability, or indeed consequences for the proper administration of government if these things occur.

The major feature of this bill, as other members have indicated, is the focus on the numbering of the bills that go through the house in any year. There is a fear about a gap in the numbering of acts. As was indicated, there was no act no. 68 in the acts that received royal assent in 2005; whilst the government would certainly argue that that gap represents a citation issue with no legal consequence, some concerns have been expressed that the failure to comply with the requirements in relation to numbering may leave open a technical or legal challenge to the acts that have been numbered following that gap. Again, it would certainly be an unintended vulnerability — a vulnerability that this bill seeks to remove. So it is that this bill amends the act to provide that a failure to number the acts as provided in the 1984 act does not affect the validity, operation or effect of an act passed in any given year.

In an attempt to add a bit of interest to an otherwise reasonably technical bill, the member for Kew has raised what is now a tired, trivial and already a hoary old chestnut regarding the delay in royal assent for the Racing and Gambling Acts (Amendment) Bill. This issue has been subject to an explanation to the house, so that matter ought to be despatched and, for the sake of removing tedium from the house, not referred to again by the opposition.

The other significant issue is the Crown immunity for statutory bodies, as a result of a recent High Court decision in *McNamara v. Consumer Trader and Tenancy Tribunal and Roads and Traffic Authority*, which found that a statutory body did not have the benefit of Crown immunity even though it was described in legislation as representing the Crown. Again I would argue that it was clearly the intent of that legislation that Crown immunity would be conferred on that statutory body. It is felt that there is certainly a need, via these amendments, to strengthen and clarify that intent.

A number of Victorian statutes have been drafted on the basis that describing an entity as representing the Crown gives the entity the benefit of Crown immunity,

but there is a fear that as a result of that High Court decision these bodies may now be exposed to liabilities and obligations to which it was never intended that they be exposed. Thus this bill seeks to strengthen the provisions regarding the intent to provide that statutory immunity — and we would certainly argue that it successfully does that. This is housekeeping in one sense, but it is, as other speakers have said, necessary. It is vital that not only the statute book be kept in good order, but the tool by which we do that via the Interpretation of Legislation Act 1984 be constantly updated, and this bill certainly successfully does that. I would urge the speedy passage of this bill by both houses of Parliament.

Mr BAILLIEU (Hawthorn) — I comment briefly on the Interpretation of Legislation (Further Amendment) Bill. The member for Kew has indicated that the opposition supports this bill, but at the same time he has raised concerns, particularly about the origins of clause 4 and related clauses in regard to commencement of acts. I want to make brief comments in support of the member for Kew's remarks about the commencement of acts.

The commencement provisions of the bills that come before this house are often overlooked in terms of their importance and members are often inclined to overlook also the difference between passage, assent, proclamation and gazettal. This government has had an interesting record on the way in which it uses commencement clauses, and the member for Kew has raised concerns about the Racing and Gambling Acts (Amendment) Bill and the shenanigans which went on in that regard.

Clause 4 deals with those provisions and sets out basically that the control of the executive under this legislation is now supreme. In some ways that is to be regretted, but at least we will have a degree of clarity about what can and cannot be done, which should be to the advantage of succeeding Parliaments. With those few remarks I support the bill.

Mr STENSHOLT (Burwood) — I will speak briefly in support of this bill, because I realise that time is marching on. It is one of those bills that keeps our democracy ticking over. In this case a little bit of oil is going onto the wheels and the cogs to make sure we are up to date in terms of language as well as being ahead of any possibilities of appeals in the courts over the use of language as well as correcting a case which has come before the courts and clearing up what is meant by 'Crown immunity'. I support this bill and wish it a speedy passage.

Ms ALLAN (Minister for Education Services) — I am delighted to have the opportunity to sum up on this bill and particularly thank the member for Kew from the Liberal Party for his contribution, the Leader of The Nationals, the member for Hawthorn — we cannot forget and overlook his important contribution on this bill — and also the very fine contributions of my colleagues the members for Footscray and Burwood.

This is an important piece of legislation which will continue to ensure the smooth and efficient running of this Parliament. It involves the numbering of legislation that comes before the house. It is an important opportunity for us to take stock and really reflect that as we pass a number of significant pieces of legislation, as we are this week and hopefully with the passage of the education legislation, the disability legislation — these are important pieces of legislation that this house has to pass — we cannot forget the efficient operation of the Parliament. This bill addresses that, and I am very pleased to commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

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

EDUCATION AND TRAINING REFORM BILL

Second reading

Debate resumed from 9 February; motion of Ms KOSKY (Minister for Education and Training).

Opposition amendments circulated by Mr DIXON (Nepean) pursuant to standing orders.

Independent amendments circulated by Mr INGRAM (Gippsland East) pursuant to standing orders.

The Nationals amendments circulated by Mr MAUGHAN (Rodney) pursuant to standing orders.

Mr DIXON (Nepean) — As I have foreshadowed the opposition will be moving amendments to this bill. We also wish to advise the house that we are very happy with the bulk of the bill because basically it is a mechanical bill. It might be of very large size and complex, but it draws together into one bill a large

number of various acts of Parliament that are relevant to education. There is an updating of language and a lot of mechanical work that needed to be done, plus a reaffirmation of the principles of education in this state that was overdue and certainly needed to be attacked. But we have a fundamental problem with parts of the bill, and because they are very important to the Liberal Party we will be opposing the bill.

Before I start working through the bill I would like to thank the department and the minister's office for the briefings and help they gave me. It certainly helped me a great deal. This bill had its genesis back in February 2005 with a discussion paper. A white paper followed in September 2005 and an exposure draft in December 2005. That exposure draft was out in the public for comment and had to be in by late January 2006. A number of people have said to me — and it is just obvious when you look at those dates — in relation to education it is the end of the school year, training year or whatever it might be. The long Christmas and school holidays did not leave a lot of time — even though previous work had been done — for comment, work and distribution of the exposure draft. The bill was second read in this chamber in February 2006.

I wish to go through various aspects of the bill and make some comments, talk about my concerns and, if time permits, make this bill relevant to some of the educational issues in my electorate. The school leaving age is being raised in this bill from 15 to 16 years. I looked at the Organisation for Economic Cooperation and Development figures and school leaving ages range from 14 in Greece to 18 in Germany.

An honourable member interjected.

Mr DIXON — I rest my case. In Australia 15 and 16 are the usual school finishing ages. Let us be consistent around the country when we are raising the age to 16. I know there is research that shows the longer a young person stays at school, the more likely they are to move on to a higher paying job and higher qualifications. But we have to perhaps drill down a little more deeply, as we often have to do in education.

Education is often seen as a black and white issue, but there is quite a grey area here. It is okay for a child to stay at school as long as the pathway, course and subjects they are doing are relevant to them, they are gaining something out of them and they are going to lead to better further education and training and employment. If they are at school just because they have to stay because they are still 15, that does not do them or the school any good. We have to be very careful when we raise the school leaving age that we

have a realistic plan for those individual children who might have left while they were 15 years old.

The other measure it reminds me of is retention rates, which are often used as a measure of quality education. That is not necessarily so, especially when you look at year 12 retention rates. This government I know is very keen to have as many young people as possible finish year 12, whether it be through the Victorian certificate of applied learning, vocational education and training or the Victorian certificate of education. You have to look a little more deeply at retention rates. If it is better for that young person to be out there in training away from formal school, whether it be in a Council of Adult Education course, in a TAFE institute or actually employed, and that is the best thing for that person, that is a good pathway and it is no reflection on the retention rates and preoccupation with retention rates in our schools.

On the issue of compulsory attendance, at the moment a parent can be fined \$20; that has been raised to 1 penalty unit, which is now \$104.81 — and I presume that is an indexed amount. I think it is very good that we are formalising school attendance, which is a parental responsibility. It is not the responsibility of the child to turn up to school, it is the responsibility of the parents to ensure their children attend school; and I believe the parents should be penalised heavily for not complying with that. There are often reasons behind non-attendance, but the onus is still on the parents.

I welcome this part of the bill because regular attendance at school builds up a lifelong skill — that is, an attendance to whatever commitment one makes. Whether it is a work commitment, a further education commitment or a commitment to turn up to team training in a sport, it is a very important skill to learn; and it is very important that it is instilled in those early years.

The bill updates what I think has been an understanding about voluntary contributions — that is, free education has to be provided for the eight key learning areas — the arts, English, health, physical education, languages other than English, maths, science, studies of the society and the environment, and technology. Every year we hear the recurring argument when parents complain to the media, to the opposition and to the government that they are being forced to pay a 'voluntary' contribution. If it is not in writing, all sorts of coercion can happen.

The minister has been coming out every year — it has become a regular event — and saying that is not the case, that this is a voluntary levy and schools should not

be coercing parents. I am glad the bill actually clarifies that point. It clarifies where free education comes from and what is the place of voluntary levies.

You wonder a bit about schools that insist on 'voluntary' levies, because it begs the question: why are they desperate for cash, why are they so short of cash? Perhaps it is a symptom of a disease: schools have a shortfall of cash to pay for their educational programs, therefore they pass that onus on to the parents rather than through these so-called voluntary levies and rather than going to the government from whence the cash should come.

Under this legislation government schools will remain secular. This is a very important point. 'Secular' means 'outside of religion'. I was amused to see the Defence of Government Schools advertisement yesterday in the *Age*. It is an interesting reading of the legislation. They seem to be reading a different piece of legislation from the one I was reading. I had a phone call from a very irate constituent who believed everything she read in that advertisement, and being a forthright sort of person I gave her the minister's phone number so she could have a discussion with the minister about it. I actually found myself defending the government and defending the minister, which was pretty outrageous!

The bill clarifies that schools can teach comparative religion. It is a subject and is part of the courses in our schools. Religion is a very important part of current issues, and this is a time in our history where religion plays a huge part. Whether we are talking about multiculturalism or world events, religion plays a part in it. That is recognised in this bill, and I think that is very good.

Schools may offer religious education as long as attendance is voluntary and the education is offered by instructors who are not only qualified in the teaching of religion but who have also passed police checks, because they are working in our schools. While this bill was under discussion, about 198 separate petitions were presented in this place with over 15 000 signatures on them, ensuring the government understood how important it is for parents who choose to have voluntary religious education in their children's schools to be able to send their children along to those classes. I have a sneaking suspicion that the government was perhaps looking at an alternative to that sort of religious instruction in schools and that the overwhelming number of petitions and the public outcry put paid to any such thoughts members of the government may have had.

In this context I mention the chaplaincy services which operate in many of our schools. The chaplains do a fantastic job — not in a religious but a values sense — in working with children and in counselling them and their families. That is a very important contribution to our schools. Obviously the bill is silent on those services, but chaplains do a great job. Four schools in my electorate have a chaplain working in them and I commend their work.

Choice is another aspect of the bill. It provides that parents will send their children to the designated neighbourhood government school and clarifies that, but provides also that children can attend a school in another area, for whatever reason, as long as there is a place for them at that school and it is not to the detriment of children who live in the neighbourhood of that other school. One of the main reasons that parents want to send their child to another school is that that school specialises in a curriculum program in which they consider their child has some expertise and talent. It is an excellent model that allows schools to develop an expertise and specialise in a curriculum area. There should be more of it.

We have some hidden gems in our schools, and they should be encouraged to promote themselves and expand on the good work they do in certain curriculum areas. Not only should they do so for the students they teach, but they should pass on their knowledge, learning and experience to other schools as well, so that in the end the whole education system benefits from schools that specialise in certain areas.

The concept of choice includes choice of system and setting. Again, the notion of choice is very important and does not apply to just deciding which government school a child will attend. The notion of choice is an essential part of a democratic and fair society and it makes schools more accountable to the parents and their community, as they need to be. If parents are able to choose between schools, systems and settings, schools have to be accountable so that they can work within that framework of choice.

It is important that choice also encourages competition between schools. Competition is not a dirty word when applied to schools because it is great for schools to be competing for students. Parents will send their child to a school that has the combination of the best facilities, the best teachers, the best curriculum and the best atmosphere — whatever attracts them to a school. If one school is offering something that suits their child better, that is great because it means that that child will receive an education that suits them. It encourages teachers at the other schools to say, 'We are missing out

on students'; to ask, 'Why are we missing out on students?'; and to say, 'Perhaps we should be looking at what we are doing'. Therefore choice is a very healthy thing in our schools — and it is a strong Liberal ideal.

Passing on information to parents is also part of the bill. It provides that schools must prepare annual reports to their school community. At this stage the actual detail of what those reports might contain is missing — presumably that will be included in the regulations. We need not just general things but to be quite specific on the sorts of things that schools should be reporting to their parents, students and in some cases teachers. Sometimes in quite large schools some teachers are not quite sure of the full picture of their school. Those sorts of measurements and comparisons should be available for the school community — not only the results the school is achieving but how it compares with like schools, neighbouring schools, other schools in the state and in a national and perhaps even an international sense.

As much information as possible needs to be out there for parents so that they can make a good choice about the future education of their child. When that information is given to parents and to the school community it must also be very relevant, free of jargon and in a language that is understandable. Having worked in the school system for a long while I know how prone we can be to jargon — we do it in politics; every profession does it — but it is very important that parents understand what is happening in their children's schools.

The Victorian Registration and Qualifications Authority (VRQA) is established by this bill. It will be registering all schools, all training providers and all non-university higher education providers in this state, and it will also be monitoring home-schooling. All of those schools and education providers must satisfy the authority that they are providing minimum standards. Again, there is not too much detail in the bill about what those minimum standards might be, and it is important that we are very particular about the content of those minimum standards, whether they are curriculum standards, whether they are infrastructure standards or whether they are teaching qualification standards. It is also important that we establish how those standards are going to be monitored. It is very important that that is covered in the bill as well. We need to know how that information, again in plain language and in a relevant form, will be given out to the school community.

One of my amendments goes to the issue of home-schooling. It depends on whom you listen to. The department says there are about 2000 children being

home-schooled; the home-schoolers say there are up to 8000. Whatever we might think about home-schooling in a professional sense or in a political sense, that is a parental choice, and members of the Liberal Party respect that. Again that ideal of choice is something we hold very dear. It is paramount that parents have the choice of the setting, the system and what school their children go to.

There are various motivations for parents who want to home-school their children. Some parents think they can do better than their local school. They may have had a bad experience at one school or another, and they think they can do better at home. Some do it for religious or philosophical purposes, others do it for the safety of their children or perhaps because their children have been bullied at a school or a number of schools and they feel they would be safer being taught in a home environment. As a professional educator I do not agree with home-schooling. I can understand why some parents do it, but I chose to have my children educated in a formal school setting. The bottom line is that it is important that parents make the best decision for their child. The personal choice that parents make is very important, and they need to have that option.

This bill is not about home-schooling of children, it is about the registering of home-schooled children, and that is all it talks about. Even though parents have been assured they are not signing a blank cheque, they are convinced that they are. They do not know the regulations they will be signing up for. They do not know whether they are going to be charged, which is what happens in Queensland, which has even increased its charge to parents who have registered their child for home-schooling. They do not know what is in it for them. I quite understand their concerns, and I do not think they should sign up for a whole bunch of regulations that they do not even know are out there. I have been assured and they have been assured that it will be light-touch regulation and will not be onerous.

Another complaint we have received about this is that it is quite a late inclusion. At the start of my contribution to the debate I talked about how this bill came about. It was quite late in the process that home-schooling all of a sudden appeared. It was not in the discussion paper and it was not in the white paper. I wonder what was the motivation. Who whispered in the ears of the bureaucrats or the minister about home-schooling and came up with these very onerous regulations, which as I said are about regulation, not about education?

Corporal punishment is mentioned in the bill, and I totally agree with the provisions relating to corporal

punishment. There should not be a place for it in our schools.

The bill also provides that no person up to 20 years of age should pay for their education, which is laudable.

Ms Allan interjected.

Mr DIXON — Just laudable! However, the bill is silent about people over 20 years of age.

Honourable members interjecting.

Mr DIXON — If the minister reads the legislation she will see that it can be easily interpreted that way. I am not the only one; a lot of people have interpreted that legislation as meaning —

Ms Kosky interjected.

Mr DIXON — I take up the interjection. I hope that the minister sorts that out and makes an iron-clad guarantee in this place that anyone over 20 years of age who wants to complete their Victorian certificate of education in any setting can do so free of charge. They should not have to pay for it; education should be free, secular and compulsory.

In a philosophical sense I believe that government schools are often talked about as institutions that provide public education, but I think all schools provide public education. No matter what school children go to, they come from the same neighbourhoods and the same socioeconomic environment. To me, that is public education. It is not about some elite group being plucked out to be educated in some sort of system or school. The majority of children in all our schools come from, as the name implies, the public. All schools provide public education. It is not solely the domain of government schools.

I wish to address a few issues regarding the Victorian Registration and Qualifications Authority. I want to mention a review of the Registered Schools Board which was conducted in March 2004. A number of recommendations were made about the board, which was in charge of the registration of non-government schools and teachers. A number of interesting recommendations were made in that review, some of which were about new schools policies and the power of governance of non-government schools. If the minister had responded to and issued policy about some of these recommendations, there might have been a bit of educational fur flying and there would have been a very interesting debate throughout the Victorian community. I fear that some of those recommendations have been snuck into this bill in answer to that review.

The Victorian Registration and Qualifications Authority will introduce further regulations for the registration of schools. These further regulations will be under general headings such as ‘enrolment policy’, ‘student welfare’, ‘curriculum programs’ and ‘governance and probity’. They are very important details regarding all of our schools, and they need to be addressed. The VRQA will be a very powerful authority, make no mistake about that. There are guidelines about who it should contain and who the minister can appoint, but they are very broad. The minister will have a tremendous amount of power and could make appointments in a very broad sense and, I dare say, stack the authority. I am sure the present minister will not do that, but I am sure a minister could stack the VRQA and play political and sectarian games.

I have real concerns about the power of the VRQA on that level. For example, the bill provides for absolutely no representation on the authority — or no requirement for the minister to have representation on the VRQA — from anyone from a non-government school. There are broad statements about non-government schools — about the Catholic system and about independent schools — but there is no requirement for them to be represented. This governing body will have all the power in the world over the basic structures of our schools, no matter what system they are in. I do not think that is good enough, and one of the our amendments is about that matter.

I am told that the VRQA will delegate authority to systems and schools to self-regulate and to self-review, and no Catholic or independent school is hiding from that sort of review. In a previous occupation before I came to this place part of my job was to review schools. It is a thorough process and needs to be done, because parents need to know what is happening so they can have confidence in their children’s schools.

This sort of regulation or delegation of authority to schools might work. It is going to happen, I have been assured, but I cannot see why the legitimate Catholic system and the legitimate independent schools in our state should, within this bill, be given the authority to do those things rather than through delegation. It is a concern that I know the Association of Independent Schools of Victoria (AISV) and the Catholic Education Commission of Victoria have. I do not think it is a huge change, but here is an opportunity — a total rewrite of our Education Act — and I think that opportunity should have been taken. I am sad that the opportunity has been missed to give that direct authority through this bill to those systems.

The AISV has also made recommendations — firstly, that it would like the legislation to provide that a non-government school of a particular faith has the right to teach and promote that faith, and that should be enshrined in law as well; and secondly, that the Victorian Registration and Qualifications Authority must consider the independent nature of the schools. That recognition is not in the bill. It should be included among the principles of the bill and it is very disappointing that it is not there.

It has also been interesting, as we heard today, to learn of the non-recognition of our independent schools in terms of the Snowy money. The \$600 million bonus will hopefully be spent on investment in the future of our schools, but apparently not in any of those independent schools. They will still receive their regular funding from the government, but there will be none of that extra bonus, so again that probably puts flesh on the bones of what the Leader of The Nationals was talking about today.

Ms Allan interjected.

Mr DIXON — I am talking about your Snowy money.

Ms Allan — And I'm talking about your federal government.

Mr DIXON — In summary, the majority of this bill is fine. It is an update. It is about principles of education that we have no problem with; we are comfortable with them. Even putting aside my political preferences as an educator, I am comfortable with the vast majority of the bill.

However, this lack of choice and lack of recognition of other systems and settings and other sorts of schools is missing in the bill. It is not articulated in the bill and that is a basic tenet of ours. Choice is a very basic tenet of the Liberal Party, and its members think that has been left out of the bill. After all, 40 per cent of children in this state go to schools that are not government schools. That equivalent recognition should be in this bill, but it is missing.

Finally, I have talked about education on the broad level, but we need to bring it down to the local level and consider how the sorts of issues we have talked about in the bill draw down into our own local areas — for example, let us talk about the Mornington Peninsula. There are some tremendous schools with wonderful programs on the Mornington Peninsula, but they also have their challenges. One of the challenges is Boneo Primary School, which has the reputation of being the

only school in Victoria without a permanent building. Even the dunny is a portable. Everything is a portable!

Ms Kosky interjected.

Mr DIXON — At Boneo Primary School they call it a dunny, I am afraid; they do not call it a toilet!

The office is portable, the classrooms are portable, the staff room is portable, everything is portable. Although there are over 300 children attending the school, the department will not give them any recognition that they have a future on that site and they are not allowed to even plan for a permanent building on that site.

The former shadow education minister, the honourable member for Doncaster, gave the assurance that under a Liberal Party government that school will undergo a planning process. We will guarantee that it will stay on that site. If that school community wants it to stay on that site in a permanent building, we will certainly allow that to happen.

There are not only great government schools in my electorate but also some tremendous non-government schools. Padua College, St Joseph's School and Our Lady of Fatima School, of which I was principal, all do a wonderful job in their local community. When you look at my local community and all of these schools — government and non-government — you can see that they all provide public education. The children who attend them come from the same suburbs or townships, and they are the same children who on the weekends mix together. All of them, no matter what the system or school they attend, should be treated fairly and equally. I pay tribute to the schools in my electorate for the wonderful work they do. At another stage — not in this debate but leading up to the budget — I will talk more specifically about some of those schools and some of their needs.

In the couple of minutes left for my contribution I will give a few musings about education that I believe are relevant to this bill. I talked about retention rates as one of those black and white measures used to measure a very grey area — that is, education.

Class sizes are another one I wish to mention. Class sizes are a very easy measure of whether a class, school or government is doing a good job, but it is not black and white. It is the quality of teaching, the quality of leadership and the school facilities and the maintenance of those schools. There is some incredibly low maintenance in some of our schools, but I do not have time to talk about that today. But class sizes are not the true measure.

I would rather have my child taught by a fantastic teacher with a great principal in a class of 28 than by an average teacher and an average principal in a class of 21; you cannot tell me that the child will not get a better education in that larger class than in the smaller class. There are variations on this: it is a totally grey area and you cannot be black and white or specific about it. Class size is not the only measure of education but like retention rates, it is often trotted out as a measure of the quality of a school system — but it is not.

It is not specifically mentioned in this bill, and I do not know whether it will be picked up in the legislation or later amendments, but as well as having primary and secondary schools, the government proposes to introduce the so-called tech schools following the lead of the member for Warrandyte's 2002 policy of technical schools and the Australian technical colleges established by the Howard government. This government has finally come on board.

There is no specific recognition, and perhaps there does not need to be, but the thought occurred to me in the last couple of days that perhaps there should be some recognition of the importance of technical education and of that stream of education for our young people. It is vital in our community now, and perhaps it should be recognised specifically within the legislation. I may have missed it, but I do not think it is there.

I will end my speech today by saying that most of this bill is fine, but we have real concerns about the choice aspects that we feel are missing from this bill and which are very dear to us.

Mr MAUGHAN (Rodney) — I am pleased to be able to speak on the Education and Training Reform Bill. I preface my remarks by saying that we have a very good education system in Victoria, and while we will differ as to the emphases in that, we can all be proud of the education system, the teaching service and the outcomes that we achieve in education generally. Having said that, I indicate that The Nationals will not be opposing this legislation, although we will seek to amend it in terms of home-schooling through the amendments that have already been presented to the house. I will speak in more detail on that later.

I pay tribute to the Honourable Peter Hall, my colleague in the other place, for the enormous amount of work that he has done, particularly through speaking to home-schoolers, and in the preparation of amendments in the form that have been circulated tonight. I hope that the house sees fit to accept those amendments, which I think are very fair and reasonable.

The bill is good generally. It rewrites the 11 acts relating to education and training and brings them under one act. That is certainly desirable. There has not been a major rewrite of education in Victoria since 1958. As the minister pointed out in her speech, some of the provisions in the existing education act go right back to 1872, so certainly a review is necessary.

The main provisions of this bill — and most will be welcomed by all members of the house — insert a set of principles that underlie education in Victoria. They are clearly spelt out on pages 12 and 13 of the explanatory memorandum to the bill. They are a very good set of principles that I think we would all agree with. Amongst those it says:

... all providers of education and training, both Government and non-Government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the —

following —

principles and practice ...

It talks about those things which we all subscribe to and which are all important: democratically elected governments, the rule of law, equal rights before the law, freedom of religion — I am very pleased to see that the government has allowed the continuation of religious education in schools — freedom of speech and association, and openness and tolerance.

On page 13 the bill states that the learning areas in schedule 1 are to be provided free of charge to all students. That essentially means those eight key learning areas, including the arts, English, health and physical education, languages, mathematics and so on, should be free and open to anybody who wants to access the government school system. The bill also makes a number of semantic changes. It changes the name of state schools to government schools. That is a minor change, and there is nothing wrong with that.

Schools and home-schoolers will have to be registered with a new, single registration authority, the Victorian Registration and Qualifications Authority, and meet yet-to-be prescribed standards. This is a problem, because those standards have not yet been articulated or prescribed. There is obviously some concern out there in the community about what these are going to be, what the government's intentions are and how it is all going to be done. The bill increases the school-leaving age from 15 to 16 years. That sounds good, but one is sometimes concerned about those children who do not go until the age of 16, who are not academically inclined and who need to get vocational education and

training. I will be interested to hear the minister's comments on that at a later stage.

I am pleased to note that the status quo has been maintained on religious education in schools. That is very important, and I support the comments made by the member for Nepean about the vital role chaplains play in our schools. They should be supported, and we need to acknowledge the role they play. The bill also indicates that parents seeking to home-school their children will need to seek the approval of and have their applications assessed and monitored by the Victorian Registration and Qualifications Authority. Again, this is an area of some concern, and I will speak a little more about that shortly.

Matters involving free instruction and voluntary contributions are referred to but are not being significantly changed, so the notion of free education is still there. The reality is that voluntary fees are provided for and there is a fair bit of pressure on parents to pay them. Clearly there is no problem for those who cannot afford to pay, but there is concern about people who do not pay as a matter of principle, which then increases the cost to those other families that are prepared and willing to pay the voluntary fees. The Victorian Learning and Employment Skills Commission, which was once the State Training Board, has been renamed yet again and will become the Victorian Skills Commission. There are no dramatic changes there and nothing we vigorously object to, except the home-schooling changes. I note that there is absolutely no reference to neighbourhood houses, which provide important educational services to people in the community.

There is not sufficient reference to preschools. I would argue that preschools are by far the most important part of our educational sector. They are far important than the primary, secondary and even tertiary sector, because in the first six years of a child's life you can certainly make an enormous difference: you can determine the outcome an individual is going to have 10 or 15 years down the track. As a Parliament we do not pay enough heed to the simple fact that a dollar not spent in the first five or six years of a child's life costs us seven or eight dollars further down the track. I would like to see a much greater emphasis on preschool education in this bill. I contend that preschool education should be part of the education portfolio, not because it is an educational thing but because the preschool sector is the poor relation out there in the community.

It is badly funded. It is up to the community in which it is based as to whether there are decent facilities or not. It depends on whether the local council is interested or

concerned enough to run preschools. It depends on whether the preschools are in a centre of high population or whether they are in remote areas.

We would argue that preschools are by far the most important part of the whole education sector and therefore should rightly be under the education department. Some of the benefits of that are, firstly, the parity of preschool teachers. We would argue that the best and brightest of our teaching fraternity should be in the preschool sector where they can make an enormous difference. Equally important is the provision of facilities. It just does not make sense that the government provides the facilities for primary schools and secondary schools, and preschools are left to the whim of local councils or the goodwill of the local community. In those smaller rural communities there might be only 20 or 30 families in that area and 10 or 12 families supporting the preschool. It is an enormous burden on those families to be able to raise the money to actually build and equip their preschool and, in many cases, to raise \$8000 or \$10 000 in order to subsidise the employment of the teacher. Kids in the more remote areas of Victoria are denied the same sort of opportunity that children in the metropolitan area or in larger regional centres obtain.

Preschool education is vitally important and should be included in this legislation before the house. The amendments that we have circulated will require those wishing to home-school to register their children for home-schooling. However, that registration is not to be subjected to satisfying the yet-to-be prescribed standards, and the Victorian Registration and Qualifications Authority should have no powers to audit home-schoolers.

Mr Delahunty — Home-educators.

Mr MAUGHAN — 'Home-educators'; I thank my colleague from Lowan. If the government believes the child is not being home-schooled appropriately, then they will have the option of taking the children to court, as is the current situation. I would be interested to know why the government is taking this heavy-handed approach — the nanny-state approach — of wanting to regulate it and to tie it up with red tape. We have not been presented with one shred of evidence that suggests that home-educators are anything other than very conscientious and dedicated people, on the whole, or that there is any problem out there in the home-school sector.

Mr Helper — On the whole we do not actually speed either.

Mr MAUGHAN — I do know something about home-schooling. I note that in this state there are probably 5000 to 10 000 home-schoolers, and I understand that there are about 60 000 home-schoolers throughout Australia. I have had quite a lot of experience with home-schooling in Canada. I have nieces and nephews who have been home-schooled themselves. They are all now young professionals and are home-schooling their own children with excellent results. I have seen what can happen in overseas communities. I have seen the dedication of home-schoolers. I know that those children are not denied the social activities that many members say is the case. They do engage in a whole range of social, sporting and cultural activities, and I pay tribute to those people who are in home-schooling.

I also pick up the point that was emphasised by the member for Nepean regarding the Snowy River money that is going to be spent in government schools. Where is the equity in that when you have a third of the population who pay their taxes — you have the home-schoolers, who are paying the whole cost of their children's education, and you have those in independent schools, who are getting some assistance from the commonwealth — and are saving the state an enormous amount of money?

I am looking forward to some of the Snowy River money coming to both Kyabram and Echuca: I will have my hand up for that!

Ms Kosky interjected.

Mr MAUGHAN — I will take the minister's advice and back off! But I make the point that those who are home-schooling and those who send their children to non-government schools — they are not all wealthy parents, and the vast majority who send their children to non-government schools do so for very good reasons in most cases — pay a considerable price for choosing to educate their children in that environment.

I could go through the bill chapter by chapter. I have already said I agree with a number of things the minister has said on the general principles. In her second-reading speech she says:

The successful provision of quality education and training for all is the critical requirement of all modern democracies to enable their citizens to flourish personally and to maximise economic, social and cultural opportunities.

We all agree with that. The difference is how we achieve those objectives. I note there were changes to the training legislation in recent years including to the Vocational Education and Training Act 1990, but the

Schools Education Act 1958 is now almost 50 years old and contains provisions that date right back to 1872.

I will not go through all the provisions of the bill because we agree with most of them. I want to pick up one other point in the minister's speech and will then spend the rest of my allocated time dealing with home-education. On page 9 of her second-reading speech the minister says:

Whilst we consider that the decision of the minister to discontinue a particular school should be final, it is the processes that lead to that decision which will be critical. Our policy will not see government schools being closed without community support and ensuring there are other appropriate education services in place for students.

I note the government still reserves the right, which is not subject to appeal, for the minister to take that decision to close government schools. That is fair enough; I do not argue with that, but I think it is a bit hypocritical when the government has been so critical on previous occasions when there have been very sound decisions to close government schools. This government is now reserving for itself the right to close government schools, but it is not subject to appeal, whereas under previous legislation it was subject to appeal in the courts. The government talks with two tongues when it talks about sections 85 and 86. It cries out about what the previous government did but is now doing exactly the same itself.

Let us now get onto home-education, because I think that is very important. Section 53(1) of the Education Act 1958 states:

The parents of every child of school age shall, unless there is a reasonable excuse for the child's non-attendance, cause such child to attend a State school on every school half-day in each week.

The Community Services Act virtually repeats the same phrase. It states:

Attendance at a school on any school day for two hours before noon or two hours after noon shall in each case be attendance on a school half day.

Section 53(3) of the Education Act states:

It shall be a reasonable excuse as regards any child that —

and this is the important bit —

- (a) the child is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are required under this section with regard to attendance at State schools;

That has worked remarkably well until now. There have been no problems that the government has

informed us about. There are no problems that we are aware of with those provisions relating to home-schooling. I ask the government: how many parents have been prosecuted in the last 16 years for not complying with that legislation? I can tell them the answer: not one in the last 16 years. The adage is, 'If it ain't broke, don't fix it'. Why bring in this prescriptive legislation that is tying up home-schoolers in red tape?

There have been no prosecutions under the Community Services Act in the last 16 years. There are no clear examples of instances where home-education has been abused, but under this legislation parents must comply with standards that are yet to be published. Parents should have the right to educate their children as they see fit. The government sees it differently, and, as I indicated before, it is yet another example of a nanny state that wants to regulate every aspect of its citizens' lives. Now it wants to get its fingers into education.

I will speak briefly about home-education. Dr Alan Thomas has done quite a lot of study into 200 home-educating families. He says:

Learning at home is on a one-to-one basis and is therefore highly intensive. In consequence the 'school day' is typically shortened to an hour or two daily ... Informal and incidental learning feature a great deal in home-education though not in school.

He goes on to say:

Children ... have the time to follow their own interests, sometimes in great depth. Most are avid readers.

I can attest to that from my own personal experience of observing home-schooling. Dr Thomas goes on to say:

I believe it is essential that any proposed legislation that has a bearing on home-education needs to be based on an understanding of its diverse nature and its successful use of informal educational approaches.

I think that is very important. I have a number of letters; we, on the opposition side, have been inundated with emails and letters. I will pick out a couple of relevant points in a fairly typical letter from Robert Withall, a constituent in Kyabram. A matter of immediate concern to him is:

... the proposed new education bill as it applies to those who exercise their responsibility and right to home-school their children.

He refers back to when this proposal was put forward by the Cain and Kirner governments in 1991–92 and quotes some headlines and articles at that time:

'KGB blast on school law', 'This will create a Victorian KGB', 'Police state' et cetera ...

He says:

My great concern back then and it is the same now that such legislation in fact removes parents rights over their children and transfers those rights to the state ... This must not be allowed to happen.

He goes on to talk about a parent's rights and the powers given to attendance officers. One wonders what these attendance officers are going to do. He poses the question — and I think it is one of a number of reasonable questions:

If something is not broken and it is working well, why change it?

Robert continues:

I maintain the present act in regard to home-schooling is working well and sets a good balance.

We would agree with that. He goes on:

If minimum standards are to be set, why are they not set yet so we can know where we stand?

...

I note the proposed legislation equates to giving the relevant authorities a blank cheque, the details to be filled in later.

I have another pertinent quote:

When Steve Bracks came to power he promised open government and public consultation. Why is it that the proposed legislation was only released just prior to Christmas, and the date set for submissions set early in the new year ...

Home-schoolers are put out because they have not had sufficient time for consultation. They have not had sufficient interaction with the government. I refer to an article in the *Age* of Monday, 6 March, on home-schooling. It says:

But the Home Education Network fears the bill will give unlimited powers to the regulatory authority, including the right to dictate curriculums ...

I have several other letters, including one from Niven Neyland, who says:

As a home-schooler for the past 10 years I am alarmed at the content which pertains to home-educators. This bill can effectively put us out of business!

There are many more letters along those lines. I commend to the house the amendments which have been put forward by The Nationals.

Ms ALLAN (Minister for Education Services) — I am delighted to join the debate in this house as the Minister for Education Services and as a member of the Bracks government, because this is important and historic legislation that is going to mean a fundamental

overhaul of the education acts in this state. I think it was just a little bit mean spirited of the member for Nepean to refer to this legislation as simply a mechanical bill, because this is not just a mechanical bill.

Yes, the legislation addresses a number of technical amendments, but this is a fundamental overhaul that will produce a modern legislative framework to govern every educational institution and the provision of education in this state. When you consider that parts of the current acts have not been touched since 1872, you realise that this bill will not simply be modernising some sections of the legislation, it will also be providing a beacon for the future — a future where, for example, we see the compulsory minimum leaving age raised to 16 years of age. The bill is enshrining firmly in our legislation the principles of free instruction.

In an Australian first and a first among the countries of the Organisation for Economic Cooperation and Development we are also seeing the establishment of a new statutory authority that is going to cover all education providers. When you couple this legislation with the enormous efforts that the Bracks government has been putting into rebuilding the education system in this state — whether that is through the additional teachers, through the lifting of the year 12 retention rates or through a massive \$1.2 billion injection into school capital works — you see that this is a very complementary approach to the enormous efforts we have been making over the last six and a half years. And they were very positive years, which I am sure the member for Swan Hill will agree with me about!

I want to confine my comments on the legislation to one area within my portfolio responsibility, and that is the area of school councils. As we know — and as every member of the house would no doubt agree — school councils play a very valuable role in the governance and operation of our schools. They are the one place where all those interested in a school come together around the table. You have principals, teachers, staff, departmental representatives, community representatives and parents, and in some cases students as well. They all come together around the table in the school council, which establishes the broad direction and vision for the school.

School councils have wide-ranging responsibilities to set general educational policy, to develop the school plan, to report annually to their school community — which is a critical role — and to approve and monitor the school's budget. Considering those roles, it is important that school councils have a very sound governance practice that sits over them. That is why through these changes we are making to the entire

legislation we are modernising the provisions that relate to school council governance. We are really recognising the important role school councils have in policy direction setting within schools and in enshrining that in legislation.

The background to this bill is that as part of the changes to the education act a technical analysis of the existing legislation was undertaken by the department. That was a considerable piece of work, and it identified the need not only to modernise but also to consolidate the school council powers provided for throughout the Education Act and also to clarify the roles and responsibilities of school councils in government schools. The developmental work associated with the blueprint for government schools highlighted the need to look at the practice and legislation in this area.

In March of 2005 I commissioned a review of school governance in Victorian government schools. We released a discussion paper that went right throughout the school communities, calling on those communities, school representatives and the community in general to give us their views on how school councils should be governed and how they should operate. We had significant consultation. As the consultation on the Education Act was rolling on, we also undertook significant consultation just looking at the operation of school councils. I am pleased to say that more than 350 people attended forums right across the state and more than 130 submissions were received.

Honourable members interjecting.

Ms ALLAN — The member for Lowan should remember that this consultation was just on the one area. This is just one area of the act. The department had an enormous response to the entirety of the education reforms, and this was just focusing on one area. It was a terrific response.

A strong and consistent theme which many people identified and raised throughout these consultations was the need to articulate the respective roles and responsibilities of school councillors and their relationship to school principals. The passing of the Education and Training Reform Bill through this Parliament will provide for these issues to be addressed through legislative change. It will improve governance structures by giving school councils a more clearly defined role.

I am also very pleased to say that, for the first time, this bill includes a clear statement of the objectives, functions and powers of school councils, thereby providing for a transparent structure under which

school councils and therefore the broader school community can not only operate on a day-to-day basis but also undertake relations with each other. Through the passing of this legislation we will see school governance structures improved to accommodate the different models of education provision, and the new cooperative arrangements which are developing between schools and other education and training providers will make sure we have a modern framework which will enable those future relationships and arrangements to be covered. We are doing all of this, recognising the important role that school councils play within school communities.

We are also recognising the important role a school council plays in reaching out to the broader community which sits around the school while strengthening the link between a school and the school community it serves. That is why community representation on school councils is very important. We want to make sure we continue to support school councils and school communities to play a role in the running of their schools, because we know that schools are very much at the heart of every single local community they sit within. As all members of this house know, communities feel incredibly passionate about their schools. The enormous number of voluntary hours that school councillors put into the operation of their school councils reflects this.

This bill also articulates the key role that school councils play in the development of important and practical things like school plans and annual reports, which are provided to every school community. The bill also highlights the financial management responsibilities of government school councils.

In conclusion, I would like to thank everyone who made a submission as a part of the school governance review and also recognise the role of two key stakeholders in this area who have worked closely with me, my office and the department — namely, the Association of School Councils in Victoria and the Victorian Council of School Organisations. These two peak organisations represent school councils in this state, and they have made valuable contributions not just to this review but by providing advice to me more generally.

I would also like to acknowledge the huge amount of work that has been undertaken by the department on school councils and on the enormous bill we have before us. Everyone who has been involved in the drafting of and consultation on this bill should be very proud that they have played a role in putting in place a modern framework which not only deals with the issues

of today and the issues of tomorrow but ensures that as a government we can provide the best possible support to every educational institution in this state, particularly to our schools. When you consider that we have over half a million students in Victorian government schools, you realise that that is a very big role. On this side of the house we are very proud of the work we have done in the last six and a half years in rebuilding our education system. It is work that we will continue to do.

I would also like to congratulate the Minister for Education and Training for bringing forward this bill. As I have said, it is the result of a significant amount of work. The bill is a flag for the future. It is the Bracks government that puts education first. Education is our no. 1 priority, and we will strongly support it through legislation and strongly support it through funding. Most of all, we will support our schools. I am very pleased to commend this bill to the house.

Mr HONEYWOOD (Warrandyte) — On the face of it you would want to support any piece of legislation which reduces 12 acts of Parliament to 1 and 700-plus pages to approximately 400. I would like to congratulate some of the key people involved from the Department of Education and Training. In particular I congratulate John Livi, who has done an incredible job in education for various governments over the years, Michael Kane and others for the enormous work they put into this mammoth task.

However, as with any large piece of legislation, the devil is always in the detail. So much more could have been achieved given the amount of work that has gone into this incredible undertaking that we have here before us. Apart from my support for the opposition's four important amendments, I have a number of key concerns, and I turn to the bill to cite some of them.

Firstly, I refer to page 12 of the introduction bill before us. Part 1.2 is entitled 'Principles', and principle 1.2.1(d) states that:

parents have the right to choose an appropriate education for their child ...

We all know that is fine rhetoric, but let us look at the reality. In New South Wales alone there are 32 academic selective-entry secondary schools that are government secondary schools. Most of those 32 academic selective-entry government secondary schools have been established by Labor governments over the years. Yet what do we have here in Victoria? We have two — MacRobertson Girls High School and Melbourne High School. What does that mean? That means that we have young people who have to travel

2 hours each way — many come from Gippsland, Warragul and further afield, from way over in your electorate, Acting Speaker, and further afield in the western suburbs, even from Geelong. They spend half the day travelling to access the only academic selective-entry government school for their gender in the state.

Let us look at the rhetoric and the reality. In Victoria, even with this legislation, parents do not have the right to choose an appropriate education for their child if, for example, they want to choose a selective-entry academic high school. Of course, we do have some high schools that have the select entry accelerated learning programs for specific learning areas, but they are very few and far between and, by and large, specialise in certain subjects only.

If we take that rhetoric further and look at the issue of kindergartens in primary schools, we must ask: how many parents actually have the right to choose to send their kindergarten-aged child to a kindergarten that is in a primary school setting? The reality is that kindergartens are quite separate from primary schools, and in this state it is the Department of Human Services which, for some reason, has jurisdiction over kindergartens, and it is the Department of Education of Training that has jurisdiction thereafter. Again, parents do not have the right to choose an appropriate education for their child if they want their child to go to a kindergarten that is in a primary school setting. That choice is not there in reality.

And again, as we found from the representation on the matter of home-schooling, this legislation will actually require greater hurdles, or high jumps, in terms of the home-school option. Again we see the rhetoric versus the reality and the principles versus the practice when it comes to education in this state.

Part 1.2.1(e) states:

a school community has a right to information concerning the performance of its school ...

We know the reality versus the rhetoric, because it is the teachers' union that runs the education system and not the minister here in the state of Victoria, so only certain data is made available for parents to do a real comparative analysis. Only certain data is made available, not a full range of transparent data that would give parents a clear and genuine indication of their child's performance in a like school — and I stress 'a like school' because we want to ensure that we are not just comparing schools in one suburban area; we want to compare schools that have genuine socioeconomic factors that relate to one another.

For example, as you would be aware, Acting Speaker, about 30 per cent of the students at St Albans Secondary College are Vietnamese Australians. Since the influx of Vietnamese-Australian students, the academic standards and indeed the academic rigour of its students have actually increased and been enhanced, but when compared to other schools in the area on a demographic basis you would have to say that St Albans Secondary College rates similarly, except for the particular cultural issues that prevail at that secondary school.

When it comes to parents actually having the right to get information concerning the performance of the government school that their child attends, they are given very restricted data; it is only the data that the Australian Education Union wants released, because it does not want poor teaching to be identified. It does not want schools that do not have excellent teaching or excellent leadership to be identified by any parent, let alone by anybody else in the community. Again, it is rhetoric versus reality. Community scrutiny of the performance of government schools is again going to be left hidden because, as we all know, this government is beholden to the trade union movement. That is my principal concern.

If we go over to page 14 of the bill we find section 1.2.3 and this wonderful Labor Party camouflage defence which I will quote from:

Nothing in sections 1.2.1 or 1.2.2 gives rise to, or can be taken into account in, any civil cause of action.

So in this wonderful democratic education system which we are meant to believe in and to which great reference is made in the 400 pages of the bill, anybody who takes umbrage or has a philosophical difference with the Labor Party's philosophical dictate will be gagged from doing anything about their concerns. They will not be allowed to do anything about their concerns, because, again, the reality is that this government does not want anybody to dissent. This government hates dissent and does not like genuine, informed community debate.

We are told time and again that the relevant regulations will come in later to clarify the principles and everything else in the bill, so whether it be home teaching or the principles I have just quoted, we are told in the ministerial briefing, 'Don't worry, everything is going to be clarified further down the track by regulations'; in other words, we are told, 'Just trust the Labor government' when it comes to the detailed and high impact of regulations yet to be formalised.

I will quote one of the government people at the ministerial briefing. I will not name the person, but the quote was:

It will be the wording of the regulations that will have the greatest impact on the principles.

So we have to trust them. I was at the briefing for I think 2½ hours, so the minister might like to get informed on the legislation as well. The regulations, as we all know from many years experience in this place, are often what brings things unstuck, and often that is the camouflage again. The bill is a camouflage; the regulations have the impact.

The third concern that really drives home the rhetoric versus reality of the Labor Party's education principles on page 57 of the act compared to page 21 of the bill. That is reflected in the fourth amendment circulated by the shadow minister. The concern is that whereas the previous Liberal government did not charge mature age students who wanted to study for the Victorian certificate of education (VCE), this Labor government, which is meant to care for people who want to enhance their education and meant to care for people who want to reskill and get better jobs and better work experience, is going to force over-20-year-old students to pay for the privilege of studying for the VCE. What an indictment of a Labor Party socialist principle of free education for all!

That is why we have come forward with this amendment. When we were in government we did not charge over-18-year-olds to study for the VCE. Equally, it is not surprising this will happen under a government that has increased TAFE tuition fees in public TAFE institutes by 25 per cent since it has come to government. The previous Liberal government did not increase TAFE tuition fees by \$1 in the seven years it was in government from 1992 to 1999, but in the seven years the Labor Party has been in government there has been a 25 per cent increase. That is quite apart from the fact that when we were in government with a \$35 billion debt we found \$125 million to pay for 5000 state-funded university places. This government has provided zero funding for higher education places when we have the highest demand rate.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Education and Training Reform Bill. What a document it is — almost 430 pages long! In my contribution I will talk about the process which led us here, some of the broad-brush principles and a little bit about choice as well.

The process that led us here is that the government has been committed to developing a bill that meets the

community's expectations for education and training in the modern world. To ensure this we have consulted widely over more than 12 months; we did not want to waste any opportunity for public consultation on education and training legislation, and this is the first review of the Education Act since it was passed in 1872, so it is high time; the Labor government has grasped the nettle and has got on with the job.

The project, which began in 2003, was part of the Bracks government's endorsement of the development of a program of policy-driven legislative reviews with education and training legislation as a key priority for reform because it is our no. 1 priority in government. During 2004 the Department of Education and Training conducted an internal technical review of the 16 education and training acts that constituted the legislative framework, excluding the university acts.

In February 2005 the minister launched a discussion paper which began the public consultation process for this review. The government received significant feedback to the discussion paper. It received 135 formal submissions from right across the community. In addition, several thousand people wrote to the minister or signed petitions. These views, along with the research, formed the development of a white paper that the minister, with the Premier, launched on 15 September 2005. The original discussion paper was followed by the white paper. The white paper outlined the government's intention and was very well received, I must say. In response to the white paper the minister also received a large number of phone calls, another 20 submissions and again a small amount of written correspondence.

Following the white paper — we have already had the discussion paper and the white paper — in December 2005 the exposure draft was released, so the process has already been through three stages. The exposure draft provided further opportunity for community and stakeholder input into the bill prior to it coming into this house. Response to the exposure draft closed in January 2006; over 100 letters and more formal submissions were received in response to it.

I will also mention some members of Parliament who held community forums. About half a dozen or so community forums were held, and I note from that list that not one member of the Liberal Party or The Nationals held a community forum. Six Labor members, including those representing the inner suburbs and the outer suburbs, held forums, but not one member of the lazy opposition did likewise.

Over the last 12 months members of the legislative review project team met formally and informally with a range of stakeholder and community groups; that consultation is still going on. I have chaired one consultation into home-schooling, another two are proposed, and we expect more of them. I would like to echo the thanks expressed by the member for Warrandyte to the legislative review project team that has worked tirelessly — to John Livi, to Michael Kane who worked tirelessly on this document of more than 400 pages, to Rebecca McTernan who has also been on hand all through that procedure, and also to the minister's chief of staff, Brendan Sheehan.

I will talk about some of the broad-brush principles of the bill.

Mr Smith interjected.

Ms BEATTIE — It is contemporary legislation, unlike the member for Bass, who is not contemporary in the least. We cannot say he is contemporary; he is an old classic!

Mr Smith interjected.

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

Ms BEATTIE — The bill has high-level principles. It raises the minimum school leaving age to 16. It reaffirms the principle of free instruction in government schools for the eight key learning areas.

Mr Smith interjected.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Bass is out of his place, and interjections are disorderly.

Ms BEATTIE — The Minister for Education Services talked about school councils. The bill will enable government school councils to seek voluntary contributions while having regard to a set of principles that protects both students and parents. It enables government schools to charge for goods or co-curricular or extracurricular activities that are not voluntary.

The bill reaffirms the secular nature of the government school system, which is a hallmark of this. It continues the provision for voluntary religious instruction and makes it clear that government school teachers can discuss religious issues and teach subjects involving comparative religion. It also establishes a new statutory authority, the Victorian Registration and Qualifications Authority, with responsibility for the light-touch

regulation of all schools, training and non-university higher education providers, as well as home-schooling.

Some members have touched on home-schooling, and I will too. In this bill, for the first time ever, we have enshrined the right to home-school. There was never a provision for parents to choose home-schooling for their children before; now they can choose it. We have light-touch regulation.

Mr Maughan — What was wrong with what was happening before?

Ms BEATTIE — The member for Rodney screams about 'if it ain't broke, don't fix it'. I ask him: how is his horse going? Is it still working? He would not have a car otherwise, so I hope his horse is okay. If it ain't broke, don't fix it.

I would like to talk about some of the other points that have been raised. The member for Nepean talked about Boneo Primary School and said that the member for Doncaster has promised that it will be preserved on its current site. But the member for Doncaster is nowhere to be seen. He can make all the promises he likes; he will not be here. He has been out in every electorate making promises, and he will not be here to see the fulfilment of any of them. He will be gone out of this place as soon as he can, so he is not interested at all.

This is a fantastic bill. It moves the government forward and delivers on our key promise that education will be the no. 1 priority in this state. It puts in print the things we hold dear to our hearts — that is, ensuring that every child between the ages of 6 and 16 is educated and ensuring that parents can choose what sort of education they want for their children, whether it is government, non-government or home-schooling. They now have the right to choose between these three options.

This is light-touch regulation. There is nothing in it to be feared. Members opposite know that you must bring in legislation before you can do the regulation, and I do not think they are proposing to change that. I commend this bill to the house. It is a great bill.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand to speak on this bill. This was this government's chance to make a difference; this time it had the opportunity to make a real difference and yet it has failed miserably. Apart from the fact of bringing in the 12 pieces of legislation, this bill is no reform. Can I say why? There was very little consultation. The forums the member was referring to were nothing more than show, because whatever was said at those forums was ignored by this government which did not take it into account when it was drafting this legislation.

The title of the bill is the Education and Training Reform Bill. When you use the word 'reform' it implies improvement, enhancement, progress and change for the better. Unfortunately this bill does not do that. This bill is all about union control and embracing the lowest common denominator. It is nothing to do with standards or improvement; it is all about the lowest common denominator and social engineering. This government claims that it cares about our students — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! There is too much audible conversation, which is discourteous to the member on his feet. I ask members to be quiet.

Mr KOTSIRAS — Schools will be forced to close under this bill, and they will not be able to challenge the decision by the minister.

An honourable member interjected.

Mr KOTSIRAS — I will get to the clause in a minute. Parents will have to pay a fee for the first time, and students over the age of 18 will have to pay a fee for the first time. They have increased TAFE fees by 25 per cent; it only took them two or three years to ensure that TAFE fees have increased by 25 per cent. This government is all about providing a second-class education system in Victoria.

Home-schooling is under threat. This bill will force parents to register or face hefty fines. There is not an issue if parents have to sign, but it would be nice if parents knew what they were signing. They are being asked to sign a blank piece of paper without having the regulations.

Let us have a look at some of the problems with this bill. We need to look at the various ministerial boards that are established, and there are a few. If we look at the merit protection boards, we see the chairperson is nominated by the minister, one member is nominated by the secretary and one is nominated by the minister after calling for expressions of interest. It is all stacked. Unless you are supportive of the minister, you will not get a guernsey.

The disciplinary appeals boards consist of the Governor in Council, one member nominated by the minister, one nominated by the secretary and a person who has been admitted to legal practice in Victoria for at least five years. Again the majority are appointed by the minister.

The Victorian Curriculum and Assessment Authority has between 8 and 15 members; there is the secretary of

the department and the remaining members are nominated by the minister. The Victorian Institute of Teaching has not more than 20 members: a secretary, a chairperson who is appointed by the minister, 3 teachers who are nominated by the minister, 1 principal who is nominated by the minister, 1 parent nominated by the minister, 2 persons nominated by the minister from non-government schools and 1 nominated by the minister from tertiary institutions that prepare people to be teachers. That is a subtotal of 10. It goes on: 2 are elected by teachers in government primary schools, 1 is elected from registered teachers in Catholic primary schools, 2 are elected from teachers in government schools, 1 is elected by registered teachers in non-government schools, 1 is elected by registered teachers in Catholic schools, and 3 other teachers are elected as well. Again it is stacked with yes people because they are nominated by the minister.

The Victorian Learning and Employment Skills Commission consists of a chairperson who is appointed on the nomination of the minister; the Victorian Registration and Qualifications Authority chairperson, who is appointed by the minister; the chairperson of the Adult, Community and Further Education Board, who is appointed by the minister; a secretary and up to seven more members who are nominated by the minister.

The TAFE boards are made up of between 9 and 15 people. More than half are appointed by the minister. On the ACFE board all 12 are appointed on the recommendation of the minister. The adult multicultural education services has between 9 and 15 members; not less than one half are appointed by the minister. The new board, the Victorian Registration and Qualifications Authority, will have between 9 and 12 members: a chairperson nominated by the minister, a secretary, and the remaining nominated by the minister. There is no representative from the Catholic or independent schools system.

In all cases all the board members are nominated by this government and this minister. They will be made up, as I said, of Labor mates and ministerial appointments. They will not be representative of the schools or communities. I draw the attention of the house to parts of this bill, especially the following:

2.2.1 Establishment of Government schools and educational services

(1) The Minister may from time to time —

...

(d) discontinue a Government school.

Clause 2.2.2 states that a decision by the Minister to discontinue or continue any government school is not liable to be challenged.

This is the same mob which, when in opposition, criticised the Kennett government for doing the same thing. This was its chance to do something about it, yet the government left it as it is because it wants the minister to close schools.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! Government members are interjecting and out of their seats, so they are doubly disorderly. The honourable member shall ignore interjections.

Mr KOTSIRAS — Clause 2.2.5 is headed, ‘Students over 20 may be charged fees’. I think this provision will discourage people who wish to improve their education. If they have to pay fees, why would they go to school? Clause 2.2.11 states:

Special religious instruction.

...

- (c) attendance for the special religious instruction is not to be compulsory for any student whose parents desire that he or she be excused from attending.

This is an opt-in rather than an opt-out basis. The problem I have with this is that a school might offer instructions and send a letter home to the parents. If the parents do not respond to the school, that child will have to take part in those instructions. I would have thought it better if the parents had to agree to the child taking part before the child would be included.

Clause 2.4.30 states:

2.4.30 Restriction on employees doing other work

- (1) Except with the express permission of the Secretary, a full time employee must not —
 - (a) engage in any other paid employment ...

This means that a teacher who wishes to do some private tuition after school will no longer be allowed to do that unless they get permission from the secretary of the department.

Clause 2.4.30(2) states that even a part-time employee cannot tutor outside the school hours. There are many teachers out there who tutor on the weekends or after school but who will now be stopped from tutoring students; some of these students gain a lot from tuition after school and on weekends. Unfortunately this bill restricts that.

Ms Eckstein interjected.

Mr KOTSIRAS — The member for Ferntree Gully is saying, ‘But this was part of the act’. It has changed. If she compares the old act to the new act, she will find some changes. Teachers will not be allowed to tutor students unless they get permission from the department. This will hurt a lot of teachers and a lot of students.

This government had the opportunity to make a difference. It had the opportunity to bring in a bill which looks not just at this year but for beyond 2010 and 2020. Unfortunately it failed. Yes, it has combined 12 pieces of legislation into one. It had the chance to make a difference, it had the chance to put its rhetoric into this bill, to say, ‘This is what we believe in. We think of the students first rather than our union mates, rather than our political agendas’. Unfortunately, again our students have been used as political tools simply for political mileage, for government members to try to get as much mileage from this legislation as possible. It is a pity and a shame. The government had the opportunity.

I hope members on the government back benches stand up and point out the problems with this bill. It is about time they spoke to their minister, because they have avoided talking to her. They do not care about what is going on. They have to put students first and the Labor Party last, not the other way around. Our students are our future, and we must look after them.

Ms BARKER (Oakleigh) — I am very pleased to speak on this very significant piece of legislation. The member for Bullen might not be surprised to learn that I disagree with him. This very significant rewriting of the original Education Act will ensure that in this state we have legislation that is relevant today. It will deliver us an integrated education and training system with multiple pathways and will allow Victorians to pursue gaining the qualifications and skills they require to live the life of their choosing. The legislation will not only deliver that today but will take us into the future.

The bill is lengthy and I will concentrate on just a few aspects of it that have been raised with me. Before doing so, I congratulate the Minister for Education and Training, the Parliamentary Secretary for Education, my colleague the member for Yuroke, and the officers of the department on the way they have developed the bill. My colleague the member for Yuroke very eloquently outlined the good consultation process by which the government has brought the bill to the Parliament. I will not go through that but again congratulate those people for the work done in developing this very important and relevant legislation.

A major issue that has been raised with me and is dealt with in the bill is the minimum school leaving age, which in the original 1872 act was set at 15. It has been expressed strongly to me by both parents and educators that it should be set at 16. It is the reality that by the age of 15 most young people have not yet completed year 12 or equivalent. All members are aware that completing that very important year 12 or equivalent is absolutely necessary today. The demands of the labour market mean that our young people need higher skill levels than before to find employment or move on to further education. It is absolutely essential that we maintain the year 12 or equivalent completion rate.

The government has invested significant resources in a number of strategies and reforms to increase that year 12 or equivalent completion rate. Those strategies include Managed Individual Pathways, the Victorian certificate of applied learning — which has been well taken up and is extremely popular — and the Leading Schools Fund, and reforms that have been implemented are part of the *Blueprint for Government Schools* and *Future Directions for Adult Community Education in Victoria* statements.

Again I disagree with the opposition about the results in terms of retention — I consider them to be very important. The proportion of year 7 students completing year 12 or its equivalent rose to 85 per cent in 2005, up from 82.9 per cent in 1999 and higher than the national average of 82.7 per cent and that of every other state except the Australian Capital Territory.

Building on raising the minimum school leaving age from 15 to 16, the bill also provides for students under 20 years of age as at 1 January of the relevant academic year a guarantee of free instruction until year 12 or equivalent in a government school or a place at a technical and further education institute (TAFE) or public training provider. During the public consultation process there was very strong support for ensuring that those students in that age group who wish to complete their secondary education in a non-school setting such as a TAFE will find a place available, so that is what the government is providing. That guarantee and the encouragement for young people who have, for whatever reason, missed out on gaining that important year 12 qualification, mean that they will not be left behind and will not be disengaged from education and training without qualifications.

The second major issue about the bill raised with me by residents in my electorate was voluntary religious instruction in government schools. I must say I was quite surprised at the level of interest in that issue. I was very impressed with those who wrote to me requesting

that the current practice remain in place. Most if not all of those who wrote to me are volunteers who give their time to provide religious instruction in schools. I commended them and still commend them on the volunteer work they do. When they wrote to me I ensured that their thoughts and concerns were passed on to the people in the section of the department who were conducting the review. I know that they are very pleased that the current practice, which has been in place since 1950 and allows parents to have their child or children opt out of religious instruction, will continue under the new act.

I touch on the issue of choice. The bill includes as a principle the right of every child to attend their designated neighbourhood government school. For the majority of parents and children in this state that designated school, particularly for secondary education, will be the school nearest to a student's permanent residential address. However, I need to emphasise again to residents in my electorate of Oakleigh that a lack of infrastructure and facilities in a school will still see the department needing to sometimes restrict new enrolments and designate a neighbourhood area, or as we currently call it, a 'zone'.

I emphasise this, because unfortunately there are no government secondary colleges in the electorate of Oakleigh. Many people view McKinnon Secondary College as their local neighbourhood secondary college, but due to its zoning they find they are unable to gain a place for their child at that school — and it is also because McKinnon Secondary College is full. This causes a great deal of anguish at the end of each year, particularly for residents in Murrumbeena, Carnegie and Glen Huntly. We also now have families moving back into the area, and the pressure on government secondary education is growing.

The Minister for Gaming, who is at the table, asked me why we do not have schools in those areas. I point out to the minister that Murrumbeena Secondary College was a great school and should never have been closed. However, it was closed by the previous government. Unfortunately it has been replaced with housing, so we do not even have any space in which to provide a school.

In closing I want to refer briefly to the information that will be put out and say that I am confident it will assist parents and students in my electorate, particularly in regard to choosing secondary education. As I said, there are no secondary colleges in my electorate, but a school I am very pleased to work with is South Oakleigh Secondary College. This is a great secondary college, and if parents are seeking a college that focuses on

whole student development, then they should select South Oakleigh. The college works with a diverse group of students, it provides a diverse range of programs, and it works with young people from very different backgrounds to ensure they achieve their potential.

South Oakleigh Secondary College has a retention rate of 90 per cent — well above the state and national average. It has great leadership in principal Vincent La Ragy; it has terrific staff who provide goals, and it has outstanding educational opportunities for young people who attend it. In 2005, of the 77 students at year 12 level, 74 received first-round university offers from the Victorian Tertiary Admissions Centre, with nine of those students choosing to study engineering. South Oakleigh Secondary College is a great school. When schools in the area are reported on, it will become quite clear that South Oakleigh Secondary College is the place to be in my area. I highly recommend it, and I will certainly continue to work with this school.

We as a government are committed to improving the quality of education and training in this state. This bill makes it very clear that we are committed to all students, no matter what their background or what education and training institution they attend, and we will ensure that they have access to high-quality education. I am very proud of the schools in my electorate. I am very pleased to be able to work with them to continue to obtain extra funding for them in capital works and in program areas. I firmly believe the new legislation will ensure that we can continue to build on the excellent work we have already done, and we will continue to provide high-quality education not only for the children and young people whom I represent but for all young people and children in Victoria. I commend the bill to the house.

Mr COOPER (Mornington) — I am pleased to be able to make a contribution to the debate on what is definitely a significant piece of legislation. In her opening remarks the member for Oakleigh said that she disagreed with pretty much everything the member for Bulleen said, so it should come as no surprise to her to hear me say that I disagree with a lot that she said in her unremitting litany of praise for this bill.

I do, however, support her views and comments in regard to the question of religious education in government schools, but in doing so I take a slightly different tack. The member for Oakleigh said that she had received a number of significant representations in regard to religious education and she had been happy to pass on that information to the department. My view is that the representations that were made concerning the

prospect that voluntary religious education would be banned from government schools were part of a major campaign that dragged this government kicking and screaming to the point where it had to buckle down and understand that it was going to pay a significant electoral penalty if it proceeded with what it clearly intended to do, which was to ban religious education in government schools and take away the freedom of choice that is currently available to parents and certainly should continue into the future.

It was that campaign that persuaded this government to change its mind and to continue religious education in government schools. I welcome the government's decision to listen to the community in that particular instance and allow voluntary religious instruction and discussion of events and topics involving religion in government schools, which is part of this bill. I am sure that is welcomed by all sides of the house and certainly by the wider community, which had considerable concerns about what it clearly understood to be the agenda of this government.

But putting that aside — because of the actions of the wider community we can all now say that a good result has occurred within this legislation — there are many other aspects of this legislation which need to be questioned and which should be further considered by this government, and I want to touch upon those in the very short time I have available to me.

In making that particular comment I might add that the short time allocated to members to make their contributions to debates again demonstrates that with bills of moment and substance that come before this Parliament, for members of Parliament to be restricted to making 10-minute contributions to debate on a bill of such significance — and we will see that later this week with the Disability Bill — is a disgrace and a blight upon what most people in the community would see as a reasonable opportunity for their elected representatives to make considered contributions to debates on bills such as this. It is certainly a demonstration of just how restricted members of Parliament are in making contributions to legislation of note such as this bill.

I want to touch briefly on two or three matters contained within this legislation. Firstly, I want to highlight the fact that under this legislation people who want to resume their education and go through to Victorian certificate of education (VCE) standard — people who may have left school at 15 or 16 years of age and gone out and got a job and then found when they were 19, 20 or 21 years of age that they wanted to continue their education so as to make something of

themselves and qualify for tertiary education and therefore needed to get their VCE — will be charged a fee if they are over 20 years of age.

Mr Smith — What a disgrace!

Mr COOPER — As the member for Bass says, what a disgrace! Whatever happened to not only free education in this state but to wanting to encourage people to go a little bit further with their education? Some people may have left school early and then realised that doing so was a mistake and that they needed to go a bit further and get their VCE. Whatever happened to the encouragement to allow them to get that qualification? That is no longer available to them unless the government's hand is put in their pockets.

The government will be tapping the wallets of those people before allowing them into further education. It will not be a situation of saying to somebody, 'We want you to come along. We want you to better yourself. We want you to further educate yourself'. If they are 21 or 22 years of age, the first thing this government will do will be to check their bank balances and credit ratings before they can get their VCE qualifications. As my colleague the member for Bass said earlier, this is a disgrace, and it is something that this government should further consider. No matter what age, people who are seeking to have government education in this state should not be subjected to a financial check-up and to making a payment, yet that is what this government has put into this bill.

I move on to another area of the bill that interests me — that is, the question of school councils. I note that the bill provides for school council members to have their expenses reimbursed. However, there is no detailing of the sorts of expenses, and the bill contains no reference to where the money will come from. This certainly opens a door, does it not? As a former school councillor of some years standing I can tell the house that I did the job because I wanted to do the job for my local secondary school — a school that my children attended — and I wanted to do it to better that school; I was quite happy to give my time.

To now have a situation where school councillors will be able to dip into the school funds — which are low enough as they are anyway, but which will be further diminished — and get their snouts in the trough is a disgrace. It is uncalled for and not in the best interests of schools.

That is something the government needs to reconsider. Most communities will be outraged. Hardworking parents who put their money into schools, who

volunteer their time and who are not school councillors, will see the school funds diminished by school councillors being able to stick their snouts in the trough. It is not good enough, and it will not be accepted by school communities in my electorate. Again the government has pulled the wrong cord on this issue and needs to think about it again.

While talking about lack of funds, I want to refer to school maintenance, which in my electorate is certainly an issue, as it is in electorates around mine. I know the endorsed Liberal candidate for Mornington, David Morris, is very interested in this issue. He has visited every school in the electorate, spoken to school principals, and has reported back to me about the problems that the schools face with regard to maintenance.

Rochelle McArthur, the endorsed Liberal candidate for Frankston, has done exactly the same thing. Both candidates are very heavily involved in their electorates and are doing the job. Rochelle McArthur is doing the job that the honourable member for Frankston is not doing — she is getting around the schools and actually giving the support to those schools that the honourable member for Frankston has walked away from.

The government needs to start thinking about the black hole of school maintenance funding. It was a black hole that the Kirner government left in 1992, and it is a black hole that this government is going to leave when it gets kicked out of office next November, because it is a disgrace that the government has avoided providing the proper level of funds to schools to maintain those schools properly, and again it is something that this whole community will be outraged about as it becomes more public prior to the election next November.

While this is a major bill, it again shows that the government does not really get the true story and does not really understand what is necessary. There are a large number of issues in the bill that need to be exposed. Unfortunately I do not have the time to do it, nor do any of my colleagues in the 10 minutes available to each of us, but this bill needs to be reconsidered by the government.

Mr HARDMAN (Seymour) — It is a pleasure to talk about the Education and Training Reform Bill. In the brief time before the close of business tonight I would like members to think about the Liberals who have talked tonight about closing schools, second-class education systems and the lack of funds for schools. Some good advice for them would be to continue talking about those things — they should stick to what

they know — because that is what they did when they were in government.

The Liberals have no credibility in education. The damage they did when in government to our education system has left the education system reeling, and the people of Victoria know that the Bracks government needs at least one more term, if not two, to repair the damage the Liberals did while they were in government.

This education bill consolidates 11 education and training acts and 1 community service act — 12 acts in total — into one. It reforms and modernises the education and training act so that the people of Victoria will have a good education act for the future.

I support the bill because it supports education and training in the future, and it allows the government to be contemporary and responsible. It allows the government to be effective and, most importantly, flexible in the way it regulates and in the quality assurance it imposes upon our education system, regardless of whether it involves government schools, private schools, Catholic schools and, controversially, the home-education system.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Mr Nardella) — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when the bill is next before the house.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Commonwealth Games: sporting equipment

Mr CLARK (Box Hill) — I raise with the Minister for Agriculture for the attention of the Minister for Commonwealth Games in the other place the issue of making surplus Commonwealth Games equipment available to Victorian sporting clubs. Given the government's announcement today I ask the minister to finalise and make public as soon as possible details of the arrangements and the criteria and procedures to be followed so that clubs can know where they stand and so the benefits to clubs and the community can be maximised.

The Box Hill Athletic Club is one of the leading athletics clubs in Victoria. Thanks to its own efforts and

the support of the Whitehorse council it has generally good facilities at Hagenauer's Reserve, where it is able to host numerous athletics meets in which many clubs can take part. However, to maintain good facilities requires ongoing effort and resources. The club's running track is developing serious cracks in its inside lanes and is at risk of being declared unsuitable for the Athletics Victoria competition next year. The club is also anxious to obtain a pole vault pit from the games, if at all possible, to support what it considers to be one of the best groups of pole vaulters in the country — including the new Commonwealth Games champion, Steve Hooker — as well as a high-jump pit and equipment like starting blocks and trolleys for hurdles.

The club tells me that it first contacted officials of the Commonwealth Games Association some 12 months ago but did not receive a response to its numerous inquiries regarding equipment after the games. The club also emailed the minister on 8 March, desperately seeking further information, but as of yesterday it had not received a reply. The government has for some time been displaying on the Department for Victorian Communities Commonwealth Games web page material proclaiming its games legacy program, together with the statement that, I quote:

Ensuring the 2006 Commonwealth Games provide enduring benefits to Victoria is a focus for the Department for Victorian Communities in planning for and delivering the games.

It is therefore surprising that there is no mention at all of what arrangements if any the government has been planning to ensure that Victorians obtain enduring benefits from the equipment left over from the games. It is also disappointing that the first-class athletics track installed for the games is being torn up and cannot be reused. The announcement that the government made today that equipment will be donated to Victorian sporting clubs shows every sign of being an afterthought developed in haste. According to news wire reports the government has variously said the equipment will be given to clubs where the benefit will be greatest, distributed on advice from peak sporting bodies, used for both training facilities and some elite events, used to support areas of disadvantage and distributed as part of the Staying Involved program.

The Box Hill Athletic Club, with a venue that is much used by athletes from many different clubs, has a strong case for receiving some of the surplus equipment I have mentioned. For the sake of the club and all the other interested parties, I ask the minister to quickly establish and make known the criteria and arrangements by which clubs such as Box Hill can apply for and receive proper and fair consideration of their case.

Industrial relations: WorkChoices

Dr HARKNESS (Frankston) — Tonight I raise a matter for the Minister for Industrial Relations. I ask that the minister do everything possible to protect working Victorian families from the draconian workplace relations laws that have been implemented by the Howard government this week. Specifically the action that I seek is for the minister to publicise the government's response to this issue on its various government web sites.

Whilst almost every Victorian knows that the new unjust and unfair industrial relations laws are going to negatively impact on them, they are never going to get the facts from the federal government. So it is vital that the state provide constant and timely advice to Victorian workers, as these draconian laws are now beginning to punish them. These laws are simply another example of the Howard government's governing for corporate Australia and not for ordinary working families — and particularly not for those in Frankston. I congratulate the Minister for Industrial Relations for challenging these repulsive workplace laws in the High Court, because they are unconstitutional. The Liberal Party members are simply constitutional vandals.

The minister has recently initiated the Office of the Victorian Workplace Rights Advocate, which will investigate unfair employment practices and provide free telephone advice and web site information to people struggling with the federal changes. These actions are in stark contrast with those of the Howard government, which has become arrogant and hungry for power, losing touch with ordinary Australians. In fact according to a recent Australian research group workplace survey 78 per cent of Victorians are concerned about the so-called WorkChoices legislation. This indicates that Victorians need protection from the Howard government.

Even the federal Minister for Finance and Administration, Senator Nick Minchin, acknowledged that the WorkChoices legislation is not fair and that the government just does not care by recently noting:

Poll after poll demonstrated that the Australian people don't agree at all with anything we're doing on this — we have minority support for what we're doing.

With the removal of unfair dismissal provisions for those who work for companies with less than 100 staff and the probable lowering of the minimum wage, workplace conditions will be comparable with those of China. If a worker does not like the conditions they are provided with in their individual agreement, they do not

have to sign it, as John Howard has astutely observed, but will they keep their job or will they lose it? I think the latter is much more likely. Our disposable society has now been extended to include people. While workers were once valued and treasured, unscrupulous companies can easily replace those who will not comply with their sickening workplace conditions. What other basic rights does the Howard government want to take away from ordinary working Victorian families?

I congratulate the Minister for Industrial Relations on his actions to date to protect ordinary Victorian workers rights, and I ask that he continue to do all that is in his power — —

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

Rail: Horsham station

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the Minister for Transport about the Horsham railway station. The action I request is that he ensure the condition of the station, in particular that the passenger platform is upgraded urgently to bring it up to a standard that is not only visually attractive but also meets the requirements of public safety. The station which is owned by the government is currently under lease to Horsham Rural City Council, but I am informed that the lease has expired. Horsham Rural City Council is concerned about its condition and has agreed to undertake minimal works to an approximate value of \$1000 to address minimal safety provisions. The council is asking the government to endorse those works, but the silence is deafening: 'No response, Your Honour'!

I have seen the station and have with me today photos which highlight its unsightly and dangerous condition. In late February this year the Minister for Transport announced a \$2.4 million upgrade of the Overland passenger service in partnership with South Australia and Great Southern Railway. This will ensure the future of one of Australia's great and well-known rail journeys, the Overland, which travels through Horsham. A media release of 28 February states:

The refurbishment will really bring the train into the 21st century and help to ensure a new generation of passengers are attracted to the train for its comfort and aesthetics.

It goes on to talk about a number of other initiatives which will be put in place to encourage people to use the service, starting with a new timetable. As we know, the Overland was an overnight service, but now it will

travel during daylight hours. According to the media release, this will give:

... a greater feeling of security and convenience for passengers, in particular the elderly.

Unfortunately they forgot to talk about the railway stations. The dangerous condition of the platform at Horsham makes it unsafe for any passengers but particularly for the elderly and those with disabilities. The government must bring the standard of government-owned railway stations like Horsham that are along the western link between Melbourne and Adelaide up to a standard which caters for the travelling public. The community I represent wants a long-term improvement to the station in the best interests of not only the travelling public but also the users of the station.

I again call on the minister to take action to ensure that the urgently needed upgrades are carried out quickly to bring the station up to a standard which is not only visually attractive but also meets the safety requirements of the travelling public just as the people who use the Overland service will have those needs met.

Maribyrnong College: sports programs

Mr MILDENHALL (Footscray) — I raise a matter for the Minister for Education and Training. I request the minister to ask the planning and design consultants for the Maribyrnong Sports School to consult with and take into account the Westgate Soccer Club soccer facility development in their work.

Just prior to Victoria's greatest ever sports and cultural festival the Minister for Sport and Recreation came to the Whitten Oval to announce a \$1 million planning and design exercise with master planning for Victoria's first government sports school at Maribyrnong College. Joining forces with the Victorian Institute of Sport, Victoria University and the Western Bulldogs, the new school will offer students a flexible curriculum and programs with high-performance coaches and first-class sporting and academic facilities as well as the latest in sports science and medicine. Initial sports identified include Australian Rules football, soccer, basketball, tennis, swimming, netball and badminton.

Apart from the opportunities offered by this partnership — and the location, which is next to the new Maribyrnong Aquatic Centre and close to the Whitten Oval, the Victoria University sport and recreation complex, the Maribyrnong River and adjacent oval areas — work has already been completed on a community soccer complex at the

school itself. The 320-member-strong Westgate Soccer Club, through its incorporated group MSC West Inc., has invested an estimated \$500 000 in cash and in kind on ground works, irrigation and supply of services to a difficult, filled site on the northern boundary of the school adjacent to Highpoint Shopping Centre. The plans are geared for a Premier League-standard facility, and the sharing of the pitch areas are outlined in an existing joint-use agreement. A planning agreement also exists, which enables separate road access and parking for the facility. It also permits the construction of the change facility to proceed.

I request the minister to invite the consultants who will be engaged to produce the master plan to consult with MSC West and to consider the contribution the already considerable amount of work and planning could make to the new school. This is a great project that is going to strengthen not only the perception but also the reality of that Maribyrnong area as one of the great sporting precincts in this state. With its combination of tertiary-based research and the opportunities from the aquatic centre — —

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

Planning: Deauville estate, Beaumaris

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Planning. I seek from the minister the reception of a delegation comprising local residents, local interest groups, local members of Parliament and council representatives to consider the implications of a recent court decision and its impact upon a restrictive covenant in the area known as the Deauville estate. The Deauville estate is a much-valued single-dwelling subdivision in Beaumaris under a restrictive covenant scheme.

Planning across many suburbs in Melbourne is a contentious issue. Residents in Beaumaris have had the benefit of a restrictive covenant expressed in the following terms:

The said Evans Stewart, his heirs, executors, administrators and transferees, shall not at any time erect on any one of the lots ... 58 ... on the said plan of subdivision any building other than a dwelling house ...

The majority of residents have had some sense of security that their existing residential amenity will be preserved for posterity. I am advised that a decision by Justice Bongiorno in the case of *Tonks and Anor v. Tonks & Ors* (2003) VSC 105 indicated that 'a' did not mean 'one' in law, and a covenant was overthrown on a three-lot subdivision of a battleaxe lot. On the basis of

Justice Bongiorno's ruling, if 'a' does not mean 'one', which in the Beaumaris example is contrary to the spirit of the 1940s Deauville estate sales brochure indication in any event, it could mean two or six dwellings, especially as the allotments in the Deauville estate are above average size.

On behalf of my constituents and as a matter of urgency, I seek the advice of the Attorney-General and the Minister for Planning as to whether all other restrictive covenant schemes in Melbourne will now be open to dual occupancy or multi-occupancy development in the light of this particular decision. The concerns of the residents have been raised at local government level, but the implications extend well beyond Sandringham.

As planning was a very important issue in the past, people were invited to enter into 173 covenant agreements under the Planning and Environment Act as a means of protecting their residential amenity or, alternatively, rely upon the strength of a restrictive covenant. It is an important mechanism. In some cases, if it related to out-of-date matters or to a matter in which all the beneficiaries of the covenant acquiesced and assented to the removal of the covenant, that has certainly been a different matter. On behalf of the residents of Beaumaris and local members, local interest groups and council representatives, I seek a deputation with the minister to discuss the implications of that particular case.

Edith Bendall Lodge: community bus

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Victorian Communities. The action I seek is funding for a community bus with lifting facilities to be auspiced by the Edith Bendall Lodge, which would enable many locals to actively engage in community activities.

The Edith Bendall community was founded on a philosophy of community benefit and volunteer contribution. At its last annual meeting I was impressed with the quality of the committee and its very strong links with local service clubs and community organisations. I thank the tireless efforts of the chairman Anthony Mutton, treasurer Raymond Boyce, and secretary Alf Diggerson, who also works on op shop deliveries and drives the Edith Bendall bus. Ordinary members include Victor Harcourt, Nicola Martinelli, Steven Pappas, Denise O'Brien, Neville Walker and Kenneth Hobday with a great chief executive officer in Kath Turner.

This is a joint project of the Lions Club of Strathmore-Gladstone Park and the Rotary Club of Pascoe Vale. I thank the op shop volunteers led by Norma Willoughby, Cheryl Rowan and the many other fundraising volunteers; I again mention Alf Diggerson's role in collecting, distributing and taking goods down to the shop.

The beneficiaries of the bus would be the Pascoe Vale Returned and Services League, Bluestone Day Club, Robinson Reserve Neighbourhood House, West Coburg ladies bowling club, Pascoe Vale Probus, Pascoe Vale Senior Citizens Club and Coburg Legacy women's club, to name just a few. We are in desperate need of a community bus with a lifting facility in our area because we have many older people who would be isolated without transport. Their brains are active; they are extremely outgoing and very social and community minded, and this bus would enable them to be active participants in a way that no other transport can currently provide.

The bus project embodies principles of community strengthening that will directly improve the wellbeing of Victorians in a very practical way and it aligns with the — —

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

Port of Melbourne: Footscray wharf

Mr MULDER (Polwarth) — The matter I raise is for the attention of the Minister for Transport, the minister responsible for ports. I ask him to provide the leadership required to ensure that the Port of Melbourne Corporation adheres to its stated commitment which is to view local government as a major stakeholder and to balance community, business and industry priorities.

I ask the minister to convene an urgent meeting with the chairman of the corporation and counsel him to instruct the chief executive officer to undertake any required repair work to Footscray wharf to enable it to stay open for use by boats, thereby allowing and supporting the City of Maribymong to fulfil its vision for the wharf and its surrounding light commercial area. Over the past nine months the minister's department, and indeed the government, have most noticeably been unwilling to resolve this very important western suburbs impasse. It is time for the minister to do something and save the Port of Melbourne Corporation from further public embarrassment; it obviously needs leadership on this issue.

During this nine-month period representatives of the Port of Melbourne Corporation have been seen on national TV and been heard on radio; it has been quoted in the broadsheets and local newspapers as saying it wished to close Footscray wharf on the Maribyrnong River. It seems determined to close the wharf to the public and boaties despite the clear public interest in keeping it open. It is obvious that the corporation is not listening to the reasons why the wharf should remain open.

Closing the wharf is clearly against the Maribyrnong City Council's long-term plans for the area and for the wharf. This area is the gateway to Footscray, which the council sees as an active and vibrant waterfront and is critical to further investment and tourism. The wharf is seen as pivotal in improving the council's financial position and ability to provide the much-needed services to the Maribyrnong community.

With its light commercial environs, Footscray wharf surely falls outside the corporation's core business of running the port of Melbourne. The Maribyrnong City Council, and the Footscray community whose members live and work in the area, have clearly indicated they are and wish to continue to be proud neighbours of Australia's largest port. However, they remain confused and frustrated as to why the Port of Melbourne Corporation and its tenants refuse to take the view of other large successful businesses by embracing and supporting the community and its major stakeholders. I repeat: it is time for the minister to show the long-awaited leadership that is required in order to provide the Port of Melbourne Corporation with the opportunity to fulfil its appropriate role as a proud partner of local government and the Footscray community.

I have had the benefit of visiting the wharf with Mr Grenville Sylvester and sitting on that lovely boat of his. I must admit the amenity there is somewhat different from what I am used to at Apollo Bay and Lorne, sitting back in the boat watching the trucks rumbling across the road and that beautiful outlook across the port of Melbourne! However, it is home to a number of boaties who feel it is an integral part of their lifestyle. There are a number of people there, and the tourist potential is unlimited, as the member for Footscray said. I call on the minister to act, and to act immediately.

Courts: interpreter services

Mr ROBINSON (Mitcham) — I raise an issue for the attention of the Attorney-General that relates to the

adequacy of the translation services provided in criminal trials in Victoria.

An honourable member — Do you need some?

Mr ROBINSON — No, but I am perhaps thinking of some colleagues! It is a very serious issue, and I am seeking the Attorney-General's undertaking to have his department examine the provision of these services in Victoria.

The issue came to my attention recently while I was in Japan on a political exchange visit. The essence of the issue is contained in an article which I will make available to the Attorney-General. The article appeared in the English language newspaper *Asahi Shimbun* on 23 February and essentially deals with a Mr Masaharu Katsuno, who was released recently after serving 10 years in a Victorian prison for heroin trafficking. He and a number of other people were convicted in 1992, I understand. They claimed at the time that they were duped by their Malaysian guides into acting as couriers and that their innocence was prejudiced by very poor interpreter services and the translations thereafter during their criminal trial.

The point I am making is not that that case needs to be revisited, although it has been highlighted in this article, as indeed has another case in Japan. Even though that is a separate jurisdiction and has no relevance to Victorian law, the issue of the accuracy of interpretations is very pertinent. I will quote from the article, which relates to the trial of a British national, Nicholas Baker, whom the Tokyo High Court sentenced to 11 years in prison for smuggling cocaine and ecstasy.

His defence team analysed the testimony and the translations and concluded that they were complicated and compromised by the fact that he had a strong Cockney accent. According to the article:

When he said 'antibiotic drug', the court-appointed interpreter translated it to 'an import-banned drug'. When Baker said, 'It ain't mine', she translated it as, 'I don't mind'. The tapes also show that prosecutors blamed the defendant for apparently contradicting his testimony. The contradiction was in fact caused by mistranslations.

A lot can depend on the value that is put on words and the definition of words, all the more so if you are facing a criminal trial in the state of Victoria and are relying on translators. This is a matter which, given the gravity of the consequences, if it is not done correctly —

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

Bright: Easter trading restrictions

Dr SYKES (Benalla) — My issue concerns the impact of Easter trading restrictions on the supply of food and other essential goods to visitors to Bright this Easter. I ask the Minister for Small Business to reconsider his rejection of the request by the Shire of Alpine for an exemption from Easter trading restrictions.

Bright is nestled in the Upper Ovens Valley. It is an enjoyable tourist destination for 30 000 people each Easter and has been so for many years. Bright is similar to other northern Victorian towns such as Beechworth, Yarrowonga, Cobram, Swan Hill and Mildura, to which people flock to enjoy the fantastic autumn weather and local entertainment. However, while exemptions from Easter trading restrictions have been rightly granted to Beechworth, Yarrowonga, Cobram, Swan Hill and Mildura, Bright's request has been denied twice.

The minister, in rejecting my request to reconsider his initial decision, has made reference to the pressures on small businesses to stay open coming from large businesses. The minister then stated that most businesses in Bright will in fact be allowed to open, either because of the exemptions for hardware stores, video shops and nurseries or because they have less than 20 staff. We have a situation where Bright's 30 000 visitors will be able to watch videos, plant a few trees and do a few repairs on their caravans but will have great difficulty in getting food and other essential items, because Bright's only supermarket will be forced to operate with a skeleton staff.

The argument regarding pressure from big business is somewhat weak, given that there are no big businesses in Bright. And when he suggests that this has not been a problem in the past, does the minister realise that in the past Bright has had two locally owned supermarkets, each with about 20 staff? Now one of those supermarkets has closed, and the other locally owned and operated supermarket has expanded. Does the minister wish to penalise a local small business operator for being successful?

The Bright Chamber of Commerce and the Alpine Shire Council are extremely disappointed with the minister's decision and are very concerned about the long-term impact on tourist revisitations after those tourists experience trouble in getting food and essentials over this Easter. Local media commentary reflects this concern. The *Border Mail* of 24 March says 'Minister defends retail ban by saying tourists don't shop'. This is the minister suggesting that holidaymakers, especially campers and those in caravans, do not shop daily when

on a holiday. A family on a camping holiday often does not have the refrigerated storage capacity for more than one day's meals, and of course people do not want to be worried about planning for the following couple of days.

I ask that the minister or some of his most senior staff immediately visit Bright and speak to the Alpine Shire Council and the chamber of commerce, and, when he fully understands the need for the supermarket to be fully staffed over Easter, that he give Bright an exemption from the Easter trading restrictions.

Mill Park Lakes P-9 school: access

Ms GREEN (Yan Yean) — I wish to raise a matter for attention of the Minister for Education and Training. The action I seek is for the minister to have her department seek urgent discussions with the City of Whittlesea to ensure that students of Mill Park Lakes school, due to open next year, have road access to this great new school.

The Bracks government has shown its commitment to South Morang families through its \$11.2 million of funding from last year's budget for the building of a P-9 school servicing students in the Mill Park Lakes, Waterstone Hill and Hillcroft estates. Indeed, the Premier personally came out last year to meet prospective students when he kicked off this great project, unveiling the sign on the junior school site. And I am privileged to serve on the planning committee for this brand new school, which is now taking enrolments for term 1 next year.

Families in the Hillcroft estate have expressed to me their distress at the City of Whittlesea's decision to defer connection of both ends of Lakes Boulevard, which bounds one side of the new school. Hundreds of families will be stranded only 400 to 500 metres, as the crow flies across the paddocks, from the new school and will instead have to take a long drive along a busy arterial road — for up to 20 minutes — rather than having a 3-minute drive or a 5-minute stroll, which would surely be better for their health.

I have for some time been concerned about the City of Whittlesea's failure to provide reasonable access in a timely manner to new estates so that emergency vehicles can attend accidents or fire. A doctor's wife living in the Hillcroft estate told me her husband could not leave the estate via Lakes Boulevard during last year's floods because there was only one way out. Cr Pam McLeod and I campaigned hard last year to resolve this issue not only to ensure emergency vehicle

access but to deal with the now-heavily congested traffic leaving the Mill Park Lakes estate at peak hour.

Cr McLeod was successful in having the Lakes Boulevard connection funded in the City of Whittlesea's current budget. I welcome this but am now disturbed to read, in last week's *Whittlesea Leader*, Mayor John Fry quoted as saying the road may take up to two years to finish. This is not good enough. This will jeopardise the ability to get buses into this brand new school and will also cause undue difficulty for the families in the Hillcroft estate.

It beggars belief that the City of Whittlesea, a local government with what must be one of the greatest numbers of transmission lines traversing its area of any local government, did not understand that it required a higher clearance to build a road underneath them. The city is also saying that it had not acquired enough parcels of land. I think the mayor needs to do a much better job for the local families in the area, and I would also think that as an official with the Australian Education Union, he would also have some concerns for the teachers who will be teaching in that school and who are going to have to take a packed lunch to actually get to it.

I urge the minister to ask her department to seek discussions with the City of Whittlesea to sort out this matter as soon as possible. If the city cannot get the road in, it should at least build a footpath or a pathway to enable those families to get to Mill Park Lakes school.

Responses

Mr CAMERON (Minister for Agriculture) — The honourable members for Box Hill, Frankston, Lowan, Footscray, Sandringham, Pascoe Vale, Polwarth, Mitcham, Benalla and Yan Yean have raised matters for ministers. I will refer those matters to them.

The ACTING SPEAKER (Mr Nardella) — Order! The house now stands adjourned.

House adjourned 10.29 p.m.