

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 17 April 2008

(Extract from book 5)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 6 August 2007

⁴ Elected 15 September 2007

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Thursday, 17 April 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

NOTICES OF MOTION

Notices of motion given.

Mrs FYFFE having given notice of motion:

The SPEAKER — Order! I suggest to the member that some editing of that notice may be done by the clerks.

Further notices of motion given.

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 24 and 146 to 183 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Box Hill Hospital: redevelopment

To the Legislative Assembly of Victoria:

This petition of the residents of Victoria draws to the attention of the house the urgent need for the full redevelopment of Box Hill Hospital to proceed without delay. The medical needs of residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital's current old and inadequate facilities.

This has resulted in Box Hill Hospital having some of the worst waiting lists and waiting times of any hospital in Melbourne, despite the best efforts of doctors, nurses and other hospital staff.

The petitioners therefore request that the Legislative Assembly call on the Brumby government to provide the necessary funding in this year's state budget so that the full redevelopment of Box Hill Hospital can proceed without any further delay.

By Mr CLARK (Box Hill) (237 signatures)

St Georges Road, Northcote: roundabout

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the hazardous conditions that exist at the roundabout situated at St Georges Road, Charles Street and Merri Parade, Northcote. The intersection is further complicated by the tram route that runs directly through the roundabout and the large number of bicycle users and pedestrian traffic from nearby Northcote High School. We are concerned that accidents and near misses are on the increase at this intersection and the petitioners therefore request that the Legislative Assembly of Victoria implement measures to improve the safety of the roundabout for the benefit of all commuters.

By Ms RICHARDSON (Northcote) (2255 signatures)

Tabled.

MELBOURNE COLLEGE OF DIVINITY**Report 2007**

Ms NEVILLE (Minister for Mental Health), by leave, presented report.

Tabled.

AUSTRALIAN CATHOLIC UNIVERSITY**Report 2007**

Ms NEVILLE (Minister for Mental Health), by leave, presented report.

Tabled.

COUNTY COURT JUDGES**Report 2006–07**

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Adult Multicultural Education Services — Report 2007

Australian Crime Commission — Report 2006–07

Ballarat University — Report 2007 (two documents)

Bendigo Regional Institute of TAFE — Report 2007

Box Hill Institute of TAFE — Report 2007

Central Gippsland Institute of TAFE — Report 2007

Centre for Adult Education — Report 2007

Chisholm Institute of TAFE — Report 2007

Deakin University — Report 2007

Driver Education Centre of Australia Ltd — Report 2007

East Gippsland Institute of TAFE — Report 2007

Gordon Institute of TAFE — Report 2007

Goulburn Ovens Institute of TAFE — Report 2007 (two documents)

Holmesglen Institute of TAFE — Report 2007

Kangan Batman Institute of TAFE — Report 2007

La Trobe University — Report 2007

Melbourne University — Report 2007

Monash University — Report 2007

Northern Melbourne Institute of TAFE — Report 2007

Professional Standards Act 2003 — CPA Australia Limited (Victoria) Scheme under s 14 (*Gazette G8, 21 February 2008*)

RMIT University — Report 2007

South West Institute of TAFE — Report 2007

Sunraysia Institute of TAFE — Report 2007

Swinburne University of Technology — Report 2007

Victoria University — Report 2007 (two documents)

William Angliss Institute of TAFE — Report 2007

Wodonga Institute of TAFE — Report 2007.

BUSINESS OF THE HOUSE

Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 6 May 2008.

Motion agreed to.

MEMBERS STATEMENTS

Seniors: concessions

Ms WOOLDRIDGE (Doncaster) — Senior Victorians need a commitment from this government in the upcoming budget that the real value of their concessions will be maintained in light of significant cost of living price hikes. Low-income earners, especially the aged, are experiencing intense pressure on their budgets. Rent has increased by more than 12 per cent, fresh food by 9 per cent, and petrol is up by 35 per cent. In January electricity prices increased between 14 per cent and 17 per cent, and in July water prices are set to increase by 13 per cent to 17 per cent, with further price increases which will double water costs to households by 2012.

It is no secret that Victorian pensioners are barely scraping by. In a statement last year Council on the Ageing Victoria chief executive, Sue Hendy, said many aged pensioners are struggling to make ends meet. These concessions for pensioners equate to up to \$200 per year, and it is money that makes a real difference in their ability to purchase fresh food, buy petrol for outings, visit the dentist and even attend local social functions.

This government must support struggling Victorians by putting an end to speculation about the possible introduction of capping of electricity concessions and new restrictions on concession eligibility. Further, the government must support and invest in energy and water efficiency mechanisms for low-income households, which would reduce the cost to consumers, reduce the concessions claimed and have a positive impact on the environment. As utility prices rise, so too does the GST revenue which goes straight into government coffers. I call on the Minister for Community Services to ensure the value of concessions are maintained.

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

Member for Benalla: comments

Ms THOMSON (Footscray) — Last night during a debate in this chamber the member for Benalla equated the Labor government's actions to the Gestapo and Gestapo tactics. As a proud member of the Australian Labor Party and a Jew, I was appalled, as all members should be.

Six million Jews died at the hands of the Nazis in the Holocaust and the Gestapo's effect reached every

country invaded and every population. It is outrageous to say that anything a democratically elected government would do is in any way comparable to the actions of the Gestapo.

Mrs Shardey interjected.

Ms THOMSON — The member for Caulfield should feel ashamed of her new coalition colleague and take some action to seriously counsel him about the effects that are still felt by the relatives of those victims. I failed to meet my aunty and other relatives because of the Holocaust. If the member for Caulfield is unable to arrange a visit to the Holocaust museum to see how communities were actually affected by the Holocaust, then I suggest that I, the member for Prahran and other members on this side of the house would be more than happy to arrange a visit.

Rail: freight network

Mr WALSH (Swan Hill) — I would like to bring to the attention of the Parliament, particularly the Minister for Public Transport, the extra costs and frustration that businesses in the Swan Hill electorate are suffering because of the deplorable condition of the rail freight network in Victoria.

An example of this is what has happened to the Peagrowers Co-operative, or Peaco, as it is commonly known. Peaco packs and exports grain legumes from a plant at Donald. Recently it arranged for nine containers to be freighted to the port at Melbourne. The night before it was assured that everything was on track and that the containers would be picked up overnight and taken to the port. To the dismay of the people there, the next morning the containers were still at Donald. Unfortunately this problem is common. Because of the just-in-time principle that shipping companies apply, Peaco had to turn around and hire a truck to get those containers to the port at an extra cost of \$462 per container.

The problem is the poor condition of the railway lines. V/Line has said that passenger trains take precedence over rail freight and if a freight train from Mildura is running late, it does not have time to stop at Donald. Country Victorians deserve better than a second-class freight system. Peaco is a great example of a value-adding industry in my electorate. It does not deserve the extra cost that is forced on it by the train not stopping at Donald to pick up its containers. It is just not right that country Victoria has a second-class freight system.

Schools: Wyndham

Mr PALLAS (Minister for Roads and Ports) — I wish to acknowledge and record my appreciation of several recent local education announcements made in Wyndham by the Minister for Education on behalf of the Brumby government.

Woodville Primary School received \$500 000 to refurbish and extend its multipurpose room and will develop a large and flexible learning space to be enjoyed by all students. Woodville Primary School was one of 23 schools to receive part of the \$10.2 million upgrade funding from the Better Schools Today initiative which is ensuring that Victorian children are able to learn in the best possible environment.

The government has also announced two new coeducational select-entry schools in Victoria, with one to be established in Wyndham Vale. The government will be investing \$40 million to establish the two schools. Currently the city of Wyndham is the fastest growing municipality in this state, with a growth rate of 6.2 per cent. Through this investment in education, the government has recognised the need for further improving educational facilities in the west and thereby ensuring that children in the west receive the greatest possible educational advantage.

The new Wyndham Vale school will open its doors to its first year 9 students in 2010 and will have links with Melbourne University, which will open up opportunities for students to share facilities and work on joint research projects. These projects are part of the Brumby government's \$1.9 billion Victorian Schools Plan, which is rebuilding, revamping and enhancing over 500 schools in Victoria and ensuring a continued investment in our children's future.

Rail: gauge standardisation

Mr TILLEY (Benambra) — We are all well aware that this is the last sitting day before the Brumby Labor government delivers its 2008–09 budget. On 7 March this year, during an interview with Joseph Thomsen on radio station ABC Goulburn Murray, the Minister for Public Transport stated a couple of things in relation to the rail services on the north-east line. She said that currently negotiations are continuing with the Australian Rail Track Corporation and in those negotiations it will be determined whether the lines will be standardised or \$15 million will be spent on the maintenance of the broad gauge lines.

During the interview the minister said further that she was hoping negotiations would conclude within the

next month so we would then have a sense of whether we are going to standardise the lines or keep broad gauge.

This interview was conducted more than five weeks ago, and the people of the north-east still do not have any sense of how much longer they are going to have to tolerate a substandard rail service with constant delays, poor hygiene and trains that are in fact buses. The minister ruled out buses as a permanent fixture, but have negotiations stalled? It is more than a month since the minister gave assurances that some announcement would be made. I challenge the government at the next sitting of this house to make some positive or affirmative announcements in relation to the rail relocation and standardisation of the rail out of Wodonga.

John McGrath

Ms NEVILLE (Minister for Mental Health) — It is with great pleasure that I rise to congratulate and thank John McGrath for his significant contribution as a leader in the area of mental health, both in Victoria and nationally. In recognition of his contribution he has been awarded the distinguished F. J. Angus award for his outstanding service to the mental health sector. John has had a long career, including serving for 15 years as the member for Warrnambool in this house.

From 1997 to 2002 John was chair of the Mental Health Council of Australia, which is the national peak, non-government organisation for mental health. John's interest in mental health has included involvement in national initiatives such as suicide prevention and the Australian Health Ministers Advisory Council's national mental health working group. He has also been chair of the Victorian Network of Carers of People with a Mental Illness, and a board member of Carers Victoria. John is currently deputy chair of beyondblue, the national depression initiative, a board member of Headspace, the National Youth Mental Health Foundation, and a board member of Crisis Support Services. John is also chair of my Ministerial Advisory Committee on Mental Health.

As Minister for Mental Health I have worked closely with John in his role. It is an extremely positive working relationship. His contribution, through the advisory committee, to the reform work we are doing in mental health is greatly appreciated. John's extensive experience with national and local mental health issues and his understanding of the complex service systems and relationships across the mental health sector have been invaluable.

I extend my congratulations to John on his well-deserved award and offer my best wishes for his ongoing work on behalf of people with a mental illness.

Box Hill Hospital: redevelopment

Mr CLARK (Box Hill) — I was pleased to present to the house today a petition signed by hundreds of eastern suburbs residents calling on the government to provide the necessary funding in this year's state budget so that the full redevelopment of Box Hill Hospital can proceed without any further delay. The petition points out that the medical needs of residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital's current old and inadequate facilities. This has resulted in Box Hill Hospital having some of the worst waiting lists and waiting times of any hospital in Melbourne, despite the best efforts of doctors, nurses and other hospital staff.

The last major upgrade to the hospital was in 1998. Previous redevelopment plans were scrapped by the government after the 2002 election. In its 2006 election policy Labor promised to complete a redevelopment, but there was no funding in last year's budget. If the project is not funded this year, major redesign work will be necessary, which will effectively bring the current project to a halt.

Surrey Hills Primary School: funding

Mr CLARK — I also call on the government to fund the long-awaited upgrade of Surrey Hills Primary School in this year's budget. The school has received no major facilities funding since a \$510 000 grant in 1997. It has 400 students in cramped and run-down facilities on a 1.1 hectare site. The school infrastructure and the school oval need urgent and costly works, but it does not make sense to do these works ahead of the upgrade. The government asked the school to prepare updated plans before the 2006 election and the minister visited the school for a photo opportunity, but the school has since been kept in the dark, even though it lodged final plans in April last year.

Diamond Creek East Primary School: leadership awards

Ms GREEN (Yan Yean) — Today I place on record my thanks to the Diamond Creek East Primary School community for their recent invitation asking me to participate in their leadership ceremony earlier this week. I had the privilege, along with the principal, Rob Rostolis, and the school council president, Chris

Collins, to present leadership badges to the junior school council and their house captains and peer mediators.

The new junior school council will be ably led by the president, Elizabeth Phillips, who is an impressive young woman. When she is at high school in a couple of years I hope she takes up the opportunity that I have extended to her to undertake some work experience. Along with the other students I met on that day, she is definitely a school leader of today and a leader of our community tomorrow.

Along with all the parents and students from the school, I was pleased to be in the Ark, the outdoor facility that the school has. It has never rained before on my many visits to the school. This was the first time, so the Ark was actually useful. I was pleased to hear regarding the human-powered vehicle project that the school has been involved with for five years that the school has had another great win in a recent competition at Casey. I thank the parents, volunteers and sponsors for their activity in this regard.

Wanganui Park Secondary College: hall of fame

Mrs POWELL (Shepparton) — On Friday, 11 April my husband, Ian, and I had the honour of attending Wanganui Park Secondary College's inaugural hall of fame dinner in Shepparton. The hall of fame was an initiative of the former principal, Mr Morris Sleep, and it was taken up and proudly implemented by the current principal, Mr Keith Gray. Each year the hall will identify and recognise four current or former students who are leaders in or have made an important contribution to their field. I was proud to be invited to chair the selection panel and join Mr Gray, the school council president, Tony Peardon, and the school captains, Portia MacDougall and Ryan Giustino, to select the four winners. The calibre and diversity of the applicants were outstanding in the four categories: academia-science, sport, art and community.

The successful inductees were Adam Thompson, the former lead singer with Chocolate Starfish and a winner of many music awards, including an Australian Record Industry Association award for best album, who also works with young people, including Aboriginal youth; Brett Lancaster, a world champion cyclist and winner of numerous world titles and a gold medal at the Olympic Games; Sharon Orrman-Rossiter, a distinguished science researcher and a wonderful athlete, who now provides programs to help people reach their potential; and Dr Gino Somers, a pathologist at the largest paediatric hospital in North America, who

is currently researching better ways to treat cancer in children.

These four outstanding former students are great role models for students at Wanganui Secondary College, showing what can be achieved with hard work and skill. I congratulate Wanganui Park Secondary College and its great staff and students.

South Barwon electorate: bowling clubs

Mr CRUTCHFIELD (South Barwon) — I have great pleasure in informing the house of the successes of a couple of bowling clubs within my electorate of South Barwon. At the recent Geelong and District Bowling Association pennant finals held at Highton Bowls Club there were classic end-to-end battles in the 11 divisions, with many matches going down to the wire. I congratulate Torquay Bowls Club, which won the division 1 pennant over Highton by 112 to 74. The Torquay team of Peter Barnes, Mac Smith, Ian Sheldon and Geoff Grigg defeated Highton's team of Paul Hickey, Steve Macklin, Lance Cotterill and Rob Priddle. The club also had a victory in the division 4 pennant competition against Geelong West by 92 to 82.

The Torquay Bowls Club also recently had success in the ladies competition, with Karen Harrington being crowned the Bellarine district champion. In division 2 the Highton Bowls Club blue team of Rob Wells, Ron Murrell and Allan Parish had a comfortable win over Lara by 98 to 85. Highton division 2 secured a place in the division 2 state finals to take place next week at Corowa against 15 other group winners. I wish the team all the best at the competition. In division 6 Highton defeated Lara by 103 to 79. Torquay Bowls Club also recently held the Surf Coast Masters competition, which saw the Highton rink of Terry Hilton, Max Gladman, Brian Lugg and Ray Wilkinson make a magnificent 14-shot comeback in the last game to take the title.

Both bowls clubs are very well run and are experiencing success both on and off the rink. It is fantastic to see that lawn bowls is alive and well in the Geelong and Surf Coast region. I congratulate all the winners and those clubs that competed.

Electricity: blackouts

Mr MORRIS (Mornington) — The matter I raise this morning relates to the aftermath of the dreadful storms we experienced just over two weeks ago. It is a measure of the ferocity of the weather that day that this is the third time it has been necessary for me to bring related matters before the Parliament. Understandably

there were widespread power outages, some of which were repaired promptly and some not. My office was swamped with calls for days from people waiting for supply to be restored, including from several older Victorians who live alone. They had to live in the cold and dark for days.

It was not only individual homes that had to wait for supply to be restored. Three Mount Martha businesses — Terry Bateman Pharmacy, Warlimont and Nutt Real Estate and Healthwise Therapies remedial massage — were affected. Power was lost during the storm and not restored until Sunday, 6 April. For five days these businesses had to operate under very primitive conditions, with no lights, no telephones, no cash registers, no computers, no heating and no refrigeration. Prescriptions were being dispensed by candlelight for a time; indeed the pharmacy only continued to operate through the generosity of neighbouring shopkeepers, who made it possible to light the premises and use the cash register.

It is simply unacceptable that any home or business should be kept without power for 5 hours, let alone five days. The minister must take responsibility for the shortcomings, investigate the circumstances surrounding the events and explain to the people of Mornington and Mount Martha what he is doing to ensure that this circumstance does not occur again.

John Hancock

Ms RICHARDSON (Northcote) — Today is the 117th anniversary of the election of the first Labor candidate to the Victorian Parliament. On 17 April 1891 John Hancock won a by-election in Collingwood by 500 votes. Hancock's win would lead to the formation of the Progressive Political League — the forerunner of the ALP. *The Bulletin* called Hancock's election 'the first detonation of the volcano'. Hancock, who was a printer by trade, achieved a great deal before his death in 1899. He was president of the Trades Hall Council and was involved in the management of the 1890 maritime strike. The crushing defeats suffered by the unions convinced him that the labour movement stood alone. He understood the need for representation in this Parliament and was one of the first to push for the formation of an independent labour party.

Hancock was a Labor pioneer. He was one of the first working class people to throw open the doors of this place, and decades before the dismissal he campaigned against the Australian constitution because, among other things, he thought the Governor-General had too much power. *Tocsin* described him as a Labor member who 'never compromised his principles, and never lost

the faith of the workers'. In his life he demonstrated the vision of the labour movement in standing up for working people, then his death proved how important that task was.

Sadly, on his death in 1899 it was necessary for his union, the Melbourne Typographical Society, to launch an appeal on behalf of his wife and children. The kind of isolation and injustice that was suffered by working families demonstrates why the Labor Party has always striven to overcome such injustices. It took the first majority Labor government in Canberra, led by Andrew Fisher, to establish old age and invalid pensions. One hundred and seventeen years ago today John Hancock prised open the doors of this house on behalf of working families. The doors are now wide open on behalf of these working families and their aspirations.

Ferntree Gully electorate: funding

Mr WAKELING (Ferntree Gully) — With the state budget to be handed down next month residents in the Ferntree Gully electorate will be waiting to see if important projects are to be programmed for future delivery by the Brumby Labor government.

In relation to public transport, my community will be waiting with interest to see whether the government is willing to deliver on its 1999 election commitment to establish the Rowville rail feasibility study and the tram to Knox City. Additionally, they will be interested to see if the government is prepared to upgrade Ferntree Gully railway station to premium status. On roads, the government must outline its intentions for the long-awaited future construction of Dorset Road south of the Burwood Highway.

With police, we will be awaiting the provision of additional police resources to ensure better front-line policing. This will also include provisions to ensure the Rowville police station is operational 24 hours a day, which is what was promised by this government back in 1999.

My community will be waiting to see whether the reconstruction of our local schools occurs, as well as the important injection of funds in necessary school maintenance. It is important that the Brumby government listens to the concerns of my community and develops the necessary plans to establish a clear program for the future provision of sorely needed resources and infrastructure in the Ferntree Gully electorate.

Brian Toner

Mr BROOKS (Bundoora) — I would like to pay tribute to Brian Toner who passed away last Sunday, 13 April. He was a well-known and respected member of the Greensborough community. Brian was born in Benalla in 1935 and moved to Thornbury with his family when he was about five years old. He studied architecture at Melbourne University, and after early work in industrial architecture he went into his own practice. He was involved in working on many local community buildings including the Plenty Valley Montessori School, St Mary's Primary School, various mud brick housing developments, Diamond Valley Railway and Helping Hand at Epping.

Brian had an altruistic approach to work and often did volunteer work, or accepted payment in kind for his architectural work. Diamond Valley Railway is one such example. He was a keen conservationist and ahead of his time in many ways. He revegetated his own property, which sits on the banks of the Plenty River, with native trees.

When his wife Pauline was pursuing her career in public life, both as a Diamond Valley councillor and then as Victoria's first woman cabinet minister, Brian was happy to take the back seat and support Pauline in her ambitions. He changed the nappies, picked up the kids from school and looked after the five children. He was an incredibly proud parent who knew about his children's interests, schooling and friends.

He was part and parcel of the Australian Labor Party in Greensborough for many years, remaining a member right up until his passing. During the 1970s and 1980s he was respected as an innovative campaign director in local elections. I always appreciated his friendly, gentle advice and fierce encouragement, not just on political matters but also his kindness on a personal level. Brian Toner will be very sorely missed by many in the Diamond Valley.

Liquor: licensing review

Mr O'BRIEN (Malvern) — The liquor licensing reforms of the 1980s which continued into the 1990s have, by and large, provided great benefit to Victorians. They have introduced far more choice for consumers, they have provided an opportunity for many small businesses to establish and thrive, and they have been credited in part with the revival of the Melbourne central business district after dark. As a result of some recent alcohol-related violence breakouts, particularly in the central business district, these laws are now under review. I think it is very important that the government

move quickly but carefully on this matter, because we do not want to return to the days of the 6 o'clock swill.

It is possible to reform the liquor laws without placing an undue burden on liquor licensees who do the right thing, who run venues which practise the responsible service of alcohol, which have adequate security and which coexist peacefully with their neighbours, particularly residential neighbours. The government must make sure it strikes the right balance in the forthcoming review. It must also recognise that adult individuals ultimately have a responsibility when they are partaking of alcohol to look after themselves, and the liquor licensing laws must reflect that.

Member for Evelyn: comments

Ms LOBATO (Gembrook) — Yesterday the member for Evelyn made a serious allegation that I feel impugns my character. The member accused me of assault against a protester. I place on record today that as a committed pacifist I have never in my life assaulted anyone. The accusation presented to the house by the member for Evelyn was false. I did not bruise the arm of the protester in question. The protester stood in front of my car's drivers door and denied me access to my car while her fellow protesters put chains around my car. Despite my pleading with her to move, the protester made it clear she was not going to allow me to access my car. The protester was twice as heavy as I am, and as a result I felt intimidated by her. Therefore I had no choice but to telephone the police, who subsequently moved the protesters away from my car.

Prior to this unfortunate incident I had called Timber Communities Australia, the protesters, and asked for them to meet me at my mobile office. They declined my invitation and instead chose to disrupt my mobile office and yell insults at one of my constituents. Freedom of speech is a right that must be protected for every individual residing in this country. Accordingly, I respect the right of the protester to disagree with the position I took on the issue. I also respect the right of the protester to protest in an orderly manner against my stance to oppose logging in water catchments.

The member for Evelyn, by repeating the lie made by the protester, is sending a message that any member of the public who disagrees with a member of Parliament is free to attend to bully and intimidate parliamentarians into submission — and that is an irresponsible message.

Rail: Mildura line

Mr CRISP (Mildura) — I wish to speak about services on the Mildura railway line. At present the

railway line is being upgraded in line with a 2001–02 promise of the Labor government at a then estimated cost of \$96 million. Six years later the work is under way. However, the delay has seen the funds available for the project reduced from \$96 million to about \$53 million. In order to restore the track to a state that would provide a reasonable level of service, the state has had to cash in federal standardisation funds of \$20 million.

The delay in this project may well have been a factor in the Wakefields Ironhorse Intermodal operator going into administration and now being sold off. Ken Wakefield was an innovator who tried to make the rail network work for northern Victoria. Wakefields toiled while the Labor government spent its time and energy blaming governments of the last century. The railway line was left to deteriorate to the detriment of those who depended on it and believed in it. I hope the remaining rail issues in country Victoria will be addressed in the coming budget.

I wish to pay tribute to the work done by Wakefields to keep the rail freight train running for so long against all the odds. Country Victoria has not given up on rail and Rural Councils Victoria has made country rail freight its highest priority at a recent meeting. It is even considering a summit to show ongoing leadership in country rail post the Wakefields era.

Water: goldfields super-pipe

Mr HOWARD (Ballarat East) — Yesterday I was pleased to be back in my electorate with the Minister for Water and the federal Minister for Climate Change and Water, Senator Penny Wong, to see the final pipe laid in the 87-kilometre pipeline from Sandhurst Reservoir in Bendigo to White Swan Reservoir in Ballarat. This project has been completed both within budget and the time lines set. That has been very satisfying, as is the knowledge that it has been completed to a very high level of quality. The rectification works across the agricultural properties affected by the project have been of a very high standard and have been very well received by the land-holders. The project is a credit to be contractors involved, Pipecon, and others, as well as to Central Highlands Water, which was responsible for overseeing it.

It was also very pleasing that Senator Wong reconfirmed that the Rudd government has committed \$90 million as half of the cost of the pipeline, unlike the Howard federal government, thereby providing significant future savings to Central Highlands Water customers. When we looked at the White Swan

Reservoir what was very clear to anybody who has followed water provision in Ballarat was that only the Bracks and Brumby governments have been able to save Ballarat from the very dire circumstances that would have arisen. The opposition clearly had no idea at the last election.

Parliamentary bocce challenge: trophy

Mr KOTSIRAS (Bulleen) — I stand to condemn the members for Essendon, Brunswick and Yuroke for not telling the truth in relation to the bocce challenge trophy. All three members knew on 15 April that the Bocce Federation of Victoria had the trophy because the member for Brunswick received an email from the federation advising him that it had the trophy.

I will read the email that the member for Brunswick received a few days ago. Despite receiving it he got up and made a fool of himself. I quote from the email sent to Carlo Carli and me, which says:

My apologies for not being in touch with you sooner about the engraving of the parliamentary challenge cup.

I have done some research on the previous winners, which are as follows ...

With your agreement, I will complete the engraving.

The member for Brunswick had this email on 15 April and yet in this Parliament he attempted to not tell the truth. It is a shame because the Labor Party lost last year, just as it will lose in 2010 at the forthcoming elections, because it is incompetent, it cannot govern the state and it is about time it realised this.

Brian Toner

Mr LANGDON (Ivanhoe) — Today I add my tribute to Brian Toner to those of the members for Eltham and Bundoora, who also paid tribute to him. I pass my condolences on to his family. Pauline and Brian Toner were pillars of the Labor Party in the Diamond Valley area, which extends into Ivanhoe, and my sincere condolences go to their family.

Jack and Esmae Pimm

Mr LANGDON — In the past I have paid tribute to the many volunteers who put on the Sunday luncheons at St George's Anglican Church in East Ivanhoe on a monthly basis. Today I would like to pay particular tribute to Jack and Esmae Pimm. Jack always welcomes people with a nice glass of sherry as they arrive at the luncheons and Esmae is there collecting funds and organising the books to make sure that she knows who is present. Both Jack and Esmae are a

welcoming committee unto themselves, and they really add to the atmosphere of the place. I sincerely thank them for all their efforts in making everyone feel very welcome at the St George's luncheons. Again, I congratulate all those involved in those very successful luncheons which occur on the first Sunday of the month for 10 months of the year. This one coming up will be a tribute to Mother's Day and I will be present.

PERSONAL EXPLANATION

Dr SYKES (Benalla) — I wish to make a personal explanation. Last night on two occasions in the course of the debate I used an inappropriate term to describe the government. Understandably, a number of members have taken offence. I regret the use of that term and I withdraw it unequivocally. I apologise to all members and anyone else who has taken offence.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed from 16 April; motion of Ms PIKE (Minister for Education).

Ms GREEN (Yan Yean) — I will briefly continue my remarks on the Education and Training Reform Amendment Bill, which were interrupted last evening. At the outset I said it was a very forward-looking piece of legislation that recognises the needs of all children for education from very early years right up until they leave the education system. The bill supports the wonderful state schools in this state and reiterates that the Brumby government sees education as its no. 1 priority. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Education and Training Reform Amendment Bill 2008. Yesterday the member for Eltham, in his contribution on the bill, said the opposition should stop running down teachers. The reality is that only the opposition supports our teachers, and that is why we will ensure that they are the best paid in the nation. Under this government they are the worse paid in the nation, but under the opposition's new policy they will be the best paid.

The sad thing is that government members think they have a monopoly on education, but I have news for them. If they took the time to visit schools and speak to the teachers they would find that the teachers are sick and tired of being taken for granted year in, year out, simply because the government believes teachers will

vote for it regardless of what the government does. Teachers do not support this government because this government does not support teachers.

The purpose of the bill is to amend the Education and Training Reform Act 2006 to provide a legislative framework for the establishment and maintenance of a Victorian student register. The purpose of the student register is to assist the government's quest to have a 90 per cent completion rate at year 12, and to make it more difficult for students to slip through the cracks after dropping out.

The bill provides for students to be allocated with Victorian student numbers. The aim is to keep a record of student movement in the hope of boosting retention rates. For instance, if a student moves from one school to another, then that number will go with the student, and if the student decides to move for personal reasons or because this arrogant and uncaring Labor government closes the school — it uses the term 'amalgamation' rather than 'close' — then the student will move to another school with that same number.

Mr Howard interjected.

Mr KOTSIRAS — The member for Ballarat East questions whether this government has closed schools. I wish to tell the member what is happening at Macleod College. There is a flyer going around Macleod College which is headed 'Save our school! Stop Macleod College being sold off for apartment development'.

Government members, and especially the mushrooms sitting on the back benches, say to us that when we were in government we closed schools, but what has this government done? How many schools has the Labor government closed since 1999? One example is Macleod College. The parents of students from Macleod College say in the flyer:

School enrolments have been rising in the area, whereas La Trobe Secondary College has closed because of falling numbers.

...

Because the Macleod College site is in such a good location, it is likely that the site would be developed for multistorey apartments ...

The government does not care about students, it does not care about the community nor about the future. All it wants to do is plug the black hole, raise more money and close schools; and yet it has the audacity to criticise us by claiming — and it is untrue — that we closed schools.

The government is closing schools every single year, and calling those closures amalgamations. The principals are afraid to speak out for fear of being sacked. The government has gagged the teachers, gagged the principals, and it is closing schools — amalgamating — as a result of which students have to travel greater distances to go to the next school. It is appalling, and the government will find out what parents think about this type of government action at the next election.

It is interesting to look at retention rates. The government uses the term so often — we have to have a 90 per cent retention rate, it says — but it does not matter how long students remain at school if they cannot read or write when they leave. In that instance retention rates do not mean much. If 100 per cent of students stayed on to year 12 but they could not read or write, no employer would employ them.

This government does not understand that. It is afraid to compare our students with other states because it knows that we are the worst state in terms of reading, writing and mathematics. Victorian students do worse than students from other countries, according to the program for international student assessment — or PISA — report of the Organisation for Economic Cooperation and Development. Its results for 2006 state that Victoria is the worst performing mainland state in mathematical literacy.

Victoria continued its poor record in reading under this government, recording the worst result of any state and performing worse than it did in 2000 and 2003. According to the bill, all students from prep to year 12 will be allocated a number in the hope that retention rates will increase. That is good, but the retention rate is not the only measure. Our students should be able to read and write, and at present they are failing in these areas. This allocation of numbers will be rolled out in public schools in March 2009. I will bet the member for Ballarat East that this rollout will be late. This government cannot manage anything it attempts to do, so this rollout will be late.

The member for Nepean is a good member who cares about education and teachers. That is why he put out a policy of providing more money for teachers and ensuring they are the best paid in this country. He asked why students who attend kindergarten are not allocated a number. If we believe in lifelong learning from the cradle to the grave, why not provide these numbers to kindergarten students? I do not recall the member for Eltham responding to that question. The member for Morwell asked whether funding would go with the student. If a student transfers from one school to

another, will the funding allocated to that student move with the student to the new school? I had hoped the member for Eltham would answer that question. Unfortunately he did not.

Could someone on the other side explain to me who is going to provide the extra money required for schools to allocate numbers to their students? More and more schools are required to find additional money for everyday running costs. This is just another example of the burden being placed on schools to raise funds to cover these costs. I hope that in her summing up the Minister for Education will advise how this will be provided for.

The bill also provides for the establishment and maintenance of a student register. My question here is whether this government and this minister are capable of maintaining a student register without someone abusing it? One has to remember what happened when the law enforcement assistant program database was misused. I have no confidence that this government will be able to manage this register. I think it will be abused, but time will tell. While I understand an ethics group will be looking at and limiting the use of the register, I cannot trust the government. I do not believe it is capable of ensuring that this register is not misused.

The bill also enables the CEO (chief executive officer) of VCAA (Victorian Curriculum and Assessment Authority) to issue reprimands to students in relation to minor breaches of exam rules. These minor breaches have occurred in the past, but there was no way of dealing with them. The CEO will now have the ability to issue reprimands, which I think is a good idea. The bill makes changes to the functions of VCAA in relation to early childhood and the testing of students. This is good, but it is an opposition policy. Despite having so many advisers on the other side, despite having department after department filled with public servants — the staff of the Department of Premier and Cabinet, for example, has increased from 400 to 800 in just seven years, and the staff of every other department has also increased — and despite all the policy work that has been done by the public servants and not by the ministers, because the ministers are not capable of it, and not by backbenchers, because they just get a copy of the folder that is passed on from backbencher to backbencher, the government cannot come up with a single idea of its own and has to copy opposition policy. That is good. I support this part of the bill, but it is about time this government worked on coming up with new ideas and new policies instead of stealing the policies of the opposition.

While we support this bill, it is a shame that members on the other side do not support our teachers. The member for Eltham used to be a teacher. I would have thought he would know better and would demand that the minister allocate extra funding to ensure that our teachers are the best paid in this country. Unfortunately they are treated as second rate simply because members opposite think teachers will vote for this government regardless of what it does. I have news for the government: teachers are not going to vote for it in 2010. If members opposite leave their ivory tower and visit schools and speak to teachers, they will realise that is the case.

Mr TREZISE (Geelong) — In speaking in support of this bill, I have to say it is absolutely breathtaking to listen to the political hypocrisy espoused by the member for Bulleen in feigning some type of support for state education in Victoria. People in my electorate of Geelong and across Victoria well remember; they well remember the schools that were closed by the Kennett government, and they well remember the number of teachers who were sacked by the Kennett government. It is absolute sheer hypocrisy for the Liberal Party and for the member for Bulleen to somehow be feigning some type of support for education in this state.

As I said, I am pleased to be speaking in support of this bill because it once again highlights this government's commitment to ensuring that all Victorian students, be they in kindergarten, at primary or secondary colleges, or in tertiary education, are given the opportunity to have a world-class education. This government has education as its no. 1 priority, and I can assure this house in speaking in support of this bill today that the electorate of Geelong has benefited greatly as a result of the commitment of the Bracks and Brumby governments to education in Victoria. The renaissance of Geelong schools over the last eight years of this government is nothing short of remarkable. Students across the vast majority of primary schools and secondary colleges in the electorate of Geelong are reaping the benefits of million-dollar upgrades and reconstructions and the provision of first-class equipment, including computers.

The bill takes a number of initiatives to build on the further improvements that we have made in education since 1999. The government's decision to integrate education and early childhood development is widely welcomed by the preschool sector. This bill will enable the Victorian Curriculum and Assessment Authority (VCAA) to develop policies, criteria, standards and assessments relating to early childhood education. This government is fully committed to ensuring that all

children, including those just starting out on their academic careers, are given the best opportunity to achieve their academic goals. This can be done by ensuring that young children are provided with sound, effective and quality learning opportunities, and the expansion of VCAA's role in this area will contribute to this goal and thus must be, and is, widely applauded by the people of Victoria.

As members are well aware, federal and state governments have agreed to ensuring consistency across the nation in relation to numeracy and literacy. The states and the federal governments have agreed, and rightly so, to the implementation of uniform national literacy testing and national numeracy testing. Importantly, this bill before us today will give VCAA the ability to implement these important national testing arrangements in this state for students in years 3, 5, 7 and 9.

Most significantly, the bill also introduces the implementation of student identity numbers and establishes a Victorian student register, which will create a record of students by tracking them through their identity number. It is important to note that in establishing this initiative, the Department of Education and Early Childhood Development will undertake a round of extensive consultations with all stakeholders.

I support the student number and registration system because its primary objective is to maximise the chances of students remaining at school until at least year 12. That is a very important goal of this government, and our government's goal of 90 per cent retention rates by 2010 is also to be applauded. This student number and registration system will assist in meeting this goal by ensuring that students from preschool through to primary school and on to secondary college to year 12 are in effect tracked or monitored, and in so doing will provide timely support, when and as required, for students who are at real risk of dropping out before year 12. As we know from experience, this generally occurs around years 9 and 10.

Importantly, from a privacy point of view, the bill specifies the people or bodies who will be allowed to access the information contained in the register, and for purposes only to do with monitoring student enrolment, student attendance or for research or statistical purposes. As I said before, this is an important bill which builds on the government's priority in relation to its commitment to education in this state; it is our no. 1 priority. I fully support the bill, and I wish it a speedy passage through the house.

Mrs VICTORIA (Bayswater) — I rise to talk about the Education and Training Reform Amendment Bill 2008. I see some merit in the initiatives taken here. Initially the bill sets out to establish and provide the mechanisms for maintenance of a Victorian student register. In other words, every student will receive their own number that will follow them from preschool right through to year 12, which will assist in the government's quest to have a 90 per cent school completion rate by making it more difficult for students to slip through the cracks or drop out without being tracked. They will be able to be found more easily.

The bill also allows for the chief executive officer of the Victorian Curriculum and Assessment Authority (VCAA) to issue reprimands to students. In the past, if a student has been caught cheating at exam time, for example, the outcome has been black and white: either the student is allowed to continue on or they are not allowed to continue on. This bill will bring in a reprimand system and will allow for shades of grey, which is what we generally allow for in anything judicial here in Australia. It also make changes to the functions of VCAA relating to early childhood and testing of students, and this is important because this is coming in as a national initiative online.

I refer back to some of the points here. As a parent of a child who is about to start school, I think the 90 per cent retention rate is exciting. We all want our kids to do well in life, and if that means having a good education — and I am very grateful that my parents pushed me through school — then, great. If the child is happy, then they should finish year 12 and go on to tertiary education, if that is what they are aiming towards. We cannot forget that kids will stay at school only if school interests them. We have to make school interesting and relevant. Many kids are not academically inclined and are looking for technical schools, which we can never forget were closed down by the Cain and Kirner governments.

There has been some mention by those opposite of the Kennett government having closed schools. I remind members opposite that there were lots of reasons why that happened. Some schools were in dreadful disrepair. There were also some schools in my area that ended up being consolidated; they had had only a couple of dozen students in them. You can easily see that if funding is given per capita of the student population and you only have a couple of dozen students in a school those students will be underresourced and therefore disadvantaged. If funding of resources were not happening and with consolidation we could offer a beautiful, brand-new facility where the building was not crumbling and where students would have the best

in computers, play equipment and all the other things kids need, then obviously consolidation would be a good thing at that stage. As I said, the state was also pretty well bankrupt, and there were an awful lot of reasons why we had to do that.

We need to make education relevant and interesting for kids, and we need to make it what they want to do. It needs to be a pathway rather than just something you stay on for until year 12. There is no point in children staying at school just for the sake of staying at school; school needs to be a pathway to what they do later in life. Children need to have a path taking them on, whether it be to learning a trade or going out into the workforce or tertiary education, and the process needs to be a continuum.

Under this bill we will be able to have national testing across years 3, 5, 7 and 9. That cannot happen at the moment so the bill provides the legislative framework for it and empowers VCAA to administer those tests.

A concern I have with this bill is that this government is not necessarily well known for its good use of databases. I would need to be assured that the information about the children is absolutely safe. We are dealing with the most vulnerable in our society, those who are under age. In the past there has been inappropriate access to the police law enforcement assistance program database, and it took an awfully long time for that to come out in public. I am apprehensive about how long it would be, if there were inappropriate access to this database, before it would come out and how many children would be affected.

Another niggling thought for me arises when I go out to the schools in my electorate and staff tell me that they are already bogged down with red tape. Will the provisions in this bill mean more bureaucracy for them? Will schools get extra funding to, firstly, set up the system provided for by this bill, and secondly, maintain it? If somebody has to administer it, that will take them away from other things they are supposed to be doing. If schools do not get ongoing funding for this, then it will start to drain their global budgets.

We are talking about schools in desperate need already. They are asking for help through fundraisers and that sort of thing because they do not have enough money to do such things as set up shade sails, which they think are very important, and I agree with them that being sun smart is important. School staff are saying they do not have enough money to fix certain things in the school. For example, some painting may not be considered absolutely essential by the education department and may not be funded in this year's maintenance funding,

but that school may be competing against two or three other schools locally and it has to look its best to secure enrolments for the following year. That is something the school community would deem important even though the education department may not. Will schools that are already fundraising to give themselves advantage have to be propping up this system? I would like reassurance on that.

I do not know that this bill will do anything to help the actual education of children. Over the past two days we have certainly heard a lot about the education of children. The program for international student assessment, or PISA, results in Victoria are extremely low — in fact, embarrassingly low. Our mathematical literacy level here in Victoria is the worst of any mainland state, and I find that appalling. We also have the worst result of any mainland state for reading, and that result is worse now than it was in 2000 or 2003. For a government that claims education as its no. 1 priority, I think we have a real problem here.

We need to ensure that our teachers are nurtured and well paid. They are the ones nurturing our children. We need to make sure that their pay rates go from being the lowest in Australia, which they currently are, to being the highest. This is of course a Liberal policy which was announced on the weekend. It is an initiative taken by our leader which really puts into perspective the difference between Liberal and Labor when it comes to caring for our schoolchildren.

Yesterday a motion was moved in the Legislative Council calling for the government to increase the pay for Victorian teachers from the lowest to the highest in the country. Not one ALP member — not one — dared vote against that motion. They certainly spoke against it, but they did not dare to vote against it. That is an interesting progression; perhaps their mindset is not as backward as I thought it was. The treatment of teachers in this state should be a lot better. We have a healthy budget, thanks to the GST that of course Labor never wanted, so the fact that our teachers are the lowest paid in the country is absolutely appalling. It cannot be said that education is the no. 1 priority in this state if it is not backed up with money.

The system introduced by this bill is certainly good, and I support it, but we need to look at the entire education system here in Victoria, not just at giving students identification numbers. We need to get really serious now about education in this state for our kids.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to speak in support of this bill. I do so knowing that this government has progressed the standards and

position of students in this state in terms of their education outcomes and prospects.

I acknowledge that we need to do a lot more, and I am very pleased that we are prepared to do more to continue to provide the best educational system to students in Victoria we possibly can. The bill before us will provide a series of reforms which will enable the Victorian Curriculum and Assessment Authority to broaden its functions to cover early childhood development. That comes on the cusp of this government's reform in bringing together an integrated education and early childhood development focus under the one department. We do that because we recognise from the outset that the most important years of a person's life in terms of their prospects in life, whether they be educational, social or economic, are those early formative years. We also recognise that there are links between access to good early childhood services and educational services. In effect, we are putting our money where our mouth is.

We are putting our policies where they need to be to address needs, and we are structuring the government's response, its approach and its policies and programs in a way that will stand the test of time in terms of the longitudinal benefits that students will derive from that important link between early childhood development and education. We will see that occur as children develop, because the evidence is that there is a very clear link between early childhood development support in those early formative years and outcomes. Only a Labor government is interested in outcomes for children and ensuring that children in the most disadvantaged areas are able to have the best chance in life. This bill is part of that construction; it is part of that job. The Victorian Curriculum and Assessment Authority is able to conduct assessments against national standards for measuring student performance and report on that, and as I said, that will now apply to early childhood development.

The bill provides an opportunity to introduce minor amendments to allow for the chief executive officer of the authority to give written reprimands regarding minor contraventions of examination rules. It certainly differentiates between minor contraventions and the more serious ones which impact on students' grades. This allows for flexibility to deal with minor contraventions by the issuing of written reprimands. It ensures a fair and just process whereby a student who feels aggrieved by it will be able to seek a review. It will ensure that natural justice is implicit in the reprimand system for minor contraventions of examination rules. In such instances there will be no impact on the grading of students, but certainly what it

does is signal that minor contraventions, because they are minor, need to be dealt with in a way that has no impact on the grading of students but nevertheless in a fair and balanced way.

The bill will also establish the Victorian student register. This is very important to the ability to monitor the way a student receives educational services. The department will be the responsible authority in managing this. We will have a single accountable authority that is able to track the movements of individual students across the educational system and training sectors, whether it be in government schools or non-government schools. That is very important to ensuring that as part of the program and policy perspective of the government we are able to minimise the number of students who fall through the cracks, perform below their abilities in terms of assessment and perhaps even drop out of school earlier than they should given their capabilities.

This is part of growing the educational opportunities for students in Victoria. We are putting in the practical measures to address the problems which exist. We want to make sure that all students have real and practical access to education to maximise their level of performance so they are able to get the best start in life and do the best they can in achieving ongoing educational learning, economic independence and security later on in life.

There are questions about privacy and how information on students will be protected through the student register. There are very clear safeguards that are contained within the Information Privacy Act which guard against breaches, and there are sanctions for offences that may arise. The important thing to remember about this bill is that it sets very strict limits on who can access information on the register and under what circumstances. The limits are very well defined and can be changed only by legislative amendment. The bill must come back to Parliament before those very specific limitations on access and the reasons for accessing information from the student register can be varied. That is very important.

As I started to talk about earlier, the introduction of the register and the student number is about monitoring and tracking students and their progress through the education system and training sectors. It is not just about attendance and ensuring that educational records are accurately maintained, although that will be an important feature of this. As I said, it is about the government being able to ensure that the cracks are patched over so that students have the best chance in life and are able to get good educational outcomes to

the best of their abilities. That is something I am very pleased we are looking at doing.

The government is very committed to continuing the reform in education. In July 2006 a national agreement was reached for the commencement this year of national testing for the school years from prep to year 10. We are very keen to share with other states the experiences that we have had in Victoria. We are very keen to ensure that students are able to receive the best possible outcomes and have their educational standards recognised at a national level against national benchmarks. That is very pleasing. Let me assure everyone that the agenda of this government is certainly not to drag its feet or be left behind. We are very keen to keep going and lead the way in many of the educational reforms that we have implemented.

One question that has been raised by the member for Bulleen concerns the adequacy of the resources available for the student register. Let me assure the member for Bulleen that it has been made very clear that this government will provide the necessary and adequate resources so that compatibility for the transfer of information across databases — between government schools and non-government schools, for example — is able to be met. That is something the government has considered seriously, and it will take active steps to ensure that this system is able to be supported adequately.

Mr MULDER (Polwarth) — I rise to make a brief contribution to the debate on the Education and Training Reform Amendment Bill 2008. In doing so I start by congratulating the member for Nepean, because having a former school principal in the role of shadow Minister for Education is a tremendous advantage for the Liberal Party.

I have been fortunate to have the member for Nepean in my electorate on a number of occasions and to have him take me around to the numerous schools that are located in it. In an electorate of 12 500 square kilometres almost every small town has a school, and the major towns of Colac, Camperdown and Cobden each have a number of schools. There was no shortage of work for the member for Nepean when he visited my electorate of Polwarth. He discussed issues, including working conditions, with teachers. He looked at schools and their maintenance issues, including the backlog of maintenance, and discussed school bussing, which is an important issue for country members of Parliament. There just does not seem to be an approach to school bussing, particularly in my electorate, which deals with people who live in rural Victoria. I have said that sharefarmers and relief milkers often move from one

location to another. The issue of students travelling to the nearest school and of parents not being able to choose a school that suits students on the basis of curriculum has caused a great deal of problems and angst for a lot of people within our community and for school administrators, who are continually harassed about school bussing by parents in the community. The bus companies should support schools, principals and teachers, yet school administrators are continually caught up in arguments with the parents of schoolchildren about school bus access in the community. The government has failed badly on that issue.

Last night as I was walking to the back door of Parliament I ran into a person I thought was Mary Bluett or a Mary Bluett look-alike. She was speaking on her mobile phone while leaving the building. This sent a loud and clear message that there is some movement but no parity at this time — that points to the fact that the government is going to string teachers out right to the very end. It also appears, based on what I heard last night, that the government is not prepared to reward Victorian schoolteachers in a manner that the Liberal Party thinks it should. I have no doubt that in schools at the moment the call is ‘Ted is for teachers and John is for jibbing them’. That is what is happening. Does the Minister for Gaming, who is at the table, like that?

Mr Robinson — It is all yours.

Mr MULDER — It is mine, and I thought the minister would like it. There is no doubt that that is being repeated. We have been happy to send our media releases to all schools. Schools and teachers have welcomed the announcement by the Liberal Party in relation to our support for teachers — —

Mr Herbert — On a point of order, Speaker, I believe that the member has strayed way outside the boundaries of the bill. He should be asked to address the legislation which is in front of him.

The ACTING SPEAKER (Mrs Fyffe) — Order! There is no point of order.

Mr MULDER — On a point of order, Speaker, the bill quite clearly refers to Victorian student numbers or related information. I put it to the member for Eltham that Victorian student numbers are well connected to teachers and teachers pay and conditions.

The ACTING SPEAKER (Mrs Fyffe) — Order! I have been listening intently to all of the speakers. The debate has been wide ranging. There is no point of order.

Mr MULDER — Since I have been the member for Polwarth I have spent a lot of time visiting preschools and talking with preschoolteachers. When we visit those preschools the issue is always that preschools should be brought under the education banner. Again, that was a policy of the Liberal Party which was scoffed at by the Labor government. But what do we see happening today? Of course the Labor government has turned around and has adopted that policy. By not doing the work and just making an announcement it has shown that the policy and its implementation have not been followed through. I suggest that the Minister for Education have a talk to the member for Nepean, who is the shadow Minister for Education, and look at some of his working notes on this policy to get a bit of an understanding of how the Liberal Party would have implemented the policy had it won government. That is not the case of course, but if you are going to pick up a policy that belongs to another party, you should be at least prepared to do the work to make sure you have an implementation phase ready to go and run it out straightaway.

I would refer to new section 5.3A.3 of the bill entitled ‘Requirements for allocation or verification of Victorian student numbers’. I note that the bill picks up the issue of homeschooling, but I wonder whether, when the Minister for Education sums up the debate on this bill, she could explain whether special schools are to be treated in the same manner as other schools.

Mr Herbert — I answered that yesterday.

Mr MULDER — That has been answered?

Mr Herbert — Yes!

Mr MULDER — That has been dealt with. As to whether special schools have been addressed by the bill’s provisions is something I had not picked up on.

I have looked at the number of agencies which will have access to the student register. In my electorate there was an instance where a young child had attended school for only a small number of days over a two-year period because of a family break-up and the family having moved to several towns over that period. The system had basically lost this young boy. I picked up this issue and worked with the former Minister for Community Development, Sheryl Garbutt, on this matter. She worked closely with me to get the matter resolved. There was a meeting of school principals, parents and the child himself. As a result of that action a child was put back into mainstream schooling. It does not appear to me that child protection agencies will have access to the register under this bill. Is there some

way for those agencies to talk with the government, schools or the holder of the register to ensure that if someone drops out and comes under the care of child protection agencies, they are not allowed to drop out of the system completely? As I have said, there are many instances of this happening to young people. There are relationship break-ups and families become dysfunctional. Other agencies may require access to the register so they can work with the Department of Education and Early Childhood Development to track the progress of young children in such circumstances.

A whole host of issues have been raised about privacy matters with regard to new section 5.3A.7, which is about keeping the register. We have some concerns about this because of the inappropriate access to the law enforcement assistance program database. Is the student register going to be held by the department or will that task be contracted out? If it is contracted out, what level of control will the minister and the department have over the register? Where the register will be held and maintained is a fairly bland issue, but the relevant details of where, who and how have not been spelt out.

As we know, the Victorian government and non-government schools sector is the lowest funded such sector in Australia in terms of recurrent expenditure. Victorian students receive the smallest amount of funding per capita. You would have thought that when a government has gone from a budget expenditure of \$19 billion to \$38 billion something would have been done by now about spending on education.

I have taken the member for Nepean to some of the schools in my electorate and have been embarrassed to see spouts hanging off the sides of roofs, holes punched in walls, and schools that need a lot of money spent on upgrades on basic things such as painting or repairing windows. Everyone knows that when you have leaky spouting, the next thing that happens is that the fascia board rots, and then the window frames rot. Instead of the little bit of money that should have been spent in the early stages, you end up with a large problem and a lot of money needing to be spent. That is what the government has allowed to happen over the last eight years. Schools have been run down and that basic maintenance has now turned into major maintenance problems for schools and school communities.

We note the continual stalling of the teacher's enterprise bargain agreement. Last night Mary Bluett, or a Mary Bluett look-alike, was seen leaving Parliament. She indicated that not much progress had been made in their negotiations with the government. The opposition wants to make sure that our teachers are

the best-paid teachers in Australia. That is a commitment our leader has given. As I said before: 'Ted is for teachers and John is for jibbing them'. We cannot have parents going through the process of educating their children in Victoria and then when those children want to take on a teaching career — they go through university and get a teaching degree; they have part-time jobs within the community and become taxpayers in Victoria — they find that they are the lowest paid and lowest valued teachers in Australia. We will not retain the best and the brightest if we allow that to continue. That has to be addressed by the government.

I do not know the history and how we got to this point today, but I know that it has to be rectified as a matter of urgency. You either value your teachers or you do not value your teachers. This continual dragging out of the issue — —

Mr Herbert interjected.

Mr MULDER — Where are all your people? You claim education is the no. 1 issue for you, but you are hiding on this debate.

Mr SEITZ (Keilor) — I rise to support the Education and Training Reform Amendment Bill 2008. The main purpose of the bill is to amend the statutory responsibility of the Victorian Curriculum and Assessment Authority, to establish a numbering system for students and a central register for recording and keeping information on students, which is an important and progressive step. The member for Polwarth was heard to say that some students may get lost in the system because their parents move around, and through no fault of the students, they do not attend school. They miss out on educational opportunities particularly in their early years. A central recording system is an important step.

As a former teacher I can say that writing and processing student reports that are kept at the school is well and good, but under the Kennett era when schools were closed down the storing of those records was an issue. Students often could not find their records because they did not know where the records were stored. It is important to note that we are establishing a register which will be open and known to the public and students. The state is now taking responsibility for the keeping of a register.

It is important for education planners to follow a national program. They need to ensure records are kept centrally in line with the national direction. That will keep us informed so that we can make judgements

about where we need funding. We will be able to watch the progress of students up to 25 years of age. It is an important issue.

Some people may be concerned about the privacy issues, but they are well covered by the privacy act. The Victorian Curriculum and Assessment Authority (VCAA), and others who are handling the information, are obliged to abide by the regulations of the education department and the privacy act.

We are implementing an important process. Information is kept on patients in public hospitals and the law requires us to maintain those records for seven years. In education we should have the same permanent record so that people can assess their marks, progress and achievements, and sometimes their non-achievements.

The bill gives the chief executive officer of VCAA the power to give reprimands when children may not be taken to school, and if necessary to follow up the matter. It expands the responsibility for education. One may ask the question: what happens to home-trained students? They will have to be registered under this system so they cannot get lost, because sometimes parents will say, 'I am educating the kids at home', and therefore they are not in the education system, whether it is the state, Catholic or independent school system.

It is important to develop our education system to assist students because only with a well-educated society can we progress as a nation. We often hear about overseas qualified people who may have one or two tertiary degrees, and yet they are working as cleaners because their qualifications are not recognised in Australia. This system will give us a record of the education of our indigenous people and encourage them to further education.

We are sometimes told that we have a comfortable life and we are not pursuing higher education as we should. Sometimes parents are not encouraging their student children to pursue higher education because of their easy lives. It is important not just for the individual but for the nation that we have a well-educated society. The system proposed today will assist in the planning of the education process. The Brumby government encourages young people and helps them in their education. The Brumby government understands and realises that education and an educated workforce is of paramount importance to the state of Victoria.

The authority has undertaken an extensive consultation with the education fraternity, which is in agreement with this process — and that is important. If we had an

Australia card, or whatever sort of ID card was talked about, we would not have to have a separate register, because there would be a central register and you could access records quite easily. Since that is not the case, this will work well and will be a good project for the education fraternity. It will assist teachers, parents and students. The records will be kept and everybody's privacy will be respected, which is also an important factor one could be concerned about. Having said that, I commend the bill to the house. I see no justification for great criticism from anyone on this issue, so I hope that the bill has a speedy passage through the house, that the teachers embrace the program and that the register is set up as soon as possible.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Education and Training Reform Amendment Bill 2008. The purpose of the bill is to amend the Education and Training Reform Act 2006. The amendments expand the functions of the Victorian Curriculum and Assessment Authority to include the issuing of reprimands, and it provides for the introduction of the Victorian student number. The expansion of the functions of VCAA will enable it to develop policies, criteria and standards for learning and development assessments that relate to early childhood. The bill amends the principal act to enable the authority to implement the national literacy and numeracy testing arrangements agreed to by the state, territory and commonwealth governments for students in years 3, 5, 7 and 9.

The bill will provide for the Victorian student register and Victorian student number. VCAA delivers the Victorian certificate of education. The changes implemented by the bill involve the provision for and introduction of the unique student identifier number by requiring one for all students in Victoria from prep to age 24 being educated by registered education and training providers. There is also the new reprimand measure. Students who breach examination rules may be reprimanded in a written letter. The aim of the change is to give students a resource and an avenue for review if they wish to challenge the reprimand.

There are some concerns, but in general this is a very positive bill. The participation of Victorians in this year's national testing across years 3, 5, 7 and 9 is contingent upon this bill being passed. It provides a legislative framework empowering VCAA to administer the tests. The question is whether the bill effectively renders the government's On Track policy redundant, given that its primary purpose is identical to that of the student register — that is, to boost retention rates. Given the Labor government's record of failing to secure access to the law enforcement assistance

program database, there are concerns about making sure that the student information is secure. We heard from the previous speaker that the government has confidence in this; I hope this confidence is well founded regarding the implementation and maintenance of the student register. I think we can move on this; it is welcome.

In particular we welcome the inclusion of preschools under the Department of Education and Early Childhood Development. This is coalition policy; it was the policy of the individual parties that make up the coalition at the last election. It is very pleasing to see that preschools are now included under the department of education. However, in my electorate many kindergartens are reporting very slow progress in the implementation of the transition to the department. I wish that would speed up.

National testing is welcome, and the results need to be acted upon. There is great concern over the program for international student assessment and the results, particularly in maths, of Victorian students. The student identification number and student register will allow a person's progress in education to be tracked, which is vitally important. We need to know where people are and why they are going well. Similarly we need to know why people drop out of education, which will hopefully enable us to do something about it. I also welcome the inclusion of homeschooling, as this can be a nebulous area. A number of issues have come through my electorate office in relation to homeschooling. I suggest that there will be cost implications for this being set up in our schools, and I very much hope that schools will receive extra funding during this implementation stage.

The introduction of student numbers and tracking should confirm the results of the work that is already being done in my electorate on education outcomes. This work has been done by Professor Tony Vinson, who works on the broad topic of social indicators. It provides an insight as to what is happening in education in my electorate, and I suspect across all country electorates. I quote from section 7 of the report:

Although prior-to-school and preschool services may be advisable at a very early age in some instances, the customary age for preschool attendance is four. In calculating attendance at preschool in Mildura subregions and making external comparisons it has been necessary to relate the number of attendees to infants aged 0–4 years. On this basis it appears that the rates of attendance in Mildura generally match or exceed that in Melbourne and the average for regional Victoria.

We have got it right at the preschool level, and that is a tribute to the mothers and families who have worked so

hard to raise the value of preschool education. However, it does not stay that good, which is of concern.

Moving to those students who are completing secondary education, I will again quote from the report. In the incomplete education section it states:

Apart from the intrinsic value of education, it is a major handicap to enter today's world of work without credentials. One way of capturing a community's position in this regard is to examine the number of 17–24-year-olds who are neither completing the VCE and not in further education and training.

Of the four subgroups of young people that relate to my community, one-third as many again as in Melbourne are less educated. This is a really concerning figure. The huge differential in secondary school retention rates and higher education is something that has been the subject of a great deal of discussion for some time. I very much hope that the introduction of a student number will mean that the data being prepared by local communities can be linked together as a full response across a common database throughout Victoria. As I said, those achievements are of enormous concern. It will be interesting to see also whether the data confirms the new figures. I hope that the data provided with the introduction of the student numbers will be analysed in the same critical way as it has been analysed in the electorate of Mildura. It will take time, and in the meantime we need to overcome the rural education disadvantage. There are a number of solutions out there that need to be implemented.

I would also like to talk about a local initiative that was implemented to help overcome disadvantage. Even though the results show that we are not retaining students, such has been Mildura's commitment to education that in 1896 the Chaffey brothers established something called the Mildura College Lease Lands Trust. They set aside 183 land parcels to provide an ongoing trust and benefit, and 29 schools benefit from that trust. The average return is around \$90 to \$100 a student, and that gives schools some flexibility. It is a land-based trust, and after management the return on the investment is around 2 to 4 per cent. We can do better than that and thus provide better educational opportunities as a community contribution. I believe the return could be doubled because the trust could be modernised.

I urge the Minister for Education and the Treasurer to revisit the relevant act in the interests of obtaining better educational outcomes. A review of the act, particularly focusing on the comparison with other forms of gaining a return, has been suggested by Mildura Rural City Council. We do not have to end its acting as a

land-based trust; we just have to end its being fully land dependent. However, as it has its own act I believe it will require action from both the Minister for Education and the Treasurer to address that matter. If any of our superannuation investments returned 2 to 4 per cent we would be disappointed, and because we have not modernised this trust the education results that might be improved are a little more disappointing than they perhaps need be.

There are solutions out there to many of our regional education problems. We just need to get on and do something about them. The Nationals in coalition are supporting this bill as part of that process.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Education and Training Reform Amendment Bill. As we have heard, there are two major aspects to the bill. One relates to the Victorian Curriculum and Assessment Authority (VCAA) and extends some aspects of its authority, particularly as it relates to the recognition that we are now including kindergarten-aged children and early childhood as part of the overall role of education. The bill recognises that role for VCAA. It also allows for VCAA to support the agreement that the state government has made on the assessment of students on a national basis, which is something I am very pleased to see will take place. The member for Bulleen attempted to say that the state was afraid of comparing our students with students from other states. That is certainly not the case. We are very pleased to support that agreement, and the bill demonstrates that support by embodying the requirement that VCAA be involved in testing our students as part of a national program.

Of course, with any testing, whether it be done across schools just in Victoria or on a national basis, it is a matter of how you interpret those results and of ensuring you do not try to use them for the wrong purposes of creating a footy table like the Australian Football League's table. It is important that you look at the results and interpret them in an appropriate way, recognising the starting point of students in lots of cases and that it might indicate areas requiring further attention and support rather than areas to be critical of. Through the bill the government allows for this national testing to be done, and that will be very valuable in helping us to further evaluate education on a national basis.

The other aspect of the bill introduces a student identification number so that students right across this state can be identified. It establishes a Victorian register of students so that we can monitor their progress right through the education system. It is very important that

we do not allow students to fall through the cracks. This has been a concern of mine for many years, and I am very pleased to see that, particularly in recent times, within Ballarat a number of projects have been undertaken to ensure that all our education and training groups recognise that they are responsible for identifying students and providing a pathway for them through their education and on into the work situation. The regional education office has put in place a system which identifies responsibility to follow through and provide pathways for students.

I was also pleased to see that the Link Up program had been established at the Ballarat Learning Exchange and at other sites. This program aims to identify students who have fallen through the cracks of formal education and to provide them with specialised support in a range of areas. It both addresses their literacy and numeracy deficiencies and also recognises that they need to have their self-esteem built up. It aims to identify that they are valued individuals who have opportunities to fit into society and give back to society in a range of ways. It works on a student's skills and then tries to work out ways to get them back into a formalised education system. Link Up is a great program.

The aim of the student identification number is clearly to ensure that we have 90 per cent of young Victorians completing year 12 by 2010. I think that is a very important aim. Again, it is important that we do not just see students complete year 12 but that we also ensure their experiences leading up to year 12 are relevant and meet their needs and the needs of the community. I have been very pleased to see that under our government we have recognised that the Victorian certificate of education (VCE) is not a one-size-fits-all approach to education and that there have been developments, particularly with vocational education and training courses having been established and built up and becoming very popular. More recently, the Victorian certificate of applied learning program has provided opportunities for students who may not fit into a VCE-type education, which is seen as academic, by enabling them to develop some skills at school and also link into industry and other practical situations outside school to improve their skills and confidence.

It will also provide an improved opportunity for them to stay linked with school but to find a pathway into the workforce at an appropriate time and ensure that they stay in the system for long enough to improve their individual skill levels and the overall community bank of skill levels. That is vitally important. The use of the student identification number will assist with this proposal to ensure that we keep an eye on where students are so that they do not fall through the cracks.

There have been issues about whether it is possible for student identification numbers and associated information to fall into the wrong hands. It is very clear in this piece of legislation that these numbers will be used only as a tool for monitoring enrolments and attendance at school and will be used at the school and regional education level. They are designed to ensure that students cannot drop out of school and then be lost from the system only to be picked up a long time later as young people clearly in need of being brought back into the skills education and training area.

I also wish to reflect on comments made earlier by the Acting Speaker, the member for Bulleen, when he delivered his speech and criticised this government's position on education. I find it hard to listen to such comments, but I know that the community will judge them accordingly. The community knows that the Bracks and Brumby governments treat education as its no. 1 priority. The community knows what we found when we came into government, and it knows why it elected us in the first place: it was because the last time the Liberal Party and The Nationals had control of government in this state our education system was significantly depleted, with something like 9000 teachers being sacked or dropping out of the system.

Since being elected to government we have committed substantially to improving school infrastructure. I am excited when I visit the many schools across my electorate to see works projects that have been completed or are about to be completed and so on and to know that the school communities are feeling very good. The standard of infrastructure in those schools has improved. But let us not focus just on that, because the number of teachers in the workforce has also increased. We have spent an enormous amount of money on staffing to attract those teachers we lost back into the schools and to reduce our class sizes. That has been a major goal of this government, and it was substantially completed in our first term. We have been able to reduce standard class sizes to below 25, and in many cases significantly below that. The P-2 class sizes are below 20.

It is great to see these outcomes and to see that students are receiving more teacher attention as a result of there being more teachers in schools and better support for teachers. That is a great thing, and I know our teachers will not forget that. Unfortunately I will not have time to say much more, but I know that this government appreciates its teachers and will continue to demonstrate that. I am pleased to support this bill.

Mr MORRIS (Mornington) — It is a pleasure to participate in this discussion on the Education and Training Reform Amendment Bill. It is a bill of diverse measures in one sense. We are changing the disciplinary regime of the Victorian Curriculum and Assessment Authority to deal with minor breaches of the exam rules; we are establishing a student register and the necessary maintenance measures that go with that and of course the associated student numbers; we are extending the grasp of VCAA both in the arena of early childhood education and to enable the testing of students; and there are also minor changes to allow the Victorian Registration and Qualifications Authority to perform some additional functions, to clarify the powers of the secretary with regard to delegation, to repeal redundant provisions and to deal with several other minor matters.

Education, particularly in the public sector, is at a critical point. Unfortunately students are deserting the system in droves. We have a huge backlog of schools maintenance. I am sure all members will remember the failed attempt to flog off the Snowy Mountains Engineering Corporation and divert money to schools. What happened with that? Absolutely nothing, and two years on very little has changed. No doubt there will be claims — and I think there have been already in this debate by government members — of record amounts of money being spent on the education system. And why not, given the rivers of gold flowing into the Treasury, particularly the gold from the goods and services tax?

I find it interesting that quite often in this place comments are made entirely in isolation. Nothing has caused the decisions to be made one way or another; everything is allegedly driven by an ideological position. The other comment on the way the debate tends to happen, particularly on matters like education, is that there is a constant chant. We hear it at least every second day, and we have certainly heard in the debate this morning about the former Kennett government's record of closing schools. Given what I have said about discussing these things in isolation, there is never any mention that Mr Kennett inherited from Mrs Kirner a Treasury that was to all intents and purposes broke. Mr Kennett also inherited a school system that had had virtually nothing spent on it for a decade; a system with an enormous bureaucracy that was determined to control down to the most minute level every decision made in every school.

It was no wonder that restorative action was required, and that is what was done; restorative action was taken. The Kennett government resuscitated the public education system in this state and brought it back to life

when it was well on the way to being terminal. But what has happened since? We now have a situation where Victorian students receive the lowest per capita funding in Australia. Our teachers are the worst paid. Not only are we finding it difficult to attract new teachers, we are not even keeping the ones we have got because they are going interstate, and yet the government continues to fiddle rather than getting on and signing up to the enterprise bargaining agreement.

The growth in student numbers is in the non-government sector. The latest Australian Bureau of Statistics data, which I believe came out in February this year, shows that the numbers in the non-government sector are up 8658, while the government sector unfortunately has declined by 752. It is worse still in terms of the results for the students themselves; the figures are damning. If you go to the Organisation for Economic Cooperation and Development figures in the report released in December 2007 — and I do not think you can get anything more reputable than the OECD — it shows clearly that Victorian students have the worst performance on the mainland in mathematical skills and their reading skills continue to decline.

Despite claims to the contrary, this government is closing schools with remarkable frequency. A report in the *Herald Sun* of 15 April talked about plans that are allegedly afoot to merge a number of schools in the Macleod area. The newspaper reports that the government has banked \$52 million from the sale of 20 schools since 2002, and in this case the claim is that Macleod College will be merged on a new site with students from Banksia-Latrobe Secondary College, Northland Secondary College, Olympic Village Primary School, Haig Street Primary School and Bellfield Primary School, which would create a new school of some 2400 students. It is important when we are having these sorts of discussions to deal with the facts rather than simply chanting the lines, which happens far too often in this place.

Given the government's record, I was pleased to see the vote in the Legislative Council last night which supported the position taken by the Liberals and The Nationals that we should be increasing teacher salaries from the lowest in the nation to the highest. I urge the minister to act on the successful passage of that motion. But I am also pleased to see all the provisions in this bill. I am obviously pleased that the government has elected to follow Liberal Party policy. That proves that the Liberal Party and The Nationals are the real leaders on education. There is no doubt that we are setting the agenda for education and that the government is following our lead. I am delighted to see it.

The move to integrate the assessment of early childhood learning and development with the education system's Victorian Curriculum and Assessment Authority is very welcome. Members may recall that before the last election there was a Liberal initiative to integrate preschools within the education sector. It received enormous public support. It was probably one of the biggest areas on which I received feedback in the run-up to the election. I am delighted to see the government heading in that direction.

The other measure I particularly welcome is contained in the same clause, and that is the provision that will allow the integration of the national testing framework. You would have to say the government's record on this has been particularly patchy, especially its use in the past — its misleading use — of state-by-state results. Finally sanity has prevailed, and we will have a national testing regime implemented this year. I welcome that.

The other significant item in the bill is the introduction of Victorian student numbers via the insertion of a new section 5.3A into the principal act. I am pleased to see that it is intended to collect minimal information, because privacy considerations are important. I know that to prevent the unauthorised disclosure of information we are creating an offence with a penalty of up to 30 penalty units, but the implementation is very important. It is one thing to create an offence, but it is quite another to pursue its enforcement. I urge the government to vigorously pursue any breaches of these provisions because it is early in the piece when the example needs to be set.

These are welcome, if belated, initiatives from the government. I am delighted that it is taking on board many of the ideas that have been generated from this side. In closing I urge the government to take on one more initiative, and that is to make our teachers the best paid in Australia.

Mr EREN (Lara) — I am pleased to be speaking in support of the Education and Training Reform Amendment Bill 2008. The bill modifies the statutory responsibilities and functions of the Victorian Curriculum and Assessment Authority as set out in the Education and Training Reform Act 2006. It will also introduce a unique student identifier, referred to as the Victorian student number, and establish a Victorian student register as a central repository for student information.

As members may know, the authority develops curriculum for students from prep to year 12 in all Victorian schools and assesses student learning and monitors student achievement with the aim of

supporting high-quality education that engages students and helps them to move on to work or further study. To enhance this objective and to further assist the authority in trying to achieve this goal and as a result of the proposed amendments, the authority will also develop policies, criteria and standards for learning development and assessments relating to early childhood, develop standards relating to measuring and reporting on early childhood development, report to the Minister for Children and Early Childhood Development and the Department of Education and Early Childhood Development on the assessment of early childhood development and make available to the public information about early childhood development.

The main themes touched on in the bill are what I believe to be the very fundamentals of a free, just and democratic society. As Victorians we should encourage these principles in our children as they are educated and take their places in the adult world. They are freedom of speech, freedom of religion, freedom of association and especially the values of openness and tolerance. They should form the basis of all Australian education systems. We are preparing our children for the adult world and to take over from us one day, possibly in this place, and we should impart to them not only the best education in the world but also the principles that guide a society that we hold so dear. The government's plan was to build a framework within which education could be delivered in Victoria to the best possible standard now and well into the future. Prior to the 2006 bill the previous education legislation had not been updated in almost 50 years, and it is important that the education we provide to our future generations is up to date and continues to move with the times.

The amendments before us today relate to structural and administrative changes to enable the system to operate more efficiently. The main changes are to the responsibilities and functions of the Victorian Curriculum and Assessment Authority, specifically the testing of students up to year 10 level, and the introduction of a Victorian student register. The changes to be made to the Victorian Curriculum and Assessment Authority's responsibilities will bring it into line with discussions held with the commonwealth government to introduce national testing of students between prep and year 10. This is to enable assessment of students who may be falling behind in studies and thus to aid the provision of targeting timely and appropriate support for students who are at risk of dropping out of school before completing the Victorian certificate of education. This is in line with the government's goal of having 90 per cent of students completing year 12.

The Victorian student register is to be introduced as a means of better streamlining data collection and transferring it to relevant bodies if, for example, a student should shift between schools. A similar register exists in the TAFE and university sectors. To maintain student privacy the data collected will have minimal personal information included in it. Privacy will be further enhanced through a formal privacy impact assessment and legislative safeguards. The government has consulted extensively with government and non-government schools, parent and student groups, the Australian Education Union and the Australian Independent Education Union to ensure that this is a plan that shares broad support. The Victorian privacy commissioner has also been consulted on this matter.

I will touch on some of the comments opposition members have been making, and as other members on this side of the chamber have done, comment particularly on remarks made by the member for Bulleen, who is currently in the chair. It is good to see that he is in the chair, because he cannot raise a point of order.

When we came into government, with all due respect, Acting Speaker, the education system was in a shambles. There were obviously 9000 fewer teachers in the system, schools were being closed down and there was absolute public outcry, and rightly so. Since we came into government in 1999 huge inroads have been made, not only in outcomes but also in ensuring there are adequate teachers and other staff to accommodate the schools and to ensure that we have the best-educated kids in the country.

Since being elected we have proudly added 8500 teachers and other staff, and obviously the opposition has a newfound interest in wanting teachers to be paid more and wanting more teachers in the system. That is good — at least opposition members are learning from the past — but teachers are smart enough to know that it is this government that will support them. It is this government that will ensure they have adequate services and resources so that schools operate adequately.

Only a few weeks ago a comment was made by the shadow minister for finance in the other place while he was speaking on public radio in Geelong. He said that the government is spending too much in the public sector and that we have got to cut back. I see some red faces on the opposition benches at the moment, because they are probably not aware that the shadow minister for finance was on radio publicly saying those things, which we know are code for saying, 'If we ever get back into government, that is the first sector that we

will target'. The teachers out there pretty well know that the history of the opposition is that it will well and truly ensure that that is the first sector it will target. Therefore there is a clear contradiction between what the opposition is saying now, what it did back when it was in government and what the opposition's shadow minister for finance is saying.

Having said that, I assert that the measures the government is introducing in the bill are further improvements on the landmark Education and Training Reform Bill 2006, and I look forward to seeing the government improving the education system on an ongoing basis. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I cannot help but respond to some of the statements made by the member for Lara when he said that he wants to ensure we have the best education system in Australia. I will refer to the notes I have in front of me: Victorian government schools receive the least funding per student of those in any state or territory. Not only that, we have the lowest literacy and numeracy levels of all mainland states in Australia. That is a disgrace when the government talks about education being a priority.

On top of that, school maintenance backlogs have doubled from \$130 million to almost \$270 million since Labor came into government. As the member for Warrandyte reminded me, this is a government that has doubled its budget since coming into office, yet its backlog has doubled also, so where has it spent the money? Where has it gone? We all know that this government cannot manage money. We have also seen that because of that parents are losing confidence in Victorian government schools. That is a disgrace, coming from a government that promised to do a lot for education.

I heard the member for Lara talking about the fact that the opposition closed schools, but I can assure the member for Lara that since I have been in this place I have had three schools closed and a couple amalgamated in my electorate. We have lost Brim and Pimpinio primary schools, and the great little town of Harrow has also lost its primary school. We have also seen the amalgamation of schools such as the one at Murtoa. The reality is that this government has closed schools. In my electorate there are 53 schools, and they are all good schools.

I should declare though that I have something of a pecuniary interest in this area in that I have three sons who are all married to schoolteachers, and although two of them are no longer working in the public sector — one has retired and one has gone into private

education — one is still working in the government system. All the teachers in my electorate and across the state are doing a lot of good work but would like to do a lot better. It would be better if they were supported by this government. If the government took on board the Liberal-National coalition policy, they would be the highest-paid teachers in Australia. That would help fix up the education system.

I am pleased to see that after eight years this government has taken up the policy of The Nationals — we have had it for a long time — and the Liberal Party to move our preschools into the education department. It is about time that happened. However, those kindergarten teachers also need an increase in pay, because they are well below the benchmark. As I said to the Minister for Community Services, the reality is that if the government adopted our policy fully, kindergarten teachers would be getting better pay and we would not have the shortage we have of them in this state.

There are many facets to this bill. It provides for students to be allocated a Victorian student number and establishes and provides for the maintenance of a student register. I have heard other members speak about the fact that, just as there are concerns about the way this government has used the law enforcement assistance program database, there are concerns for the students of today. However, we also know that this legislation has to go through because Victoria's participation in this year's national testing program for year 3, 5, 7 and 9 students is contingent on this bill being passed. It provides the legislative framework for empowering the Victorian Curriculum and Assessment Authority to administer the tests. We hope the bill goes through. Along with most people in this chamber, and no doubt in the upper house, The Nationals will be supporting this legislation. We want to make sure it goes through, and that will be the first step.

The other step is the testing. If teachers do not get support from this government in relation to pay rises to bring them up to a national level, they will be on strike when this testing is about to happen. If that happens Victorian students will again be disadvantaged because of the inaction of this Labor government. These are major concerns.

We all know that the young people of today will be our community leaders of tomorrow. Education is vital in that happening. If Victoria is to grow and prosper, education will be critical in building leadership skills and engendering a sense of community. There is a great deal of fear that this government is not doing enough. It has dropped the ball in relation to education. I am glad

the member for Seymour has come into the chamber, because I gave a school that he taught at in Harrow a good mention before. As I said, unfortunately it is one of the schools in my electorate that has been closed under this government. As we know, education gives young people the skills, confidence and capability to pursue their personal ambitions and goals.

While I am talking about education, I note that we need to strengthen the pathways between education, training and, importantly, employment. As we all know, the foundation of people's careers is getting a good education starting in the preschools, going through primary schools and secondary schools and on to the training organisations or universities. We need to give our young people the opportunity to get skills, personal confidence and all those sorts of things so that they can not only meet their goals but also, importantly, meet this state's goals of being a great state to be in.

It was a great state to be in during the rebuilding in the 1990s. Before that, people were embarrassed by the fact that when you asked what the capital of Victoria was everyone would tell you it was 20 cents. The reality is the state had lost all the money.

Honourable members interjecting.

Mr DELAHUNTY — I hear members behind me saying that the Kennett government cut schools. I have just highlighted that this government is doing exactly the same thing. The difference between the Kennett government and this government is that the Kennett government did not have any money — it was bankrupt — and this government is swimming in money. Some 46 per cent of the government's money comes from the federal government, and 26 per cent of the money coming into this state comes from the GST. I remember that members on that side of the house did not want the — —

Mr Andrews — How many kids at Harrow? That is what I want to know

Mr DELAHUNTY — Ten.

Mr Andrews — Ten kids at Harrow.

Mr DELAHUNTY — Ten very important students. The reality is that those students are as entitled to an education as anyone else is, whether they be in the minister's electorate or anywhere else. We do not want the government to ever get to the stage where we have the Premier saying that western Victoria is too far away. The government will not give us a rescue ambulance helicopter but I want to make sure we get a proper education for our students.

As I said earlier, if the government gives the teachers the pay rise they deserve, if it brings them up to the Liberal-National coalition standard, it will get the best teachers to look after our best students and all our students here in Victoria. As I said, education gives our young people the skills, confidence and capability to pursue not only their personal aspirations but also the community's aspirations.

However, there is a worrying trend in Victoria. Young people are our investment in the future but, with skills shortages and a worrying trend that our country students are less likely to participate in higher education, this government needs to do more. We know there is a parliamentary inquiry looking at this but it should not have had to get to that level. It is as plain as the nose on your face: there are increasing costs, including travel costs, and there is a lack of access. This government needs to provide greater support so that young people are given every opportunity to remain in their areas or return to their areas to build not only their futures but the future of western Victoria and particularly the Lowan electorate that I represent.

The reality is that a lot of our young people, like a lot of people in Victoria, particularly parents, are getting very concerned about the support given to education by this government. Unfortunately they are losing confidence in government schools and in the education system. It is about time this government stepped up to the plate and looked after teachers and families. The critical thing about all this is to look after the students.

With those few words, like my colleagues and on behalf of the Lowan electorate, I am prepared to support this bill because I think it is a process of moving forward. However, as the member for Morwell said, one concern we have is that the student number will follow a student around. We want to see the money given to the schools of kids with disabilities and other impairments being transferred as those students move around. That is one request I will make in the last few seconds I have to speak on this bill. Once again, on behalf of the Lowan electorate, I am happy to support this legislation.

Ms DUNCAN (Macedon) — I cannot let the member for Lowan go without commenting on his contribution. While supporting the bill, he spent some considerable time talking down public education in this state. He talked about a number of schools in his electorate closing. He refused to respond to questions about the number of students who would have been enrolled at any of those schools. Sadly it is a fact that it becomes more difficult and less sound to provide quality education to student numbers around about five.

The member failed to acknowledge, and the opposition fails to acknowledge, that in all those instances it would have been the school communities which made the decision to close those schools in the best interests of the students' educational outcomes.

We are in dispute with the teachers at the moment. These things are cyclical. We often have difficulties in enterprise bargaining agreement negotiations. However, I would say that the significant difference between members on this side of the house and those on the other side is that we negotiate with our unions, we do not seek to destroy them. That is what happened under the Kennett government. It sought to destroy the unions and completely undermine their ability to function as unions. Members opposite seem to have forgotten that small point.

In response to a number of the contributions made by members, firstly, the member for Polwarth raised the issue of the Victorian student number register being accessible by child protection agencies, for example. In regard to the issue of access to the Victorian student number register for child protection agencies and the like, there is not anything in this bill that would change the normal relationships with and responsibility for children in state care to access education. The student number will be simply a student identifier to ensure smoother transition and that students do not fall through the cracks.

The member for Bulleen raised the issue of extending the introduction of the student number to children in kindergartens. The government is exploring this option for possible future implementation. As with the introduction of the student number by this bill, this matter will need considerable consultation around all the privacy issues that we immediately think of these days and also the logistics of the computer systems and the integration of those systems. Any introduction of the student number will be staged to ensure a smooth transition, with a planned introduction in government schools in early 2009 and in vocational centres in 2010. Following consultations with various groups, including privacy groups, and making appropriate privacy assessments and considering the logistics of the implementation, the government will consider extending the student number to kindergarten students as a next step in the ongoing changes to education across this state.

That brings me back to the main purposes of this bill, which will put into effect a number of government changes that were made in 2006, most significantly bringing early childhood services and education together. This bill goes towards implementing that

significant step by modifying the statutory responsibilities and functions of the Victorian Curriculum and Assessment Authority, as are set out in the Education and Training Reform Act.

As I said, this is in response to the government's integration of early childhood and education services across Victoria. This change gives statutory recognition to the importance of early childhood learning and development and ensures an increased focus on the whole of the 0-to-18-year age group. We know that best practice indicates that a focus on early childhood development has the greatest potential to improve a child's development and educational outcomes into adulthood. This bill recognises this by bringing together the expertise in early childhood learning and development and the child's subsequent school education. With those few words I commend this bill to the house.

Mrs FYFFE (Evelyn) — I have been very interested in the discussion of this bill this morning. It has been very far ranging, as naturally a bill on education would be, because we are all interested. One of the benefits of being a member of Parliament and one part that I really enjoy is visiting my local schools. It is a great and exhilarating experience, as I am often subjected to fearless, searching questions, as only the young can ask. I can also watch how the teachers, principals and school councils at the schools in my electorate work, and see their care and concern for their students.

The member for Macedon asked, when the member for Lowan was speaking, 'How far do you want to go back?'. I would just like to go back a moment to when I was a child at school, which was a long time ago. I attended a two-teacher village school, which was very short of resources. In post-war England there were very few resources in those schools. I distinctly remember many things the teachers said to me. In those days it was an accepted and well-known fact that I would have to leave school on the day that I turned 15 and go to work the next day. The head teacher of that two-teacher school instilled in me that it was important to dream and to read and learn as much as I possibly could. She gave all of us a great interest in and zest for many things in life, even with such limited resources. She took us on nature walks — that was in the days before you had to have all the parental permission notes and everything else — and instilled in us an interest in botany and the animals of the English countryside. I have forever been thankful to that teacher.

I see that dedication, consistency and care of teachers in the schools in my electorate. Schools are a refuge for

some children in our society, and often they are the only constant in their young lives. Our teachers recognise this. That is why, when strikes are called, members will find that schools like the Mount Evelyn Special Developmental School ensure that no child whose parents are working that day will have to be kept away from the school and that they have enough teachers to cover that need. I have seen other teachers take extra steps to make sure that no child is put at risk because of a strike.

I have also seen evidence of the hours that principals work. As I drive past my local schools early in the morning at 7.30, I often see principals' cars parked at the three small schools I pass. Going home at night at 7.30 or 8, I see that their cars are still there because they are having school council meetings.

Ms Marshall — You go home early!

Mrs FYFFE — The member for Forest Hill said that I go home early at 7.30 p.m., but I also work long hours like those principals. I do not think that working from 7.30 a.m. to 7.30 p.m. and then going out again to a function is a short day, although the honourable member might think that too. We all care in our various positions.

I see parents in the school gardens at weekends. I see the principals and teachers out there with the parents doing maintenance work because of the maintenance backlog. The schools are in a really bad state. I was at Seville Primary School last week. Its toilet system is appalling. Our children should not be putting up with a badly built toilet block that is now as bad as the toilet block it replaced between 8 and 10 years ago. These are the things that are happening. Principals are juggling responsibilities. They will get the grand sum of \$5000 when their maintenance requirements are probably in the hundreds of thousands of dollars. They cannot actually spend that \$5000 sum on maintenance because it has to be saved for emergencies, such as when a hot-water system goes or the plumbing needs fixing. These are all things that I care about. I cannot speak highly enough of the teachers at the schools in my electorate.

The bill seeks to allocate Victorian students a number and, according to the Minister for Education, the purpose of this amendment is to assist with the administration of the Victorian student register which will operate as a central repository for student information. The bill proposes that the information to be recorded about students will include an assessment of their scholastic achievements. This will enable

comparisons to be made between Victorian students and national educational standards.

Other members have expressed concern about how this information will be safeguarded. Will people be able to gain access who should not be able to do so? Concerns have been raised about the use of the law enforcement assistance program database, and I particularly remember this issue from when Kay Nesbitt was an Independent candidate in the 2002 state election. But all these concerns have been covered in more detail by speakers before me. In the wrong hands information can be dangerous, and when children are involved we must take every precaution possible.

I turn to something that concerns me and is raised with me as I go around the schools. I have talked about the teachers and principals working long hours, but we also have the business managers and administration staff at schools working long hours. When I was at the Mount Evelyn Special Development School this came up in casual conversation but not in the form of a complaint. When I said, 'I saw cars here on Saturday', the staff said in a matter-of-fact way, 'Well, we had to come'. The business manager said, 'I often have to come in on a Saturday for 2 or 3 hours just to try to catch up'. A lady who was in the office with us — I am sorry that I cannot remember her name — said she also often had to work late at night or come in on Saturdays to catch up on basic work.

How much extra work will this bill make for the administration staff in the schools? How will the technology be funded, because obviously it is going to be linked back into a central system? There is talk of extra funding, but will that funding cover the maintenance? Will it also cover the extra hours involved in entering this data? The data will only be as good as the entries that are made. We know how often our systems in Parliament crash, and all members must experience frustration when the computers go down in their electorate offices. This will make it difficult for schools.

Is every teacher going to have to enter the student numbers of the students in their class when they come into the class? Is it going to be once a day, twice a day or at every class? What are the details of the number-entering process, of typing the numbers in? Is there going to be the possibility of errors or are we going to resort to the kids having a bar code and being scanned as they go into the school? It beggars belief how it is going to be managed when the basic things are already not working properly. We are not staying on top of truancy or absenteeism with the systems we have, and there seems to be no follow-up. We have

children going into school at 11 o'clock in the morning and children leaving at 2 o'clock in the afternoon. Absenteeism and truancy have real effects.

There is so much more that could be said about education. Much has been said about the pay and working conditions of teachers. I am concerned about the rolling strikes, because I think they are placing demands on parents, who want to support the teachers, and on teachers, who want to support the students. I urge the government to resolve this pay issue as quickly as possible. It should not let the teachers be forced into going on strike when the agreement should have been finalised. The government should look after the children and resolve this pay issue.

Ms MARSHALL (Forest Hill) — I am very proud to stand and speak in support of the Education Training Reform Amendment Bill 2008. As background, between 2004 and 2005 a great deal of work was undertaken by the education department as to the feasibility of the implementation of a unique student identifier, which included looking at other such initiatives throughout Australia and the rest of the world. In 2006 the Victorian and commonwealth governments agreed to conduct national testing of schoolchildren starting from 2008 at certain year levels between prep and year 10. In 2007 the state government commenced the implementation of an initiative linking education and children's services by integrating the then Department of Education and Office for Children to form the Department of Education and Early Childhood Development. This bill will amend the statutory function and responsibilities of the Victorian Curriculum and Assessment Authority (VCAA) to facilitate this. The bill also proposes amendments to the Education and Training Reform Act 2006. Not only does it amend the statutory functions and responsibilities of VCAA, but it also provides for the chief executive officer to issue a reprimand in certain circumstances.

Extensive consultation with all key stakeholders regarding the Victorian student number and the Victorian student register occurred. Groups consulted included government and non-government schools, parent and student groups, the Australian Education Union and the Victorian Independent Education Union. There was also consultation with the Department of Justice's criminal law policy and civil law policy divisions and the human rights policy unit. The Brumby government has always been committed to providing Victorian children with the best opportunities when it comes to education. It has invested record amounts in infrastructure without neglecting the need for the creation of a cohesive educational system that provides

a smooth transition through each and every phase of a child's educational journey. In my electorate of Forest Hill there is no greater priority for my constituents than education. The Education and Training Reform Amendment Bill 2008 will further strengthen the already significant reforms to the education sector, and I commend it to the house.

Dr SYKES (Benalla) — It gives me pleasure to rise and speak on the Education and Training Reform Amendment Bill. As my Liberal and Nationals colleagues have indicated, we support the bill because we share the view that the education of our children is of paramount importance, and we must do all that is possible to achieve the best opportunities for our young people to be educated so they can take over the responsibility of making Victoria a great place to live, work and raise a family.

I would like to focus on two aspects. One is the changes relating to early childhood education and the other is the establishment of a student register with the associated allocation of a number to each student with the intention of increasing the ability to monitor student progress. In relation to the preschool situation, we on this side of the house welcome the inclusion of preschool education in the Department of Education and Early Childhood Development. As other speakers have mentioned, it has been longstanding Nationals policy, and it is also Liberal policy, for this to happen.

That having been said, including preschool education in that department provides a means of achieving an end, but unless action is also taken to address the issues that frustrate the teachers and parents involved in preschool education, the mere shifting of preschool education to that department will not solve the problem. The issues that need to be addressed include ensuring that the salaries of preschoolteachers are fair and reasonable and on a par with those of similarly qualified primary schoolteachers. I will come back to the salaries later.

There must also be adequate funding of our preschools, particularly the small ones that battle with student numbers, which often fluctuate. Only one family moving in or out of an area can seriously upset or modify the income of a preschool and put a lot of pressure on the parent groups to generate funds just for basic operating costs. I acknowledge that there is a system in place that gives a weighting of funding towards those smaller preschools, but the pressure remains on small preschools such as Moyhu preschool, which had difficulties a couple of years ago. Its problems have been overcome since there has been a baby boom there and its numbers are up, but Glenrowan preschool continues to have issues, and

most recently Euroa preschool has had issues with its relatively small numbers and the consequent budgetary impacts.

The other issue that needs to be addressed — and the inclusion in the Department of Education and Training of early childhood development provides the opportunity, but it needs to be seized — is the provision of ongoing administrative support for preschools. Currently we have the situation where a student comes into a preschool, the parent comes onto the committee with no background in preschool management and often no background in administration, and they are meant to pick up from the outgoing preschool committee and provide the administrative support. The net result is that it is extremely frustrating for the preschool teacher to train up new administrative support each year and very frustrating for the incoming parent. The solution — and it occurs in some situations already — is to have administrative support provided by the local primary school.

The issue of allocating a unique number to each student and the setting up of a student register makes sense. I have just a couple of words of caution. The first one is that you do not need to reinvent the wheel and incur significant costs and teething problems. There are plenty of similar secure databases to model this approach on. I hark back to a little bit of history. In my previous career as a veterinarian I was involved in setting up a database of all properties in Australia to monitor the movement of livestock, particularly cattle. That was set up in the 1970s with a 64-kilobyte memory computer, which was rather large. As people now know, that is an amazingly small capacity, but it was able to deliver a database which kept track of properties and changes in property ownership.

The first thing is that your database needs to be simple, and the second is that the data going in must be accurate. Very interestingly, back in those days the person who designed our system included a check digit in the unique number, which overcame the problem of entering the wrong number into the system. At that time the check digit system was not even operating in our bank, so the person who designed our system was at the leading edge. The other thing you need to do is regularly update the system. There will be a significant changeover and turnover, and unless the system is updated it will quickly become useless. Finally, related to that, you need appropriate funding to maintain and update the system. That funding needs to go through to those who will be responsible for it, whom I presume will be at the school level.

If you have the system and the data sitting there, that is fine, but unless you use it, it is of no benefit whatsoever. That means that the data needs to be regularly and appropriately analysed so the problems can be identified and corrective action can be taken. I should say that some problems have already been identified in relation to young country students — that is, the relatively low year 12 completion rate and the low uptake of tertiary education opportunities. If the database is used to better quantify that area, and if it is combined with the outcome of a parliamentary inquiry on this subject that has been initiated by The Nationals member for Eastern Victoria Region in the other place, Mr Hall, we can look forward to some improvements.

I should say — without pre-empting the finding of that committee — that it will be evident that costs are greater in country Victoria. The distance to schools is an issue which impacts on uptake, and the absence of public transport makes it difficult for the higher year students to get to school at times and certainly to pursue tertiary education, and curriculum choices can be restrictive in country schools.

As we know, recently it has been reported that the cost of young country people attending tertiary education is about double that of city people, because country students have to come to Melbourne or the larger regional centres to continue their education, so country kids are at a serious disadvantage. We know that already. We do not need another system to tell us that; what we need is action to address it, and that is why last year prior to the election The Nationals came up with a policy to provide a one-off \$3000 grant to young country people making the transition to tertiary education at least 100 kilometres from their home.

I will just touch briefly on the other issue that has been raised by other speakers — that is, that Victorian teachers are the worst paid in Australia. I welcome the government members' support for the motion moved by The Nationals member for Eastern Region in the other place to make Victorian teachers the highest paid in Australia rather than, as they are at the moment, the lowest paid. Now we need to see some action. Words are cheap: let us have some action. Let us have the dollars on the table; let us deliver.

We also have the issue of the burgeoning maintenance backlog. As has been said, the maintenance backlog costs have blown out in the period of this government from \$130 million to \$260 million.

Honourable members interjecting.

Dr SYKES — I remind the members on the other side who seem to be joining in this debate that we are talking about two or three days of income for the state of Victoria, and if put out there and delivered it would do the job of putting a decent roof over the school buildings that our children go to. It would mend the holes in the walls and stop them from falling down, it would provide adequate heating, and we would have the opportunity for our kids to have an appropriate education. Let us have some action; let us not just have the idle chit-chat.

Honourable members interjecting.

Dr SYKES — I am appreciating the support from the other side. It is nice to know that government members can be so vocal. In relation to the issue raised by the member for Lowan concerning funding support for students with disabilities, currently that funding stays with the school at which the child is registered at the beginning of the year, even if the child moves to another school. The situation is particularly relevant to the electorate of Benalla, where young people with autism come to the Mansfield Autistic Centre to have specialist training and for the young people, their parents and the support people to be given the necessary training to help them cope with autism. The money does not come with those young people, so that puts funding pressure on the Mansfield Autistic Centre. That centre, which does a fantastic job, needs to have the problem addressed so the funding support can go with those young people who are entitled to it and deliver the services they need so that each and every child can have the best opportunity to develop their skills to the maximum potential.

We want country Victorians to share in the opportunities for a good education. We challenge the government to deliver an outcome which lives up to its words when it claims that it governs for all Victorians.

Ms MUNT (Mordialloc) — I am very pleased to rise today and speak in support of the Education and Training Reform Amendment Bill of 2008. The bill contains two amendments to the Education Act. The first amendment introduces a unique study identifier referred to as the Victorian student number and establishes a Victorian student register as the central repository for student information. The main purpose of this is to keep track of students so they are not lost to the system. When they move from state schools to private schools, when they move from primary schools to secondary schools, when they move from secondary schools to either the local technical and further education institutes or whatever, it will keep track so

they are not lost to the system and so we can really care for their education and the path it goes on.

The second part deals with amendments relating to the Victorian Curriculum and Assessment Authority's functions and responsibilities, which will enable it to support the integration of education and early childhood services and assist in the implementation of this initiative of the Victorian government in regard to early childhood services.

It was interesting for me to read the paper this morning. The federal government is also now focusing on the provision of early childhood services to our community. We as a state government can work very well now with the federal government to provide those services to families in our community, and this bill will help in allowing that to happen.

I have sat here and listened to the contributions from the opposition, and I would just like to make this short comment: I first ran for Parliament as a result of having children in the state school system during the Kennett government. I was then the school council president, and I can well recall the cuts that were made to education in that time. I believe those cuts were made as a result of the philosophy against providing state education. When you look at the federal government's track record in relation to state education you can see that it is a philosophy that the conservative parties seem to share. Sitting here and listening I find absolutely appalling the attacks on the government's achievements in regard to education, given that I saw what was happening when I was first prompted to run for Parliament.

Our government has achieved enormously in education. We have actually put the dollars where our mouths are. We have funded the rebuilding of schools; we have brought education from the parlous state that it was in in 1999 to where it is today. I commend this bill to the house. I commend the government for its focus on education and putting state education to where it is now so that we can provide every child with the best possible opportunity to achieve all that they can.

Mr THOMPSON (Sandringham) — The Education and Training Reform Amendment Bill is supported by the Liberal Party. The bill seeks to amend the Education and Training Reform Act 2006 to provide a legislative framework for the establishment and maintenance of the Victorian student register. The purpose of the student register is to assist the government's quest to have a 90 per cent school completion rate and will make it more difficult for students to disappear from the system.

The opposition has some concerns about the bill, including the fact that the participation of Victoria in this year's national testing across years 3, 5, 7 and 9 is contingent upon this bill being passed, because the bill provides a legislative framework empowering the Victorian Curriculum and Assessment Authority to administer tests. There is also the question of whether the bill effectively renders the government's On Track policy redundant, given that its primary purpose of boosting retention rates is identical to that of the student registry. Then there is the government's record regarding the use and misuse of the law enforcement assistance program database, and its failure to secure information against unauthorised access. What measures are in place to prevent that debacle occurring with this information? There is a view that the implementation and maintenance of the student register will impact on the burdensome bureaucracy of school administrations and that extra funding will in most cases be required by schools to help allocate student numbers for its students.

The Liberal Party has consulted widely in relation to this bill with groups like the Australian Education Union, the Victorian Principals Association, the Victorian Association of State Secondary School Principals, the Victorian Independent Education Union, the Association of Independent Schools Victoria, the Catholic Education Office, Parents Victoria and the Victorian Parents Council.

I commend the previous speaker for her engagement in her local school communities as a former school council president. Nevertheless, in her contribution she did not accurately reflect the Liberal Party's approach to education. The Liberal Party has a fundamental commitment to the equality of opportunity for all students in this state. It is interesting to note that after being in office for 19 of the last 26 years in Victoria, there is still so much more work that needs to be done in delivering better outcomes for Victorian students. It is also worthy of note that the financial stringency of the Kennett administration was due to the state's debt of over \$33 billion caused by the mismanagement and misapplication of what were at one stage called 'Labor's modern methods of financial management'.

Yesterday in this place there were remarks made about Victoria being a great place to live, work and raise a family. That phrase is used during debates and question time by the Labor Party. It is disappointing that there is a focus on a repetitive, clichéd mantra, because it is used by nearly thousands of other jurisdictions and towns around the world. I do not think that using a clichéd mantra as a substitute for good argument is a reflection of good government in this state. It is the

angling of messages in a way that was done by totalitarian regimes in yesteryear.

A number of years ago when the Victorian parliamentary Law Reform Committee was doing some work about access to law and legal services, we visited a number of rural committees, especially indigenous communities. At that stage there were a number of indigenous students in East Gippsland who were not attending school. Despite school being a short bus ride away there were number of students in that area who would not attend school. In budget papers there are differential outcomes set for indigenous students in this state.

I also question the school enrolment practices along the Murray River, and how an enrolment process will work for a number of indigenous students who live in border towns and may seek access to educational opportunities in New South Wales and in Victoria. Because of the changes to the residences and work locations of the parents of these students it will be interesting to observe how wide the inaccuracies of the enrolment process are.

In order for people to have a fundamentally good start in life, basic literacy and basic numeracy are important qualifications for students; it is important for students to have those skills if they are to make their way in the wider world. It is my understanding that as we speak there is an insufficient allocation of resources in the following up of students who may not be attending school. Therefore, those students are left to work and live in subcultures where they do not have basic communication skills and access to communication technologies which will enable them to take on fulfilling roles within the Australian workplace. Therefore it is fundamental that we, as a community, try to build strong families and cohesive institutions so that young children are able to make their way into the wider world.

Issues which affect indigenous communities may relate to alcoholism and drug dependency. It is difficult for a young kid to learn if their parents have not been able to get them to school after being well fed with a breakfast to start the day, and do not give them an opportunity to do their homework in the evening. Indigenous opportunities are closely correlated with education, housing, employment and health measures. The Liberal Party is strongly committed to providing the best possible opportunities for all indigenous students in this state. I trust that the tracking measures within the bill may assist Victorian students who have an indigenous heritage to complete primary and secondary school. Not only indigenous students but other students in this state may fall within the administrative guidelines — they

may not attend school on a daily basis and are thereby deprived of the opportunity to achieve fundamental skills in literacy and numeracy.

Turning now to another topic, preschools coming under the education umbrella was Liberal Party policy at the last election. Liberal Party education policy has proved to be Labor's inspiration for its new education direction. The Liberal Party has pledged to transfer the supervision of kindergartens to the Department of Education and Early Childhood Development. That policy was driven by the need to address the Labor government's failure to provide a seamless transition from early education to primary school.

Earlier speakers referred to the role of the Liberal Party in education. I take members on the other side of the house back to 1992, when Victoria had a \$600 million maintenance backlog. I recall visiting Coburg High School at the request of Ann Davidson, the then principal — and a fine principal she was. I was absolutely staggered to see after 10 years of Labor administration in a Labor heartland school that there were weeds growing out of the spouting of the school building and that walls had been punched in. It was like a Third World setting. After Labor's decade of investment in education it had failed to achieve the basic infrastructure requirements for a good educational setting, which impacts upon educational outcomes.

I could go through the Sandringham electorate school by school to outline the failure of the Labor Party to provide the minimum requirements for a learning environment. It was an absolute disgrace, because Labor failed to properly manage the education budget for Victoria. It was an absolute outrage. I invite the member for Eltham to visit my electorate so that I can take him around school by school to indicate the reforms, improvements and modernisation that took place in Sandringham schools between the years 1992 and 1999. I could even dig up some photos of shocking examples of the failure of the Labor Party to properly manage the education budget, to properly maintain schools and to properly develop education learning settings. The protestation that is occurring in the chamber at the moment is reflective of the mantra that we hear at question time week after week in describing Victoria as the best place to live, work and raise a family. It is purely a mantra rather than a display of an objective understanding of the facts.

Ms RICHARDSON (Northcote) — I am pleased to speak on the Education and Training Reform Amendment Bill 2008. This bill builds on the robust legislative framework established by Labor to ensure that young Victorians receive a quality education. The

bill expands the functions and responsibilities of the Victorian Curriculum and Assessment Authority and introduces a unique student identifier called the Victorian student number. This will enable information to be collected and provide for the first time the capability to accurately detect patterns of student movements through and departure from the education and training system. Opposition members have raised questions about the On Track monitor. I will respond to those and reassure members of the house that the On Track system will remain in place and will be enhanced by the changes proposed in this bill. The bill will enable more effective intervention strategies for students and students at risk of dropping out, and that is obviously a welcome part of the bill.

As members on this side of the house know, Labor has set a target of having 90 per cent of young Victorians complete year 12 or its equivalent by 2010. This is an ambitious but worthy goal we have set ourselves. In 2007 the number of students completing year 12 or its equivalent rose to 86.1 per cent. I want to compare that to the percentage under the previous Liberal-National government, because in 1999 only 82.9 per cent completed year 12 or its equivalent.

Like so many student education outcomes, Labor can be proud of its investment in schools and in lifting the education performance of students. While I am appalled at the hypocrisy of members opposite, particularly the member for Bulleen who raised the issue of school closures and education outcomes, I welcome the opportunity to put the record straight. Schools that have closed or been amalgamated under our watch have proceeded down the path of agreement — that is, the principal, schoolteachers, the school council and the wider-school community must agree before these schools are amalgamated or closed — unlike the opposition's actions when it was in government of forcibly closing 370 schools across Victoria. The Nationals, who claim to represent the interests of country Victorians, voted 1150 times with the Liberal Party to forcibly close 178 country schools. They ripped the heart out of local country communities by acting in that way and displayed a reckless disregard for the needs of country Victorians.

However, the act of betrayal did not stop there. The former coalition government sacked over 8000 teachers. The claim that the Liberal Party now cares about teachers cannot go unchallenged. Members opposite have invited a debate on student outcomes, and I welcome the debate. Data shows that the performance of Victorian students in reading and numeracy is at or above national averages in years 3, 5 and 7. The facts regarding secondary school students

are as follows. Victorian students achieve the highest performance of any state in numeracy and writing. Members opposite are misleading the house in their comments and are running down schools and students across the Victorian school system. It is good to see members opposite taking the opportunity of visiting schools across Victoria, because that is certainly not what they did when they were in government. Perhaps when they visit the schools in their electorates they might like to address some of the questions that need to be answered in the debate on education.

The questions are these. Why, in government, did the Liberal and National parties forcibly close 370 Victorian schools? Why did they sack 8000 teachers? Why did they do nothing to stop the increase in class sizes? Why did they do nothing to stop the falls in literacy and numeracy? And, finally, are they crocodile tears that members opposite are crying on behalf of teachers and students? I think so.

It is about time the members opposite apologised to the Victorian community, students and teachers, and owned up to their appalling record when their parties were in government. They were dark years for education in the state, when the Liberal and National parties were in government. They snuffed out the hopes and dreams of many young Victorians, and they stand condemned for it.

This bill further demonstrates Labor's commitment to education in this state. I am very proud to be part of a government that has education as its no. 1 priority in its objectives as we move forward. I commend the bill to the house and wish it a speedy passage.

Mr WALSH (Swan Hill) — I rise to make a contribution on the Education and Training Reform Amendment Bill 2008. I must admit I cannot resist the opportunity to make some comments about the member for Northcote's contribution. She is obviously very good at rewriting history. A lot of the statistics she mentioned do not add up. You do not have to vote 1100 times to do the things she talked about. I put it to the house that the Cain and Kirner governments closed and carted away the school I went to. There are many issues when people start to rewrite history.

The member for Northcote also talked about participation rates, particularly to year 12. I would like her to look at the statistics broken up around the state. Although the whole-of-state figures may be improving, for a lot of regional areas the numbers are declining. The year 12 completion rate in my electorate is quite considerably lower than the metropolitan rate. This government is doing nothing to solve that particular

issue. It is doing nothing to lift the participation rate of country students compared to city students, because all it wants to do is focus on getting the city statistics and general state statistics up. It does not really care if in particular areas of the state people fall through the cracks and if those areas do not get the year 12 completion rates they deserve just as much as any area in the city.

The bill amends the Education and Training Reform Act 2006 to provide a legislative framework for the establishment and maintenance of the Victorian student register. The purpose of the register is to assist in the government's quest to have a 90 per cent school completion rate and make it more difficult for people to slip through the cracks after dropping out. I reiterate my point: there is a real issue in quite a few country regions that are not getting the year 12 completion rates of the city areas. If education is the major focus of the Brumby government, I would like to see more resources put into making sure that that happens at our country schools as well as our city schools.

There is a real need to focus not only on 14 and 15-year-olds through to year 12 but also on years 5 to 7, which is where many problems start. By putting the money in at the end of the secondary system, we are in some ways treating the symptoms rather than the cause. From talking to schools in my area I know they would like more resources to be put into giving extra assistance to students in years 5 to 7 who are challenged in the education system.

There are a couple of points I would like to raise. I seek clarification from the minister in her summing up on the first point, which I talked about with the Parliamentary Secretary for Education last night. It has been raised with me by several principals in my electorate, including the principal of Kerang Primary School, who raised it last year. The bill establishes the student register, which provides the ability to track students through the system. If a child gets some integration funding or funding for disability services to assist them to attend school, that money is in the school budget and is not tied to the student. If the student moves to another school, the money does not flow with them. The principal of Kerang Primary School had a real issue with a couple of families moving into the town with children who had previous funding at other schools for their learning challenges, but that funding did not come with them. Pressure was put on his school's teaching resources, but he did not get the funding that should have come with those students. The parliamentary secretary took it upon himself to follow this issue up, but I would like the minister to address it in her summing up. We will clearly now have the

ability to track students so that that money could flow with students as they change schools, including when they change schools during the school year.

The other issue I will spend a bit of time on is kindergartens. Members have mentioned in their contributions to debate on this bill that some work will be done on whether kindergarten students will be brought into the student register system. The government has made a lot of the fact that it has supposedly brought kindergartens into the education system. If you talk to the young parents on the kindergarten committees in my electorate who have to raise money to keep their kinders going, you will learn that for them nothing has changed. We have not seen a change. When the government made the announcement that it would shift kindergartens to the education system many parents assumed that the education department would take over the running of kindergartens and employ and pay the kindergarten teachers.

The reports I get from kindergarten parents in my electorate say that the only thing that has changed — —

Mr Herbert — What were your policies at the last election?

Mr WALSH — To pick up the interjection from the member for Eltham, The Nationals policy at the last two elections has been that kindergartens should be part of and managed by the education system. Kindergarten teachers should be paid employees of the education system, and they should have pay scales that are relative to their training and skills and with anyone else in the education system. If the government did those things it would spare people a lot of the problems in kindergartens, particularly in small kindergartens where parents still have to run functions to raise money to keep their kindergartens open and to pay their kindergarten teachers.

I have said numerous times that for many young parents their first experience of being involved in public life is through raising funds to keep their kindergarten going. They are busy, they have young children, often they have jobs and they are also out there working very hard to raise money to keep their kindergarten open. As a first taste of public life it is a very unpleasant experience. If we want the parents of our children in this state to get involved in the schools and in the other things that their children are involved with in the future, then their first experience of public life at kindergarten should be a pleasant one rather than one of constant agony, where they have to say, 'Can we raise enough money to make sure we can keep the kinder open? Can

we raise enough money to pay the kindergarten teacher this year?'

Some kindergartens in my electorate are run by councils and others are run by group employers. At the moment there are some challenges with one of the particular group employers in my electorate about how it is running those kinders. It is a real issue. If we are to see positive change for the parents of students come out of the likes of this legislation, the main area on which I would like the government to spend some time is in getting right how kindergartens are managed, structured and funded, and how their teachers are employed and who they are paid by.

For quite a while we have heard from the government that education is its priority issue, it is the no. 1 ticket — and the member for Melton confirmed that. If it is the no. 1 issue, why are we not seeing some of the things that I have just talked about being done? Why are we hearing this constant debate at the moment about salary levels of teachers? Quite a few of the schools in my electorate are situated along the Murray River. The principals of those schools are saying to me, 'I am losing teachers because they can drive 5 minutes over the river to schools where they can get \$10 000 more than they get here'. It is a real threat to the viability of the teaching profession in my electorate that teachers can just move across the river to New South Wales and get \$10 000 a year more. Whether they are the highest paid in Australia or whatever it is, we need to make sure that pay rates for Victorian teachers are competitive enough for us to keep the teachers in this state.

The last issue I raise and that I would like to close on is that in looking at the statistics of year 12 students choosing a career it can be seen that now we have the lowest intakes into universities of students choosing teaching as a profession in the future. The market signals are there that people are no longer choosing education as a career — because the pay rates are just not good enough. I urge the government to walk the talk and put the money where its mouth is and do the things it needs to do to improve the education system in Victoria.

Ms THOMSON (Footscray) — It gives me great pleasure to rise to support the Education and Training Reform Amendment Bill. I was going to spend a lot of time on the unique student identifier because this government is about using technology to improve and streamline the education system to ensure teachers can spend more time teaching and interacting with their students rather than spending it on administration. Also, spending time on using technology as part of the

education experience, ensures that students get the best possible experience of education. This is a changing world and technology is very much driving that change. We need an education system that is up to the mark. With the introduction of the unique student identifier we are using technology well to streamline the education system while ensuring that the welfare and best interests of students are maintained.

Members have gone through the other initiatives in the bill and the reasons behind them. The fact is that now we are seeing and acknowledging that from nought to death education is an ongoing experience and a task that we all have to be prepared to undertake and, more importantly, want to undertake, not just to increase our opportunity for jobs but to enrich our lives.

I have to move a little from the bill because the hypocrisy of members opposite has really made some of us on this side a bit hot under the collar. I was a school council president during the time of the Kennett government. I remember it very well because at the time there was a decision to close schools and along with three others my school was given the task of choosing which one would close. It was about pitting school community against school community and neighbourhoods against neighbourhoods. I can say that the student councils that I participated in were not prepared to play that game. We decided we wanted none of our schools to close.

We are now seeing investment in education in a way that the Kennett government never did it because it was never committed to government schools and government education but supported the private school system. If we need any more evidence of the Liberal Party's commitment to government school education, then let us look at the funding ratio of the former federal Liberal government to wealthy independent schools and away from state schools.

Let us look at some of the things that the current Victorian government has done. It has funded 8000 additional teachers and support staff. It has commenced and completed more than 400 major school building projects. We are not selling them off; we are building them. In the 2007–08 budget we have funded major projects at a further 131 schools. We are employing primary welfare officers for 573 schools. We have made schooling more affordable by introducing the \$300 School Start bonus. We have increased the education maintenance allowance and indexed it for future payments. For the \$250 million worth of maintenance items identified in the 2005 audit, \$192 million has been provided to schools for maintenance funding. We have provided \$89.3 million

through the VicSmart initiative to ensure that every school is connected to high-speed, fibre-optic broadband.

I am going to stop on this point because I know a little bit about this project. One of the best things we could have done for children in country schools was give them access to the world and new educational experiences by providing them with the broadband that gives them access to interact with students, whether they be in Tokyo or Paris. We witnessed a class being undertaken in French and English between a school in Paris and one here in Victoria. We are changing the whole experience of education for our students because we are putting the technology in place to enable it to happen.

I will stop at that point to allow the member for Seymour to speak on the bill. I commend the bill to the house. I am proud to be part of a government that is ensuring that our students are put first and that we are providing a first-class education system to meet not just this century's needs but beyond.

Mr BLACKWOOD (Narracan) — It is with pleasure that I rise to speak on the Education and Training Reform Amendment Bill 2008. The purpose of the bill is to amend the Education and Training Reform Act 2006 to provide a legislative framework for the establishment and maintenance of the Victorian student register. The purpose of the student register is to assist in the government's quest to have a 90 per cent school completion rate. It will make it more difficult for students to slip through the cracks after dropping out.

The main provisions of the bill are to provide for students to be allocated with Victorian student numbers; to establish and provide for the maintenance of a student register; to enable the chief executive officer of the Victorian Curriculum and Assessment Authority to issue reprimands to students in relation to minor breaches of examination rules; to make changes to the functions of VCAA relating to early childhood and the testing of students; and to make other amendments to improve the operation of the Education and Training Reform Act 2006.

This bill provides the legislative framework needed to give VCAA the power to administer student testing and participation in this year's national testing across years 3, 5, 7 and 9. This is well overdue. As recently as 2002 the Labor government resisted testing year 7 students for reading, writing and arithmetic despite every other state testing its students in the first year of high school. Eventually common sense prevailed and the Victorian Labor government agreed to that

initiative. However, the public demand for greater public disclosure of comparative data between the states has fallen on deaf ears. To satisfy the public demand, the Labor government has misleadingly used state-by-state test results that are conducted at different times of the year, and use different marking methods, as if they are a definitive statement about Victoria's performance. However, the tests are not uniform and there is little disclosure as to how results are collated, thus rendering the results of that comparative data redundant.

Does this bill effectively render the government's On Track policy redundant given that its primary purpose was identical to that of the student register, which was to boost retention rates? I am not convinced that maintaining a student register and allocating each student a number is going to encourage students to stay at school longer. The major reason students leave school is because they become disengaged as they lose interest. This government needs to not just track a student but to also put in place measures that will ensure a student finds school interesting, challenging and rewarding. You cannot possibly expect this to happen though when the per capita amount spent on Victorian children's education is the lowest in the country. You cannot possibly expect this to happen when our teachers have to constantly take on more responsibility and continue to be teacher, carer, counsellor, mentor and role model for students while being the lowest paid in the country.

Victoria's government and non-government school sectors are funded at the lowest level in Australia. Victoria's teachers are the worst paid in Australia. The continued stalling of enterprise bargaining agreement negotiations and the unwillingness of this divisive Brumby government to come to a satisfactory agreement with teachers are an appalling indictment on its priorities. I question using retention rates as an indicator of a quality education system.

The program for international student assessment report released in December 2007 was a damning indictment of the Labor government's investment in education in Victoria — or failure to invest. According to the PISA results, Victoria is the worst-performing mainland state in mathematical literacy. In reading Victoria continues its poor record under this government, recording the worst result of any mainland state and performing worse than in 2000 and 2003.

Government school enrolments are down while non-government school enrolments continue to rise. Victorian parents have lost faith in the Brumby government's ability to provide a quality government

school education and are enrolling their children in the non-government school sector, according to Australian Bureau of Statistics data released in 2008. According to the *Schools, Australia, 2007* preliminary report, the government school sector recorded its second consecutive decline in enrolments. In the last two years government school enrolments have fallen by 752 students, while over the same period the non-government school system recorded an increase of 8658 enrolments.

The bill enacts changes to the functions of VCAA relating to early childhood development. Bringing preschools under the education department umbrella was a Liberal policy. The Liberal Party's education policy released before the last election proved to be Labor's inspiration for its new education direction. The Liberal Party pledged to transfer the supervision of kindergartens to the department of education. That policy was driven by the need to address the Labor government's failure to provide a seamless transition from early education to primary school.

I have real concerns about the ability of this government to maintain a student register that is rock-solid secure and can never compromise the privacy of a student's personal information.

Sitting suspended 1.00 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTERS

The SPEAKER — Order! I advise the house that the Minister for Regional and Rural Development is absent from question time today and any questions directed to that minister will be answered by the Minister for Water. The Minister for Education is also absent and questions to the Minister for Education will be answered by the Minister for Children and Early Childhood Development. The Minister for Agriculture will be absent today and any questions to the Minister for Agriculture who is also the Minister for Small Business will be answered by the Minister for Energy and Resources.

QUESTIONS WITHOUT NOTICE

Alfred hospital: trauma surgeon

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer to the fact that in February 2005 Thomas Kossmann travelled with the then Minister for Health to Dubai, and then in July

of the same year travelled to Israel as part of a Victorian government delegation. I ask: who invited Thomas Kossmann to apply to join the State Trauma Committee one month later in August 2005, a committee which provides high-level policy and clinical-care advice to the Minister for Health on the Victorian state trauma system?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. I would need to seek advice on events that occurred some three years ago. It would be my understanding though — I will seek advice on that matter and confirm this for the Leader of the Opposition — that for some time now those who are the clinical heads of trauma services would have, as a routine, sat on the State Trauma Committee. I will seek further advice in relation to that matter, but it would be my understanding that heads of clinical departments, or those who ran our three state trauma centres, would have been on the STC.

Australia 2020 summit: outcomes

Dr HARKNESS (Frankston) — My question is to the Premier. Can the Premier advise the house of what Victorians can expect from this weekend's Australia 2020 summit?

Mr Ryan — On a point of order, Speaker, the question is hypothetical in nature and anticipates an upcoming event. I ask that you rule on whether such is the case and therefore whether the question is out of order or should be at least recast so that it does not have the problems it now has.

The SPEAKER — Order! The question is anticipatory in the way it is framed. I believe though that the question could be framed satisfactorily, but given the events that took place in this chamber last week, it is a reasonable question. I will give the member for Frankston an opportunity to reframe the question so that it is not — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth is not being given an opportunity to rephrase a question! I will give the member for Frankston an opportunity to rephrase the question so that it is not quite as anticipatory in nature as the original question he has asked.

Dr HARKNESS — Could the Premier outline to the house what Victoria could expect from the summit to be held this weekend?.

Mr Ryan — Speaker, I reiterate the point of order. This is even more blatant in that it is asking for an expectation of this upcoming event. I ask you to rule that it is out of order.

Mr Batchelor — On the point of order, Speaker, I put it to you that it is quite in order to ask this question. There is a summit this weekend. Whilst it may be called Australia 2020, it is happening this weekend. It is imminent, a lot of people know about it and representatives from state governments, including Victoria, and from a whole range of political parties across the spectrum, will participate in it. If you were to accept the hypothesis being put forward by the Leader of The Nationals it would not be possible at any time in the future to ask a question which was framed in such a way that it asked about forthcoming events, such as the budget. We are often asked, 'Will you rule in or rule out this happening at some time in the future?'.

It is in that context that the minister, the Premier in this case, is being asked to make a prediction as to what he expects to happen sometime in the future. If that were to be your ruling, and if that is the intent of the Leader of The Nationals, the government of the day would be very happy with that because it would clearly indicate that no minister would be able to be asked about any matter that would occur in the future. We would be able to be asked only about things that had happened in the past, and clearly that type of constriction on the debate in Parliament would be nonsense.

The Leader of The Nationals is seeking to make a cheap shot that would seriously rebound not just on the opposition here and now but for a long time to come. I ask you to rule in a common-sense way that members are quite entitled to ask about events that are going to take place and about strategic approaches, plans and about attitudes. We are entitled to ask that.

Mr Baillieu — On the point of order, Speaker, you have already ruled on this matter and the question was recast. You invited the member to recast the question; the question was not materially recast and therefore your ruling should stand.

The SPEAKER — Order! It is my view that there is a difficulty with how the question is framed. In a broad sense I believe that the question is in order and can be answered, as the issue is very relevant to Victorian government business. I believe the problem is how the question has been framed. I have given the member an opportunity to reframe the question. On any given understanding of what the member for Frankston asked the second time, it was ostensibly the same as he asked the first time. I ask the member for Frankston to — —

Honourable members interjecting.

The SPEAKER — Order! Members have been given opportunities to reframe questions in the past, and I expect they will be given that opportunity in the future. I ask the member for Frankston to reframe the question. Once he has reframed the question again, I will rule on whether the reframed question is in order or not.

Dr HARKNESS — Given commentary leading up to the Australia 2020 summit, what action will the government now be taking?

The SPEAKER — Order! I rule the question in order, and I ask the Premier to answer the question.

Mr K. Smith interjected.

The SPEAKER — Order! I suggest to the member for Bass that the Chair has made a ruling, and the member for Bass will not question the Chair.

Mr BRUMBY (Premier) — I thank the member for Frankston for his excellent question. There has been a lot of commentary about the Australia 2020 summit, and I think it is fair to say that the summit has captured the imagination of the Victorian and Australian people. The summit is generating a very high degree of momentum. There have been a number of local summits held around Australia. There have been media summits — I know radio station 774 last week held a full day summit on this issue. There has been a youth summit, which has been very successful.

Earlier this week, on Tuesday night, I invited all of the Victorian delegates who are going to the summit — more than 220 of them — to attend a function at the Melbourne Museum, which I also attended. Professor Glyn Davis, the chair of the Australia 2020 summit, also attended and spoke. It is fair to say that this was really to bring all the Victorian delegates together to give some focus to our activities. The delegates broke into the 10 groups which will form the 10 groups of the summit this weekend. There is an extraordinary degree of enthusiasm and optimism for the discussions that will take place in Canberra this weekend. It is a wonderful thing. There are many Victorians from diverse backgrounds — people from all around the state — participating, and I think we will get some very positive outcomes.

Australia 2020 has a broad agenda, including the economy, the nation's infrastructure, our environment, our farmers, health care, indigenous Australians, the arts, national security, how we improve our system of government and how we strengthen our communities.

Certainly we see Australia 2020 as a unique opportunity to capitalise at a national level on some of the gains and policy initiatives which we have put in place at a state level which we believe have national merit.

In my comments on Tuesday night I mentioned some of those initiatives. A Fairer Victoria, which now has been running for a number of years, is really about making sure that every member of our community has the chance to succeed in life, has the opportunities extended to them that we would want for every Victorian. We think this has been a great success. I must say that at the end of the Australian Council of Social Service conference which I addressed last weekend many delegates from all around Australia were saying, 'Wouldn't it be great if we could do what Victoria's done, but on a national scale?' — that is, something like A Fairer Australia.

I also mentioned our leadership in this state in preventive health care. I think all members are aware of the bipartisan initiative taken 20 years ago to establish VicHealth. That has been a leader nationally and internationally in terms of tackling preventive health issues. Just a few weeks ago we announced the new WorkHealth initiative, to be funded from some of the accumulated surplus of the WorkCover scheme — a \$600 million fund with the interest on that funding preventive health programs in the workplace. It is not just a first for Australia but also a first for the world, and I believe it will lead the way in tackling preventive health issues in the workplace.

Another issue which I mentioned briefly on Tuesday night, and which I must say has been prominent in the press today, is children's hubs. Members would have seen the speech that the Prime Minister made last night in talking about the delivery of children's services. His comments echo very much what we have been doing in Victoria in our reform of children's services. In fact, we invested \$23.2 million to build 55 integrated children's hubs. In the last budget we committed another \$20 million for 40 more children's hubs. I am pleased to say that already 41 centres across the state have been assisted to provide increased services. This includes places like the Rosedale Community Centre in the Wellington shire, Strathdale Children's Centre in Greater Bendigo, Laverton Children's Centre in Hobsons Bay, the Taylors Gully Children's Centre and the St Arnaud Children's Centre in Northern Grampians, Kerang and District Children's Centre in Gannawarra, and many, many more.

In all of these cases these services have been supported and expanded by our government building a children's

hub. In many of these cases you have day care, extended day care, preschool and maternal and child health all under the one roof, all providing a fantastic service to families. I am pleased that in February this year the federal Parliamentary Secretary for Early Childhood Education and Childcare, Maxine McKew, flew to Melbourne to inspect one of our children's hubs, which is located next to the primary school in Elwood. These one-stop shops can work. I think they are a great example of a Victorian innovation and the leadership we are providing, which has — —

Dr Napthine interjected.

Mr BRUMBY — I don't think so, Denis. The leadership we are providing has implementation opportunities Australia-wide.

The 2020 summit is a great opportunity. It will bring together 1000 Australians from all walks of life. It is a great opportunity for new ideas to take the nation forward. I think many of the ideas we have put in place in Victoria — whether it is something like our food bowl modernisation program, whether it is programs like children's hubs, whether it is WorkHealth — are great initiatives for Australia.

Mr Thompson — On a point of order, Speaker, in the rephrasing of the question, the member for Frankston asked the Premier what action he will be taking, not to give a summary of what action has been taken. I was wondering if you could direct the Premier to advise the house what action he will be taking, rather than providing an historical review.

The SPEAKER — Order! Before I give the Premier the call again, I suggest that he will be concluding his answer.

Mr BRUMBY — As I have said, these are all great examples of policy initiatives put in place by our government. I will be attending the summit, of course. I believe these policy initiatives have application Australia-wide, and I will certainly be prosecuting those arguments this weekend.

Alfred hospital: trauma surgeon

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Health. I refer the minister to a signed statutory declaration by Professor Thomas Kossmann on 27 August 2005 as part of his application to the Minister for Health for appointment to the State Trauma Committee, which states, and I quote:

I grant permission for inquiries to be made to establish the accuracy of any of the information provided by me in this form and accompanying attachments and to determine my suitability for nomination.

It states further, and I quote:

I understand that the offices of the minister and of the parliamentary secretary ... may make these inquiries of any persons or organisations they consider appropriate.

I ask: who conducted these probity checks?

Mr ANDREWS (Minister for Health) — I have already made it clear that in relation to the specifics of this matter I am happy to seek advice, and I will do that. In broad terms, I simply make the point again that there is an ongoing process in relation to Professor Kossmann and the only fair and reasonable thing is to allow that process to run its course. That is how we will deliver an outcome in relation to these matters that is fair and reasonable and will serve the interests of all Victorians.

Rail: regional passenger services

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Public Transport. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the government's ongoing commitment to regional passenger rail services?

Ms KOSKY (Minister for Public Transport) — I thank the member for South Barwon for not only his question but for his longstanding interest in rail in country Victoria. There has been a revolution in regional passenger rail since the previous Bracks government and now the Brumby government have invested in rail. There has been an absolute revolution, and Victorians are voting with their feet. We have had V/Line patronage growth of 30 per cent over the last calendar year, and it continues to grow. A very large part of the reason it is growing is to do with our investment in the regional rail network. The other part of it is of course the population growth in regional and country Victoria.

In October last year, along with the Premier, I was pleased to announce that we would be ordering an additional eight V/Locity middle carriages on top of the 14 carriages we already had on order. These carriages will be middle carriages, which will change the current two-car V/Locity trains to create three-car sets, which will mean you can carry more passengers. We are having a lot more passengers wanting to travel on a very regular basis on our regional rail system. These

additional units will cater for 1672 extra passengers each trip. This is a significant investment, and it will make a huge difference given the increase in patronage we are seeing in our regional rail passenger services.

Tomorrow I will be visiting Bombardier Transport at its factory in Dandenong to inspect the construction of these carriages. Testing of the first carriage is under way, and it is expected to be in service by the middle of the year. The balance of the 21 carriages will be progressively rolled out across the network, with a few on each corridor to help meet the peak demand we are experiencing.

The reason this is happening is because of the investment this government is making. We remember very well the attitude and response of those opposite when we wanted to expand regional rail. We remember — —

Honourable members interjecting.

The SPEAKER — Order! The minister should confine her comments to state government business.

Ms KOSKY — And I think Victorians well remember as well. They certainly remember the investment that we are making. I have many people stopping me on a very regular basis to say thank you to this government for the investment it has made and the difference that has made to their lives — and of course we have cut V/Line fares by 20 per cent.

We understand why those opposite make a loud noise, but they did not make the loud noise when they shut down lines, when they ran down the system and when they closed services. We are investing in rail. We are investing in regional rail, and Victorians love it.

Alfred hospital: trauma surgeon

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I draw the minister's attention to the probity checks required by the Department of Human Services for an appointment to the State Trauma Committee, and a document which states:

It is essential that appointees have records of personal, professional and commercial integrity, and that the public sector is seen as maintaining high standards in this area.

I ask: did the probity check consider a series of complaints against Thomas Kossmann regarding his surgical capabilities and conduct at the Alfred hospital made six months before his application to join the State Trauma Committee?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. I make two points. Firstly, I have already indicated that I will seek advice in relation to the appointment to the State Trauma Committee of the individual that the honourable member mentioned. That is the first point. The second point is that the appropriate forum to examine and deal with allegations of Professor Kossmann's conduct is the process that has been established at Bayside Health.

Mr Baillieu — On a point of order, Speaker, the minister is debating, not answering the question. He was the Parliamentary Secretary for Health at the time, and this is an issue of the government's conduct and not related to the inquiry.

The SPEAKER — Order! I do not uphold the point of order. I believe the minister was being relevant to the question. The minister has completed his answer.

Ambulance services: regional initiatives

Mr HOWARD (Ballarat East) — My question is to the Minister for Health. I refer to the government's commitment again to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby government is taking action to support our regional ambulance services?

Honourable members interjecting.

The SPEAKER — Order! Can I suggest to the member for Kilsyth that his interjections today are most disorderly. They have been noted by the Speaker, and I wish not to note them again. The member for South-West Coast should learn not to challenge the Speaker.

Mr ANDREWS (Minister for Health) — I thank the honourable member for Ballarat East for his question and for his interest in the best possible ambulance services in his community and indeed right across rural and regional Victoria. Our state is blessed with the best paramedics in the world, and as a government we are committed to giving them the resources that they need to treat more patients, to provide better care and to continue to respond to the population growth across our state, but most notably in rural and regional Victoria.

Our record over time, over the eight years that we have been in office, has been to increase ambulance funding. We have more than doubled funding, and that is important to give our paramedics, our ambulance services, as I said, the resources that they need to continue to provide the very best care. If we go through

that investment, we see that 25 new stations have been established across the state, with 9 in rural and regional communities; 48 stations have been upgraded, with 35 of those in rural and regional communities; and 26 community emergency response teams have been established across rural and regional Victoria. There are more than 800 extra paramedics right across our state — that is 800 extra paramedics — 200 of whom are in rural and regional communities, and importantly, there are 104 additional ambulance vehicles, which is a 25 per cent boost to the overall fleet.

Right throughout the state, right across the spectrum, this record investment is all about giving our paramedics the support and the resources they need to meet growing case loads and to continue to deliver high performance and high standards of care. To give an example of what that investment means, country paramedics are now attending on average 316 emergency cases every day compared to 192 cases —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. The member for South-West Coast knows the appropriate time to ask a question. It is not by way of interjection.

Mr ANDREWS — That consistent and sustained record investment by our government means that whereas country paramedics in 1999 were responding to 192 cases per day, they are now responding to around 316. So that gives members a sense that that record investment is delivering the care, attention and treatment that country communities need — that country communities have received and should expect from their state government.

Last week I was delighted to visit the Rural Ambulance Victoria headquarters with the Premier and to announce the provision of 51 new Mercedes-Benz Sprinter vehicles. These 51 new vehicles have been purpose built and will see the last of the General Motors chassis, the GMC vehicles, removed from the front line of our Rural Ambulance Victoria fleet. It was a proud day. It is the result of consistent investment, and this alone is a \$7.7 million investment. As I said, taking those GMC vehicles off front-line ambulance services in rural and regional Victoria is only possible because this government has consistently provided both ambulance services with the record funding they need.

To give members of the house, and particularly those from rural and regional electorates, a sense of where these new vehicles will go, 12 will go to the Barwon

south-west region, 6 to the Gippsland region, 8 to the Grampians region, 9 to the Hume region and 16 to the Loddon Mallee region. Right across rural and regional Victoria this is an investment that will make a real difference not only in terms of patient care outcomes but also for our paramedics. This is their working environment, this is their office, if you like, and it is important to give them the vehicles they need. That is our record and that is our commitment. As I have said before, we have achieved a lot in ambulance services. There is more to be done and, make no mistake, this is the government to do it.

Alfred hospital: trauma surgeon

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Health. I refer the minister to Thomas Kossmann's declaration in his application to the State Trauma Committee in August 2005 that he had no shareholdings, and I ask: when did the minister become aware that since 2001 Thomas Kossmann had shareholdings in Trauma Consulting Pty Ltd?

Mr ANDREWS (Minister for Health) — I thank the Leader of The Nationals for his question. Again, I have made it clear that I will seek advice in relation to issues of detail. These are matters from some years ago, and I will seek advice in order to furnish an answer and information to the honourable member.

In relation to any allegation against Professor Kossmann, I simply make the point again: there is a process, it is ongoing and it is the appropriate vehicle to deal with these issues. These questions simply shine a light on the fact that those opposite have no interest in proper process, none whatsoever. The only way to proceed in this is to allow the process to run its course.

Gaming: industry restructure

Ms MUNT (Mordialloc) — My question is to the Minister for Gaming, and I ask: can the minister please advise the house of community reaction to recent government announcements about the future of the gaming industry?

Mr ROBINSON (Minister for Gaming) — Thank you, Speaker. I am —

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte.

Mr ROBINSON — I am very pleased to take the question from the member for Mordialloc following on

from the government's landmark announcements last week about the future of the gambling industry in this state, about the changes and reforms which put Victoria very much at the forefront of gaming policy reform in this country.

Peak bodies have welcomed in a very genuine way the government's reforms. Both the Australian Hotels Association and the RSL have welcomed the opportunity for pubs and clubs across the state to take greater control and to have greater certainty within the industry in years to come. Margaret Kearny, the executive director of Clubs Victoria, a very significant stakeholder in this field, wrote in the paper that:

The new gaming licence structure is very positive for Victoria's non-profit club sector and for the Victorian community generally.

She went on to say that:

It behoves us all to make the most of the opportunity presented by this brave move by the Brumby government.

I think that is very accurate commentary.

The Victorian Local Governance Association and the Municipal Association of Victoria have been very supportive. The MAV has said under the heading 'Gaming industry restructure welcomed':

The ... association ... has backed the Brumby government's bold decision to restructure gaming machine licences ...

That is a very strong endorsement.

The Club Managers Association Australia has put out its support —

Mr O'Brien interjected.

The SPEAKER — Order! I suggest to the member for Malvern that he cease interjecting in that manner.

Mr ROBINSON — The club managers association has said that it:

... welcomes the announcement by Premier John Brumby that post 2012 clubs will be able to bid directly for 10-year gaming licences and own gaming machines outright.

I mentioned last week, immediately after the announcement, that regional Victoria was very important to the Brumby government and that we were very interested to ensure that regional pubs and clubs could participate actively in the industry. The *Ballarat Courier* —

Mr Hodgett interjected.

The SPEAKER — Order! I warn the member for Kilsyth.

Mr ROBINSON — The *Ballarat Courier* carried commentary by North Ballarat Sports Club manager, Cameron Vallance, who said that while club managers were shocked to learn of the changes:

It's a massive shift and I think it's going to be exciting.

And he is dead right. He said also:

The model is based on the New South Wales and Queensland set-up. I think it's really going to put the emphasis back on the venue to lead by example in regard to responsible gambling.

Of course he is absolutely right.

The *Warrnambool Standard*, an august journal in south-western Victoria, carried an editorial that said:

So, it goes without saying that this week's move by the Brumby government to break the pokies duopoly run by gambling giants Tabcorp and Tatts is a good thing.

The *Border Mail*, up in the north-east of the state, quoted the Sailors, Soldiers and Airmens Club chief executive, Andrew Terry, who said the changes were 'big news'. It reported that he:

... said his initial response was that the changes were positive.

It reported that he believed benefit would flow through the club into its golf club operations.

The *Wimmera Mail-Times* ran an article headed, 'Wimmera venues welcome poker machine overhaul'. I quoted last week from the Numurkah Golf and Bowls Club —

An honourable member — Ah, what does it say?

Mr ROBINSON — It has written to me, very politely and generously, and said:

... it appears this government has demonstrated its commitment to put its community before corporate Australia, which is something the government can be proud of. This must have been a hard decision for the current government but our board feel the right decision for all Victorians.

It is dead right.

We have seen support from the Reverend Tim Costello, someone well known to all Australians. He is very supportive. We have seen support from the Interchurch Gambling Task Force.

I want to assure the member for Mordialloc that the support for the government's measures is not confined to just those in the community sector and those who run pubs

and clubs. Indeed there are some prominent business commentators who have had a lot to say. Terry McCrann has written an article that appears in today's *Herald Sun* headed 'Brumby on right licence track'. I think that is a pretty round endorsement. Earlier in the week we saw an article in the *Australian* newspaper — —

Mr O'Brien interjected.

Mr ROBINSON — I thank the member for Malvern. It is an article by Paul Kerin, a respected commentator and not someone known to be left of centre, I think it is fair to say. He said this:

Congratulations John Brumby! Last Thursday, the Victorian Premier displayed more guts than most politicians have by standing up to powerful vested interests and serving the constituency he's supposed to: the public.

I think that is a ringing endorsement.

In conclusion, all these endorsements and commentaries are very, very positive, but the most pleasing response, I have to say, did not come from someone in Victoria. For me it came from someone from South Australia. My department asked me whether I would give permission to provide a briefing to a South Australian gentleman who had expressed great interest in what we were doing in Victoria. I was very happy to provide that. I am pleased to advise the house that we were therefore able to give a briefing to the Liberal shadow Minister for Gambling in South Australia, Mr Iain Evans — a fine fellow. He got a briefing from us, and he walked away very impressed by what is happening in Victoria. I just want to finish by saying — —

Mr O'Brien — On a point of order, Speaker, the minister referred to the briefing provided to the state shadow minister in South Australia, Mr Evans. Having spoken to Mr Evans, I believe the minister is misleading the house in trying to record the response of Mr Evans. It is an abuse of question time for the minister to attempt to verbal a member of another Parliament.

The SPEAKER — Order! I do not believe that is an appropriate point of order.

Mr O'Brien — On a further point of order, Speaker, it is disorderly to reflect on members of other parliaments, and in misrepresenting the views of Mr Evans the minister is reflecting on a member of another Parliament.

The SPEAKER — Order! I was listening carefully to the minister, and I do not believe he was reflecting on a member from another Parliament. The minister's

answer has been fairly long, and I ask him to conclude his answer.

Mr ROBINSON — I will conclude. The only reflection on Mr Evans I would offer is that he is a very bright fellow to have come over here and walked away far more informed than he was. We will make sure that the doors will be open for Liberal shadow ministers from anywhere in the country, and we will provide briefings on how Victoria has become the leader on gambling policy in this country.

Alfred hospital: trauma surgeon

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I draw the minister's attention to the *Australian* newspaper's reported findings of the final peer review report into Thomas Kossmann, which states:

He was found to have misrepresented his surgical experience on his curriculum vitae by overstating his level of experience and training ...

And further, that his professional practices and conduct were:

beyond any level of acceptable behaviour and standard of care, and was ... harmful in its effect.

I ask: were any probity checks at all conducted on Thomas Kossmann before appointing him to the top ministerial trauma advisory board? Or is the government's gross negligence and ongoing cover-up all part of the plan?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. Let me again make it abundantly clear: there is a process that is being followed in relation to very serious allegations against Professor Kossmann. It is appropriate — —

Mr Baillieu — On a point of order, Speaker, the minister is debating the question. He has had a number of questions in regard to the conduct of the government, and for him to suggest that he is again making it abundantly clear when all he is doing is avoiding the answer is just extraordinary. I invite you, Speaker, to get him to answer the question.

Mr Haermeyer interjected.

The SPEAKER — Order! The member for Kororoit is warned! As the Leader of the Opposition knows, under standing orders the minister must be relevant to the question. I rule that he is being relevant to the question.

Mr ANDREWS — There is a well-established process being run at Bayside Health. I have confidence in that process. It is a proper process, and rather than trampling all over that process — —

Dr Napthine — On a point of order, Speaker, with respect to relevance, the question related to the appointment by the Minister for Health of Professor Thomas Kossmann to the State Trauma Committee. It is not a question about the investigation currently being conducted by Bayside Health. It is about an appointment made by the Minister for Health some time earlier. That is what the question is about, and that is what the minister needs to be relevant to in answering the question. Seeking to deflect the answer to a current inquiry by Bayside Health is obfuscating and failing to answer the question, and it is not relevant to the question. The question is about the Minister for Health's appointment of Professor Kossmann to a statewide trauma committee, and that is what the minister should be relevant to in answering this question.

The SPEAKER — Order! As the member for South-West Coast is aware, ministers are free to answer questions as they see fit as long as they are relevant. I have ruled that the minister's answer is relevant.

Mr ANDREWS — Rather than trampling all over the well-established process, rather than seeking to undermine the well-established process, those opposite should let it run its course so that a fair, reasonable and balanced outcome can be achieved.

Port Phillip Bay: channel deepening

Mr LANGUILLER (Derrimut) — My question is to the Minister for Roads and Ports. I refer to the government's commitment to make Victoria the best place to raise a family, to work and to live, and I ask: can the minister update the house on the progress of and support for the channel deepening project.

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Derrimut for his unorthodox but very relevant question. Today is day 70 of the channel deepening project, and I am pleased to report that it is being handled responsibly and well. We have moved over 3 million cubic metres of dredged material, and that is about 13 per cent of the project's total volume of material to be moved. More importantly, the project is on time and on schedule to be completed by the end of 2009.

On the issue of support for this project, as the member for Derrimut would know, we have received levels of

support — and people have expressed their opinions in respect of this project — in a number of different ways. For example, one person indicated that we should, 'Build the thing, for heaven's sake, and get in and do it, particularly when it is so essential for the good of Victoria'. Who is this person, I hear you ask. It is of course the member for Gippsland South, the Leader of The Nationals.

Works are to continue at the entrance. There will also be dredging and clean-up work taking place in and around Nepean Bank. The *Goomai*, a vessel that is specialising in the process of deepening, will shortly commence its work at the mouth of the Yarra in accordance with world best practice. Some people show their position on this project slightly differently to the Leader of The Nationals. The Liberals, while claiming to support this project, seem in effect to be burying it up in process, including inquiries, investigations, select committees and legislation.

As this government has demonstrated, the implementation of this project, which has been 15 years in the planning and making, is now under way. The sum of \$120 million has been spent in developing the project, and there have been 40 technical studies and over 15 000 pages of specialist scientific studies and data. Yes, the Liberals are pro-channel deepening like Heather Mills is pro The Beatles!

The SPEAKER — Order! I suggest to the minister that he confine his remarks to government business.

Mr PALLAS — Yeah, yeah, yeah, Speaker!

The SPEAKER — Order! I warn the minister!

Mr PALLAS — Turbidity levels in the bay conform with the environment management plan. Interestingly the monitoring indicates that since the project commenced the highest turbidity levels occurred after the freak storm of two weeks ago at a time when the dredger was docked. Meanwhile the Liberals are pro-channel deepening like Paris Hilton is pro-Nicole Richie.

The SPEAKER — Order! I appreciate that this is the answer to the last question on a Thursday afternoon, but I warn the minister and suggest that he confine his remarks to government business.

Mr PALLAS — The port has released more data than was originally contemplated under the environment management plan, and we recently released material from the turbidity support sites. That material will be made available on a monthly basis and will be shown on the channel deepening website. The

project monitoring shows that turbidity levels are returning to background levels and will do so within the next three days. We continue to urge users of Port Phillip Bay, including families, to accept and respect the need for the restricted access areas around the channel deepening activity for their own safety. When it comes to the safety, integrity and maintenance of families, the Liberals and The Nationals have tried to bring together diametrically opposed views on channel deepening.

The SPEAKER — Order! I have asked the minister to confine his remarks to state government business.

Mr PALLAS — We will continue to deliver this vital project for Victoria. It is a project which continues to have the support of the Victorian Transport Authority, the Victorian Employers Chamber of Commerce and Industry, the unions, the Royal Automobile Club of Victoria, and of course the Committee for Melbourne. I echo the words of the Victorian Farmers Federation when it comes to this project:

Channel deepening in Port Phillip is vital to securing, our jobs, our industry and the future of Victoria's economy.

With this project the Brumby government is taking action now to deliver on the challenges of the future and to make Victoria the best place to live, work and raise a family.

Mr Ryan — On a point of order, Speaker, I note from my papers that in putting a question during question time, I inadvertently used an expression 'statutory declaration'; I should have used the expression 'declaration'. I simply want to make a note for the record accordingly.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed.

Mr BLACKWOOD (Narracan) — I have real concerns about the ability of this government to maintain a student register which is rock solid, secure and can never be used to compromise the privacy of students' personal information. Given the Brumby government's complete failure to protect the integrity of the law enforcement assistance program database and prevent the unauthorised access to that information, it worries me that measures are not in place to

guarantee that the same will not occur with the student register.

The school maintenance backlog has now doubled from \$130 million to almost \$270 million since Labor came to office. Many schools will not receive any funding to remedy their situation until 2016. In 1969, I finished year 12 at the Warragul Regional College. The toilets at that school at that time were terrible; the same toilets are being used today, 40 years later. Perhaps there has been a coat of paint or two, but honestly nothing has been done to improve the quality of those toilets in 40 years. That is just an example of the abject failure of this government to maintain schools in a fit condition.

The last point I wish to raise is about the extra administration costs which will be created by maintaining this new database. The education choices in Narracan are broad and are of a very high quality. The majority of our teachers are very committed and hardworking. Their no. 1 priority is the educational wellbeing of their students. Schools should not be expected to absorb the extra costs they will incur with the introduction of the student register system. School committees, parents and friend organisations are continually fundraising to provide the extras that this government does not cover. They do this willingly in the interests of giving their children the best possible chance of a good education. I call on the Brumby government not to take advantage of the generosity and hard work of committed parents, teachers and administration staff. The administration costs of maintaining the student register must be covered by this government.

Despite raising these concerns about the bill, I still remain optimistic that the bill will deliver what is intended. I am fully supportive of any changes that would genuinely have the potential to improve the educational opportunities of our children, but we must remember that this responsibility should be shared equally by parents, educators and governments. If the divisive arrogance of this government continues, the future of our children and our state will continue to be put in jeopardy.

Mr HARDMAN (Seymour) — I rise to support the Education and Training Reform Amendment Bill 2008. It continues the Brumby government's commitment to ensure that Victoria has a great education system and that the school system has the necessary tools and resources. The purpose of the bill is to amend the Education and Training Reform Act 2006 so that students can be allocated with Victorian student numbers and to provide for the establishment of a student register as a depository for student information.

I see a practical benefit which I would like to talk about which comes from my experience as a principal and teacher in a small rural school. I thoroughly endorse the intent of the amendment to the principal act because it will provide great benefits for young people in Victoria, particularly rural people, and schooling in general.

We live in a world where people move around a lot and where some children move around the state a great deal. The reasons are many and varied, but include family breakdowns which lead to people moving closer to their friends, family or extended family, a new town or moving away from where they were, or it may be to get cheaper accommodation in rural and regional areas. Often itinerant workers in rural areas consistently move wherever the work is. These moves, and many other situations which I will talk about later, can happen suddenly. The child may be at school one day and gone the next, with no real communication or reason provided to the school.

In my limited experience as a teacher and principal, situations occur where students move on, sometimes after tragic circumstances. I can remember an occasion when a child's mother committed suicide. It could also be that because of the intervention of children's services, the child moved out. Family violence can be another reason, and other situations which we do not like to think happen. These are things we do not see in our daily, middle-class lives, but sadly they do occur and are pretty horrible.

The reason I build this picture is to illustrate that students, through these tragic circumstances, often have unhappy and disruptive lives, and learning for them is not easy, except for the exceptional child. There are those children who, for some reason or another, become the adult in the family or find a mentor outside their immediate environment, but most students tend to struggle. When they arrive at the next school they often turn up with little or no history and have many problems — emotional, developmental and academic. Good schools will get guidance officers and psychologists to assess those students to find out where the child is at so they can provide an individual learning program that recognises that child's development. They can also provide extra support, such as speech therapy, and develop programs with the speech therapist so the child can correct their speech. Other children's services may be available. After all this work and assessment, the child may suddenly be gone, and arrive in similar circumstances at another school. Therefore, all this effort — the resources, the diligence, the care and the expertise that the teacher and the school have put in — is lost, and the next school has to start again.

My point is that with these amendments to the principal act the chances of these students having some continuity in their education will be greatly increased. Creating greater accountability in the system and making it easier for schools to assess the body of knowledge about that child will support what the Brumby government and I am sure what society as a whole wants us to do, which is to have a greater retention rate — up to 90 per cent of young people completing year 12 or its equivalent. We know these types of actions will achieve this because the underperforming students, who are the ones at greater risk of dropping out of school early, can be tracked and targeted and provided with timely support and services to continue the programs that are set up for them.

The proposed amendments will enable the chief executive officer of the Victorian Curriculum and Assessment Authority to issue a reprimand to students in relation to minor breaches of examination rules. Another important thing spoken about today relates to the functions VCAA will have in early childhood development and the testing of students. This bill will expand the functions of VCAA and is a major step in response to the government's integration of early childhood and education services across Victoria. As a result of the amendments VCAA will not only develop curriculum for P-12 but also for early childhood.

There has been a lot of debate about who has been the best or worst in education; who has closed the most schools and so on. I do not propose to go into that because it has been covered by others, but on the positive side the Brumby and Bracks governments have built new schools, employed thousands more teachers and staff, lowered class sizes and increased student retention rates for year 12 by taking action such as introducing the Victorian certificate of applied learning and strengthening skills and training. It has also increased kindergarten participation by funding kindergartens better and lowering the cost burden, particularly for low-income families. As a government member I am proud of this work, but I am also pleased that the tools provided to schools through these amendments will provide a better education for all our children. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to make a contribution on the Education and Training Reform Amendment Bill 2008. As was put by the member for Nepean earlier today, I also will be happy to support this legislation because anything that is introduced into this Parliament that improves the education system in this state will be supported by members on this side of the house.

The bill will do a range of things, but its primary purpose is to provide a legislative framework for the establishment and maintenance of a Victorian student register. This will involve the registration of every student at a Victorian school. My eldest child will be entering the state government system next year and will be one of the first children registered under the new system. As a father, I support anything that will improve the lot of students in the state.

In addition to establishing the Victorian student number the bill will also provide for the maintenance of a student register. It will enable the chief executive officer of the Victorian Curriculum and Assessment Authority to issue reprimands to students in relation to minor breaches of the examination rules. It will change the functions of VCAA in relation to early childhood and the testing of students. It will also make other amendments to improve the operation of the Education and Training Reform Act 2006.

While I am supportive of the general tenor of the bill, as I indicated, I believe a lot more needs to be done in this state in the important area of education and training. I will pick up on points made by those opposite with regard to the situation of the Victorian education system. The points they made need to be corrected and the facts clarified for the public record. The government has indicated to the Victorian community that education is its no. 1 priority. Many in the community would question and challenge the government on this point. The government has had over eight years to make education its no. 1 priority; it has over eight years to fix the education system. It inherited an operating budget of almost \$19 billion and its current budget is upwards of \$35 billion — and it is getting \$77 million per day, every day, from state and federal taxes and charges. It has the resources to ensure that the services needed on the ground — and I specifically refer to education — are provided.

One only need look at the plight of teachers in terms of what they are being paid and the struggle they are going through at the moment. I am advised by a member of my staff that the Boronia shopping centre currently is being blocked because teachers are petitioning the office of the member for Monbulk about this issue. This highlights to government members the need to improve the situation of teachers regarding their salaries. The Liberal Party and The Nationals have taken the lead and put it to the government that if you want the best, you have to pay the best. It is important that this state provide salaries to attract and retain those who will educate our children. I think of my country colleagues — the members for Benalla, Murray Valley, Swan Hill and Mildura — who are on school boards.

They have students in educational facilities who need to be educated by teachers, but teachers can simply cross the border — cross a river — and work at another state's government instrumentality, which will potentially pay them \$10 000 more. I take up the point that has been made by those opposite, because it is important that we correct the record with regard to that issue.

Let us look at my area. The current Minister for Education made it very clear to this house in question time that this government does not close schools. I again encourage the minister to come to my electorate of Ferntree Gully, drive down Dorset Road and look at the fences around the sites of the former Ferntree Gully Primary School and Ferntree Gully Secondary College. The schools have been closed for more than two and a half years, and the government has done nothing with the sites. When they drive along the roads and see old school sites with fences around them, members of the community are reminded of the way the government treats education services.

During the last election campaign the government championed its 10-year rebuilding program. It said it would rebuild many schools around the state. My schools are in the invidious position of not knowing when their rebuilds will occur, if they occur at all. The difficulty with that is that urgent maintenance needs to be undertaken, but schools do not know whether to invest their money in upgrading their facilities when they might find out in a month's time that that wing of the building will be rebuilt, for example. They do not know whether they should be holding onto their money or risk wasting good money if that part of the school building is demolished in six months time. I call on the government to explain to school communities and councils what will happen with this rebuilding.

Many schools in my electorate urgently require funding for maintenance. The government has provided a trickle of money, but on the government's own figures schools are facing costs of \$100 000, \$200 000 or \$300 000 for outstanding school maintenance. This demonstrates the plight of children in my electorate who are being educated in substandard facilities. The government is receiving \$77 million per day — tomorrow morning the Premier will wake up with another \$77 million deposited into the government's bank account — and I call on it to expend some of that money on providing the urgent resources that are needed in the area of education.

The Liberal Party and The Nationals are very pleased to see that the government has picked up on our policy with regard to the transfer of preschool education into

the broader education system. I remember speaking to residents, knocking on doors and talking to parents during the last election campaign. At the time this was a fundamental issue, but those opposite belittled our policy. Isn't it funny? The government gets re-elected, and all of a sudden it has decided it was not such a bad idea after all and has picked it up.

In my previous role as a councillor with the City of Knox, I chaired the combined preschool committees, which comprised over 30 preschool committees. A major issue that came out of that committee was the need for the transfer of preschool education into the general education system. I am very pleased to see not only that the Liberal Party and The Nationals have followed that position but also and more importantly that the government has been dragged kicking and screaming into agreeing and recognising that the community wanted that to occur, and it has occurred.

The time has come for the Premier to sit down with the education union, bite the bullet, and recognise that he has made a mistake and that teachers in this state should be paid at the best rate in the country. I understand he is going to be in a position where he has egg on his face. I understand the difficulties he will be in as a former industrial relations practitioner. He is going to have to walk out and eat humble pie.

But for the benefit of the Victorian community, for the benefit of our children who are going to be educated, and more importantly, for the benefit of the hardworking teachers in this state, it behoves the minister and the Premier to take it on the chin, accept the fact that they have made a mistake and go out and tell the Victorian community, 'We have finally listened. We understand what the Liberal Party is saying; we understand what The Nationals are saying; we understand what the education union is saying; and we understand what the Victorian community is saying. We got it wrong. We are going to remedy the situation, and in fact we are finally going to listen and deliver a solution that the Victorian community wants', which is to have its teachers paid at the highest rate paid to any teacher in this country.

Another problem this government faces is that government school enrolments are down, and the rate of non-government school enrolments has continued to rise under the watch of this government. Again, it is an indication —

The ACTING SPEAKER (Mr Stensholt) — Order! The member should confine his remarks to the bill!

Mr WAKELING — Thank you very much, Acting Speaker. The Education and Training Reform Amendment Bill is an important bill. We need to ensure we have a public education system that provides quality education services for the state. I am sure members appreciate the need to have a state education system that delivers for Victorians.

Mr PERERA (Cranbourne) — I rise to support the Education and Training Reform Amendment Bill 2008. The critical component of the bill is the implementation of a unique student identifier which will be assigned to and used by all students up to the age of 24 enrolled in schools and vocational, educational and training providers other than universities. A number will also be assigned to registered homeschoolers as well. The Victorian student register will be established to support this initiative. The student register scheme is to be implemented progressively over two years. The register will provide the capacity to accurately detect patterns of student movement through, and departure from, the education and training system. This will enable the development of more effective intervention strategies such as the targeted provision of education and training pathways. These young people might otherwise leave the system with low prospects of employment.

The government has set a target, to be achieved by 2010, of having 90 per cent of young Victorians complete year 12 or its educational equivalent. To maintain this target foundations have to be laid during the early years of education. That is why all Victorian students in prep to year 10, including students who learn at home, will be invited to take part each year in the Victorian Premier's reading challenge, which aims to promote a love of reading because reading makes a full person.

Good quality education is an investment in the future; the best investment a nation can provide for the next generation. That is why the Bracks and Brumby governments recruited more than 8000 teachers, brought class sizes down to 21 in prep, and invested in new schools. I was surprised to hear what the member for Ferntree Gully said during his contribution to the debate. In my electorate of Cranbourne it is an entirely different situation. We have built a new \$15 million secondary school and spent over \$30 million maintaining schools, and it is in the pipeline to build two secondary schools and two primary schools.

Almost all migrants to this country would list kids' education in the top three reasons for their decision to migrate to Australia. The Brumby government will make sure they are not disappointed if they choose to live, work and raise a family in Victoria.

Victoria is fortunate to have a large number of overseas students. They add to our culture, prosperity and future. Some stay on for further studies at a TAFE or university and some end up returning as permanent residents. This is because Victoria has a reputation as an excellent education provider, and this bill will enhance that status. Unfortunately, the opposition chooses to bring down Victoria.

The bill will also allow the Victorian Curriculum and Assessment Authority to administer tests to primary and secondary students at various levels in reading and writing according to nationally agreed standards. Approximately 260 000 students from all government, Catholic and independent schools will participate in the national assessment program's literacy and numeracy testing in Victoria in 2008. In future, students across Australia will sit an identical test on the same days in May.

The bill also proposes an amendment to ensure that less serious breaches of Victorian certificate of education examination rules can be dealt with appropriately following an investigation. The chief executive officer of the Victorian Curriculum and Assessment Authority will be empowered to issue a reprimand letter where evidence demonstrates a student has committed a minor infringement of examination rules. This is an excellent reform. The amendment will prevent students from being disproportionately penalised for a minor issue. It will mean a student's future will not be unfairly affected because of a minor infringement.

The changes outlined in the bill are sensible and timely for Victoria's children and students, and for the future of our great state. For this reason, I support the bill.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Education and Training Reform Amendment Bill. One of the main purposes of the bill is to introduce a Victorian student number and a Victorian student register. It is outlined in the second-reading speech as part of a goal to have 90 per cent of young Victorians complete year 12 by 2010.

We all understand that education is vital to all Victorian students, and trying to maximise the educational opportunities for students is something that is shared across all sides of politics. As we look to see what is in the best interests for the long-term education of students, it is important to look back and learn from history. In the past 50 years the biggest mistake that has been made in education in Victoria, and indeed across Australia — but Victoria was probably the biggest culprit — was the closure of technical schools. In Victoria that was perpetrated by former Premier Joan

Kirner and the Labor educational ideologues. The closure of technical schools had a devastating effect on education in this country for decades and drove many young people, particularly young boys — and particularly those in the rural areas that I represent — out of education. They dropped out of education prematurely, and we now suffer from a lack of technical and trade skills because of the regrettable decision of Joan Kirner and the Labor Party to close technical schools some decades ago. That is why I welcome particularly the initiative of the former federal coalition government to establish Australian technical colleges across the length and breadth of the country.

I welcome the establishment of the Australian Technical College — Wannon in my electorate in western Victoria. Wannon technical college is the result of a partnership between two very good government secondary schools — Brauer College in Warrnambool and Baimbridge College in Hamilton — which put together a submission to establish Wannon technical college. It is fantastic to drive past the Brauer College campus in Warrnambool and see the massive buildings under construction as part of the development of the technical college, and it is great to see the proud students of that technical college in their uniforms as they attend the campuses across western Victoria. They also participate in quality specialist programs that meet the needs of those young people.

I call on the government and the Minister for Education and Early Childhood here in Victoria, and on the federal government, to make a commitment to the ongoing support of Wannon technical college, and the Australian technical college system. I know it has been under attack by the Labor Party, at both state and federal level, but it is very important that this positive initiative of the Howard government is continued and that people are given the opportunity to participate in and benefit from those programs. If we are to achieve our goal of 90 per cent-plus of young Victorians completing year 12, we have to offer a diverse curriculum, including a curriculum to meet the needs of many young men, particularly in rural areas.

Along similar lines, I ask the government in Victoria to make a further commitment to VET (vocational education and training) and VCAL (Victorian certificate of applied learning) programs. As the minister at the table, the Minister for Public Transport, would understand, given her previous role, they are highly successful programs. Those VET and VCAL programs have been particularly successful in helping young men who may have otherwise dropped out of school to stay within the school system and have a more practical education and gain a greater

understanding of the relevance of a broad education based on physics and mathematics and many other skills which they otherwise may have thought were irrelevant. When they started their studies in the automotive, metals, carpentry or even hospitality industries, young men and young women said, 'Gee, some of the basic education is really important in terms of our future'.

There is not sufficient funding in many schools in rural areas. VET and VCAL programs are much more popular there and as a percentage more students are taking up VET and VCAL programs, yet those students are significantly disadvantaged as their parents have to pay the local TAFE fees in addition to their traditional secondary college fees. It can also be costly in terms of bus travel for students from some schools to attend TAFE programs. I urge the Minister to back the good VET and VCAL programs across regional and rural Victoria with the necessary funding to make sure they are accessible to all students, irrespective of the means of their families and to all schools in terms of the bussing to secondary schools.

I refer to the national testing program. The second-reading speech states:

The bill will ... provide the authority with the capacity to implement the national literacy and numeracy testing arrangements ...

It is of note that it is an enormous revolution for the Labor Party to support national testing. I have been in this house for some time and over the years have noted that the Labor Party here in Victoria has been vehemently opposed to national testing. That was particularly so in 1992 when statewide testing was sought and it was part of the policy enunciated by Don Hayward for the Liberal Party. The Labor Party was vehemently opposed to any form of statewide testing but when it was introduced by Don Hayward, that absolute leader in education who did so much to reform education here in Victoria and put outcomes rather than just inputs at the forefront of education, statewide testing was found to be absolutely effective. It identified students at risk and specialist programs could be provided for those students.

I am pleased that the minister at the table, the Minister for Public Transport, led the argument for national testing because she saw how effective statewide testing introduced by Don Hayward and the Liberal Party was here in Victoria. She saw the effectiveness of a Liberal program — and she agrees with that — and she took it up at the national level. I congratulate her for undertaking that because previously the Labor Party was opposed to statewide and national testing. I

welcome the government's embracing this. The dilemma we have now is explained in an article in the *Age* of today under the headline 'Teachers target national test for strike', which says:

... Catholic school teachers planning to join their public school colleagues and strike during Australia's first national literacy and numeracy test.

Stephen Elder, the director of the Catholic Education Office, is quoted as saying:

Students will also be the big losers as the tests are intended to assist their progress.

I would be very disappointed if strike action by teachers disrupted the national testing program. There is one way this government can avoid that strike action: it can follow the lead of Ted Baillieu. The government can recognise that Ted Baillieu has provided real leadership on the issue of teachers' pay and conditions. Ted Baillieu can teach John Brumby a real lesson on this issue. If you want the best education system you need to have the best teachers, and if you want the best teachers you need to pay them at the highest level for teachers in Australia. You do not need to pay them at the lowest level, which seems to be the hallmark of the Labor government. It wants to pay the teachers at the lowest level across Australia but what the Liberal Party and Ted Baillieu say is that if education is important — which it is to us as Liberals, it is to our families and our children and all Victorian children — then you have to have the best teachers and you have to pay them appropriately.

I note also that the bill provides a framework for the integration of kindergartens into schools. Again I welcome this because this was Liberal Party policy in the 2006 election. I urge the Labor Party to adopt another part of the Liberal-Nationals coalition kindergarten policy and that is to provide free access to all 4-year-olds for one year of kindergarten. Free kindergartens for all students for one year prior to entering school is absolutely essential to lift participation rates and give children the right start to school. I urge the government to adopt that policy.

Finally, let me make some comments about the need to back up all this with proper funding for school infrastructure. We know the Snowy Hydro funding scheme for schools was an absolute disaster, and we need action on school maintenance in schools right across my electorate. I need specific commitments in this upcoming state budget for redevelopment funds for the Koroit and District Primary School, which is well overdue for a major redevelopment, and for the Portland South Primary School and Grasmere Primary

School. To have a good education system you need proper well-maintained facilities and you need teachers paid at the highest level for all teachers in Australia.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL

Second reading

Debate resumed from 16 April; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr BATCHELOR (Minister for Energy and Resources) — I take this opportunity in summing up to thank all those members who have made a very detailed contribution to the Environment Protection Amendment (Landfill Levies) Bill 2008. Being a bill with that title, it is exactly about landfill levies. Landfill levies are applied by the state government on the disposal of waste to landfills. The levies are paid by the landfill operator and are included in the gate price that the landfill operator charges the council, industry or the private waste generators when their waste is taken to the landfill for disposal.

Landfill levies play an important role in providing funding assistance to establish waste management infrastructure and to support education programs and the resourcing of bodies responsible for waste planning and management in Victoria. They provide revenue for important functions. The levies apply to municipal, commercial, industrial and prescribed industrial waste deposited onto land at licensed facilities here in Victoria.

The landfill levy structure reflects the differences in the magnitude of the environmental risk posed by the different waste streams and also seeks to accommodate regional differences. This bill gives effect to a government commitment to increase landfill levies in order to help continue the process of reducing, firstly, the amount of waste that is generated, and secondly, the amount of waste that goes to landfill. As a result of this bill the levy on category B prescribed industrial waste will rise from \$130 to \$250 per tonne and the levy on category C prescribed industrial waste will rise from \$50 to \$70 per tonne. The increases in both categories B and C will take effect from 1 July this year. Essentially that is what the bill seeks to do; that is the

guts of the bill we have been debating during this parliamentary week.

The bill also makes two minor administrative amendments to remove anomalies and to improve the operation of the act. The member for Brighton referred to these in her opening comments during her contribution for the opposition. The member for Brighton referred to amendments in the bill that remove minor inconsistencies and anomalies, all of which are designed to improve the operation of the act. These amendments are to clause 3 of the bill, which makes an administrative amendment to section 50LA(2) of the Environment Protection Act 1970 to correctly reflect that payments to regional waste management groups come from the Environment Protection Fund, not the now abolished Resource Recovery Fund.

Clause 4 of the bill corrects a drafting oversight from the Environment Protection (Amendment) Act 2006 and will allow for regulations prescribing fees which reflect the change in licence structure. This amending act modifies the Environment Protection Authority's licensing system to allow amalgamated corporate licenses from 1 July 2007. The legislative intent here was that the new corporate licenses would attract the same fee as the sum of the fees of each of the licensed premises, so that the changes would be cost neutral. This correction will allow for regulations prescribing fees which reflect the change to the licence structure, and I understand the coalition is supporting not only that aspect of the bill but the bill generally, and we thank it for that.

In summary this bill is designed to help the environment. It is designed to help industry, organisations and individuals to be careful and produce less waste. We want people when undertaking an activity such as making something or when producing a product to think and act smarter. In summary we want people to reuse, reduce or recycle. The fees that are set out in this bill will certainly encourage people to do that. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

LAND (REVOCAION OF RESERVATIONS) BILL

Second reading

Debate resumed from 16 April; motion of Mr BATCHELOR (Minister for Community Development).

Mr BATCHELOR (Minister for Community Development) — In concluding this debate I would like to thank those members who have contributed to it. The Land (Revocation of Reservations) Bill 2008 is typical of bills that routinely come before the house and which for administrative and tidying up purposes seek to change the classification of land. As we know, land can be reserved for a variety of public purposes under the Crown Land Reserves Act 1978. These reservations can be temporary or they can be permanent.

In most cases permanent reservations can only be removed by legislation. Temporary reservations can be removed by an order in council, of course, and it is those permanent reservations that we have been talking about during the course of the bill. In some cases permanently reserved land has also been granted to an entity. In those cases the Crown grant needs to be revoked with the reservation. In this bill the only Crown grant relates to the land occupied by the Talbot Free Library. There has been a lot of talk about the Talbot Free Library in the debate. The removal is necessary because the trustees to whom it was granted are now all deceased.

Permanent reservations and Crown grants were historically common, and many have become out of date over time. Updating the land status can assist community groups to invest in improvements to their premises or services by giving them better security and tenure over their land. That is why bills of this type are regularly before the house. They are needed to remove permanent reservations as part of the government's policy to rationalise surplus Crown land or to support government projects or projects that are operated by the community but supported by the government. In particular this bill seeks to remove the permanent reservation of land at Yarrowonga, to remove permanent reservations and a related Crown grant of land occupied by the Talbot Free Library, to revoke permanent reservations at Marlo, Boorhaman and Brimin and to revoke a permanent reservation of land occupied by Mount Duneed Regional Primary School.

During the course of the debate there has been a lot of discussion about the land at Yarrowonga, which is the subject of an amendment moved by the member for

Warrandyte, and I will respond to that when we move on to consideration in detail of the bill. I thank those members who have contributed to the debate for their contributions.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr R. SMITH (Warrandyte) — I move:

1. Clause 1, lines 3 and 4, omit paragraph (a).

This amendment to clause 1 removes from the purposes of the bill the revocation of a permanent reservation of certain land at Yarrowonga, land that currently has a police residence on it. I was pleased during the debate to hear a senior government member — the member for Essendon — announce that a new police residence will be built in Yarrowonga. The opposition is pleased to hear that. I would like to quote from the member for Essendon's contribution where she says:

The land was reserved for a police residence. A new police residence is being built, and the purpose of the sale of this land is to pay for that residence.

She goes on to say:

I am sure whomever the police person is who gets to live here would much prefer to live in a new, modern house rather than the old residence that was in Yarrowonga previously.

The opposition is pleased to hear of this. We would like confirmation from the Minister for Community Development, who is the minister at the table, that indeed a new police residence is being built in Yarrowonga, and if the minister can give us complete assurances that that is the case, as the member for Essendon said, there may be no need for this amendment.

Mr BATCHELOR (Minister for Community Development) — The member for Warrandyte sought an assurance of a statement that was made by the member for Essendon. The member for Essendon made a similar comment to that of the member for Warrandyte. The member for Warrandyte, during his contribution, was corrected by the member for Murray Valley.

As everyone in this debate has known, there has been some slipping of language between 'residences' and 'stations', an example being the member for Warrandyte, when he said:

As lead speaker for the opposition I had hoped for a little more latitude. Certainly the Yarrowonga police station is a case in point; it is one of the 45 police stations that have been slated by the Brumby government for closure.

The member for Murray Valley then interjected:

They are not police stations.

What we are talking about is a piece of land upon which the building of a police residence is being considered. The police station is currently under construction elsewhere in Yarrowonga, and it is not surprising that the member for Warrandyte should get confused here. The member for Warrandyte is a boy sent in to do a man's errand, and he has got it wrong.

This is a debate around whether a police residence that is on Crown land should continue to have that status. The issue about the police station has already been addressed by the government — we are building it. The foundations are being laid.

As the member for Warrandyte slipped up, so did the member for Essendon. The simple fact of the matter is that we are talking about a residence, some land that needs to have its status changed, and that is what the bill is about.

If we accept the amendment that is being put forward by the member for Warrandyte, there are two basic risks that go with it. The first risk is associated with what will happen to police stations that are being built not only in Yarrowonga but in other parts of the state, because under the rebuilding program, the money that is generated from the sale of police stations goes into a fund that funds future building. If we acted in accordance with the intent of the amendment, we would not be able to complete the Yarrowonga station, because the money that is required to pay for the construction is going to come from the sale.

If we do not do that, then perhaps it is the Swan Hill station that is not able to be completed. The site there has been acquired; it is at concept stage and design is well advanced. What would the member for Swan Hill think if the actions of a city-centric member of the Liberal Party, trying to play cheap politics in the house, then lead to the member for Swan Hill's much-needed police station not being able to proceed?

What would the member for Box Hill think if the proposed new police station there — where there is a master plan and a new site approved — is unable to proceed? These projects are put at risk by the member for Warrandyte.

What about in Sandringham, where buildings are in the process of being demolished so that the new bayside police station can be constructed? Maybe that is the one that would not be able to proceed, because when you build something, you have to pay for it. Processes have already been established whereby these police stations will be paid for by a funding stream coming from the sale of no-longer-needed police land.

What about the Lilydale police station? What about the member for Evelyn? I understand the preferred site there may have been acquired, but a site does not constitute a police station. What about Hastings, where there are plans under way? Is that the location that will be stymied by the proposal being put forward by the member for Warrandyte? The big risk here is that if you proceed with this process you run the real risk of a police station rebuilding project somewhere else in the state not going ahead. I have mentioned just a few of them, and there are many others.

There are other risks associated with the amendment. The member for Murray Valley alluded to them in his contribution to the second-reading debate. It is interesting to note that if you study the member for Murray Valley's contribution in *Daily Hansard* of yesterday you see that he does not indicate his preference one way or the other. We know the member for Murray Valley would not support this harebrained, city-centric amendment coming from the Liberal Party, because he knows the problems it would pose. If this proposal goes ahead, the initiative VicRoads wants to undertake in securing this site as one of the six potential routes for the new bridge over the Murray at Yarrowonga would not be able to proceed.

The member for Murray Valley knows how important bridges are to people living along the border. In fact I have worked very closely with the member for Murray Valley on building bridges in his electorate. He knows they are very important. I have been associated with the bridges at Cobram, Howlong and Corowa. The Liberal Party is clearly jealous of the success the member for Murray Valley has in securing bridges.

An examination is now taking place in Yarrowonga to find out which is the best potential crossing route. There are six of them under examination. In my understanding, and this is being indicated to me by the member for Gippsland East — he is a good country lad, he knows where the best site is — the one the community wants in Yarrowonga is the site where the police residence is. That is where the local community wants the bridge. We are going through a process at the moment to try to find the most suitable and desirable location. We propose to have available the maximum

number of sites, and the one the Liberals want to prevent being used is the very bridge site the community would like to see go ahead.

I am not prepared to accept this harebrained, city-centric proposal from the member for Warrandyte, who is wet behind the ears. He is not capable of understanding the consequences of his actions. I understand that David Davis, the Leader of the Opposition in the other place, rushed into the party room and said they had to make up or invent amendments to all these bills, so they should find something and just do it. Presumably the Liberal Party did this without the knowledge of the local member. The member for Murray Valley could be known affectionately as the father of the house. He is a man with a lot of parliamentary experience, a man who knows his electorate, a man who knows what is in the best interests of his electorate, and here the Liberals are trying to jam this amendment through when they know the local member cannot be here. This is a very unfortunate attack on the member for Murray Valley — it is an unfortunate attack on a longstanding, upstanding member of The Nationals by the city-centric Liberal Party.

One cannot understand why The Nationals went back into coalition. When they were in coalition the last time, they rolled over. Whenever members of The Nationals were asked to put up their hands, they did, and they are doing it again with this bridge at Yarrowonga.

Mr R. Smith — Is this on the bill?

Mr BATCHELOR — It is. The member for Warrandyte wants to know whether the bridge at Yarrowonga is relevant to his amendment, and it is. VicRoads would like to buy the land where the bridge could possibly be located so that if, when the evaluation has been completed, this is the preferred site it will have access to the site and be able to deliver the bridge in due course when the proposal comes forward.

The member for Warrandyte needs to do a bit more homework. He needs to be a bit more thorough. This is the Parliament of Victoria. It is not Monash University or some kids debating club; this is the Parliament of Victoria. If you bring an amendment into the Parliament, you are supposed to be fair dinkum about it. You are supposed to know what it means. You are supposed to know what the consequences of it will be and you are supposed to propose it in the best interests of the community. This amendment from the member for Warrandyte fails every test it is put to. Does it look after the local community? No, it does not. Is it sensible? No, it is not. Is it rational, well thought

through, well prepared? No, it is not. No matter which way you look at it you cannot justify or explain what motivated this amendment. We know it comes from a direction to the party room to get stuck into the government. Members opposite were told to change their tactics in Parliament and get stuck into the government. This is their first attempt to do that, and they have floundered. The member for Warrandyte is clearly wallowing in the Yarra River — not waving, but drowning.

Honourable members interjecting.

Mr BATCHELOR — Do not go to Yarrowonga. If you do, I suggest you buy a VicRoads directory, because you would not know where it is, let alone how to get there.

Honourable members interjecting.

Mr BATCHELOR — I have been to Yarrowonga, I have been to Cobram with the member for Murray Valley, and I have been to Howlong.

The DEPUTY SPEAKER — Order! The minister will speak through the Chair.

Dr Napthine — On a point of order, Deputy Speaker, the minister is clearly not being relevant to the issue, because he is clearly afraid to debate the member for Warrandyte. The member for Warrandyte has brought forward a very sensible amendment. He has put very sensible ideas on the table, and the experienced minister is too afraid of the debating ability of the member for Warrandyte to contest these ideas —

The DEPUTY SPEAKER — Order! I have heard enough on the point of order.

Dr Napthine — to contest these issues and represent the interests of the people of Yarrowonga, who want to keep a police residence.

The DEPUTY SPEAKER — Order!

Dr Napthine — The minister is simply talking the matter out — —

The DEPUTY SPEAKER — Order! The member for South-West Coast should take his seat.

Dr Napthine — He is talking the matter out to deny democracy, to deny the member for Warrandyte and to deny the people of Yarrowonga their police residence. That is what he is doing: he is running away, he is running scared.

The DEPUTY SPEAKER — Order! Sit down!

Dr Napthine — We want the member for Warrandyte to have a chance to have his say.

The DEPUTY SPEAKER — Order! I caution the member for South-West Coast. I was on my feet — —

Dr Napthine — I didn't notice you.

The DEPUTY SPEAKER — Order! That is absolutely not correct. The member did see me and he defied the Chair. I ask the member to show some respect for the Chair and not do that again.

Dr Napthine — Tell the minister — —

The DEPUTY SPEAKER — Order! I call the minister to conclude.

Mr BATCHELOR — In the context of what we are talking about today, the government cannot and will not accept this amendment. We see the proposal in the bill as protecting the long-term interests of the community of Yarrowonga, and we will do that.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to put the questions necessary for the passage of the bill.

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

Ayes, 46

Andrews, Mr	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Green, Ms	Pallas, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Herbert, Mr	Scott, Mr
Howard, Mr	Seitz, Mr
Hudson, Mr	Stensholt, Mr
Hulls, Mr	Thomson, Ms
Ingram, Mr	Treize, Mr
Kosky, Ms	Wynne, Mr

Noes, 31

Asher, Ms O'Brien, Mr

Baillieu, Mr	Powell, Mrs
Blackwood, Mr	Ryan, Mr
Burgess, Mr	Shardey, Mrs
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Sykes, Dr
Dixon, Mr	Thompson, Mr
Fyffe, Mrs	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms
Northe, Mr	

Amendment defeated.

Clause agreed to.

Clauses 2 to 11 agreed to; schedules 1 to 6 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr BATCHELOR (Minister for Energy and Resources).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In my opinion, the Energy and Resources Legislation Amendment Bill 2008 as introduced to the Legislative Assembly is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will support the government's commitment to ensuring an efficient and secure energy system, reliable and safe delivery of energy services, access to energy at affordable prices and environmental sustainability. In particular, the bill will improve the energy and earth resources legislative framework by ensuring that the owner of a cathodic protection system is responsible for any breaches committed by third parties engaged to operate the owner's cathodic protection system. In addition, the bill will update registration processes for electrical contractors to ensure that there is consistency with existing licence renewal arrangements for electrical works.

The bill will deliver greater certainty and administrative efficiencies in earth resources regulation for the benefit of government, industry and community stakeholders alike.

Human rights issues

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

Presumption of innocence

New section 93A (in clause 6 of the bill) provides for the operation of cathodic protection systems and applies to persons (who are not owners) who have been given the responsibility of operating a cathodic protection system (subject to consent of the owner of that system). New section 93(2) (in clause 6 of the bill) states that the owner of a cathodic protection system must ensure that it is operated in accordance with the Electricity Safety Act 1998 and the regulations and with any conditions to which registration is subject. An offence is created where the owner does not comply with this provision. An express defence is prescribed in new section 93A(2). This provision enables a defendant to escape liability if the defendant reasonably believed that the system was operated in accordance with the act and the regulations and with any conditions to which registration is subject.

Clause 93A(2) raises the right to be presumed innocent until proven guilty under section 25(1) of the charter. The right is raised because the clause operates to enable an accused (i.e. it need not be proven) person to raise a defence of reasonable excuse. However, the defence need only be raised by the accused and upon being raised the burden of proof would revert back to the prosecution to disprove. Any burden on the accused is merely evidential, therefore the right to be presumed innocent under section 25(1) of the charter is not limited by section 93A(2).

Clause 6 of the bill is therefore compatible with the charter.

Property right

The proposed amendment in clause 18 of the bill relates to a process under the Pipelines Act 2005 that allows compulsory acquisition of land under the Land Acquisition and Compensation Act 1996 (LACA) in certain circumstances. The LACA provides a process for appropriate compensation

to be awarded to affected land-holders. In deciding whether to allow land to be compulsorily acquired under the LACA for the purposes of the pipeline, section 95 of the Pipelines Act 2005 requires the minister be satisfied that the pipeline proponent or licensee has taken 'all reasonable steps' to try and first reach agreement with the owners of the land. Clause 18 of the bill proposes to amend section 95 to simply clarify that the minister may consider whether the pipeline proponent or licensee has complied with the approved consultation plan required under section 16 of the act when deciding whether to allow any compulsory acquisition of land. The right not to be deprived of property other than in accordance with the law is provided for in section 20 of the charter and is not affected by the proposed amendment. Proposed clause 18 of the bill is therefore compatible with the charter.

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The bill will support the government's commitment to ensuring an efficient and secure energy system, reliable and safe delivery of energy services, access to energy at affordable prices and environmental sustainability.

The bill will also deliver greater certainty and administrative efficiencies in earth resources regulation for the benefit of government, industry and community stakeholders alike.

In particular, the bill amends the Electricity Safety Act 1998 (ES act) to provide that the owner of a cathodic protection system must not operate such a system unless it is registered by Energy Safe Victoria (ESV) and must operate such a system in accordance with the ES act, regulations and conditions of registration.

Currently electrical contractors are required to renew their registration annually. The bill will amend the ES act to provide for registration periods for electrical contractors of up to five years. This will ensure consistency with existing licence renewal arrangements for electrical works.

The bill will amend the ES act in order to increase the penalty for failure to obtain independent safety compliance audits for operators required to operate under an approved electricity safety management scheme.

The bill makes amendments to the Electricity Safety Amendment Act 2007 to increase the penalty for failure to obtain independent safety compliance audits for operators required to operate under an approved electricity safety management scheme.

The bill makes technical amendments to the Geothermal Energy Resources Act 2005 (GER act) to increase the government's flexibility to determine the best way to optimise the efficient and timely allocation of geothermal energy resources. This includes introducing a requirement that applications for retention leases are provided at least 90 days before the exploration permit expires, failing that, applications will be subject to a payment of a 'late fee'.

The bill will also make amendments to the GER act to clarify that where a tender process has not resulted in exploration permits being issued, another tender can be run for the land that was the subject of the original tender at any time. Currently, where a tender process for the grant of exploration permits under the GER act fails to result in the exploration permits being issued, another tender process may not be commenced in the short term.

The bill will amend the Mineral Resources (Sustainable Development) Act 1990 in order to clarify that a tourist fossicking authority may be granted to both an individual and a company. The authority allows a holder and any person accompanied by the holder to search for minerals using non-mechanical tools. The bill will ensure that the penalty for damage to land caused by a person acting under a tourist fossicking authority is consistent with the penalty for the same offence committed under a miner's right.

The bill will amend the Extractive Industries Development Act 1995 to clarify that the department head has a period of one month to make a decision on whether or not to approve work plans or rehabilitation plans that have been revised at the request of the department head.

Finally, the bill will repeal redundant provisions and make other minor and statute law revisions of an administrative and machinery nature. This includes amendments to the Pipelines Act 2005 to increase penalties for constructing or operating a pipeline without a licence and amendments to the Electricity Safety Amendment Act 2007 to exempt any person that has an approved electricity safety management scheme.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 1 May.

LEGISLATION REFORM (REPEALS No. 3) BILL

Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In my opinion, the Legislation Reform (Repeals No. 3) Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to repeal a number of redundant acts of Parliament (listed in schedule 1), as well as making some consequential amendments to ongoing legislation (as described in schedule 2).

As part of the process for selecting the acts included in the bill for repeal, the department of each minister who is responsible for those acts has conducted a careful review of that legislation, in consultation with Parliamentary counsel. Those departments have advised the Department of Premier and Cabinet that the repeals will not engage any human rights protected by the charter.

In addition, section 14(2)(e) of the Interpretation of Legislation Act 1984 provides that the repeal of an act or a provision of an act, by itself, does not 'affect any right, privilege, obligation or liability acquired, accrued or incurred under that act or provision', unless the repealing act expressly provides for a contrary result. The bill does not expressly seek to affect any person's existing rights, privileges, obligations or liabilities, but simply to repeal the acts specified. As a result, this section should operate to prevent any unintended impairment of the rights or obligations of any persons that might result from the repeals.

Human rights issues

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

The bill does not engage any of the rights under the charter.

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

As the bill does not engage any of the rights under the charter, it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

HON. JOHN BRUMBY, MP
Premier of Victoria

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

This government is committed to modernising government, and to further increasing its accessibility and accountability. Consolidating and modernising Victoria's legislation plays a key role in delivering on this promise.

The Brumby government has set an ambitious target for cutting red tape. In our statement of government intentions, we signalled our commitment and dedication to the Reducing the Regulatory Burden initiative, which will boost the competitiveness of the Australian economy.

While regulation is an essential tool in any government, this government is leading the country in its efforts to reduce regulatory burden through its legislation reform program. Parliament has a responsibility to review the legislation in the Victorian statute book on a regular basis and to repeal acts that no longer serve any useful purpose.

The bill before the house, namely the Legislation Reform (Repeals No. 3) Bill 2008, demonstrates progress that we have already made. Once passed, this bill will repeal a number of spent and redundant acts within a number of different portfolios that are identified as suitable for repeal.

The acts to be repealed are listed in schedule 1 to the bill. Schedule 2 to the bill makes two amendments to the Road Safety Act 1986 to preserve the effects of one of the repealed acts, namely the Road Safety (Further Amendment) Act 1991. Schedule 2 will ensure that certain changes to the Road Safety Act 1986 that were made by the repealed amending act will continue to operate only from the time when the amending act came into effect.

The government has given this review process increased priority and visibility in an effort to decrease the total number of acts by at least 20 per cent, based on the number of acts in operation in 1999. In reducing the regulatory burden, we will maintain Victoria's position as the recognised leader in this area, as well as increase the accessibility of Victoria's legislation. Clearing the statute book of redundant acts will help to make the task of consulting our legislation less confusing.

Accordingly, the government has instituted a review of all acts across every portfolio to identify legislation for

repeal. This bill is the third bill to be presented to Parliament as part of this ongoing program.

The first two acts in this series, namely the Legislation Reform (Repeals No. 1) Act 2008 and the Legislation Reform (Repeals No. 2) Act 2008, repealed a total of 70 acts between them. This bill will carry the repeals program forward.

The legislation that was repealed by those acts, and that will be repealed by this bill, was introduced by a number of different governments over a lengthy span of time. It is commendable that this Parliament is taking responsibility for removing that legislation now that it is no longer required.

The government will continue its review of Victorian legislation, and intends to present further legislation reform bills to Parliament in future.

I commend the bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until Thursday, 1 May.

Referral to committee

Mr BATCHELOR (Minister for Community Development) — By leave, I move:

That the proposals contained in the Legislation Reform (Repeals No. 3) Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

**PUBLIC SECTOR EMPLOYMENT
(AWARD ENTITLEMENTS) AMENDMENT
BILL**

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Public Sector Employment (Award Entitlements) Amendment Bill 2008.

In my opinion, the Public Sector Employment (Award Entitlements) Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Public Sector Employment (Award Entitlements) Act 2006 by repealing part 3. This will result in public sector employers no longer being required to submit their federal workplace agreements to the Victorian workplace rights advocate for the fairness test. The workplace rights advocate will no longer be required to undertake the test or make a determination whether an agreement passes the test.

The federal Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 has introduced a new no-disadvantage test that will replace the state fairness test and effectively render it redundant. The federal test will ensure that an agreement does not result, on balance, in a reduction in the overall terms and conditions of employment of the employees under a relevant federal award (or designated federal award) and a law of a state or territory that relates to long service leave. An agreement cannot operate unless it passes the federal test.

The bill does not affect the existing award safety net protection that the state act provides to public sector employees.

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

The bill has no human rights impacts.

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

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

HON. ROB HULLS, MP
Minister for Industrial Relations

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill contains an amendment to the Public Sector Employment (Award Entitlements) Act 2006, specifically to repeal the fairness test for federal workplace agreements administered by the Victorian workplace rights advocate.

This act commenced operation in July 2006 and was a response to the former Howard government's 2005 amendments to the federal Workplace Relations Act 1996, more familiarly known as the WorkChoices amendments. Those amendments removed the longstanding no-disadvantage test for federal

agreements, and also made further reductions to the federal award safety net.

The Victorian government was concerned about the further weakening of the federal award safety net, and accordingly sought to immediately rectify the situation by enacting the legislation that is the subject of this amending bill. The act essentially did two things. Firstly, it preserved the federal award safety net as it existed prior to WorkChoices for those Victorian public sector employees who rely on award conditions. Secondly, it established a new fairness test for federal workplace agreements covering the Victorian public sector. The test is administered by the workplace rights advocate and is similar in compass to the no-disadvantage test that existed prior to WorkChoices.

The circumstances that led to the development of the Victorian act have significantly altered with the commencement of the Rudd government's Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 on 28 March 2008. This act has introduced a new no-disadvantage test for workplace agreements carried out by the Workplace Authority. In addition, the act allows parties to pre-WorkChoices agreements to extend and vary those agreements, in which case they are required to submit the variations for a no-disadvantage test by the Australian Industrial Relations Commission measured against transitional federal awards. The tests are consistent with the Victorian government's workplace rights standard which advocates the establishment and maintenance of a comprehensive, fair and relevant safety net of minimum wages and conditions to form the basis of a no-disadvantage test for all new agreements.

This bill therefore seeks to repeal part 3 of the Public Sector Employment (Award Entitlements) Act 2006. The proposed amendment removes the requirement for Victorian public sector employers to submit proposed workplace agreements to the workplace rights advocate for assessment. It would clearly be unnecessary and inconvenient for the employers, unions and employees to undergo two separate tests of a similar nature.

The workplace rights advocate will not be required to assess proposed agreements that have been submitted to him but not yet finalised at the time of commencement. Those proposed agreements will be required to undergo the no-disadvantage tests under the federal legislation.

The amendment is to be effective from the date of royal assent.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 1 May.

JUSTICE LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr CAMERON (Minister for Police and Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2008.

In my opinion, the Justice Legislation Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes amendments to the Corrections Act 1986 with respect to the functions of the secretary and the commissioner and it abolishes the Prison Industry Advisory Committee. The bill amends the Firearms Act 1996 to allow the chief commissioner to declare certain firearms to be of a particular category and with respect to the licensing of tranquilliser guns. The bill also contains statute law revisions and other technical amendments to justice legislation.

The bill amends the Serious Sex Offenders Monitoring Act 2005 to allow for the additional assessment of offenders; to extend the offences in relation to which an extended supervision order may be made to include offences against adults; to provide for the making of interim extended supervision orders; and, to clarify the powers of the Court of Appeal. It is government's intention to introduce legislation during 2008 for a post-sentence supervision and detention scheme that will draw upon the recommendations of the Sentencing Advisory Council in its final report, *High-Risk Offenders — Post Sentence Supervision and Detention*, May 2007. The scheme is to come into operation after mid 2009 (annual statement of government intentions, February 2008).

Human rights issues

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

Right to equality (s8), right to life (s9), privacy (s13), liberty and security (s21) — enhanced

Expansion of relevant offences

Clause 24 amends the schedule to the Serious Sex Offenders Monitoring Act 2005 ('the SSOMA') to include serious sex offences against adults or offences which render a person a sexual risk to adult victims. In conjunction with s4 of the SSOMA (Who is an eligible offender?) and s3 (Definitions),

this amendment has the effect of expanding the scope of 'relevant offences' that give rise to eligibility for an application for an extended supervision order ('ESO') by the secretary, under s5 of the SSOMA.

The expansion of 'relevant offences' is based on the Sentencing Advisory Council's (SAC) recommendation that post-sentence detention and supervision should extend to adult victim sex offenders as well as child victim sex offenders (see recommendation 7, Sentencing Advisory Council, final report, *High-Risk Offenders — Post Sentence Supervision and Detention*, May 2007). The expansion acknowledges that some 45 per cent of sex offender discharges from prison constitute sex offenders against adults, while studies have suggested that rapists of adults have a similar overall recidivism rate to that of child victim sex offenders. As such, the amendment introduces some parity in terms of community protection against different types of sexual offending; and acknowledges the need to also protect potential adult victims.

By protecting adult victims as well as children from sexual offences and the serious consequences of such offences, the amendments under clause 24 promote and protect a number of rights, including the right to equality (s8), the right to life (s9), the right to privacy (s13), and the right to liberty and security (s21).

Right in respect of compulsory medical treatment (s10(c)) — limited

Instructions and directions to attend treatment programs

New section 25H relevantly provides that s16 of the SSOMA applies with respect to an interim ESO as if a reference in that section to an ESO were a reference to an interim ESO.

Section 16(3)(d) provides that the Adult Parole Board ('APB') may give instructions or directions as to treatment or rehabilitation programs or activities in which the offender must attend and participate.

The ordinary meaning of the word 'treatment' (as found in Webster's Dictionary) is 'a substance or technique used in treating'; while the verb 'to treat' is defined as 'to care for or deal with medically or surgically'.

As 'treatment' is not defined in the SSOMA, it is possible that 'treatment' under s16(3)(d) could include medical treatment, such as prescribed anti-androgen medication (also known as 'chemical castration'), as distinct from psychological and counselling programs, which are implicit in the reference to 'rehabilitation programs' in s16(3)(d).

This possible scenario suggests that the right to not be subjected to medical treatment without full, free and informed consent is potentially limited by new section 25H insofar as it means that s16(3)(d) will apply to interim ESOs.

Freedom of movement (s12) — limited

Imposition of interim orders and conditions, instructions and directions applicable

New section 25H relevantly provides that sections 15 and 16 of the SSOMA apply with respect to an interim ESO as if a reference in those sections to an ESO were a reference to an interim ESO.

This may therefore include a requirement that the offender comply with the positive and negative obligations in ss15(3) (b), (e) & (f) (Conditions of extended supervision order), which relate to where an offender must go and where they must not go.

Additionally, a condition under s15 is that the offender obeys all lawful instructions of the secretary and the APB under s16(1) and s16(2). Section 16(3) states some of the instructions and directions the APB may make under s16(2). Each of these listed in paragraphs (a) to (i) represents some limitation on offenders' freedom of movement.

Directions to reside in premises that are situated on land that is within the perimeter of a prison

New section 25H relevantly provides that s16 of the SSOMA applies with respect to an interim ESO as if a reference in that section to an ESO were a reference to an interim ESO.

Subsection (3A) of s16 states that an instruction or direction given by the APB under s16(2)(a) may require the offender to reside at premises that are situated on land that is within the perimeter of a prison (whether within or outside any walls erected on prison land) but does not form part of the prison.

Subsection (3B) of s16 states that an offender subject to an ESO who is given an instruction or direction under subsection (2) of a kind referred to in subsection (3A) must be taken for the purposes of [the SSOMA] to have been released in the community and to be residing in the community.

To the extent that new section 25H provides that the above sections apply to interim ESOs, it creates a limitation on offenders' freedom of movement, as offenders subject to such a direction by the APB would not be free to reside at another location of their choice.

Freedom of association (s16) — limited

Conditions imposed on offenders under ss15 and 16 of the act

New section 25H relevantly provides that ss15 and 16 of the SSOMA apply with respect to an interim ESO as if a reference in those sections to an ESO were a reference to an interim ESO.

This means that conditions and directions may be imposed that limit the extent to which the offender may associate with other persons or engage in community activities (see ss16(3)(f) and (g)). This could extend to a range of persons, particularly children or other sex offenders. This has the potential to limit the offender's right to freedom of association under s16 of the charter. It could also impact upon a range of other rights, including the right to privacy in s13, freedom of thought, conscience, religion and belief in s14, freedom of expression in s15, the right to protection of families and children in s17, the right to take part in public life in s18 and cultural rights in s19. Whilst these rights may be limited in individual cases, it is necessary to have a broad power to impose such restrictions, tailored to the individual circumstances, in order to protect the community.

The extent of this limitation would need to be assessed on a case-by-case basis, having regard to the specific instructions and directions given by the APB in relation to the personal circumstances of the offender. However, it is fair to presume that the limitation that may occur in respect of this right would be reasonable, vis-à-vis s7 of the charter, given that in

order to be lawful the limitation would need to be for an important and legitimate purpose (i.e. those set out in s15(2) of the SSOMA) and any derogation from these purposes would render the decision ultra vires. It is also worthwhile noting that the breadth of the discretionary powers in ss16(3)(f) and (g) is necessary in order to tailor instructions to particular offenders; and the individual risks they represent. Bearing in mind that these are discretionary powers, it is important to recognise that the limitation of the right will be curtailed by principles of administrative law. That is, any decision that was in fact disproportionate to an offender's individual risks could be challenged on the grounds that it was either incompatible with human rights (see s32 of the charter); or unreasonable (broad ultra vires) or an abuse of discretionary power.

Privacy and reputation (s13) — not limited

Additional assessments of sex offenders

Clause 15 inserts a new s7B into the SSOMA which provides that a medical expert who is preparing an assessment report has the discretion to seek an assessment of an eligible offender from an additional medical expert or experts for the purpose of informing that assessment report; and that the additional medical expert should assess the offender following a personal examination of the offender, but should still be able to make an assessment if the offender does not fully cooperate in the examination.

Clause 15 also provides an amendment to the SSOMA which empowers the secretary to direct an offender to attend at a specified additional medical expert(s) for a personal examination for the purpose of preparing an assessment, similar to s7A of the SSOMA.

Clause 16 provides an amendment to the SSOMA which will require an assessment report to address the results of an additional assessment under the new s7B.

While these clauses represent an interference with offenders' privacy, the right to privacy in s13 of the charter is not limited, as the interferences are neither unlawful nor arbitrary as:

the new section 7B is precise and circumscribed as to the extent of the interference with offenders' privacy. In particular, although a person may be required to undergo an assessment, new section 7B(6) makes clear that the power does not extend to requiring an offender to submit to a physical examination or in any way actively to cooperate in the carrying out of a personal examination;

section 21(3) of the SSOMA allows an offender (with the leave of the court) to apply for a review of the ESO at any time;

offenders have the opportunity to file their own assessment report under s10;

given the complexity of offending behaviour envisaged by the amendments made by clause 24 (extension of relevant offences), it is appropriate that there be a power to request additional assessments (e.g. an assessment which utilises violence offending frameworks) that can be tailored to accurately reflect this complexity;

the scheme as a whole is reasonable, as it fulfils a legislative goal of fundamental importance (community protection from known serious sexual offenders); and

personal examinations are necessary to properly achieve that goal (i.e. the court cannot make a fair determination under ss11, 23 and 28 without the information in the assessment report).

Conditions of interim orders

New section 25H relevantly provides that ss15 and 16 of the SSOMA apply with respect to an interim extended supervision order.

This will therefore include a condition that the offender must report to and receive visits from the secretary or any person nominated by the secretary (s15(3)(c); and notify the secretary of any change of name or employment (s15(3)(d); and that the offender obeys all lawful instructions of the secretary and the APB under s16(1) and s16(2).

Section 16(3) states some of the instructions and directions the APB may make under s16(2). These include:

- (h) forms of monitoring (including electronic) of compliance with the [interim] ESO; and
- (i) personal examinations by a medical expert for which the offender must attend for the purpose of the board being given a report by the expert to assist it in determining the need for instructions and directions.

While these provisions represent an interference with offenders' privacy, the right to privacy in s13 of the charter is not limited, as the interferences are neither unlawful nor arbitrary. They cannot be considered 'unlawful' as the SSOMA is broadly compatible with the aims and objectives of the charter, insofar as its main purpose is to protect the community and the human rights of potential victims in the community. These provisions are also precise and circumscribed as to the extent of interference with offenders' privacy. The provisions also cannot be characterised as 'arbitrary' because:

they are justifiable and proportionate, having regard to the need to monitor the offender's compliance with the order to ensure that it is effective;

conditions of orders under the SSOMA are reviewable under traditional grounds of judicial review;

the provisions are reasonable as they fulfil a 'legislative goal of fundamental importance' and are essential to ensure protection of the community through effective monitoring of the offender; and

the personal examinations are necessary to properly achieve that goal (i.e. the APB cannot make proportionate and tailored directions and instructions without the information in the report, which is most likely to be most accurate if it is pursuant to an examination of the offender).

Application of victims register provisions in s30A of Corrections Act 1986 to interim ESOs

Clause 6 amends the definition of 'extended supervision order' in s30A(1) of the Corrections Act 1986, so that persons on the victims register may be given information about the application for and details of an interim ESO, including the relevant instructions and directions and whether it is being suspended or revoked. In other words, s30A will apply to interim ESOs and applications for interim ESOs in the same way it applies to final ESOs and applications for final ESOs (and note that clause 25 amends the Victims Charter Act 2006 to also include interim ESOs). Additionally, it is the effect of clause 24 that s30A of the Corrections Act 1986 will apply to adult-victim sex offenders subject to ESOs.

The information provided to victims under s30A of the Corrections Act 1986 about offenders subject to interim ESOs (for adult or child-related offences) might be regarded as interfering with offenders' privacy. However, this is not an unlawful or arbitrary interference with offenders' privacy, such that the right in s13 of the charter is limited.

The interference with privacy is neither 'unlawful' nor arbitrary as:

Section 30A is precise and circumscribed as to the kinds of information that may be released to a victim, who a 'victim' or 'family member' is, the kinds of offenders in respect of whom information about them can be released, and how that information is dealt with by those who receive it.

Section 30A(3) also suggests that the release of the information happens on a 'case-by-case basis' in accordance with the circumstances of each case, insofar as it limits the circumstances in which the information can be disclosed to a victim. The secretary is subject to a duty not to disclose information if the information in question might endanger the security of any prison or the safe custody and welfare of the prisoner or any other prisoner; or the safety or welfare of any other person'.

Section 30H provides that victims must treat information provided to them under s30A as confidential, while s30G provides that it is an offence to publish information disclosed under s30A in electronic or print media. The section therefore offers appropriate safeguards against unlawful uses of that information.

The proposal enhances the security of victims and provides comfort to them in respect of any concerns they may have about offenders who have committed a relevant offence and who might, in the interim period, pose a risk to their safety and security and their human rights.

It is reasonable that victims should be provided the kinds of information that may be released to them under s30A about an offender who might otherwise pose a threat to their sense of wellbeing and their safety.

The appropriateness of being subject to these provisions will be reviewed when the application for a final ESO is determined. This ensures that the interference with privacy is justifiable.

Photographing of sex offenders in community corrections centres

Clause 6 includes consequential amendments to the Corrections Act 1986, including an amendment to s104E which provides that the definition of ‘monitored person’ in part 9B includes a person who is subject to an interim ESO.

Section 104K(1) of the Corrections Act 1986 provides that while a monitored person is at a community corrections centre, an officer may at any time take photographs of the person for the purposes of identifying the person, or of completing records concerning the person. Section 104K(2) provides that an officer may give to the person all necessary directions to ensure the taking of accurate photographs.

The taking of photographs of people subject to interim ESOs represents an interference with their privacy by community corrections officers.

However, the power is neither ‘unlawful’ nor arbitrary. While involving a relatively minimal interference in the person’s privacy, the power to photograph offenders serves the purpose of ensuring that persons subject to an ESO can be readily identified by community corrections staff so that they can be effectively monitored and supervised.

Right to liberty and security of person (s21(3)) — not limited*Imposition of interim orders and conditions, instructions and directions applicable*

New section 25H relevantly provides that ss15 and 16 of the SSOMA apply with respect to an interim ESO as if a reference in those sections to an ESO were a reference to an interim ESO.

This will therefore include a requirement that the offender must comply with the positive and negative obligations in ss15(3) (b), (e) & (f) (Conditions of extended supervision order), which impact on offenders’ liberty.

Additionally, a condition under s15 is that the offender obeys all lawful instructions of the secretary and the APB under s16(1) and s16(2). Section 16(3) states some of the instructions and directions the APB may make under s16(2). Each of these listed in subsections (a) to (i) create some restriction on offenders’ liberty.

Section 21(3) of the charter provides that ‘A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law’.

Whilst the provisions in part 2 of the SSOMA which establish a scheme for deprivation of offenders’ liberty would, in part, demonstrate that the deprivation of liberty is ‘in accordance with law’, it remains that the deprivation must not be ‘arbitrary’ in order to characterise it as ‘lawful’.

The relevant provisions should not be considered ‘arbitrary’ as:

they are proportionately tailored toward effective interim monitoring of an offender’s movement and how the offender is occupying himself;

this is an objective that is essential to achieving the broader objective of the scheme, that is, community

protection and the protection of the human rights of potential victims in the community — an objective which is compatible with the aims and objectives of the charter;

each of the conditions, the instructions and directions are ‘reasonable’ as they fulfil a ‘legislative goal of fundamental importance’; and they also manage what would otherwise be a short-term ‘gap’ in community protection; and

the proposed interim ESOs are not ongoing orders, while a final order is only made if the legal test in s11 of the SSOMA is met.

As such, the application of these provisions in the SSOMA to interim ESOs should be considered as deprivations of liberty that are on grounds, and in accordance with procedures, established by law. The right to liberty of offenders is therefore not limited.

Directions to reside in premises that are situated on land that is within the perimeter of a prison

New section 25H relevantly provides that s16 of the SSOMA applies with respect to an interim ESO as if a reference in s16 to an ESO were a reference to an interim ESO.

Section 16(3)(a) states that instructions or directions given by the APB may include instructions or directions as to where the offender may reside.

Subsection (3A) states that an instruction or direction given by the APB under subsection (2)(a) may require the offender to reside at premises that are situated on land that is within the perimeter of a prison (whether within or outside any walls erected on prison land) but does not form part of the prison.

Subsection (3B) states that an offender subject to an ESO who is given an instruction or direction under subsection (2) of a kind referred to in subsection (3A) must be taken for the purposes of [the SSOMA] to have been released in the community and to be residing in the community.

Arguably, by providing that an offender may be required to reside within the perimeters of a prison, these sections create a limitation on offenders’ liberty, which engages the right in s21(3) of the charter.

As noted, s21(3) provides that ‘A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law’. Thus the key issue is whether the deprivation of liberty is arbitrary (within the meaning of subsection 21(2) of the charter); and whether it is in accordance with procedures, established by law.

This particular instruction would prima facie satisfy the requirement that the deprivation of liberty may only occur in accordance with law, given that the Act is broadly speaking compatible with the aims and objectives of the Charter. It is also very clearly establishes the ‘lawfulness’ of such an instruction by the APB, such that such an instruction could not be impugned on traditional grounds of judicial review such as excess of jurisdiction.

In considering whether it is ‘arbitrary’ the United Nations Human Rights Committee has provided the following guidance (see *D & E v. Australia*, Human Rights Committee,

Communication No 1050/2002, UN Doc
CCPR/C/14/D/27/1977 (9 August 2006):

The detention should not continue beyond the period for which a state party can provide appropriate justification.

New section 25G provides that an interim ESO cannot exceed 4 months, unless the court making or renewing the order considers there are exceptional circumstances. Interim ESOs imposed by the Court of Appeal under new section 39A inserted by clause 21 of the bill are safeguarded by the new section 39A(3), which provides that an interim ESO ceases once the matter to which it relates has been remitted and determined by the relevant court. It is noted that it would not be appropriate under this provision to impose a time frame similar to that which is in new section 25G, as this would effectively:

expose the community to risk if the interim ESO were to expire before the final application is determined by the court to which the application is remitted; or

force an interference with the administration of courts, as to when matters should be brought.

While these provisions ensure that the operation of an interim ESO will not continue for any period beyond which there is appropriate justification, in respect of directions under s16(3A), it might be argued that offenders' detention in prison is continued beyond the period for which there is appropriate justification. That is, notwithstanding s16(3B) (which states that such offenders should be taken to be in 'the community'), effectively offenders required to reside on premises in accordance with s16(3A) are still on prison grounds, and might therefore consider themselves to be 'still in prison'. However, even if it is considered to be continuing offenders' detention in prison beyond the expiry of a custodial sentence, appropriate justification can be provided, as follows.

The purpose of ss16(3A) and 16(3B) is to ensure safe, temporary accommodation for offenders subject to an ESO or an interim ESO, where it has not been possible to find other suitable accommodation. It recognises not only the need to be able to adequately control high risk offenders; but also to ensure offenders' safety. Under principles of international human rights law, these purposes of public order, health, safety & morality; are recognised as legitimate purposes for limitations on rights (see United Nations, Economic and Social Council, *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, U.N. Doc. E/CN.4/1985/4, Annex (1985)).

Where there are less intrusive measures that can achieve the same end they should be used.

'Less intrusive measures' in this instance would be to place offenders somewhere that is not on prison land. However, having regard to the above, the same 'end' (of community protection and the offenders' safety) could not be achieved by this measure.

In view of these factors any detention pursuant to ss16(3A) and (3B) is not arbitrary. As such, the right to liberty and security of person in s21 of the charter is not limited.

Fair hearing (s24) — not limited

Attendance of offender at hearings

Clause 17 inserts a new division 4A into part 2 of the SSOMA — 'Interim extended supervision orders'. This means that division 5 of the SSOMA will apply to applications for interim ESOs under the new division 4A.

Section 29 in division 5 duplicates s18P(4) of the Sentencing Act 1991 (Vic) and provides that if the offender acts in a way that makes [any hearing under part 2] in the offender's presence impracticable, the court may order that the offender be removed and the hearing continue in his or her absence.

The right in s24 of the charter requires a party to be given a reasonable opportunity to be heard. Assuming s24 of the charter applies, it might be said that the right is potentially limited by the exclusion of the offender from the hearing under s29(2). However, the United Nations Human Rights Committee has said that if there are exceptional circumstances and it is in the interests of justice, even criminal trials may be held in the absence of the accused (in absentia) but there should nevertheless be a strict observance of the rights of the defence. Further, s29(3) establishes safeguards on proceedings where the offender is absent because of illness or any other reason, namely, the court may only proceed if it is satisfied that:

- (a) doing so will not prejudice the offender's interests; and
- (b) the interests of justice require that the hearing should proceed even in the absence of the offender.

Having regard to the above, s29 of the SSOMA does not limit the right to a fair hearing in s24(1) of the charter.

Reverse onus provisions and the right to be presumed innocent (s25(1)) — not limited

Clause 14 substitutes the existing s7A(3) of the SSOMA by providing a new s7A(3), stating that:

An offender must not fail, without reasonable excuse, to comply with —

- (a) a direction given to the offender under subsection (1); or
- (b) that direction as varied under subsection (2).

The penalty in respect of the above is level 7 imprisonment (two years maximum).

Similarly, clause 15 inserts a new section 7B, which provides that (amongst other things), an offender must not fail, without reasonable excuse, to comply with —

- (a) a direction given to the offender under subsection (2); or
- (b) that direction as varied under subsection (3).

The penalty in respect of the above is level 7 imprisonment (two years maximum).

By reason of s130 of the Magistrates' Court Act 1989, the burden would be on the accused to point to or present

sufficient evidence to raise the reasonable possibility of the existence of a reasonable excuse. It would then fall to the prosecution to rebut the existence of that excuse beyond reasonable doubt.

Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused to raise a defence does not limit the presumption of innocence. However, even if it did, the limitation would be reasonable and justifiable under s7(2) of the charter as the defence is solely within the knowledge of the accused.

Retrospective criminal laws (s27(2)) — not limited

Expansion of 'relevant offences' (increasing pool of eligible offenders)

Clause 24 amends the schedule to the SSOMA so that 'relevant offences' for the purposes of s3(1) of the SSOMA include various sex offences against adult victims. This means that persons who have committed this new class of offence before clause 24 commences (the day after Royal Assent) will now be eligible under the SSOMA for an application for an ESO and interim ESO.

The application of clause 24 therefore has a 'retrospective' impact to the extent that at the time the relevant offence was committed, the offender would not have been eligible for the scheme.

The first, threshold question to consider when assessing whether there has been a limitation on the right in s27(2) of the charter, is whether the imposition of eligibility for an application for an ESO can be fairly characterised as the imposition of a penalty for a criminal offence. This must be answered in the negative because:

The primary purpose of the SSOMA is the protection of the community. As stated in s1:

The main purpose of [the SSOMA] is to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision while in the community.

Other objectives apparent from the scheme of the act include the rehabilitation of the offender. However, they do not include punishment.

In considering the impacts of s4 (which states who is an eligible offender), and of the scheme generally, a parallel may be drawn with detention that is considered 'administrative' and not 'punitive' under the Migration Act 1958 (cth) ('the MA'). In *Chu Kheng Lim v. Minister for Immigration* (1992) 176 CLR 1 ('Lim's case') the High Court considered the constitutional validity of various immigration detention provisions in the MA, and noted that prima facie 'the involuntary detention of a citizen in custody by the State is penal or punitive in character and ... exists only as an incident of the exclusive judicial function of adjudging and punishing criminal guilt'. However, the majority agreed that there are established and legitimate exceptions to this general rule (which do not necessarily involve an exercise of judicial power in contravention of chapter III of the constitution). The common thread running

through these exceptions is that they have a primary purpose that is non-punitive in nature.

Further, High Court authority suggests that the imposition of an ESO (interim or final) could not be considered as punishment 'for' a criminal offence. In *Fardon v. Attorney-General for the State of Queensland* [2004] HCA 46 ('Fardon') it was noted in the majority judgement that conviction for a 'relevant offence' is an appropriate factum for, or antecedent to, eligibility under the separate, normative structure [of post-sentence schemes]; but the making of an order does not 'increase' the original punishment. By way of analogy with Fardon, part 2 of the SSOMA establishes its own separate, 'normative structure' for determining whether an ESO should be imposed, and therefore the imposition of an ESO should not be characterised as being 'for' the relevant offence, or even an addendum to that offence. In other words, the authority to impose an ESO is not drawn from what was done in the sentencing of the offender; rather the act simply takes as the factum for the application for an ESO the status of the offender as a person who is serving a custodial sentence (see s4(1)(b)). As Gummow J noted in Fardon, while there remains a connection between the operation of the act and the anterior conviction for a child sex offence, 'a legislative choice of a factum of some other character may well have imperilled the validity of [the scheme]'.

Although Fardon was decided in the absence of a human rights instrument such as the charter, the approach of the court is consistent with the approach of courts in a number of other jurisdictions under human rights legislation where protective measures are imposed upon persons who have been convicted of certain offences, including sex offenders.

Thus the imposition of an ESO under s11 or new section 25D or clause 24 should not be characterised as being a penalty for a criminal offence.

Imposition of interim ESO

Clause 17 inserts a new section 25D into the SSOMA which provides for when a court may make an interim ESO. It provides that a court may only make an interim ESO in respect of an offender if it is satisfied that (inter alia) (d) the making of an interim extended supervision order is justified having regard to any matter that the court considers appropriate; and (e) it is in the public interest to make an interim extended supervision order, having regard to the purpose of the SSOMA and the reasons why the application for a final ESO will not be determined before the expiry of the offender's sentence.

Given that eligibility for an application under s11 is linked to the offender's previous conviction, arguably the imposition of an interim ESO creates a greater penalty for that offence to that which applied at the time it was committed, and thereby limits s27(2) of the charter.

As above, whether or not the right in s27(2) is limited depends on firstly whether it is so linked to the commission of the offence such that it could be characterised as a penalty for that offence; and secondly whether the imposition of an ESO can be fairly characterised as a 'penalty'.

For the reasons set out above, both of these limbs must be answered in the negative. In summary, the imposition of an interim ESO is for a legitimate, non-punitive purpose, so it is not a penalty; nor could it be characterised as being ‘for’ the criminal offence, even if it were considered punitive, as it draws its authority from the separate normative structure set out in part 2 of the SSOMA, and not from the elements of the original offence.

Right not to be punished more than once (s26) — not limited

Expansion of ‘relevant offences’ (increasing pool of eligible offenders)

See discussion above. Clause 24 impacts on this right insofar as arguably, eligibility under the SSOMA is ‘double punishment’, i.e. these offenders have already ‘done their time’.

However, for the reasons set out above and those referred to by Gummow J at paragraph 74 in Fardon, this right is not limited, as offenders are not being ‘punished’ for an offence for which they have already been finally convicted.

Imposition of interim ESO

As noted, clause 17 inserts a new section 25D into the SSOMA which provides when a court may make an interim ESO if it is satisfied of various factors set out in subsection (1)(a)–(e).

Clause 21 also inserts a new section 39A into the SSOMA which provides that the Court of Appeal may make an interim ESO if it is satisfied that the making of the order is justified and that it is in the public interest to make the order.

Given that eligibility for an application under s11 is linked to the offender’s relevant offence, arguably the imposition of an interim ESO under the above proposed new sections creates a form of double punishment for the relevant offence.

However, for the reasons set out above, and those referred to by Gummow J at paragraph 74 in Fardon, this right is not limited, as in becoming subject to an interim ESO offenders are not being ‘punished’ for an offence for which they have already been finally convicted.

By way of analogy with Fardon, the SSOMA takes as its factum for an application for an ESO an offender’s status as an ‘eligible offender’; but the actual imposition of an interim ESO under these sections does not ‘draw its authority’ from the prosecution’s case at the offender’s trial (i.e. proof of the elements of the offence). Instead, the court draws its authority from the fact that the Secretary has applied for a final ESO for the offender and —

the matters set out in paragraphs (a) to (e) of new section 25D(1); or

the Court of Appeal is satisfied that the making of the order is justified and that it is in the public interest to make the order.

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

Right in respect of compulsory medical treatment (s10(c))

Instructions and directions to attend treatment programs and activities

As noted, the right to not be subjected to medical treatment without full, free and informed consent is potentially limited by new section 25H, insofar as it means that s16(3)(d) will apply to interim ESOs (treatment ... programs that the offender must participate in).

(a) The nature of the right being limited

The prohibition on medical treatment without consent is not an absolute right under international law. Indeed, it is not even an internationally recognised right. In *Deacon v. Attorney-General of Canada* [2006] FCA 265 the Canadian Federal Court of Appeal found that a limitation on the common law right to refuse medical treatment did not infringe s7 of the Canadian Charter of Rights and Freedoms (s7 being the equivalent of s10 of the charter), as it was in accordance with ‘the principles of fundamental justice’. Linden J. A. stated that:

There exists no significant social consensus in favour of an absolute rule concerning the right to refuse medical treatment in every situation, and such a principle is not considered ‘vital or fundamental to our societal notion of justice’ (*Rodriguez v. British Columbia (Attorney General)*, [1993] 3 SCR 519);

The right of a competent adult to refuse unwanted medical treatment is clearly ‘fundamental to a person’s dignity and autonomy’ (*Starson v. Swayze* [2003] 1 SCR 722). However, respect for human dignity and autonomy is not itself a principle of fundamental justice (*Rodriguez*, supra at 592).

(b) The importance of the purpose of the limitation

In requiring offenders subject to interim ESOs to comply with treatment orders under s16(3)(d), new section 25H serves the important purpose of furthering offenders’ rehabilitation. In this regard it provides an obvious valuable benefit to the community — and enhances the following rights of potential victims:

right to life — s9;

protection from torture and cruel, inhuman or degrading treatment — s10;

freedom of movement — s12;

privacy and reputation — s13;

protection of families and of children — s17; and

right to liberty and security of person — s21.

Offenders also benefit from being required to submit to treatment programs inasmuch as they are generally thought to reduce offending behaviour. The benefit of this outcome for offenders is that they will not suffer all the consequences of a further conviction for a relevant offence. In some cases offenders may not consent to treatment as they may not see themselves as having a problem requiring treatment.

However, arguably it is important that these offenders, in particular, be compelled to attend treatment programs as arguably such denial in and of itself indicates a danger of recidivism.

In *Normandin v. Canada* [2006] 2 FCR 112 the Canadian Federal Court of Appeal noted the benefit of the Canadian long-term supervision provisions for offenders, as follows:

Before this scheme [for long-term offenders] was established, a sexual offender could be sentenced as a dangerous offender for an indefinite period or a longer prison sentence. The scheme established by Parliament for long-term offenders within the community is a more flexible scheme that is more beneficial for them. Its purpose is to enhance the offender's social integration but without compromising the protection of society and the victims.

The primary purpose of the SSOMA is the protection of the community by way of supervising and rehabilitating the offender. In this regard post-sentence supervision schemes are distinguishable from sentencing regimes, insofar as the protection of the public is the paramount consideration under such schemes; and not punishment. In this regard an order to undergo treatment as part of a sentence may be found to be unlawful in contrast to a treatment order pursuant to a post-sentence scheme (see *Deacon v. Attorney-General of Canada* [2006] FCA 265, distinguished from *R. v. Kieling* (1991) 64 CCC (3D) 124).

(c) The nature and extent of the limitation

As noted, in practice, an order pursuant to s16(3)(d) compels offenders to attend treatment and rehabilitation programs which may involve both medical treatment and psychological counselling. Insofar as an offender may not 'freely' consent to a medical treatment order (for fear of being in breach of his ESO), it directly limits the right in s10(c) to a great extent.

In *Deacon v. Attorney-General of Canada* [2006] FCA 265, the court stated that a long-term offender or serious sex offender within the meaning of the Canadian Corrections and Conditional Release Act, may retain the rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as consequence of [the relevant court order]. Linden J. A. stated that the appellant's complaint in respect of a medical treatment condition imposed by the relevant board related to a restriction 'necessarily consequent upon his sentence as a long-term offender. As a long-term offender, the appellant has been found to pose a substantial risk of reoffending, but one that has been judged reasonably capable of eventual control in the community' [emphasis added]. Thus compulsory medical treatment may be a significant limitation on the right in s10(c), but its nature is such that it may only create a 'limitation' to the extent necessary to achieve the relevant purposes of rehabilitation of the offender and community protection.

It is also relevant when considering the extent of this limitation that, when considering directions for medical treatment pursuant to an ESO, as a public authority the Director of the Victorian Institute of Forensic Mental Health would (in accordance with s38 of the Charter) need to consider the human rights of the offender and weigh up whether in each case the offender should be ordered to undergo medical treatment without his or her consent. Thus in

each case the director would determine the extent of the limitation and would be required to assess whether it is proportionate and necessary, and therefore a reasonable limitation.

(d) The relationship between the limitation and its purpose

There is a rational connection between requiring serious sex offenders subject to interim ESOs to submit to treatment programs and the purpose of protecting the community and rehabilitating offenders. That is, many offenders will reoffend if they are not 'treated' or refuse treatment. As stated by Jill J. in *R. v. Payne* [2001] O.T.C. 15 (Ont. Su.Ct) at para 138:

In my view, an offender on conditional release by way of a long-term supervision order may be compelled by a term of the order to undertake treatment and related pharmaceutical intervention where essential to management of the accused's risk of reoffending. In other words, the offender's consent to such a condition is not required. Should the offender breach terms of the order respecting treatment or medication, he or she is subject to apprehension with suspension of the order pursuant to [the act] or to arrest and prosecution pursuant to [the code]. The entire object of the long-term offender regime would be undermined by providing the offender the ability to defeat risk management. Accordingly, mandatory treatment and medication conditions in an order are a proportionate response to protecting the public from a person who, by definition, is a substantial risk to reoffend.

(e) Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

It is likely that some offenders' behaviour is exacerbated by physiological factors which cannot be controlled other than by means of administering medication. For instance, where psychological counselling fails to repress 'deviant arousals' or urges towards violence, anti-androgen medication provides an additional safeguard. There is no 'less restrictive means' of providing this safeguard; rather the only other alternative to this safeguard would be continued detention, which is likely to be considered a 'more restrictive', 'blunt instrument' which may not be justifiable in circumstances where an extended supervision order with appropriate treatment is reasonably available (see *R. v. Johnson* [2003] 2 S.C.R. 357).

Cases where non-consensual medical treatment has been considered have also adverted to the notion that medical treatment and supervision orders are the least intrusive way of achieving the purpose of protecting the community. For instance, in *Deacon* (supra), the court noted that the relevant Board had concluded that 'medication is necessary to control the risk [the offender] poses. If [the offender] does not want to take this medication, he may choose to refuse, but he thereby chooses also to face the consequences flowing from that decision...' (*Deacon*, supra, paragraph 41). The court went on to refer to this 'choice' as that which exists between the right to liberty (as incarceration may result upon refusal of the treatment) and the right to security of the person (which is limited by taking medication against one's free will) (*Deacon*, supra, at paragraph 68).

Similarly, offenders subject to interim ESOs who find themselves required under s16(3)(b) to submit to treatment programs are faced with a similar choice. The directions and conditions imposed under ss15 and 16 may be seen as a

'package' of measures designed to achieve the protection of the community and rehabilitation of the offender. An offender who refuses to take the medication prescribed does so facing the likelihood that if his or her risk is unable to be managed through this condition, then other conditions with more restrictions upon his or her liberty, freedom of movement, or other rights may well be necessary to protect the community.

Conclusion

In the light of all of the above s7 factors, new section 25H is a reasonable limitation on the right in s10(c) of the charter and is therefore compatible.

Freedom of movement (s12)

Imposition of interim orders and conditions, instructions and directions applicable

As noted, the right to freedom of movement is potentially limited by new section 25H, insofar as it means that the positive and negative obligations in s15(3) (b), (e) and (f) and s16(3) will apply to offenders subject to interim ESOs.

(a) The nature of the right

Section 12 of the Charter is not an absolute right; rather, it is well established under international law that the right to freedom of movement may be restricted where such restrictions are provided for by law, and are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights (see article 12(3) of International Covenant on Civil and Political Rights).

(b) The importance of the purpose of the limitation

Applying ss15 and 16 of the SSOMA to interim extended supervision orders will ensure that offenders who are subject to these interim orders are subject to the same supervision powers as offenders subject to final extended supervision orders. This will strengthen the ability to supervise offenders, in appropriate cases, pending the final determination of an ESO application. In turn, this will minimise the risks of reoffending by these offenders to enhance community protection. Exposing the community to an identifiable risk of criminal behaviour is inconsistent with the government's obligations under s38 of the charter to act compatibly with human rights. In this regard it is recognised that in a 'free and democratic society' the human rights of community members need to be protected; e.g. the right to liberty and security of person and the right to life.

The protection of the community against criminal conduct which involves sexual assault and other kinds of violence is also recognised as a legitimate purpose for limitation clauses, insofar as they constitute risks to public health and safety (see United Nations, Economic and Social Council, *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, U.N. Doc. E/CN.4/1985/4, Annex (1985)).

In seeking to enhance community protection new section 25H therefore fulfils 'a legislative goal of fundamental importance' (*R. v. Oakes* [1986] SCR 103, 136) and one which is democratically recognised in both the Crimes Act 1958 (Vic) and the charter.

It is also important that the range of conditions, instructions and directions apply to interim orders, so that community protection can be tailored and proportionate in the same way as it is tailored under a final ESO; i.e. the specific risk an offender represents can be appropriately minimised.

(c) The nature and extent of the limitation

Sections 15 and 16 of the SSOMA necessarily confer a very broad discretion to limit offenders' rights to freedom of movement to the extent that is necessary, so that the instructions or directions can be tailored to specific offenders. The flexible nature of these powers also operates in the offenders' favour. Whilst frequent reporting and support may be appropriate when an offender is first released into the community, the frequency of that reporting may reduce as the offender demonstrates he or she is managing their risk. Conversely, it may be appropriate to increase reporting and direct attendance at a rehabilitation program where the offender's behaviour within the community demonstrates an increase in risk.

The conditions and directions imposed or authorised by these provisions are directed to achieving the purpose of the scheme, namely to enhance community protection and promote the rehabilitation and care of the offender. If an instruction or direction under these powers in respect of an interim ESO was in fact excessive or disproportionate to these ends, it could be challenged by way of traditional grounds of judicial review.

(d) The relationship between the limitation and the purpose

In the light of what we now know about violent and sexual offenders it is appropriate and necessary to provide for restriction of their movement on an interim basis until a final ESO is made; therefore there is a rational connection between the limitation and the purpose sought to be achieved (community protection).

The restriction on offenders' movement under ss15 and 16 also rationally serves the purpose of assisting in their rehabilitation, whilst allowing for sufficient flexibility in the setting of instructions and directions by the APB, so as to ensure that any restriction on offenders' movement is proportionate.

(e) Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There is no less restrictive means by which serious sex offenders who continue to present a high risk of recidivism could be prevented from reoffending after completing their custodial sentence and joining the general community — other than to provide for their supervision, monitoring and rehabilitation through interim or final orders.

Conclusion

In the light of all of the above s7 factors, the limitation on the right to freedom of movement is reasonable and therefore new section 25H is compatible with the charter.

Directions to reside in premises that are situated on land that is within the perimeter of a prison

As noted, the right to freedom of movement is potentially limited by new section 25H, insofar as it means that s16(3A) and (3B) will apply to offenders subject to interim ESOs.

(a) The nature of the right

See above.

(b) The importance of the purpose of the limitation

The purpose of ss16(3A) and 16(3B) is to ensure safe, temporary accommodation for offenders subject to an ESO or an interim ESO, where it has not been possible to find other suitable accommodation. It recognises not only the need to be able to adequately control high-risk offenders but also to ensure offenders' safety. Under principles of international human rights law, these purposes of public order, health, safety and morality are recognised as legitimate purposes for limitations on rights.

(c) The nature and extent of the limitation

Arguably, the limitation on this right could be characterised as significant, given that offenders subject to directions under these provisions are required to live within the perimeter of a prison, which is likely to have a significant impact on their freedom of movement. However, these provisions are not disproportionate when considered in the light of the purpose of the scheme and the need to find safe and appropriate housing for offenders and the challenges associated with that need.

(d) The relationship between the limitation and its purpose

There is a rational connection between the purpose outlined above and these provisions allowing for placement in a safe environment that is monitored by Corrections Victoria.

(e) Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

A 'less restrictive means' of safely accommodating offenders, whilst fulfilling the purposes of the scheme, is not currently available.

Conclusion

In weighing up these s7 factors, two are of such significance that they outweigh the fact that ss16(3A) and (3B) do represent a significant interference with this right. Those are the purpose of the limitation and its importance (s7(2)(b)) and the fact that there is currently no less restrictive means of achieving the purpose (s7(2)(e)). In the light of these factors new section 25H is a reasonable limitation on the right in s10(c) of the charter and is therefore compatible.

Conclusion

I consider that the bill is compatible with the charter.

Bob Cameron, MP
Minister for Police and Emergency Services
Minister for Corrections

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The bill amends the Corrections Act 1986, the Firearms Act 1996 and the Serious Sex Offenders Monitoring Act 2005, as well as making statute law revisions and minor amendments to three other pieces of justice legislation. I will address each of the more substantive amendments in turn.

Corrections Act 1986 amendments

The bill implements the government's commitment to ensure proper management of prisons and the secure and humane containment of prisoners, by amending the Corrections Act 1986 to clarify that the Secretary to the Department of Justice has responsibility for monitoring performance in the provision of all correctional services to achieve the safe custody and welfare of prisoners and offenders.

Clause 4 of the bill also clarifies that, additionally, the commissioner for corrections has oversight responsibilities for assessing performance in the provision of all correctional services to achieve the safe custody and welfare of prisoners and offenders.

The bill also repeals redundant provisions in the Corrections Act 1986 relating to the former Prison Industry Advisory Committee. This amendment makes way for the new and improved corrections education and employment ministerial advisory committee, currently being established administratively to provide advice on education, training and work programs in prisons.

A key focus of the new committee's deliberations will be the integration of education, training and prison industry programs with transition support services in order to maximise prisoners' ability to secure continuing employment post release. This proposal therefore furthers the government's commitment to provide offenders with opportunities and incentives to address offending behaviour while also providing drug treatment, life skills education and employment-focused programs in prison.

Serious Sex Offenders Monitoring Act 2005 amendments

The government is committed to protecting the community from further offending by convicted serious sex offenders. Its 'Community Safety' 2006 election policy committed it to work with the Sentencing Advisory Council with a view to introducing a continued detention scheme for those serious sex offenders that pose a high ongoing risk to the community. The government recently confirmed it will implement this commitment and operationalise a new scheme for post-sentence supervision and detention of

serious sex offenders so as to strengthen protection of the community.

The amendments to the Serious Sex Offender Monitoring Act 2005 in this bill strengthen the operation of the current scheme for extended supervision of serious sex offenders by widening eligibility. The bill expands the range of offences for which a court can impose an extended supervision order to include sex offences against adult victims and empowers the court to make interim extended supervision orders.

The extension of the existing scheme for extended supervision of serious sex offenders will ensure that all serious sex offenders — those who offend against adults as well as those who offend against children — are eligible to be made subject to extended supervision orders at the expiry of their sentence.

Clause 17 of the bill provides for new powers for the court to impose interim extended supervision orders pending the final determination of an ESO application or on an appeal against an extended supervision order. These powers for interim orders will bring the procedures for imposing interim supervision in line with the powers to make final extended supervision orders.

They will also address a limitation in the legislation identified by the Supreme Court of Appeal in the case of *TSL v. Secretary to the Department of Justice and Anor [2006] VSCA 199*. The court noted the absence of a power for it to make an interim extended supervision order and remit a matter back to the court of first instance as a limitation in the act's operation. The proposed amendments will address this limitation and will ensure that where an extended supervision order is found on appeal to be flawed, the Court of Appeal can remit the matter back to the original court to reconsider rather than simply revoking the extended supervision order.

In July 2007 the Sentencing Advisory Council released its final report *High-Risk Offenders — Post-Sentence Supervision and Detention*. In the 2008 annual statement of government intentions, the Premier has outlined the government's commitment to working with the Sentencing Advisory Council to implement a continued detention and supervision scheme for serious sex offenders who pose a high ongoing risk to the community. A further bill containing a new legislative scheme for the post-sentence supervision and detention of serious sex offenders will be introduced into the Parliament in 2008 and will become operational after mid-2009.

Firearms Act 1996 amendments

The bill amends the Firearms Act 1996 to address two separate issues. The first is the issue of firearms that, while being of a relatively low firepower, nonetheless have the appearance of a military firearm. The vast majority of other states and territories in Australia already have legislation in place to limit the availability of such firearms. It is appropriate that Victoria also takes steps to deal with this issue. It is a genuine concern of the community to ensure that the presence of military-styled weapons is strictly controlled and that they are made available only for appropriate and limited professional, official, commercial or prescribed purposes.

The bill enables the Chief Commissioner of Police to permanently declare a firearm or type of firearm that would otherwise be a category A, B or C longarm to be a category D or E longarm if the chief commissioner is satisfied that the firearm or type of firearm is designed or adapted for military purposes or substantially duplicates such a firearm.

The chief commissioner will be required to publish any declaration made in the *Government Gazette* and will also be required to give notice of the making of the declaration to each person that the chief commissioner is aware is in possession of a firearm that has been made the subject of the declaration.

The second issue that the Firearms Act 1996 amendments address is the availability of tranquilliser guns to vets and other animal care professionals. The bill clarifies that these individuals may obtain more than one tranquilliser gun where they can demonstrate a genuine reason. This amendment is necessary to ensure that vets have backup guns in the event of their primary gun breaking down or requiring servicing. It will also allow vets to have tranquilliser guns of different types, styles and purposes so that they have the necessary tools to effectively carry out their duties.

Statute law revision and other amendments

Finally, the bill makes statute law revisions and other amendments to justice legislation, being the Administration and Probate Act 1958, the Liquor Control Reform Act 1998 and the Summary Offences Act 1966. These amendments rectify errors that have occurred in these acts due to drafting, clerical or other mistakes.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 1 May.

CANCER AMENDMENT (HPV) BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Cancer Amendment (HPV) Bill 2008.

In my opinion, the Cancer Amendment (HPV) Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Cancer Act 1958 ('the act') to enable reports of tests in relation to precursors to cancer, such as human papilloma virus (HPV), to be forwarded to organisations that maintain a prescribed register. HPV is recognised as a necessary factor in the development of nearly all cases of cervical cancer. Testing for HPV is now a critical part of the management of women with screen-detected abnormalities of the cervix. In future, it may be desirable for other precursors to cancer to be reported on and recorded as part of a cancer screening program. In addition, these provisions will provide a legislative framework for reporting test results of other precursors to cancer should it become desirable to capture these in future.

Human rights issues

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

Section 13(a): right to privacy

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

I consider that clause 4 of the bill engages but does not limit the right to privacy because the interference with privacy is not unlawful or arbitrary.

Clause 3 of the bill will extend the definition of "cancer test" in section 59(1) of the act to include a test for cancer "or any of its precursors".

Clause 4 of the bill will make related amendments to sections 62(4), (5)(c) and (9)(b) of the act to ensure that references to "cancer" in these sections also apply to "precursors to cancer".

The interference with privacy is not unlawful because the bill enables the Victorian cervical cytology register to lawfully collect and record women's test results for HPV. If in future, it is considered desirable for other precursors to cancer to be reported and recorded on a prescribed register, the bill will only support the capture of test results where a prescribed register is established to record such information.

The interference with privacy is not arbitrary because of the safeguards provided in the act. The proposed amendments are in the context of an existing regime in the act which enables people to object to the inclusion of their information in such registers, requires that they be informed of their right to object and limits disclosure of information in the registers to certain specified circumstances (sections 62(3), (4) and (6) of the act). The proposed amendments are considered to be reasonable from a privacy perspective because they appropriately balance healthcare considerations with patient privacy.

Section 9

Section 9 of the charter provides that every person has the right to life and the right not to be arbitrarily deprived of life.

I consider that the bill promotes the right to life because the amendments will facilitate best practice screening and treatment of women who have a higher cervical cancer risk associated with the human papilloma virus.

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

As the rights under the charter which the bill engages are not limited by the bill, it is not necessary to consider the application of section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter because, although the bill engages the right conferred by section 13 of the charter, it does not limit that right. In addition, it promotes the right conferred by section 9 of the charter.

HON. DANIEL ANDREWS, MP
MINISTER FOR HEALTH

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

I am pleased to introduce this bill to the house. The Brumby government has nominated cancer as one of its major health priorities, and this bill represents another step in this important commitment.

Victoria has a strong track record of investment and innovation in cancer prevention, treatment and research. This has resulted in world-leading increases in survival rates — that is, people living for five years disease free — from 48 per cent in Victoria in 1990, to the 2004 level of 61 per cent.

Despite this record, cancer remains Victoria's biggest killer, and the cause of immense suffering for the community. Today 70 Victorians will be told they have cancer — and around one in three Victorians will develop cancer before the age of 75.

Today the bill I introduce seeks to reduce the impact of one cancer — cervical cancer — which we know

affects approximately 1900 Victorian women each year.

The bill seeks to amend the Cancer Act 1958 to enable the Victorian cervical cytology register to lawfully collect and record women's test results for human papilloma virus, commonly known as HPV. The primary objective of this amendment is to facilitate best practice in cervical cancer screening and the treatment of women with screen-detected abnormalities of the cervix, and to ensure Victoria is able to meet new guidelines issued by the National Health and Medical Research Council in July 2006.

Cervical cancer incidence has declined dramatically since the late 1980s, when the organised national cervical screening program was introduced. Victoria has one of the highest participation rates in cervical screening in the country, which is reflected by the continuing decline in mortality from cervical cancer. At one death per 100 000 women, this rate is now among the lowest in the world.

As Victorians we can be proud of the quality screening services developed and available in this state. PapScreen Victoria created highly successful awareness campaigns which have been adopted by other states. The Victorian Cytology Service is the only publicly funded cytology service in Australia, performing about 300 000 pap tests a year. It is at the centre of testing, diagnostic work and screening, but also conducts important research. The Victorian Cytology Service auspices the Victorian cervical cytology register and has recently won the contract to establish the national HPV immunisation register. This register will support the national HPV vaccination program. This highlights the outstanding work of the Victorian cervical cytology register in terms of cancer control.

Recent research has identified a strong link between HPV and cervical cancer. Whilst most women with HPV will not develop cervical cancer, research indicates that HPV is a necessary factor in the development of the vast majority of cases of cervical cancer. This new evidence has seen the introduction of an HPV vaccination program in Australia in April 2007. This program provides free vaccination against certain high-risk strains of HPV to all women and girls aged between 12 and 26.

Another impact of this new evidence is the inclusion of testing for HPV as a critical part of the management of women with screen-detected abnormalities of the cervix under the national guidelines: *Screening to Prevent Cervical Cancer — Guidelines for the Management of*

Asymptomatic Women with Screen-Detected Abnormalities.

The new guidelines state that where a woman has had a high-grade abnormality of the cervix, the results of HPV tests, together with follow-up pap tests, will determine her future management. To enable compliance with the new guidelines, the results of HPV tests need to be reported to the Victorian cervical cytology register so that the register can send out appropriate reminder letters to women as part of their post-treatment screening following a colposcopy.

Whilst the act currently enables results of tests for cancer to be forwarded to a prescribed register such as the Victorian cervical cytology register, the definition of 'cancer test' does not extend to tests for 'precursors to cancer', such as HPV. This bill will broaden the definition of 'cancer test' to enable tests for precursors to cancer to be reported to and recorded by a prescribed register.

There are a range of other precursors to cancer apart from HPV. For example, colorectal adenoma, ductal carcinoma in situ and skin lesions that may progress to malignant melanoma are all conditions which are considered to be precursors to various forms of cancer.

As knowledge increases in the area of cancer prevention and screening, it may become desirable in the future for other precursors to cancer, apart from HPV, to be reported to and recorded on a prescribed register as part of a cancer screening program.

This bill will provide a legislative framework for reporting and recording test results of precursors to cancer other than HPV. However, it will only support the capture of information about other precursors to cancer where a prescribed register is established to record this information. This will avoid the unnecessary capture of test results that do not serve to improve health outcomes for Victorians.

The proposed amendment maintains current provisions in the act which require that people are informed of their right to object to their test results being recorded, to opt off the register, or not have their information reported to the register in the first instance. The amendment appropriately balances healthcare considerations with patient privacy.

Clause 1 sets out the main purposes of the bill. Clause 2 is the commencement provision. Clause 3 amends the definition of 'cancer test' in section 59(1) of the Cancer Act 1958 to include a test for a precursor to cancer. Clause 4 ensures that references to cancer in sections 62(4), (5)(c) and (9)(b) of the Cancer Act 1958

also apply to ‘precursors to cancer’. Clause 5 provides that the bill be repealed on the first anniversary of its commencement.

This bill is an example of the government’s ongoing commitment to preventing cancer.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 1 May.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Statement of compatibility

Mr ROBINSON (Minister for Gaming) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gambling Regulation Amendment (Licensing) Bill 2008.

In my opinion, the Gambling Regulation Amendment (Licensing) Bill 2008 (‘the bill’), as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The objectives of the bill are to amend the Gambling Regulation Act 2003 (‘act’) to:

- (a) create a wagering and betting licence authorising the conduct of wagering on horseracing, harness racing and greyhound racing and the conduct of approved betting competitions;
- (b) create a keno licence authorising the conduct of keno games;
- (c) permit the extension of a gaming operator’s licence; and
- (d) provide for the appointment of additional deputy chairpersons and commissioners to the Victorian Commission for Gambling Regulation (‘the commission’).

Human rights issues

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

Section 13: privacy and reputation

A person has the right —

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have his or her reputation unlawfully attacked.

The bill amends the act to establish a new regulatory regime for the grant of a wagering and betting licence and a keno licence by the minister. Upon request by the Secretary, Department of Justice (‘the secretary’), the commission will investigate and inquire into registrations of interest in a licence and applications for a licence and will report the results of its investigations to the secretary.

A number of the proposed provisions will allow the minister, the secretary or the commission to require an applicant for a licence to provide relevant information regarding the licence application and details of their ‘associates’.

Further, the investigatory powers of the commission under the bill include asking for photographs, fingerprints and palm prints et cetera from an interested person (as defined in the bill) and the commission will also refer these records and information, registration of interest and licence application to the Chief Commissioner of Police for inquiry.

The proposed sections to be inserted into the act, which engage the right to privacy, are as follows:

1. Proposed section 4.3A.3 provides for the minister, by notice, to call for registrations of interest in the grant of a wagering and betting licence, which will require information to be provided by a registrant (who is not a natural person). The information that may be required is not specified in the bill and hence the question may arise as to whether it includes personal information of natural persons (for example the details of the directors of the registrant). Proposed section 6A.3.3 makes similar provision in relation to a keno licence.
2. Proposed section 4.3A.5 provides for the minister, by notice, to call for applications for the grant of a wagering and betting licence, which will require information to be provided by an applicant (who is not a natural person). The information that may be required is not specified in the bill and hence the question may arise as to whether it includes personal information of natural persons. Proposed section 6A.3.5 makes similar provision in relation to a keno licence.
3. Proposed section 4.3A.17 provides for the minister to be able to request any information or documents from the licensee in connection with its request for approval of a transfer of the licence. Proposed section 6A.3.17 makes similar provision in relation to a keno licence. The bill provides that a licensee must be a corporation.
4. Proposed section 4.3A.25 provides for the licensee to notify the commission of a person becoming an ‘associate’. The definition of ‘associate’ in the act

- includes a natural person. Proposed section 6A.3.25 makes similar provisions in relation to a keno licence.
5. Proposed section 4.3A.36 provides for the secretary to be able to request any information or documents from an applicant in connection with an application or registration of interest. Proposed section 6A.3.36 makes similar provision in relation to a keno licence.
 6. Proposed section 4.3A.37 provides for an interested person (if the secretary has asked for information from the interested person under proposed section 4.3A.36) to update any changes that occur in the information provided in or in connection with an application or a registration of interest. Proposed sections 4.3A.38 and 4.3A.39 provide for the provision of updates to licence applications or transfer applications. Proposed sections 6A.3.36, 6A.3.37, 6A.3.38 and 6A.3.39 are similar provisions in relation to a keno licence.
 7. Proposed section 10.4.7B provides for the commission, on the request of the secretary, to carry out all investigations and inquiries that the secretary considers necessary to enable the secretary to report to the minister on an application or registration of interest or to enable the minister to consider the application or the registration of interest.
 8. Proposed section 10.4.7C provides for the commission to require an interested person to consent to have his or her photograph, fingerprints and palm prints taken by the commission if it is satisfied that it is necessary for the purposes of an investigation or inquiry under proposed section 10.4.7B.
 9. Proposed section 10.4.7D provides for the commission to refer to the Chief Commissioner of Police a copy of an application or registration of interest and any photograph, fingerprints and palm prints obtained under section 10.4.7C. The secretary may also request the commission to refer any other information regarding an application or registration of interest to the Chief Commissioner of Police and the commission will be required to comply with this request.
 10. Proposed section 10.4.7E provides for the commission to be able to request any further information or records from an interested person for the purposes of the investigation and any authorities and consents the commission requires to enable it to obtain information (including financial and confidential information) concerning the interested person from other persons. Proposed section 10.4.7F requires an interested person, if a request has been made pursuant to proposed section 10.4.7E, to update that information.

While all the above provisions may engage the section 13 right, they do not limit the right to privacy because the interferences with privacy are proportionate and not unlawful or arbitrary.

The interferences with privacy are not unlawful as they are provided for in the bill and occur in precise and circumscribed circumstances. The interferences with privacy are not arbitrary because of the safeguards provided in the amendments and other relevant legislation. In addition, the minister, the secretary and the commission are all subject to the provisions of the Information Privacy Act 2000 in relation to their collection and handling of personal information.

The act also currently provides important safeguards against the disclosure of personal information. Sections 10.1.30 to 10.1.32 of the act are 'secrecy' provisions which regulate the confidentiality of personal information and make it an offence for a person to disclose the information without the authorisation of the minister or the person to whom it relates or as specifically permitted by the act.

In all the cases where information is required from an interested person, while the legislation will not be prescriptive on what type of information can be requested, a request will be confined to information which is relevant to the application or which relates to the applicant or the licensee's/applicant's associates. If any of that information is personal information relating to a natural person, then the section 13 right may be engaged.

However, the abovementioned requirement can be justified as it is integral to the maintenance of the high probity standards required of gambling service providers that the minister, the secretary and the commission have the necessary information to be able to conduct probity checks on potential licensees and/or their associates and to enable the proper consideration of a licence application. These provisions will reinforce the objective of ensuring licence applications are granted to applicants who conduct their businesses honestly and free from criminal interference and exploitation. In any event, the proposal will not limit the right as the requirement is lawful and is not arbitrary.

Similar provisions currently exist throughout the act, affording the minister and the commission the power to require additional information with respect to licence applicants and their associates. These provisions are prescribed in legislation and are consistent with the objectives of ensuring licence applications are granted to applicants who conduct their gambling businesses honestly and free from criminal influence and exploitation. Accordingly, the right to privacy is not limited in these circumstances.

Proposed sections 10.4.7C and 10.4.7D may constitute interference with the bodily privacy of a person but the legislation specifies the circumstances under which interferences with this privacy may be permitted. Further, the decision to interfere with the privacy will be made on a case-by-case basis in accordance with the merits of each case.

Section 15: freedom of expression

Every person has the right to freedom of expression.

This right to freedom of expression includes the right against forced expression. A number of proposed sections provide for the provision of information.

Proposed section 4.3A.3 of the act provides that the minister may refuse to consider a registration of interest further if the registrant fails to satisfy a requirement made under, or specified in, the section, one of the requirements being the information to be provided by the registrant. Proposed

section 6A.3.3 makes similar provision in relation to a keno licence.

Proposed section 4.3A.5 provides that the minister may refuse to consider the application for a licence further if the applicant fails to comply with a requirement made under the section, one of the requirements being that the application contains the information as required by the minister. Proposed section 6A.3.5 makes similar provision in relation to a keno licence.

Proposed section 4.3A.22 provides that the minister may refuse to consider a request for an amendment of a licence if the applicant fails to comply with a requirement made under the section, one of the requirements being that the licensee provides any further information as required by the minister. Proposed section 6A.3.22 makes similar provision in relation to a keno licence.

Proposed section 10.4.7E provides that the commission may require an interested person to provide the commission with any information that is relevant to an application or registration of interest, any records relevant to the investigation and permission to examine, take extracts from and make copies of the records, give authority to a person to comply with these requirements and provide the commission with any authorities and consents required by it for the purpose of enabling the commission to obtain information concerning the interested person from other persons. Refusal to comply with this requirement may lead to the minister refusing to consider the application for registration of interest.

Proposed section 10.4.7N provides that the commission may require an interested person to provide the commission with any information that is relevant to any investigation of a transfer application or temporary licence, any records relevant to the investigation and permission to examine, take extracts from and make copies of the records, give authority to a person to comply with these requirements and provide the commission with any authorities and consents required by it for the purpose of enabling the commission to obtain information concerning the interested person from other persons. Refusal to comply with this requirement may lead to the minister refusing to consider the application or issue the temporary licence.

Proposed section 10.4.7O provides that if the commission requires information from an interested person under proposed section 10.4.7N and a change occurs in that information before the application is granted or refused or the minister decides not to issue the temporary licence, the interested person must forthwith provide the commission with written particulars of the change. A maximum penalty of 60 penalty units applies for noncompliance.

While all the above provisions may engage the section 15 right, they do not limit the right to expression because the interferences with the right are not unlawful. Special duties and responsibilities are attached to this right and the right may be subject to lawful restrictions reasonably necessary for the protection of public order. The requirement to provide information is reasonably necessary to ensure compliance with the act.

The scheme of the act is such that it generally prohibits gambling and activities related to gambling, unless authorised under the act. Therefore, the right to conduct a gambling activity is not an absolute right but is subject to a strict

regulatory regime. To that end, entry into gambling industry is by choice and an understanding that the participant will be subject to that regulatory regime.

Further, for all the provisions, except proposed section 10.4.7O, there is no criminal sanction against an interested person if he or she fails to provide the information requested. The only consequence of not providing the information is that an application may not be considered further or may be refused. Ultimately, it is a choice exercised by the interested person to ensure that the application is considered and it is not a restriction imposed on any absolute right to participate in a lawful activity.

Section 20: property rights

A person must not be deprived of his or her property other than in accordance with law.

A deprivation of property is in accordance with law where the deprivation occurs under powers conferred by legislation and the law is precise and not arbitrary.

The amendments to the act contemplate that the licensee ensure, where it is within its power to do so, that a person (which may include a natural person) ceases to be an associate of the licensee if the commission refuses to grant its approval to that person becoming an associate of the licensee (proposed section 4.3A.25 for wagering and betting provisions and proposed section 6A.3.25 for the keno provisions).

The definition of associate in the act includes a person who holds a 'financial interest' in the gambling business of the licensee. Requiring such an associate to 'disassociate' themselves from the licensee's business may involve them having to dispose of a property right. If that associate is a natural person the section 20 property right may be engaged.

While the above provisions may engage the section 20 property right in the above circumstances, they do not limit the right because the deprivation is authorised by law, is in accordance with law and is therefore not in any way arbitrary.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

HON. TONY ROBINSON, MP
Minister for Gaming

Second reading

Mr ROBINSON (Minister for Gaming) — I move:

That this bill be now read a second time.

In 2004 the government took the decision to formally review Victoria's existing gambling licences to deliver the best value to Victorians.

This government has conducted the most significant review in Victoria's history of the regulatory structure and associated arrangements for the state's major gambling licences. On 10 April this year the

government announced new industry structural arrangements for wagering and betting, keno and gaming machines after 2012.

Under the new arrangements, keno will be offered as a single, 10-year licence. A single, 12-year licence will also be offered for wagering and betting.

Approved venue operators will be able to bid directly for 10-year gaming machine entitlements, which will authorise them to possess and operate gaming machines.

This bill implements the regulatory arrangements for the keno licence and the wagering and betting licence. The government will introduce a separate bill to Parliament that will implement the regulatory arrangements for the post-2012 venue operator structure for gaming machines.

To the extent necessary, the legislation which implements the range of government decisions for the next gaming machine industry structure may apply from the date of the announcement of the government's decisions on the future regulatory arrangements for gaming machines on 10 April 2008.

At all times the gambling licences review process has been characterised by openness and transparency with —

the release of an information paper and four issues papers;

an invitation for public submissions;

the conduct by Mr Peter Kirby of public consultations on the review of gaming machine licence arrangements after 2012 and the release of his report in October 2006; and

consultations with other submitters regarding wagering and betting, Club Keno and funding of the racing industry post-2012.

In addition to all this, the government established the independent review panel in 2007 to report on the probity of the processes followed during the review. The government also committed to tabling in Parliament the independent review panel's reports and has done so.

This government has always been and continues to be committed to adhering to the highest probity standards for the review process. This is evident from the most recent report of the independent review panel that was tabled in both houses of Parliament on 10 April 2008.

The report of the independent review panel has verified that the government's processes that supported its decisions for the regulatory structures and associated arrangements for the provision of gaming machines, wagering and betting and keno after 2012 met the high standards of probity, transparency and accountability, as promised by this government.

The Gambling Licences Review Steering Committee will now be commencing the competitive licensing processes for the keno licence and the wagering and betting licence. When each of those processes is complete, and the government has announced the awarding of these licences, reports of the independent review panel regarding the probity aspects of the licensing processes will again be tabled in both houses of Parliament. An appropriate level of probity will be also applied to the grant of entitlements to operate gaming machines after 2012.

The government recently announced a suite of significant new problem gambling measures. In future legislation to be introduced into parliament, the government will restrict access to cash in gaming venues by prohibiting all automatic teller machines in all gaming venues by the end of 2012, subject to any reasonable exceptions for venues in regional Victoria where access to an ATM in a gaming venue is vital for the local community.

ATMs will also be banned within 50 metres of an entrance to the Melbourne casino gaming floor. With this announcement, Victoria will be one of the first states to have banned ATMs from gaming venues.

The government has also announced that in future legislation it will move to double the penalties for any gambling provider that allows a minor to gamble. From a minimum penalty of \$1100, fines will be increased to a possible maximum of over \$13 000. This shows how seriously the Brumby government takes the issue of allowing minors to gamble.

Finally, in a groundbreaking announcement, this government has made a commitment to introduce a requirement that, by 2010, all new gaming machines must have a mechanism that allows a person to preset time and loss limits before they commence play. This commitment places Victoria at the forefront of the fight against the harm caused by problem gambling.

I will now turn to the provisions of the bill.

The bill before the house will amend the Gambling Regulation Act 2003 to put in place the legislative provisions to support the competitive licensing processes for the keno licence, the wagering and betting

licence and the related governance arrangements for the licence-awarding processes.

Having introduced competition to the Victorian lotteries market for the first time, the government, through this bill, will open up keno and the wagering and betting licence to competition for the first time in the state's history.

Further, the new licensing regimes will continue to ensure that the highest standards of probity exist in the Victorian gambling industry. The processes set in place by this bill are designed to meet the objective of the act of ensuring that licences are granted to applicants who conduct their gambling businesses honestly and free from criminal influence and exploitation.

The bill will also build upon this government's commitment to implement responsible gambling measures throughout the industry by requiring the new wagering and betting licence-holder and keno licence-holder to have in place a responsible gambling code of conduct, which will be approved by the Victorian Commission for Gambling Regulation. The requirement to have a code of conduct will also be a condition of the licence and repeated breaches of the code will be one of the grounds for the instigation of disciplinary action against the licensee. These measures will ensure that the new licence-holders will be required to provide their gambling products in a manner that fosters responsible gambling.

Further, the wagering and betting and keno licences will, like the public lotteries licences issued in 2007, reinforce the government's commitment to responsible gambling conditions.

These are only some of features of the government's ongoing and overarching commitment to implement measures that assist and protect problem gamblers and those at risk of becoming problem gamblers, their families and the wider community.

One of this government's principles to guide future gambling policy and legislation is to ensure that the legitimate financial benefits of gambling (both public and private) are transparent, appropriately recognisable and fairly distributed to the Victorian community. To this end, all Victorians will receive the benefit of these new licences, as the bill provides that Victorian taxes on keno and wagering and betting will go to the Hospitals and Charities Fund to support Victoria's public health system.

To further ensure that gambling service providers operate in a competitive environment, the bill does not impose cross-product ownership restrictions on who

can hold the wagering and betting licence and the keno licence post 2012. Similarly, there will no longer be arbitrary restrictions on the quantity of shares that may be held in a publicly listed keno licensee and wagering and betting licensee. Instead, the government will be working further on the legislative provisions required for the regulation of the probity of shareholders of licensees that are associates of the licensee.

The bill also includes a process allowing for a wagering and betting licensee or a keno licensee to transfer the licence to a wholly owned subsidiary or another company within the same group. This process recognises that a licensee may wish to reorganise its company structure during the licence term and the ability to apply for approval of a transfer of the licence to another related entity will facilitate this. By placing a restriction on the entities to which a licensee can transfer a licence, the bill ensures that this process will not allow the probity standards regulating a licensee to be compromised.

Wagering and betting licence

The bill will create a new, single wagering and betting licence authorising the conduct of wagering on horse, harness and greyhound racing and the conduct of approved betting competitions on horse, harness and greyhound racing and other approved events.

At the end of the wagering and betting licence, which will commence in 2012, the government will have the option of extending the licence for up to two years.

Victoria has a vibrant world-class racing industry, which is internationally recognised. The structure of a single wagering and betting licence will provide the greatest support for Victoria's racing industry to grow further.

Unlike the regulatory arrangements for the current wagering licence, the post-2012 wagering and betting licence will not be coupled with the future gaming machine licences. Nor will the government put into place arrangements for the racing industry to receive funding after 2012 from other persons operating gaming machines. This will provide stronger incentives for the development of the Victorian racing industry through a realignment of the funding of the industry with the wagering and betting products that rely on the performance of the industry.

The implementation of a single wagering and betting licence is an advantage for Victorians as it retains the system of one large pool, which means better and more stable odds when punters place a bet.

One of the act's objectives is to promote tourism, employment and economic development generally in the state. To further this objective, as part of the assessment process for the new wagering and betting licence, bidders for the licence will be required to demonstrate a commitment to a growing and viable Victorian racing industry.

The Victorian racing industry will not be permitted to bid for the wagering and betting licence. As the Victorian racing industry will be providing ongoing advice to the state in relation to the needs of the racing industry, irreconcilable conflicts would emerge if it was able to also bid for a wagering and betting licence.

The tax rate for the wagering and betting licence will be determined by the government after it has consulted with the Victorian racing industry regarding the future financial arrangements for the racing industry, having regard to the government's clear commitment that the arrangements will be no less favourable than those currently in place. That tax rate will be incorporated into legislative amendments scheduled for later this year.

Keno licence

The bill will provide for the game of keno to be provided under a single 10-year licence, which, like the wagering and betting licence, will be awarded after a competitive, two-stage licensing process.

By opening up the awarding of the keno licence to a competitive process and potentially a wider distribution to hotels, wagering and betting outlets and clubs with full club liquor licences, the licensee will be able to develop the keno game to best suit player expectations and deliver more entertainment options in Victoria in a responsible way. The bill provides for the holder of the keno licence to apply for variations to allow the game to be modified by regulations.

Competitive licensing processes

As stated earlier, the awarding of both the wagering and betting licence and the keno licence will be the subject of a competitive process, to be conducted in two stages. The Minister for Gaming will be required to publish a notice calling for registrations of interest. Selected registrants will then be invited and subsequently assessed against specific criteria. The Minister for Gaming will determine which of the applicants best satisfy the criteria for the issue of a licence. The criteria are based on the objectives of the act including fostering responsible gambling, ensuring that wagering, betting and playing keno are conducted honestly and that their management is free from criminal influence

and exploitation and promoting tourism, employment and economic development generally in the state, having regard to whether the grant of an application is in the public interest.

For both stages of the competitive licensing process, the minister will be assisted by reports and recommendations from the Secretary of the Department of Justice, who chairs the Gambling Licences Review Steering Committee. These new governance arrangements for dealing with registrations of interest in, and applications for, the wagering and betting licence and the keno licence transparently recognise the role of the secretary, as chair of the steering committee, in assisting the minister in the conduct of the competitive licensing processes.

The secretary will be able to draw on the resources and expertise of the independent regulator, the Victorian Commission for Gambling Regulation, for conducting investigations and inquiries into the registrations of interest and applications for a licence. The secretary's report to the minister will incorporate the advice of the commission.

In order to ensure that the commission has adequate resources for the carrying out of its role in the post-2012 licensing processes, the bill provides for the appointment of additional deputy chairpersons and additional commissioners.

The independent review panel will continue to play an important role in the competitive licensing processes for the post-2012 keno, wagering and betting and gaming machine licences. The independent review panel's role in overseeing the licensing processes will provide further transparency to these processes, and the independent review panel will report to the minister on whether each licensing process meets the expected high standards of governance and probity.

Finally, the bill includes a mechanism for the minister to extend the term of the Tatts Group's gaming operator's licence, if Tatts wishes to do so. Any extension will only be for a period up to five months to allow the expiry date of that licence to be brought into line with the expiry date of the current gaming licence held by Tabcorp which expires in August 2012. The ability to extend the Tatts licence has been included in the bill solely to facilitate the even transition of gaming machine and keno arrangements in 2012. The current arrangements for licence premium payment, whereby Tatts pays the premium for the gaming operator licence as an ongoing tax, will continue to apply for any extended term of the licence.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Thursday, 1 May.

Remaining business postponed on motion of Mr ANDREWS (Minister for Health).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Planning: Montrose quarry

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Planning in the other place. The action I seek from the minister is that he attend a meeting in Montrose to inform local residents of his intentions for the Montrose quarry expansion. I ask the minister to come clean on his intentions for that quarry expansion.

By way of background, Boral was asked to prepare an environment effects statement (EES) for the proposed extension to its Montrose quarry. The EES was completed and Boral subsequently requested that the Yarra Ranges Shire Council prepare an amendment to the Yarra Ranges planning scheme to rezone part of the site to allow for the expansion. It was intended that the EES would be exhibited concurrently with the planning scheme amendment for public comment. The Yarra Ranges Shire Council resolved not to seek the minister's authorisation to prepare a planning scheme amendment.

Boral has now requested that the Minister for Planning, Mr Madden, become the planning authority and exhibit a planning scheme amendment for Boral to expand its quarry at Montrose. This request is currently being considered. The last we heard was that the planning minister was waiting for advice before making a decision. We now know that a secret meeting has taken place. Mr Madden wanted to consult with four other senior ministers. We know he has had a secret meeting with the Minister for Environment and Climate Change in the other place, Gavin Jennings, the Minister for Energy and Resources, the Treasurer, John Lenders, and the Minister for Roads and Ports, to determine this matter.

I have also learnt of polling that is taking place in the electorate of Monbulk. Is this the Labor Party testing the water? I am informed that it is very political polling,

with one of the questions asking, 'Who would you vote for if there was an election tomorrow?'. A couple of questions later, one is asked, 'Would you change the party you vote for if the Montrose quarry expansion went ahead?'. Is the Labor Party entertaining the removal of planning powers from Yarra Ranges Shire Council with the planning minister taking charge of the planning process? We know the views of the Yarra Ranges Shire Council; we know the views of the local residents; we know the position of STOP, which is the Stop the Montrose Quarry Group; and we know the position of the Montrose Environment Group. It is very clear that the Brumby government has stopped listening to the community. Ministers are running around holding secret meetings and demanding polling at other people's expense to ensure that any decision they make in relation to the Montrose quarry expansion is palatable to the electorate.

I urge the Minister for Planning to listen to the residents of Montrose and the surrounding community and to uphold the decision of Yarra Ranges Shire Council to reject the expansion of the Montrose quarry. I call on the Minister for Planning to come clean on his intentions — —

The DEPUTY SPEAKER — Order! The member for Kilsyth can raise only one action, and the action he asked for is that the minister attend a meeting and not that the minister change a decision.

Mr HODGETT — I call on the minister to come clean on his intentions for the Montrose quarry expansion and inform the decent, honest, hardworking people of Kilsyth, Montrose and the surrounding community of his intentions for the Montrose quarry expansion.

Lara Secondary College: funding

Mr EREN (Lara) — I raise a matter for the attention of the Minister for Education in relation to Lara Secondary College in my electorate. Since the school was built by this government it has flourished substantially. It has over 800 students this year, and has received an extra 11 teachers, which brings the number of staff to 80. The success of this school has seen its student numbers rise considerably, and it is bursting at the seams.

I wish to congratulate the previous principal, Greg Sperling, and the current principal, Lyn Boyle, all the 80 staff and the school council members, particularly Daryl Spalding, the president, for making this school so successful. Along with success come growing pains, and currently the school has completed the design

development phase for the construction of VCE (Victorian certificate of education) facilities. The design development cost for this program is around the \$6 million mark. The action I am seeking is support from the minister for this important project and funding towards the completion of the development.

I will provide just some background on the college, and in particular on the building project from 2002 to 2004. Stage 1 of the Lara Secondary College's building project commenced in June 2002 and was completed for term 1 of 2003, at a cost of approximately \$4.8 million. It comprised four general-purpose classrooms, seminar space, a fabric room, two art rooms, a food technology room, three technology rooms, two science rooms, a gymnasium and an administration area. Stage 2 was commenced in term 2 of 2003 and was completed for term 2 of 2004 at a cost of approximately \$2.1 million. This work comprised a staff work area, a canteen, student and staff toilets, two general-purpose classrooms, a large music/drama classroom and two instrumental music tutorial areas.

The school was officially opened by the then Minister for Education and Training, now the Minister for Public Transport, on Friday, 21 May 2004. The total building cost for stages 1 and 2 was \$6.9 million, which included a state government contribution of \$3 million and a commonwealth government contribution of \$1.8 million, which was a total of \$4.8 million for stage 1. Funding for stage 2 included a state government contribution of approximately \$1 million and a commonwealth government contribution of \$1 million.

As I said, currently the school has completed the design development phase for the construction of VCE facilities. The action I seek is for this project to be funded in order to cope with the growth of the numbers of students at this school.

***Discovery*: editorial independence**

Mr CLARK (Box Hill) — I raise with the Minister for Energy and Resources concern about the possible conflicts of interest on the part of the editor of the *Discovery* magazine published by the Department of Primary Industries, and I ask the minister to investigate and take action to eliminate any such conflicts of interest.

Discovery magazine has been published by the department and its predecessors since 1997. It is a magazine to promote minerals and petroleum exploration and development in Victoria, and some of its articles cover the activities in Victoria of various

minerals or petroleum companies. Since its foundation, *Discovery* has been edited by Mr Ian Howarth. For many years Mr Howarth was also a journalist at the *Australian Financial Review*, and his editorship of *Discovery* magazine did not raise any conflict issues. However, in 2006 Mr Howarth joined the public relations firm Farrington National. He is the general manager for Victoria, and his CV on the firm's website lists him as founder and editor of *Discovery* magazine alongside other activities.

At Farrington National, a number of Mr Howarth's clients include firms which are engaged in minerals or petroleum activities in Victoria. Two of Mr Howarth's clients have been Nexus Energy and Essential Petroleum, as is confirmed by the fact that his name features as the media contact person on various media releases by those companies. It is therefore most concerning to see that in the November edition of *Discovery* magazine, both Nexus Energy and Essential Petroleum feature in favourable articles about their activities in Victoria. Other companies for which Mr Howarth is named on various documents as the media contact in his role at Farrington National include 3D Oil and AWE (Australian Worldwide Exploration). Both AWE and 3D Oil are featured in the July 2007 edition of *Discovery*.

It is likely that a full comparison of companies featured in *Discovery* magazine since Mr Howarth joined Farrington against clients of Mr Howarth at Farrington would reveal even more correlations. *Discovery* magazine is a taxpayer-funded magazine that presumably costs many tens of thousands of dollars to produce each year. For Mr Howarth to be editor of a publication that features so many of his clients must unavoidably give rise to the perception that Mr Howarth has made use of this magazine to favour and promote his clients.

I do not know Mr Howarth, and I do not know if there is an explanation of the situation consistent with the absence of inappropriate conduct on Mr Howarth's part. However, I know there is a serious apprehension of bias and misuse of a publicly funded position within the minister's portfolio. I therefore ask the minister to fully investigate this issue, and to take whatever steps may be necessary to end this perception and eliminate any conflicts of interest.

Schools: Burwood electorate

Mr STENSHOLT (Burwood) — My issue is for the Minister for Education. The action I seek from her is the upgrading of my local schools, in particular Surrey Hills Primary School and Hartwell Primary

School. The minister and my constituents would be well aware that I am passionate about education and about supporting my local schools. We were very fortunate to receive funding in the 2007 budget for the upgrade of Roberts McCubbin Primary School in Box Hill South. That school was invited in 2006 to do an education feasibility study and then develop a master plan.

Some weeks after the invitation was extended to Roberts McCubbin Primary School in 2006, Surrey Hills Primary School was also invited to submit an education feasibility study. This was accepted and planning began for a new master plan and design for the school. This was developed over a number of months into 2007. The cost plan C was fully agreed on 31 October 2007 by the department. It covers design, detailed brief and a budget of \$5 933 516. Special factors were included in this including heritage restoration, the fall of the site, rainwater harvesting, a disabled lift, raised floor and the upstairs outdoor area. All classrooms are to be rebuilt and the 120-year-old central building will be converted into an administrative block. I ask the minister to fund this excellent redesign of the Surrey Hills Primary School in this year's budget.

I also seek the minister's support for rebuilding Hartwell Primary School, another school for which I have strong support and a close relationship with. I recall that during the 2006 election campaign the then Premier, Steve Bracks, promised to rebuild the junior school at Hartwell, noting that it was a prime example of outdated, light-timber construction classrooms in need of replacement. I have worked with the school and the department so that an architect was appointed late last year to help develop the education vision at Hartwell. There have been many meetings this year with Baldasso Cortese Architects. Concepts have been developed emphasising classroom groupings with flexible learning areas, and detailed drawings are being prepared this week. Teachers and parents are being consulted.

I am visiting the school tomorrow to talk to the school council and the principal there about the design. I am also visiting Surrey Hills next Monday night. On behalf of the Hartwell school community I invite the minister to visit to see for herself the current state of the buildings and to discuss the plans for the school. I also ask her to consider early funding for the school upgrade. I also ask in terms of upgrading my local schools — —

The DEPUTY SPEAKER — Order! The member can ask for only one action. He has asked for the upgrading; he cannot ask for the visit.

Mr STENSHOLT — I have only asked for one action, which is to upgrade my local schools. I also ask the minister to consider inviting Ashburton Primary School and Wattle Park Primary School to submit education feasibility studies with a view to moving to develop new building master plans for these excellent schools in my electorate.

Health: funding

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the attention of the Minister for Mental Health, who is also the Minister for Community Services and the Minister for Senior Victorians. The action I seek is for the minister to live up to the commitments the government has made to vulnerable Victorians to fund promises and turn around the real reductions in funding in the upcoming budget. On this government's watch vulnerable families and communities are suffering more than ever. What did we see in last year's budget? A number of promises were not delivered. For those with a disability there was a cut in per capita spending of 1.2 per cent, and there was a reduction of 3.5 per cent in the drug and alcohol budget.

Mental health services need to be bolstered by the delivery of 73 beds at Dandenong Hospital, which Labor promised but has not delivered. We know that 24 per cent of mental health patients at Dandenong Hospital have to wait for more than 8 hours for a bed. Funding for the new beds will make a real difference. Interestingly, however, before these beds are added, Dandenong Hospital's mental health bed rates perform well on key performance indicators compared to most other mental health facilities, with 2.09 beds per 10 000 adult population compared to a state average of 1.72. These committed beds should be funded, but there are many city and country acute mental health services which desperately need additional beds and continue to be ignored by this government.

As I have said a number of times, the Austin Hospital's dilapidated child and adolescent unit also needs major redevelopment. Our youth mental health system is tight enough without existing health facilities having to turn people away. The government must fund the major redevelopment in the budget.

The Premier says alcohol is the no. 1 issue for young people, but we are still waiting, almost six years on, for the Victorian alcohol action plan. I have no doubt that Prime Minister Rudd has taken some of the wind out of

the government's sails on this issue, but it is a state government responsibility and the state government's rhetoric has not been matched by leadership and commitment of resources.

The government must also tell us if it is going to honour the federal government's election promise of an additional \$960 million increase in disability funding through the commonwealth state/territory disability agreement (CSTDA) provided that the state government matches it on a fifty-fifty basis. The commonwealth state/territory disability agreement is the primary mechanism through which disability services are funded, but in recent negotiations the CSTDA has been plagued by political games, and negotiations broke down. Interestingly, in those negotiations the Brumby government rejected a fifty-fifty funding deal offered by the Howard government. Now we will see if the blame game really is over. To keep the Rudd government's promise the Brumby Labor government must provide its share of approximately \$240 million of new funding over five years in the upcoming budget.

Senior Victorians have also not had their promises delivered. The redevelopment of the Stella Anderson Nursing Home in Bendigo and the Trentham Nursing Home residential aged care are commitments that must be funded and the aids and equipment funding must be expanded, as it does not come even close to matching current demand. Vulnerable Victorians deserve better than the budget cuts and undelivered promises. This government really can and must do better.

Station Street, Fairfield: speed limits

Ms RICHARDSON (Northcote) — The matter I raise is for the attention of the Minister for Roads and Ports, and it concerns Station Street, Fairfield in my electorate. The action I seek is for the minister to implement a reduction in the speed limit and create a 40-kilometre speed zone. Station Street, Fairfield is one of the busiest roads in my electorate. It has a busy shopping strip, two neighbouring schools, a senior citizens home and a nearby railway station. It is a very congested part of Station Street.

Local traders led by Mr Biviano and local constituents have for some considerable time raised concerns about the speed of vehicles travelling down Station Street. Exacerbating this problem is the large number of heavy vehicles using Station Street. These vehicles are bypassing a slipway that was purpose built for them north of Station Street. In bypassing the slipway and heading down Station Street they are adding to the problems being experienced on this very busy road.

In response to my requests in Parliament and the calls from my local community, the Minister for Roads and Ports, to his credit, has commissioned VicRoads to conduct a trial of 40-kilometre speed zones on busy shopping strips. High Street, which runs north-south through my electorate, was one of the streets that were part of the trial. I understand that the results of this trial are now being considered by VicRoads and the minister.

I am also aware that following my discussions with VicRoads it has already conceded that Station Street should no longer be deemed an arterial road; that the neighbouring Grange Road, which runs parallel to Station Street, is an arterial road and should be the main thoroughfare for heavy vehicle and traffic use; and that Station Street would be better deemed to be a local road. I have made representations to council to ensure that Station Street is deemed a local road so that further traffic-slowing devices can be implemented on it.

I call on the minister to take action on behalf of the residents and traders who work and operate on Station Street and I look forward to any action that he can take to reduce the speed limit on this very busy street.

Police: Brimbank

Mr McINTOSH (Kew) — I have a matter for the Minister for Police and Emergency Services. The matter I raise concerns the problem with police numbers in the Brimbank police service area. The action I seek is for the minister to provide sufficient resources to enable Victoria Police to employ more police in the Brimbank area. The situation is that in the past five to six years Brimbank has had an alarming increase in the level of violence. Indeed, since 2001 the number of assaults has increased by nearly 90 per cent. What is even more alarming is that the level of assaults in Brimbank is just on half those in the central business district (CBD) of Melbourne, which is a matter of profound concern to all of us, but certainly in Brimbank it seems to be escalating at a far greater rate than even in the CBD of Melbourne. In the past six years crimes against persons have risen by some 60 per cent.

No doubt all of us were alarmed today to read in the *Herald Sun* that looking at the rosters of the Sunshine police station and taking into account vacancies and long-term secondments — not just normal leave or similar things but just secondments and vacancies — one in five police officers at Sunshine just do not exist. That means that, in a police station that has an authorised strength of 87, there are 11 vacancies, including 7 long-term vacancies.

This is not the first time the issue has been raised in this place by members of the house. Some years ago the member for Derrimut was at pains to request that the Minister for Police and Emergency Services attend to police resources to deal with the issue of crime in his area. A member for Western Metropolitan Region in the other place, Mr Finn, raised this very same issue.

Regrettably there seems to be some confusion. I noted that recently in a journal he publishes the member for Keilor indicated there were 177 uniformed police. However, when it was drawn to his attention that that was inaccurate in the Brimbank police area, he apparently said it was the minister's office that had provided him with those numbers. Victoria Police denies there are 177 police in that area, which compounds the problem. The government may not necessarily know that there is a problem out in Brimbank.

I call on the minister to provide the appropriate level of resources to address this significant problem, and indeed to address the burgeoning problem of violence in that area and the absence of some one in five police officers. It seems to be a correlation that we do not need in this state, and it is an urgent matter the minister needs to address.

Wallan Secondary College: funding

Mr HARDMAN (Seymour) — I have a matter to raise with the Minister for Education. The action I am seeking is that the minister provide funds for stage 3 of Wallan Secondary College. It presently teaches years 7, 8 and 9, with 425 students enrolled already, and those numbers have hit capacity within the permanent school buildings. It has proved a popular school not only in Wallan but also in the surrounding communities, with students travelling in from all around the district.

Wallan Secondary College has been recognised for its design. It is a marvellous facility with a committed staff and parent community. However, the community is concerned, with students nearing years 11 and 12, that the school does not have all the facilities required to provide students with the opportunities they need at the upper end of their education. Of particular concern to the principal and the school council is the need for a library that will allow students to conduct research and provide a space for studying and working quietly.

I recently attended the school and spoke with students as a result of the community's anxiety about whether or not stage 3 funding will be forthcoming in this budget. The students expressed to me their concern as to whether the school will be able to cater for their needs

into the future. As well they were keen that their wonderful school did not turn into a sea of old portables.

The whole community of Wallan takes a great deal of ownership over the secondary college. The campaign for the school goes back more than 20 years. The site was purchased by the Cain and Kirner governments and, like most other areas, nothing was done under the Kennett government. One of my first jobs when elected as the local member was to make representations to ensure that the Wallan Secondary College site was not on the 'For Sale' list, and if it was, to have it taken off. There was a great deal of lobbying when I was first elected. There was a lot of preparing of reports and evidence gathering; a lot of hard work was put into making the college happen. That is why there is so much concern and hope that this wonderful school gets the funding it needs for stage 3.

The people of Wallan see the secondary college as the heart of the community. It used to have hundreds of secondary students leaving the town every day, and now it has hundreds of students either staying in town and going to school or coming into the town for school, which of course provides more employment in the town. This also allows students to get a real community feel for Wallan.

I thank the minister for meeting yesterday with the school principal, Wendy Caramarco; the vice-principal, Mark Ridgeway; the school council president, Ray Hines; and me. They reiterated all of those concerns. New facilities at the school would need to include a library, gymnasium, technology wing, more general purpose classrooms, hard courts and things that a good school needs to go into the future, and I hope it can be funded to stage 3.

Loddon: road funding

Mr WALSH (Swan Hill) — The action I seek is from the Minister for Roads and Ports. I draw the minister's attention to a plan by the Loddon Shire Council to reduce its asset funding burden, and I ask him to urgently allocate some funding to enable the council to abandon its plans to reduce the number of sealed roads in its shire. Council has serious concerns with its asset funding gap of \$1.8 million a year, \$1.5 million of which is attributed to roads, and it has released a draft road asset management plan to counter this issue.

The council plans to discontinue surface sealing and rehabilitation of at least 28 of its sealed roads to reduce that asset funding gap to \$696 000 a year. The plan will

be put to the vote next month at the council, but the sheer size of the funding gap suggests that reluctantly the councils may have to support the plan. Under the council's road asset management plan, traffic on a road must exceed 100 vehicles per day to warrant resealing, and rural sealed roads that carry less than 50 vehicles and 10 trucks a day will eventually become gravel roads. As the seal fails, work will begin to return the roads to a gravel surface. Minor gravel roads will be treated only on request from the community, and they are subject to funding.

With gravel maintenance and renewal less than one-third of the cost of sealed roads, council says the plan is an attempt to provide ratepayers with an affordable and sustainable road network. Currently 19 per cent of the council's roads are sealed, 50 per cent are gravel and 31 per cent are unsealed. By maintaining these roads at a lower standard — and I emphasise the 'lower standard' — council can better afford to maintain its extensive road network.

The asset funding gaps are an issue facing many rural councils, and councils in my electorate tell me that Loddon Shire Council is taking a brave but pragmatic approach to its asset funding gap. Some councils are already reluctantly taking similar approaches. These asset management gaps and the resultant council actions are the result of chronic underfunding over the last nine years from the Bracks and Brumby governments, and they are a sign that local government must have funding for its asset renewal and maintenance, not just funding for new projects that give ministers opportunities for media events. The Bracks government legislated to make local government the legitimate third tier of government, but with the record funding that the government has available, it is not backing that rhetoric up with action by funding local government appropriately.

We understand that roads are fundamental to economic growth and prosperity and a vital link to the transport chain, and it is time the government recognised the financial pressures under which local government is being forced to operate, particularly with respect to roads. I urgently seek the minister's attention to redress the Loddon shire's asset funding burden.

Daylesford Secondary College: funding

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Education. I ask the minister to take action to bring forward the funding for Daylesford Secondary College, which in general operates in older light timber construction

(LTC) classrooms that were constructed in, I believe, the 1960s.

I quite enjoy going to Daylesford Secondary College because it brings back memories of my days at school. The fabric of the school is not unlike Belmont High School, which is where I attended secondary school, so it is nice to be reminded of my school days by seeing these buildings which are just like those I remembered at Belmont High School. However, we need to recognise that those buildings built in the 1960s were not expected to last as long as they have, and while there has been a lot of work done to upgrade the school over the years, the LTCs are looking pretty tired and in need of replacement.

We have, as I said, done work over the years at Daylesford Secondary College, and most significantly only this year the government opened what is known as the Arc Recreation Centre, which is a basketball stadium-cum-recreation facility on the site of the school. As part of that work we also undertook to update the drama and gymnasium facilities at the school, which all occurred with a contribution of \$1.7 million from the state government.

That has been well received at the school. However, ahead of the last state election when the government announced that it would be committing to renewing or rebuilding schools across the state, Daylesford Secondary College staff and students became quite excited, knowing that as a school operating from essentially an old 1960s school site, this would mean they had the opportunity to rebuild their school. Since that time it has been confirmed that they could go ahead with planning for the rebuilding of the school — something that has clearly excited the school — and I have been pleased to meet with Heather McIntyre, the principal of the school, to examine the planning proposals. I have talked to members of the school community, and clearly they are getting excited about this opportunity.

However, I ask the minister to take action to ensure that this school can be provided with that funding in the next funding round so that the school community can be further excited knowing that this work will go ahead. I have spoken to the minister on a number of occasions. She is aware of my enthusiasm for the work at Daylesford Secondary College going ahead in the next round of funding. I am confident that she will recognise all that I have said and deliver this funding.

The DEPUTY SPEAKER — Order! Prior to calling the minister, I would like to make some comments on the matter raised by the member for

Doncaster. I refer to previous rulings on the matter by Speakers Coghill and Plowman and Deputy Speaker McGrath, which are recorded at page 4 of *Rulings from the Chair*. It states:

A member can only raise one matter for the attention of one minister.

The member for Doncaster raised a matter for one minister, the Minister for Mental Health, who is also the Minister for Community Services and the Minister for Senior Victorians, and then raised a number of matters across those three portfolio areas. In this instance I will allow the matter to remain in, but I will be seeking some advice on whether an adjournment matter can be conducted in that way in the future. I will report to the house accordingly.

Responses

Mr WYNNE (Minister for Housing) — The member for Kilsyth raised a matter for the Minister for Planning in the other place, seeking his attendance at a meeting with a Montrose quarry action group. I will refer that matter for the minister's attention.

The member for Lara raised a matter for the Minister for Education in relation to funding support for the Victorian certificate of education facility at Lara Secondary College. I will refer that matter to the minister.

The member for Box Hill raised a matter for the attention of the Minister for Energy and Resources about an alleged conflict of interest of the editor of *Discovery* magazine. I will refer that matter to the minister.

The member for Burwood raised a matter for the Minister for Education in relation to funding support for the future upgrades of the Surrey Hills and Hartwell primary schools. I will refer that to the minister.

The member for Doncaster, according to your ruling, Deputy Speaker, raised a matter for the Minister for Mental Health, who is also the Minister for Community Services and the Minister for Senior Victorians, in relation to further support for vulnerable families. I will refer that matter to the minister.

The member for Northcote raised a matter for the Minister for Roads and Ports in relation to Station Street, Fairfield, and in particular speed reductions in that precinct. I will make sure that matter is referred to the Minister for Roads and Ports.

Mr Thompson — On a point of order, Deputy Speaker, the minister is doing an excellent job of running through the matters that have been — —

The DEPUTY SPEAKER — Order! The member should bring himself to the point of order quickly.

Mr Thompson — It is a pity that there are only two government members in the chamber at the moment — —

The DEPUTY SPEAKER — Order! The member for Sandringham should sit down.

Mr Thompson — Two government members! It is a disgrace!

The DEPUTY SPEAKER — Order! The member for Sandringham knows full well that that is not a point of order, and I caution him not to use the standing orders of this place in such a frivolous manner.

Mr WYNNE — The member for Kew raised a matter for the Minister for Police and Emergency Services in relation to police numbers in the Brimbank area.

The member for Seymour raised a matter for the Minister for Education in relation to the funding of stage 3 of the Wallan Secondary College and its ambitions in relation to its building program. I will refer that to the Minister for Education.

The member for Swan Hill raised a matter for the Minister for Roads and Ports in relation to the Loddon shire and the proposals by that shire for a reduction in funding for sealed roads in that municipality, and seeking the support of the Minister for Roads and Ports for a different response.

The member for Ballarat East raised a matter for the Minister for Education in relation to the Daylesford Secondary College and the future expansion needs of that college. I will refer that for the minister's attention.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.27 p.m. until Tuesday, 6 May.