

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

21 November 2001

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

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The Hon. D. V. NAPHTHINE

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Mr P. J. RYAN

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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Wednesday, 21 November 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

Mr Clark — On a point of order, Mr Speaker, I wish to draw your attention to an article that appeared on the front page of today's *Age* entitled 'Schools blast for Bracks' that appears to relate to a report of the Auditor-General that has not yet been tabled before this Parliament. The publication of the article raises questions of both privilege and courtesy towards the house.

It would appear to be, at the very least, a gross discourtesy to this house that the Auditor-General's report would appear in a newspaper prior to being tabled. It may also raise questions of privilege. Although there is no explicit reference to the matter, chapter 8 of the 22nd edition of *May's Parliamentary Practice* states:

Generally speaking, any act or omission which obstructs or impedes either house of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

There was unanimous support in this house for the principle that the Auditor-General be an independent officer of Parliament reporting to the Parliament. That is undermined by what appears to be a deliberate leaking of this report. It places this house, the public and the media at great disadvantage when a report of this nature is made available selectively to a particular media outlet.

The report would have had limited circulation prior to its being tabled in this house. It raises questions about whether someone with a motive to do so may have made it available to the press on the day of a major sporting event or in another way to pre-empt the proper tabling of the report and its availability for scrutiny by the house.

I therefore ask you, Mr Speaker, to investigate this occurrence and report to the house on how it occurred, what you are able to find out about who leaked it, whether someone connected with the government or the minister's office was responsible for the leaking of it and what steps can be taken to prevent such occurrences in the future.

Mr Loney — On the point of order, Mr Speaker, I refer you to the procedures of the house and the procedure for raising matters of privilege. In the

opening part of his point of order the honourable member for Box Hill referred to matters of privilege and possible breaches of privilege. That was clearly out of order. Matters of privilege can be raised only after written notice to the Speaker. I invite you, Mr Speaker, to advise the honourable member of the correct procedure for raising those matters.

The SPEAKER — Order! The honourable member for Box Hill raised a point of order asking me to inquire into the tabling of an Auditor-General's report today and its publication. I am not in a position to rule on that point of order at this time, but I shall examine the requirements of the act and the tabling of the report and rule on the point of order at a later stage.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Housing: loan schemes

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

The humble petition of the following residents of the state of Victoria sheweth state government-sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings Capil, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised: 'affordable home loans specially structured to suit your purse';
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level (i.e., 20–25 per cent of income for the duration of the term for all the loan types);
4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty (1 Tim. 2:2).

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

By Mr MAUGHAN (Rodney) (7 signatures)

Laid on table.

PARLIAMENTARY DEPARTMENTS

Annual reports

Mrs MADDIGAN (Essendon) presented reports for 2000–01 of:

Department of the Legislative Assembly
 Department of the Parliamentary Library
 Department of Parliamentary Debates
 Joint Services Department.

Laid on table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Water resource allocation

Mr SEITZ (Keilor) presented report, together with appendices.

Laid on table.

Ordered to be printed.

CHILDREN'S COURT OF VICTORIA

Annual report

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2000–01.

Laid on table.

PAPERS

Laid on table by Clerk:

Adult Parole Board — Report for the year 2000–2001

Auditor-General — Performance Audit Report — Teacher work force planning — Ordered to be printed

Glenelg-Hopkins Catchment Management Authority — Report for the year 2000–2001

Goulburn Valley Health — Report for the year 2000–2001

Housing Guarantee Fund Ltd — Report for the year 2000–2001

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns September 2001 — Ordered to be printed

Victoria Law Foundation — Report for the year 2000–2001.

MEMBERS STATEMENTS

Major projects: web site

Ms ASHER (Brighton) — All honourable members know there are no major projects, but there is, however, a major project web site, and last week that web site referred to Premier John Bracks, which raises the question of whether the honourable member for Broadmeadows has half the numbers.

However, the Premier of Victoria also has a web site where he lists his achievements. The Premier has listed two achievements on his web site. The first is the Bracks government's first 100 days. I would have thought that was a reflection of time rather than an achievement, but it is one of two achievements listed by the Premier on his web site. The second achievement listed by the Premier is the Growing Victoria Together summit, again one of the over 500 reviews which are causing inertia in this state. The Premier's web site then moves on to the current events section, and he has listed three events: the budget — I thought it was the duty of the government to bring down the budget; Harmony Day — a message from the Premier; and the Victorian women's summit.

So according to the government's own web sites it has two achievements, three current events — all historic, March, May and July — and the Premier is a guy called John. That is the government's summation of what it is doing. All I can say is that the government should get on with the job of growing Victoria rather than displaying this sort of inertia.

Geelong Advertiser

Mr TREZISE (Geelong) — I take this opportunity to mark an historic occasion within the community of Geelong — that is, the first edition of the *Geelong Advertiser* in a tabloid format. This might not sound like a significant occasion for honourable members from outside the Geelong region, but I can assure this Parliament that after many years of wrestling with a

broadsheet format the people of Geelong welcome the new look *Geelong Advertiser*. When I say 'many years', I mean specifically that the *Geelong Advertiser* is 161 years old today.

The *Geelong Advertiser* is proudly the oldest daily newspaper in Australia, having first been printed on 21 November 1840. Over this time the newspaper has established itself as an integral and important part of the Geelong community. The newspaper prides itself on being the voice of Geelong, and to a large degree that is an accurate description. It significantly reflects and shapes the opinion of the Geelong community. From a personal point view, like thousands of other Geelong people I have grown up reading the *Geelong Advertiser*, but I do not think about how dependent I am on it until, for whatever reason, it is not delivered — especially on Monday mornings when the local sports results are printed.

Given the importance of the newspaper I was pleased to attend the community breakfast this morning, at which the paper was launched by the Premier. The *Geelong Advertiser* is an institution in Geelong — it has been for 161 years — and with this change for the better I firmly believe it will remain the main — —

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

Kyabram: Federation festival

Mr MAUGHAN (Rodney) — At the Voice of the People Federation festival held at Kyabram last weekend a light-hearted melodrama written by noted Melbourne playwright Graham Pitts and based on the Kyabram reform movement had its world premiere. The Kyabram reform movement was founded at a well-attended meeting at the Kyabram Mechanics Institute on 15 November 1901 — 100 hundred years ago last week — with the stated objectives of reducing the waste and extravagance of the Peacock government by reducing the number of members of the Victorian Parliament from 95 to 46, reducing the number of ministers to 5 and reducing salaries of both members and ministers by two-thirds.

A monster public meeting held at Kyabram on 16 May 1902 resolved to force the hand of the government. This it did when the Peacock government fell and the Irvine government implemented much of the Kyabram reform movement's agenda. Descendants of reform movement members attended an excellent exhibition staged by the Kyabram Historical Society, as well as the premiere of the play. I congratulate the coordinator of Voice of the People, Carol Howell,

members of the cast of *Reform* and all those associated with the staging of this historic celebration of the movement, which the Premier of the day referred to as 'that remarkable and almost unparalleled movement which had originated in Kyabram'.

Socceroos

Mr CARLI (Coburg) — The Melbourne Cricket Ground was awash last night with green and gold as the Socceroos beat Uruguay 1–0. I join the rest of the Parliament and all Australians in supporting the Socceroos in their next match against Uruguay and wishing them well. It was a magnificent performance by a home-grown team. The players play in some of the most competitive leagues and for the finest soccer clubs in the world, but they are all passionately Australian — they all came back to Australia to play in this team.

I particularly want to give credit to Frank Farina, a Australian-born coach who has followed a series of overseas-born coaches. A local has been in charge. We saw a Melbourne boy, Kevin Muscat, kick the winning goal; Mark Viduka, a local boy, play a magnificent game; Josip Skoko, from North Geelong, play a fabulous game; and Harry Kewell, a New South Wales player who is now one of the most sought-after soccer players in the world, play a wonderful game.

The whole country will join together on Monday morning to view what will be a fabulous game. Whatever the result we know one thing — the Australian team will play passionately, from the heart and with great skill. We all join together in supporting the team and wishing them well for a victory in Montevideo.

Freedom of information: Premier's office

Mr KOTSIRAS (Bulleen) — I condemn the Labor government for making it very difficult to gain access to documents under freedom of information. On 9 October 2000 I requested, among other things, copies of taxi vouchers used by the Premier's private office. Despite restricting my request to assist the officer and despite 12 months having elapsed from the date of my initial request, I am no closer to receiving the information.

What is the government hiding? Have advisers used taxi vouchers to attend sporting events, do their shopping, or after they have enjoyed a few glasses of wine? I have been advised that one director in the Premier's private office used a cab to go from his office to Richmond and signed the voucher for \$150. I ask the Premier to deny these allegations and provide me with

the copies of the documents that I have requested. Was the director responsible for this publicly funded gift to a taxidriver Mr Ben Hubbard, Mr Dan O'Brien, Mr Rob Hudson or Mr James Higgins, or was it some other senior adviser?

I have written to the Ombudsman who advises me that an investigation is under way. If the government has nothing to hide, why is the Premier not releasing those documents? The government's freedom of information policy is nothing more than a sham. I ask that the Premier show some leadership and release the documents now.

Corio Bay Senior College

Mr LONEY (Geelong North) — In the early hours of 10 November there was a major fire at Corio Bay Senior College. It was the second fire that the school had suffered in the last two years, and unfortunately it destroyed drama and arts facilities that had also previously been lost in a fire in the school hall just on a year ago. I would like to offer my congratulations to the school principal, Steven Boyle, and his staff for their response to the difficult circumstances they found themselves in.

It is a Victorian certificate of education (VCE) campus and exams were to begin the next day. The school worked throughout that weekend to ensure that there was no disruption to exams for its VCE students and all commenced on time on the Monday and were handled without a hiccup. This is a great school with a great teaching staff, and it is highly respected in my local community for the educational achievements it is delivering.

I also thank regional office staff, particularly Peter Brain and Chris Marshall, who spent countless hours at the school to ensure it was secure and safe. I thank the Minister for Education for taking only five days to announce funding for the restoration of the school and proceeding to stage 2 of its construction.

Lilydale High School

Mrs FYFFE (Evelyn) — I rise to congratulate principal John Benison, staff and pupils at Lilydale High School who were involved in an excellent Federation project — an oral history of the shire since Federation.

The students held a series of activities throughout the year — far too many for me to mention in my limited time today. They included lantern slide shows, window displays, dramatisations and a 'Yarra Ranges since Federation' booklet. They interviewed numerous

members of the community about everyday life in the shire since Federation and those interviews will feature in a forthcoming publication.

The benefits of the project are epitomised in the following comment by Andrew Miller, a year 12 student, after he had interviewed Mr Gordon Chandler. He states:

Mr Chandler's experiences show me how hard the older people of our shire have worked to make it better — he made me realise that I, too, can make a difference and make our shire a better place for future generations.

The Federation project culminated in a special assembly where the guest speaker was the 2001 Australian of the Year and chief of the army, Lieutenant-General Peter Cosgrove. He spoke to the assembly about opportunities and challenges, reflections on the past and visions for the future. It was an inspiring address by a great man who epitomises who and what we are as a nation today. His address was very much appreciated by the students. He set a very high bar for them to achieve, and I congratulate him on what he has done for Australia.

Linlithgow Day Centre for Older Persons

Mr LANGDON (Ivanhoe) — I would like to pay tribute today to the Linlithgow Day Centre for Older Persons. On Wednesday, 24 October, I had the privilege to be at the centre as a guest for the announcement by the Minister for Aged Care, Bronwyn Pike, of \$35 000 for the first recurrent funding Linlithgow has ever received. In the past Linlithgow has only survived on grants from trusts, churches and other donations. But it is now getting a \$35 000 grant from the state government on a recurrent basis.

The home and community care funding will give Linlithgow a more secure funding base and allow a wider diversity of programs. In this the International Year of Volunteers Linlithgow is a great example of what volunteers can achieve in the community. The Linlithgow centre could not exist without the help of a large number of volunteers, from the board down.

I take this opportunity to also pay tribute to Mrs Margaret Heathorn, who was admitted to the general division of the Order of Australia just a few weeks ago. The award was not only a tribute to Margaret but to everyone at the Linlithgow centre. Margaret has led a band of very special people who assist the elderly within Ivanhoe. Margaret has been a full-time, unpaid coordinator at the centre and has made it what it is today.

In closing I also pay tribute to the chairperson of the board, Reverend Dr Schultz, the past chair, John Shiliday, the Ivanhoe Uniting Church and all the volunteers who put a lot of work into making the Linlithgow centre a great community facility.

Workcover: premiums

Mr WELLS (Wantirna) — This statement condemns the do-nothing Bracks Labor government and the Minister for Police and Emergency Services for failing to provide recompense to the Country Fire Authority for a massive blow-out in its Workcover premiums, thereby threatening fire services and community safety this summer. The recently released Country Fire Authority annual report for 2001 has revealed that the CFA had to pay an additional \$864 000 in Workcover premiums for the past year, which is a massive increase of 111 per cent from \$775 000 to \$1.63 million. That increase means that the CFA will have no option but to slash more than \$800 000 from the provision of fire services across Victoria. At a time when the CFA is advising the Victorian community that this summer's fire danger will be the highest for many years, the government is asking it to fund the Workcover premium blow-out from its operational budget without even 1 cent of recompense.

The CFA is now paying for the Bracks government's gross incompetence in managing Workcover, and fire services across rural Victoria will have to be cut this summer to pay for the government's inefficiency. I call on the government to immediately boost the operational budget of the CFA to compensate for the Workcover premiums and to pay for this blow-out to ensure that the level of fire service protection is not reduced this summer.

The SPEAKER — Order! The honourable member for Dandenong North has 1 minute and 20 seconds.

Dandenong prayer meeting

Mr LENDERS (Dandenong North) — I wish to pay tribute to and acknowledge a prayer service held in the Dandenong region last Thursday between the Islamic and Christian communities in the area. It was auspiced by Fr John Pearce, the head of the Catholic Deanery of Dandenong, and Mr Sher Keshtiar of the Afghan community. The two communities got together to pray for peace in Afghanistan and tolerance between communities. It was a very moving service, and the traditions of the Christian and Islamic communities were expressed. The prayer service was led by Fr Chris Monaghan from the Catholic Church and Mr Khalil

Shamim from the Islamic community. There was a moving flag ceremony. The Catholic community currently has 78 flags on display and the Afghan flag has been added and now 79 flags are on display. The flag was very ably presented by Leah Rolfe, a 13-year-old student from Avila College in Waverley.

It was a very meaningful service and it was important to the two communities. Mr George Jornet from the Catholic community organised the service in conjunction with his Islamic neighbour, Mr Sher Keshtiar, and they need to be commended. The service ended with a great rendition by both communities of 'We shall overcome'. It was a very moving night.

CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958 to create new offences of corporate manslaughter and negligently causing serious injury by a body corporate, to amend the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Occupational Health and Safety Act 1985, the Magistrates' Court Act 1989 and the Accident Compensation Act 1985 and for other purposes.

Read first time.

VICTORIAN INSTITUTE OF TEACHING BILL

Second reading

Debate resumed from 1 November; motion of Ms DELAHUNTY (Minister for Education).

Mr HONEYWOOD (Warrandyte) — I rise to put forward the opposition's position on the greatest piece of window-dressing legislation that has ever come before this Parliament. Why is it window-dressing? The Labor Party that went to the last election two years ago, which is now in government, cannot even be bothered to have its minister in the chamber for her first piece of legislation in over a year. Labor went to the people of Victoria and said that it valued the teaching profession and that it was going to ensure that the profession had its own truly independent professional association. Not only was the association going to be truly independent, but it was going to provide training opportunities for existing teachers to be even better than they are already in this state education system, which Labor inherited.

What do we find as the bill is presented to the house? After three pieces of taxpayer-funded propaganda have gone out to every school and every teacher in an attempt to persuade them to believe that the Victorian Institute of Teaching will be the greatest thing for the teaching profession since sliced bread, the latest full-colour blurb, which went out to teachers and was paid for by taxpayers, explains:

The Victorian government's pre-election commitment was for the institute to be 'independent and representative'. The subsequent terms of reference from the Minister for Education to the committee demonstrate the government's desire for the institute to be governed by the profession in the interests of the public ...

It continues in proposal 23:

The institute must be, and be seen to be, a genuinely independent body. As a statutory authority it would have the necessary degree of independence from government and other stakeholders.

But what is in the legislation? Lo and behold, this minister, who does not trust principals, does not trust school councils — having abolished self-governing schools — and does not trust teachers, because on the front page of last Tuesday's *Herald Sun* she revealed her true intent with her legislation, intends that parents be given powers to sack more teachers. That went down like a lead balloon across the teaching profession! This minister has contrived — —

Mr Haermeyer interjected.

Mr HONEYWOOD — I take up the interjection. We are putting forward half a dozen amendments today, and I will get to the reasons for those amendments in a moment. They are about to be distributed and they will go right through the upper house, for very good reason, and I will get to that in a moment.

The Minister for Education has contrived on the one hand to claim that this will be an independent body, but lo and behold, look at the governing body clauses in the bill. What do we find? Her own working party, after two years of deliberations paid for by the taxpayer, recommended 12 elected representatives on the governing board and 10 appointed by the minister. It was a sleight of hand by the minister, and now 10 members will be appointed by the minister. How many will be elected? Nine will be independent! The minister will also appoint the chairman, who will have an extra vote, so the minister will control 11 votes, the elected representatives will control a whole 9, yet this minister and this Premier say, 'We have got an independent professional body'.

What a farce! What an indictment of a Labor government that claims to value teachers and support the profession. So little does the minister trust the teachers of this state that she has claimed one thing and then in legislation here today has shown that it will be a totally different picture that is before the public of Victoria. Ten members appointed, 9 elected. Is this meant to be independence?

Let us look at the trade-off. What was it? We heard from Don Tyrer and Andrew Ius, the two public servants who have been left to implement recommendations of a two-year working party report, which obviously the minister does not trust and is not going to follow. In the briefings we had, including briefings with the minister's adviser, we were told that the trade-off for introducing a new tax of around \$70 a year for every teacher in the state of Victoria, which currently they do not have to pay, would be a new, independent body.

A con job has been done on every teacher in this state's education system. It is a con job that will take money from them and give them nothing in return, because what will this body do? It will be a rubber-stamp body. There will be no new powers for parents to sack teachers, contrary to the front-page article in the *Herald Sun*. There will be no benefits for teachers, because despite the minister claiming that the body will provide professional development and ongoing training for the teaching profession, we have been told in briefings, and it can be seen in the bill, that the organisation will have no professional development function. I need only quote from the latest bit of propaganda that finally hit the teachers staff rooms recently:

The institute would not be a provider of professional development services.

Let me read from the minister's press release of 13 November — this year, would you believe? In government-printed propaganda she told the teachers that unfortunately there was going to be no professional development, yet just after that she put out a press release saying:

The institute is being established to improve the quality of teaching in all Victorian schools. It will be a representative professional body having a strong focus on professional standards, qualifications and professional development.

This is a minister who, when in trouble, blames everybody else. Only this morning she blamed the federal government. She blamed the teachers union. She blamed the schools for filling only 70 positions of the 220 teacher scholarships funded by the state government when there were 750 qualified applicants. There is a teacher shortage but this minister blames

everybody but herself. Instead of getting out into the schools and finding out what is going on, the minister prefers to go to arts event openings and the latest opera and ballet performances and to sit in her ivory tower.

She cast aspersions on the previous government for funding that office but she now sits up there in the lap of luxury. The only time she visits schools is to pull a media stunt like the one today at 12.15 p.m., when she and the Premier will go out to a school to announce a wonderful new initiative — 120 additional secondary school teachers — all designed to camouflage an embarrassing Auditor-General's report which will be tabled in this Parliament in a moment.

The DEPUTY SPEAKER — Order! I ask the honourable member to come back to the provisions of the bill.

Mr HONEYWOOD — Madam Deputy Speaker, it is all related and I am sorry if you are embarrassed by these details. The bottom line is that the Auditor-General's report has shown that for two years, while this minister has been going to arts event opening nights, there has been no strategy in place for doing anything about the teacher shortage despite the two-year-long promise during Labor's election campaign that it would provide more teachers and more — —

Mr Haermeyer — On a point of order, Madam Deputy Speaker, while a little latitude is normally granted the lead speaker on any particular bill, you have already called the honourable member for Warrandyte to order for straying from the purpose of the bill. He has been talking now for nearly 10 minutes on a matter that has absolutely no relationship to the bill.

Mr Dixon — On the point of order, Madam Deputy Speaker, page 3 of the second-reading speech for this bill refers to teaching scholarships and how many have been offered, so the discussion is relevant.

The DEPUTY SPEAKER — Order! I uphold the point of order because the honourable member was in fact referring to the Auditor-General's report into a number of matters not specifically related to the bill. I also ask the honourable member not to make reflections on the Chair in his address to the house.

Mr HONEYWOOD — Thank you, Madam Deputy Speaker, I uphold your ruling. It is interesting that the minister can get away with saying what she likes about scholarships in the second-reading speech and yet we have a ruling that the opposition in its response cannot talk about teacher scholarships. It is a very interesting ruling, but I respect your right to make

it despite the minister's own second-reading speech propaganda.

The Minister for Education, in her exclusive interview in the *Herald Sun* on Tuesday, would also have us believe that this bill will bring in, for the first time, compulsory police checks on teachers. These police checks were brought in with a ministerial order in 1994, yet she is claiming credit for something that has been mandatory for every new teacher and every transferee teacher since 1994. When you look at clause 9, Madam Deputy Speaker — as you rush to see whether I am being relevant or not — you will see that — —

The DEPUTY SPEAKER — Order! I ask the honourable member to treat the Chair with appropriate respect. He is disorderly.

Mr HONEYWOOD — I am treating the Deputy Chair with the respect she deserves.

Mr Hardman — That's disgraceful!

The DEPUTY SPEAKER — Order! I ask the honourable member to behave in a manner that is appropriate in the house.

Mr HONEYWOOD — Clause 9 clearly states that there may be police checks. The minister on the one hand is purporting to bring in something new — that there will be mandatory police checks on every teacher in Victoria. On the other hand, let us read from the appropriate 'new initiative' clause. Clause 9 states in part:

- (4) The Institute may require an applicant for registration to —
 - (a) undergo a criminal record check or provide information about criminal records ...

She is watering it down! Instead of 'must have a police check' the bill proposes 'may'! Yet the minister goes off to the leading paper, the *Herald Sun*, and says she is introducing mandatory police checks.

When is this embarrassment of a government going to ensure that the Minister for Education knows what she is talking about? It is bad enough that the Minister for Police and Emergency Services promises new police positions that he never delivers because they are still in the bloody graduate training academy. The Minister for Education has an overflowing in-tray and gives freedom of information responses after seven months instead of 45 days. No member of the public can get her to sign a letter — she will not sign a letter as minister — because she flick passes the signing of letters to junior public servants. She cannot even

understand her own legislation, and if she understands it then she is deliberately playing loose with the truth when giving media interviews. There is no other interpretation of it: she either does not know her stuff or she is out in the marketplace trying to provide journalists with exclusives that she is going to do something.

When the legislation comes before the house an independent body is not promised, there is no professional development for existing teachers as promised and there is a tax on teachers that gives them no benefit in return. The minister claims credit for bringing in mandatory police checks that have been in place since 1994, and then she turns around and now says they may happen. She is watering that down.

Let us look at how the opposition will fix up this inept minister's poor legislation by introducing five amendments. In order to ensure that the minister is held accountable by a truly independent body, we are going to change her attempt to control completely a professional body such as this. We will change it so that, as per her working party recommendations, there will be a majority of elected representatives. There will be 12 elected representatives, and 10 will be appointed by the minister. We will let her have a chairman with an extra vote, because obviously she wants to try and control the chair as well.

Let us look at the internal workings of what the opposition proposes to empower the teaching profession while this government takes powers away from teachers. The minister's proposed 9 elected teacher representatives will include 1 government primary representative, 1 government secondary representative and 1 government principal representative, with the Catholic and independent education systems that this minister hates and despises fighting it out over 1 representative from the primary, secondary and principal categories between them and another 3 general elected teacher representative positions. We all know what that would mean — a gift to Mary Bluett and the teachers union that will ensure the union gets the majority say and gets its entire ticket up. The opposition intends to change that, because it values a house of review that can ensure that a government that claims one thing and does another is held to account.

The opposition's majority in the house of review will ensure that there will be freely elected primary representatives, freely elected secondary representatives and one elected principal representative. We will let the Catholic education system, which teaches 25 per cent or more of children across Victoria and does a great job of

it, have a genuine representative. Unlike this government, the opposition will give the Catholic education system one primary and one secondary elected position.

I turn to the independent school system, which involves some of the poorest community schools. I am sure, Madam Deputy Speaker, that in your electorate of Essendon there are some very small community, non-government schools, which for religious or other reasons that are often related to their ethnic backgrounds are doing it hard in trying to provide a non-government education to their children based on their own cultures and beliefs. Unlike this government, the opposition intends to let them have one independent representative.

Importantly, did this minister even think about the fact there are disabled kiddies in the education system who have special school settings? No, she did not. The opposition will give the special school system its own elected representative and will — —

Ms Duncan interjected.

The DEPUTY SPEAKER — Order! The honourable member for Gisborne!

Mr HONEYWOOD — They get very precious when the opposition fixes up their messy legislation.

The opposition will let the disabled of Victoria stand up and be counted by letting special schools have an elected representative — unlike this minister, who has probably never been to a special school in her life. She sits in her ivory tower and dictates from above, between attending opera and ballet openings. Unlike this government, the opposition will give the special school system its own bona fide elected representative.

Turning to the 10 appointments to this so-called independent body, which the opposition will fix up to ensure that the minister gets a minority of appointments, we will ensure that instead of there being only 1 parent representative out of 22 people — and we all know where that representative would come from: Joan Kirner's former mothers club — the opposition will ensure that there will be one parent representative drawn from — —

Ms Duncan interjected.

The DEPUTY SPEAKER — Order! The honourable member for Gisborne will cease interjecting!

Mr HONEYWOOD — The Gisborne budgie!

The opposition will ensure that there is one parent representative who will come from the government school sector and another who will be from a genuine independent school or Catholic school setting. We will ensure that parents are represented properly on this body as well.

The opposition will go further than that, because if you have a professional body for the teaching profession, what an insult it would be to give them only one teacher educator position. The opposition understands why the minister wants to water that down, and that is because she promised professional development as part of this legislation. It is not there, so she has been embarrassed into only having one teacher educator position. The opposition will have two and will ensure the inclusion of teacher educators in our universities, in the absence of any government strategy of getting anything done after two years in office and a looming teacher shortage — as was identified by the Auditor-General.

The opposition will ensure that our universities are not only seen to be but are stakeholders, therefore there will be two teacher educators/tertiary sector representatives. Whereas the minister is content to let the Catholic and independent schools fight it out between them, we will give each of those teacher employers one representative. Of course the minister will put her mouthpiece, the secretary of her department, in place as her employer representative, and we are content with that. So put them all together and you find that here is an opposition standing up for the teaching profession while this government attempts to railroad it, saying one thing and doing another.

The second group of amendments relates to this inept minister's next sleight of hand. Would you believe that, having said that the Catholics and independents can fight it out between them for one representative each in primary, secondary and principal categories, in putting forward her nine representatives the minister has allowed every teacher to vote for those positions? In other words, if the minister has her way the good old Australian Education Union, the union that represents government school teachers, will be allowed also to vote for the Catholic and the independent representatives. The minister will allow the AEU to totally dominate, through its ticket, the elected teacher representatives.

The opposition's second group of amendments, which parliamentary counsel have drawn up and have given us good advice on, will ensure that each and every teacher in Victoria will be voting for their own sector only. In other words, a government primary school teacher will be able to vote only for the government

primary school representatives, a Catholic primary school teacher will be able to vote only for a Catholic primary school representative. We will not let this minister get away with creating one state electorate and saying to government school teachers, 'Well, one in, all in. You can vote for whichever representative you like. Even though you have no idea of what is going on in Catholic schools and no idea of what is going on in non-government schools, we will let you elect whoever you want, because we want the teachers union to totally dominate the elected representatives of the teaching profession'.

We all know that no matter whether a teacher is in a specialist school or in a non-government school or in a Catholic school that teacher has rights, has a different tradition and has a different professional culture. Those differences would not be truly represented without this amendment.

The opposition's third group of amendments to fix up this government's attempt to do in the teaching profession by legislation will be to require that the ballot papers for the election process include a number of words from each candidate. Why? Again because this is a government that is totally beholden to trade unions. This is a government with a majority of MPs who come from the trade union movement, and the trade unions are their true masters, not the people of Victoria. We know that, and the people of Victoria do not like it. So when it comes to the election procedure, whether you are a non-government teacher or a government teacher, you can have a say.

If you are a government teacher at Tallangatta who does not happen to belong to the teachers union but you feel passionate about standing up for your profession and being on the governing body, and unlike those on the teachers union ticket you do not have the money to put all the propaganda out in every school to say why Fred Nerk, who has 20 years Labor Party branch membership and has done his time in the union, should get the guernsey, you will be able to have your say.

Under the opposition amendment you do not have to do all that, because we will allow every candidate, whether they be union or non-union, independent, Catholic or government, to have a say. Every candidate has the right to stand for election, and as per the great Australian constitutional referendum prerogative, they have the right to get their message and their platform out to each and every elector. So it will be a requirement under this amendment, drawn up for the opposition by parliamentary counsel, that each and every candidate be guaranteed a number of words attached to the ballot papers or as part of the package

that goes out so that they are known by the time the election is held.

The fifth part of the opposition's amendments deals with another interesting sleight of hand by this minister, because clause 84 of the bill establishes a number of colleges relating to different aspects of the teaching profession. Clause 84(1) states in part:

- (a) establish a College for promoting particular domains of practice within the teaching profession; and
- (b) appoint a governing board of the College to govern the College.

The principals associations are obviously worried, because whereas the Liberal Party and indeed the National Party value principals as chief executive officers, this government wants them controlled by the local union shop steward and does not want principals to be anything like the independent chief executives we want them to be. So after consulting with the secondary school principals association and the primary school principals association we are going to do the right thing by them through our fifth major amendment. It will ensure that instead of the institute being able to railroad the principals associations through the principals college, the institute will have to not just consult when it comes to the practices of these colleges but to reach agreement.

'Agreement' is very different from 'consultation'. It will mean that principals will have a say rather than being told, 'This is what we are going to do to you, and congratulations, we have just consulted as per the bill'. We will ensure that these colleges are fixed up rather than left as mouthpieces of the government's totally controlled institute.

The minister cannot be bothered being in the house — I might add that in 13 years as an MP this is the first time I have not had a minister or the opposition of the day's representative in the chamber for the second-reading response — and is obviously off doing her next media stunt to try to camouflage today's Auditor-General's report. Unless the minister shows she can be bothered to come into this chamber on her first piece of legislation in over 12 months, she will get to wear it: we will remove clause 61 to ensure that no meeting fee is to be paid.

Unfortunately we anticipate that the government will not take up our amendments because it is beholden to the union movement and does not want an independent body. By increasing the number of governing body members from 19 to 22, as per the working party recommendations, an additional 3 governing body

members will be able to get a meeting fee. This miserly government would not want the opposition to be giving an additional three members a meeting fee, so we have no choice but to put forward the fifth major amendment here today, which will remove clause 61 so as to ensure that no meeting fee is to be paid.

I add that representatives on the existing Registered Schools Board, which registers non-government and Catholic teachers, do not get a meeting fee anyway, so there is no change there. Equally, most of the representatives will be government employees anyway and are not entitled to a meeting fee. When the minister deigns to come into the chamber to examine our amendments she may have a change of heart. She may decide that she has been caught out trying to control a body when she promised it would be independent, that she has been caught out trying to say it would provide professional development when in fact it will have no training function to make teachers better teachers, and that she has been caught out in the teacher election process trying to ensure that the teachers union can dominate the elections, because its members will be able to vote for Catholic and independent teacher representatives. If she realises she has been caught out, then perhaps she might accept the opposition's amendments, in which case the meeting fee would come back into play.

But the minister has ignored her own two-year working party. She has ignored its key recommendation that there be 22 members with the majority being elected rather than being appointed by her, so we have no doubt that having ignored her two-year working party recommendations she will not be brave enough to come into this place and accept that the opposition has caught her out trying to use as a government plaything a body that the government promised in the election campaign two years ago would be independent. It certainly is not independent — all you have to do to understand that is read the legislation.

Of primary concern to the opposition is the minister's incredibly mischievous attempt to get away with saying she would introduce mandatory police checks. They have been in place since 1994 for every teacher who joins the profession or transfers from interstate. Only a week ago the minister attempted to get away with introducing them as a new initiative, when as I said they have been in place since 1994. However, it is watered down in the bill. Rather than being mandatory, clause 9 makes it clear that police checks may happen. So convicted paedophiles may get away without having a police check as a result of this minister watering down the police check clause.

If the minister bothers to respond to the debate on this legislation, I ask her to explain why we have gone from mandatory police checks to a situation where maybe they will happen, maybe they will not. It just does not make sense. Perhaps the teachers union has been in her ear again and extracted yet another backflip from Backflip Mary. The amendments have now been circulated.

The DEPUTY SPEAKER — Order! They have not yet been circulated. Does the honourable member want them to be circulated?

Mr HONEYWOOD — I formally request that the amendments I have referred to in my contribution be circulated so that all honourable members can see the fine democratic role the opposition is playing in ensuring that this body is made independent rather than just being told to be independent.

Opposition amendments circulated by Mr HONEYWOOD (Warrandyte) pursuant to sessional orders.

Mr HONEYWOOD — In closing, the minister's press release dated 13 November contains lie after lie. It claims the institute will have a professional development function, when it will have no professional development function. It claims the institute will be independent of government, when the legislation clearly has the government totally controlling this body. It claims that the trade-off for a new tax on teachers of \$70 a year will be that they get an independent body, when in fact this minister will control it by having 10 appointed and only 9 elected representatives.

I am pleased to inform honourable members that the Catholic Education Office, the Independent Schools Association and the secondary schools principals association, representing government schools, all support each and every one of the opposition's amendments. They do that because, like the opposition, they want the minister's rhetoric to be put into action. They want a truly independent professional body, and they do not want the Minister for Education to claim one thing and get away with doing another.

The DEPUTY SPEAKER — Order! I call the honourable member for Dromana. I am sorry, I call the honourable member for Shepparton.

Mr KILGOUR (Shepparton) — The honourable member for Dromana and I have been mixed up at various times by the staff in this place, particularly when the honourable member for Dromana was first

elected, so that was understandable, Madam Deputy Speaker!

The National Party is pleased to make a contribution on the Victorian Institute of Teaching Bill. I fully support the shadow minister's comments on the bill. I congratulate him on his magnificent work, particularly in getting the school organisations to come to grips with what is being proposed.

While National Party members think the concept of a teaching institute seems okay, it is the way in which the Labor Party has set this up in typical union fashion, as we have seen in so many other areas of government, that gives us cause for concern. It needs to be said at the outset that the standard of teaching in our community goes to the very essence of the future of our society. The future of our children depends on the way in which they are taught in our schools and the educational standards that that involves. The way they develop through life has a great deal to do with their teachers.

When I look back on my own school times I think of the magnificent primary school teachers we had at the Katamatite Primary School. I remember the standards set by one gentleman, Alex McLachlan, who will forever be a lifelong friend of mine and who has played an important role in my life. When I look at some of the standards upheld in the classroom by the teachers of today, I see that the standards set by Alex McLachlan are missing — for example, dress standards and more importantly community standards, particularly in areas where schoolchildren are able to watch what teachers do.

I also say from the outset that the National Party fully supports the amendments that have been brought forward by the shadow minister, and it will support them both in the lower house and in the upper house.

The bill refers to the key issues that need to be addressed, including the changing profile of the profession and the increase in the average age of teachers. We also need to look at the lack of men teaching students in our primary schools. Some schools do not have any men teachers. In general, the women teachers of this state do a magnificent job, but unfortunately there are some students who do not have a father living in their home, and when they get to school there is no father figure to show them what it is like to have a man who wields the stick and to ensure that students understand that discipline can be meted out by men as well as women. In many cases the discipline meted out by men is a little bit harder than that meted out by women.

The community needs to come to grips with those things. I hope that an institute such as this will take it on itself to encourage as many men as possible to go into primary teaching in particular. I admit that my daughter is a primary school teacher. She does a wonderful job teaching special students at the Mansfield autism school. I take my hat off to special teachers for the work they do in those schools. I therefore support the amendment that will give teachers in special schools some say in this new institute of teaching.

The nature of teaching is changing. Social and technical changes have altered the way we teach. The old blackboard has just about gone, and students are able to use computers. Copiers and so forth are able to do much to aid students.

The bill refers to the need to raise the status of teaching. Teachers see themselves as professionals while not belonging to a profession, and I can understand that. Some teachers have brought down the standards of the profession, which is not enjoyed or liked by other teachers. It is disappointing to see some types of people teaching in our schools. Soon after I was first elected as the member for Shepparton I visited schools in my electorate. At every secondary school I visited I heard principals bemoaning the fact that they had teachers in their schools who should not have been there but they could not get rid of them. The former government gave some of those people the opportunity to leave the profession. Unfortunately some teachers did not feel that they were good enough to get a job anywhere else and stayed in the profession, whereas some of the good teachers got out and bought mixed businesses or did other things in life.

Some teachers in the system do not keep up standards. I have been in schools and seen teachers wearing tracksuits. They do not look as if they are professionals. If teachers feel they need to have a profession it is up to them to be professional about that as well. The government's answer to the concerns that need to be addressed is to create the Victorian Institute of Teaching.

I have talked to principals, heads of education, a whole group of people about what they thought about this institute of teaching and what it might do to the teaching profession. The general feeling was that the concept is good. The feeling was that yes, teachers need to feel better about their position and that we need to look at standards and make sure standards are kept up. However, after saying the concept was good, everyone I spoke to always came to this issue and said, 'But it will be dominated by union members, and therefore we

will not get out of this institute what we should get out of it'.

We all remember back to the Joan Kirner era when schools had administrative committees. These committees were made up of the principal, the deputy principal, and X amount of teachers. Those teachers had to come from the union, and the union nominated its most radical people so that basically decisions could not be made in the schools without the union's okay. The honourable member for Seymour may not have had much to do with that. I do not know how many of the schools he taught in had a lot of teachers. I know he was a principal of Flowerdale Primary School and places like that.

In my early days in Parliament I spoke to many principals who were sick and tired of being hogtied by the union because it was the union-dominated administrative committee that said what a school could or could not do. It was the coalition government that took away the power of the unions in schools and said that the principal is responsible for what happens in a school with the support of the school council — and on that school council were teacher representatives, parent representatives, community representatives and school leaders. I think a very satisfactory result came out of getting rid of union domination within schools.

Now this minister wants the union domination back, because there is no doubt that many government employees would be old union mates.

Honourable members interjecting.

Mr KILGOUR — I am sure the honourable members for Rodney and Swan Hill understand that that is what will happen. There is no doubt that the teacher representatives will be dominated by union representatives. We will go back to the good old days.

Remember the Joan Kirner era? If you wanted a rise of \$6000 to \$8000 you got eight of your mates to say you were good enough for it — if you don't mind! That is what happened; that is why there was a blow-out in education. We need to ensure that this government does not go back to the bad old days and that the union does not dominate the institute.

Frankly, I believe if it is done properly the institute could play an important role in the future standard of education. That is exactly what education leaders said to me when I went out and talked to them. They said, 'Yes, the concept is good, but' — there was always the 'but'. They said, 'It is not appropriate for a union-dominated board to handle a complaint against a teacher' — and I can understand that. At the moment it

is done through the department, and it seems to be done successfully.

The college of principals that is proposed for the institute must be nominated for and by the principals and not have the union telling it what to do. That is what the principals are saying about this bill: that is what they are saying to me, and that is what they will say to the minister as well. They have told me that morale in schools is low and this will not necessarily do anything to improve that.

The experienced teacher with responsibility (ETWR) system is not working. There are a whole lot of problems in schools. When I go around the schools the first thing principals complain to me about is the ETWR system. There is criticism that the institute will not work under union domination. Teachers do not mind having to register. They realise that if there were a register of teachers they could be checked up on, but that does not seem to be a problem and I do not think it frightens the teachers. However, there are problems with the way this has been proposed.

It was rather unfortunate that the *Herald Sun* of 13 November set out the article on the front page as it did because it certainly put teachers down. I have a tremendous regard for the teachers in this state. When I go to schools I marvel at the work that teachers are doing, particularly with music and computers, to ensure that students get the basic knowledge they need today. In general we have a fantastic lot of teachers in our community, and I think many of them would do well under a registration system. Not too many would want to pay a registration fee. I think if you went to talk to them they would say, 'This is another tax on us', as was mentioned by the previous speaker, the honourable member for Warrandyte.

It was unfortunate to see headlines such as that which appeared in the *Herald Sun* stating 'Power to parents: tough new controls on teachers', because I do not believe this is what it is all about. I do not believe the minister and the government expected this would come from the *Herald Sun*, and I am disappointed to see that sort of reporting in such a paper. It basically overlooks the issue that 95 per cent of the teachers in our schools are great teachers, and that it is the 5 per cent that need to be checked up on — or it might be 3 per cent, 7 per cent, or whatever. The honourable member for Seymour would obviously have colleagues in his former trade whom he would probably say would be better off doing something other than teaching.

An Honourable Member — Name names.

Mr KILGOUR — He will not name names, as he would not in his current profession. Everybody understands that there are a few square pegs in round holes that do not fit and should be got rid of — but that is not a general issue.

Teachers have made some interesting comments about the institute in letters I have received. One teacher says:

It would be most inappropriate to extend the role of the institute beyond secondary schools —

such as the sectors of TAFE or vocational education and training, higher education and adult education. The teacher says:

The proposal does not address the most pressing need in regional Victoria for the provision of teacher training at regional locations ...

That is a good point. These teachers are noting that in country Victoria we need professional development and training for teachers. The teacher continues:

The regional centres need on-site teacher training, with a program available every four or five years ...

The institute may provide some useful services but it is not immediately apparent that it will raise the status of the teaching profession ...

This is not me speaking; this is a principal who has written to a member of Parliament talking about this issue. The letter says further:

Nowhere in the speech are the key performance indicators and key performance targets listed. The document concentrates on processes rather than outcomes.

I thought that was a good point. The teacher then says:

Another problem I have with the document is that the speech does not quantify the problems; rather it concentrates on media rhetoric which may vary substantially from reality — for example, a problem of sexual harassment in one school does not justify a total change to the system.

In another letter a college principal writes:

... I don't believe it will resolve the shortage of supply issue we have been telling DEET about for a number of years.

These are the sorts of expectations by principals of the department and of a new institute. They are saying that this is not likely to work, because it has not been promoted as a part of the institute. The letter also says:

The scholarship scheme mentioned in the introductory section has been an embarrassment.

Further it says:

Coupled with this is whether the introduction of the VIT will spell the end of the 'instructor class'. For remote rural and not

so remote rural the instructor class has been the saviour of many fine programs.

The principal is very concerned that the instructor class might go out the window and that therefore rural areas will be left with problems. The letter continues:

The ability to employ instructors when no qualified teacher exists must be protected at all costs.

I am not sure whether the institute will necessarily understand those problems that occur in rural Victoria. The gentleman also says:

I also worry about the spin the press are putting on the discipline aspect of the bill ...

I have already mentioned the headline on the front page of the *Herald Sun*. The letter also states:

Finally, it is difficult for Victoria to impose restrictive employment conditions at a time of teacher shortages. We may well end up exporting good teachers to other states who do not wish to be bound by government requirements and qualifications.

So there is a real concern that some of the teachers may not want to be involved in this sort of thing. I am not making a judgment whether it is good or bad. I am saying these are the concerns being expressed to members of Parliament since the bill was introduced into Parliament and the second-reading speech has been made. This letter concludes:

The type of policy envisaged to be more appropriate if tackled on a national basis.

So some of these people have some concerns. From the time that the discussion paper went out, we as members of Parliament have been receiving information back. The Association of Independent Schools of Victoria stated that it was concerned about the composition of the governing board of the institute; the means by which the members of the board would be selected, elected and appointed; and the balance between the sectors of the board. Other concerns were the inclusion of interested parties other than teachers on the board, the scope of the board's work and the relationship of this to other activities within the profession, and the changes required to the Education Act in respect of the responsibilities of the Registered Schools Board. It also talks about issues that the association sees as being of vital importance to the future of independent school education.

We have before us a bill which I believe shows we can go some of the way towards supporting the teaching profession. That, in many people's view, is a good concept. However, in the putting of that concept together there are many misgivings from people within

the teaching fraternity. I will be interested to hear comments from the honourable member for Dromana and others who have been involved in teaching. As the honourable member for Dromana has been involved in independent schools I am sure he will have some very interesting comments to make.

Mrs Peulich interjected.

Mr KILGOUR — I am sorry, he was involved in Catholic education. I am sure he will bring to the house the issues that sector regards as being important.

Although the National Party will not oppose the bill, it does support the amendments that have been circulated in the name of the honourable member for Warrandyte. I hope those amendments will be accepted by the government so that this institute which will play such a vital role in the future teaching of our students will be the best institute it can be and provide the best outcomes for the future of Victorian students.

Mr HARDMAN (Seymour) — It is with great pride that I speak on the Victorian Institute of Teaching Bill today. As lead speaker for the government in this debate I believe it is very important. As has been noted by the honourable member for Shepparton, the future of our society is dependent upon the quality of our teachers. This bill is about ensuring we have the best quality teachers in this state.

I commend the people who have worked very hard with the Victorian Institute of Teaching working party to redress what has been a poor situation in Victoria — that is, there has been no registration requirement for our teachers. Obviously these policies were an election commitment and they deliver what we have said we were going to do. The VIT recognises the utmost importance of the teaching profession and provides teachers with a sense of professionalism. It covers teachers from all sectors — government, independent and Catholic — and also principals and employers. The work that was done bringing all of the stakeholders together is another example of the Bracks government's ability to listen to all interested parties and to come up with something that is acceptable to all, that has ownership by everybody and brings everyone along with us.

The shadow Minister for Education spent a little time on the bill. He spoke about his amendments and where he felt the bill could be improved, but then spent the rest of the time making personal attacks on both the Deputy Speaker and the Minister for Education, which I felt showed a lack of class. The Minister for Education has spent a lot of time in bringing this

together and listening to everybody. Once again this document was criticised as a glossy document by the shadow education minister. The document said, 'Have your say on the proposed Victorian Institute of Teaching'. It says to the teachers, 'Before this institute comes about we want to hear what you have to say about the kind of body you want to look after registration and to set your standards'.

The questionnaire within it required people to indicate what issues they felt were important relating to the topics and recommendations that were in a book, which was put together ably by people such as Andrew Ius and Don Tyrer. On the back it provided for comments so if people felt there was something that had not been mentioned they were able to put it together. That information had to be in by the end of May. I believe that shows a real commitment, giving teachers the trust to have their own professional body and to have a say in how it is going to operate.

This is in stark contrast to what was there previously. I can remember the black days of late 1992 and early 1993 when the registration board for government teachers was abolished. That went along with a whole host of other absolutely dramatic and terrible times where the professionalism of teachers and morale must have hit the rock-bottom low. If the opposition can get a grasp of what the feeling was at those times, it might have a better understanding of why it is in opposition now.

In the end it was its lack of compassion and its lack of understanding of people, whose feelings and sensitivities were ignored. A lot of my friends took packages and left the state. Now they are teacher educators, music teachers or head teachers in Queensland. All those were experienced, good people who I can remember having many conversations with over a glass of wine or at tea, often about teaching, the quality of teaching, how to teach, with their enthusiasm oozing on what they were doing for their PhD, masters or bachelors of education — all of these sorts of things — professional development, or the next book they were writing for teachers. Those were the kinds of conversations I used to have pre-1992 with those people. Now they are teacher educators in Queensland, which is a real shame, because we have lost those people forever. We need to bring them back or attract other people like them.

We now have a looming teacher shortage. It is already with us. We are lacking maths and science teachers. In country areas we cannot even get teachers for a whole variety of subjects.

The DEPUTY SPEAKER — Order! As I did with the honourable member for Warrandyte, I advise the honourable member that the bill is about teachers once they are employed, not about general comments in relation to the number of teachers and shortage of teachers.

Mr HARDMAN — Thank you, Deputy Speaker. The teaching profession obviously needs this body. Honourable members might recall the Standards Council of the Teaching Profession. Again this is in stark contrast to what the Victorian Institute of Teaching will be.

I can remember as either a head teacher or principal one day receiving in the mail from somebody — I still do not know who or what the Standards Council of the Teaching Profession is — these booklets setting out standards for teachers. I thought, 'Who asked me and who asked my colleagues?'. The answer is nobody. Those standards were imposed, and as a result teachers did not have ownership of them. If people do not have ownership of standards, they will not take notice of them.

The honourable member for Shepparton talked about some standards to do with dress or something along those lines that he felt were not being met. Maybe they would be if the standards were owned, written and put together by teachers. That is what this bill proposes teachers do. The governing council will write the standards, and most if not all teachers will abide by them because they will understand and own them.

Mrs Fyffe interjected.

Mr HARDMAN — Opposition members want to interject because they do not understand or accept that. Members opposite do not understand or accept the fact that in government they made a big mess of the teaching profession in Victoria. The former government lowered morale and did not look after the true professionals. It did not understand that a professional does a job because he wants to do it really well and wants to be the best. A professional teacher wants his students to grow up and one day say, 'I remember this teacher from this school and the great effect he or she had on my life. I am what I am today because that person was a wonderful teacher'. All teachers aspire to that, but they have to be given that trust to show that they can achieve it.

The Standards Council of the Teaching Profession is an example of an organisation with a dictatorial style. This bill is proposing something fantastic for teachers. Giving teachers ownership is also in some ways

providing good leadership. By going out before the formation of this institute and listening to people, the government has shown that this is how the Victorian Institute of Teaching will function. It will operate in a consultative manner, it will talk to all the stakeholders and it will include everybody. It is about valuing the ideas of all and allowing people to comment. That provides a positive outlook for the Victorian Institute of Teaching. It shows that the institute and its founders have put in place a truly representative body. They have done that not with what they have said but by the way they have gone about setting up the institute. I congratulate them on that. It sets up a very positive future for our teaching profession.

In an attempt to put down the government the shadow Minister for Education tried to pick holes in the governing council, talking about how many members it will have and where they will come from. The shadow minister has proposed amendments, which I suppose is something positive in the sense that he is doing something rather than just knocking. That is probably the one commendable thing that has happened. I must admit that I will have to go through the amendments to see whether they lock in positions that may be meant to lock into a particular body. While 25 per cent of our students attend independent schools, given the amount of money some of those schools have and their better student-teacher ratios, perhaps more than 25 per cent of teachers work in that sector. Therefore those teachers could have a certain amount of power. I may be wrong, and I am sure I will be told if I am. I am aware that the Catholic system has similar numbers of teachers to the government sector. We will wait and see on that.

It is important to note that despite the criticism from the opposition, this is the first statutory board in Victoria to allow for so much input from the people it represents. Members opposite get on their high horse and say how wonderful they are and that they will bring in all these things while making sure the unions do not get in because unions are so bad. Members opposite can bash, bash and bash the unions, but in being concerned about only that one thing they fail to recognise that this is groundbreaking legislation. It is something the opposition could never have done, because it would have had to ensure it looked after its conservative mates and put them on the board. This is a highly democratic body that is supported by all people, both progressive and conservative. It could not have been achieved by the previous government.

We need to ask what effect the legislation will have on the teaching profession, our students, our schools, the education system, society as a whole and the economy. That is how far reaching the profession is. This is the

most important piece of legislation in that sense. Our educators have the future of our society as we know it in their hands. It is very important that we provide our teachers with an institution that recognises this. How we treat them determines who becomes a teacher, teachers' self-esteem, who will stay a teacher and the morale of teachers — and therefore the overall quality and enthusiasm of teachers. This body will help decide all that. It might not fix every problem we might face, such as a looming teacher shortage. As was mentioned before, that is a national problem. Victoria is doing its bit to fix it, but obviously the federal government does not want to do anything. Perhaps the federal government might work out that it did not win the election because of Labor's education policy. Hopefully this bill will go some way towards addressing issues such as the teacher shortage.

The Victorian Institute of Teaching will also attract teachers to our country areas. That should be supported by the National Party members, because they know full well that attracting good professionals to isolated areas is not easy. I spent some time in a place called Edenhope, working at small schools around there. There is a feeling of isolation in such places. This body can provide a sense of connectivity to a profession so its members feel they are part of a whole group. That is a great thing.

I have looked at issues like professional development, and it is only right that this bill provides a professional learning framework. The good things being done by professional development bodies will still be there if they are good enough. It is not about throwing out the baby with the bathwater, as the present opposition did when it first came into government.

I am disappointed that the opposition has not focused on the positive aspects of this bill but has got into its typical union bashing mode to try to score a few points. I commend the bill to the house. It is groundbreaking and it is very important, and I wish it a speedy passage.

Mr DIXON (Dromana) — I rise to talk on a number of aspects of the Victorian Institute of Teaching Bill. I am in favour of the concept of an institute of teaching, because a profession such as teaching requires an institute to look after and govern it. While there are other noble professions in the community that are governed by institutes, there is no more noble profession than teaching. Of all the professions teaching is the one that influences people's lives more than any other, not only in the short term but in an ongoing, day-after-day, year-after-year manner. It is the profession that affects and forms the future members of our society, helping them grow in understanding,

knowledge and relationships. So it is a noble profession, and it deserves an institute to give it the recognition that other professions have.

An institute that represents the professionals within it should be one that is by, for and of those professionals. It should be an independent institute: it should be something that is not controlled by any other bureaucrat, member of Parliament or outside body. It should be there governing for itself and for the people it represents. It should be in control of its own regulations, standards, professional development and all the other aspects an institute would touch on in its life. It should control those matters because it knows the profession, represents the profession and is part of that profession.

No other professional institute is controlled by the relevant minister. For example, in any of the fields of science, engineering, law or medicine neither the Minister for Health nor the Attorney-General or the Minister for Manufacturing Industry has any controlling influence over the institutes that govern those professions. The exception is education — and I wonder why this is so. Why is it not independent? In the model before us 10 of the members would be appointed and only 9 would be elected, so the minister would have control over the majority of the board. Where is the trust, where is the independence, where is the distinct arms-length distance from the responsible minister enjoyed by every other professional body?

The minister's working party went through the issues and put out the submissions in a booklet entitled 'Teachers and school communities: have your say ... on the proposed Victorian Institute of Teaching'. There was a lot of consultation — various bodies were consulted — and a fair number of teachers responded. After doing that and after studying those responses the minister's working party recommended that the majority of members of the board of the institute should be elected, not appointed. The minister ignored this, again flying in the face of all other professions and the trumpeted announcement that this would be an independent body for and by the profession of teaching.

The minister is saying that the government will take \$3 million a year from the teachers but they will not be able to control it. So the minister is having it both ways. If you are taking \$3 million from the profession in fees, that body should therefore be independent. If it were the other way around — if the government was not asking for any financial commitment from the teachers — perhaps the minister would have the right to say the government would control the institute. But you cannot have it both ways: you cannot take the \$3 million and

then be in control of the institute. Teachers are not happy with that at all.

We had a briefing from the department, and I was interested in one of the statements in the briefing notes:

The governance arrangements for the institute have been designed to promote:

...

ownership by the profession.

This was in the briefing notes from the department. How can the members of the profession have any ownership of the institute if they do not have control over it? The majority of the members will not be elected representatives. So the bill flies in the face of what the department said in its own briefing notes.

The opposition looked around to see what was happening with corresponding institutes in other states of Australia and overseas. I would like to put the information on the record, because it makes interesting reading. The Queensland board of registration, the Queensland equivalent, has 15 members, only 1 of which is appointed by the minister — 1 out of 15! The South Australian teachers registration board has 14 members, with only 1 ministerial appointment; all the other members are elected by the profession. In Tasmania the teachers registration board, which will begin next year, has 10 members, with only 1 ministerial appointment; all the rest are elected by the members.

In Scotland the General Teaching Council, which has been going since 1965, has 45 members, with only 4 ministerial appointments; the rest are elected by the members of the profession. In Canada the Ontario College of Teachers has 31 members, with 13 ministerial appointments; again, the majority are elected by the members of the profession. The English teaching council also has the majority of its members elected by the professions. That makes the model proposed by the minister quite contrary to accepted practice in all other equivalent institutes throughout Australia and the Western world.

The honourable member for Warrandyte has circulated some amendments that support the independence of the institute.

We believe in a professional institute for teachers, but it should be governed by, for and from that institute. Therefore under our model 12 — the majority of members — would be elected and 10 would be appointed. That gives control and independence back to the profession. The elected teachers would be in the

majority and would therefore have the control and independence other states and other professions have.

Unlike the model put forward in the bill, the elected representatives would be in proportion to the size of the system they represent. Obviously the majority would come from the state system, because that is where the majority of teachers are. But there would be a proportional representation of teachers from the Catholic and the independent systems. That would give a voice to the professional teachers in each of the systems. Each of the three systems is unique. They are bound together by teaching, which is why they would all be part of the Victorian Institute of Teaching, but their professional culture is quite different. The culture, history and arrangements within each of the schools is very different, so it is important that the range of systems is recognised in the make-up of the institute's board.

Under the opposition's model special schools will be recognised. I know you, Mr Acting Speaker, have an interest in the special schools in your area, as I do in the special schools in mine. Again that is a very different teaching environment, but they are professional teachers and should be part of the institute. We should recognise that by allowing them to have a specific elected representative on the institute. Such teachers work in a different environment with children who have high needs. The importance of their teaching should be recognised, because they do a job that a lot of teachers would find hard to do. It takes a special type of teacher to work in a special school. The professionalism they would bring to the institute should be recognised by their having their own representative on the board.

The opposition's model recognises that parents should be represented on the board of the institute. The government's model has just one parent representative. We say that parents in both government and non-government schools should be recognised and have separate representation in the institute. There are a lot of misconceptions about parents who send their children to non-government schools. It is easy to lump them together in the 'rich' category, but when you look at the 98 per cent of independent schools and probably the 98 per cent of Catholic schools you find that they are schools that are reflective of society in general. In most cases parents are working hard, with perhaps two jobs, to put their children through a school that charges high fees because that is their choice. Therefore it is important that those parents have a voice within the institute that is equal to the majority of parents of children in government schools.

The opposition's model recognises employers from each of the systems. We are looking at three employers being represented in the institute — for the same reason as teachers. Each of the three systems is quite different. They have different cultures, including registration and curriculum. The unique differences in the three systems should be recognised by having employers from all systems represented.

I move on now to the issue of registration itself. It is important that we have one registration system for all teachers. As I said, the thing that binds teachers is education, a love of education and the importance of the profession. It does not matter which system you are in, all teachers should be registered under one body. I fully concur with that. I like the idea of provisional registration for first-year teachers. That is important, because when a teacher is at the coalface in the classroom it is very different from doing a teaching round. New teachers recognise that they would like to gain their ground before obtaining full registration, and I agree with the concept of provisional registration especially for first-year teachers.

The way registration will work is that all currently registered teachers will automatically be registered in the new institute, but after five years their registration will be reviewed. In a professional institute it is important that you do not take your registration for granted and that you work to improve yourself as a practitioner of your profession. As a teacher you should not stand still; it is not good for you, your students or the image of your profession.

I do not think any real teacher would object to their registration being reviewed after five years. But there are a number of practicalities that need to be addressed. The most glaring is that, because the majority of teachers will have their registration moved into the new institute automatically, they will be up for re-registration in five years time. That will involve thousands of teachers, and I ask how it will be done. It cannot be a mickey mouse process, because that flies in the face of what we are on about with this professional institute. What will be the criteria on which re-registration is based? Will it be that they have improved themselves or the contribution they have made to their profession? It will take a lot of time to handle the re-registrations, and obviously no matter what size the institute is in the end there will be too many for the members to deal with in a short time. The interim institute to be set up next year will be the one that works out the process, and it will have to address the matter carefully. It may even have to look at a staged implementation.

The re-registration will catch up on a number of people, particularly those who are now qualified and registered as teachers but are not teaching. That could be people like advisers, consultants, administrators or those who are on secondment to industry or to other bodies, and it could also be members of Parliament.

A number of us, as members of Parliament, are registered teachers. Our registration will pass on into the new institute, which will be wonderful. We will pay our yearly fee, and in five years time when we are up for re-registration hopefully we will be able to do that. This will especially affect honourable members on my side of the house who will still be in politics, unless they voluntarily retire in the meantime. Otherwise, what will happen to our registration, given that we will not have had any teaching practice over that period? We obviously will have kept up with the various educational issues that will occur over the next five years, but we certainly will have no practical experience. Other than taking tour groups and schoolchildren through this place, we will not have gained any new practical qualifications or experience over those five years.

Ms Duncan — Practising crowd control!

Mr DIXON — That is only for the Speaker. It is important that those who are very involved in education can still be registered as teachers. I hope the interim council will address this, whether it is through a college of those who are not practising teachers but wish to remain registered or through some other method. The issue needs to be seriously considered. I for one am proud that I am a registered teacher, and I would like to keep my registration, even though I may not move back into the profession.

A couple of honourable members referred to an article that appeared in the *Herald Sun* last Tuesday. The headline screamed about parental control to sack teachers, or something like that. I was aghast at that. I visited a number of schools recently and talked to a lot of teachers, as I usually do because there are many teachers in my family. They were also aghast at that headline. If you read the article you see that it has absolutely nothing to do with what this piece of legislation is about. They are chalk and cheese. There is nothing in this legislation that gives parents greater control over teachers.

It is a media beat-up, and it shows great ignorance on the part of the media people who wrote it. They were just looking for a story without caring about the facts. Or perhaps there was a grave misunderstanding of the legislation by somebody from the minister's office or

from the department who briefed the journalist. I am glad other honourable members have mentioned the article, because it was appalling and set the proposed institute off on the wrong foot. The article has affected the way many teachers and practitioners are viewing the institute, so a bit of work needs to be done on the issue.

The last thing I mention is professional development. With the build-up and some of the questions that are asked in the questionnaire and all the talk about the institute, it seemed that some practical control over professional development was to be very much a major feature of the institute. However, on reading the bill, there seems to be very little mention of professional development and the role of the institute other than mention of professional development about the institute, what it will stand for and how it will operate. There seems to be no nexus at all between the professional development in the curriculum and teaching areas that teachers want and control of registration by the institute. I am interested to hear contributions from government speakers. Hopefully the minister will come into the house and make a contribution on this important piece of legislation and perhaps answer my concern.

In conclusion, I welcome the concept, but this proposal is a betrayal of the profession because the institute will not be independent, it will be controlled by the minister. I wholeheartedly support the amendments that have been circulated by the honourable member for Warrandyte.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL

Second reading

Debate resumed from 1 November; motion of Mr HAMILTON (Minister for Agriculture).

Government amendment circulated by Mr HAMILTON (Minister for Agriculture) pursuant to sessional orders.

Opposition amendments circulated by Mr McARTHUR (Monbulk) pursuant to sessional orders.

Mr McARTHUR (Monbulk) — It is a pleasure to respond on behalf of the Liberal Party to the Animals Legislation (Responsible Ownership) Bill. In doing so let me make it clear that the Liberal Party has for many

years had a strong commitment to both responsible ownership of animals and the work on the prevention of cruelty to animals. In that work we in the Liberal Party have also recognised the need for farming enterprises and industries to be able to carry on normally accepted farming practice and to have some defence for that practice from applications by overzealous and extreme sections of the animal liberation and animal welfare lobby that sometimes make accusations that are unsubstantiated and take actions that are unjustified. As I said, members of the Liberal Party strongly support responsible ownership. We strongly support measures to prevent cruelty to animals, and we have a long record of doing that.

Honourable members will be aware that the bill amends two principal acts — the Prevention of Cruelty to Animals Act 1986 and the Domestic (Feral and Nuisance) Animals Act 1994. I will briefly go through those in turn and outline the Liberal Party's response to specific aspects of the legislation and then move on to some of the comments about the way it will or will not work and its impact on the broader community, let alone on animal owners.

The amendments to the Prevention of Cruelty to Animals Act are largely unspectacular and uncontroversial, with the exception of one clause as originally drafted. They propose some new offences and increase the government's regulation-making powers, and the opposition will deal with that later. The amendments also provide for increased opportunities or powers to search dwellings and seize animals. Those three amendments are welcome, and the new offences proposed in the bill are sensible.

There is already a prohibition on animal fights, cockfights, dogfights and those sorts of things, for very good reason. The Victorian community of the 21st century does not and would not support organised fights where people encourage one animal to fight another for gambling purposes, to win prizes or whatever other reason. It is no longer acceptable. Maybe in the 19th century it was an acceptable pastime, but clearly the community does not regard it as such now. Under the Prevention of Cruelty to Animals Act it is already an offence to organise an animal fight or to have premises for carrying out those fights. This amendment says that from henceforth it will be an offence to attend an organised animal fight, so that people who do so and are detected can expect to be charged and to face fines of up to 60 penalty units, or \$6000 dollars. It is hoped that that will be an effective deterrent for people who would otherwise get their sport out of watching animals tear one another apart. I think the community will support that, and I

congratulate the minister on bringing in that amendment.

There are also amendments relating to searching residential premises and the seizure of animals. There have been problems where inspectors or authorised officers have been aware of animals that have been mistreated. While they have had access to properties, they have not been able to specifically or effectively gain access to residences. In some well-known cases people who were mistreating animals were well aware of the limitations of the inspectors' powers. They deliberately kept the animals inside their residences in order to deny the inspectors access to gain evidence for prosecutions or to get hold of the animals to make sure they were being properly treated and cared for.

These amendments deal with those situations. They will allow an inspector with a search warrant to enter a residence. The inspector will need reasonable grounds to apply for a search warrant, and a magistrate will have to be convinced that the warrant should be issued. The bill will provide for the sort of circumstances that will then apply in serving and executing warrants and in notifying the owners, the occupiers or the residents wherever possible in order to avoid forced entry. But clearly the officers will have the power to effect a forced entry if that is necessary.

Secondly, the insertion of new powers into the Prevention of Cruelty to Animals Act to allow for increased ability to seize animals that are being abused or mistreated or are suffering will enable the minister, of his own accord if he has reasonable grounds to believe animals are being mistreated, to give notice to the owners of the animals and after seven days order the seizure of those animals so they can be disposed of in accordance with the act. Animals may be seized for care and rehabilitation purposes or for humane destruction, depending on their condition.

If the minister is not able or available to make the decision because of the time limits, there is also power for an inspector, with the written approval of the secretary of the department, to apply to a magistrate for an order to seize animals for virtually the same reasons. Again the bill sets out the details of the warrant and the procedure for the exercise or execution of that warrant. The Magistrates Court is to take proper notice of fair dealing with people who are subject to such warrant applications, and penalty provisions apply under these proposed sections as well.

Let us now deal with the amendment to the Prevention of Cruelty to Animals Act that, as initially drafted, did cause a problem. I refer honourable members to

clause 8 of the bill, the amendments circulated in the name of the Minister for Agriculture and the amendment circulated in my name. As drafted, clause 8 would insert a very broad regulation-making power into the Prevention of Cruelty to Animals Act. I refer honourable members who have an interest in this to section 42 of the Prevention of Cruelty to Animals Act, the regulations section.

Historically the Prevention of Cruelty to Animals Act has had very restricted and defined regulation-making powers, and the activities, actions, implements or equipment that have been banned have been banned by provisions inserted in the act and not through the use of some general regulation-making power. A specific power has been inserted into the act to deal with specific activities, actions, implements or pieces of equipment. As drafted, clause 8 goes far wider than that and would insert a regulation-making power that would allow the minister through the Governor in Council to prohibit or regulate any activity or procedure which may cause physical or other harm to animals and to prohibit or regulate any equipment or implement which may be used for a purpose involving cruelty to animals or which may cause physical or other harm to them.

On the face of it, that seems fine and reasonable. During the course of the briefings the opposition received from the government, and in the public statements it made, the government made clear that this regulation-making power was aimed at a restricted set of circumstances. The government spoke of banning equipment such as spurs used at cockfights, equipment used at dogfights and practices such as the pinfiring of horses. That is all the government spoke of and all we were briefed about in relation to the legislation.

I am not suggesting that the government deliberately contrived to deceive, but I do say that the briefing specified three separate and very narrow activities or sets of equipment that the government sought to ban. In the clause as drafted, the government has introduced a regulation-making power that is so broad that a minister could use it to ban any activity at all that he or she thought may cause harm to an animal. I can think of one or two activities in normal animal husbandry, and certainly in livestock husbandry, that would meet that test — for instance, the tail docking of lambs and dairy cattle, the castration of lambs and calves, earmarking cattle and sheep, the mulesing of sheep and the branding of cattle. These are all normal farming husbandry practices that, as a farmer for 40 years, I have followed on a regular basis.

My family, neighbours and farmers right throughout the length and breadth of Victoria have followed these

practices in a responsible and normal manner for decades. All of those things could be subject to a regulation made under this regulation-making power. Under the clause as drafted we could have had the prospect of a Governor in Council declaration in a quiet week or between Christmas and New Year when not everybody is paying a lot of attention to political issues — or perhaps even during the run-up to the World Cup play-offs, when Auditor-General's reports sometimes fall off the back of a truck — which proclaimed a regulation saying that tail docking is banned and you could face a fine of \$500, or whatever amount, if you do it in future. That may please some, but I assure the minister it would create havoc in the livestock industry, and it would certainly cause consternation amongst dog owners. That is far too broad a regulation-making power, as is the power that envisages the prohibition of any equipment.

I would have thought that there would be activists in the animal welfare or animal liberation lobbies who could quite plausibly, reasonably and passionately argue — perhaps they would not convince me, but I am sure they would convince some of the people in the media — that, for example, a lot of equipment and implements used in stock handling, such as the cradles used for lamb and calf marking, branding irons and rabbit traps, are all capable of inflicting cruelty or pain on an animal and therefore should be banned.

I imagine it would not be this minister, because he has some experience in these things and he has been around country Victoria, but perhaps a more naive and easily persuaded minister in the future might be convinced by that argument and might have a regulation gazetted, approved by Governor in Council, which banned rabbit traps. Those who have possession of rabbit traps, even though they do not use them — they were grand-dad's traps and they used them when they were a kid or something like that — if the traps are hanging in the shed or on the gatepost — —

Mr Hamilton — I have a few.

Mr McARTHUR — The minister has some. The minister may actually fall foul of this regulation himself, because he has admitted he has a couple of rabbit traps. In his retirement, when the minister is enjoying the benefits of superannuation, he would be very surprised to find that this regulation as drafted could make him a criminal. I certainly would not seek to have that done. I know the minister has no cruel intent — he is not a cruel man — so he is probably pleased that we have brought this to his attention.

The clause as drafted would allow extreme actions by either a government or a minister, actions that Parliament could not oversight, because the Prevention of Cruelty to Animals Act does not have a disallowance clause for regulations. The Domestic (Feral and Nuisance) Animals Act, which is also amended by this bill, has a single house disallowance clause in it, but the Prevention of Cruelty to Animals Act does not. As initially drafted this bill could have resulted in the proclamation of some very draconian regulations, and Parliament would not have had the opportunity to take action on those regulations on behalf of the wider Victorian community. The members of my party and I believe that is unreasonable, so we made public statements about it and drafted an amendment to delete clause 8. However, we made it clear to the government that in doing so we would welcome specific amendments that dealt with the three instances we were told about in the briefing that the government wanted to ban.

I have to acknowledge that the minister has acted on this quickly and has drafted amendments which in effect delete clause 8 as initially drafted and insert words to allow the proclamation of regulations banning those three specific activities or implements that the government sought to advise us of in the briefings. They are prohibiting the procedure of the firing of horses; prohibiting the possession and use of dog or cock fighting implements and other similar fighting implements; and prohibiting or regulating the use of pronged collars and electronic dog training collars. I thank the minister for making those changes. I am happy to advise him that we are very pleased to see those amendments and will support them during the committee stage if the bill gets to committee, and if it does I will not move the amendment I have circulated. The minister's reaction has been responsible, and I thank him for it and assure him that farmers across Victoria will be grateful that he has seen the wisdom and has reacted on their behalf.

I will turn to what are basically three groups of amendments to the Domestic (Feral and Nuisance) Animals Act. They provide increased penalties for certain activities, they increase the level of funding that goes to government from dog registration fees and they provide for the use of those funds for research and extended education into domestic animal ownership, management and education.

Controversial and worthy of significant comment are the very specific aspects of the legislation, and I will deal with these in reverse order because it will be quicker to do so. One amendment increases the amount of funds that a municipal council remits to the

Treasurer each year for dog registration. Currently it is \$1 per dog, and that will be increased by \$1.50 to \$2.50. The uses to which the money can be put are expanded, and money may now be allocated for research into domestic animal management. I have no objection to either the increase in the amount of money that is remitted to the Treasurer or to the increase in the area of research and expenditure. I invited comments on this legislation from the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and a number of municipal councils. As far as I am aware, as at 11 o'clock this morning we had no adverse comment about the increase in fees, so from that I am assuming that the councils are also happy.

Mr Steggall interjected.

Mr McARTHUR — Have you an answer? No, the honourable member for Swan Hill does not have an answer either. So either the MAV and the VLGA are relaxed about this — —

Mr Cooper — Councils are always relaxed about shoving up fees! They will be very pleased about that.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Monbulk, without assistance, on the bill.

Mr McARTHUR — I think the honourable member has a couple of issues he wants to pick up with his local council, and perhaps he will do that later on.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mornington will get the call at a later stage, and we will be happy for him to put his issues then.

Mr McARTHUR — There might be a Mornington Peninsula council about to get a spray from the honourable member for Mornington very shortly.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Monbulk on the bill.

Mr Cooper — They are all the same.

Mr McARTHUR — All councils are the same? No, some are better than others.

The ACTING SPEAKER (Mr Kilgour) — Order! Will the honourable member for Monbulk come back to the bill?

Mr McARTHUR — I would not want to wish Darebin council on any community other than Darebin. The Shire of Yarra Ranges, the City of Knox and the

City of Maroondah are far better operations than the People's Republic of Darebin. I would not like to see all councils lumped together permanently and on the record in this place, Mr Acting Speaker. That is just a passing comment as we go.

Mr Cooper — It is also a matter of opinion.

Mr McARTHUR — Yes, just a matter of opinion. Nevertheless, the councils have not objected to this increase in fees or the increase in areas that the fees would be expended on, so we are happy to accept that.

The second amendment to the Domestic (Feral and Nuisance) Animals Act relates to increased penalties, particularly for setting a dog to attack, to a very substantial 120 penalty units or six months in jail. It is a substantial increase and a very significant penalty for someone found guilty of that offence, and it will get community support because there is little support for people who deliberately encourage their dogs to attack either other animals or people.

There is also an increase in the penalty for liability for a dog attack. If a dangerous dog — not a restricted breed dog — that is not a guard dog attacks or bites any person or animal, the owner will now be liable for a fine of 120 penalty units or six months in jail. For the layman's benefit 120 penalty units is \$12 000, so people face a substantial penalty for this offence. A dog is declared dangerous because of its past actions, and these are not guard dogs but dogs that have had attack training or that have already attacked another animal or a person and been declared dangerous under the provisions of the act. If a dog that is not a dangerous dog attacks someone, the fine is increased from \$500 to \$1000. Those are broadly in line with community expectations and will cause no great offence.

I turn to what might be called the politically opportune parts of this legislation — that is, the breed-specific aspects. In creating this legislation the government is treading a path which other governments around the world have tried and failed at. Around the world breed-specific legislation has a sad and sorry history. I understand the reasons for it, and I do not question the motives of people who promote breed-specific legislation. However, I question the effectiveness of it, the research that led to the decision and the minister's own commitment to it, despite the fact that the Premier made a rash statement on public radio one morning about a sad and tragic event. It is the sort of knee-jerk political reaction that results in bad law, and as time passes it will be shown to be ineffective law.

The bill introduces breed-specific legislation in a fairly underhand and tricky way. It does not attempt to define breeds, although nominally it is aimed at four specific breeds. They are referred to in the advisory notes to the bill as the dogo Argentino, the fila Brasileiro, the Japanese tosa, and the American pit bull terrier. The bill simply says that all the dogs that the commonwealth bans for importing into Australia are declared restricted breed dogs in Victoria. Once a dog is a restricted breed dog then certain conditions apply to its ownership, control, management and registration, and certain penalties apply for breaches of those requirements.

The commonwealth regulations do not specify, define or accurately describe those breeds. They simply say you cannot import them. As far as I am aware the commonwealth import ban relies on the documentation that accompanies the dog. It does not rely on the expertise of the officers at the border being able to tell what is a Japanese tosa, an American bit pull terrier or a dogo Argentino. I would be surprised if Australian Quarantine and Inspection Service officers have the capacity to determine one from the other, and I would be very surprised if they have the expertise or experience to define a pure breed of one of those breeds or a crossbreed of one or maybe two or three of the four breeds.

The legislation hangs its hat on the commonwealth import prohibition. It says that if the commonwealth has banned it from being imported then it is to be a restricted breed in Victoria. How will that be exercised? In effect the government is saying that owner-onus applies. In the future when such dogs are registered or re-registered at the local council the owners will have to make declarations that the dogs are or are not members of those restricted breeds. That puts a substantial responsibility on owners who may not be in possession of the information.

Many people around the state know exactly the breeding and background of Rover in the backyard, but there are tens of thousands of Victorians with a pooch in the backyard who have not got a clue what its mother or father was. Whether it is brown, speckled, striped, brindle, tan, black or white does not matter — it is just a dog. It has a leg at each corner, a head at one end and a tail at the other, and that is about all they know. Somebody may have told them that it was a boxer-lab cross or three or six different types of cross when they bought it from a pet shop or when they got it from a shelter or a pound or from a neighbour or Auntie Beryl.

Mr Steggall — Why Auntie Beryl?

Mr McARTHUR — Aunty Beryl is a generous soul!

However, there are thousands of people around Victoria who do not have the foggiest idea about the breeding of the dog they control, are responsible for and in most cases love and care for. Yet when their registration is due for renewal or when they register the pooch for the first time they are expected to fill out a piece of paper and say whether or not Rover is one of those four breeds — and if they get it wrong they could be subject to penalties.

The government has a second string to its bow. Despite what the owner says about the dog, it can be declared a restricted breed. There are owners out there who have registered American Staffordshire terriers, which are virtually genetically identical to American pit bull terriers. They are bred for the same purposes and along the same blood lines, but historically there was an argument between two groups of owners who set up two different associations back in the early 20th century. The two different breeds are now recognised, with two different associations representing them. They will be treated differently by this act, despite the fact that some of the dogs belong to both breeds and have papers from both breed societies. Who the hell will tell whether the dog is an American pit bull terrier or an American Staffordshire terrier?

Mr Cooper — They will have a minister called Solomon!

Mr McARTHUR — We do not have a minister called Solomon. We have a bunch of authorised officers called Solomon and Solomoness who will be able to go around the state and, despite what the owner says about the breeding of the dog, point to a pooch and say, 'I think that is an American pit bull terrier so I will declare it to be an American bit pull terrier' — and that declaration will stand. That declaration will override the owner's declaration on the registration papers. That declaration could be challenged only if the owner says, 'Hang about a minute, I don't agree with you. I don't think it is an American pit bull terrier; it's a boxer cross. That is what it was described as when I got it from the Lost Dogs Home', or from the RSPCA (Royal Society for the Prevention of Cruelty to Animals).

Mr Steggall — Hugh said that is what it was!

Mr McARTHUR — Yes, that is what it was described as and that is what the owner believes it is! What will happen? You will have to go off to a panel of people appointed by the minister, who will be

experienced and expert in deciding what is or what is not a restricted breed.

Page 21 of the bill refers to the review panel. If somebody has declared your dog to be a restricted breed dog you will be able to apply within 30 days for a review of the decision. You will have to pay a fee, but you will be able to apply for a review. The minister will then convene a review panel consisting of three people with knowledge of or experience in the identification of dog breeds. I have talked to a few groups about this. The RSPCA wants nothing to do with this panel. It said, 'This is not our job; we do not want to be part of it'. The authorised officers of councils have said, 'We do not want to have anything to do with this. We don't know one dog breed from another. We are not qualified to tell'. I am not too sure who will do this, and I do not know if the minister is too sure about who will do this either. I have plenty of evidence, which I will get to, which says there is no scientific method known to man which will correctly identify whether or not a dog is an American pit bull terrier or a boxer cross or an American Staffordshire terrier.

This august panel of experienced people — who will not include RSPCA inspectors, because at their annual meetings and conferences they have said they do not want a bar of it and will only reluctantly be authorised officers of councils — will have to decide whether or not Rover is an American pit bull terrier. And good luck to them!

The bill is silent on what happens if an owner disagrees with the decision of the review tribunal. There is no restriction or prohibition on that aggrieved owner then taking action in the courts. I can see the prospect and very high probability of a series of appeals going to the Supreme Court on the basis of these review panel decisions, because owners have documentation or evidence which leads them, justifiably, to the view that the review panel got it wrong. If that happens the minister will have a serious problem, because that will clog up the courts with unnecessary cases which do nothing to protect public safety or promote animal welfare.

Let us look at what various people have said about breed-specific legislation. First of all I will refer to the RSPCA. In the 2000 edition of its A3 guidelines on companion animals the RSPCA addresses the question: what about aggression in dogs? Bear in mind that the Premier's reason for doing this is to control dangerous and aggressive dogs and to improve public safety. At page 24 paragraph 3.3.1.5 of the RSPCA guidelines states:

Behaviour may be influenced by genetic predisposition, experience (such as primary socialisation and other learning), present environment and the dog handler.

It does not say anything about behaviour being a specific attribute of breed. It refers to genetic disposition, but does not say that breed A does X and that breed B does something different. At page 27 under the heading 'Control of dangerous dogs' and the subheading 'Breed' paragraph 3.4.4 states:

Any dog of any breed or mixture of breeds may be dangerous and thus the legislation to control dangerous dogs should not discriminate on the basis of breed. Declaration of dangerous dogs should be based on the behaviour of the dog rather than its breed.

That is an official RSPCA publication dated last year; I do not believe it has changed. So the RSPCA says, 'Let us do this on a deed, not breed, basis'. Who else has had a view? On its web page the Australian National Kennel Council says:

The ANKC strongly opposes any legislation that determines a dog to be 'dangerous' based on specific breeds or phonetic classes of dogs.

It goes on to make critical comments about media hysteria and government knee-jerk reaction to this producing bad law. Further on it states:

We strongly oppose blanket prohibition on breeding and mandatory spaying/neutering which takes away the rights of breeders and owners who take and fulfil their responsibilities in a serious manner.

Finally, the ANKC says:

We will not support legislation which determines the 'dangerousness' of a dog on the basis of breed alone.

The Australian National Kennel Council is very clear in its views.

In comments on the legislation the Victorian Canine Association (VCA) says:

A dog of any breed, including a cross-bred dog, has the potential to become aggressive. Inappropriate behaviour in dogs is more likely to be caused by lack of control, lack of socialisation and training, and/or unsuitable environment. Attempting to control aggression in dogs by legislating against a breed has failed throughout the world and has caused significant pain and suffering to the non-aggressive dogs of that breed and many thousands of owners. Countless thousands of innocent dogs have been killed yet the incidence of dog attack has not diminished —

in those areas —

Dog incidents will remain a problem until governments recognise that the solution lies in effective community education not the killing of dogs. Killing by breed is an

ineffective quick fix sponsored by media generated fear and anti dog sentiment.

The VCA also points out:

At the Urban Animal Management Conference held in Melbourne —

only two months ago, Minister —

29–31 August 2001, the animal management officers (AMOs) —

the authorised officers of councils —

agreed that they were not qualified to identify dogs by breed, and further that they did not want that responsibility.

I put it to the minister that the authorised officers do not want to do it, as they do not believe they are qualified, and that the RSPCA does not want to do it, as it believes it has a conflict of interest in this and for other reasons. Who will do it? Perhaps some experts from the minister's department, or perhaps group-breed or multi-breed judges from the ANKC. I am not too sure who else would be brave enough to take on that job.

What was the response by the Australian Veterinary Association, which it emailed to the minister and the Premier? It says:

The experience in the United Kingdom and Europe is that —

restricted breed legislation —

leads to expensive litigation for government without a reduction in dog attacks.

It goes on to say:

It is a bandaid approach that will not prevent the problem of dog attacks.

It is ludicrous to introduce the legislation before Paul Hemsworth, the director of the Animal Welfare Centre, conducts a research and development project on dog attacks. This is akin to introducing an ovine Johne's disease eradication and compensation program before the national program was completed.

In other words, the minister has jumped too early. What does the American Pit Bull Terrier Club of Australia say? Clearly it has a vested interest in this because it represents one of the restricted breeds proposed to be legislated against. It says:

Breed specific legislation by its nature is unjust. Good dogs and good owners are punished equally as bad dogs and bad owners, while bad dogs and bad owners of other breeds are ignored.

It says further:

Another much discussed problem with breed specific laws aimed at the —

American pit bull terrier —

is the much debated topic of identification. It is very common for the general public —

and many so-called experts —

to incorrectly identify a bull terrier, Staffordshire bull terrier, miniature bull terrier, and all their crosses as an —

American pit bull terrier.

This is further confounded by the addition of the American Staffordshire terrier —

or Amstaff —

that can still have a dual pedigree issued as both an —

Amstaff —

or an American pit bull terrier.

There will be mass confusion as a result of this. It says further:

It is clear that a breed specific approach does not address what is an obvious social problem: that of inadequate control of domestic animals.

If he wants to improve animal management and public safety, the minister should penalise the deed, not the breed, because breed-specific legislation has not worked anywhere in the world.

I turn to a paper presented by Dr Stephen Collier, lecturer in human and environmental studies at the University of New England, to the Queensland government in response to its similar knee-jerk reaction in launching into breed-specific legislation. Talking about the instincts of dogs and breeding for particular traits he says that inbred instincts:

have to be shaped and developed by training, but some expression of them is a default behaviour of the respective breeds. Aggression is more highly developed in some breeds than in others, and it has been produced by selection for certain functions, such as hunting, property guarding, or personal protection.

He further says:

There are many forms of aggression in dogs, with scholars producing various lists, but generally they include dominance aggression, pain aggression, prey aggression, fear aggression, intra-dog aggression, possessive aggression, territorial aggression and protection aggression ... Of relevance to the American pit bull terrier is intra-dog aggression, which is exhibited to a high degree by many individuals of the breed.

That is because the American pit bull terrier was bred for fighting — one dog fighting another dog — but it was also carefully selected so it would not bite the handlers or judges at those fights. Dr Collier goes on to say:

However, even the breeds responsible for the greatest proportions of attacks have a majority of individuals that have never bitten anybody. It is reasonable to argue from this that there are not any dangerous breeds if this designation is meant to imply that all or most individuals of a specific breed are likely to attack people.

Dr Collier goes on:

Unfortunately, as lurid accounts of the breed's —

that is, American pit bull terriers —

depredations increased, the breed became more desirable to the worst elements of dog owners. An example of this was seen recently —

in the United States of America —

after two canary dogs (owned by criminals to guard drug processing premises) killed a woman in California. Breeders of canary dogs had a surge of inquiries for pups, with some callers openly stating that they wanted killer dogs.

How is this dealt with? Dr Randall Lockwood, a humane society professional in Washington, said in 1988:

Breed-specific regulations often come from a legitimate desire to identify problem animals before they cause injury. However, breed-specific provisions provide a superficial response to a deeper problem. Although 'pit bull' type dogs have lately been implicated in a disproportionate number of severe attacks and fatalities, this is a recent phenomenon that seems to reflect a consistent breed preference among irresponsible owners rather than a universal characteristic of the dogs. In the past similar focus was placed on other breeds that were fashionable among people likely to be negligent in the handling of their dogs. Breed-specific laws penalise responsible owners and good dogs while failing to address the many problems posed by other breeds and their owners. It is for this reason that most major animal welfare organisations, including the Humane Society of the United States, the American Humane Association, the American Society for the Prevention of Cruelty to Animals and the Massachusetts SPCA, recommend against breed-specific legislation.

There are a number of other relevant quotes in Dr Collier's paper, and I will refer to a couple of them. He makes the salient point that if American pit bull terriers were made to vanish from Australia immediately, the frequency and severity of dog attacks would be reduced very slightly, if at all.

The government in proposing this legislation has put absolutely no evidence on the table to show that the bill will achieve its stated aims, those being to improve responsible dog ownership and increase public safety.

Nowhere in the world has this approach worked, and nowhere in Australia has this approach worked — and it is not going to work here in Victoria.

I understand the minister's aims. I support his objective of trying to improve the responsible ownership and management of animals, whether dogs or otherwise. That is sensible and is supported by all sides. It is something demanded by the community, and I understand and support the government's wish to improve community safety. But I do not believe the government has the right answer. This will not work: it has not worked, and it cannot work. It is a political con foisted on the community by an opportunist and politically correct Premier who made a rash statement on public radio early one morning before he had had the chance to get decent advice.

The government is now out there saying, 'We have solved the dog attack problem. We have brought in restricted breed legislation, so pit bull terriers will now be controlled'. No-one can define a pit bull terrier, and no-one can properly define crosses between other breeds and pit bull terriers. I refer honourable members to these photos, and I invite the honourable member for Seymour to have a look at them. The first set comes from the government's own web site about rehousing potentially aggressive dogs from pounds and shelters. There is a photo amongst these of a brindle dog with a little bit of white under its chin going down its neck, with slightly floppy ears, a broad head and a strong neck. It looks like a pit bull type, and the caption says, 'Do not rehouse this breed. Gas it. Get rid of it'.

Let us have a look at the Lost Dogs Home web site, which is proudly headed 'Our graduates picture gallery'. There is a proud photograph of a brindle dog with a little bit of white coming down the chin, with slightly floppy ears, a broad head and a broad neck, and the caption says, 'Larrikin is a spoilt, in the nicest sense, Staffie who looks pretty pleased with his life up there in Wendouree with the Harrison family. As far as he's concerned, the grass doesn't come any greener in any pasture'. The two dogs are virtually identical.

If Larrikin had been in the Lost Dogs Home and the person responsible had looked at the government web site and seen the photo of a brindle dog with the white touch under its chin, the white hair running down its neck, the floppy ears, the broad head and the broad neck, he would have ended up as blood and bone. Instead he is now happily living with the Harrison family in Wendouree. He is a wonderful little Staffie. The government's own web site cannot make the distinction, and the government's guidelines on how to determine what is an aggressive and dangerous dog that

should not be rehoused cannot distinguish between a Staffie and a pit bull.

We will line up 50 dogs of various breeds in a showground, and I challenge the minister to put his best guys in there. I will bet London to a brick that they cannot correctly identify the various pure breeds and the various crosses of those breeds. The government is giving an impossible task to the authorised officers of councils. It is also giving an impossible task to the review tribunal. It is pandering to the community in the pious hope that this will solve the problem of dangerous dogs and reduce dog attacks on people. It will not. Eighty per cent of dog attacks happen in the backyard when the family pet bites a family member or a visitor. Only 20 per cent of dog attacks happen elsewhere. The problem is not the breed; the problem is the deed. The sooner the government focuses on that, the better off dogs will be, the better off dog owners will be and the safer the community will be. I support the government's objectives, but its execution is lousy.

Mr STEGGALL (Swan Hill) — I compliment the honourable member for Monbulk. I thought he covered this issue extremely well and raised in some detail the many issues that are part of this legislation.

This is legislation that those of us in country areas keep a close eye on, because we are dealing with an area of distrust between some areas of the country and the city. Where you get into the argument of cruelty to animals and into the laws that some people wish to bring in, you run into some areas of tension. As the honourable member for Monbulk said, this legislation covers amendments to two acts — the Prevention of Cruelty to Animals Act and the Domestic (Feral and Nuisance Animals) Act.

Before I get started I should refer to the comments I made yesterday about ministers in this place who have made a habit of not being in attendance when their bills are debated. I must commend the Minister for Agriculture, who has never missed a debate on any of his agricultural bills. If his cabinet colleagues followed the example he has set, then this place would be far better than it has been. I say that in all sincerity. I have been utterly disgusted by the senior ministers within this government, none of whom has been in attendance for the debates on their own legislation. I admire the Minister for Agriculture for always fully participating in debates on legislation that impact on his area.

I will first run through the amendments to the Prevention of Cruelty to Animals Act, which deal with regulations prohibiting certain procedures and possession of certain implements and their use on

animals. The National Party had some concerns about this area and was going to vote against clause 8 of the bill. I believe the regulation-making power was an incorrect way for the minister to approach those areas. Lo and behold, today an amendment has been circulated by the Minister for Agriculture which removes the relevant provisions of clause 8 from the bill and replaces them with provisions setting out specific actions and implements that the legislation will ban. In other words, the minister is now legislating:

- (nb) prohibiting the possession of any implement or thing of any of the following classes —
 - (i) dog or cock fighting implements;
 - (ii) any other similar fighting implements or things.
- (nc) prohibiting or regulating the use of an implement or thing of the following classes —
 - (i) pronged collars;
 - (ii) electronic dog training collars ...

I imagine the regulating power will give permission for those things to be used under certain circumstances.

By taking out those provisions in clause 8 the minister has taken away the National Party's objections to this legislation. I will mention a couple of reasons for those objections. We live in a time when tensions exist between metropolitan and country areas when it comes to animal welfare and the production of food and fibre. To have a regulation-making power as broad as that set out in the clause as drafted would place pressure on a minister to act, because the power would exist and would give him an opportunity to ban or change farming procedures that from time to time upset city people. The National Party is pleased that that clause will not go ahead. If the government is going to restrict farming operations and procedures in that way, then it should do so by an act of Parliament in this place and not by regulation. That has been acknowledged.

I have not yet seen the report that led to this legislation, but when the debate came through over the airwaves and around the place there were calls for the banning of rabbit traps. Dr Hugh Wirth from the Royal Society for the Prevention of Cruelty to Animals took great delight in telling everyone how evil and terrible rabbit traps are and that it should be illegal to possess them. I do not think he realises that there are a couple of rabbit traps hanging up in every shed in country Victoria.

Mr Helper — What about bear traps?

Mr STEGGALL — They would be bear traps where the honourable member comes from. The

National Party was not madly impressed with the idea that an organisation such as his, working with the government, would be able to literally overnight make criminals of most of our country people. Farming procedures upset the city from time to time, and pressure is exerted on country people. The media, being a metropolitan-based operation, gives us some very difficult times in the country when it wants to set out on a process of making a point in any of the intensive agricultural areas such as piggeries, feedlots, chickens, broilers and egg production. Taking clause 8 out of the bill changes my contribution to this debate quite a bit.

Among the amendments contained in the bill, it creates a new offence of attendance at animal fights; it is a bit of a clean-up. The National Party was surprised that it was not already an offence, but there are no great problems with it. It also introduces new powers to enter and search a dwelling and investigate animal cruelty. Once again we are delving into an area where judgment will be needed, but there is no great argument for officers not to have that power.

The bill sets out the process by which the search and seizure of animals will take place. As with a lot of these things where interventions are made on people's private homes or property, attention to detail by the officers will be very important in determining whether the operation is acceptable.

The bill empowers an inspector to issue a notice to comply with animal cruelty notices, which is a positive. It also allows an inspector to obtain a warrant to seize an animal at risk. We have had examples of the need for that type of action from time to time, particularly with horses, in some people's minds. The farming community is always very wary of legislation moving into this area. We have attacked these subjects through codes of practice and best practice procedures or accepted procedures in most of our industries. I hope and trust that that is the way we will continue to operate and that we will not move into the regulating-type operation we see in the bill as it stands. We must be able to have accepted codes of practice and best practice procedures under which our farming communities can operate and confidently.

One of the matters that arises in connection with this bill and fits into a lot of things is the right-to-farm legislation that has been the subject of debate in this place for some time. I remind the Minister for Agriculture that his commitment to me for a conclusion to that right-to-farm problem by the end of this year has not been delivered. The National Party would be very keen to see the government act in a far more positive way, not just offering words but actually getting the

legislation in and delivering it. The minister and I are in agreement on the approach, the actions and directions for right-to-farm operations. The matters dealt with in the bill are part of it in many ways; they are on the fringe. The codes of practice will be part of it in different ways. I would be very pleased to see a little more progress on that because our country communities are really crying out for it.

The amendments to the Prevention of Cruelty to Animals Act, with the exception of clause 8, which is to be removed, are supported and will not be opposed by the National Party.

Part 3 of the bill amends the Domestic (Feral and Nuisance) Animals Act. This is probably the area everyone will want to speak about. It is an interesting piece of legislation, as the honourable member for Monbulk very aptly described it. I want to run through the amendments briefly so people can get an idea of what they do. The amendments introduce definitions of 'restricted breed dog' and 'recognised organisation' similar to those we have now. A recognised organisation is an organisation concerned with restricted breed dogs. At the moment, if I remember rightly, there are other applicable organisations under the act.

The minister has powers to delegate under the legislation and that is vital. I remember — not under his ministry — that we had trouble in my electorate with some lions, would you believe? The Minister for Environment and Conservation was very pleased to have the ability to delegate as we dealt with that difficult issue. So the minister's power to delegate is supported. The local member would have liked to have been able to delegate the same thing, but he could not — there was nowhere to go.

The legislation goes through the restricted breed and declares an owner onus section so when registering the dog an owner must declare whether the dog is a restricted breed. It is the main weakness in the legislation and one I suggest the government and the authorities will get over by transposing it, where there is doubt, to the dangerous dogs sections, particularly where there is a history of doubt in those areas. When I first looked at this I was of the opinion that the dangerous dogs sections, which we had some differences with and some discussion about last time it was before the Parliament, was probably the area by which a future government would try to solve the problems that are raised in the area over and above this one. For all the matters raised by the honourable member for Monbulk there are lots of holes in the bill. There are many subjective judgments and if someone

wants to take it through to the courts we will have a lot of difficulty, whereas I believe governments will fall back onto the dangerous dog definition and sections of the act far more quickly than they will stay with the restricted breed.

The bill also gives requirements to register restricted breeds. Local councils have to have a restricted breeds register. Restricted breeds must be permanently identified. Just as we have a dangerous dogs exemption from identification, the bill provides an exemption list for shows. I find that a bit funny. When you talk about the issues that the honourable member for Monbulk was raising, such as how you would prove that a dog is a particular breed, having the identification might be of some assistance. It can be taken off for the shows, so that will continue to confuse the rest of us as to which dog is which breed.

The bill introduces the control of restricted breeds. It covers a few of those areas where a person who has a registered restricted breed must notify the local council within 24 hours if a dog is lost or sold. I wonder about the 24 hours, but that is in the bill. An owner must notify in writing to the new owner that the dog is a restricted breed. The restricted breed must be securely confined on the owner's premises, and the premises must have warning signs. The dog must be muzzled and controlled when outside the owner's premises. Only two restricted dogs are able to be owned, unless the council gives a permit for a greater number. People should be aware that 'a dog' under the act is not a pup. It is not a dog until it reaches about six months of age so this does not interfere with breeders until the dog is six months of age.

A minor of 17 years of age or less must not own a restricted breed and a minor must not take a restricted breed outside the owner's premises. If the restricted breed breaks any rules it is seized. There are warrants for search and seizure and powers to destroy restricted dogs which are similar to the dangerous dog operation.

Although clause 21 is necessary in the bill, it is the provision through which every one will walk. It provides a defence if the owner reasonably believes theirs is not a restricted dog. You have to have that in the legislation, because it is an area where ignorance will be a defence, and when you take into account all the subjective judgments about a restricted breed, I am not sure how the legislation will continue through. As I said, most of the controls will come back to the dangerous dog definitions in the principal act.

On the matter of the review of a decision, if a dog is declared we have the review panel concept. I cannot

think of any other way to do it, but the honourable member for Monbulk covered that area well. There is area for concern here. The identification of the breeds might be okay for some of the experts in life, but I wonder how it will go in the courts in terms of whether the identification is far too much of a subjective judgment than a definite one. The rest of the legislation provides for more money to be collected by the councils and to its being put to more uses.

Although the bill has a number of difficulties, it is not opposed by the National Party. Some of my colleagues will put strong arguments against the concept of having breed-specific legislation, and I acknowledge that. The honourable member for Rodney has strong opinions on the breed-specific legislation concept and that is reflected in my own comments, except that I believe we have a bit of a double shuffle here where ministers and premiers in particular might want to be able to stand up in public and say, 'Look what we have done. We have made it a lot safer for our people'. There are those of us who look at the implementation of what we have in front of us and say, 'Hang on. I'm not convinced yet that this is going to work'. But the dangerous dog definition in the act is there to fall back on and that does not require a breed definition to sort out the breed.

The National Party will not oppose the legislation. It would have vigorously opposed the amendment to section 8 of the Prevention to Cruelty to Animals Act, but that having been removed it believes the legislation should be able to progress through the house.

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! I was about to call the Deputy Chair to order!

Mr STEGGALL — I was about to do the same thing myself, Mr Acting Speaker, but I saw the Deputy Speaker there and thought, 'My goodness, I had better not. She gets a bit cranky when I do that sort of thing'.

I do not have much hope that the legislation, if it succeeds through Parliament, will resolve the problem of dog attacks on people. I think the dangerous dog definition will do that far more effectively. The government has probably alienated itself rather severely from a lot of dog owners who do not share its belief that in all cases it is the breed that causes concern. Pit bull terriers have a bad name and are a problem in certain areas, there is no argument about that; but I am a little intrigued about why we did not use the dangerous dog definition instead of the breed-specific one. It is just my feeling, but I would have thought that this area was covered under the dog act.

Having been a councillor of the Rural City of Swan Hill for 10 years, I can tell you that the biggest and longest debates we ever had were about dog acts!

An honourable member interjected.

Mr STEGGALL — No, mainly dog acts and us! Local councils will take a lot of delight in working out how they can be sure that a pit bull terrier is a pit bull terrier and what they should do about it. What are they going to do if someone objects?

The legislation refers to a panel. I agree that we need a panel — it is the best way — but I have my doubts about the expertise such a panel will get from around Victoria in declaring breeds of dogs in ways that will satisfy the courts of our land.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Animals Legislation (Responsible Ownership) Bill, which is a proactive piece of legislation brought forward by the government in response to community concern about dog attacks — and that is the part of the bill being focused on. The government has attempted to balance the concerns of the community against the rights of dog owners to reach a fair position on the issue. The bill addresses a number of other issues in the Prevention of Cruelty to Animals Act and the Domestic (Feral and Nuisance) Animals Act, which I will talk about a bit more.

The bill came about after the Animal Welfare Advisory Committee looked at this issue and presented a report to the government. Significant consultation has been undertaken to further refine the legislation, and discussions on the issues have taken place with groups such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Municipal Association of Victoria. Local government will have a significant involvement in the enactment of the legislation, and therefore councils needed to be consulted. The Lost Dogs Home was consulted, and a public consultation paper was put out. More recently fact sheets have been produced advising people of the intent of the bill.

The Municipal Association of Victoria has not expressed any undue concern about the legislation, and the RSPCA has not reacted as strongly as perhaps it would have liked. Clearly the legislation attempts to be balanced but proactive in its outcome and in recognising that although the dangerous animals legislation is in place with regard to dog bites, a dog has to have attacked for it to be declared dangerous.

The part of the legislation that people are particularly interested in suggests that it is appropriate to bring within Victorian legislation dogs that have been bred

for fighting purposes — and the federal government has recognised in its legislation that these dogs should be prohibited from being imported.

I will come back to the specifics of the legislation, but we have already heard that it makes it an offence to attend an animal fight. The bill also expands the enforcement powers in the Prevention of Cruelty to Animals Act. Once officers have a magistrate's order they are empowered to go inside premises. That is mostly directed towards urban residences where people may keep dogs and cats inside the house. While under existing legislation warrants can be issued to enable them to enter properties, officers are not able to enter residences. However, in order to get a magistrate's order the responsible officers would need to present a case as to why it was necessary to enter the residence.

To extend the legislative powers we have introduced the opportunity to seize animals under a warrant. The legislation is also strengthened by the provision enabling inspectors to issue orders on the owners of animals requiring them to comply with particular activities, which should improve the welfare of animals under their owners' care. The government recognises that that will give inspectors the opportunity to carry further authority and will ensure that we will not have to wait for further cruelty to take place before the act becomes formal.

Some powers have been talked about as slightly contentious issues. We have put forward an amendment in that regard whereby certain activities or procedures and equipment will be made illegal. The amendment specifies that it will not be an open-ended issue. It relates to prohibiting the procedure for the firing of horses and prohibiting possession of dog or cockfighting implements and any other similar fighting implements or things. It also involves prohibiting or regulating the use of pronged collars and electronic dog-training collars. I am pleased to note that both opposition parties are happy to accept the amendment. It clarifies concerns that have been raised in the community about the government perhaps using this legislation to do things other than what is expressed as its intent.

Another part of the bill that has received some attention is the requirement on councils to provide an additional \$1.50 per dog registration under the act. That money will go into a fund which will be of great benefit to the community, and it is something that I wish to emphasise in my comments on the bill. The money will be spent on a number of things, including further investigations of dangerous dogs, why dogs attack and dog ownership, as well as a number of other issues. The

fund will be used to develop educational programs to ensure that members of the community understand before they purchase a dog which breeds are more appropriate for their purposes, as well as providing more information about their responsibilities as pet owners. It will be a useful addition and will enable a substantial amount of funding to be made available to develop useful community programs.

I turn to the other part of the bill that has certainly given rise to much public attention. It is one that the newspapers have addressed, and it is about the restricted animals part of the bill whereby we have used the federal legislation. We also looked at the legislation on this very issue which has already been enacted in South Australia, New South Wales and Queensland, where they have introduced the restricted coding that is aligned with the federal government's code in regard to prohibited imports.

Four dogs have been mentioned under that category — dogo Argentino, Japanese tosa, fila Brasileiro and the American pit bull terrier. Of the four breeds, the only one that is already in Australia is the pit bull terrier, and that is the one that is attracting a lot of attention. When these dogs have attacked they have been very violent. The nature of their bite is such that they grip on vigorously and do not let go. There have been cases of people being attacked by pit bull terriers that have caused great trauma in the community.

Knowing the background of this breed of dog, and given that it was bred as a fighting dog, the federal government introduced its own legislation. That led the three other states that I have talked about to enact their legislation. Victoria believes it is appropriate to introduce proactive legislation dealing with a breed that is believed to be a potential threat to the community and therefore requiring owners of those dogs to do a number of things to ensure that people are not put at risk by their ownership of those dogs.

The requirements on owners relate to escape-proof and child-proof fencing, permanent identification using microchips, notifying councils of their ownership of pit bull terriers and then any change of ownership, and other issues such as those. If these dogs are taken out in public, they are required to be muzzled and not to be in the control of a minor. Again, these issues relate to the Dangerous Dogs Act, so it is about extending the same restrictions in that act to these particular dogs.

Issues have been raised about how we can determine what is and is not a pit bull terrier. This is an issue on which we will require expert advice. Although we know it is the responsibility of a dog owner to declare

on the registration of his or her dog that it is a pit bull terrier, if there is a dispute about that and a responsible council officer believes that a dog which has not been declared is a pit bull terrier, he or she can pursue that matter. An advisory panel of experts will be established to clarify the issue. They should be able to provide advice to that council officer as to whether the dog is in fact a pit bull terrier, a cross-breed or another breed.

So that should help to clarify this issue. We will work through this process closely with the community as the bill is enacted. As the name says, it is all about responsible pet ownership, recognising that there is a fear in the community about dog attacks. We need to be mindful that this legislation shows that this government wants to be proactive in this field, being fair to pet owners but at the same time ensuring that they carry out their responsibilities. I am very pleased to support this legislation before the house.

Debate adjourned on motion of Mr COOPER (Mornington).

Debate adjourned until later this day.

Sitting suspended 12.58 p.m. to 2.05 p.m.

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome to the Victorian Parliament Mr Wu Ronghe, the Consul-General of the People's Republic of China in Melbourne, who is accompanied by members of the Tibetan Performing Arts Troupe, which has just put on a performance for honourable members in Queen's Hall. They are here to promote China Tibetan Culture Week. Welcome!

QUESTIONS WITHOUT NOTICE

Teachers: work force planning

Mr HONEYWOOD (Warrandyte) — My question is directed to the Minister for Education, and I refer to today's Auditor-General's report which condemns the minister for having no strategy, no plan and no vision to ensure that we have an adequate supply of teachers in the state's education system. Does the minister agree with the Auditor-General's report that she has failed the children in Victorian schools?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Warrandyte for his question. The government welcomes the Auditor-General's interest in teacher work force

planning and particularly his concerns, which mirror the concerns of this government and the deans of education that unless action — —

Honourable members interjecting.

Ms DELAHUNTY — The government welcomes the Auditor-General's interest in potential teacher shortages. Unlike the previous government, which said that there were no looming teacher shortages, this government has taken action. This is a very good report.

Dr Napthine interjected.

Ms DELAHUNTY — The Leader of the Opposition has interjected and said that the government has done nothing. If you look closely at the report, part of it covers the 1990s. The report survey data covers 1989 right through to 2000, and who was in government in the 1990s? The Kennett government!

Honourable members interjecting.

Dr Napthine interjected.

The SPEAKER — Order! I ask the house to come to order, and in particular the Leader of the Opposition to cease interjecting. I also ask the minister to come back to answering the question.

Ms DELAHUNTY — The question asked what the government has done. Firstly, it has acknowledged that there is a potential looming shortage.

Mr Baillieu — On a point of order, Mr Speaker, it appears that the microphones and the speakers are not operating. I do not believe that anyone can hear.

The SPEAKER — Order! The honourable member has raised a point of order in regard to the sound system. As I have ruled previously, the operations of the house continue to occur whether there is sound reinforcement or not. It is up to the house to remain sufficiently quiet to be able to hear the response that the minister is providing.

Ms DELAHUNTY — Thank you very much, Mr Speaker, and I thank the honourable member for Hawthorn for his interjection.

Firstly, the government acknowledges that there will be a looming teacher shortage; we agree with the deans of education in contrast to the performance of the Kennett government. What did that government say when the deans of education said — —

Mr Wilson interjected.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr Cooper — You're supposed to be responsible!

The SPEAKER — Order! I will not hesitate to start using sessional order 10 to quieten the house down!

Ms DELAHUNTY — The Auditor-General's report covers the 1990s, and what did the Kennett government say about looming teacher shortages? Its Minister for Education said, 'We have done our forward look and there are no shortages at all'. That's what the Kennett government did.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Mornington and Rodney.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Rodney knows very well that he has been warned.

Ms DELAHUNTY — While the Kennett government said there were no shortages at all and its Minister for Education said, 'We have done our forward look and there are no shortages at all', this government has acknowledged that there will be shortages unless action is taken. As to the action the government proposes to take, firstly, we have introduced a new career structure for our teachers. We have lifted the gag. We are introducing the Victorian Institute of Teaching. We have stopped the casualisation of the teaching force.

Dr Napthine interjected.

Ms DELAHUNTY — You are not working, that is for sure! That is what your backbench thinks.

The SPEAKER — Order! I have already cautioned the Leader of the Opposition, and I will not do so again. I ask him to cease interjecting. The minister should not pick up interjections and should continue to answer the question.

Ms DELAHUNTY — We believe that with these changes we can turn around the mess we inherited. This lot sacked nearly 10 000 teachers. They gagged teachers, bullied teachers and drove them right out of this state.

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc!

Ms DELAHUNTY — He needs a Valium and a lie down.

Mr Hulls — Take a photo.

Ms DELAHUNTY — As the Auditor-General has said, we cannot employ teachers who are not trained, and the universities are not training sufficient teachers to fulfil our needs. Honourable Speaker, what we ask now is, 'Where is the federal government to work with in partnership?'.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Mordialloc.

Ms DELAHUNTY — Where is the federal government in terms of funding — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly debating the question. We know that her compact of a week and a half ago has gone up in smoke. She is responsible for this report. She is responsible for the action — —

The SPEAKER — Order! The honourable member for Doncaster has raised a point of order about whether the minister is debating the question and proceeded to debate it himself! The Chair will not tolerate that. The Chair again asks the minister to at once come back to answering the question and to conclude her answer. And, despite the numerous interruptions the house has unfortunately provided to her, she still needs to be succinct.

Ms DELAHUNTY — Thank you, Honourable Speaker. In conclusion, the Auditor-General's report is welcome. It certainly supplies us with some further advice — and thank God we have got an Auditor-General! This lot nobbled the Auditor-General. We protected his independence.

Schools: literacy standards

Ms OVERINGTON (Ballarat West) — I ask the Premier to inform the house of the latest action taken by the government to invest in our school system and improve literacy standards among Victorian students.

Mr BRACKS (Premier) — I thank the honourable member for Ballarat West for her question. Since we came to office two years ago we have invested more than \$2.2 billion extra in the school system in Victoria. We have funded 18 new schools and employed over 2000 teachers and support staff in our system.

I will go through the areas in which we have employed new staff over the last two years. We have 100 more primary teachers; 200 new student welfare coordinators, which were sacked by the previous government; 225 new teachers in our middle school system; 300 teachers and specialist staff to assist students in their transition from school to work; 250 new IT specialists in the school system; school nurses are back, and we have 230 more of them; and we have 100 new shared specialists — a total of 2000 new staff in our school system.

There was reference in the Auditor-General's report tabled today about manpower planning and staffing of our school system in the future, and there has been discussion about that.

Mr Honeywood interjected.

Mr BRACKS — Settle down, you'll be right. Your time will come later.

The SPEAKER — Order! The Premier should ignore interjections.

Mr BRACKS — There has been some suggestion that the previous government had no manpower planning, but I think that can be refuted. If you look at the previous government's record you will see it had a policy of sorts.

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating the question, and I ask you to bring him back to answering the question.

The SPEAKER — Order! The Premier should come back to answering the question.

Mr BRACKS — The extra resources we have put back into the education system have resulted in 2000 extra teachers and support staff in our system, compared with a loss of 9000 teachers under the previous government. They were sacked. So that was the former government's manpower planning: it removed 9000 teachers from the system!

Mr Thompson interjected.

The SPEAKER — Order! The honourable member for Sandringham!

Mr BRACKS — I am very pleased to announce also that we have today provided ahead of next year's budget, in order to meet the demands of the calendar year for the school system and have teachers in classrooms at the start of the school year, an extra \$9.5 million in funding for 121 new teachers for the

start of next year. A hundred of those teachers will work in year 7 literacy programs and will be very welcome because to lift to 90 per cent the completion rate to year 12 as we propose to do by 2010 we must act at the junior secondary and middle secondary levels. That is why we are putting in those extra 121 teachers.

That will mean that in the life of this government over two and a bit years we have now put in 2121 more teachers and support staff, and those new people will be there at the very start of the school year next year.

Rail: regional links

Mr RYAN (Leader of the National Party) — My question is to the Premier. With the fast rail links project designed to reduce travel times in the four regional corridors at a cost of \$6.8 million for each minute saved, will your government adopt the recommendation of the independent ACIL report and apply the project funding to a permanent cut in payroll tax in rural and regional Victoria, thereby achieving demonstrably better outcomes for all country Victorians, including those who live in Bendigo, Ballarat, Geelong and Traralgon?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. In answer to the question could I say that we are very proud to be a government that has invested more in the rail system in this term of office than has been invested in regional rail in the last 120 years. I refer the Leader of the National Party to a response, probably the most telling response, to his new policy to take funds off rail. I refer him to an editorial; there are many of these editorials around regional papers, but I will just refer to one. The editorial on page 8 of yesterday's Ballarat *Courier*, headed 'Ryan betrays regional attack on rail', states:

Betrayal or ignorance — we are not sure which category the Victorian National Party's stance falls into on the regional fast rail links. Perhaps both.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr BRACKS — Thank you, Mr Speaker, I will come back to the question of the National Party leader — that is, the direct question: will we withdraw the projects? No, we will not withdraw the projects; they will stay. We have three tenders in for each of these projects. Those tenders will be picked at the start of next year. Once they are picked, contracts will be signed. Once those contracts are signed, those projects

will be started. So the answer to the Leader of the National Party is no, we will not.

The second part of what I have to say to the Leader of the National Party is that if his policy is taken to a further extent, we will see the National Party not committing to the reopening of the *Vineland* rail line, not committing to the reopening of the Ararat line, and not committing to the reopening of the Gippsland line.

Mr Ryan — On a point of order, Mr Speaker, I suggest that the Premier is debating the question. My question had nothing to do with anything except the fast rail links project.

The SPEAKER — Order! I ask the Premier to come back to answering the question and to conclude his answer.

Mr BRACKS — Mr Speaker, I adhere to your ruling and refer to the report which was mentioned in the question of the Leader of the National Party. The report that he has commissioned also recommends that standard gauge rail lines not be pursued in the wheat belt in the west of Victoria. That is what it is saying. So his own report is saying: do not fund the standardisation of rail lines. His own report by implication says that no new rail line will be opened in this state. We have been the only government for years and years that has committed to reopening rail lines — lines which were closed by the National and Liberal parties under the previous administration.

Mr Ryan — The point of order remains, Mr Speaker, that the question should be answered by the Premier as opposed to being debated by him.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the National Party. However, the Premier needs to be succinct, and I ask him to conclude his answer.

Mr BRACKS — Mr Speaker, in conclusion we can say that the report that has been commissioned by the National Party would mean that if it was ever in government again there would be no new rail line opened up in this state. That is what it means. In fact, it means more. It means they would close rail lines, because they deem them to be uneconomic and not deserving of a government subsidy. They are not prepared to subsidise to have rail lines open. We are; we see it as a community service obligation. We are committed to rail. Is this not extraordinary that the National Party is saying it will not support opening new rail lines and it will have a policy of closure in the future. That is in keeping with what it did when it was last in government.

Teachers: scholarships

Ms ALLEN (Benalla) — My question is to the excellent Minister for Education. Will the minister inform the house of the action the Bracks government has taken to make Victoria the place to be for teachers?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Benalla for her interest in education and her compliment. The honourable member would probably not be aware that Benalla College has already secured four of the new teacher scholarships that are being offered to Victorian schools. Four new teacher scholarships have been secured by Benalla College. Why is that significant? Because Benalla College was one of those schools totally neglected by the last government. It did not have a languages-other-than-English teacher, it did not have a maths teacher and it did not have a science teacher for all the classes that were required. As a result of the Bracks government moving on potential teacher shortages, Benalla College now has four trainee teachers ready to go into the school at the beginning of the 2002 school year.

The Premier's announcement today of 121 new teachers is on top of and certainly builds on our very serious plan to make Victoria the place to be for teachers. As most jurisdictions around the world are aware, we are all in competition for the best teachers. Teachers are the knowledge workers of the new century. The best teachers will be in high demand from jurisdictions like New South Wales, Queensland and Victoria in particular, not to mention the United Kingdom, which is also interested in our teachers, Canada and the United States.

What have we done to make sure that teaching is attractive in Victoria? Firstly, we lifted the gag and we stopped bullying our teachers. That is what we inherited. We inherited a teaching force whose morale was low. They had been bullied, sacked and gagged. The previous government sacked nearly 9000 teachers. They had no money for schools, but they spent \$300 million on sacking our teachers.

Coincidentally that is exactly the amount that this government has put in in addition to the school global budgets. In just over two years it has put \$300 million extra into school global budgets. That allows school principals to be flexible about who they hire and to plan their work force. The change to the school global budget formula means that schools now have the flexibility to choose who they hire and to mix experienced teachers with new graduate teachers.

We have also introduced a new career structure. In four years the top teachers in Victoria will be the highest paid in the nation. The institute of — —

An honourable member interjected.

Ms DELAHUNTY — There is an interjection. The institute of teachers was dismissed by the opposition as just window-dressing, and last year the honourable member for Warrandyte referred to teachers as being from the reject bin! That is what you think about teachers; we have a different view.

We have a teacher graduate recruitment program, which now has 282 designated vacancies for teacher graduates. We have also established in Victoria a Ministerial Council for Education, Employment, Training and Youth Affairs task force on the teacher shortage and work force planning. We will be working with our colleagues around the nation to ensure we have sufficient teachers to fill the demand. But we cannot do it without the federal government; it funds the teacher training places. So come on, John Howard, let's get on board. We want more teacher training places.

Minister for Education: performance

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to page 83 of today's Auditor-General's report which states that primary responsibility for the supply and distribution of teachers in Victoria lies with the state government. I ask: given that the previous state government spent \$125 million on 5000 state-funded tertiary education places at our universities in Victoria compared with this minister spending zero — —

The SPEAKER — Order! The honourable member should come to his question.

Mr HONEYWOOD — Why is the minister blaming everyone but herself for her failure to manage her own portfolio?

Ms DELAHUNTY (Minister for Education) — I am absolutely astonished that the honourable member for Warrandyte would raise what the last government did to teachers. You sacked 9000 teachers. You spent \$300 million paying their — —

The SPEAKER — Order! The Minister for Education should address the Chair.

Ms DELAHUNTY — The question was very convoluted, but I think it was about what the Kennett government did for teachers. The Kennett government

sacked teachers. It gagged teachers, and it spent \$300 million sacking 9000 teachers.

Perhaps the question really related to the number of applicants for teacher training places in our universities. In Victoria this year 19 439 eligible applicants could not be offered university places in 2000. Universities had to reduce the range of course offerings in important areas such as science and the arts. That is the legacy of the previous state government and also the federal government. It has not been interested in education and it is not interested in teachers; it discusses teachers in terms of the reject bin.

Partnerships Victoria policy

Mr LENDERS (Dandenong North) — I ask the Treasurer to advise the house of the progress of the government's public-private partnerships policy and whether there has been any national or international reaction to that policy.

Mr BRUMBY (Treasurer) — I begin by thanking the honourable member for Dandenong North for his question and thanking him as Parliamentary Secretary for Treasury and Finance for the contribution he has made toward the Partnerships Victoria policy.

In answer to the honourable member's question, Partnerships Victoria is proceeding exceptionally well. There is no doubt at all on the evidence that Victoria is clearly leading the way. There are currently around \$2 billion worth of Partnerships Victoria infrastructure projects in the marketplace. Some of these include Spencer Street; the regional fast rail links, which are in the marketplace; the fibre optic cable project, which will bring new fibre optic broadband capacity to regional Victoria; and the Docklands TV and film studio, which will rejuvenate the film industry in this state.

The present Deputy Leader of the Opposition continues to interject. The first project under this policy — the new County Court — will be completed in the first half — —

Ms Asher interjected.

Mr BRUMBY — The Deputy Leader of the Opposition squeaks across the table and says, 'It's our project'. I thought we were in government in 1999 and 2000 when the contracts were signed!

An honourable member interjected.

Mr BRUMBY — Is that right? You could not get the project up.

The SPEAKER — Order! The minister should address the Chair.

Mr BRUMBY — It took Partnerships Victoria and the leadership of the Attorney-General to get this project up, and it will be delivered on cost and ahead of schedule in the first half of next year. It is the Bracks government that is delivering it.

In recent times the government has also announced that the capital facilities of the prisons expansion project will also be delivered under Partnerships Victoria, and expressions of interest have also been called for the Berwick community hospital. In terms of the honourable member's question about national and international interest, the *Australian Financial Review* earlier this year said, 'Victoria shows the way for private partners'. Here we have the *Australian Financial Review* and the Australian Council for Infrastructure Development yesterday calling on other states to follow suit, to follow the example set by the Bracks government.

The house will be interested to know that in the last few months we have had requests from the Western Australian Treasury and the New South Wales Treasury to borrow the Partnerships Victoria policy and to quote large excerpts of it. If you read the policies that they have adopted in their states for private investment in public infrastructure, you can see the Bracks government's Partnerships Victoria policy. We congratulate the Carr government and the Gallop government for taking the lead from Victoria.

I also noted in the *Australian Financial Review* another story earlier this year:

Federal and state government interest in public-private partnerships ... could see Australia overtake the United Kingdom in private financing ...

It goes on to say:

Most advanced down the PPP road is the Bracks government with its Partnerships Victoria policy launched last year.

But I think the real strength is that some weeks ago I received a letter from the United Kingdom government asking permission of the Victorian government to reuse, reproduce and copy the policy which has been developed in this state.

The *Age* of Saturday, 17 November 2001, quotes an unnamed opposition member saying, 'Our performance in Parliament has been just pathetic'. Well, hear, hear! Who was it? Which one of you? Are you going to own up? Put your hand up! 'Our performance has been pathetic'. It is pathetic all right. Here we have the

Bracks government policy leading Australia, being copied in other states — Western Australia and New South Wales — and being replicated overseas in Ontario, Canada; Thailand; and now the United Kingdom. The fact is this government is delivering on these projects. The one area of government in Australia — —

Mr Ryan — On a point of order, Mr Speaker, this has been going on for over 5 minutes and I ask you to sit the minister down on the basis of your instruction that ministers be succinct in answering questions.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the National Party.

Mr BRUMBY — Of course one of those projects is the regional fast rail project. Here we have the Leader of the National Party wanting to swap a capital project for payroll tax cuts. Do you know what that would provide in payroll tax cuts?

The SPEAKER — Order! I ask the Treasurer to address the Chair, to debate in the third person and not to pose questions to the opposition.

Mr BRUMBY — We will let the Leader of the National Party work that out tomorrow. What he will find is that he would be able to provide a payroll tax cut — —

Mr Ryan — I apologise for having to take this point of order, Mr Speaker, but the Treasurer is obviously debating the point, and I ask you to have him return to the question.

The SPEAKER — Order! There have been numerous interjections while the Treasurer has been providing his answer. I have asked the Treasurer not to respond to those interjections but to answer the question.

Mr BRUMBY — I am referring to the question: I was asked about projects, and one of the government's projects is the regional fast rail project. If you were to not invest that \$550 million and instead, based on the interest savings, apply that to payroll tax reductions, you would get a saving of around \$25 million on a \$2.5 billion payroll tax cake, which is a payroll tax cut of 0.00001 per cent. That would save a lot of jobs!

Dr Napthine — On a point of order, Mr Speaker, the Treasurer is debating the issue. I ask you to bring him back to the question. It would be better if he actually started some projects instead of talking about them!

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Treasurer to cease debating the question and conclude his answer.

Mr BRUMBY — The Bracks government wants the Howard government to follow the leadership provided here in Victoria. The other states are doing it, and countries overseas are doing it. The only government which is not pulling its weight on public-private partnerships (PPPs) is the Howard government, and it is about time — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr BRUMBY — The only thing the Howard government is interested in is privatising Telstra. It is about time it put in place some partnership projects, as we have done in Victoria, and got some real infrastructure investment occurring across Australia.

Teachers: scholarships

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the 220 promised teacher scholarship places supposedly designed to meet the teacher shortage. According to the education department's annual report, 750 qualified students applied for these scholarships. How does the minister explain that after more than a year only 72 scholarships have been delivered? Are you short of money, Mary, or is it that you just do not care?

The SPEAKER — Order! I ask the honourable member for Warrandyte to rephrase the latter part of his question in the proper manner.

Mr HONEYWOOD — Is the Minister for Education short of money, or does she just not care about children in Victorian schools?

Ms DELAHUNTY (Minister for Education) — Oh Phil, we are not that familiar!

The SPEAKER — Order! I ask the Minister for Education to address honourable members by their correct titles.

Ms DELAHUNTY — The government is offering 660 scholarships over three years. As I have outlined already, those schools which have been successful in their work force planning have adopted a trainee who will go into their school as a trained teacher in 2002.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Bulleen, Kew and Bennettswood are warned.

Ms DELAHUNTY — In addition, the Bracks government has achieved a partnership with the private sector to encourage, support and salute our top teachers. The Bracks government is pleased to announce that the Westfield education scholarships, funded by Westfield Holdings, will provide — —

Dr Napthine — On a point of order, the minister is now debating the issue. The question was quite specific with regard to teacher scholarships, which she has failed to deliver.

The SPEAKER — Order! I am not prepared to uphold the point of order.

Ms DELAHUNTY — I can see why the opposition is embarrassed when talking about teachers or education. When one looks at its legacy, one knows what a big job this government has in turning things around in education.

Mr Perton interjected.

Ms DELAHUNTY — It is interesting that the honourable member for Doncaster is not interested in hearing the good news about teacher scholarships.

The SPEAKER — Order! I ask the Minister for Education to come back to answering the question and to ignore interjections from the honourable member for Doncaster.

Ms DELAHUNTY — I have tried, but they are a rabble. On top of the government's scholarships, Westfield will provide five \$24 000 scholarships over the next five years to support experienced, top teachers to improve their professional practice by travelling overseas.

The government is supporting the professionalisation of teachers, unlike the previous government, which saw teachers as a casual work force. Under the last government teachers had the permanency of bar work. Now we are giving them professional terms and conditions. I would hope that the opposition would begin to support the professionalisation of the teaching work force so we have the best teachers we can possibly support in front of our children in our classrooms. The fact is that the government cares about our children. It will not use, as the honourable member for Warrandyte has distorted — —

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the issue. The question was specific: it was about why she has failed to deliver on teacher scholarships.

The SPEAKER — Order! I uphold the point of order, and I ask the minister to come back to answering the question.

Ms DELAHUNTY — The honourable member for Warrandyte asked whether we cared about children. That was part of the question, but you may have ruled it out of order, Mr Speaker.

To complete my answer, the government is offering teachers an increase in their pay and status, and it is already seeing an increase in the number of graduates who want to apply to work in our schools. However, we need the places in our universities to train enough teachers to put them into our schools.

La Trobe University

Ms ALLAN (Bendigo East) — Will the Minister for Post Compulsory Education, Training and Employment inform the house of the findings of the La Trobe University review into its regional operations and the significance of these findings for higher education in regional Victoria?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Bendigo East for her question. Both the honourable member for Bendigo East and the honourable member for Bendigo West have been vigilant in their attempts to ensure there is a regional university provision in Bendigo and around Victoria.

When Labor came to office I met with all the vice-chancellors and indicated that unlike the previous minister I would not be asking them to travel overseas with me for my own comfort. I asked them to focus on the provision of higher education in and around regional Victoria. I am very pleased to say that in October 2000 the La Trobe University council decided to review —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Mornington to take a seat!

Ms KOSKY — The La Trobe University council decided to review its regional university provision in Victoria to ensure that it was of the highest quality and that it linked in with other educational and economic organisations.

Further, to ensure the universities engaged the best professionals to provide the best higher education in regional Victoria, La Trobe held this review and last week came out with its report in response to the review. The recommendations include reforming the current budget process as well as developing and advocating a differential commonwealth funding model for universities with regional campuses; enhancing cross-university collaboration in decision making; encouraging staff movement between campuses; and making greater use of flexible learning opportunities such as online learning.

Honourable members interjecting.

Ms KOSKY — I would have thought honourable members might have been interested in the provision of higher education by La Trobe University in regional Victoria because it covers a range of areas in and around the state. In Mildura the report encourages the further development of environmental research programs and further collaboration with the local learning employment network funded by the state government. It also recommends a separate university facility in Mildura.

In Albury-Wodonga the recommendations are to improve buildings and to encourage the appointment of senior staff on the campus. The faculty in Bendigo is the most autonomous regional campus of all the campuses of La Trobe University. Its faculty status is supported in the review, which recommends that its title be the Faculty of Regional Development. This emphasises the importance of academic, administrative and budgetary independence that reflects and respects the unique history of the campus. In addition the recommendations include the provision of physiotherapy and law programs by other faculties and indicate an intention to seek state government support for the establishment of a medical school at the Bendigo campus.

The state government congratulates La Trobe University on the detailed report and review. I encourage other universities to consider such opportunities. The government wants to ensure the best quality higher education not only in metropolitan Melbourne but right around Victoria and that the regional campuses are here to stay. I congratulate all at La Trobe, particularly the vice-chancellor, Michael Osborne, for the terrific work. The government takes the report seriously, and I look forward to responding in the near future.

Minister for Education: performance

Dr NAPTHINE (Leader of the Opposition) — My question is to the Premier. Given the Minister for Education's two-year track record of incompetence and failure, as further evidenced by today's damning report by the Auditor-General, when will the Premier do the right thing by education in Victoria and sack her?

Mr BRACKS (Premier) — I am happy to reiterate the legacy in education over the past two years under the Minister for Education, who is doing a fantastic job. It includes 2000 additional teaching and support staff in the system.

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Sandringham and Benambra.

Mr BRACKS — It includes a commitment for an additional \$2.2 billion in the school system. On this day it includes a commitment to put a further 121 teachers — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Sandringham knows very well why he was warned. I ask the opposition backbench to cease interjecting in that vein.

Mr BRACKS — On this very day 121 new teachers are to start in — —

Honourable members interjecting.

The SPEAKER — Order! I do not think it is a matter for hilarity that the house behaves in that fashion.

Mr BRACKS — In answer to the question, the legacy over the past two years far outstrips that of the previous government over the previous seven years, when 9000 teachers were sacked, schools were closed and Victoria had the lowest per capita spending on education of any state in Australia. After just two years Victoria now has the second-highest per capita spending on education of any state in Australia. This is a damn good legacy, and the government also has ambitious targets for the future, as distinct from the previous government, which had no commitment to public education or to resourcing the education system. Its simple and unique approach was to defund the system. In contrast to the previous government this government is proud to work with the Auditor-General.

That distinguishes us completely from the previous government.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is warned.

Mr BRACKS — Such a report would never have been commissioned under the previous government, because it chose to nobble the Auditor-General. That is the party that chose to get rid of the independence of the Auditor-General. The government is happy to work with the independent umpire, to resource the education system and to improve it further. That is in stark contrast to the dreadful legacy left by the opposition in education.

Mr McArthur — I raise a point of order, Mr Speaker, in relation to the comment the Premier made that the audit report could not have happened under the previous government. He was a member of the Public Accounts and Estimates Committee when the previous government commissioned many performance audits.

The SPEAKER — Order! The matter raised by the honourable member for Monbulk is clearly not a point of order.

Teachers: child abuse reporting

Ms LINDELL (Carrum) — I ask the Minister for Community Services to inform the house of what action the government is taking to provide guidance to teachers in assessing and reporting suspected child abuse.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Carrum for her question. She has a keen interest in ensuring that children and young people in this state are well protected.

Honourable members would know from their own experience of the people who come to their electorate offices that all too often the child protection system needs clear protocols on exactly how teachers should report suspected child abuse to the child protection services. Teachers are very well placed: they are in the unique position of being able to work with children on a daily basis so as to pick up on any suspected child abuse or neglect.

In 1993–94 teachers were formally gazetted under the Children and Young Persons Act to report to the child protection services if they suspected child abuse or

neglect. In that time no protocol was developed to ensure that all teachers in all schools knew and understood their responsibilities under the act.

I am very pleased to announce that today the government has launched *Protecting Children — Protocol between Child Protection DHS and Victorian Schools*. The document is endorsed by the Department of Human Services, the Department of Education, Employment and Training, the Catholic Education Commission of Victoria and the Association of Independent Schools. Four of the most significant educational institutions in this state have signed up to the protocol, more than seven years after the gazettal of all teachers in this state under the Children and Young Persons Act. That policy document was launched today at the eighth Australasian Conference on Child Abuse and Neglect, with all those involved in its formulation in attendance. We paid tribute to child protection workers, teachers, unions and, of course, child protection workers. They have worked strongly and collaboratively to put together this document, which will be able to be used in all schools — and I stress ‘in all schools’ — in the state.

Not only is the protocol now on the record for implementation, but the government has also distributed materials by way of a professional development kit called ‘Safe from harm’. It is about the role of professionals in protecting children and young people and will be available to all teachers in this state. The kit is accompanied by funding to ensure that professionals are trained appropriately.

I place on the record the fact that the child protection strategy, which has been developed through the collaboration of the key stakeholders, promotes a shared responsibility for training and professional development. After the seven years in which the Kennett government mandated teachers, I am sure they will all use these documents and finally reach agreement on what the protocols are. It took the Bracks government to deliver these protocols.

The SPEAKER — Order! The time set down for questions without notice has expired, and a minimum number of questions have been dealt with.

Mr Thwaites — I raise a point of order, Mr Speaker, on the conduct of question time, particularly in regard to standing orders 106 and 114. The opposition has adopted a tactic of undermining question time, including deliberately singing during the Premier’s response to a question asked by the Leader of the Opposition, I might say. This tactic has been used on a number of occasions by the opposition to

deliberately undermine question time and the reputation of this house. I seek your direction to the house, Mr Speaker, on the opposition’s conduct in deliberately singing during question time.

Mr McArthur — On the point of order, Mr Speaker, I point out to the Deputy Premier that if he wants to do something about the conduct of the house during question time perhaps he could look at the performance of his own ministers in response to dorothy dixers. Using time records that I keep I can show very clearly that ministers of this government generally tend to drag out their answers in response to the dorothy dixers and 4, 5, 6 and 7-minute answers are the norm, whereas brief, abrupt and abusive answers to questions from opposition members are also the norm. If the Deputy Premier wants a decent question time, let him talk to his own ministers about their performance in here and we will be happy to accommodate.

The SPEAKER — Order! I am not prepared to hear anything further on the point of order raised by the Deputy Premier. During question time today I have indicated to the house on a number of occasions my unhappiness at the level of interjection that has been occurring.

In regard to the specific matter raised about whether singing is orderly or disorderly, I am of the view that it is disorderly and that is why during the course of the day I have issued no less than seven warnings to people who I thought were being disorderly on the back bench. Repetitions of such behaviour will not be tolerated.

In regard to the honourable member for Monbulk’s contribution about the sessional orders requirement for succinctness, I indicate that the Chair tries to interpret the sessional orders to the best of its ability and tries to keep ministers’ answers as short as is possible, at the same time endeavouring to apply the standing orders that require that ministers be relevant in their responses to the questions asked.

SENTENCING (EMERGENCY SERVICE COSTS) BILL

Second reading

Debate resumed from 20 November; motion of Mr BRACKS (Premier).

Mr WELLS (Wantirna) — As shadow Minister for Police and Emergency Services I am pleased to contribute to debate on the Sentencing (Emergency Service Costs) Bill.

In an ideal world there would be no need for a bill of this type. However, with the tragic events on 11 September in Washington and New York, the whole world is on higher alert than it has been in the past. With the subsequent anthrax incidents and scares throughout the world, many of us have been left with a higher level of anxiety and suspicion, not knowing where terrorism might strike next.

Terrorism cannot be tolerated and efforts must be made to minimise its impact on our lives. If at all possible the terrorist cells that have infiltrated Western society which are intent on destroying the lifestyle that we all cherish must be eradicated. While all of us in Victoria and Australia have been fortunate not to experience major terrorist attacks, we have had similar incidents and recall the devastation caused by various bomb attacks such as the Russell Street bombing a number of years ago. In the present state of uncertainty we are all now just a little more suspicious and what we do not need — —

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the chamber. If honourable members want to discuss things they should leave the chamber.

Mr WELLS — We do not need the added tension of those individuals who for whatever twisted or morbid reasons get satisfaction from disrupting our lives and creating unnecessary fear through hoax bomb threats or hoax postal contamination scares.

Following any major incident the first people we need to assist us in responding to an emergency are the police, firefighters, emergency services, ambulance officers and other health professionals. In Victoria we are lucky to have such an outstanding and competent group of emergency service workers and professionals to protect us. Their recent efforts in containing several hoax contamination incidents have again demonstrated their ability to respond in a coordinated manner and that gives Victorians tremendous reassurance. The impact of a hoax incident is not only confined to the individuals involved directly. There is also the indirect cost to taxpayers of the cost of emergency services when an agency is called out.

The ACTING SPEAKER (Mr Lupton) — Order! I have asked the house to come to order. There is too much audible conversation between various members of the government and opposition benches. I ask that the honourable member for Wantirna be heard in silence.

Mr WELLS — As a means for further deterring hoaxers in future, the ability to recover the full cost of all emergency services that respond to a hoax from an offender is most welcome, although I fear that the type of sick and perverted individuals who make hoax bomb calls or send suspicious packages and mail will not be deterred by financial penalties, regardless of how large the fine may be. Nonetheless we must send a message to would-be hoaxers that society expects them to make full restitution for their wrongdoings and we will not allow them to get away with it.

I support clause 4 of the bill which establishes emergency service costs recovery orders in the Sentencing Act. Sections 87D to 87N of division 2B, part 4 of the act, enable a judge to impose such a cost recovery order on an offender who is found guilty of a hoax incident.

I also support the move to extend the reach of the cost recovery provisions to the emergency service agencies beyond the current situation. At this stage in Victoria only the Victoria Police can claim costs. The wide definitions of ‘emergency service agency’ and ‘emergency service worker’ as detailed in clause 4 are of a sufficiently catch-all nature to mean that they are not limited in their meaning and will encompass any person engaged to respond to an emergency incident.

We are proud of our volunteer organisations — the auxiliary workers and the casual firefighters of the Country Fire Authority (CFA) and members of the State Emergency Service (SES) — and they are explicitly defined, as they should be. However, I have genuine concerns about the assessment of the costs when they do a recovery or respond in an emergency situation. The bill does not include the cost of a CFA or an SES volunteer. This is one of the real concerns why this bill, although a good step in the right direction, is not fully — —

Mr Maxfield interjected.

Mr WELLS — The honourable member for Narracan has just belittled the work and the worth of the CFA and SES volunteers once again by saying that we do not pay them. Of course, you nitwit, we don’t pay them! What we are doing — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Wantirna will refrain from referring to the honourable member for Narracan in such a manner. The honourable member for Narracan will remain quiet!

Mr WELLS — The honourable member for Narracan belittled the work of CFA volunteers by

saying that they do not get paid in any way. I argue that the worth and work of a CFA and SES volunteer is equal to that of a paid Metropolitan Fire Brigade (MFB) person. The point I am making very strongly is that if, for example, you are in Vermont when a hoax call goes out and the MFB turns up, that can be charged. Two kilometres across the Dandenong Creek in a place like Boronia, as would be known to you, Honourable Acting Speaker, or in my own area of Scoresby, if the CFA is called out the person who is caught creating that hoax may not get charged a cent because volunteers were sent to respond to that emergency situation. I do not think that is right.

If the CFA and the SES are called out, there should be a standardised charge to ensure that the CFA or the SES is compensated one way or another. The way the bill is written at the moment is not fair, because if the MFB responded to a hoax there would be a charge to the person who created the hoax, whereas there would be no charge if a volunteer agency responded.

I want to know whether there will be an assessment of a volunteer's personal costs such as loss of wages, business income or lost productivity and whether there is an intention that volunteers should ultimately be reimbursed for their costs. For example, if CFA volunteers leave their businesses for a full day and need to hire a casual or somebody else to replace them, will they be compensated? It is a fair question.

As I said before, it is a lot easier to determine the costs involving paid professional emergency service workers, but if the cost of the volunteer is not adequately assessed then the CFA, the SES and other volunteer agencies will not fully recover their members' indirect costs. How will the cost of, say, trauma counselling for volunteers months after a horrific incident be assessed? Will this type of cost be deemed to be a reasonable cost in providing an immediate response?

As we go around and talk to CFA and SES volunteers who are involved with horrific car accidents we learn that counselling is available for them and that the cost of it is paid fully by the CFA and the SES. If there is a response to a messy emergency and a cost is involved one or two months later for trauma counselling, will the person who has created the hoax be responsible for picking up that charge? The bill does not cover that issue.

On some occasions the CFA or the SES may be called in to mop up long after an incident took place. Does the bill cover that? Are the costs of the SES or the CFA that can be attributed to the incident still recoverable, even though they are not part of an immediate response as

defined in proposed section 87D(1)? That proposed section refers to costs that relate to immediate response. I am not sure what the definition of 'immediate response' is. Is it in the first instance, when you turn up to pull apart an envelope or pull apart a suspected bomb, or is it when you are mopping up oil for two or three days later? That part of the service provided by the CFA or the SES is part of an immediate response and should be costed accordingly.

The types of costs recoverable under proposed section 87D(2) do not relate to the loss of business income where a volunteer has to shut his or her business or a self-employed tradesperson stops work to respond to an emergency. Why do recoverable costs only relate to employed personnel and their direct remuneration? Will the true cost of the incident be fully recoverable from an offender? I have my doubts.

I also have concerns about the enforcement of a cost recovery order where an offender is under 18 years of age. Proposed section 87N details a cost recovery order as 'a judgment debt due by the offender to the state'. For example, if you are aged 14 or 15 I suspect this legislation will not cover you. Children will get off scot-free, although they may have created a huge emergency situation by calling out the SES and the CFA to attend a hoax. There is no provision for parents to be made even partially responsible for their child's debt, and that is consistent with other parts of the law. I am not talking about adolescent exuberance or innocent pranks, I am only talking about situations where a child has deliberately gone about creating a hoax which is going to involve an enormous amount of effort by the CFA, the SES and other emergency services to bring it under control.

Another concern about proposed section 87N is that the recovery order payment will be made to the state, which means that the emergency service that responded will not receive any of the money from the person who has committed the hoax. If excessive amounts of overtime were involved the CFA, the SES or even the MFB should be compensated to ensure that they are fully funded. If we have a spate of disasters like those in New York you would expect that the state would compensate the emergency service to ensure that it is fully funded at all times.

However, my concerns do not in any way take away from the support that the opposition is giving to this bill. Rather, we do not oppose it. Hoaxes are an unnecessary and dangerous nuisance to society. The genuine threats of terrorism are frightening enough and a considerable challenge to our emergency services. No-one needs hoaxes that could take valuable resources

away from an emergency, thereby placing other lives at risk.

Hoaxers must be sufficiently punished through imprisonment and financial deprivation to send a message to other would-be offenders that the community does not look kindly upon hoaxes. As I said earlier, many of the individuals who create hoaxes will not be deterred by the new provisions, because there are many sick people in this world who delight in creating fear and panic in others. The opposition does not oppose this bill.

Mr STENSHOLT (Burwood) — I also rise to support the Sentencing (Emergency Service Costs) Bill. Others have pointed out that it stems from the events of 11 September this year in the United States of America and also the important subsequent events there that have seen the emergence of bioterrorism. Government members are appalled by these acts of terrorism — the first, involving the aeroplanes, being very visible and extraordinary and appalling in its nature. However, the bioterrorism involving envelopes containing anthrax spores is more insidious and far more effective in spreading uncertainty and fear throughout communities.

Naturally the government condemns these actions. It is saddened by the loss of life through the immediate assaults on 11 September and the bioterrorist attacks on postal workers sorting mail in post offices or other people who were in those buildings. That type of biological substance — in this case it was anthrax spores — can be very easily spread through airconditioning or other air circulatory systems in buildings and can lodge deeply in people's lungs, making it virtually impossible for them to recover, despite the use of antibiotics. As surface dust these biological substances can produce rashes and other types of reactions. The government condemns the attacks, and it is particularly saddened by the loss of life from bioterrorism. The effect is very insidious, occurring some weeks after the original attacks.

We all shared in this sadness, including my constituents in Burwood. A strong effort was made to ensure that condolence books were widely circulated in my electorate, and nearly 3000 of my constituents and residents signed them. We put the books in shopping centres, churches and community organisations. Many of the shopkeepers in Ashburton, Burwood, Hartwell and Maling Road, Canterbury, had the condolence books open, and many, many people signed them.

They were signed in an atmosphere partly of sadness but also of the fear and uncertainty that had been generated by these terrorist attacks, particularly the new

threat of bioterrorism. Australia was not immune from this, insofar as some people with sick and disturbed minds — you would hope that sensible people in their right minds would not indulge in hoaxes — perpetrated hoaxes. There was a spate of hoaxes in Melbourne and the very services that are meant to respond and help us at times of crisis and in emergencies, which include bioterrorism attacks and incidents, were called out on a number of occasions at great expense.

Doing so is not a simple operation, because when biologically harmful substances are being dealt with extensive protocols must be gone through, including the use of anticontamination suits, specialised training and attendance at particular events, and the hosing down or decontamination of equipment and suits by whatever means necessary. It can be an expensive exercise. Although there have not been any real examples of bioterrorism in Australia, and we do not wish to have them, the cost of any hoax incidents can be up to \$60 000 because emergency services can take up to half a day to deal with such an incident, and that is a huge expense.

It is not just the instant response — and the bill does talk about immediate response — of the emergency service workers who attend such incidents and the cost of trying to determine what exactly the biological threat may be; there is also the downstream immediate response in terms of testing, which can cover a wide range of chemical tests that may be necessary. These have to be done extremely carefully in laboratories so that people are not contaminated by a real act of bioterrorism. This takes extreme care and creates great expense because we want to make sure that our emergency services continue to be among the best in the world.

The extreme frustration and anxiety that such hoaxes arouse need to be avoided. We need to ensure that the people who indulge themselves in this behaviour — to make hoaxes is absolute indulgence — have the full force of the law come down upon them. This is the intent and purpose of the bill, which has come forward very quickly, as is appropriate in the circumstances that we face.

This bill is reasonably put forward and comprehensive in its intent. For example, clause 4 provides broad definitions, which include that of 'emergency service agency'. Effectively, we are dealing with new technologies and the leading edge of biochemistry. The anthrax threat is reasonably well known, but there are many other substances that can be created artificially and their effects are not always known.

There are other forms of hoaxes, such as bomb threats, which have been dealt with for many years. However, technology keeps changing. It is no longer appropriate to list only the police, so the definition of 'emergency service worker' has been broadened to include not only police, firefighters and the State Emergency Service workers who are in the front line, but also specialised services and testing personnel who can also be needed.

It may well be that a wide range of government agencies or workers may become involved in emergency responses, particularly if real or hoax biological substances are hard to define. That is why the definition of emergency service worker in proposed section 87C has been expanded in subparagraph (n) to include other people who have been brought in to assist with emergencies. It could in fact be people providing services in a public or private hospital or indeed any other person or body, so the definition is broad and comprehensive enough to cover all of those.

The bill with its broad definitions then makes sure those people who are found guilty of perpetrating a hoax have to bear the costs of the emergency services broadly defined call-out, and courts can make cost recovery orders. The bill also provides that the costs claimed are part of the immediate response, which includes evacuations, decontaminations — or the processes and protocols of the decontaminations — and the analysis of the various substances. It can also, as has already been mentioned, cover the costs of wages and entitlements of the service workers.

The proposed cost recovery provisions are very reasonable. The person found guilty will be able to pay the costs in instalments, but of course if they fall behind the costs will become due. Cost recovery, as provided for in proposed section 87N of part 4 of the Sentencing Act, is to be treated as a judgment debt. This means the court can make a garnishee order or an attachment of earnings order so the assets can be garnisheered or part of the continuing earnings of a person can be taken and applied to the payment of the debt.

Where the person found guilty has a deficit of assets the bill provides that recompense for any victim will come first, followed by recovery of any fine which may be appropriate to any order by the court against the person found guilty of perpetrating the hoax. The bill also provides a reasonable process for this. It is due process through the courts and the order must be properly applied for by the Director of Public Prosecutions or, if the offence is heard in the Magistrates Court, by the police prosecutor or the informant. A normal period of 12 months is proposed for the making of the application; however, if it is seen to be in the best

interests of justice the time limit can be extended beyond that period. That is a good, sensible process.

In keeping with maintaining the rights of the defendant, the offender is able to follow normal processes and has the opportunity to address the court and call witnesses to give evidence for their case. Available documents, as we see in proposed subsections 87H(1) and (2), are brought before the court and can include an itemised bill provided by the emergency service agency or agencies, whatever the case may be, whereby its full costs are put before the court for the court to take into account in making an order in regard to costs.

Clause 6, in amending the Summary Offences Act, makes sure that there is to be consistency with other legislation by making the category broader than simply police and adding other service workers. As I said before, we want the definition to be totally comprehensive, particularly in the face of new technologies that might be needed to respond to bioterrorism hoaxes.

Clause 7, by clarification and cross-referencing, emphasises the seriousness with which we take the issue by incorporating recovery order provisions within the Crimes Act, so they are clearly stated and right up front. It means it is something we take very seriously as a society and are not prepared to tolerate people who go around perpetrating hoaxes.

In my constituency of Burwood we have little sympathy with people who wish to prey on their fellow citizens in a climate of fear and uncertainty, particularly as generated by bioterrorism. As the representative of the people of Burwood I want to make sure that the full force of the law can be used to deter such hoaxes and their perpetration.

The emergency services in Victoria do a great job. Recently they had to respond to a spate of hoaxes and did so with great expertise and wonderful dedication. I applaud their work. I hope, though, in the future they will not be called out by hoaxes — or by any real examples of bioterrorism. I commend this legislation to the house.

Mr ROWE (Cranbourne) — As has been said, the opposition does not oppose the Sentencing (Emergency Service Costs) Bill. In opening my contribution I reflect, as others have done, on what I was doing on the evening of 11 September. I was sitting in the family room watching television and flicking from channel to channel as is one's wont at that time of night. I flicked back to Channel 9 and thought I had stumbled into a Steven Seagall movie. The sight before my eyes was

certainly surreal. As I watched, the second plane crashed into the second tower and it was at that time we realised we were, unfortunately, watching real-life drama unfold before our eyes. I sat there transfixed by the screen and watched the events as they unfolded in New York on that day, and my mind immediately went to relatives I have in the United States and to the many people I met in the United States when you, Mr Acting Speaker, I and others visited the law enforcement agencies in New York and other parts of the country.

There is a certain degree of camaraderie. The honourable member for Malvern attended with us, and the honourable member for Mornington has also visited emergency services in the United States.

Mr Cooper — I worked with them.

Mr ROWE — As the honourable member interjects, he worked with them on emergency responses.

Having been in the police force myself I feel for emergency service officers in all such circumstances. I do not think there is any person in the world who does not wish that those acts had not occurred.

In addition to the acts on that day, there has seen a spate of mail terrorism in the United States, with anthrax powder being posted to the House of Representatives and the Senate, buildings being evacuated and people being infected by bacteria which has been created by man and sent by man. These events should never happen again in our lifetime. I wish the forces of the coalition in other parts of the world godspeed in bringing justice to those who perpetuated these crimes.

As I have said, the opposition does not oppose this legislation. I believe that in some respects it is merely window-dressing, in that there are other ways in which this could have been achieved. The Summary Offences Act has the offence of false reporting to police. That provision could have been amended to allow for the inclusion of emergency services other than police. There is also the provision in the Crimes Act, which was mentioned by the Leader of the Opposition in his response. There are other ways of doing it, but the government has chosen to do it this way.

The bill is entitled the Sentencing (Emergency Service Costs) Bill. In his second-reading speech the Premier said:

This bill amends the law so that anyone who commits a hoax offence can be ordered to repay emergency services reasonable costs of responding to the bogus threat.

I hope that is in fact the case, because the costs are incurred by the emergency services, and they are costs that come out of their budgets. If we read the clause relating to the application of the orders, we can see that although it will be the emergency services that provide the billing as proof of having rendered the service it will be the state that is recompensed for the costs. Proposed section 87D states in part:

... it may, on application, order the offender to pay to the state such amount as the court thinks fit for costs reasonably incurred by any emergency service agency in providing an immediate response to an emergency arising out of the commission of the offence.

As I said, from my reading of the bill it appears that it will be the state that recoups these costs, and we have had no undertaking from the government that this money will be passed back to the emergency services which incurred the costs. Costs were certainly incurred by the ambulance service in representing itself at the Metropolitan Ambulance Service Royal Commission. Although the government said it would be reimbursed, the ambulance service paid the costs out of one year's budget, affecting the services it could deliver to the community. It was not recompensed until much later — in fact, in other financial years — although I am not sure we can be certain that the money has been paid to the ambulance service even to this day.

Unless there is an absolute cast-iron guarantee from the government that this money will be passed back to the emergency services, it will not render any assistance to them. They will incur the cost of responding to the hoax or the legitimate emergency, as the case may be, and will therefore expend their funds. Subsequent investigations may reveal an offender; in time that offender will be brought before a court; in time an order will be given to recover the costs; and in time that order may or may not be enforced, because the offender may or may not have the means to pay. But where the offender does have the means to pay, the money should be returned to the emergency service.

One would hate to see the situation occur during a budget review process where an emergency service, having expended the majority of its money, is going over its budget for the year and the Treasurer, as Treasurers do, turns around and says, 'Yes, but you had an emergency this year. You do not actually need those additional funds to cover your costs for the coming year. We will leave your budget where it is', or 'We will only increase it by 3 per cent instead of 10 or 15 per cent'. Those services would be greatly disadvantaged by that. I ask the Premier, who has been present for most of my contribution, to take that on board in his summing up.

One other clause that concerns me is the one which allows the court to make a decision on costs based upon an offender's ability to pay. If an offender or his family could be put under too much financial duress, the court may determine not to make an order. That is not good enough. If these people have sense enough to make a decision to commit the crime — and a hoax is as much of a crime as an actual offence — they should be prepared to pay the consequences, not only by spending time in jail for the offence they have perpetrated but also by recompensing the community for the costs incurred.

It should be a debt that follows them right through their lives. It should be a debt that is recoverable by garnishing wages, as is allowed for in this bill. It should not be a debt on which the court makes a decision not to make an order because the person is today a no-hoper from the S11 movement that two years ago laid siege to the exhibition centre and the casino during the World Economic Forum.

It will be a pointless piece of legislation if these people are allowed to get away with it. Usually it will not be a situation where people of means perpetrate these crimes, because generally they are no-hopers. I think the provision —

Mr Hulls — They might have psychiatric problems.

Mr ROWE — They might have psychiatric problems, as the Attorney-General says. Maybe those people from the S11 group do have psychiatric problems — or maybe it had something to do with their political affiliations! But I still believe it is inappropriate that if a person has trouble meeting their financial obligations under an order that the court may see fit to not issue an order.

I would like to place on record my appreciation of the staff of the Department of Justice who briefed my committee. I thank the departmental officer, the police and members of the justice committee. It was a full and wholesome briefing and the responses given by the officer to our questions certainly allayed some of our concerns. I trust the Attorney-General will pass on our thanks to the officer concerned, who I believe is now sitting in the advisers box.

One of the questions we raised related to the ability of local government by-laws officers and workers to be considered as emergency responders. The response we received from the justice department was that local government is certainly covered in the definitions and in the intention of the act.

The other response which has caused concern for opposition members relates to volunteer workers. It is a concern that my electorate of Cranbourne and all the adjoining electorates — in fact, electorates all the way down to Springvale and Dandenong and up through Knox — are serviced only by the Country Fire Authority. In Cranbourne, Tooradin, Blind Bight, Warneet, Pearcedale, Langwarrin and Carrum Downs the Country Fire Authority brigades are manned by volunteers. When those volunteers turn out to a house fire and that house is insured, the CFA makes a claim for recovery of costs on the insurance policy and they are paid the same as if they were using career firefighters in Dandenong or Springvale. So the volunteers have the same worth to the CFA in that they are able to recover costs from insurance policies, but with this particular legislation it seems that the government has overlooked the contribution of volunteers.

I hope the government will take that on board and seek to make some amendment to the legislation whereby services rendered by volunteers are recognised and that the CFA is able to recover the costs as they would of attending a house fire or a motor vehicle accident.

There is also the issue of the costs incurred by the employer who releases these volunteers. Many of them work in the industrial area around the Cranbourne fire station and employers release these people to attend emergencies. They are incurring costs — and an unnecessary cost where it is a hoax. But that certainly should be considered in the calculation of costs incurred in emergency responses to situations. The same situation exists for the Victoria State Emergency Service, which is predominantly a volunteer service and which, during times of national disaster and emergency within our state, provides vital services of volunteers released by private enterprise to service their community. I believe it is time that this was recognised and addressed.

As I have said previously, we all condemn the events of 11 September and subsequent terrorist events. We condemn the people who perpetrated the hoax at the Herald Sun building. Our emergency services turned out swiftly and promptly, undertook those things for which they are trained and certainly assisted the people within the buildings who were affected by the hoaxes in Melbourne to the best of their professional ability. That is the same for CFA volunteer members. They need to be recognised. I ask the government to consider my contribution and the contribution of others in relation to volunteer workers.

Mr HARDMAN (Seymour) — I am disappointed in the circumstances that created the need for the Sentencing (Emergency Service Costs) Bill, but it is obviously a bill that is very necessary. I am pleased to be speaking on the legislation which I believe has been done in a very timely manner. I congratulate the Bracks government and the Department of Justice and those who brought the bill together obviously in challenging circumstances.

Honourable members would probably find it hard to believe, but the Seymour electorate has been affected by an anthrax scare. A local constituent informed me of a rather stressful time that he had with an anthrax scare. Most people would be aware there is a military base near Seymour called Puckapunyal. That base is now on what I think is called orange alert. The security there is probably similar to Parliament House at the moment with regard to getting into and off the premises and checking out who goes out there, et cetera. It includes, for example, photo identification to get in and out of the base — although I do not think we do that here. We use metal detectors and that sort of thing but have not gone quite as far as Puckapunyal yet.

One of the costs we are experiencing, which goes even further than recovering emergency service costs caused by the dreadful events since 11 September, is the cost of security. They must be incredible and have gone up here and in other places where we are threatened by people who would like to perpetrate acts of terrorism and get their cause known throughout the world. Obviously those people initiating hoaxes, such as the one at Puckapunyal, put others under a great deal of stress, and they should have to pay for the problems they have caused. These hoaxes are cruel and unnecessary and play on the fears of people. It apparently costs up to \$60 000 for the provision of emergency services each time something like that happens.

The bill inserts a new division in the Sentencing Act of 1991 to allow the court to make a cost recovery order in certain circumstances. So all the emergency services agencies, including the Country Fire Authority, the State Emergency Service, the police, the ambulance service and the hospitals — in fact, any agency that responds to an emergency — are covered by this piece of legislation. A bill of costs is prepared by the emergency service which then goes to the court and is presented by the prosecution and hopefully costs will be regained as well as a decent punishment for the person who has created the hoax or, worst-case scenario, done a very bad deed, whether it is be through anthrax or a bomb hoax, et cetera.

The Bracks government is committed to ensuring that the full force of the law is used on those who play on the fears of others as it is fitting that those perpetrators are punished. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I am pleased to make a few brief comments on the legislation before the house. In doing so I can say that like other members of the house I was appalled by the terrorist attacks of 11 September. I clearly remember where I was; I was in Canberra at a Commonwealth Parliamentary Association conference. The honourable member for Cranbourne detailed his experience, and like him I could not really believe what I was seeing but it was for real. I clearly remember the stunned silence at that international conference with people trying to come to grips with, as the Premier said in the second-reading speech, how the world had changed forever. I think all of us share those sentiments. There is absolutely no room in any civilised society for the sort of terrorism that we saw on that day.

We in Australia are extremely fortunate to enjoy freedoms that most people take for granted because they have known nothing but these enormous freedoms. One only has to read of what is happening in other parts of the world and travel overseas to see just how fortunate we are. In that same vein, I was at a meeting this morning where the speaker was talking about Pakistan and how generations of people have been bonded to a person to make bricks and unborn children are bonded to work in slavery for the rest of their lives. We are very fortunate in this country, and we sometimes take for granted the freedoms we enjoy.

An important freedom that is relevant to the legislation before the house today is the right to be free from fear. Freedom from fear of whatever sort is very important in a society such as ours. The events of 11 September were quite deliberately planned to create fear and uncertainty not just in the United States but throughout the world. We have watched with a great deal of misgiving as real terrorism threats have been made in other parts of the world, but equally concerning are the people who get some perverse satisfaction out of making hoax calls, hence the legislation before the house.

It is most regrettable that there are people who get this perverse pleasure from creating fear and uncertainty and disrupting other members of the community with their hoax calls. I do not pretend to understand their reasoning, but I am greatly concerned about the cost, the disruption and the sense of insecurity caused by hoax calls.

Many honourable members will not speak in this debate, but those of us who do speak share the sentiments of all members of this house in being determined to do whatever is necessary to prosecute and punish the perpetrators, first to get them out of the community, if that is what is needed to ensure that they are properly punished, and second through this legislation to recover whatever costs can possibly be recovered to reimburse the agencies that are put to so much inconvenience. I therefore welcome and support the bill, although I regret that it is necessary.

Terrorism affects all sections of the community. Obviously international airlines are very much at risk, as are the embassies, large international commercial organisations and governments, but smaller towns and communities are also affected. Even the country electorates are not immune. In my own electorate of Rodney there was an anthrax scare at the post office in Kyabram. Kyabram is a town of 3500 to 4000 people, and this scare caused great disruption. Postal business was disrupted by what turned out to be a hoax from 7.30 a.m., when something strange was noticed. The police were called, and it was 2 o'clock in the afternoon before business resumed as normal. A 100-metre containment area was established by the police, staff members were evacuated from the building, two people were decontaminated in a shower in a nearby business and their garments were sealed in bags and taken away, while the offending envelopes were taken away to be analysed by the Department of Human Services. As I said, it turned out to be a hoax.

I commend the police and emergency services that responded. They did all the right things. The Shepparton Country Fire Authority hazardous materials unit was called — there is one unit in Shepparton and one in Echuca to deal with these situations — along with CFA crews from Kyabram, Merrigum and Tongala. A lot of people were involved, and I want to make the point in passing that most of them were volunteers. A range of people travelled from various towns to deal with this hoax at cost and inconvenience to them and the public, in this case the public of Kyabram. The legislation aims to deal with those who perpetrate these hoaxes.

I want to briefly commend all of the emergency services — the police, the fire brigades and the State Emergency Service — on the very professional way they have been dealing with these hoax calls. In country Victoria most of the people are volunteers. The CFA units, the SES units and the search and rescue units are all staffed by volunteers. This legislation will not really apply to them; they will not be reimbursed for the loss to their business, the loss of their time and the

inconvenience. That is all the more reason for us to commend people who give of their time voluntarily to serve their communities.

It is pretty well documented that the cost of attending any one of these incidents is in the order of \$50 000 to \$60 000. That is a huge cost to the community. We need some heavy penalties so that hoax callers understand that if they proceed with this ridiculous business and get caught, there are some very severe costs. I share the view expressed by other members of the house that unfortunately probably most of the people who perpetrate these calls will not have anything like the means necessary to reimburse the state and the emergency services for the costs, but they should be made to understand very clearly that whatever assets they have will be pursued to at least partially defray some of the costs.

I will close by raising a question. I support the legislation, but I am concerned about the definitions and whether search and rescue units will be covered by the bill. In Echuca we have a fantastic voluntary organisation called Echuca-Moama Search and Rescue. Generally speaking they are off-duty police, firemen, ambulance officers and other members of the community who have put an enormous amount of time into training and fundraising to equip themselves with vehicles. They are not part of the State Emergency Service; they proudly stand aside from it. I have read through the definitions carefully, and I think the only way they can come in is under the definition of an emergency service worker, which is a volunteer emergency worker within the meaning of the Emergency Management Act 1986. When this legislation is passed I will be writing to the minister seeking clarification of that, because I think it is important that if these workers are going out they should know that they are covered under this legislation.

I fully support this legislation. I commend the government for bringing it forward, and I offer my support to send a very strong message to the community that people who perpetrate these hoaxes will not be tolerated but will be pursued and whatever assets they have will be taken from them if they are found guilty.

Ms ALLAN (Bendigo East) — Like many other members I am pleased to speak on and support the Sentencing (Emergency Service Costs) Bill. As we have heard, Victoria has strong emergency services. People in voluntary or paid capacities respond promptly and professionally to all sorts of crises across the state. Last weekend was very windy in some parts of the

state, and many people had need to call on the State Emergency Service.

Sadly since the attacks in the United States of America on 11 September there has been a much different call on emergency services in Australia and internationally. Our awareness of the role of emergency services and their importance in maintaining the fabric of our society has been enhanced since the attacks of 11 September, because of the amazing rescue efforts carried out overseas and because of the moving, multifaith gathering at the National Tennis Centre in Melbourne not long after. Having the emergency services people there as part of our celebrating and recognising their role in the community was moving and enhanced awareness of what they do.

The attacks on 11 September in the United States of America have changed in many ways how we think and act in different situations across society. We are now more aware of our personal safety. In Parliament House we go through more stringent security checks. We are more aware of security as we enter buildings, and people are affected as they travel. The incidents in the United States reverberated around the world.

One of the awful outcomes of the 11 September attacks — some of them have been hoaxes and some, sadly, have been authentic — has been the attempts at anthrax poisoning. Many of us find it outrageous that copycat instances have happened in Victoria and Australia, and we all know about the media reporting of the anthrax copycats around the world.

Bendigo has not been immune to these copycat incidents. On 16 October we had an anthrax scare when 15 people were taken to hospital for testing to ensure they were okay after coming into contact with a powdery substance that some feared may have been anthrax. This caused great disruption to Bendigo. It led to the evacuation and decontamination of the Bendigo post office. The post office is located in central Bendigo and obviously is responsible for the delivery of mail to Bendigo and central Victoria. So you would appreciate, Madam Acting Speaker, how this caused great disruption to many services in and around Bendigo.

In the Bendigo suburb of Kennington another mail worker found white powder in a mailbox as he was emptying the mail. Following those two instances Bendigo streets were completely closed down. We witnessed emergency service workers in chemical protection suits going in to decontaminate the scene as well as the decontamination of postal staff. Huge precautionary efforts were undertaken by Bendigo's

emergency services and its medical staff, who responded well in a crisis situation.

In debating the need for financial recompense when these sorts of attacks happen, we should also remember the people who feared they had come into contact with what they suspected to be anthrax or another poisonous substance. They feared for their personal safety, and then they had to go through the decontamination process. Sometimes the decontamination happened in a public street, where the workers had to undergo heavy industrial showers to be properly cleaned. That caused great personal distress to the people affected.

The sorts of hoaxes that have happened in Bendigo and across Victoria have had a wide-ranging effect on the local community, not just the people involved. They also affected the emergency services and caused great disruption to the community, whether it was businesses not having their mail delivered or the closing down of streets while the decontamination was under way.

The government acknowledges that such hoaxes come at a great financial cost to the emergency services, including a loss of productivity. It has been estimated that hoaxes like these can cost around \$60 000 each time a response is required. It is a cost the government and the community will not continue to tolerate. We acknowledge that hoaxes like this are a crime. The bill will create a new financial deterrent to people who may consider carrying out copycat hoaxes. The bill will amend the Sentencing Act, and when it becomes law anyone found guilty of carrying out these types of hoaxes can be ordered by the courts to repay the costs incurred by the emergency services costs in responding to them.

There has been some concern about the capacity of people to pay. The bill addresses the issue of people who do not have at hand the cash to be able to repay the debt, which then becomes a debt to the emergency services and may be repaid through a sale of assets or the garnisheeing of the person's wages.

I conclude by commending the emergency services and the volunteers who have responded, not just in Bendigo but right around Victoria. Their efforts continue to deserve praise. The community finds these types of hoaxes outrageous and not to be tolerated, and there has been great community debate about this.

I am certainly pleased to see that this bill is before the house within what is really a short time and to know that it will have a speedy passage through the house. I commend the bill to the house.

Mr COOPER (Mornington) — Hoax calls are a fact of life and have been for a long time. From my own personal experience as a volunteer firefighter and officer with the Country Fire Authority for 20 years I am aware of the effect that hoax calls can have on individual communities and on the lives of individual people.

In Mount Eliza in the early 1970s a hoaxer operated for over 12 months. In that time the volunteer fire brigade had to respond to over 400 calls. Some of them were hoaxes and others were not, but there was no way to differentiate between them, so they had to respond in full force to each one. Calls were made for them to go not only to scrubland but also to public buildings and private houses. It certainly affected the security of the community and the lives of the many volunteers in the brigade of which I was the lieutenant.

As the honourable member for Rodney mentioned, one of the things about the activities of hoaxers is the fact that they take away the confidence people have in their personal security and safety. We have seen that very much in the wake of the events of 11 September, such as the effect they have had on airlines. A number of people are now very wary of flying: many people will not fly if they do not have to, and that effect showers down on businesses, jobs and the economy.

A number of airlines in the United States of America that were viable up until 11 September — some of them were marginal but certainly viable operations — now have a question mark over them. If some of the stories in the newspapers are correct, which they probably are, we will see some of those airlines either being taken over by stronger opponents or just folding up. That will have a dramatic effect on employment and on the economy of the United States. It will involve a huge cost for the government of that country.

However, the after-effects of 11 September have not been limited to the United States. The events have affected the entire world, and Australia has not been immune. Honourable members who have already spoken on the bill have referred to hoax calls that have occurred in Melbourne and the rest of Victoria being quite dramatic for those involved. I watched the television coverage of the anthrax scare involving the fake call to the *Herald Sun* building. The building was emptied and people were forced to go under a decontamination shower — God knows what effect that had on their clothing, but it certainly would not have done much for their morale — and drama surrounded the efforts of the emergency service personnel who were called in to deal with the situation. At the end of it all it turned out to be a hoax call, and one has to

question the sanity of someone who would perpetrate a hoax of such a scale knowing the damage that it would do to the community.

Anything that can be done to address how we can deal more harshly with people who make hoax calls should be supported. The no. 1 priority, of course, is to catch the hoaxers. Hoaxers get away with it on many occasions — they cannot be tracked down, even though the full force of the law is brought to bear in trying to track them down. Some of the efforts in the United States to try to get to the people who are perpetrating the anthrax hoaxes have been without success. One cannot question the colossal effort of law enforcement agencies right across the United States of America both at a federal and a state level, yet they still cannot find that person.

While all those provisions can and should be put in place, we still have to have our fingers crossed that people in Australia and here in Victoria who perpetrate hoax calls, particularly hoax calls of the nature of the fake anthrax events, will be apprehended and dealt with under the provisions of the bill Parliament is now considering. I support the comments made about the legislation by other speakers on this side of the house. We do not oppose it and would welcome any provisions that make the penalties for hoaxers much tougher.

However, some areas of the bill deserve comment and questioning, and I will deal with three in particular because the government needs to look seriously at them. The first one has been commented on by others; it is the difference between the comments made by the Premier in his second-reading speech and comments elsewhere about the recovery of costs and where the recovered moneys go. The Premier made it abundantly clear that the recovered costs would go to the agencies that had been affected by the hoax call, but we see in the bill that the money will go to consolidated revenue and the agencies will have to depend on the goodwill of the government to send any of that money back to them.

I am well aware of the debates that have occurred over the years, regardless of the political colour of the government, about the hypothecation of moneys brought in, particularly through fines and such like. The government could well argue that emergency service agencies should not profit directly from costs recovered from emergency calls, particularly as a result of hoax calls. The hypothecation argument in this instance is a little different from that about, say, revenue obtained by fines from people who do not pay their fares on public transport. Here we are talking about agencies that have

no option but to turn out when the call comes in. The costs involved in the turnout are quite considerable indeed. This is not a penny-ante operation, particularly if one looks at the turnout costs of the Metropolitan Fire Brigade or the Country Fire Authority. They are significant, and therefore the government should give assurances to the house — if not this house, certainly to the other place — that the moneys raised from costs recovered will flow back to the emergency service agencies involved. It would include fire brigades, police, ambulance services and in some cases also local government, none of which have any option but to respond in the cause of the safety of the communities they serve.

The costs are colossal, and it is unfair. When a hoaxer is busy at work, as was the case in Mount Eliza in the early 1970s with over 400 calls to a totally voluntary fire brigade, the costs to the authorities involved are quite considerable. Their budgets should not be so badly affected by such events, and where costs are recovered it is incumbent on the government to ensure that the funds go back to the agencies to offset what would still be a loss for them. They cannot budget for the activities of a hoaxer. I make the point and believe it is a valid one that the hypothecation argument cannot be offered as a reasonable excuse for not allowing those costs to go back to the agencies involved. The government should give further consideration to the matter. The agencies would quietly, if not publicly, strongly support that kind of approach.

In any case it all depends on being able to apprehend the hoaxer, have them convicted and then find out whether they have any assets. As the bill stands — and this is another point I wanted to make — if the person who is convicted has no assets, in effect there is no penalty. If the person has no assets and therefore simply cannot and will not pay, then there are no provisions in the bill for any kind of penalty. If the person is apprehended and convicted but has no assets, they do not even do any time in jail for this offence. Really it is a little crazy that a person who is without assets can get away with this sort of hoax without any penalty other than having to face court and be convicted. Other than that no real penalty is applied to them. That is the second point, and it also needs to be given serious consideration.

The last point I want to make is in regard to the voluntary agencies, and in this case the Country Fire Authority and the State Emergency Service. The costs of the volunteers involved in these operations are not taken into account in the calculation of costs for those agencies, and that is wrong. It sends a bad message to volunteers in both the CFA and the SES, and it needs to

be corrected. I am not saying that volunteers should be paid from any costs recovered, but certainly the agencies themselves should be able to include the costs of those volunteers when calculating the agency costs for any decision by a court in such matters. The feelings of the volunteers, their feelings of personal worth and the contribution they make to the communities that they serve, would be enhanced considerably by knowing that the cost of their turnouts would be included by the agencies when they make an application to the court.

With those three points in mind, which I believe should be given serious consideration either while the bill is in this house or when it is between here and the other place, I finish my contribution and I welcome increased penalties for hoaxers.

Mr MAXFIELD (Narracan) — I rise to support the Bracks government's Sentencing (Emergency Service Costs) Bill, which tragically has been forced upon us by world events. I am sure everyone in the house joins with me in condemning those who have engaged in the most despicable acts of terrorism imaginable. We have been appalled by what we saw on our TV screens not so long ago when planes were flown into two buildings in New York. It was a tragic time not only for those involved — for New York, indeed America — but also the world. We have all been affected in our own little ways.

Down in the Latrobe Valley we had a scare with suggestions of contamination, and there have been other hoaxes around the world. If we then cast our minds to the further effects of terrorism we think about the war in Afghanistan as part of the attack on terrorism.

Along with other honourable members, I was involved in collecting signatures on a condolence book from the state government that has now been given to the United States of America. Many people from my electorate came into my office to sign the book, and we also sent condolence books to churches. Many people from those churches signed the books to show their support and condolences for people in America who had suffered tragic loss. We need to remember the people from other countries who were also killed at that time. In a sense these tragic events have brought about a loss of innocence, because people are now more fearful. Many people are afraid. We have heard of people who have failed to get on planes and avoided holidays as a result of these terrorist activities.

One of the things that has saddened and disappointed me as a citizen is that during the last federal election the Howard government played on those fears. It was sad

and disappointing to see a government stoop to what can only be described as a very, very low level. I hope we never see an election campaign like that again. I hope in future all political parties will rise above fear and scaremongering tactics.

It is sad that we have had to bring this bill into the house, but it is a piece of legislation that is needed because not only do we as a community have to send a message that terrorism is not acceptable in our society, we also have to send a strong and clear message that not only will we not accept terrorists, we also will not accept those who play on the fears of terrorism through hoaxes.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! There is too much audible conversation in the chamber. I ask honourable members to keep their voices down.

Mr MAXFIELD — We must make hoaxers think again. The bill amends the Summary Offences Act 1966, the Crimes Act 1958 and the Sentencing Act 1991, which is the principal act. These changes will make hoaxers responsible for costs that have been incurred by a range of emergency services who would respond to a call-out.

As a member of a Country Fire Authority brigade I am aware of the hard work the CFA puts into protecting communities from fire and a range of other emergencies. The CFA and in Melbourne the Metropolitan Fire Brigade have played an active role in hosing down and decontaminating suspected anthrax sites. Those scares have turned out to be hoaxes, but as at other times those attacks needed to be taken seriously.

Other emergency services such as ambulances, hospitals and — to answer a question raised by a previous speaker — search and rescue units are also included as areas where costs can be recovered as a result of providing necessary emergency services. The bill also has a wider clause that enables other emergency services that are called to respond to claim their costs.

The bill applies to the offences that are most likely to create a false emergency that causes a significant call-out of emergency services personnel. The legislation will not come into effect for minor actions — for example, a child making a silly phone call that people would immediately realise is not valid. Where a significant response is required the legislation

will come into play to make those who are responsible liable for their actions.

The prosecutor will apply to the court for an order to recover the costs to be made on behalf of the agencies. The money that comes in will go to the consolidated revenue, thus avoiding arguments between different agencies as to who should get what moneys that may or may not be recovered. The bill of costs will be presented to the court for the decision.

We hope those who commit these very sad offences will come to their senses and learn that their behaviour is appalling. By making them responsible it is to be hoped we will dramatically reduce the chances of their creating the stupid hoax in the first place. Making them responsible is something which clearly I and the government strongly support, but we must take into account that in some cases the hoaxers will not have the money to pay. The courts will be able to take into account their capacity to pay when they look at what compensation may be required. Judgment debts can be used against them, assets can be sold to pay for the costs and the garnisheeing of bank accounts and going after their earnings may be other ways available to recover costs incurred through calling out a significant emergency service response to hoaxes, which unfortunately some in our community who should know better may think of as humorous or funny.

There is fear out there in the community, and we must not underestimate the fact that some people are quite fearful and that hoaxes can seriously heighten their fear and anxiety. In some cases people may be reluctant to go on holidays or they may be scared to travel, so terrorism can have a significant impact on their lives. As a community we have to send out a strong message discouraging hoaxers who think it might be a bit of humour, a bit of fun, or who may even be malicious — there are some who see this as a great way to engage in a bit of payback for something that has occurred in the past, but unfortunately they cause great concern and disruption to our community.

To finish my comments I congratulate the Bracks government on once again very quickly responding to the needs of the circumstances resulting from these terrorist attacks. The Bracks government is one of the best and most well-meaning governments I have seen. Obviously as a member of the Bracks government I am biased, but I see quite clearly as I travel around the community that the Bracks government responds to community needs in a sensible, caring and intelligent way. It shows that it is governing for all Victorians to provide a safe and secure environment, not only for our

families and friends but for all the citizens of Victoria. With that I conclude my remarks.

Dr DEAN (Berwick) — Comments in relation to 11 September and the way we feel about that have now been made by most honourable members in this debate, and I do not intend to go over that ground again. Nobody in this Parliament would feel any differently from the feelings people have already expressed.

I would like to take a slightly different tack in relation to this bill and note that it adopts a notion of sentencing that the Liberal Party has been concentrating on for some time — that is, making sure that a sentence, penalty or payment fits the crime. In other words, when somebody breaks the law, rather than just limiting them to a fine or penalty or putting them in jail, make the court's decision impact on the offender in a way that focuses their mind on what they have done.

There could be no better way of doing that than to say to the person who has committed the crime, 'You go back to the people to whom you caused disruption, you go back to the community which had to pay a certain amount of money as a consequence of your breaking the law, and you pay them back. You actually understand that has caused particular people particular concern, and you go and make it good'. That is a notion in sentencing that is slowly growing in Victoria, and I notice that Professor Arie Freiberg has picked up on this in his report. It is a notion that we in the Liberal Party have talked about for a long time.

If you look at the legislation itself you could make all sorts of criticisms of it. With legislation as important and serious as this, I do not intend to get into political arguments and so forth, so my comments on it will be brief. However, they are made on the basis of alerting the government to things that it may or ought to look at more closely in the future.

Proposed section 87D makes it clear that any moneys received go to the state. It may have been a better idea to put these cost-recovery provisions in each of the separate acts regarding each of the emergency services, which would have allowed them to go through the recovery process. That fits in with my original thesis — that is, to make the punishment fit the crime — because if someone has caused hurt, damage, financial inconvenience or whatever to another party, the process should be about having that party say to the person who has caused them the trouble, 'You pay me back'. My colleagues have mentioned that recovered moneys will go into consolidated revenue; therefore the emergency services will have to wait for those moneys to come

back to them, and that is a good point. However, it is not the point I am making.

My point is that if you really want to get into this notion of a person who has broken the law facing up to the community in a way that brings home to that person what they have done, then it is best that the person who is affected by their actions is paid the money directly so that that person can stand up and say, 'You pay that money back to me'. That is why I believe it would have been better to have these provisions in each of the acts so that, for example, it would have been the Victoria Police getting up and saying, 'We are the applicants. You have done this to us. You pay that money back'. This would bring home the message to the offender that that is the way it should happen.

There are references in other parts of the legislation to instalment orders and all the things that are usually associated with them that require a person to pay a certain amount of money. Also I note that, as is the case with the compensation provisions in the Sentencing Act, there is a provision that the financial means of a person who has committed the crime and who is being asked to repay the money should be taken into account when compensation is determined. I have always had some problem with this. Again, it is about time we became a bit more creative. In effect the court will lower or change the amount that it determines should be paid back if it believes the offender does not have the ability to pay. However, this legislation is not about whether offenders have the ability to repay money; it is about the community trying to send a message to people who break the law.

It is true that it is a bit silly to have some huge penalty hanging over the head of someone who cannot possibly pay. Nevertheless, you have a provision — and we need to think about this in the future — whereby even though offenders may not have the immediate capacity to pay they still have a debt hanging over their heads for a significant period. That period may be forever, because it would have to be determined by the court.

The whole point of making the punishment fit the crime is to give a lesson and make an impact. This is where we get mixed up, because when we refer to compensation and the recovery of costs we get mixed up between civil and criminal law. There is no doubt that in civil law it is all about the recovery of money, based on the notion that someone has lost money and therefore should have it back. This is not just about the fact that the police or the fire brigade has lost money. That is only part of it. The main point is the lesson for the criminal that they have to make good their crime. Therefore to bring in the civil concept that it is all about

whether or not you can give that amount of money is not the right approach. The right approach is to say to the offender, 'You should have that debt hanging over your head for a period of time, and if within that time you have the capacity to pay, we will require you to do so'. That means the lesson is there, but it is no lesson to someone who may be impecunious or who does not have to pay a debt that is due.

Even if these people never pay their debts the court will have said, 'All right, this is a debt. We know you cannot pay it, but we will leave it sitting there for 10 years. Even though we know you will not be able to pay it, the lesson is that it will be there, hanging over you. It will be a debt that reminds you every time you think about what you did'. If this is about sending signals and messages, then that provision is inappropriate. I think that is because it was lifted from the compensation provision in the Sentencing Act, which again is about the notion of trying to even out the money and make sure it is right. We need to rethink that provision, even within the Sentencing Act. I know the compensation provision says that financial circumstances should be taken into account, but it needs to be done in a more sophisticated manner. That is something that we as parliamentarians ought to be thinking about.

I also notice a provision that says that each party will bear its own costs. I do not know why that is there. A tribunal situation where a matter is being determined between two people is often of a civil nature and not a criminal nature, so I understand why the tribunal often says, 'Each party will bear their own costs. This is not about wrongdoing, it is about trying to sort something out'. I understand that, but this is a criminal matter and concerns criminal conduct. If a person is liable to pay the costs that some third party has suffered, why are they not liable to pay the costs that the Crown and the Director of Public Prosecutions have had to pay out to get those costs back?

It is all part of the cost to the state, no less so — if we are talking about the state — than the crew having to turn out to a hoax. Again, it is all part of rethinking what the criminal law is about. It is not about trying to be a red-neck about things, but about trying to ensure that messages are sent. The actual hoax and contamination provisions, which were brought in by the previous government, stand firm. They were there for this very purpose and have worked well, and the new provisions will support them.

The legislation would have been better if it had been within each of the separate acts so that we could isolate

it. I draw to the attention of the government the fact that proposed section 87D(1) provides that:

... it may, on application, order the offender to pay to the State such amount as the court thinks fit for costs reasonably incurred by any emergency service agency ...

There is a bit of strange terminology there, because 'emergency agency' is defined as having a specific definition and it is clear what it applies to, so it should use the term 'an emergency agency'. By using the term 'any emergency agency' it begs the question as to whether there might be other emergency service agencies, like the emergency department of a hospital or whatever, included in it. Presumably the courts will not make that mistake. Were they ever to read my contribution to this debate — which they probably never will — I would be able to make it clear to them that even though the word 'any' appears, 'an' is probably what is meant.

Apart from that, the other matters I have raised in relation to costs and so forth should be taken into account.

Ms DUNCAN (Gisborne) — It gives me pleasure to speak on the Sentencing (Emergency Service Costs) Bill. Its introduction, as has been said earlier, is extremely timely as a response to what all honourable members regard as tragic events that occurred in the United States of America.

I will make a few comments to correct the misunderstandings created, I suspect, by the honourable member for Mornington, who seems to believe the bill provides that the perpetrators of these crimes can only be fined. The honourable member, if he is suffering under those delusions, has obviously failed to read either the second-reading speech or the bill itself. The amendments proposed simply extend the range of options available to the courts.

Actions such as creating a bomb hoax or perpetrating any similar terrorist activity are already criminal offences and can attract extremely lengthy prison sentences — for example, contamination of goods carries a maximum sentence of 10 years imprisonment, and the making of a bomb hoax carries a 5-year imprisonment penalty. I am not sure what the honourable member for Mornington meant when he said he thinks there should be more than just fines for those offences.

The moneys referred to in the legislation are not fines but cost recovery that can supplement the cost recovery provisions already existing under various acts to allow courts to retrieve costs for police and other

investigations undertaken to secure a conviction. The courts already have the power to order that a person convicted of the making of a false report to the police should repay reasonable expenses incurred by the police. The bill simply extends those provisions so that the government can now recover costs incurred by the other emergency services.

The provision is, as we know, a response to the many hoaxes that have been perpetrated not just on people involved in workplaces but on all of us who feel the angst and fear generated when a hoax occurs. We had a hoax at the Woodend post office in the electorate of Gisborne, and the honourable member for Bendigo East referred previously to a similar hoax at Bendigo post office and to the amount of disruption to normal business, the fear and the angst that was created in Bendigo at the time. The event in Woodend was similar and had a similar impact. The front page of the following week's local paper was full of it, and the images presented along with those articles were extremely worrying for everybody. The angst is created not only in the people involved but in the people who get called out to provide services, because emergency service workers feel it as well.

The bill recognises the enormous cost to the state involved in meeting those call-outs. It has been suggested that \$60 000 is not an uncommon figure for such a call-out. Another cost is the time taken to deal with a hoax call or hoax letter and the consequent loss of service to other areas for the whole time the emergency service workers, including police, are involved in dealing with the hoax incident. The result is a reduction in services to the rest of the area that the emergency services are responsible for.

Hoaxes, which are becoming copycat actions, have a tendency to feed on each other. When there is one there is often a series in quick succession. That is what we have seen around Australia and around the world since the events of 11 September.

From working in schools I know that they get a run on bomb hoaxes. They might not have any for several months or several years but may suddenly get a run of them with a series in quick succession. These things tend to feed on each other. I suspect that someone creating a hoax, getting away with it, and being seen to get away with it just encourages other people. For most of us it is quite mind-boggling to think what these people get out of creating such worry and uncertainty in the community. It takes all types, as they say.

I would like to congratulate the members of emergency services for the load they bear. They go in unaware of

the level of risk, whether the threat is real or imaginary and whether it is a hoax or the real thing. They take enormous risks on our behalf. As a society we must acknowledge that and do everything we can to support their efforts. We do that in a number of ways. This bill does that by acknowledging the costs and risks involved and making the perpetrators of these crimes responsible for the actions they take. The bill extends the range of options available to the courts. They are now able to recover costs for police investigations. They are now able to send people to prison for a very long time. They are also now able to recover costs for the emergency services. This is a timely bill. The government has responded as quickly as possible. I commend the bill to the house.

Ms McCALL (Frankston) — In this debate let us try, as emotional as it may be, to get things back into perspective. The 11 September events were horrific — nobody has any doubt about that — as was the aftermath of those events, and the world in which we live will have altered to a certain extent. It will mean we will look at some of our friends and neighbours, the people we meet in the street and the manner in which we travel with an element of suspicion. But let us not get it out of proportion. Letter hoaxes, bomb hoaxes, and hoaxes of any sort have gone on for 100 years at least.

I come from the United Kingdom. For most of my life I can remember the IRA and its terrorist outbursts and bomb hoaxes on the public transport in London. I well remember a particular incident at Christmas 1976 when I was going to the theatre in London with my then husband. We were travelling up from Surrey going across Putney Bridge towards the London theatres. By then the entire emergency services, the London police, the fire brigade and the ambulance service, had been called by a bomb hoaxer — but they did not realise it was a hoaxer at the time — to say there was a bomb on a double-decker London bus on Putney Bridge immediately in front of us.

Inevitably that meant that the entire London traffic on that Friday night — and anyone who has ever travelled in London at rush hour on a Friday night will tell you that about 8 million cars are on the move — ground to a halt. It was pouring with rain, as it usually is in England in December. We were ordered out of our cars and we were ordered to get face down on the pavement and to remain there until it could be worked out whether the bomb on the bus was a real bomb or a hoax. I am delighted to say, because I probably would not be here otherwise, that it was a hoax.

So let us not get this out of proportion. There is no question that hoaxing is not suddenly something that came as a result of 11 September. We have read enough novels by any of the excellent spy thriller writers, such as James Patterson, Tom Clancy, Frederick Forsyth, or Jeffrey Archer, who will write an excellent novel when he gets out of wherever he is at the moment. All of those novelists have been writing about the realities of terrorism, fear and hoaxing for many years.

My only reservation about this legislation is not that it is not well intentioned, but that it is a knee-jerk reaction to something that is going on outside and that it indirectly feeds the very people who perpetrate the hoaxes. That is not to say that these people, if and when they are found, should not be punished severely, whether by carrying a debt for the rest of their natural lives or by a term in prison or a form of restitution.

Let us make no mistake about it. These hoaxers do not advertise themselves, they are not easy to find, and very often they are fanatics, are obsessive about certain things, or — as the honourable member for Mornington suggested — are psychologically unbalanced. A piece of legislation like this will not stop them. It might make the Premier of Victoria feel he has met the commitment he made to Neil Mitchell on 3AW, and it may make a certain part of the community feel better. But make no mistake about it: hoaxes, whether by terrorists or just fanatics, will not be stopped by this piece of legislation.

People might suggest I ought to go out and get a real life, but I have read the Sentencing Act, the Summary Offences Act and the Crimes Act. The three pieces of legislation could have been minutely tweaked to deal with what is in this bill. This piece of legislation is flawed, not in its intention — that is not what I am saying at all — but in its execution. I do not believe for one minute that it will make the slightest bit of difference to the people who will continue to frighten the public by their stupid acts of hoaxing. I do not believe this legislation has any deterrent.

There are a number of issues. First, the money will not go back to the emergency services themselves. If there is any money to be recovered — and I very much doubt that if ever a hoaxer is caught he will have any money to be able to pay back anyway — it will go back to consolidated revenue. It will not go back to the emergency services.

In the majority of cases members of the emergency services who are called out initially will be volunteers. Where is the money to compensate their employers, or if they are small business operators, the loss of earnings from their businesses when they go out as volunteers, if

the perpetrator of the hoax — if and when he is caught — declares himself bankrupt, is psychologically incapable of pleading, or just does not have the means to repay the debt to the community?

I take up a point made by the honourable member for Berwick. We are talking about a debt to the community, not just a debt to the coffers of the Parliament or the state. It is not just about covering the costs of the emergency services, the full-time staff and the volunteers; it is also about the cost to the community. These individuals, for whatever reason, strongly believe what they are doing is clever, fearful or smart, and they will cause all the panic they like in the community. By accentuating their behaviour with legislation like this all we are doing is turning the spotlight on them.

These people owe the community. There is no question in my mind about that. They owe the community an apology, whether they are the people who poisoned aspirins at Herron, the people who destroy products in the supermarket or the people who cause all sorts of untold concern and trepidation in the community. Well meaning as this piece of legislation is, I am not convinced that it will achieve anything other than salving the conscience of a few. It will not stop the people who have been hoaxers of every shape or form for many years. It will not stop feeding the fanaticism of the terrorist who wishes to frighten the public and to create the sort of disruption that Osama bin Laden's people did with the destruction of the two towers, which has prevented people from genuinely wishing to travel by air and who have demonstrated genuine concern. It will not stop those sorts of people from achieving their evil ends.

If I can draw a parallel in my concluding remarks with the IRA and London, all the punishment in the world that was levelled by every bit of legislation, some of which is paralleled in this chamber today, has not stopped any of the hoaxes — nor may I say has it prevented anybody continuing their daily lives in the normal way. I do not want this to be produced and introduced into a climate of fear that perpetuates the fear, because the reality is that if we allow fear to dominate, then the people who perpetrated the hoaxes and blew up the towers will win, and that is one thing we must never let them do.

Mr LENDERS (Dandenong North) — I also rise to support the Sentencing (Emergency Services Costs) Bill. My contribution will be short, as I think most of the major issues have been addressed by other speakers in this fairly lengthy debate.

The point I would like to make is that no matter where you go in this state, there would not be a person who would not know where they were when they heard of the twin towers disaster — and there would not be a person who is not concerned about it. From a public policy perspective of dealing with the hoaxes that have arisen from that unfortunate tragedy, this bill is the government's response.

The propositions are fairly simple. In a civilised society we cannot take the risk of not sending emergency services to any hoax. It is an operational issue for emergency services, but I certainly would not want to be a person in a position to say that to save money we will not send people in when lives are at stake and there is that element of risk. In that particular circumstance the state also needs a response that deals with hoaxes, because ultimately the hoaxes cost the state an enormous amount of money when it has to take the precaution of looking after lives if there is any perceivable risk. So it is a simple proposition about what the appropriate penalty is and what the appropriate cost recovery mechanism is to deal with hoaxes. There would not be a member here now who does not have a bit of trepidation about opening mail and those sorts of things. We hear of hoaxes, and we hear more of the things that are going on. This is an appropriate public policy response to an awful situation. That in essence is what the legislation is all about.

The people that I talk to in my electorate of Dandenong North or further afield in Waverley and other places all have very similar views on these sorts of things. They say we need to have an appropriate response. They say it should not be an overreaction but should be measured. I believe the bill meets all these requirements. I believe it is good public policy, and for those reasons I commend it to the house and wish it a speedy passage.

Mr LUPTON (Knox) — In the time I have been on this earth I have experienced a number of things. I have seen man walk on the moon, and I have seen jet travel develop to the stage where you can fly around the world within a day. But nothing has altered the world as much as what happened on 11 September. There is no way that this place, this earth, or the world as we knew it, will ever be the same as it was prior to the 11 September disasters.

To think that anybody could perpetrate such a crime is amazing. The fact that there are people around who are still performing acts of terrorism by sending things through the mail and perpetrating bomb hoaxes, et cetera, requires this legislation to be introduced.

I have a number of concerns about this legislation, because I believe it does not go far enough. While I was pleased I was at the briefing, I found it lacked a great deal of substance. A number of questions were not able to be asked. Some of the matters raised by the opposition at the briefing related to proposed section 87D and the cost recovery orders and in particular to subsection (2), which refers to remuneration:

... payable to an emergency service worker involved in the provision of the immediate response referred to in sub-section (1).

At the briefing departmental officers were asked to define what 'immediate' was, because we were not really sure. Take for example an anthrax hoax or disaster situation where the police arrived there, followed 5 minutes later by the Metropolitan Fire Brigade (MFB) or the Country Fire Authority (CFA), followed 2 minutes later by the State Emergency Service (SES). Given the smart lawyers we have today in our society, I have no doubt they would argue about what the word 'immediate' referred to.

The briefing notes talk about an immediate response to an emergency. The question was: 'What will the cost of an immediate response to an emergency encompass, and how far will this extend?'. The answer which was provided was, 'This will depend on the facts of each case. It will be up to the court to decide what aspects of an emergency services agency response forms part of an immediate response. If there is any ambiguity in the legislation then the court may' — I emphasise 'may' — 'have recourse to the explanatory memorandum to assist in the interpretation of the legislation'. The explanatory memorandum to the bill makes it clear that the costs ordered will cover more than the simple costs of the first person who arrives at the scene.

Page 2 of the explanatory notes says in part:

A cost recovery order is an order that the offender pay to the state an amount, determined by the court, for the reasonable costs an emergency service agency has incurred in providing an immediate response to the emergency situation arising out of the offence.

Again we go back the word 'immediate'. Nobody is defining what 'immediate' is. The way the members of the legal profession are, they will be defending some individual who has carried out a hoax, or whatever it was — I can see it now — and they will argue for two weeks about what 'immediate' means. In the case I quoted, I think I said the police got there first. We could have a situation where the other emergency services were not involved. We raised this at the briefing, but nothing has been done. All we have got is this airy-fairy

thing that the courts 'may' have to make a decision. Again it goes back to 'immediate'. I have a real concern about that.

I refer to other aspects of the bill which were raised at the briefing but which have not been addressed. Take as an example the town of Sale, which has a Royal Australian Air Force (RAAF) base. Let us assume that an anthrax scare has been perpetrated on some houses in the immediate vicinity. It would be rather strange if the Australian Federal Police or the RAAF police or the Australian Military Police did not attend to make sure that that particular danger or something similar did not enter the RAAF base. Yet this legislation makes no provision for those emergency services under the control of the federal government. They will not get reimbursed, so no attempt has been made, despite the request at the briefing, for that to be rectified.

If a threat is made at Victoria Barracks in St Kilda Road, I cannot see the Metropolitan Fire Brigade and the police turning up but the military police sitting inside and not taking any interest. It is a situation where the emergency services are going to respond to the best of their ability.

Then we look at cost recovery and what the second-reading speech says about it:

This bill makes it very clear that anyone who wastes emergency services' time and money by crying wolf will not only be guilty of a criminal offence — they may be ordered to pay back the considerable costs of responding to the fake emergency they created.

In the paragraph above the Premier said:

This bill amends this offence so that any emergency service agency that gets caught up in answering a false report can have their expenses repaid.

However, the bill talks about the money going back to consolidated revenue. I would not like to be hanging by my teeth trying to find out when the money was going from consolidated revenue to the emergency service which acted. I do not know which if any agency will be reimbursed, because I do not know who will define immediate. The legislation is well meaning, but it has a number of loopholes that you could drive a truck through. I have no doubt that some members of the legal profession will do their utmost to ensure that these loopholes are exploited as far as possible.

I turn now to proposed section 87J, which talks about the court taking the financial circumstances of the offender into account. I sought legal advice on this and found out to my amazement, and I think to the amazement of the people of Victoria, that when a

person perpetrates a crime such as this the court must take into account their financial requirements. The second-reading speech suggests that the court may garnishee wages, but it is quite evident if you read the bill and proposed section 87J(3) that if the offender has insufficient means to pay them all:

... the court must give first preference to any compensation order, second preference to a cost recovery order and third preference to a fine.

Here we have a situation where there could be a cost to the community of something like \$60 000 for the emergency services to turn out, yet because the person who has perpetrated this particular hoax does not have sufficient money at that time the court could decide to turn around and not award any costs against him. I think Mr and Mrs Victoria would believe that the courts should look at it in such a way that the person who perpetrated the crime has a garnishee on their wages or assets for life to ensure they repay the debt. This appears to me to be a very nice, friendly and cuddly way of treating the person who has perpetrated a hoax. It is designed to look after him in the future and not worry about the workers who were out there risking life and limb.

A number of opposition speakers have already mentioned their concerns about the volunteer firemen from the Country Fire Authority and the State Emergency Service. If I am employing a person and there is a call for them to attend as a CFA or SES volunteer, there is a cost to the community and, in this case, to me. The question asked at the briefing was whether the volunteers will be able to recoup any of their lost wages or similar costs in responding to an emergency. The answer was a quite definite no. As a Parliament we are expecting firms and employers to make members of their work forces available to serve our community by acting as volunteers, yet at no stage are we prepared as a Parliament to legislate so those employers have their expenses recouped when their workers attend an anthrax hoax or something like that.

It has been pleasing to hear the comments that have been made during the debate about local government having its expenses reimbursed or collected, but of course nobody has yet explained what will happen when the money is paid into consolidated revenue. Nobody from the government side has said that this money will be paid to the police, the CFA, the Metropolitan Fire Brigade, the SES or the local council.

Mr Lenders — You should have listened to the debate.

Mr LUPTON — The honourable member for Dandenong North was up for about 30 seconds in speaking on this bill, which is very important to the people of Victoria, so he should not turn around and start interjecting.

Mr Lenders — I was succinct!

Mr LUPTON — You talked rubbish, absolute rubbish. He is turning around when he has not addressed the matter!

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Knox, through the Chair.

Mr LUPTON — He, not you, was talking a load of rubbish, Mr Acting Speaker.

The legislation covers hoaxes, but my reading of the legislation, and my understanding of the debate so far, is that it may not apply if there is an actual bomb or an actual anthrax disaster. I want to know whether this covers those actual eventualities or whether we are only talking about hoaxes. No doubt somebody will say that some other act in the Victorian legislation covers those matters, but this is basically talking about anthrax hoaxes and maybe bomb hoaxes. The question I and a lot of other people have is whether the cost recovery provision is applicable under a real situation?

Mr Maxfield interjected.

Mr LUPTON — I do not want to have to get into the honourable member for Narracan, who is sitting there laughing his idiotic laugh, but if he wants to start interjecting and giggling like he does I am happy to take him on. It would be a great pleasure to do it, because I found his contribution absolutely ridiculous.

The bill has the right intentions. But I am trying to draw to the attention of the house some of the concerns held by members of the community. I do not believe the bill goes far enough in ensuring that the various emergency authorities receive the money from consolidated revenue. The definition of 'immediate' is clouded and should be clarified. For example, if the hazardous materials vehicle arrives after 20 minutes, is that part of the immediate response? The definition is too wide.

The bill is essential, but I believe it could be tightened up a great deal. With all due respect, the briefing we were given did not cover a lot of the matters we asked about, and the notes have not addressed many of those things.

Mr LANGDON (Ivanhoe) — It is with a great deal of pride that I rise to speak on this bill, because I realise that the government is acting on community concerns about what is happening in the rest of the world. Like many others in Australia and overseas I was quite stunned by the events of 11 September. I had been to America and New York five weeks earlier, so the events of 11 September brought it home to me.

The honourable member for Knox spent a lot of his contribution commenting on speeches made by members on this side of the house. I do not believe on commenting on others' contributions, but I advise the honourable member to read the Crimes Act if he wants to know more about what happens to those who perpetrate crimes. It might be the Crimes Act that covers them, not the Sentencing Act.

This bill is very important, because it is a reaction to the events of 11 September and its consequences, including the anthrax scares in America and many other things around the world. I realise that terrorism has been a part of this world for a long time. I suspect there were terrorist acts in all parts of the world well before they got the name 'terrorism' — and hoaxing has been a large part of that. This bill is important because it deals with causing a scare. Clearly some hoaxers will never be caught. Obviously when people perpetrate hoaxes they do not want to be caught, but those who are can now be dealt with under this act. It is an important step to ensure that people who perpetrate hoaxes can be convicted.

A cost recovery order can be made against a person convicted of an offence relating to the contamination of goods under division 4 of part 1 of the Crimes Act 1958, or to a bomb hoax under section 317A of the Crimes Act 1958, when an emergency services agency has incurred a cost in providing an immediate response to an emergency that arose out of the commission of that offence. These are important aspects. This will also allow the court to recover costs on behalf of the relevant agencies.

The bill for the costs of the emergency services will be presented to the court, so the court can penalise those people for perpetrating the hoaxes. As has been said, the world has changed. Many speakers have summed up their experiences on 11 September and the after effects. The bill takes account of that. Some honourable members on the other side would like to put out a story about the bats issue, but the bill does not cover bats; it covers other issues. I commend the bill to the house and support it wholeheartedly.

Mrs FYFFE (Evelyn) — The events of 11 September shook the world and will remain embedded in our minds forever. The attacks on 11 September and the subsequent anthrax attacks on innocent people, whether carried out by individuals or terrorist groups, were designed to cause not just loss of life but also anxiety, fear, distress and damage to communities. No decent person can support acts of terror, and I support every action which can be taken legally to deal with them. I extend that to cover hoaxes, which cause so much distress.

The bill deals with responses to deliberate hoaxes, whether a bomb hoax or one involving contaminated goods. The introduction of the recovery of costs for hoaxes is supported, and the maximum penalty should be imposed on any person found guilty of a deliberate hoax. The climate of fear that hoaxes create cannot be underestimated. They cause tremendous distress to our elderly and to other vulnerable members of our society. They disrupt the day-to-day activities of our communities. They cause long-term financial damage.

Our tourism industry has been widely affected by the real acts of terrorism, and the perpetration of hoaxes continues to adversely affect the tourism industry. It is not just the tourism industry that is affected. We have the cost to businesses as they are evacuated and searched. We have the costs incurred by the emergency services — and it is good to see some attempt to recover the costs to these services. Although the Liberal Party does not oppose the bill, it is, as has already been said, mainly window-dressing.

As has also been pointed out by other speakers on this side of the house, the bill is flawed. It is with some bewilderment that I look at the provision that says you pay the penalty only if you can afford it. Offenders may not be able to pay today, but what about paying tomorrow? The provision means that people like some of the S11 demonstrators would not have to pay if they were found guilty of a bomb hoax. Once again the Bracks Labor government is engaging in a smoke-and-mirrors exercise. Minor amendments could have been made to the Sentencing Act, the Crimes Act and the Summary Offences Act. Instead we have a comprehensive bill that does not address the issues properly.

The costs of volunteers should also have been covered in the cost recovery provisions, and the costs recovered should go back to the agencies involved, not into consolidated revenue.

The bill refers to bomb hoaxes, but what about real bombs? Will cost recovery apply in the case of a real

bomb being planted? I was in England at the time of the bomb attack on Horseguards Parade. I remember the fear and confusion that caused. Three months later, when I came back to Australia, I was walking in South Yarra going back to my car when I saw a schoolbag on the pavement. I immediately turned around and hurriedly retraced my steps. The fear of a bomb going off is something that never leaves you. Whether it is a hoax or someone plants a real bomb, even if it does not go off, there should be full cost recovery for any costs incurred by emergency services.

The opposition does not oppose the bill, although it is flawed. It could have been achieved with amendments to existing acts. I realise other people wish to speak after me. The bill addresses an issue that has greatly upset the community and is going to stay with us for a long time. The strong feeling of security we have had in Australia — we have been sheltered from many of the horrors happening around the world, whether because of the IRA, Israel or Iran or Iraq — has ended. All the terrors that we have not experienced are coming closer to our shores, and we have to take action to minimise their effects and to try to stop those who would be copycats of the hoaxers.

Ms OVERINGTON (Ballarat West) — I wish to make a short contribution to the debate because I believe this is an extremely important piece of legislation. It is interesting to note that some of the other speakers have recounted their experiences overseas involving the IRA or in other countries which have had similar periods of uncertainty in their histories. However, the effects of terrorism were brought home to me a few weeks ago when we had an electricity blackout in Melbourne. One of the buildings affected was 555 Collins Street. I attend a number of meetings in that building, and when I spoke to the staff following the blackout they described the uncertainty and the almost instantaneous fear they felt. They did not know immediately that it was just a power blackout.

Because of the events that have occurred internationally over the past few months the immediate thought was that it was some kind of attack that had caused the building to be blacked out. The terror suffered by one of the people trapped in the lift was real, and I can relate to that because I am claustrophobic. I remember going caving with my children when they were young — I did not like it at all — and I shudder to think about being locked in a very small space that is totally black! When this woman described her experience to me she said that never again in her life would she want to be put in that situation.

As I said, the people in the building did not know at the time that the power failure had resulted from other causes. The point I want to get across is that it could have resulted from a real attack or a hoax attack, because in some cases areas have to be secured, and blackouts can be the result of that type of closure.

It has been interesting to listen to some of the speakers in the debate regarding cost recovery and hear their concerns about the money going to consolidated revenue. I have no concerns about that, because if the money does not go to consolidated revenue it cannot be distributed again to individual emergency services groups, which could result in emergency services standing on street corners like tow trucks waiting for a crash. When accidents unfortunately occur, suddenly 30 tow trucks can arrive on the scene all pushing to get the trade. We do not want that to occur with our emergency services because they believe some kind of payment will be forthcoming. The correct practice is for the money to go into consolidated revenue. I commend the bill to the house. It is a good and fair bill, and I wish it a speedy passage.

Mr SMITH (Glen Waverley) — I heard the Premier on the Neil Mitchell program some weeks ago when community concern was at its height. He was asked about taking costs from the people who carry out bomb and anthrax hoaxes through the mail and other means, and it seemed to me at the time that it was a good idea to try to do something, even if for no other reason than to get the big message to the community that we are fair dinkum about punishing people who commit hoax crimes. The propaganda unit should look at getting that message to the community. I have heard some speakers in the debate today put forward a lot of interesting perspectives that show where people are coming from on this issue. The views expressed in the house give the propaganda department the opportunity to consider the best way of targeting that message.

It is beside the point that some people have described the bill as a toothless tiger and others have said it is window-dressing. The important thing is that this bill, which adds to the other parts of the Sentencing and Crimes acts, sends a message to placate the normal run of citizens and at the same time frighten the people who carry out hoaxes.

There are already provisions in the Crimes Act and the Sentencing Act that enable magistrates and judges to award jail sentences to people who have made false reports to the police about bombs or the contamination of goods. As I understand it, judges can give sentences of up to 10 years and magistrates can give sentences of up to 2 years, which sends a strong message. Judges

can also award punitive fines — that is, fines imposed to punish offenders — of up to \$1200. I am not sure of the limit for magistrates. However, we also need to have the cost recovery element to frighten would-be offenders. Under the heading ‘Court may take financial circumstances of offender into account’ proposed section 87C of proposed division 2B states:

(3) If the court considers —

...

(b) that the offender has insufficient means to pay them all —

the court must give first preference to any compensation order ...

In other words, if a person has been injured, he or she must have the first right to being compensated by the individual who has perpetrated one of these vicious crimes — and they are vicious crimes! The second preference must go to a cost recovery item and this is where this bill comes in. Cost recovery goes to emergency services including the Country Fire Authority, the ambulance service and the like.

The third preference is a punitive fine and in this way we can send a message back. It is hard for the government to bring in new legislation and in any case we do not need it because the commonwealth already has the legislation. This bill sends an extra message to people that conducting a hoax is not worth their while. Recently I heard some fellow saying he was doing it as a practical joke. If that person knows that he is going to get up to two years in jail, a punitive fine and have to pay compensation, he will not do it. At the moment they think it is funny and probably have a perverted sense of their own order of things. These people become copycats of Osama bin Laden and evil people like him. Since 11 September we have read that there could be sleepers in the community, but they could also be copycats and it is the copycats who need to know that governments are taking it seriously.

Once the bill is passed I hope the government propaganda department spends a bit of money getting the message out on television and radio, including 3AW’s Neil Mitchell program and the ABC’s Jon Faine program and various other parts of the media, that it is taking it seriously and doing it properly. It is no good just talking about it in this place because many of the speakers today probably have not even opened the bill. I had training in nuclear biological chemical warfare when I was in the army, some of it in Canada when we took a company of infantry over there in 1976. Chemical weapons are taken very seriously, but

we still do not know a lot about them or their antidotes. We know a good deal but not enough.

By way of an aside, I remember we had a young officer who needed disciplining. We were putting everyone through the CS gas chamber. The effects of CS gas are horrendous. I did not have to go through the chamber because I had already experienced the gas in Vietnam. Next door to the free world headquarters was a place called Vien Hoa Dao, which was the Buddhist headquarters. There was a riot in there one day and I happened to be going to work at the time and walked into it. I was overcome by CS gas because that was what they fired into the crowd.

Interestingly enough, the little Vietcong kids wondering about were giving lemon to their own mates, although the rest of us had to pay for it because we were the foreign villains and could be exploited. So having been exposed to the gas and been sick with vomiting and nausea and the other things it causes, you do not ever do it to a volunteer. But we did it to this young fellow and it was a good punishment for him to go through it for a longer period than the rest. We did not have any more trouble from him for the rest of the trip.

That is beside the point. A few years ago the United Nation's Richard Butler was monitoring what Saddam Hussein was doing and if anyone is an expert on NBC warfare it is certainly Saddam Hussein; he must be watched just as closely as what is going on at the moment in Afghanistan. Our forces are well trained in this area to a degree, including the American Central Intelligence Agency and the Australian forces that work with them, but the more you know about these things, the less you want to be involved.

In order to get the community scared after what Osama bin Laden did in America and to know let it know that it could happen here, we must send out the strongest message to potential lunatics, psycho cases and stupid people who want to play practical jokes. If that is the message that comes out of what we are doing today, it is not adding a lot because the courts already have the power to do many of these things under the Sentencing Act including jailing people. But at the moment the government should be stressing the extra message that if you do it, then you might have to pay for the recovery of the costs of the Country Fire Authority or for whatever emergency services it might be. I am sorry the minister's advisers are not here but hopefully the minister at the table will take up this point because it is awfully important that we get the message out.

We pride ourselves on living in the freest nation in the world. People went away to wars to fight to ensure that

we have freedom. It is the basis of our society — the freedom to think and speak, to be able to have your own thoughts and do your own thing without fear or intimidation or without losing the confidence of the community. When we tackle a bill such as this, this is the line that we should be taking.

When the Premier made his second-reading speech it seemed to him a good idea at the time. Neil Mitchell knew what he was up to and hopefully the advisers have put enough into the bill. When I checked with the shadow Attorney-General who is a mine of information on these types of things, I was reassured that we are going in the right direction at the moment. Of course it is not far enough but hopefully it is something the Parliament will be able to debate in the future so we can get it right and the concerns of people on this side of the house in particular can be realised. We can ensure that we are sending the right message out. There are so many lunatics, psychos and silly people in our community who need to be taught a lesson.

Mr WILSON (Bennettswood) — I am pleased to make a brief contribution to the Sentencing (Emergency Service Costs) Bill. My contribution will not be as brief as that of the honourable member for Dandenong North, but it will be brief. In summary, the bill before the house seeks to amend the Sentencing Act to provide for the recovery of costs incurred by emergency services in certain circumstances. Honourable members appreciate that this bill has come before the house in light of the circumstances of 11 September. We all realise and appreciate how much the events of that day have changed our world.

Indeed, as a father of young children I am distressed that my children spend too much time contemplating sad world events. My children and others now spend too much time reading newspapers and worrying about what is taking place in Afghanistan, what took place in the United States of America on 11 September and what might take place in their world in times to come. As a father, and I think other honourable members would share my view, I find it sad that the world is a less innocent place than it was prior to 11 September.

The bill can be described as a bit of window-dressing, but when there are extraordinary events such as those we witnessed on 11 September, this sort of window-dressing is needed to make strong statements to those in the community who think it is feasible and okay to make hoax calls and cause grief to emergency services.

Many honourable members would have had similar experiences to those I had when at school, or indeed at

university, of seeing hoax calls call out fire engines or ambulances during exam periods. Certainly during my time at Monash University it seemed that during every examination period some examinations were either cancelled or deferred as a result of somebody making a hoax call and in response getting an emergency service to come to the university. It was considered funny by those students — perhaps it was considered a necessity because it deferred an examination and gave the students extra time to study. However, in reality it came at a huge cost to those services.

The other danger was that while those emergency services were attending a hoax call they may have missed a call to go to a genuine emergency situation. While those students and young people may have considered their actions funny at the time, their hoax calls could have resulted in unfortunate and dire consequences for others.

As I said, the bill is important because the world has changed dramatically following dramatic events. However, federal acts of Parliament addressing post and telecommunications hoaxes already provide for the recovery of costs. Other honourable members on this side of the house have already pointed out that the capacity to recover costs is already provided in Victoria's Crimes Act and Summary Offences Act.

It is important to make the point that when costs are recovered under the provisions of this legislation the recovered moneys will go into consolidated revenue. That worries me. As someone who has studied how governments operate, not only in this state but in this country, I understand that when money goes into consolidated revenue it is not as easy to get it out and back to the agency where it belongs. The government could have made a far more determined effort to ensure that those funds go immediately to the emergency service affected by the hoax call. I regret that that has not happened.

My opening comments were that the events of 11 September have changed the world. This bill goes some way to address the issues associated with those sad events.

Debate adjourned on motion of Ms BEATTIE (Tullamarine).

Debate adjourned until later this day.

PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL

Second reading

Debate resumed from 20 November; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr VOGELS (Warrnambool) — The Petroleum (Submerged Lands) (Amendment) Bill mirrors amendments previously made to the corresponding commonwealth act of 1967. The bill has many purposes, which the honourable member for Benambra outlined very well in his contribution yesterday. There is no need for me to reiterate them.

Victoria is very lucky to have deposits of oil and gas. I want to concentrate on the Western District where those fields have been developed and gained momentum under the previous Kennett government. Exploration has been going on in the Western District since the late 1950s. I can well remember when I was 16 or 17 years old working as a juggie for a company called Frome Broken Hill. We used to lay out reams and reams of cables. Holes were drilled, explosives were set, and the vibrations were picked up by recorder. In those days that is how they looked for oil and gas. Obviously there have been many improvements since then.

In those days lots of little pockets of oil and gas were found which obviously had been sitting there for nearly 50 years. It has been only since 1997 or 1998, when the Kennett government put a pipeline from Port Campbell to Melbourne, that all of a sudden the little pockets of gas or whatever they were became commercially viable because we had a dedicated pipeline to Melbourne. So from then on the industry down in the south-west has been booming. We now see pipelines coming through and heading in all directions to the Warre plant, which sends the gas or oil off.

The main reason I wish to raise the issues here is that at present two pipelines are proposed, one to go from Port Campbell to Adelaide and the other, from BHP-Minerva offshore, to come onshore near Port Campbell and send off product to Port Augusta in South Australia.

All these pipelines are great for the local economy, and to have all these things happening has been good for Victoria as well, but my major concern is to try to get these companies to work together when the pipelines are being laid because there is huge disruption caused by laying pipelines through the intensive agricultural farmland down there. Often big channels are dug to lay these pipes in, and sometimes they are open for up to

three months, which makes it difficult for the farmers. It is hard enough for them to have to put up with it once, but when there are two or three pipelines, basically going to Adelaide, they need the companies to work together. I have no doubt that if they did work together in some cases they could send the oil or gas down one bigger pipeline instead of having three.

Two of the projects, SEA Gas and Duke Energy, are supposed to go ahead in the next 12 months and both time lines are similar. Because of this, as I said before, the minister should get involved and make sure the companies work together so that if the one pipeline suggestion cannot work because they cannot get on together or it is impractical, then at least two pipelines could go in at the same time rather than one this month, one in six months time and one two or three months after that. The companies are always good at saying they cause very little disruption, but we know that weather intervenes and that there are unforeseen ground conditions, machinery breakdowns and a lot of other unintentional events that lead to delays. But they do happen, and these disruptions lead to production losses as well as to much inconvenience.

I know the Minister assisting the Minister for State and Regional Development, who is in another place, is aware of this. She has written to me saying she intends to have an environment effects statement (EES) to make sure that all the companies do try to work together, and I am very pleased about that because it is very important. It affects the local farmers when these pipes are laid and the channels are open for a long time, so I am very pleased that the minister has written to say that she will make sure due process is followed and that there will be an EES, which will allow the public, including affected landowners, to raise issues of concern in the construction and operation of the pipelines and mean that, if necessary, proper compensation will be paid.

In conclusion, I commend the bill to the house. It basically mirrors the commonwealth act and is a good bill.

Mr MAXFIELD (Narracan) — I rise briefly to speak in support of the Petroleum (Submerged Lands) (Amendment) Bill.

An Honourable Member — You don't know what you're talking about.

Mr MAXFIELD — Acting Speaker, it is very disappointing, as I rise to my feet to speak on this bill, to discover that some honourable member in metropolitan Melbourne who would not know one of

his constituents if he tripped over them wants to suggest that I, a person who comes from Gippsland, know nothing about petroleum. This country has been driven by petroleum products over the past number of years because they come from Gippsland.

I represent the part of the state that has been its powerhouse. Every time the honourable member for Doncaster switches on his lights, where does his power come from? Gippsland! Whenever he has put fuel in his car over the years, where has that fuel come from? Gippsland! Gippsland has been this state's powerhouse. I am proud to represent Gippsland as a member of Parliament.

Mr Perton interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The Chair will not accept dialogue across the table.

Mr Perton interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Doncaster!

Mr MAXFIELD — Sadly, the shadow minister for conservation and environment is committed to destroying our environment and has shown no consideration for this state. He has come into this house and opened his mouth to criticise — —

Mr Leigh — Who are you talking about?

Mr MAXFIELD — Him!

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member should address his comments to the bill. I do not think I have yet heard the honourable member say anything about the bill, so I ask him to address it.

Mr MAXFIELD — I follow your guidance, Mr Acting Speaker, but I recall talking about petroleum having come from Gippsland and having powered the state for many years, which I thought was fairly close to the subject of the Petroleum (Submerged Lands) (Amendment) Bill. However, I take your advice that perhaps I have strayed from it, but only because of the stupid comments made from the other side of the house, which show total and utter ignorance of the issues surrounding this bill.

In Gippsland we have learnt over many years to deal with and manage petroleum exploration, production and distribution. When considering this issue tribute

must be paid to the pioneers who set up this state and Australia through their work in establishing offshore rigs and oil production. It was dangerous work, but they did not face the environmental issues that face us today.

We have to look closely at the effects of dealing with the environmental impact of petroleum exploration and pipelines. The act is designed to work in conjunction with the commonwealth — —

Honourable members interjecting.

Mr MAXFIELD — Mr Acting Speaker, it appears that honourable members opposite have no consideration at all for important issues.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member should continue his speech.

Mr Perton interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Doncaster is disorderly, and I remind him that as someone who pursues technology he should learn to control it better.

Honourable members interjecting.

Mr Baillieu — It was his pacemaker!

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Narracan, unassisted.

Mr MAXFIELD — I do not think he would need a pacemaker; he hasn't got a heart!

The commonwealth and the states should work together, because it is important that from state to state we hold to common principles, practices and rules in the regulation and control of the exploration and exploitation of petroleum resources.

One difficulty Australia has had is that different rules have applied in each state. The different rules have caused some real difficulties for industry in complying with environmental laws. The more we can have a common position across the states and with the commonwealth, the more efficient it is for businesses to explore for oil and exploit petroleum products. It will also lead to a better environmental outcome because the companies will be more switched on in their understanding of regulatory requirements. If state regimes do not work with the federal government, that needs to be taken into account.

Although no part of my electorate is on the coast, as someone who represents part of Gippsland I have spent a significant amount of time, especially during holidays, in going to various coastal areas. The environmental needs of our coastal waters and coastline are great. These areas are incredibly precious. The difficulties faced in passing the marine parks bill earlier in the year were disappointing. However, it is vitally important that the right sorts of important controls over petroleum are in place so that oil can be extracted from Gippsland and at the same time the coastline will be secure and environmentally important areas will be preserved.

Like many other people, come the new year I will be holidaying at Lakes Entrance and enjoying the wonderful delights Gippsland has to offer. We cannot allow petroleum products to be at risk. I urge everyone in this house to consider having a holiday this year and enjoying the delights of Gippsland, especially its coastal areas.

Mr Leigh — If you're going there, I'm not!

Mr MAXFIELD — I would make an exception for the shadow Minister for Transport and recommend that he go to the other side of the state — the further away the better!

Mr Perton — What about coastal subsidence?

Mr MAXFIELD — I shall respond to the interjection about coastal subsidence and congratulate the Minister for Energy and Resources in the other place on the work she has done on the issue. Sadly, the federal Howard government has refused to respond to that issue, which affects petroleum exploration. The federal government is taking significant resources and a lot of taxation out of oil exploration — —

Mr Leigh — On a point of order, Mr Acting Speaker, I believe there has been significant latitude given in debate on this bill. However, it is probably not unfair to ask the honourable member to come back to the specifics of the legislation before the house.

The ACTING SPEAKER (Mr Plowman) — Order! I accept the point of order and ask the honourable member to come back to the bill.

Mr MAXFIELD — I must confess I responded to an interjection on another topic close to my heart, which is the impact of exploration and extraction of oil and the potential risk suffered by Gippsland as a result. That issue overlaps with the legislation before us, which is clearly designed around ensuring we have appropriate outcomes from exploration. Any risk of

subsidence can have an impact and we would hope the federal government recognises the errors of its ways.

I will conclude my remarks because many other honourable members wish to speak on the bill and I would hate to take up too much time, but the issues of proper environmental controls and the working together of state and federal laws to provide a common outcome are important to me. That would make extraction of oil easy and at the same time ensure there are appropriate outcomes for the community. I support the bill before the house.

Mr NARDELLA (Melton) — The Sentencing (Emergency Service Costs) Bill is important because it builds on the policy position of the Bracks Labor government towards developing industry, minerals and exploration in Victoria. The bill is part of that package of changes and reforms the government is putting in place to make sure exploration and development companies are encouraged to set up and explore within and around Victorian waters.

In past years we have had quite a bit of exploration of both oil and gas, especially in Bass Strait, and that partnership between BHP and Esso over that period of time has been massive. The benefits flowing to Victoria and Victorians, including Victorian families, have also been part of that development, occurring primarily in the 1950s and 1960s but encouraged by governments at various points in time. This legislation continues that process and also continues the Bracks Labor government's policy of development of mineral fields including submerged facilities and other aspects of the industry in Victoria.

The government is about encouraging this kind of development and making sure the reserves are made available to the community and that the infrastructure is in place so we do not end up with the appalling situation we had under the former Kennett government, when for over two weeks we had no gas pumped anywhere within Victoria. That was the legacy.

Mr Leigh — That is appalling!

Mr NARDELLA — Yes, it was appalling — I agree with the honourable member for Mordialloc. The previous government fell down. It did not put legislation in place such as we have before us today to encourage exploration and development of petroleum and other resources beyond the coastal waters. The Kennett government let the Victorian people, companies and communities down by making sure — —

Mr Leigh — What rot!

Mr NARDELLA — You did.

The ACTING SPEAKER (Mr Plowman) — Order! Might I remind the honourable member for Melton that he should address the Chair. Might I also remind him to come back to the bill.

Mr NARDELLA — I am absolutely on the bill, Mr Acting Speaker, because I am talking about the safety and security of supply in Victoria, which is what this legislation is about, and comparing them to the woeful situation during the former Kennett coalition government when that security was not there. That is what this legislation is about: making sure the Bracks Labor government has the legislative framework to facilitate exploration and avoid the appalling situation of not even being able to have a shower for two weeks because the gas is off. The bill is about securing our future and our community's future through exploration within Victoria.

It is plain and simple, but honourable members on the other side of the house do not understand it. They have no concept of safety and security for families or for industry, but that is what the legislation is about.

The bill also mirrors the commonwealth Petroleum (Submerged Lands) Act 1967 and deals with a number of key aspects, including: clarifying exploration permits offered to exploration companies; limiting the number of renewals of exploration permits to encourage exploration; providing that permits last for an initial six years after which there is a process by which exploration licences are surrendered to allow further development by other companies; and clarifying pipeline licences to provide that they can be held by non-holders of production licences. That provision is very important for investors within this region such as Duke Energy in Tasmania. The term of production licences can vary from 21 years to an indefinite period; but the licences contain provisions whereby they can be taken away if there is no activity within a five-year period — again trying to encourage development within this area.

It creates infrastructure licences, which are extremely important as they provide for the extended use of infrastructure. It rewrites in clearer terms provisions that set the confidentiality periods relating to the release of information provided by companies. In that sense the intent of freedom of information (FOI) provisions under state legislation are put in place. It also provides for a new offence of intentionally or recklessly interfering with or damaging operations. I support this important legislation.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable members for Benambra, Ballarat East, Shepparton, Narracan, Warrnambool and Melton for their contributions to the Petroleum (Submerged Lands) (Amendment) Bill, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

VICTORIAN INSTITUTE OF TEACHING BILL

Second reading

Debate resumed from 1 November; motion of Ms DELAHUNTY (Minister for Education).

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Victorian Institute of Teaching Bill. I do so because I care about education, learning and teaching. Being a former teacher in both the public and independent school sectors, I have spoken to a large number of teachers who are also concerned about this bill.

Unfortunately this bill does nothing apart from window-dressing. It is a pity this minister cannot bring in a bill which could make a difference. This is an attempt by the Bracks government to politicise teaching and to force teachers to become members of the teacher unions. This is also an attempt by the Bracks government to gag principals — the same principals who have been critical of this minister — so they will be quiet about this incompetent minister.

The bill does not do anything to lift the standards of teaching and the teaching profession. It is disappointing that this government has brought in a bill under the guise of raising standards within the profession. We have read about what this bill will do on the front page of the *Herald Sun*; unfortunately this bill will do the opposite. I support any attempt to lift the standards of teaching so teachers can gain the respect of the community. It is also very important that teachers are accountable to parents and to the wider community. Unfortunately this bill does not provide for that.

The Victorian Institute of Teaching reminds me a little of the Australian Labour Advisory Committee, which was established to liaise between Labor members and the trade union movement. Make no mistake, this

institute will be controlled by the unions and will be nothing more than a vehicle through which the unions can increase their membership.

Let us look at the membership of the proposed council. It will have a total of 19 members. Nine will be appointed by the Governor in Council, of which 1 will be nominated by the minister as the chairperson; 3 will be teachers nominated by the minister; 1 will be a principal nominated by the minister; 1 will be a parent selected by the minister; 2 will be people from bodies employing teachers, nominated by the minister; and 1 will be a person with expertise in preparing people to be teachers, nominated by the minister. That makes a total of nine council members who will be nominated by this minister. Also on the council will be the secretary of the department.

An honourable member interjected.

Mr KOTSIRAS — There is nothing wrong with that. I understand the secretary is more keen about changing his furniture. When he first came into his office he was not happy with the antique furniture, so he threw it all out and got new furniture.

Mr Nardella interjected.

Mr KOTSIRAS — This is the secretary! The council will also have nine members who will be elected by registered teachers. There will be 1 teacher from a primary state school, 1 teacher from a primary Catholic or independent school, 1 teacher from a secondary state school, 1 teacher from the secondary independent sector, 1 principal from a state school, and 1 principal from the Catholic school sector. The majority of the council will be members of the trade union movement.

There are three more vacancies, but unfortunately the bill does not say how they will be filled. There are more teachers in the government sector, and you would think people from the government school sector would vote for teachers from that sector rather than teachers from other sectors.

It is very important that the government supports the amendments circulated by the opposition. They propose that teachers in the independent school sector should vote for teachers in that sector and should have their own representatives on the institute; that teachers in the Catholic school sector should vote for teachers in that sector; and that the public school sector should also vote for its own representatives.

Another problem is that principals and teachers are lumped in as one group. It seems that this minister has

no understanding of their different roles. The principals are not happy, so the minister is trying to gag them by setting up the colleges. The colleges will do absolutely nothing; they are there to keep the principals quiet.

Look at what is happening with the councils of teaching institutes in other places. In Queensland there are 16 members, with 2 ministerial appointments; in South Australia there are 14 members, with 1 ministerial appointment; in Tasmania there are 10 members, with 1 ministerial appointment; and in Scotland there are 49 members, with 4 ministerial appointments — but in Victoria the majority will be appointed by this minister.

There are three ways in which people can teach in Victoria. The first is to apply for registration, and provided they meet the criteria they will be successful. In that light I turn to clause 9, which the government is keen to jump up and down about and say is wonderful. Clause 9(4) says:

- (4) The Institute may require an applicant for registration to —
- (a) undergo a criminal record check ...

I would have thought every teacher should undergo a criminal record check. It also says an applicant may be required to:

- (b) submit to any tests ...

Could someone please tell me what is meant by 'tests'? Does it mean oral tests, reading tests or subject tests? What does the minister mean by 'submit to any tests'? There are more questions to be answered.

The second way is to apply for provisional registration, which is open to students who have completed their degrees and teaching requirements.

The third way is to seek permission to teach, so if a school needs someone with certain expertise in a field and it cannot find it in the school, it can go outside the school and get someone with those special skills. The only problem I have here is with overseas teachers. Some consulates employ overseas teachers and appoint them to schools. These teachers are qualified overseas, but not qualified here. They will have permission to teach but sometimes they teach without a qualified teacher in the classroom. I am worried as to who is responsible if something goes wrong. I ask the minister to check the situation of overseas teachers.

The other matter I wish to raise is the inquiry. If a school feels a teacher is unsuitable, it can set up an inquiry. That is fine. I have no problems with that. Teachers should be accountable. But I think this is just

an excuse for teachers to join the union movement. Because of the uncertainty, teachers will be afraid of fronting up to an inquiry when they have to put up the costs and have to pay for a solicitor to speak for them. I believe this is an example of the unions trying to get more power.

Although I do not disagree with the registration board having all the teachers under one roof — I think it is a good idea — I feel this bill is an excuse for the union movement to get more members and for the minister to have more say. I taught in the 1980s in a state school, and let me tell you, the Victorian Secondary Teachers Association was very influential. If you decided not to agree with the union and not go on strike, the teacher unions would ostracise you, push you aside and also threaten you.

During the early 1980s, because I refused to go on strike, the teacher unions approached me and said I would lose my position as year 8 coordinator if I continued to refuse to go on strike. This is the type of duress that unions are capable of. This is exactly what this bill does. It does nothing for teaching standards, does nothing for learning and does nothing for the schools. It just highlights that teacher unions want to have more control and more membership. Their membership is going down and this is one way they can increase their numbers.

The opposition's proposed amendment to the bill is for 22 members, including two parents, one from the government school sector and one from the Catholic and independent school sector. Those parents could also be current members of their school councils. I urge all government members not to just sit there and vegetate and simply support the minister, who has shown she is not capable of running this portfolio. She has failed the children. The Auditor-General has said in his report that it is the minister's responsibility. Her department has failed and the buck stops with the minister. I urge the minister and all members of the government to look at the amendments and to support the opposition during the committee stage.

Mr MILDENHALL (Footscray) — In a debate like this one is drawn to the main messages of each of the parties to ascertain their positions on education. I was interested to hear the comments of the shadow Minister for Education, the honourable member for Warrandyte, to understand where the Liberal Party was coming from on this issue. I wanted to try to understand the extraordinary U-turn and contrast between the actions of that member as a minister and member of the Kennett cabinet versus the rhetoric he was offering today. I was looking for an explanation, and then I

thought, 'Let's put the remarks in context'. It was a job application. It was a submission to his colleagues in the Parliament to demonstrate his assertiveness, which he did, and his enthusiasm — big marks for that — but really he got about 3 out of 10 for doing his homework.

There were some extraordinary inaccuracies contained in his remarks today. I think it behoves him to check with some very significant external agencies, some very responsible bodies in this community, before he invokes their authority in this house — for instance, he claimed that the Catholic Education Office supports the opposition's proposed amendments. I am reliably and directly informed that the Catholic Education Office does not support the amendments proposed by the opposition, particularly if they are not supported by the government. The honourable member for Warrandyte also claimed that the Victorian Association of Secondary School Principals supports the opposition's proposals. I am reliably informed — and I am able to quote the association in this house — that VASSP very strongly denies the assertions made by the honourable member.

So it really is a fairly desperate day. I know in our job applications we all like to embellish the truth a little bit. We all like to say we are on a roll and doing just a bit better than our colleagues might think, and we really want the job, but in this place the temptation should be resisted to make assertions about the positions of very responsible major players and organisations in the education context about their viewpoints and attitudes to what is a very important piece of legislation. This legislation is long overdue. It sets up a responsible, representative and accountable body representing the teaching profession in this state.

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

Mr MILDENHALL — As I was saying before the dinner adjournment, until the point where the amount of research and homework done was evident the job application for the leadership role by the honourable member for Warrandyte was going okay. The appalling factual inaccuracies about the position of the Victorian Association of Secondary School Principals and the Catholic Education Office showed that very little homework had been done, and that in fact the honourable member was misrepresenting the position of some very credible and senior education authorities in this state. What was even more remarkable though was his capacity to pretend, within a couple of short years, that black was white and white was black, and that the past had not occurred.

To hear one of the education ministers of the Kennett government get up in this place and say he respected teachers and wanted an independent professional body; that teachers could trust the Liberal Party and the coalition parties more than they could trust us; and that they could expect that the Liberal Party would be the advocates for a professional opinion of, a trusting relationship with and a sense of independence for the teaching profession, just beggared belief!

It is incumbent on the house not only to recall the history of those dark days but to think about where the responsibility lies for some of the difficulties that the opposition now seeks to place at the door of this government. One is the teacher shortage situation. There is quite a remarkable story to behold here, because at one stage during questions without notice in 1998 the mentor of the honourable member for Warrandyte, the Honourable Phil Gude, the then Minister for Education, was asked by me how he would respond to an ominous report by Barbara Preston for the Australian Council of Deans of Education predicting that a critical teacher shortage would occur in the early years of the new millennium and would peak in the year 2003, and pointing to the need for action to be taken immediately.

What was the response of the senior minister, the mentor of the honourable member for Warrandyte? He said that the deans of education said that every year. He said they were doom-and-gloom merchants. He said they were trying to get more money out of the federal government for their own jobs; that they were trying to line the pockets of their faculties. He said that that was why they were doing it and that they did it every year. He also said there is no problem and no issue — that the shortage would not occur. Then we have his mate and protégé, the honourable member for Warrandyte, who was an education minister in the Kennett government, saying there is a teacher shortage and asking, 'What will the government do about it?' He sat around the cabinet table when they decided do nothing. 'Do something!', I would have said to that government, but it denied the problem existed and still set about in that financial year unloading another 260 teachers.

While the former government should have been encouraging, attracting and creating relationships with the teaching profession — encouraging people to think of it as a career — it was still sacking some — another 260 on top of the 8000 it had already got rid of. After the trail of wreckage and havoc that his party unleashed on the place over the seven years it was in power it is a bit rich for us to then be asked to consider that the honourable member for Warrandyte, representing the

opposition, supports teachers and the public education system.

For the opposition to come in here and argue that the body the government is proposing to set up is not sufficiently representative or independent is unbelievable, especially when one looks at the hand-picked advisory bodies that the Kennett government set up — the puppet shows in relation to education such as the Standards Council and the other advisory bodies, and Kevin Donnelly was appointed to every second one as an independent analyst of education who just happened to be on the payroll!

For the opposition to now argue that this body is not sufficiently representative shows that it does not understand that it is a hybrid body, a combination of what you might call an independent or non-government professional body like the institute of architects or the institute of engineers and a body with the function of advising the government. It is that careful amalgamation of those two types of bodies that makes up the new institute. It is quite unusual to have a body like this with so much elected representation and for the teaching profession to have such a great ability to nominate to this powerful body the representatives of its choice.

It is instructive also to consider the history of the respect with which the previous government treated teachers. The use of teaching service order 140, the intimidation from the regional offices and the punitive and malevolent use of financial resources to implement the will of the executive indicated one of the most shameful episodes in the jurisdiction of the education portfolio in this state.

This is a tremendous bill. It demonstrates the faith the government has in the professionalism, maturity, wisdom and aspirations of the teaching profession. I am sure the institute will do a sensational job. We know that it will be carped at and undermined by the opposition, but this bit of legislation was long coming; it was part of Labor's policy leading up to the last state election. It demonstrates yet another milestone and benchmark in the recovery of the teaching profession and the education system in this state.

Debate adjourned on motion of Mrs PEULICH (Bentleigh).

Debate adjourned until later this day.

SENTENCING (EMERGENCY SERVICE COSTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRACKS (Premier).

Mr BRACKS (Premier) — At the outset I thank all honourable members for their support for this important piece of legislation. I thank all those who have contributed to the debate and the opposition parties — the Liberal and National parties — for their support. In particular I thank the honourable members for Gisborne, Frankston, Dandenong North, Knox, Ivanhoe, Evelyn, Ballarat West, Glen Waverley and Bennettswood for their contributions. I thank the Leader of the Opposition and the Leader of the National Party, who were the lead speakers for the opposition parties, and the honourable members for Richmond, Wantirna, Burwood, Cranbourne, Seymour, Rodney, Bendigo East, Mornington, Narracan and Berwick.

The number of speakers on the bill demonstrates the concern the community, and therefore members of Parliament, feel about the events since 11 September and the hoax events which have caused enormous disquiet and unrest in the Victorian community. The Sentencing (Emergency Service Costs) Bill is largely about ensuring that there is a deterrent to these sorts of occurrences in the future and will ensure that the penalties are commensurate with the crime. Penalties that can amount to significant terms of imprisonment and heavy fines already exist, but the cost to the state and the community of the required rectification work as these incidents occur is considerable.

We saw that starkly demonstrated in some of the events which occurred directly after 11 September. We saw that at the Herald and Weekly Times building, where the whole work force was evacuated after a hoax letter was sent to the company. The emergency services personnel were called, the workers involved in the incident were doused, the ambulance and fire brigade were on stand-by, and the police and other emergency services were present.

The Sentencing (Emergency Service Costs) Bill performs a very important task. It says to people who want to pursue these senseless and ridiculous acts causing harm and concern to the Victorian community that not only will they face the full force of the law and the penalties involved for such an incident but they will also face the full cost of the call-out for that particular event — that is, the full cost of the emergency services personnel called to those events. As we know, that can

amount to thousands of dollars — around \$10 000 for a significant workplace event. Therefore this bill will be a deterrent for people who might be involved in such a hoax.

I turn now to some matters which were raised in the course of the debate. One matter raised by several honourable members was whether the government would guarantee that all moneys recovered under this legislation will be repaid to the emergency services involved. In summing up the bill I can give a guarantee from the government that the costs recouped from these incidents will go back in proportion to the emergency service personnel called out for that event — that is, to the organisations which are the auspicing bodies for the people involved. All money recovered under these arrangements will be repaid in full to the emergency services organisations involved.

I should also clarify that this legislation applies only to bomb hoaxes, not to the actual detonation of a bomb which attracts other penalties. Offenders will have the full forces of the law brought to bear. The government's view is that the defendant's finances will be taken into account. Judicial discretion will apply, but the intent of this legislation as expressed in the second-reading speech is that all efforts will be made and pursued under this legislation for the courts to recover the full costs of a call-out. Therefore, as is the case with these matters when dealt with case by case, judicial discretion will be applied to the ability of the individual to pay, but the power to garnishee wages and to use accrued funds to pay off the debt to the community will be available.

The speedy passage of this bill and the urgent consideration the house has given it will enable it to be passed as quickly as possible. I hope it is transmitted to and passed by the Legislative Council in very quick time. It will then be enacted by the Governor in Council as quickly as possible and will therefore act as a deterrent for these sorts of events in the future.

In summing up, I congratulate the media on behalf of the people of Victoria. The media have adhered to some very important principles of not glorifying the actions involved in these incidents. We all note, as a Parliament and a community, that the media have downplayed these incidents, particularly after the first two or three events, resulting in less copycat events, which has been an important feature of what has happened in Victoria. I congratulate the media more broadly on that. I can understand that the hoaxers involved like to see some public exposition of their work, but the fact there has been no public exposition has caused many of these hoax activities to die down and to wither.

I implore the house to pass the bill urgently. I congratulate honourable members on all sides of the house on their support of the bill, and I congratulate the Attorney-General on bringing it to the house as quickly as possible.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

VICTORIAN INSTITUTE OF TEACHING BILL

Second reading

**Debate resumed from earlier this day; motion of
Ms DELAHUNTY (Minister for Education).**

Mrs PEULICH (Bentleigh) — I rise to make a few brief comments on the Victorian Institute of Teaching Bill, which establishes an institute as a single registration authority for the teaching profession across the government as well as the non-government school sectors. The machinery of this fairly long bill has been more than adequately covered by previous speakers, so I will focus on the issues that are of concern or interest to me.

The proposed Victorian Institute of Teaching (VIT) combines and codifies the functions that were previously performed by the Standards Council of the Teaching Profession and the Registered Schools Board. While the Registered Schools Board currently generates something like \$1 million a year from teachers registration fees in the non-government school sector, the introduction of the compulsory registration scheme for teachers in the government school sector will raise \$3 million annually. As other speakers including the honourable member for Warrandyte have said, we are looking at a sizeable amount of money being raised.

There is a tendency to perceive it as an additional tax on teachers, and many are asking what they will get in return for their \$70 per year, especially if we take on face value the front-page article of the *Herald Sun* which states that the institute will be predominantly a body that investigates incompetent teachers, thereby being able to deal with disciplinary and other issues to do with underperforming teachers. It is claimed the VIT will lift the teaching profession. It would be the height of irony that teachers, through a compulsory registration fee, would fund a body that has the capacity to directly investigate and discipline them. It is an irony

that is not lost on many — if it were true, which it is not.

There is no doubt that a high quality teaching profession is of enormous interest not just to teachers but to the whole of society: to parents and students. Students recognise good teachers, and they are valued and prized. Students also recognise underperforming and ineffective teachers, and they are often scorned. Many problems arise in the classroom and in schools because some teachers are not able to engage students effectively enough in the classroom. The broader community is interested in having high quality teachers. So are employers and the teaching profession — of course they wish to be regarded as professionals.

The difficulty is when the more militant parts of the teaching profession — the unionised segment — engage in activities that are hard to defend from an educational perspective and a high degree of party politicisation significantly detracts from the profession in the minds of members of the broader public. I speak from the perspective of having been a teacher in the government school system for 14 years. I mainly taught Victorian certificate of education English and psychology, and I was educated in the government school system, so no-one can possibly point a finger and say that it is not something I value.

My personal belief is that we must work as a state and as policy-makers to consciously and deliberately lift the performance of our government schools, students and teachers, and only by doing that will we stop the brain drain that occurs at the end of year 8 when a lot of our good kids are picked up by private and independent schools, leaving the system poorer than it could have been had those students and their parents chosen to remain in the government school system.

I believe in a whole-of-community approach to education and teaching. I do not believe good quality teaching is just in the interests of teachers. It is a self-perpetuating myth. It is false, and I believe this is the basic flaw of the legislation and in particular the structure of the council board established by the Bracks government's Minister for Education.

I would like to refer briefly to the government's discussion paper produced by the ministerial advisory committee for the Victorian Institute of Teaching entitled 'Teachers and school communities: Have your say ... on the proposed Victorian Institute of Teaching'. I would like to start with the conclusion, which states:

The establishment of a Victorian Institute of Teaching represents an extraordinary opportunity for teachers and the education community to contribute to a process which will

see teaching take its place clearly among the professions, which will raise the status of the teaching profession and recognise the quality and value of teachers' work.

If only it were true. However, the machinery established by the bill will not deliver, and it will be a big disappointment. It will probably allow the more militant aspects of the teaching profession in the government school system a right of veto if the machinery proposed is implemented in terms of the election process and how representatives from the independent and Catholic school system are elected. The fact that there is only one parent representative on the proposed council is sad indeed. The front page article of the *Herald Sun* states that suddenly parents will get all this power. It is absolutely laughable that only one parent is proposed for that council.

Mr Nardella — Do you believe the *Herald Sun* article?

Mrs PEULICH — I believe it was probably the product of the minister's office.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the honourable member should ignore them.

Mrs PEULICH — It highlights the dangers of going along with the proposed machinery as it currently stands. It will create a bureaucracy, a Spin City, and will be a feelgood bill. However, without a mechanism that will represent all stakeholders who have a vested interest in good quality schools and teachers in our school system, the bill will not deliver any of the necessary reforms and changes or respond to the long-term issues in education generally, especially in the state system.

The bill will result in giving a monopoly right to teachers in the state secondary school system. Honourable members know that the secondary school sector has the overwhelming number of teachers and the greatest number of votes. Therefore it will give the greatest number of votes and power to the secondary school system in the government sector, to the detriment of the principal classes, primary schools and teachers in independent and Catholic schools, let alone employers, educators or parents. That is why I am pleased to support the sensible amendments of the honourable member for Warrandyte.

I hope the government recognises that those amendments provide the opportunity to get the structure right, to deliver the outcomes that it should want, that we want, that our communities want, that our students want, that our parents want, and that we all need. All

stakeholders need to have a meaningful partnership in education and not a pretend role as is the case with this institute.

For an effective VIT structure it is important that there be a greater number of elected representatives than those appointed by the minister. The first amendment to be proposed by the honourable member for Warrandyte, which is to alter those figures and to ensure members of the institute council constitute a majority of elected representatives with 12 to be elected and 10 to be appointed by the minister, is a sensible proposal and should be accepted by the government.

In terms of voting processes and the way they are managed, the honourable member for Warrandyte's proposed amendment should be accepted. All honourable members know the importance of democratic voting — that is, any person who puts themselves up for election by their category or peers to this institute should have the right to have a blurb put out for those on the voters list outlining their stance and their priorities, just as is the case with local government elections. We are proposing an equalisation of resources for the elections which means you do not hand over power to the Australian Education Union. I am not a union basher. I was a member of a union until I found out it donated funds to party-political organisations without the agreement of the rank and file, which is when I resigned. I believe our reforms will be overwhelmingly endorsed by teachers, by school communities and by parents, and will lead to a much better outcome.

It is important to ensure that a majority of teachers who run this institute are not given a power of veto over the principal class. The leaders in our school communities are important. We all know that even good schools can wither without effective leadership. Most principals were themselves once classroom teachers and they endorse the proposed amendment, so it is necessary to make sure the amendment is adopted as well.

The amendments are sensible and could give the institute a real chance to tackle some of the long-term and important issues that will lift teaching as a profession, and teaching and learning in schools, but most importantly the status and quality of teachers in our government school systems. The system will suffer if it is continually run down, manipulated and undermined by union domination. If the government believes it is more important for the institute to be controlled by the unions than establishing genuine, quality education in our state school system, the system will continue to suffer.

As a former teacher in the government school system for 14 years and as a person who was educated in the government school system — unlike many Labor members, who are products of the private school system — I believe this is an opportunity for the government to make a difference for kids who cannot afford to go to private schools and to get it right.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the government benches to come to order.

An honourable member interjected.

Mrs PEULICH — You say I am a snob. In 1967 I came to Australia with my parents; I knew no English; we had two suitcases, but we had not a penny in our bank account — and you call me a snob. I am sorry, but you do not know what poverty means. You have no idea. When you were bathing — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Bentleigh will address her remarks through the Chair.

Mrs PEULICH — The honourable member for Ballarat West has told this house that her family was so poor that when they bathed every night they shared the water — in my household we did not have water! So don't tell me about poverty! Even the Minister for Education places her children in a private school. Most Labor members, many of whom are the products of private schools, place their children in private schools, and they continue to run the state school system into the ground. This is their chance to redeem themselves. It is their opportunity to give kids in the government school system a better chance — and we will see whether Labor can live up to it.

Ms DUNCAN (Gisborne) — It is absolutely galling to sit here and listen to opposition members talking about this government running down the education system. Truly, it is a joke. I have heard people say across the chamber to us, 'Nobody believes you'. I can assure them that nobody believes them when they suggest that this government is running down the government education system. It is the height of hypocrisy.

I sat here 1 minute after the last state election — we had been in government for only 1 minute! — and listened to opposition members in their members statements and contributions to the adjournment debate say things like, 'My primary school needs an upgrade'. But obviously their primary schools had been fine for the previous seven years. Apparently the schools needed to be

upgraded only the day after Labor formed government! It is quite extraordinary. I would have thought opposition members would have said absolutely nothing about health or education when they were first returned to opposition. Given their absolutely appalling record in these areas I would have thought they would have shut their mouths.

The honourable member for Bentleigh, after being part of the previous government — and even more appalling, having been a teacher — stands in this place two years down the track and criticises a government that has employed thousands more teachers, thrown heaps more money back into school budgets and increased infrastructure spending, which was a flat line under the previous government. We now have graphs going off the page showing the increase in infrastructure spending.

Opposition speaker after opposition speaker has talked about education and health. Despite having done their damndest to destroy the system, they now say, ‘You are in government, fix it’. How many times have we heard that? For two years I have watched the honourable member for Bentleigh making gestures when the government has said, ‘It is a little bit difficult. It takes some time to rebuild a system that has been run down for seven years’. Obviously the government is expected to be a miracle worker! On the government’s second day in office all the infrastructure problems in schools were suddenly something it was expected to fix overnight.

The government is doing the opposite of what the former government did. It is spending money on buildings for schools, putting teachers back into schools, lifting the gag on teachers and giving them a career path. The opposition says, ‘It is not good enough. You are in government — fix it!’.

An honourable member interjected.

Ms DUNCAN — You would have to say that in those comments there is an acknowledgment that there is a problem. When the opposition tells the government, ‘You are in government now — fix it!’ it is acknowledging that there is a problem. I watched the honourable member for Bentleigh raising her eyes to the ceiling — —

Mrs Peulich interjected.

Ms DUNCAN — Any moment now I am sure she will be telling me that I need to lower my tone otherwise my voice sounds screeching. I know men’s voices never sound screechy, but according to the honourable member for Bentleigh women have to be

extremely careful about how they modulate their voices because they could be accused of what I imagine is the worst crime a woman can commit — and that is to sound like she is screeching!

Today I am here to screech and speak on behalf of the government which, as I said, is doing the absolute opposite of what the opposition did in government. The opposition fired teachers; we hired teachers. It closed schools; we opened schools. It cut school budgets; we lifted school budgets. It gagged teachers; we lifted the gag.

I am pleased today to speak in support of the Victorian Institute of Teaching Bill. It puts into effect what the government said it would do prior to the election and that is to promote the profession of teaching.

Mrs Peulich interjected.

Ms DUNCAN — Again what we hear from the honourable member for Bentleigh is some rollover. The most difficult part of being a member of Parliament has been listening to the hypocrisy of the opposition. Many times I have had to leave the chamber because I figured that the Chair would remove me if I did not remove myself because I found it so incredibly difficult to listen to the hypocrisy — —

Mrs Shardey — On a point of order, Mr Acting Speaker, the honourable member was almost getting to the bill — I did hear her mention its name — but then she strayed once again. We have heard her tirade for quite long enough. I ask you, Mr Acting Speaker, to bring the honourable member back to the bill — and if she can remember its name it would be helpful!

The ACTING SPEAKER (Mr Seitz) — Order! I will ask the honourable member to come back to the bill. I have allowed some leeway and interjections in order to add something to the thrust of the debate. I ask the honourable member to come back to the bill, but honourable members should not be too sensitive.

Ms DUNCAN — Yes, opposition members are very sensitive. They do not like to hear anything that contradicts them. They sit there, sanctimonious in their little ivory towers, and make comments about everybody.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member, on the bill.

Ms DUNCAN — I would like to make some comments about the opposition’s amendments to the bill. Again I must say that it is truly hypocrisy at its finest. It is as if opposition members have become

born-again democrats. When they are in government, all boards and councils are appointed by them but when they are in opposition they want democratic elections and an open ballot. For example, previously I heard one honourable member — I cannot remember who it was — make some comments, saying that the government will have teachers in government schools voting for representatives in non-government schools. That has happened again and again in debate on various bills. This opposition feels that everything has to be prescribed and that when the government says it is going to nominate people, then it must prescribe where they are coming from, whether there will be representatives from parents, from teachers, from the government sector, from the non-government sector or from Catholic schools.

Unlike the opposition, the government does know about representation. It does not have to have these things prescribed because in its actions and deeds the government does not seek to limit access to any area of government. When in government the opposition sought to limit discussion, debate or the number of people who had an input into the process.

In speaking to the opposition's amendments the honourable member for Bentleigh said that we have to show interest in stakeholders and partnerships. It is the born-again democrat scenario. In opposition the Liberal Party wants full, open and accountable elections, but in government it does none of these things. It is similar to its attitude to the freedom of information (FOI) legislation — when it was in government the FOI legislation was restricted and limited.

Mrs Shardey — On a point of order, Mr Acting Speaker, I seek your indulgence. I do not believe the legislation has anything to do with freedom of information legislation. I ask you to bring the honourable member back to the legislation. The honourable member may like to address the bill, the purpose clause and other clauses before she even gets to the amendments suggested by the opposition.

The ACTING SPEAKER (Mr Seitz) — Order! I uphold the point of order, and I ask the honourable member for Gisborne to come back to the bill.

Ms DUNCAN — The comments of the honourable member for Bentleigh reflect more on her than they do on me. In terms of the language used in the opposition's amendments, as is the case with many of its amendments it would never have considered similar amendments when in it was government. In opposition the Liberal Party has discovered consultation, stakeholders and partnerships. When the coalition was

in government and the opposition talked about more consultation it was like a dirty word — you should never consult. The government has seen the model provided by the opposition in government, and it is seeking to overthrow that model. The model that existed under the Kennett government was about dictatorship, gagging people and demoralising the teaching profession. This bill is about reversing — as we have had to do in so many areas of government — and fixing up the problems created by the previous government.

The Labor Party came to government promoting health and education. The Victorian Institute of Teaching Bill is part of the government's commitment to education.

Honourable members interjecting.

Ms DUNCAN — I hear the interjections from the opposition. Honourable members opposite fail to understand that I have been teaching for many years. I had year 9 boys on a Friday afternoon. No amount of interjections from the opposition could be worse than year 9 boys on a 38-degree Friday afternoon.

The Victorian Institute of Teaching will change the status of teachers and the regard in which they are held not just by the public but also by teachers themselves. Being a teacher at the time when the Honourable Jeff Kennett was the Premier of Victoria I worked closely with schools, including the independent education sector. I observed and felt personally the corrupting influence these changes had on teachers.

The changes had an absolutely demoralising effect on teachers, who were employed until about 20 December each year and were effectively sacked until they started back at school in late January of the following school year. They were not paid for any of the time over Christmas or for any of the preparation that they did during that time. They were not allowed to speak out; they were completely gagged.

The absolute epitome of that gag was illustrated — and I guess it reflects an ideology as much as its practice — when in a state election the previous government's own ministers were not allowed to speak. If it did that to its own ministers what did it do to people in much less powerful positions? We know that is what the previous government did with the teaching profession. We watched schools close, and we saw communities fight and struggle to hang on to their schools. We watched as teachers who were at school one minute were gone the next. It was a government which obviously held them in such low regard.

We in the Bracks government are seeking among other things to once again raise the professional status of teachers. The Victorian Institute of Teaching will be part of that and of an ongoing agenda of reform that we have introduced to the education sector. We have invested — I guess that is the best way to put it — in education again after seven years of neglect.

I was proud to listen to the Minister for Education in question time today where she welcomed the Auditor-General's report. It was incredibly galling to listen to the opposition say, 'The Auditor-General's report says this', and 'The Auditor-General's report says that', when as a government the now opposition did its best to absolutely destroy the independence of the Auditor-General.

When the opposition goes on with this absolute hypocrisy, we need to remind the Victorian community about where we came from and where we are going today. People do need reminding. It is easy to forget what happened under the Kennett government —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are making it difficult for Hansard to hear and record the debate accurately.

Ms DUNCAN — As a member of Parliament, and as a very proud member of the Bracks government, I will continue to remind people of where the teaching profession, the health sector and a lot of other areas were just two and a half years ago.

The Victorian Institute of Teaching will be part of this government's ongoing education reform agenda. We have a minister who at question time today acknowledged the Auditor-General's report — in fact she welcomed it — and acknowledged that there was still a long way to go. But, unlike the previous government, we acknowledge that problems continue to exist, one of them being a shortage of teachers. The minister also acknowledges that fact. This is in stark contrast to the Kennett government's attitude to the warning that it had also received about teacher shortages. I have at my disposal a *Hansard* report of October 1998 which refers to the dearly departed Minister Gude. He states:

Today's comments by the deans relate to projections five years out.

I suppose as the Minister for Education five years out was too far for him to envisage. I presume from his statement that he meant that it was not his consideration. He was commenting about projections

that were five years out. Others have also done these projections. The advice I have from the department on the process of demographic change that is coming is that it does not envisage there will be any difficulty in meeting future needs in that respect. That was 1998. What an insightful man he was. He was absolutely wrong! I see the honourable member for Bentleigh nodding again and looking knowingly, and I am sure her response would be, 'But you're in government now, fix it. We created the problem but you fix it'.

Mrs Peulich — On a point of order, Mr Acting Speaker, the honourable member for Gisborne promised to speak on the bill. With only 1 minute and 20 seconds left, I ask you to urge her to do so.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member for Gisborne to come back to the bill.

Ms DUNCAN — It is with great pleasure that I come back to the bill. I must apologise to another honourable member opposite because I believe I said that I would speak for 10 minutes on the bill, but I did get a little carried away. It is something that is dear to my heart because I worked in the education sector all of my working life. I am very proud of the education sector and of what this government is doing for education. We are turning around education in this state and rebuilding a system that was torn down, denigrated, and cut and slashed for seven years. This cannot be turned around in such a short period, but in the two years in government I am proud of the work that the Minister for Education has done. We are seeing, and will continue to see, the benefits of that. The Victorian Institute of Teaching will become a proud institution because it will put teachers up there with many other professions that have similar institutions that represent them in many forms. I absolutely commend the bill to the house.

Mr SMITH (Glen Waverley) — It is good to see an honourable member with passion, such as the honourable member for Gisborne. However, I would like to return to facts. One of the first things that the honourable member said was that so many teachers were sacked. There were no teachers sacked; they accepted voluntary redundancy packages. Many of them could not wait to pick up the voluntary redundancy packages.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Glen Waverley can present

his own speech without assistance from government members.

Mr SMITH — The second point for the attention of the honourable member for Gisborne is that when the Kennett government came to power in 1992 the Labor Party left a debt of nearly \$33 billion, which is forgotten by a lot of people. The state was bankrupt; it was the running joke of every other part of Australia, and was known as the Rust Bucket State.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Glen Waverley, without interruption.

Mr SMITH — Think of the things that occurred then.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! I have asked honourable members not to behave in so disorderly a way that I can hear the honourable member on his feet. It is disorderly and discourteous for the honourable member for Glen Waverley to have to put up with such interjections.

Mr SMITH — I also remind honourable members that when the Kennett government came to power the State Bank, that revered institution over many years, was lost by the Labor Party.

Mr Holding — That's a joke!

Mr SMITH — The honourable member for Springvale thinks it was a joke. I want that recorded in *Hansard*.

The other organisation that went out with the Labor Party was the Victorian Economic Development Corporation. I am just bringing these points home.

Mr Trezise interjected.

Mr SMITH — You cannot do that there. The honourable member should know the forms of the house. New honourable members can be excused.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Glen Waverley, on the bill. He knows that interjections are disorderly and should be ignored. He should not respond to them and should address his remarks through the Chair.

Mr SMITH — My final remark, Mr Acting Speaker, was that the backlog of maintenance for

schools — the \$600 million — was spent by the Kennett government to bring those schools that were in an appalling condition back to some semblance of order. I had to bring those points to the attention of the honourable member for Gisborne.

But back on the bill, Mr Acting Speaker, I support professional bodies like an institute of teaching proposed in the bill. I see it as a significant step forward in the advancement of education. If it were free of the political dominance of the government of the day it would have the unanimous support of all the parties — of the parents, of the employees and of the members of the community. Unfortunately the new governing body the bill is instituting is not going to be representative of the profession.

There will be a body of 19 representatives, 10 of whom will be appointed by the Minister for Education and 9 of whom will be elected but will not necessarily be representative of the make-up of the teaching profession in the state — the state teachers, the Catholic teachers and the independent teachers. It is not fair because 10 of those 19 will be appointed by the minister and only 9 of them will be elected. The point is that other institutes such as the institute of engineers, the Australian Medical Association, the law institute, the bar council — name any institution or professional organisation — represent the professions from whence their members come.

This particular case is just another attempt by the Labor Party to try to dominate from the beginning what an institute of teachers ought to be. It is sad because it could be something good. There are a lot of good provisions in the bill. There is a lot of goodwill out there, but when teachers cannot elect their own people, when they only have the representatives of the government telling them what to do or they are outvoted every time, everybody knows that is not democracy. That point does not seem to be coming through at all. The biggest thing the government is trying to do in the bill is to make teachers accountable, but to do that you have to have a representative body that is able to assist teachers.

Honourable members interjecting.

Mr SMITH — It is interesting, Mr Acting Speaker, that they do not want to hear. They try all the tricks they can on the union-dominated issues; they do not want to know. They want to take away freedom of speech, and that is just typical. The honourable member for Footscray was very vocal on all the wicked things that the opposition did when in government. It is fascinating that during all of the period Labor was in opposition,

barring the last few weeks, he was the spokesman on education. It was only in the last few weeks that he was given the flick and Mary Delahunty, the current Minister for Education, was brought in, because it was perceived that he had not done the job.

Mr Mildenhall interjected.

Mr SMITH — Okay, this is fine, but you should look at yourself first before always picking on the other side.

A system that is accountable is one where people are working hard, like in the legal or medical professions. Teachers want to get recognition. The way they do that is by showing their peers and people such as inspectors that they are doing a good job, because if they can prove that they will get promoted.

It is known that in Victoria there are a tremendous number of women teachers who do not want promotion. They are very happy to be classroom teachers and to stay in a particular area; that is their career choice. However, there are others who want to go on. To my way of thinking the only way people can go on is to be perceived to be good teachers and good administrators, and in that way they will be able to prove to the authorities that they are able to be recognised for promotion.

The bill has all the ingredients in it to make that system work properly. Currently there are principals whose job it is to guide young teachers and show them where they are going wrong. The principals can help the teachers to develop better techniques with regard to discipline or whatever the issue might be, but they also need a professional body that will give them direction and provide direction for those who have gone off the rails. There are teachers who do not necessarily toe the line. At every school you go to — and we all go to schools — principals will often pinpoint certain teachers they cannot get rid of. Under the current system it is impossible to get rid of all the teachers who are — —

Mr Perton interjected.

Mr SMITH — Excuse me — have you finished?

Mr Hulls — Don't you two get on?

Mr SMITH — We get on very well; I am just letting him know someone is talking!

At the moment we have a system that could work. It would work except that where you begin a system that is going to be undemocratic from day one you are not

going to engender the confidence of the teaching profession, as would be the case in any other professional body, such as the Law Institute of Victoria or the Australian Medical Association. In this case it is getting off on the wrong foot.

I applaud the amendments proposed by the honourable member for Warrandyte. Right at this moment a meeting is going on to see how many of the amendments can be accepted.

Mr Hulls interjected.

Mr SMITH — The point is that there is a meeting going on at the moment about the amendments. If we are staying with the bill then let us talk about it. The amendments are being considered. Let us hope commonsense prevails, particularly with the amendments dealing with election of council members. There are many other minor amendments, but that is the one that glaringly sticks out as being an amendment that needs to be fixed.

The Labor Party is long on words but short on actions. It claims it wants to bring democracy in. The way to do that is to allow people within the profession to elect their own representatives, and I think that is the key to the whole issue. Let us have accountability; let us have systems that work, as they do very successfully in England. It is a fascinating system that was brought in by the previous conservative government and was continued in the first term of the Blair government, and still continues. It is a system of inspectors within schools. There are probably other ways of doing it, but this is certainly one way of making the system accountable.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The honourable members for Springvale and Doncaster should cease their conversation across the chamber. The honourable member for Glen Waverley, without assistance.

Mr SMITH — The point is that where a system works well and provides accountability, confidence is built up not only within the community but with the parents and the teacher groups. They will see that they are getting value for money.

The big cry before the Labor Party came in in England was about raising educational standards. That system has been maintained, and I think it is working pretty well. I have not been back to check, but from all accounts the system is working and is a very good system. The inspectors work throughout the country.

Many of them are not government employees but are employed in the private sector, but the system works.

The system proposed in the bill has all the hallmarks of being a good system if allowed to be implemented, but it must allow the democratically elected representatives to be produced so that the system will have the confidence that is necessary.

Ms DAVIES (Gippsland West) — I rise to speak on the Victorian Institute of Teaching Bill and support its general thrust. Its main purpose is to recognise, promote and regulate the teaching profession by providing for the registration of teachers in schools in Victoria. I am happy to support that part of the bill.

The previous government abolished the registration of teachers in about 1993. Basically, that government's purpose was to make sure that, over time, more and more teachers who were not qualified would be able to be secreted in schools because they were cheaper. This legislation is an important part of recognising teaching as a profession that requires particular skills and qualifications and will make sure that all schools, of whatever sort, are taking onto their staffs properly qualified and capable teachers.

This legislation will regulate the conduct of those teachers, will provide procedures for handling complaints about teachers who are registered or permitted to teach under the act, and will establish the Victorian Institute of Teaching. Part of the bill provides for the membership of the council, which will be the institute's governing body. The legislation sets up a council consisting of not more than 19 members: 9 will be elected by registered teachers, 9 will be appointed by the Governor in Council, and the other will be the Secretary of the Department of Education, Employment and Training or his or her nominee.

As I said, I support the general thrust of this bill and have indicated to the government that I support several, but not all, of the amendments put forward by the opposition. I understand that negotiations are going on at the moment. Some of the amendments put forward by the opposition are faulty and need to be altered, even though, as I said, there are some senses in which I agree with them.

I am flabbergasted to see the opposition's newly discovered support for teachers and trust that currently it will be negotiating in good faith.

Mr Perton interjected.

Ms DAVIES — I lived through the Kennett era in schools as a mother, as a school councillor and as a

teacher. Let me tell you that the current opposition's rediscovery of democracy and the value of the teaching profession is something that brings a great deal of joy to my heart — and long may it live!

Mr Perton interjected.

Ms DAVIES — Don't you shout at me, you silly prat!

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Doncaster!

Ms DAVIES — Join your upper house member!

Mr Perton — How much money — —

Ms DAVIES — The honourable member for Doncaster is casting aspersions and implying that I am taking money. I find his aspersions highly objectionable and I ask you, Madam Acting Speaker, to ask him to withdraw those statements.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Gippsland West has found comments made by the honourable member for Doncaster unacceptable and has asked him to withdraw them. I ask the honourable member to withdraw them.

Mr Perton — On a point of order, Madam Acting Speaker, you were in the house, as I was, when Deputy Speaker McGrath said on many occasions that members have to be robust and to allow a quality of debate to occur. Through reports in the *Age*, the *Herald Sun* and a number of other newspapers, it is now well known that the Independent members of Parliament — —

The ACTING SPEAKER (Ms Barker) — Order! I am not prepared to hear any more.

Mr Perton — What are the offensive words?

Mr Hulls — On a point of order, Madam Acting Speaker — —

Mr Perton — Sit down! You can't take a point of order on my point of order!

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Gippsland West has found comments the honourable member for Doncaster has made offensive and has asked him to withdraw them.

Mr Perton interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Doncaster has been asked to withdraw, and I again ask him to do so.

Mr Perton — According to the rulings of former Speakers and of former Deputy Speaker McGrath, if I have not used offensive words I am not required to withdraw.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Gippsland West has asked the honourable member for Doncaster to withdraw offensive remarks, and I ask him to withdraw.

Mr Perton — I have not uttered any offensive remarks.

The ACTING SPEAKER (Ms Barker) — Order! Is the honourable member refusing to withdraw the offensive remarks?

Mr Perton — I have not uttered any offensive words.

The ACTING SPEAKER (Ms Barker) — Order! I am asking the honourable member if he will withdraw the remarks.

Mr Perton — In deference to the Chair.

The ACTING SPEAKER (Ms Barker) — Order! Thank you. The honourable member for Gippsland West, continuing.

Ms DAVIES — I accept the apology of the honourable member for Doncaster. It is a pity he cannot be — —

Mr Perton — I did not give you an apology.

Ms DAVIES — Well, you should give me an apology. You are a rude, silly little person. The current state of the bill — —

Mr Perton interjected.

The ACTING SPEAKER (Ms Barker) — Order! I ask the honourable member for Doncaster to cease interjecting and allow the honourable member for Gippsland West to make her contribution to the debate.

Ms DAVIES — The bill provides that a majority of the board members are to be appointed by the minister. The opposition in its amendments and in its newly discovered joy in democracy assumes that if members are appointed by the Governor in Council they are somehow a tool of the minister. I do not see that as being the case. I know a great many principals and I

cannot see any principals who are appointed by the Governor in Council acting as tools of the minister; I cannot see teacher educators who are appointed by the minister acting as tools of the minister; and likewise, I most certainly cannot see employer representatives — and these are employers from private schools, whether they be Catholic or other private schools — somehow acting as tools of the minister.

This is a board, and the duty of this board will be to act in the interests of the profession and the board — not as a tool of the minister. Given my long experience in different sectors of education, whether it be primary or secondary, and my understanding of different people with different roles within those teaching areas, whether they be employers, teachers, parents or councillors, I can say that those people do not operate in a monolithic way. They certainly do not see things the same way, and in no sense can I see them all operating in a monolithic way as tools of any minister, regardless of which government is in power at any particular time.

The first two amendments moved by the honourable member for Warrandyte propose having an extra three members on the board to ensure that the majority of the people on the board are elected. I do not believe it is necessary to add more people to this board. I see a council of 19 members as already being reasonably large and perhaps unwieldy, and to add another three would seem to make it unnecessarily large. As I said, I do not believe it is necessary to have all of the members elected.

I obtained the details of the registration boards from other states: in Queensland there is a board of 16, 13 of whom are appointed and 3 of whom are elected. South Australia has a board of 14 members, all appointed as nominees of various organisations, and Tasmania has a board of 10, I believe, all of whom again are appointed. The advantage in Victoria is there will be the possibility of having teachers or other representatives on the council who do not specifically represent a particular organisation; they will be there as genuine representatives of the teaching profession. I would have thought the opposition, given that it does not fancy union representation all that much, would see it as an advantage that people could be elected even if they were not formally part of an organisation. For that reason I see that 19 is a sufficient number of members on the board to give a broad representation from all the different interest groups involved in trying to make sure the teaching profession functions professionally and properly over time.

I have some details of the memberships of other professional registration boards. The Legal Practice

Board has only 7 members on it, including a chair, 3 non-practising appointed members and 3 practitioner-elected members. There are probably as many legal practitioners as there are teachers, but they have a much smaller board. The dental and medical practitioners, the nurses, the psychologists and the veterinary practitioners registration boards are all made up totally of appointed members. I have not seen any great call by the opposition for democratic changes to that situation for those occupations, so it is somewhat mischievous of opposition members to carry on like pork chops about this particular aspect of the bill.

Another amendment put up by the honourable member for Warrandyte deals with the fact that different groups of teachers from different spheres of the job should be able to elect their own representatives. Secondary teachers should be able to vote only for secondary teachers, primary teachers only for primary teachers and private school teachers only for their private school representation. Even though the government has attempted to argue that the way the Electoral Commission will handle the voting will ensure that anyway, I am not convinced by its argument on that one. Even if it means that the wording needs to be changed a little bit, I think it is appropriate that members only vote for their peers, and I have communicated that view to the government.

I accept the principle that every candidate for election to the board should be able to make sure that all the other candidates have information about them and about why they feel they would be appropriate to be elected to the board, and that that information should also go out to every registered voter. Again it has been argued that the Electoral Commission does that as a matter of course, but I would be happy for some comment about it to be included in the legislation.

The opposition's proposed amendment 27, which would amend clause 59, provides that:

“(8) A candidate for an election may submit a printed candidate statement not exceeding 50 words to the Electoral Commissioner to be distributed by the Electoral Commissioner with the ballot paper for the election.”.

I must say I think the 50 words is a bit farcical — I am not sure how anybody standing as a candidate could say enough about themselves in 50 words — so I have asked the government to negotiate a more acceptable word limit to allow people to say something a little more realistic, whether it be 250 words or whatever. We discussed the idea that the appropriate length of the candidates statements should be decided by the Electoral Commission, and then the commissioners

could decide how long those statements should be on the basis of the resources they have available to them and the number of candidates.

Opposition amendment 28, which proposes to omit the clause allowing travel and sitting fees, is a very bitter, twisted and rather nasty amendment, and I would not accept it. People who work as teachers in government schools — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Gippsland West, without interjections across the chamber.

Ms DAVIES — Even the honourable member for Warrandyte in his speech somehow alluded to the fact that this was not really an amendment he was all that serious about and that he was quite prepared to take it out again.

Teachers in government school would not be eligible for sitting fees anyway. The only people who would be eligible for sitting fees would be teachers from private schools, and I think it is most unfair of the honourable member for Warrandyte to suggest that those people should not be eligible for sitting fees.

Any removal of a travel allowance would be very hard on any rural teachers, who would have to travel long distances to attend these boards. I would not support that amendment by the honourable member for Warrandyte. I believe people who are prepared to give up their time to take part in that important role should be allowed to have travel allowances and, where appropriate, sitting fees. I do not see the formation of the Victorian Institute of Teaching to be a particularly revolutionary idea. It is already necessary for teachers to go through police checks, and that is important. I do not think many people would dispute that.

It is very important that after this bill is passed teachers will once again need to be registered. The cost of the registration is not excessive, and I doubt if many will protest against it. Professionals do need to be registered. It is appropriate that the body will be made up of those who are most directly informed about the profession — that is, teachers, parents, educators and employers.

I have the highest regard for teaching as a profession. Teachers do a very difficult job, and they do it with great care and concern, regardless of whether they are teaching at state or private schools. I find the assumption that ministerial appointment somehow equals ministerial slave to be totally ludicrous, given the assertiveness of most of the people I know who

have been involved in education. I have discussed the issue with several of the principals in my area, and they are generally happy with the set-up of this body, although I must say they have been uncomfortable with some of the politicking that has occurred about it.

In conclusion I refer to a retiring principal from Wonthaggi, John Watkins, and I wish him well in his retirement. John's comment on this issue was that any organisation whereby teachers set standards that are responsive to community standards is a good thing, that teachers want to be considered as a profession, and that this is a way forward.

Mr WILSON (Bennettswood) — I welcome the opportunity to speak on the bill before the house. On behalf of the opposition I also welcome the Attorney-General to the house; it is always a great pleasure to have him at the table. But one would have thought that when a significant education bill is being debated — and the Minister for Education has not had many significant pieces of legislation before the house — we would have been honoured at some stage with the presence of the Minister for Education. It is a great shame that that has not been the case.

It is also a great pleasure to follow the honourable member for Gippsland West in the debate. Even though the honourable member was subjected to a lot of interjection and comments from this side of the house, her speech was in stark contrast to that of the honourable member for Gisborne, who stood in this house a short while ago to contribute to the debate but spoke on anything but the bill. It was an extraordinary performance by the honourable member for Gisborne. She told us she was passionate about a lot of things, but we never came to understand her passion about this bill.

In my opening comments I would like to reflect upon the so-called exclusive front page story in the *Herald Sun* of 13 November. The headline of that story was 'Power to parents. Exclusive: tough new controls on teachers'.

The first paragraph in that story reads:

Victorian parents will have the power to have incompetent teachers and principals sacked under sweeping new laws.

Another paragraph a little further down reads:

The widespread education changes, revealed to the *Herald Sun* yesterday, will be debated in state Parliament next week.

When on earth has a bill that has an accompanying second-reading speech by the minister constituted an exclusive story for a newspaper? What a disgrace for the media advisers to the Minister for Education to tell

the *Herald Sun* that it had an exclusive when the information had been given in the minister's second-reading speech nearly two weeks earlier. I was pleased to see the *Sunday Age* reveal this scandal perpetrated by the minister's media advisers. I quote the *Sunday Age* of 18 November:

'Exclusive' front page in the Hun on Tuesday revealed tough new controls on teachers in Victoria under a 'bold new' Victorian Institute of Teaching. Could these be the same new controls and institute revealed by Queen Mary Delahunty in the second-reading speech on the teaching bill in Parliament on 1 November? Congrats to the Brackwards government spin doctors.

Part 1 sets out the main purpose of the bill, which is:

... to recognise, promote and regulate the teaching profession by providing for the registration of teachers ... in Victoria, regulating the conduct of those teachers, providing a procedure for handling complaints about teachers registered or permitted to teach under this act and establishing the Victorian Institute of Teaching.

Part 2 of the bill establishes the Victorian Institute of Teaching as a body corporate and sets out the powers and functions of the institute. The same area of the bill provides for the membership of the council, and it is that council and its composition which I now wish to reflect upon.

A government which is committed to returning power to the community has the gall to establish an institute council which comprises 19 members. Nine will be elected by teachers, by those who work in the field, and 10 — a majority, strangely enough — will be appointed by the minister. So of the 19, the Minister for Education immediately has 10 people who can and probably will do her bidding.

Because of the way the council has been constructed it will be very interesting to see how things pan out, but I have a great concern that, in terms of the representatives who are to be elected by teachers, the minister has constructed this new institute council in a way that will allow the unions to dominate it.

They will dominate the council, because all teachers will be able to vote for representatives from all sectors. So those teachers who work in government schools — which comprise more than 75 per cent of Victorian teachers — will swamp the teachers in the Catholic and independent school systems. In practice, government school teachers will determine who represents the teachers in the Catholic and independent schools. This move is typical of the government. There is a lot of rhetoric about how the government is communicating and reconnecting with the community, but the reality in the bill is that the new council will allow the Bracks

Labor government to have even more control over education in Victoria.

Part 3 of the bill deals with the registration and permission-to-teach aspects of the legislation. Other members have adequately canvassed those issues, and I am aware that some of my colleagues wish to make contributions, so I will not go over those again. I commend the shadow Minister for Education, the honourable member for Warrandyte, on the amendments that he has put forward. What is interesting is that as I speak negotiations are taking place between the government and the opposition. There is a fair chance that the government will fall over on a number of the amendments that the honourable member for Warrandyte has proposed, and that may make the bill a bit more worth while.

The honourable member for Gisborne has returned to the chamber, and we welcome her back. In my opening comments I made the point that she showed enormous passion in her speech. There were few facts, but the honourable member for Gisborne, like other members of the government, will have to live with the bill. They need to remember that governments come and go, as we all know, and they have put in place a council where ministers will have the ability to control the majority at any time. Therefore in two years time when there is a change of government in Victoria they will rue this day. The honourable member for Gisborne, who by then will be the defeated candidate for Macedon, will be reading newspaper articles about her colleagues in opposition, bleating about how this ministerial council is doing certain things.

I commend the amendments put forward by the shadow Minister for Education, the honourable member for Warrandyte, and I wish those amendments good fortune.

Mr LIM (Clayton) — I am delighted to be taking part in the debate on this visionary bill. It came about because, even before the Bracks government came to power, education had always been our major concern.

I have a spouse who has been in the teaching profession for more than 20 years, and I also have a very close relationship with all the schools in my electorate — I make a point of visiting each school once a month — therefore I believe I know how the school community feels. We witnessed 9000 teachers sacked in the seven years of the Kennett government, we saw more than 350 schools close, and we experienced the agony and trauma of the teaching profession during those seven years.

The bill says a lot about what the government is all about. I will quote from an article in the same paper that the honourable member for Bennettswood referred to, the *Herald Sun* of 13 November, which states that the bill is:

... the most significant development in Victorian education in decades.

I believe that is an understatement because the bill will not just modernise the teaching profession but will bring some dignity and a certain degree of respectability back into a profession which went through a terrible time in the seven years of the Kennett government.

I come from a cultural background of respecting the teaching profession enormously. I grew up in a culture where teachers are treated like parents and people regard teachers with enormous respect and as a source of power and learning. The teaching profession means a lot to the growing up of any youngster in that culture. Given what the education system went through with the ravages of the Kennett years, its rebirth through the introduction of a bill which will return the respectability and dignity of the profession is something which, to say the least, very much deserves support.

I strongly believe that this bill — although there is some reluctance on the part of the opposition, which has circulated some amendments to it — needs to be looked at in the context of what it is meant to do. It is only appropriate to remind the house that for the first time the bill will regulate the teaching profession by providing for the registration of teachers in schools in Victoria. It will regulate the conduct of those teachers, provide a procedure for handling complaints about teachers and establish the Victorian Institute of Teaching.

It is important to see how in practical terms the bill will come into play. Some important aspects of the bill need to be considered. We need to be reminded of these because unfortunately we tend to take things for granted in politics. This bill is a comprehensive document which modernises the teaching profession. In saying that, I wish to list some of the important aspects of the bill. The first is that among other things the Victorian Institute of Teaching will recommend for the approval of the minister qualification criteria and standards for the registration of teachers in schools in Victoria. It will also develop, establish and maintain standards of professional practice for entry into the teaching profession and continuing membership of the profession.

Other functions of the institute include approving teacher education courses for entry into the profession; granting registration or permission to teach to persons seeking to teach in Victorian schools; maintaining a publicly available register of teachers who are registered; investigating the serious misconduct, incompetence or continuing fitness to teach of registered teachers and imposing sanctions where appropriate; developing and maintaining a professional learning framework to support and promote the continuing education and professional development of teachers; undertaking and promoting research about teaching and learning practices; and providing advice on the professional development needs of teachers.

It is important to look at the reaction of the media during the consultation period. I again refer to the *Herald Sun*. As honourable members know, the *Herald Sun* has never been a friend of Labor, yet the *Herald Sun* of 13 November in an article on its front page states:

... the institute will research teaching and learning practices to set world-class standards.

I reiterate, world-class standards. That is what this government is all about. This government wants our teaching profession to be of world-class standard and to be second to none, so it is very important. It is necessary to remember that the bill requires teachers and principals to pay a compulsory, tax-deductible registration fee of \$50 a year. The government hopes that the institute will oversee the election of the governing members and initiate policy development.

The honourable member for Glen Waverley, and to a certain degree the honourable member for Bennettswood, alluded to the fact that the Victorian Institute of Teaching Bill is undemocratic and unrepresentative insofar as the composition of the board of the institute is concerned. I find it amazing that out of the 19 members who will form the board there are about — this again is according to the *Herald Sun* — 13 teachers. To say that 13 teachers who know their profession inside out would not know what they were doing is to insult the profession. To suggest that they would be bulldozed by the minister to agree to whatever the institute wanted to do about setting standards and conducting affairs is to me again very much an insult. The composition of the teachers — 13 out of 19 members — is very much representative of the teaching profession, and I believe they would contribute significantly to the work of the institute.

I strongly believe this bill will revolutionise the profession and bring back the enthusiasm of teachers. We have seen how the teachers were clobbered during

the Kennett years; now we will see the profession returned to the status it deserves. It is therefore only appropriate that the bill should be supported by everyone concerned, and I wish it a speedy passage.

Mrs FYFFE (Evelyn) — In the electorate of Evelyn there are 22 state primary schools, 3 Catholic primary schools, 4 state secondary colleges, 1 Catholic secondary college and 1 special development school. The primary schools range in size from 38 pupils at Yering to 610 at Birmingham, and all 31 schools are staffed by hardworking, caring professionals. One of the most pleasurable parts of my job is visiting the schools. I take a great interest in the changes to the education system, so I am pleased to speak on this bill, if only for a short time.

The minister promised an independent — independent! — institute. The opposition has put up amendments to make it more independent, and so good are these amendments I understand that so far the government has agreed to two and a half of them. I understand the government is willing to move in favour of each candidate having a statement with a guaranteed number of words distributed with the ballot papers. This will mean a non-union teacher from Timboon will have the same chance of communicating with teachers as a teacher on the trade union ticket, which is very important if we really want to have an independent institute.

The concern with the bill is that there will be a minority of elected members and a very real danger that the Australian Education Union will gain control. Will the Victorian Institute of Teachers be truly representative? Will it truly represent the profession or will it be a lackey of the government? Or even worse, will a fashionable university think tank gain the reins? That is a strong possibility.

There are three sectors of education/schools covered by the proposed Victorian Institute of Teaching — government schools, Catholic schools and independent schools. The government schools by weight of numbers will make it very difficult for the voices of the other two sectors to be heard, just as principals will be outvoted by weight of numbers by teachers. To me the Victorian Institute of Teaching looks like a rebadged standards council. While the intention of improved public perception of teachers is laudable, I doubt that Mr and Mrs Average in the community will think any differently about teachers because of the creation of another structure. What makes the difference is their interaction with schools and teachers and the quality of the genuine educational outcomes produced by schools and teachers.

In the second-reading speech the minister states:

Parents know what recent research both here and overseas has consistently shown — that allowing for other factors, the most important influence on student learning is the knowledge, skills and attributes of teachers. We can all remember the teachers who helped shape our lives and careers.

Yet for over two years we have sat here and been lectured and harangued that the most important thing was class sizes. Class sizes were important irrespective of what the principals and teachers wanted in their schools. Sometimes the minimum number was not the right number for that school, but we have been told that this is the secret to a good education and that this is the sole thing that makes a school work well. Yet in the third paragraph of the second-reading speech the minister states that the knowledge, skills and attributes of the teachers is the most important thing — and I endorse that.

My own education started in England not long after the end of the Second World War. We hardly had anything. I learnt to write on a slate with chalk, as did everybody else in junior school. Until the age of six we were not allowed pens or paper because there was not enough. The smallest class I was ever in right through school had 44 students. We had a teacher who coped with students from the age of 5 to the age of 8 — 44 in a tiny classroom with minimal materials — yet she had passion, desire and professionalism. She taught all of us to read and how to seek knowledge, and inspired so many. At the secondary school I went to again there was the same thing: 44 to 50 students in a classroom with only one or two books that were passed around.

It was minimal, but it was the dedication of the teachers, their enthusiasm and their hard work that helped people like me to learn how to go out and research, how to find out about things in life and how to open up our minds to what was then a narrow world because of the lack of money and the lack of opportunities to travel. So I endorse what the minister says in the third paragraph of her second-reading speech, that the most important influence on student learning is the knowledge, skills and attributes of the teachers.

Coming back to the bill, clause 53 concerns me. Clause 53(2) states:

A person or body must not employ a person to teach in a school unless the person is registered to teach, or has permission to teach, under this Act.

Why doesn't it say 'knowingly employ'? If someone is presented with documents stating that the person is a

teacher when they are not they are guilty, even if they have not knowingly committed an offence. In law you have to knowingly commit an offence before you are found guilty, yet this provision states, 'You must not employ, and we will fine you even if you have been given incorrect information and even if you have done it in good faith'. Again, principals will be found guilty before they are found innocent. At the moment it is difficult. Principals are moved on complaints and stood down. Again, legislation is being brought in that will make life difficult for them. It would have been so simple to have talked to the principals and found out what they really wanted in this matter.

At the moment, before being employed as a teacher a person must have a police check, yet in clause 9(3) the minister states:

The Institute may require an applicant to provide further information or material in respect of the application.

Clause 9(4) states:

The Institute may require an applicant for registration to —

- (a) undergo a criminal record check or provide information about criminal records.

Why the change from 'must', as it is now, to 'may'? Who is concerned about the police checks? Is it the cost? Is it because the minister thinks the education department cannot afford to pay for these police checks? I do not know. I am concerned as a parent and as a grandparent, and I am sure members of my community will be concerned when they know there will not be a mandatory requirement that teachers must go through a police check before they are employed.

Nowadays police checks must be undertaken in many areas where we are dealing with children. It is accepted, it is normal, and we rely on it. We know that some people get through the cracks, but we rely on officialdom. We rely on responsible authorities to protect our children to the nth degree. People who will teach children and who will spend hours with them, people in charge of young children who will look up to them and adore them and believe their every word, will not have compulsory police checks. It staggers me. If you want to be a scoutmaster you must have a police check. If you work at a youth camp or a school holiday camp you have a police check. Why not teachers? Is this about a special interest group? I do not know, but it is a huge mistake and I hope that the 'may' is changed back to 'must', as applies today.

It is so easy to set up another institute to look at and investigate reports of the behaviour of teachers, although the bill provides that the institute does not

have to investigate the charges if they are frivolous. Teachers are exposed to scrutiny every day of their lives in schools and the involvement of parents in schools has increased.

When the honourable member for Clayton was speaking I noted that he talked about his culture and respect for teachers. I was also brought up with that sort of culture where what a teacher said was not questioned. If a teacher sent a note home that said you had misbehaved, without hesitation or doubt your parents believed the teacher and supported their recommendations for whatever punishment you were supposed to have.

Now parents have rights and make complaints, and children make complaints. Teachers are subject to continuous investigation from a lot of vexatious complaints, yet we are now getting another body, if one can believe the newspaper article — and one has to believe a lot of it because it was information given by the minister's press office. This institute will be like using a huge sledgehammer to crack a peanut.

As I said at the beginning of my speech, there are a lot of teachers in my electorate. The majority are fantastic. They work extra long hours and they reach out in the community and get involved in the cricket clubs, football clubs and youth clubs. They spend their whole lives working with children. They will telephone someone like me in the evening to say, 'We have this problem and we are not quite sure what to do. Do you know someone in the community who can help us?'. It may be someone to help them with supplies that they cannot buy out of their budget. Teachers are working all the time. Yet another investigative body will be set up that looks as if it will just discipline teachers. The department already undertakes investigations.

Again there is too much window-dressing and not enough reality. Teachers are professionals who are respected by the vast majority of the community. Principals are also professionals; they are the chief executives. Why are they not included? Why is there not a special section for the training of principals, for the professional development of the chief executives of schools, who do a fantastic job? They deal with the parents, the teachers, the students and the bureaucracy. They are juggling all these balls in the air and they need special attention. What is happening? They have less voice on this proposed board than the teachers. They have less voice than anyone else, yet they make the decisions. They are the reason a school is successful or not. It is the principals who guide the ship — they are the masters of the ship. This does not do one thing for

them. Principals deserve far more recognition than this minister is giving them.

I wonder how much of this is being put in front of the principals in an open, honest and fair debate. The consultation seems to me to be minimal. Principals will talk to you, but they say, 'Do not quote me, because I do not want to be called into the director's office again. A visit to the director once a year is enough for any principal'. They do not want to be named because of their fear of being called in. If you complain, what happens? If you object to your physical resources management system (PRMS) maintenance funding or query the audit, what happens? The funding gets held up.

The queries and challenges to the audit were made in May, but they are still waiting for their maintenance money. They have not received a cent of their maintenance money since May, because they had the temerity to challenge the education department and say, 'No, your audit is wrong', despite the fact that they challenged it correctly through the system. The school councils do not know what to do. They have done the right thing, but they are being disregarded. What do we get? Another bureaucracy being set up, and its sole aim seems to be to hit the teachers again, respond to publicity and complaints but do nothing to help them.

An honourable member interjected.

Mrs FYFFE — I support the teaching profession wholeheartedly. I have great admiration for teachers, particularly given the fact that they are social workers as well as teachers. The demands the community now places on teachers are unbelievable. I mentioned before about attending school in classes of 44 students and the way the teachers coped. The teachers taught us so much, but they did not have many extra responsibilities. They did not have to educate us about drugs, driving or sex; they educated us on the basic learning principles.

The role of teachers has expanded so much and so many demands are made on them that when I heard about the institute I thought it would be terrific because they would be able to get genuine help with all the peripheral things. But they will not — the institute will just be another bureaucracy for them. They need help to be able to cope with the fact that absenteeism is growing, particularly at the primary school level. More and more primary school students are not attending school or are arriving late. By late I do not mean 9.20 a.m. or 9.30 a.m.; I mean they are coming in at 11.00 a.m. or 11.30 a.m.

The late arrivals are not just disrupting the first session, the second and third sessions are also being disrupted. A late arrival will disrupt a class a teacher has just settled down to work. That can occur continually throughout the morning. One of the schools in my area has students arriving halfway through the first afternoon period. The whole program is thrown out and the teachers have to cope with it. They have to cope with all the social problems that have arisen as a result of how society operates nowadays with nuclear families and the lack of extended support.

What about the Koori education issues? What are we doing for Kooris? How will this bill help our Koori population compete in our society? What challenge has the government faced and solved with this bill? What is the government doing to make the world a better place for teachers? What will it do for the teachers with Koori children in their classrooms who need extra help and nurturing? This bill will not give them any help. Where is the practical, realistic help? If it were truly an independent teaching institute where teachers could speak freely and control their destinies, I would support it 100 per cent. I do not oppose the bill, as the honourable member for Gisborne said, but I want it to be improved.

School maintenance was run down for all those years and teachers were working in second-rate, unsanitary buildings. In 1992 the amount of overdue maintenance came to \$600 million, and it took years to bring it up to date. Teachers cannot work in unsanitary, unsafe conditions, but neither can they work with a fear hanging over their heads that if they make a complaint or fight for something for their schools they will get called into the office of the director of education and not get their PRMS maintenance. If they say the audit is wrong, even if they object to it in May, within the correct time frame and procedure, by November they will not have their PRMS maintenance. This is what this minister is doing to the education system. She is causing more and more problems. The institute is something the other side will have to live with when this side is in government. The government is setting up the balance wrongly. The institute should be controlled and run by the profession.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Ms Barker) — Order! The time has come under sessional orders for me to interrupt the business of the house.

Brimbank: elections

Ms BURKE (Pahran) — I raise a matter for the attention of the Minister for Local Government concerning how-to-vote material distributed at council elections. Following action pursued by a candidate at the last council elections at Brimbank, held in March 2000, the Municipal Electoral Tribunal has highlighted several problems. Most worrying is the perception that is forming about the independence of the tribunal and the role of the minister in overseeing complaints and appeals directed to it.

When Terry Muscat, a candidate at the Brimbank elections, appealed the result of the election because another candidate, Andres Puig, who is now the councillor, featured in his campaign material pictures and endorsements from both the Premier and the Treasurer, it called into question the propriety of the appeal process. The Local Government Act allows appeals to be heard by the Municipal Electoral Tribunal. The tribunal then makes recommendations to the minister about how best to resolve any dispute. On this occasion the process may be said to have failed. It is important to note that the tribunal is appointed by the minister. Considering the Premier and the Treasurer were subjects of the inquiry, it could be argued that the process was compromised.

Following the decision of the tribunal, which dismissed the complaint, Mr Muscat further appealed the decision to the Victorian Civil and Administrative Tribunal, which upheld his complaint. It found that a breach of the act had occurred and that Cr Puig's how-to-vote cards would have unfairly influenced voters. Unfortunately VCAT is not given any authority to implement any conclusion it may reach. It is my view that the impartiality of the Municipal Electoral Tribunal must be ensured by placing it under the authority of a truly independent arbiter — the Victorian Electoral Commission.

I have previously expressed concern about the involvement of political parties at a local government level, and I maintain that the activities of the Labor Party in this matter have contributed to this problem. I do not believe there is any place for party politics in local government. How-to-vote cards in local elections should not feature local party logos or photos.

I call on the minister to process changes to the act in the overall local government review which is going to come into this house in autumn. I also ask the minister to provide details of the action he plans to take to ensure that the integrity of local government is protected from this kind of abuse.

Housing: Gippsland

Mr MAXFIELD (Narracan) — I raise a matter for action by the Minister for Housing. I ask the minister to address the low-cost social housing needs of people living in the Gippsland area, including my electorate of Narracan. The Office of Housing's rental report for the March 2001 quarter indicates that median private rents for properties in the Gippsland area rose by up to 8.3 per cent over the preceding quarter. The average rental for a three-bedroom home in the Latrobe Valley is now \$130 per week.

Last month in Gippsland the ABC ran a story stating that bankruptcy has more than quadrupled in Victoria in the past 15 years and that demands for emergency housing have increased significantly. Clearly many people on low incomes struggle to sustain housing in the private sector. The issue of housing is dear to most of us, including me and my constituents in Narracan. The ability for people to get access to safe and affordable housing is one of those very basic needs.

Certainly over the seven years of neglect we suffered the area was not well looked after by the previous government. When it came to public housing, not only was there no money to operate public housing but the former government flogged off house after house, street after street, in a massive selling spree for whatever it could get. Not only that, it also destroyed the housing market in the Latrobe Valley in its mad rush to sell off housing. In a desperate attempt it sold off everything else in the valley, including the power companies.

The issue of public housing for low-income earners is of increasing concern to me and to many in the community. Housing is a basic right. It is a fundamental need that this government recognises and takes into account. Sadly, the former government did not recognise the need and did nothing, but I am proud to be part of the Bracks government.

I ask the minister to take action to ensure that the Gippsland area and my constituents have better access to low-cost social housing to provide for the needs of their families.

Rural Northwest Health

Mr DELAHUNTY (Wimmera) — I raise a matter for the attention of the Premier. I refer to Rural Northwest Health, which has campuses at Warracknabeal, Beulah and Hopetoun. I request the Premier to step in and instruct the Minister for Health to provide assistance to Rural Northwest Health so it can continue to provide midwifery and theatre services at

the Hopetoun campus and hostel beds at the Landt Hostel in Warracknabeal.

In the middle part of this year the Hopetoun community learnt that it would not receive midwifery and theatre services. The community was outraged that it had not been informed of this decision in an appropriate way. The staff were threatened with retribution if they spoke out, particularly if they spoke to their local parliamentary representatives.

Honourable members interjecting.

Mr DELAHUNTY — Two schools have been closed in my area. A public meeting was held attended by more than 350 people — more than the population of Hopetoun. The Honourable Ron Best, a member for North West Province in another place, has raised this matter with the Minister for Health on many occasions, including the adjournment debate of 16 August.

Hopetoun has a female doctor who delivers babies. A country community that has such a valuable resource as a person with this ability needs all the assistance the government can give. The community believes that if she is lost to it the Hopetoun health services will collapse.

Rural Northwest Health has said that it will close six hostel beds in Warracknabeal. The board is hiding behind this so-called service plan it has developed. The community is in uproar, and large numbers have attended two public meetings that have been held recently. The Landt Hostel was built with a large amount of community money, and the local residents do not want to see this facility lost to an ageing community, both from the point of viability and of keeping the service within the community.

I refer to the editorial of the *Warracknabeal Herald* of 6 November, which states:

If decisions such as the cessation of obstetrics and theatre at Hopetoun or the closure of Landt Hostel beds are a course of action decided solely at a local level they must say so and explain the reasons ... behind these actions. Correspondingly if these are a directive of the health department then we need to know this also so the community can begin to understand why these decisions are being made without real community consultation.

The editorial then says that so far the community has been told very little of what is happening in Rural Northwest Health and calls on the government for greater community consultation.

My parliamentary colleagues and the community are critical of the lack of consultation in developing this service plan. On behalf of the community I request the

board and the government to review the service plan. I again call on the Premier to step in and direct the Minister for Health to reinstate midwifery and theatre services at Hopetoun and hostel beds at Warracknabeal. If that is not done it will fly in the face of Labor policy to protect and enhance health services in country Victoria.

Country Fire Authority: Geelong West brigade

Mr TREZISE (Geelong) — I raise for the attention of the Minister for Police and Emergency Services a fire that has partly destroyed the Geelong West urban fire brigade premises. Apparently on Tuesday afternoon at around 2.00 p.m. a fire started in the weatherboard storeroom at the rear of the historic station. As I said, the fire partly destroyed the building. To some extent the damage will affect the operation of the brigade for some time into the future. The action I seek is for the minister to commit adequate government resources to ensure that the fire station is restored to full operational mode. The Geelong West urban fire brigade is situated no more than 500 metres from my electorate office.

The brigade is a very proud unit that is steeped in history. That history, however, is marred by the tragic circumstances surrounding the 1998 bushfire at Linton. Tragically the five firefighters who lost their lives at Linton on 2 December 1998 were members of the Geelong West fire brigade. As I stated in this Parliament on the first anniversary of their death, firefighters Matthew Armstrong, Stuart Davidson, Chris Evans, Jason Thomas and Gary Vredevelde will be eternally remembered by the community of Geelong.

But I am not asking the minister to take action in this case because of the fire brigade's proud but tragic history. I am seeking action to restore the station because it plays an important and integral role in the safety and wellbeing of the community of Geelong West and its surrounds.

The Geelong West fire brigade is situated in the very heart of an old part of Geelong. Pakington Street, which it abuts, is a busy and important shopping centre, while houses in the surrounding suburbs are weatherboard and were constructed at the turn of the century. Due to the risk of fire in the area it is essential that the fire station is fully restored. As I said, the fire brigade is an essential service, vital to the wellbeing of the Geelong West community. Its station needs to be fully restored as quickly as possible. Therefore I look forward to the minister's urgent attention to this important matter.

Maroondah Highway–Kimberley Drive, Chirnside Park: traffic control

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Transport to urge Vicroads to install a right-turn arrow at the intersection of Maroondah Highway and Kimberley Drive in Chirnside Park. This is a true black spot area. Cars travelling west along Maroondah Highway have no right-turn arrow with which to turn into Kimberley Drive.

Kimberley Drive formerly had very little traffic on it, but now a large cinema complex has been built there, and the Delfin estate means that many more people will have their residence there. Drivers who are turning right cannot judge the speed of the traffic travelling east up the Maroondah Highway and have to chance their arm trying to get across the intersection.

In October there was a fatality at the intersection. I recently received a letter from a constituent, Melinda Fitzgibbon, in which she describes graphically the results of an accident her mother had:

Three fractures to the neck, four bolts into the head, a halo and brace to be worn for 12 weeks, two breaks to the collarbone, a fractured sternum, broken ribs, cuts and bruising like nothing I have ever seen before. Hospitalised for three weeks with no release date and a family business and life turned upside down for the next six months or more as the injuries heal. This is my mother. Gloria Haack was the passenger in my brother Adrian Haack's car on Sunday, 28 October.

She concludes the letter:

Thank you for taking the time to read my letter and for understanding how important this is to everyone who uses our roads and realising how precious life is and that we must protect it.

The *Lilydale Yarra Valley Leader* reported on 5 November:

Cr Ken Smith —

a councillor of the Shire of Yarra Ranges —

told the council ... that despite a fatality last month at the intersection of Kimberley Drive and Maroondah Highway and the backing of a 1000-signature petition by residents, requests for urgent funding had not been approved by Vicroads.

One fatality, several severe injuries, and all that is needed to stop this is a right-turn arrow! A small price, surely, to pay for the safety of motorists in my electorate. I urge the Minister for Transport, without delay, to ask Vicroads to install that right-turn arrow at the intersection of Kimberley Drive and Maroondah Highway in Chirnside Park.

Police: Sunbury

Ms BEATTIE (Tullamarine) — I ask the Minister for Police and Emergency Services to take action to ensure that Sunbury has the correct number of police to service it and protect the community.

On cup eve police were called to a nightclub in Sunbury. A few alcohol-charged patrons had decided to cause problems and a fracas broke out, which the police tried to break up. Patrons turned on the police, who at one stage feared for their own safety. Of course these problems often happen when alcohol is involved. The police do a tremendous job in containing the problems.

I have found that police in Sunbury always behave in an appropriate fashion and use their resources wisely. However, although we are on track for the 800 extra police promised by the Bracks government in the last election we have also provided a career structure that encourages police to reach their full potential. I understand that several transfers have occurred recently from the Sunbury station and that it may be currently understaffed.

I should also mention while I am talking about the police an event that occurred recently in Sunbury. The police and community consultative committee was given a grant of \$2000 by the Minister for Aged Care for a singalong. A wonderful day was had by about 200 older people who attended a function at the Sunbury Memorial Hall. Lunch was provided and a demonstration on personal safety was given by the police to these older people. A singalong followed and fun was had by all, including the honourable member for Gisborne, who will become the honourable member for Macedon at the next election. I trust that she will look after the people of Sunbury.

The honourable member for Bennettswood mentioned that earlier, but I do not think he knows much about that area, given his past record. Sunbury is no different from any other suburb, and many young people complain that they have little to do or that they are bored. They go with their mates to the nightclub, have a few drinks and start feeling their oats. Police are called to control the situation, often putting their own safety at risk. The Minister for Police and Emergency Services knows that officers not only have a duty of care to the community but also to other officers — indeed, they have a duty of care to themselves and their families.

A suggestion has been put that we look to the New South Wales move-on legislation, which I am told works in circumstances such as I have described. Will the Minister for Police and Emergency Services take

whatever action is required to ensure that police in Sunbury have the necessary resources to fulfil their task?

McKinnon Primary School

Mrs PEULICH (Bentleigh) — I raise for the attention of the Minister for Education concerns drawn to my attention by a number of parents of children attending the McKinnon Primary School. Their concerns stem from information they have received from the education department that rather than receiving two portable classrooms required for next year's increased enrolment they will receive only one portable classroom. I received a letter from three parents, which states:

We write as concerned parents of children attending McKinnon Primary School. It has come to our attention that the Department of Education, Employment and Training (DEET) has advised the school's management, that despite the increasing growing numbers of children at the school, McKinnon primary will only be granted one extra classroom (portable) for 2002.

...

We had anticipated that we would require an extra two and possibly a third classroom for 2002, and are now very concerned that large numbers of students will be taught in inappropriate conditions that are below standard.

We seek your assistance as constituents of your electorate —

I point out that some of these parents are constituents of the honourable member for Oakleigh —

and would be very grateful if you would raise this matter with your colleagues and senior management of the department.

Three parents signed the letter.

I also received at short notice a petition containing 130 signatures. Unfortunately it is not formulated in the correct fashion, and I was not able to have it tabled formally, but obviously there are strong feelings. The school has experienced a miraculous recovery from 165 students a few years ago to a projected enrolment of 320. What is ironic is that the number of classrooms allocated to the school is based on a classroom of 28 students, despite a commitment by the government that classroom sizes will be capped in the early years of schooling. If one actually works out 320 kids divided by 11 classrooms, which is based on one additional classroom, the average class size would be 29 students, which clearly works against government policy and all of the magnificent achievements of the school, which are many.

The school has received numerous awards, and the staff have been recognised as having a gifted and talented

network leader, an early numeracy network leader, a science network leader, an early literacy network leader and various presenters at regional curriculum conferences. There are many, many significant achievements under the leadership of Sandra Myrwoda, the principal appointed when the Liberal Party was in government, who has absolutely resurrected the school. It is a growth area and parents are very concerned.

I seek the minister's assistance to ensure there is adequate provision of portable classrooms for the projected enrolment and that the school has the two classrooms that were promised earlier.

Electricity: tariffs

Ms DUNCAN (Gisborne) — My adjournment matter is addressed to the Minister for Energy and Resources in another place. I ask the minister to take all necessary action to ensure that country people are treated fairly by the now privatised electricity companies. Origin Energy is the retailer that covers the electorate of Gisborne. Honourable members will be aware that electricity companies are seeking to increase their prices. We all know price rises are inevitable, and certainly it is not in anyone's interest to see electricity companies go broke. But in this case Origin is proposing a 22.3 per cent increase in the average annual residential bill, and this is with an off-peak hot water service. However, these average rises obscure some much more substantial increases in off-peak rates. In the case of Origin the average increase in the off-peak tariff is 126 per cent.

An Honourable Member — It can't be right.

Ms DUNCAN — It's right. Most users in my electorate are off-peak users. I know it is extraordinary, but it is true. Many people are at work during the day, and electricity usage goes up progressively from about 4.00 p.m. onwards. These proposed increases are simply outrageous and are completely unsustainable for most families. How can people afford these sorts of increases? Many simply cannot. It is doubly difficult for people in my area because, as in other regional parts of Victoria, there is no reticulated gas, and we all know about the ever-increasing cost of liquefied petroleum gas.

We must keep in mind that this situation exists as a result of the Kennett government selling off our electricity industry bit by bit, much of it to overseas interests. Companies point out correctly that the cost of purchasing electricity has gone up. The most substantial increase, as I have said, results from the increase in off-peak tariffs — and why? Because the Kennett

government gave no thought nor did anything at all about investing or promoting investment in increased power generation. Nor did it give a thought to or do anything about protecting consumers, particularly in more remote areas. It gave no thought at all to the impact that this privatisation would have.

We have seen cross-subsidisation in electricity for many years. That is why governments invested in essential services in the first place. We know what the opposition would say: 'You are the government, you fix it'. We will certainly be doing our best. I ask the minister to take action to make sure country people are treated fairly and do not have to labour under the burden that these types of increases will bring. Many people living in regional Victoria already pay substantially more for electricity, and we are seeing higher petrol and phone bills. This is an additional burden, and I ask the minister to take action.

Wild dogs: control

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Environment and Conservation. This week on the very popular Ben Knight program on ABC radio the issue of wild dogs has received a lot of coverage. A number of listeners have rung in to respond to a statement by a Mr Noel Wingad of Yackandandah. Mr Wingad wrote to the minister on 16 November offering suggestions for a strategy on wild dogs. He was pleased to get a letter of acknowledgment saying the minister would contact him later. He then read an article about the minister on 5 May and wrote to her again indicating that he had some very good ideas for her which he hoped would achieve something worth while for all concerned parties. The letter states:

I believe I can make a valuable contribution to the Victorian Labor government's dog plan, and can be contacted as per the contact details above.

The minister never contacted him, and the minister's so-called accelerated dog plan has not included any of the elements which have received a lot of support from the callers to the Ben Knight program.

What I ask the minister to do is to provide a response in the house to the suggestions from Mr Wingad, which include the basis of his plan that dogs would be available from only two sources: registered suppliers or holders of dumped animals — such as the Royal Society for the Prevention of Cruelty to Animals — and council pounds. He has a nine-point plan.

That plan was also supported by Marilyn Clydesdale of Warrarong, in Tintalra, whose family farm has lost

600 sheep, including the entire lamb drop in 2000, which is devastating to her enterprise of producing medium micron wool. She has also written to the minister and not received a response. Ms Clydesdale suggests that there be mandatory silicon chipping of animals and fines for their not being chipped. If chipped dogs are found wandering, hefty fines should be applied. The Department of Natural Resources and Environment, the police, municipalities and Parks Victoria staff should all be equipped and empowered to read for chips and act on transgressions, and there should be a prohibition on hunting dogs on public land. There should be strict controls on breeding vicious hunting and domestic dogs, and no dogs should be allowed in forest or public land areas adjacent to electric fenced areas.

These suggestions have also been taken up by the owner of the Nathalia boarding kennels and cattery, Madeleine Kyle. These people demand an answer. The listeners of the Ben Knight program and almost all land-holders in the east demand an answer. Let the minister come into the house tonight. She has had 14 hours warning that the matter would be raised, and if she does not get in here she is not only gutless but she completely disregards the interests of farming families in the north-east.

Festival of Sail

Mr LONEY (Geelong North) — I raise a matter for the attention of the Minister for Major Projects and Tourism. The action I seek is that the minister make a quick decision on the funding submission that has been put to him by the Festival of Sail seeking funding for its marketing program. The Festival of Sail is held annually in Geelong over the Australia Day weekend and has turned into the best festival in Geelong. Quite possibly it is one of the best festivals in Victoria. The regatta has run for 158 years and is the oldest sporting event held continuously in Australia.

Over the past six years or so the Royal Geelong Yacht Club has undertaken to enhance this event and has promoted it and turned it into a great event for the region, and one which has won the support of many thousands of yachties and others who come to the event. Last year approximately 4000 people took part in the regatta over that weekend.

Organisers of the Festival of Sail are now wishing to go further and want to market it both interstate and internationally. They have embarked on an ambitious program. This year for the first time, and it is a first in world yachting, a CD-ROM has been released on which is notice of the race. That CD-ROM also

incorporates a range of promotional and marketing material about the Geelong region and the Victorian environment, including the Great Ocean Road, for visitors to the region.

The Royal Geelong Yacht Club has so far taken nearly all the risks associated with this event and has received very little funding from anywhere over the years. The only previous government funding it has received has been direct from Premier Bracks in the first year of this government. Prior to that it received no government funding. I call on the minister to make funding available for this great event to be held this year.

Roads: Kew

Mr McINTOSH (Kew) — I raise a matter for the attention of the Minister for Transport. It concerns traffic problems in residential — ordinary — suburban streets in my electorate. I require the minister to take a leadership role and have Vicroads, together with the City of Boroondara, develop a comprehensive infrastructure and traffic management plan for suburbs in my electorate such as Studley Park, Kew, Balwyn, North Balwyn and Deepdene.

Most importantly, a recent traffic survey in Walpole Street, Kew, demonstrated that there were traffic levels of between 5500 and 7500 cars per day and that only 25 per cent of them were local. This government is about making announcements about all sorts of things, including freeway construction and extensions. It glories in Kennett government initiatives and blithely proposes \$100 million redevelopments without considering any impact they may have on local communities. This minister should show some real leadership and assist the council and the community in developing a comprehensive management plan.

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

Responses

Ms PIKE (Minister for Housing) — The honourable member for Narracan raised with me the issue of the shortage of low-cost housing in his area and more broadly for people living in Gippsland. I thank him for raising this matter and for expressing his ongoing commitment to his constituents.

I am pleased to advise the honourable member that the second funding round of \$15 million, which is part of the government's \$94.5 million social housing innovations project was advertised recently. The government is working very closely with local government and community groups in seeking

proposals for joint capital contributions so that the amount of affordable housing can be expanded not just in the Gippsland area but right across the Victorian community.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Geelong raised the issue of what is yet another setback for the Geelong West urban fire brigade, which suffered so tragically as a result of the Linton fires in 1998.

Yesterday the brigade responded to a fire that involved its own fire station. The rear area of the station was a weatherboard extension and the fire caused extensive damage, which is estimated at around \$100 000. The fire was quickly put out by the brigade. However, as I said, there is significant damage, which includes heat and smoke damage to other parts of the building. The fire is believed to have been caused by an electrical fault. However, the brigade was promptly put back into service by 4.00 p.m., and I have been advised that it is now functioning operationally at normal levels. Last night work was commenced that included the removal of all contents, which have been taken away to be cleaned and restored.

The honourable member for Geelong indicated that this is an historic brigade and some of its trophies that now have to be restored date back to 1888, as do some of its certificates and photos. The brick component of the station will be cleaned and painted, and that will all be done by 30 November. Debris will be removed from the site today.

The Country Fire Authority is taking urgent action to ensure that temporary toilets and storage facilities are put in place. Also, I have been advised that there will be a meeting on Friday to finalise reconstruction plans, and it is envisaged that work to reconstruct the destroyed section of the fire station will commence shortly thereafter. Peer support and counselling have been provided to brigade members.

I commend the honourable member for Geelong for his concern on this matter. The Geelong West area will continue to be served well by its brigade, and the fire station will be back to normal operations as quickly as possible.

The honourable member for Tullamarine raised a matter concerning police in Sunbury. Some police officers have been transferred from that station. Three senior constables were transferred on 19 November, and a further two transfers are expected before Christmas. However, an additional four officers were transferred into the station on the same day as the

original three left, and another three officers are expected during December, so there will actually be a net gain of two officers.

The honourable member highlighted the fact that there is a bit of a problem in relation to alcohol-affected youth in the town, and I understand from Victoria Police that that is certainly a concern. In particular, the honourable member related an incident that occurred on Melbourne Cup eve. A fairly intensive operation will commence shortly which will operate over a period of time and involve the force response unit. Additional senior officers from the force response unit will be operating out of Sunbury and there will be an intensive traffic operations blitz to crack down on people who drink and drive, and in particular on the bad behaviour of some young drivers. Any of the hoons in the town who think they can get drunk and terrorise the rest of the town should think again, because they will be in for a very rude shock. I commend the honourable member for Tullamarine for being so vigilant on this issue.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Doncaster raised with me suggestions that came up on the Ben Knight show on ABC radio about controls on domestic dogs in the context that that might assist with addressing the wild dog issue. I point out to the honourable member the difference between domestic dogs or pets and wild dogs. Domestic dogs and their regulation and control are a matter for the Minister for Agriculture. In fact, today in the house — —

Mr Perton — On a point of order on the question of relevance, Mr Acting Speaker, the matter I raised referred to the fact that the person who was on the Ben Knight program on Monday was a person who had written to the minister in November and again in May and had received no response. In fact it was made quite clear on the program that the minister was fobbing off responsibility by saying that the minister down the corridor had responsibility for domestic dogs. What the writer of the letter was suggesting — —

The ACTING SPEAKER (Mr Nardella) — Order! What is the point of order?

Mr Perton — The point of order is on the question of relevance. The essence of the letter sent to the minister — I see she does not even have a copy of it in the house — was that there needs to be a holistic approach to wild dogs and not an abrogation of responsibility by the minister by saying that the Minister for Agriculture is responsible.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order.

Ms GARBUTT — As I was saying, if the honourable member had bothered to be in the house today he would have known we were debating the Animals Legislation (Responsible Ownership) Bill brought in by the Minister for Agriculture. It is quite clear that there is a division of responsibility and that domestic or pet dogs are the responsibility of the Minister for Agriculture.

Mr Perton interjected.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Doncaster has raised his adjournment matter and I ask him to cease interjecting.

Mr Perton — I want an answer to the letter.

The ACTING SPEAKER (Mr Nardella) — Order! I ask the honourable member for Doncaster to cease interjecting.

Mr Perton — Why don't you answer what these people have written to you?

Ms GARBUTT — Be quiet!

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Doncaster! The minister, without assistance.

Ms GARBUTT — The essential issue that people want to address is whether domestic dogs turned feral are contributing to the wild dog problem. There is no evidence that that is happening. Domestic dogs turned feral are most likely to be killed by the wild dogs. Wild dogs are a population already breeding out there in forests, in the mountains and in the back areas and are causing problems, as the honourable member said, when they maraud and attack sheep. That is a very clear problem; and domestic dogs that have been turned loose or that have got lost or gone feral are contributing to that problem.

The suggestion that we might microchip pet dogs has been considered by ministers for agriculture across Australia at ministerial council meetings — for example, at the Agriculture and Resource Management Council of Australia and New Zealand — and they are discussing how to bring that in. Once again, however, that would probably be successful with responsible pet owners, but responsible pet owners are not the ones whose dogs turn feral or go missing. In any case,

domestic dogs are not the problem; it is the wild dogs that are the problem.

Mr Perton interjected.

Ms GARBUTT — You just do not get it, do you? There is certainly no way you could microchip wild dogs. Doggers — and we have 17 doggers across the state — spend their lives trying to search for, bait, trap and kill wild dogs. There is certainly no way they could be microchipped.

Mr Perton — On a point of order, again on the question of relevance, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Nardella) — Order! There is not going to be a point of order on relevance. The honourable member for Doncaster understands that during an adjournment debate ministers can respond to matters raised with them in whichever way they wish. Further, the minister is being relevant to the adjournment matter raised by the honourable member. There is no point of order.

Ms GARBUTT — I have spoken to a lot of farmers about the wild dog issue, and very few of them have raised with me the issue of domestic dogs that have gone feral. Wild dogs are an entirely separate population.

The government has put in extra funding, first of all to address the black hole left by the previous government, which did not care about the issue and cut \$250 000 out of the budget for wild dogs. We restored that, and I have recently announced an additional \$450 000 to tackle the wild dog issue. That includes \$250 000 extra for dogger activities, \$100 000 to support Parks Victoria's activities — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Nardella) — Order! I am having great difficulty listening to the minister through the constant interjections of the honourable member for Doncaster. I politely ask him to cease interjecting.

Ms GARBUTT — I have announced \$450 000 over recent months to add to the wild dog program and to tackle this serious issue. In addition, we are addressing the issue through a pest management strategy. I recently announced that I was fast-tracking a section of that strategy dealing with wild dogs, picking up the suggestion that came strongly from local people involved in the issue that they should decide their funding priorities. I have therefore announced that those people will be involved in local committees, and they

will take control of the budget and will decide what priorities need to be addressed in their area.

The government is tackling the issue in a very serious way, despite what the honourable member says and despite the record of his party when in government, which was a hopeless, pathetic record. It ripped money out of the program rather than putting it back in. We are putting the money in. We are also addressing the issue in a strategic manner, getting the strategy together and fast-tracking those decisions about wild dogs so that local committees and local people affected by the problem will make the decisions.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for Geelong North for raising the matter with me and for the ongoing enthusiasm shown for tourism and major events conducted in Geelong by himself and other government members representing Geelong. I am pleased to advise him that following the deputation he led for the Festival of Sail organisers and the Royal Geelong Yacht Club there have been extensive discussions with the events manager of Tourism Victoria to better understand how Geelong people want to grow their event.

The event in January next year will be Geelong's 138th regatta. The honourable member highlighted the history of the event, the size of it and its growing importance. Tourism Victoria has recommended to me that I make a grant of \$20 000 towards it, and I have been pleased to accept that recommendation. It is a pretty high grant for an event. Very few events get funded on an ongoing year-by-year basis. We will possibly talk again about the event to be held in the 2003 season when the organisers report back to us on the success gained from the use of next year's grant.

Tourism Victoria is particularly interested because the event does three things. Firstly, it raises the Tourism Victoria preferred image of Geelong, which is about waterfront events, sailing, food and wine. The event organisers are organising not only a sailing regatta but an event that sells Geelong and district, its food and wine and the redeveloped waterfront area. Secondly, it delivers significant economic impact to Geelong, as it has been doing. Thirdly, it provides an opportunity to enter into a cooperative marketing agreement for the highly successful event, capable of increasing its tourism potential. So it gets a big tick from Tourism Victoria.

It says it has even more room to grow. Over the next few years the event will be held over long weekends. So there is a great capacity to increase visitation to the

Geelong area and get more people taking up the new accommodation opportunities at places like the Sheraton on the waterfront and spend more dollars locally.

The focus of the funding will be predominantly on the interstate market, because there is an opportunity to grow. The event has operated successfully, and its organisers have been doing a wonderful job promoting Geelong. The amount of photography of the regatta out in Corio Bay appearing in international magazines and travel sections is very important. Tourism Victoria has been very excited by it, and I am pleased to be able to support Tourism Victoria's view by providing \$20 000 in marketing support for 2002. Congratulations.

Mr CAMERON (Minister for Local Government) — The honourable member for Prahran raised a matter with me, and as part of that put the proposition that there may be a change in the law. The adjournment debate is purely about matters of government administration, not potential changes in the law, although I presume the previous government did not want any change in the law. The honourable member for Prahran said this matter had been the subject of legal processes.

The honourable members for Wimmera, Mooroolbark, Bentleigh, Gisborne and Kew raised matters for other ministers. I will refer those matters to them.

Motion agreed to.

House adjourned 10.47 p.m.