

PARLIAMENT OF VICTORIA

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(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

14 October 2003

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Tuesday, 14 October 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.04 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Police: files

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the police files scandal and in particular to the most recent finding of the Ombudsman that, contrary to the earlier advice of Victoria Police, there was inappropriate access to the file of Kay Nesbit on at least five occasions, and I further refer to the inappropriate access and misuse of the confidential file of Matthew Guy, and I ask: given the seriousness of this issue, will the minister now instruct the Victoria Police to obey the law and meet freedom of information requests from members of Parliament, former members, candidates and journalists within the 45-day statutory time limit?

Mr HAERMEYER (Minister for Police and Emergency Services) — I expect Victoria Police to obey the laws at all times; however, when it comes to matters relating to freedom of information, I do not interfere in freedom of information requests.

Bushfires: Emergency Services Commissioner’s report

Mr MAXFIELD (Narracan) — I ask the Premier to outline the broad recommendations of the final report by the Emergency Services Commissioner, Bruce Esplin, into the 2002–03 summer bushfires?

Mr BRACKS (Premier) — I thank the member for Narracan for his question. I was pleased today to receive the final report of the inquiry into the 2002–03 Victorian bushfires, the biggest bushfires we have had in Victoria for some 60 years — almost as big as the fires that raged through Victoria in 1939, on Black Friday in particular. There were over 3000 bushfires, which destroyed about 1.3 million hectares of land. At any one point in time there were 5000 firefighters fighting fires around Victoria, and the perimeter of the fire reached about 2000 kilometres. So these were big fires in anyone’s terms.

In responding to the final report from the Emergency Services Commissioner I want to pay tribute to all the firefighters who suppressed the fire effectively as well as all the people who assisted in the recovery effort after the fires. They performed a herculean task; it was

a very good effort, one of the best efforts you could imagine of any jurisdiction anywhere in Australia.

Today we released the final report of the inquiry into the 2002–03 bushfires. That report, as I mentioned, was conducted by the Emergency Services Commissioner, Bruce Esplin, who was supported by Dr Malcolm Gill, a retired honorary research fellow from the CSIRO, and Professor Neal Enright from the University of Melbourne.

The inquiry concluded that all reasonable efforts were undertaken by the Department of Sustainability and Environment and the Country Fire Authority to contain the fires as quickly and effectively as possible. I congratulate those two agencies on that effort.

I can say that the 333-page report and the 148 recommendations are accepted in principle by our government, and we will set about now to implement with concrete outcomes the 148 recommendations contained in that report. Specifically, we will set about implementing recommendations to establish a unified, one-state emergency operations centre to carry out high-level command and coordination activities across agencies. I believe that was a very sound, solid and sensible recommendation from the Emergency Services Commissioner and one we will set about implementing in the future.

We will undertake to have better communications with key information to communities affected or threatened by bushfires. That has been enhanced enormously since Ash Wednesday, and there is more preparation, more advice and more support to communities. But of course this report is not only saying that the fire fight was conducted effectively, it also goes to things we can do to make it better, and that is what the recommendation is about.

It also recommends, and we will implement it, that we locate incident control centres closer to the fire front. It was the case that in most circumstances they were close to the fire front, but there were occasions where they were some distance away, and that could cause some difficulty in the future, and we are addressing that. Another recommendation is improving access to water for firefighting, including the creation of water tanks in certain areas so there is a secure and stable water supply there for the fire fight itself. A further recommendation is to establish a one-stop shop to put people affected by the bushfires in touch with government assistance and information. So rather than people, at a time when they are most affected by the trauma and aftermath of a fire, having to find their way around different government departments, we will have a one-stop shop that can deal

with the issues immediately and deal effectively with the different departments behind the scene.

The interim report recommended more accountability, resources and community information concerning hazard reduction burning, and that recommendation was confirmed in the final report. The government has already set about having more controlled burning around Victoria and has put on firefighters in preparation for the fire season this year earlier than would have been the case. Another recommendation was for the government to incorporate more local knowledge in the decisions taken over firefighting tactics. Again local knowledge will be important in the future, in addition to what is already there.

The report recommended we continue to pursue the commonwealth to also establish a national aerial firefighting fleet. We already have an excellent fleet capacity in Victoria, but fire does not stop at borders — it does not respect state borders or jurisdictions — and of course we need a national effort to assist in the firefighting aerial fleet around the country. That has been called for by all emergency services ministers and is supported in this report here today.

These changes are all about establishing a closer relationship and partnership between the local community, the government and emergency services agencies. Through the establishment of the unified state emergency operations centre we will be able to coordinate those agencies in an even better way than they have been in the past.

I commend to the house the final report of the inquiry into Victoria's bushfires for the season 2002–03. It is a comprehensive, practical and workable report. It will mean that we improve our firefighting preparedness in the future; it will mean that we will improve our fire fight in the future; and it will mean that the recovery process will be enhanced as a result of the recommendations contained in this report.

I congratulate Bruce Esplin, the Emergency Services Commissioner, and his team: Dr Malcolm Gill, Professor Neal Enright and the staff from various departments who worked for the inquiry group over this period.

Bushfires: fuel reduction

Mr RYAN (Leader of the National Party) — My question is to the Premier. Given that the government has not once met its own fuel-reduction target levels since Labor came to power and noting the government's complete acceptance of the Emergency

Services Commissioner's report, will the Premier now guarantee that departmental targets will in fact be met this season?

Mr BRACKS (Premier) — I thank the National Party leader for his question. The matter was addressed, as he referred to, in the report of the inquiry into the 2002–03 bushfire season in Victoria. The Emergency Services Commissioner was asked about that in relation to his report, and he gave a very clear, concise and comprehensive answer in which he said the extent of the hazard reduction that is able to be done before a fire season is totally dependent on several things. Firstly, the weather could be too wet and hazards would therefore be unable to be reduced. Secondly, the climatic conditions could be such that a hazard reduction or a burn could get out of control and cause a fire. That is the key issue that is at stake here.

What this report recommends is that in giving approval for controlled burns for hazard reduction more local information be taken into account. I think all members of this house would applaud that recommendation as an important improvement on what has occurred to date. Secondly, the commissioner recommended that those firefighters who were traditionally brought on by the Department of Sustainability and Environment around November in readiness for the fire season be brought on earlier so that we have greater resources and a greater capacity to undertake those burns when the climatic conditions allow it. We have done that; we have accepted that recommendation and have brought on those firefighters earlier to undertake that task.

As I said in my answer to the previous question, this is a sensible, practical solution to some of the issues. I add one more point that was made today in the public presentation of this report. We will do more in the future on hazard reduction and we will do more on preparation for the fire season, as you should in learning after every fire episode.

I should say — and this was made clear — that we do not want the impression given that somehow there is a solution to there being no fires anymore in Victoria; that is not the case. We live in one of the driest continents in the world, in one of the most fire-prone areas in the country and arguably one of the most fire-prone areas in the world. There will be fires which are not expected.

Mr Ryan — On a point of order, Speaker, the Premier is debating the point. The issue simply is: is the government going to meet its own targets or is it not?

The SPEAKER — Order! I do not uphold the point of order. I understood the Premier to be answering the question.

Mr BRACKS — Finally, we need to be prepared also for this fire season in 2003–04. There are no guarantees that because over the last 12 months we have had some of the largest fires in 60 years that somehow we will not have a difficult season coming up. Areas of Victoria are still dry, the climate is expected to be still very hot, and this report is therefore important, timely and useful in the preparation for the coming fire season as well.

Bushfires: Emergency Services Commissioner's report

Ms GREEN (Yan Yean) — I direct my question to the Minister for Environment. Will the minister outline to the house what measures the Department of Sustainability and Environment will undertake to implement the recommendations of the Esplin report into last summer's bushfires?

Mr THWAITES (Minister for Environment) — I thank the member for her question and join the Premier in welcoming the Esplin report into last year's bushfires. The report indicates that the strategies that were adopted in fighting those fires were appropriate and indeed that the overall emergency arrangements were of world best practice. The report also indicates that there are opportunities for improvement, and certainly there are lessons to be learnt. The Department of Sustainability and Environment is committed to fully responding to those lessons. The department has already commenced implementation of the recommendations in the interim report from Mr Esplin and is working with the Country Fire Authority and other agencies to implement the recommendations of the final report.

The inquiry's final recommendations cover long-term changes that will make our fire management even better, and we are committed to reaching those improvements. Already the department has action under way. As the Premier indicated in relation to fuel reduction, additional resources are being made available to employ project firefighters early. Some 107 firefighters have been employed already, compared to about 69 at the same time last year.

Importantly, we are now employing regional fuel management coordinators to manage the training and operation of fuel management around the state. We have set up arrangements to ensure that we can move resources around to conduct those fuel burns when the

weather is appropriate, recognising, of course, that the weather is a limiting factor.

We have also made the approvals process for fuel reduction burns more flexible so that local regional fire managers have a greater discretion in determining whether to conduct a burn. There are also some longer term recommendations for fuel reduction burning in relation to extra research and training, and the department will undertake a review of the code of practice for fire management to ensure that we have more focused fuel management zones.

Another important aspect of the report was local knowledge. The report emphasised that we need to incorporate local knowledge in the fire effort. We are harnessing that local knowledge and we will ensure that local knowledge is incorporated in incident management teams so that in each incident management team we will use the Parks Victoria, the Department of Primary Industries or the Department of Sustainability and Environment staff with that local knowledge.

Other activities are being undertaken to prepare for the fire season, including track and equipment maintenance, and the supply and fit-out of additional firefighting vehicles, specialist fire equipment and fire lookout towers.

I can assure the house that the Bracks government will do everything possible to prepare the state for the fire season. We will also work together as agencies to implement the recommendations of this very important report.

Police: files

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the minister's previous answer on freedom of information (FOI) matters and his frequent claims that it is not proper for him to interfere.

Honourable members interjecting.

The SPEAKER — Order! The government benches!

Mr DOYLE — I will start again. I refer to the minister's previous answer on FOI matters and his frequent claims that it is not proper for him to interfere in Victoria Police operational matters, and I ask: can the minister therefore explain why his ministerial office has directed that next week's meeting between the opposition and the Chief Commissioner of Police be limited to only half an hour and also demanded that all

opposition questions for the chief commissioner be submitted to the minister's office for approval?

Honourable members interjecting.

Mr HAERMEYER (Minister for Police and Emergency Services) — Good grief! Do you want an answer to your question or not?

Mr Smith — You're a loser!

The SPEAKER — Order! The honourable member for Bass's comments are inappropriate.

Mr HAERMEYER — If you want one, be quiet.

The SPEAKER — Order! The Minister for Police and Emergency Services, through the Chair.

Mr HAERMEYER — It is customary for governments to enable the briefing of opposition spokespersons by people such as chief commissioners and senior public servants on matters pertaining to a particular minister's portfolio. The honourable member for Scoresby has been invited to partake in such a briefing.

Mr Wells — Six months to get an answer, André!

The SPEAKER — Order! The honourable member for Scoresby will not interject in that manner. The opposition has asked this question so I suggest its members listen to the answer.

Mr HAERMEYER — He has forwarded a list of some 30 questions. What he has been offered is a briefing by, not an interrogation of, the chief commissioner.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. I ask particularly the honourable member for Bass to cease interjecting in this manner, and I ask other members of the opposition to allow the minister to answer the question.

I call the honourable member for Ferntree Gully.

Bushfires: emergency management arrangements

Ms ECKSTEIN (Ferntree Gully) — Can the Minister for Police and Emergency Services advise the house on the performance of the state's emergency management arrangements during the last fire season and state what improvements will be undertaken arising

from the report of Bruce Esplin into the 2002–03 summer bushfires?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable member for her question. It is pertinent that it comes from the honourable member for Ferntree Gully, because she represents one of the most fire-prone areas in this state, which on many occasions in the past has been devastatingly affected by fires, including the Ash Wednesday bushfires and the more recent Dandenong fires. I am pleased to say that after a rigorous analysis the Esplin inquiry found that Victoria's emergency management arrangements were sound, and that they compared favourably with international best practice.

A key best practice in emergency management is the incorporation of continuous improvement as part of the management system. The Esplin inquiry found that that is what the government has done in Victoria, and it is precisely what it will continue to do.

After each of the fires that we have experienced in the past, whether it has been the Black Friday fires in 1939, the Ash Wednesday fires or the Dandenong fires, we have learnt things from dealing with the fires, and systems have improved and continue to improve. By way of contrasts, during the Ash Wednesday fires scores of lives were lost, thousands of homes were lost and there was complete devastation across the state. This summer we unfortunately lost 40 homes in fires that were far more widespread than the Ash Wednesday fires. Unfortunately and tragically one life was lost, but not through fire; it was through flood at the end of the fire period.

That is an indication of the success of the arrangements that were in place this summer. The emergency services did an absolutely spectacular job. On the Australia Day weekend we had some 200 fire outbreaks across the state in weather conditions that were identical to those of the Ash Wednesday fires. The fact that those fires were extinguished very quickly is a great tribute to all of our emergency services and associated agencies. It was an enormous team effort to ensure that this summer we did not experience another Ash Wednesday — and we very well could have. As the Premier has said, you cannot fireproof Victoria; but we can make it more fire resistant, and we can reduce the risk and the potential impact.

Some of the recommendations of the Esplin inquiry which the government has accepted in principle are: improving municipal emergency management structures, in conjunction with Victoria Police, the State Emergency Service, the Country Fire Authority (CFA)

and the Department of Sustainability and Environment; and consistent with government policy, making DSE a prescribed agency under the Emergency Management Act to ensure more effective performance standard settings and monitoring by the Emergency Services Commissioner.

The report also seeks to establish a new unified command and control system by July 2004 and the integration of existing centres, depending on future analysis. It also provides for systems to better integrate local community knowledge in emergency planning and response and to extend the model of fire cover to public lands across Victoria, ensuring a consistent approach to fire prevention, preparation, response and recovery.

A major recommendation is the establishment of a single, unified emergency centre for the state of Victoria, and that is something that will also help. Even though last summer was a very successful firefighting operation, there are things we can do to make it even better in the future. We lead the world in promoting community awareness and involving the community in preparing for and preventing fires, but as Commissioner Esplin has said, we can still do a lot more. Even though we are the best in the world at doing that, the CFA would still rate itself at 3 out of 10, recognising that there is still a journey ahead and we can still improve on what we have done.

The Esplin report is a great endorsement of our emergency services, and it is a good blueprint for making things even better in the future.

Gippsland Lakes: black bream stocks

Mr INGRAM (Gippsland East) — My question is directed to the Minister for Agriculture. It relates to the disturbing information that was presented to fishery stakeholders at Bairnsdale by the Marine and Freshwater Resources Institute and Fisheries Victoria on the state of the Gippsland Lakes black bream stocks. Commercial black bream catches are at their lowest level in 40 years, and there is widespread concern among recreational anglers about this problem. As the Gippsland Lakes bream fishery is extremely important to the economy of Gippsland and there appears to be limited successful recruitment over the past decade, I ask the minister to outline what action the government will take to ensure that the serious decline of black bream stocks is halted.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Gippsland East for his question and for the interest that he shows in Lakes

Entrance. The Gippsland Lakes are certainly very important to Victoria. I visited the area last month, and Lakes Entrance itself is looking very good. A lot of activity is occurring as the Bracks government goes about building the whole of Victoria.

Strong economic management also means that we have to have sustainable fisheries. That is important for recreational fishermen, and it is also important for commercial fishermen. We have seen very low levels of breeding due to a lack of fresh water going into the Gippsland Lakes in recent years, and salinity levels have increased. As a consequence of that the stock is very low. That is why last Saturday Fisheries Victoria had a meeting of stakeholders in Bairnsdale to address this issue and get ideas. We want to make sure that we are left with a sustainable stock so that when conditions improve and there is an inflow — which, of course, we all want to see sooner rather than later — the stock will increase again.

As a result of that meeting and other issues that have come forth, a number of options have been considered, such as having size limits or bag limits or closing certain parts of the lake. Those decisions will be made in the coming weeks. We want to make sure that we have a fishery that will be there for the future, notwithstanding the very difficult situation of recent years.

Bushfires: government assistance

Mr HARDMAN (Seymour) — My question is to the Minister for State and Regional Development. Will the minister please inform the house of the economic and social initiatives the government has undertaken following the bushfires in the north-east and Gippsland earlier this year and outline what the response from affected communities has been?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Seymour for his question. The bushfires were very much the focus of the commissioner's report released today. Members will recall that in January the Premier appointed a cabinet subcommittee chaired by me to look at how we could best facilitate recovery in bushfire-affected areas.

The Premier set six tasks for the cabinet subcommittee. They were: firstly, to assess the impact of the fires in the regions; secondly, to work with Tourism Victoria to identify opportunities to restart the industry; thirdly, to determine whether existing government programs and projects could be fast tracked; fourthly, to assess the need for any immediate additional short-term programs; fifthly, to recommend to cabinet a range of medium and

longer term policy options; and sixthly, to work with business, local government and the media to focus on recovery efforts in the regions. I am pleased to inform the house that all of those tasks, which were set by the Premier, have been discharged, and I think discharged admirably.

In terms of the impact of the fires, I think we are all aware of that, but in simple economic terms there is \$115 million for fire suppression and \$80 million for recovery initiatives. In terms of tourism, the Minister for Tourism was quick to get out with \$1.9 million for new tourism initiatives. I have to say, having moved around Gippsland and the north-east, that there was a sensational response to that. If you speak to any of the tourism operators in the regions they will say that the quick, prompt and properly targeted response of the Bracks government restored confidence right throughout those areas.

We also implemented a range of other measures, including providing \$2.8 million for local economic and community development initiatives, which have been enormously well received by local communities, and a number of other initiatives were also introduced, including a fund supported by \$1 million from the state government and \$1 million from the federal government. They were very well received indeed. The prompt response of the government in establishing the task force has facilitated recovery in those regions.

The response from the local community has been very strong. The *Border Mail* of 19 July quotes the mayor of the Shire of Alpine, Cr Carroll, as saying:

... the state government had maintained support from the early days of the bushfire crisis and had continued to get the council through tough times.

A *Border Mail* editorial on the Bracks government's initiatives states:

That is substantial support for the region and its people. It is certainly appreciated.

The same newspaper also quotes the mayor of the Shire of Towong as saying:

Relief and joy were evident on the faces in the crowd as —
the state government —

announced almost \$1 million in funding for the Towong shire yesterday.

The article also states:

Towong shire mayor, Cr Lyn Coulston, said the funding was a terrific boost for the community. 'It's so exciting and it's a huge morale booster for the community' ...

More recently, in that very important and beautiful part of Victoria, Heyfield, we have the front page of the *Maffra Spectator* stating:

Heyfield and Dargo boosted

State funds provide a boost to Heyfield hub project and to Dargo recreation reserve.

The *Gippsland Times* has the mayor of Wellington, John Jago, saying that the government's announcements were great news for the Heyfield and Dargo communities.

I think the Premier's decision to establish the task force was the right one. It meant we could get out early, announce those initiatives and ensure sustained economic recovery in those areas. That is exactly what we have seen.

The ministers on the task force — the Deputy Premier, the Minister for Agriculture, the Minister for Community Services, the Minister for Local Government, the Minister for Tourism and the Minister for Police and Emergency Services — worked very closely with local communities, and they are benefiting as a result.

Police: files

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the police files scandal and in particular to the most recent finding of the Ombudsman that — —

Honourable members interjecting.

The SPEAKER — Order! Discussion levels in the house are too high. I ask members to be quiet so that we can hear the Leader of the Opposition's question.

Mr DOYLE — I refer to the police files scandal and in particular to the most recent finding of the Ombudsman that, contrary to the earlier advice of the Victoria Police, there was inappropriate access to the file of Kay Nesbit on at least five occasions and further refer to the inappropriate access and misuse of the confidential file of Matthew Guy, and I ask: will the minister give a guarantee to the house that, since the decision of the chief commissioner to conduct the investigation into the files of 30 members of Parliament, former MPs and candidates, neither he nor any member of his private staff, including Mr Garth Head, have had any discussions with the chief commissioner or any member of the Victoria Police concerning this matter?

Mr HAERMEYER (Minister for Police and Emergency Services) — As I have indicated to the Leader of the Opposition before, any conversations that take place between me and the chief commissioner are confidential between me and the chief commissioner, and I am not going to go into that with the Leader of the Opposition.

Bushfires: government assistance

Mr MERLINO (Monbulk) — My question is to the Minister for Community Services. Can the minister inform the house of what actions the government has taken to support communities affected by last summer's devastating bushfires and how the government will support communities affected by future fire events?

Ms GARBUTT (Minister for Community Services) — I thank the member for his question. Last summer's bushfires had a significant impact, of course, on the whole of the state, but in particular often on small and isolated communities in regional Victoria. The impact of the fires put great strain on these communities and their families, particularly as many of them were already struggling with the impact of a protracted drought.

While many of these communities are starting to bounce back, the recovery period for many will, of course, be long. The Bracks government moved to put in place immediately a comprehensive set of measures to assist with the social recovery of those fire-affected regions — following the work of the bushfire task force, as outlined by the Treasurer — alongside the economic measures we put in place as well. A key component of this social recovery effort has been building on strong relationships forged between government agencies, local government and local service providers. Our focus has been on community-based responses to the crisis, building on the strengths of these communities and the expertise and experience of local people through the creation of local recovery committees.

The initial response saw the distribution of grants to provide emergency relief to allow people to buy food, clothing and — most importantly — accommodation. As well we employed counsellors to provide both financial and personal counselling. That service was absolutely vital in a time of crisis and great stress and hardship.

As well, we put in community development officers, who were funded to work with local government to ensure that people who needed help got it. An example of that was in Towong shire, where a community

outreach program was put in place to serve farming families. That program, which was funded by the government but coordinated by the Towong shire, meant that every farming family affected by the fire or the drought was contacted. They were offered a range of supports, from financial and personal counselling through to advice on feeding their stock. There was a complete range of assistance offered to every farming family.

We will continue to work across all the areas affected by the bushfires to ensure the long-term recovery of communities hardest hit by the fires.

The Esplin report, however, provides some important lessons for the government and suggests some ways of improving the social recovery effort that we have put in place. Again, the government will focus on the strength of our community partnerships. It will set up one-stop shops and appoint case managers to help those affected — right across the range of supports — to ensure they are all available.

The Department of Human Services is currently undertaking a comprehensive program to train 250 government, local government and agency staff in emergency recovery management. This is a good and thorough report. We are going to learn from it, and we have accepted, in principle, all the recommendations.

LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) — I move:

That I have leave to bring in a bill to amend the Local Government Act 1989, the City of Melbourne Act 2001 and the Docklands Act 1991 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation of the bill.

Mr THWAITES (Minister for Environment) (*By leave*) — The member would be aware that the matter has already been before the other place, so he would be aware of the issues debated there.

Motion agreed to

Read first time.

UNCLAIMED MONEYS (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Unclaimed Moneys Act 1962 and for other purposes.

Read first time.

STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to make further amendments to the Duties Act 2000, the Taxation Administration Act 1997, the Land Tax Act 1958 and the First Home Owner Grant 2000 and for other purposes.

Read first time.

PROFESSIONAL STANDARDS BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to provide for the limitation of liability of members of occupational associations in certain circumstances and to facilitate improvement in the standards of services provided by those members and for other purposes.

Read first time.

FAIR TRADING (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Fair Trading Act 1999 to further regulate telephone marketing agreements and to improve the operation of that act, to amend the Fair Trading (Amendment) Act 2003 in relation to implied conditions and warranties and to amend the Co-operatives Act 1996, the Electricity Act 2000, the Gas Industry Act 2001 and other acts and for other purposes.

Read first time.

ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Minister for Workcover) — I move:

That I have leave to bring in a bill to amend the Accident Compensation Act 1985, the Accident Compensation (Workcover Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation of the bill.

Mr HULLS (Minister for Workcover) (*By leave*) — This bill does a number of things, including increasing the amount of statutory non-economic loss payments for injured workers, and deals with a number of court decisions that have been handed down in recent times in relation to workers compensation. It is a very important bill that I am sure the opposition will fully support.

Motion agreed to.

Read first time.

ANIMALS LEGISLATION (ANIMAL WELFARE) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Domestic (Feral and Nuisance) Animals Act 1994, the Meat Industry Act 1993, the Ombudsman Act 1973, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997 and for other purposes.

Mr WALSH (Swan Hill) — Can we have a brief explanation of the bill?

Mr CAMERON (Minister for Agriculture) (*By leave*) — There is a whole range of measures, including changes to the Prevention of Cruelty to Animals Act. These changes include the ability to regulate certain procedures. The changes to the Veterinary Practice Act are procedural matters to do with the running of the board. The changes to the Meat Industry Act are to do with the consumption of certain animals. The changes to the Ombudsman Act are to do with making the jurisdiction of the Ombudsman cover certain areas, which is not there at the moment. The bill also streamlines microchipping of animals.

Motion agreed to.

Read first time.

**VICTORIAN CURRICULUM AND
ASSESSMENT AUTHORITY
(AMENDMENT) BILL**

Introduction and first reading

Ms KOSKY (Minister for Education and Training) — I move:

That I have leave to bring in a bill to amend the Victorian Curriculum and Assessment Authority Act 2000 and for other purposes.

Mr PERTON (Doncaster) — I ask the minister to give a brief outline of the bill.

Ms KOSKY (Minister for Education and Training) (*By leave*) — The bill is in response to a number of cheating episodes last year. It will tidy up some of the responses that we have to ensure that students who cheat are treated appropriately and through the proper mechanisms.

Motion agreed to.

Read first time.

Mr Thwaites — On a point of order, Speaker, by leave — —

The SPEAKER — Order! Is the minister seeking to make a point of order?

Mr Thwaites — I was seeking, on a point of order, to indicate that in response to a question from the member for Hawthorn in relation to the Local Government Bill I introduced I mistakenly said it had been introduced in another place. In fact this bill introduces proportional representation and voting for multimember wards and unsubdivided councils and other measures similar but not identical to the bill which was before the houses in a previous sitting.

The SPEAKER — Order! It is really what should have been a statement by leave, I think.

Dr Napthine — Speaker, on the point of order — —

The SPEAKER — Order! It is not really a point of order, but as I have allowed the Minister for Environment to make a statement by leave, I think the member for South-West Coast can speak.

Dr Napthine — I appreciate the apology given by the Deputy Premier, but this is a pattern of behaviour that is becoming common among members of this arrogant government. Last week the Minister for Agriculture came into this house and was asked for an explanation of a bill by the member for Benambra, and the Minister for Agriculture used the opportunity to have a go at the member for Benambra in a ridiculing way, saying that the bill had already been in the other house. He had to come into the house the next day and apologise and say he was wrong. This is a repeat offence by this government trying to make political points when it should perhaps be a little bit less arrogant, a little bit more considerate of the parliamentary procedures and a little bit more forthcoming and just simply answer questions that are asked of it when an explanation is sought.

The SPEAKER — Order! That is not a point on which the Chair can rule in relation to government business.

**EMERALD TOURIST RAILWAY
(AMENDMENT) BILL**

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Tourism) introduced a bill to amend the Emerald Tourist Railway Act 1977 to provide for the Emerald Tourist Railway Board to lease vested Crown land for up to 50 years with the approval of the minister and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Fisheries Act 1995 — Report of the Review of Fisheries Levy Administration pursuant to s. 151

Gascor Pty Ltd — Report for the year 2002–03

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

Brimbank Planning Scheme — No C36

Campaspe Planning Scheme — No C27

Casey Planning Scheme — No C59

Horsham Planning Scheme — No C16

Victoria Planning Provisions — No VC21

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2002–03

Treasury Corporation of Victoria — Report for the year 2002–03.

The following proclamations fixing operative dates were laid on the table by the Clerk pursuant to an order of the house dated 26 February 2003:

Commonwealth Games Arrangements (Governance) Act 2003 — Whole Act except section 8 on 7 October 2003 and section 8 on 5 November 2003 (*Gazette S182*, 7 October 2003)

Fair Trading (Amendment) Act 2003 — Remaining provisions except sections 11, 75 and 76 on 9 October 2003 (*Gazette G41*, 9 October 2003).

ROYAL ASSENT

Message read advising royal assent to:

Constitution (Supreme Court) Bill
Health Legislation (Amendment) Bill
Human Services (Complex Needs) Bill
Non-Emergency Patient Transport Bill
Superannuation Acts (Family Law) Bill
Supreme Court (Vexatious Litigants) Bill
Victorian Industry Participation Policy Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 16 October 2003:

Education (Workplace Learning) Bill
 Education Legislation (Miscellaneous Amendments) Bill
 Royal Botanic Gardens (Amendment) Bill
 Scots' Church Properties (Amendment) Bill
 Travel Agents (Amendment) Bill
 Victorian Qualifications Authority (Amendment) Bill
 Water Legislation (Amendment) Bill.

This is the legislative program that is brought before the Parliament this week. It includes seven bills, one of which, the Travel Agents (Amendment) Bill, has come from the other place.

The government believes this is a program that we will have sufficient scope during government business to deal with this week. I would point out that this week, in

contrast to last week, we do not have an urgent bill like that which was introduced to deal with the Supreme Court, and of course we do not have condolence motions consuming part of the allocation of time to the government business program. So in that context it is an achievable workload and members who want to speak on bills should be provided the opportunity to do that.

Mr PERTON (Doncaster) — This government business program is one that has been introduced by the government without the complete agreement of the opposition. Indeed I understand the Independents might be expressing some views on this matter and may actually oppose the business program.

The Leader of the House has acted with appropriate courtesy and attempted to accommodate the proposed program. However the first item on the notice paper — that is, the Education Legislation (Miscellaneous Amendments) Bill — is a bill for which I sought a briefing on the day it was introduced to the house. The honourable member for Nepean, the Honourable Andrew Brideson from another place and I attended a meeting at the department and the briefing was cancelled. Subsequently there was a further appointment for a briefing, and that too was cancelled.

Mr Batchelor interjected.

Mr PERTON — The Leader of the House and I have a very different view of what 'delayed' means. Finally, last Friday I was meant to have a briefing on this bill at 3 o'clock. At approximately 2 o'clock in the afternoon my office was telephoned and again the briefing was cancelled.

I understand there is some confusion in the department and the minister's office. The minister has publicly announced a backflip on the proposal to allow her secretary and the Victorian Institute of Teaching to reregister and re-employ a teacher convicted for child sex offences, but I would have thought that the removal — —

Ms Delahunty interjected.

Mr PERTON — Convicted, not just charged. The Minister for the Arts is rightly shocked that the Minister for Education and Training would have allowed a teacher convicted of child sex offences to be reintroduced into the classroom, but the second-reading speech and the bill actually permitted her to re-employ a teacher convicted of child sex offences. That is one thing.

Now it appears from this morning's *Herald Sun* that the minister is withdrawing yet another central element of that bill — namely, the repeal of the existing order provisions for schools. That is yet another amendment proposed to the bill.

I told the Leader of the House that this level of confusion was hopelessly inappropriate, and I believe his positive intervention actually led to a briefing that afternoon, but it was at 5.30 in the afternoon on Friday. I believe the National Party's briefing would have occurred only this week. So in terms of the government's treatment of its legislation, and in particular in relation to item no. 1 on the notice paper, I am deeply troubled that that bill is coming into the house and is included in the business program for this week. I also understand the concern of the Independents.

My initial inclination was to oppose the business program, but as I have indicated across the table to the leader of government business, provided that the government guarantees that we can come back to the bills that are important — namely, bills that require debate on amendments in committee, and I have indicated to him that the two which we are very keen to get into committee are the Education (Workplace Learning) Bill and the Royal Botanic Gardens (Amendment) Bill — we are prepared to accommodate the government business program and not vote against it.

I understand that the Independents have a concern that the practice of the house is to hear the lead speakers and then return to the bills that are considered important. That is based on the understanding that important bills are fully debated and — whether it is the Independents or members of the opposition or the National Party — that everyone has the right to participate. But particularly in relation to the Education (Workplace Learning) Bill and the other bills to which we propose to move amendments, it is meant to ensure that there is time in committee for the appropriate level of debate.

Provided we have undertakings that we will go back into committee on the Education (Workplace Learning) Bill and the Royal Botanic Gardens (Amendment) Bill, we will not oppose the government's business program; but if we do not get a clear undertaking on that during the course of the debate, we will be voting against it.

The SPEAKER — Order! Before calling the next speaker, I remind the house that the correct term for addressing the Chair is the non-gender term 'Speaker'.

Mr PLOWMAN (Benambra) — I wish to support the manager of opposition business in respect of this motion. In so doing I want to indicate the frustration of going through the protocol of receiving briefings on issues like the water industry, particularly given that the green paper on the water industry is available to everyone at the moment. It should therefore be available to each one of us, particularly to the spokespersons from the National Party and the Liberal Party, and either of the Independents. We should have access to any of those water authorities and catchment management authorities to discuss the issues in the water green paper.

Pertinent to this resolution, I want to confine my remarks to the difficulty I have had in getting comments from water authorities right around the state about the water bills that are before the house this week. It is essential that water authorities have the right and the ability to comment on government bills before the house and on issues where they have local knowledge available to them as to how the bills will impact on their responsibilities and the communities they serve. It therefore seems totally inappropriate that there is a ban on water authorities across the state commenting on the bills before the house to the shadow minister, the National Party spokesman, who is also the Deputy Leader of the National Party, and either of the Independents who want that information.

I request that the Leader of the House looks at this issue to see if it can be improved, because it is a restriction that does not lead to the best course of debate on the issues before the house.

Mr MAUGHAN (Rodney) — I want to make a few remarks about the government business program. I support the comment of the member for Benambra that increasingly the members of the opposition parties — the Liberal Party and the National Party — are finding it very difficult to talk to people in authority, who seem to be scared of talking to opposition members fully and frankly, as they should be able to, so we can have an informed debate in this Parliament.

I suspect — in fact I do not suspect, I know — that many of them have been leaned on by if not ministers then certainly people in ministers' offices. It is exactly the same with correspondence. The record of responding to members' correspondence is absolutely appalling. We might have our political differences, but if I as a local member write to a minister on behalf of my constituents, I expect to get a reasoned response in a reasonable time and not to have to ring up two months later to see where the heck that response is. That is slightly off the issue of the government business

program, but it is appropriate, because I support the comments of the member for Doncaster.

Like the Liberal Party, the National Party's briefing on the Education Legislation (Miscellaneous Amendments) Bill was set up, then deferred, and then deferred again. We had our briefing at 8.45 this morning. The bureaucrats concerned were not prepared to give us a copy of the amendments that I understand are to be introduced into this house for us to debate this week. Those amendments are fairly extensive; they change significantly the bill we have considered so far. So there is very little opportunity for us, during a busy parliamentary week, to consult with all the interest groups — the Australian Education Union for example, and a whole range of others.

These amendments very significantly change, as I understand it, what is in the bill we have been given. Yet we are going to get a copy of them today, and we might have 24 hours — if we are lucky — before we need to debate them. That does not seem to me to be well organised by the government or to give the opposition parties sufficient opportunity to carefully consider these amendments and give a reasoned response to the legislation that is before the house.

My final comment, like that of the member for Doncaster, concerns what the National Party will do if we get satisfactory assurances from the government that we will have ample opportunity to debate the bills. I take the point made by the Leader of the House that we do not have a condolence motion or urgency motion this week, so we should have more time; but last week members were restricted in their opportunity to debate a number of bills. On Thursday we were restricted to 5 minutes, rather than the 10 minutes we should have had to adequately make our points.

Two of my constituents had put in a considerable amount of work on amendments that they thought were necessary to the cemeteries bill. I wanted to go through each and every one of those, but I was unable to do so because I only had 5 minutes. Those two constituents are both chairmen of cemeteries trusts, and I was unable to put to the house the important points they had made. Obviously I was limited because of time, as were other members on both sides of the house.

I have some concern about the government business program; however, if we get those satisfactory assurances from the Leader of the House then we will not be opposing this government business program. But we seek those assurances.

Mr INGRAM (Gippsland East) — I rise to speak on the government business program to indicate that I am opposed to it for a number of reasons. Firstly, the blanket guillotine, which is the government business program, has brought in a system where bills that are listed as part of that program automatically go through and are guillotined at 4 o'clock on Thursday, as set down by the procedures of this place.

Sometimes when bills are introduced in this house we go through the process — and it is not a bad one — where we get the lead speakers out of the way and then other members can debate the bill, if they are lucky, when it comes back before the house. The problem is that some of those bills do not come back on and they are guillotined at 4 o'clock without what I would consider adequate debate.

Over the last few weeks there were a couple of bills that I wished to speak on. Issues were raised with me by my constituents that I wished to present to this place. That is the duty of members of Parliament, to present concerns of constituents to the Parliament. If we pass legislation without the opportunity to debate that legislation then we are failing in our duty as members of Parliament.

I would not like to come in here and vote against a bill because I did not get a chance to speak on it, but that is what we are left to do. We vote against the bill because we have not had an opportunity to present the concerns of our constituents, although overall we might support the bill. It becomes a dilemma. If we cannot be guaranteed the chance to speak on all legislation, then the only opportunity we have is to express our disappointment in the government business program. That is why I am opposing the program today.

I note that when he was in opposition the Leader of the House rarely supported government business programs in previous parliaments. He always got up and made very strident comments about how undemocratic the blanket guillotine was. I could go back and quote some of those, but we have not got that much time to waste.

Among the bills that were debated over the last few weeks is the mental health bill, which was debated last week. It is an extremely important piece of legislation which I supported. A number of issues that were raised by my constituents and mental health carers needed to be addressed, but I did not get an opportunity to do that. The Commonwealth Games bill is another example.

I will be opposing the government business program. A number of issues need to be addressed about how we go about this. Our speaking times have been basically

gagged to a certain extent. That system was brought in to give more opportunity to debate legislation, yet bills are coming through this place and being passed after very few speakers have debated them. Some of that legislation deserves more consideration by the house.

Mr SAVAGE (Mildura) — Like my colleague from Gippsland East I indicate my opposition to the government business program. I wish to say at the outset that I have been shown consideration from both the government and the opposition when it comes to speaking. But there is a more important issue that needs to be addressed here — that is, as other members have said, and as my colleague next to me said, there are very important pieces of legislation which come before this house which are getting less scrutiny than they deserve. I know some cynics would say, ‘If you have the numbers it does not matter’, but it does matter. Members of Parliament should make it known in this place that they have a view on things and they are representing the issues that are important to their constituents and to the people of Victoria.

Last week we had a diminished business program initially and then we had the short notice and debate on a constitution bill, which tended to detract from the number of bills and the number of speakers able to address those bills. Then we had the condolence motion. If we cannot fit bills in so that there is adequate scrutiny and an adequate number of speakers, then we should have extended sitting days. We should have more days to make sure we are able to properly do the job here.

I recall a bill that concerned me relating to the Commonwealth Games. We are going to spend \$1.1 billion on those games, and this house should have an opportunity to give it proper scrutiny. It is an important piece of legislation, but after contributions from the lead speakers that bill went to the guillotine. I have some grave reservations about that recurring.

I have been given consideration in this place and I hope that continues — and I am sure it will — but we need more time to properly address the legislative program that comes through this place. On this occasion I will be opposing the government business program.

House divided on motion:

Ayes, 60

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms

Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Loney, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D’Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

Noes, 25

Asher, Ms	Naphine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr
Maughan, Mr	

Motion agreed to.

MEMBERS STATEMENTS

Corio Landcare Group

Mr LONEY (Lara) — Recently I had the opportunity of spending half a day with representatives of the Corio Landcare Group and the Department of Sustainability and Environment to look at the effect of the serrated tussock eradication program in agricultural areas of my electorate. Much of the Lara electorate is in a designated problem area for serrated tussock, and indeed some years ago serrated tussock was a major problem in the area. The Corio Landcare Group, under the leadership of Terry Hedt, has had significant success in the eradication of serrated tussock. The Corio group has worked extremely hard to rid the local area of this weed, which can have a devastating effect on agricultural areas.

The group's diligence has markedly reduced the occurrence of the weed, and prevented the spread of a pest that only a few years ago threatened to take over wide tracts of our local farming land. I was able, on that day, to look at areas which only a few years ago were covered in serrated tussock but which as a result of the diligence of this group have now reverted back to good farming land. I commend the group on its activities and also the minister for his support of the eradication program and pass on to him how important it has been in areas such as Lara.

People's Republic of China: presidential visit

Mr SMITH (Bass) — It was with absolute disgust that I heard that pinko, greenie Bob Brown once again had abused his position as a parliamentarian and applied his usual double standards regarding the upcoming visit of the Chinese President, Mr Hu Jintao, who will be addressing the joint sitting of federal Parliament. This is a great opportunity for Australia to foster a stronger relationship with China, yet Brown, who did not support Australia's stand against Iraq and the despot Saddam Hussein — who over the years has been responsible for the killing, raping and pillaging of hundreds and thousands of his own countrymen and women — now wants to raise the issue of human rights.

Brown wants to visit China and see how well China's leaders have catered for the country's 1.3 billion people, and then visit Iraq and see what Saddam Hussein did for his people. I will back China, and I will help in developing the trade relations and friendship between our two great countries. Brown can go back to hugging trees. It suits him.

My congratulations to the Prime Minister on initiating this visit, and also the visit of President Bush, who will also be addressing the federal Parliament.

Dr Jim Cairns

Ms LOBATO (Gembrook) — Today I pay my respects to Jim Cairns, a former Deputy Prime Minister and Treasurer of Australia, who passed away on Sunday. Jim was a friend of mine, as well as a constituent, and a visionary man, who always stood up for what he believed in, sometimes at a personal cost. It is because of him that Australians now are able to protest in street demonstrations. He is well remembered for marching against the participation of Australia in the Vietnam war.

This year, although almost 90 years old, he was again marching against the prospect of war, this time the war

in Iraq. In an interview with ABC radio last year he said he had searched for faith in humanism, in idealism and in human values, and kept what he had found. He was committed to education and lifelong learning, always engaging with ideas. He saw the quality of human relationships as a measure of a good society, and wanted people to become more purposeful and aware — or as he put it, more conscious of what we might be doing. He believed this was a necessary stage towards achieving reform and change.

Jim Cairns was a unique visionary; a person with deep conviction and a strong intellect; a person with hope for the future and belief in change; a person brave enough to be both introspective and active in the community. His inspiration and passion will be sorely missed by many in the community. I pass on my condolences to his son, Barry, and to his family and friends.

Stamp duty: reform

Mr JASPER (Murray Valley) — The Victorian government must implement a review of stamp duty charges on home and property buyers in Victoria, charges which have escalated, particularly over the past 12 months, with increasing real estate prices. Investigations reveal that Victoria's stamp duty on property prices is approximately 25 per cent above the national average, which surely indicates that stamp duty charges in Victoria must be reduced. Information from Land Victoria shows that in the Rural City of Wangaratta alone over \$2 million was paid in stamp duty to the Victorian government in the last financial year, which is a massive impost on property purchasers.

The Wangaratta community is rightly asking where this windfall money is going. Surely consideration must be given to ploughing these funds back into capital works and infrastructure funding, even to assist industry to decentralise into north-eastern Victoria. Despite the revenue windfall, the state government is imposing so-called productivity savings on our most vulnerable residents in reviewing health, disability and welfare services. The people of Victoria have a right to ask, with the escalating revenue in charges, fines and duties, along with the pressures on government agencies to implement cost reductions, where the money is going. Or is it just a matter of inefficient management by the government of Victoria?

Pink Ribbon Day

Ms MORAND (Mount Waverley) — Monday, 27 October, is Pink Ribbon Day. It is a national symbol of support and recognition for those who have suffered from breast cancer. Pink Ribbon Day is the Cancer

Council of Victoria's major fundraising and awareness campaign for breast cancer. The council hopes to raise \$450 000 through the sale of the pink ribbons, and the funds raised will help with research, education and support programs for sufferers of breast cancer.

When I worked at the cancer council, I became familiar with some of the wonderful support programs provided for women with breast cancer, and particularly for advanced breast cancer sufferers. This included sessions on wigs and cosmetics for those women who had lost all their hair through chemotherapy or radiotherapy.

Breast cancer is the most commonly diagnosed cancer in Australian women, with more than 2800 Victorian women being diagnosed with breast cancer this year. Around 700 women will die from breast cancer this year. The causes of breast cancer are not fully understood, and there is still no proven prevention, although there has, over the past decade, been improvements in detection, education and treatment.

The Cancer Council of Victoria's breast council support groups, breast care nurses and volunteers provide great support and information to women and their families across the state, and I would like to encourage my parliamentary colleagues and the Victorian community to support Pink Ribbon Day by buying pink silk ribbons and enamel badges to help support the thousands of Victorian women who develop breast cancer each year.

Roads: black spot program

Mr KOTSIRAS (Bulleen) — I condemn the government for reducing funding for the statewide black spot program and its impact on the City of Manningham. The state government had committed \$240 million to fund the statewide black spot program over three years. Since the completion of the program the state government has substantially reduced its black spot funding from \$240 million to only \$4 million per annum. I should also highlight that the federal government has maintained its black spot funding program of approximately \$10.4 million per annum for Victoria. The state government should do the right thing and match the federal government's funding.

Manningham City Council has a number of outstanding black spot sites for consideration. These include the intersections of: Foote Street, Anderson Street and Serpells Road; King and Victoria streets; Manningham Road and Egan Drive; and Porter and Anderson streets. I call upon this government not to continue to desert the residents in my electorate of Bulleen and to increase the

funding to deal with outstanding black spot locations within the City of Manningham.

I have raised the problems at these locations and the need for this government to provide money on a number of occasions, but unfortunately this government does not care. It is happy with the perks of office; it is happy to cut ribbons; it is happy to take credit when things go well; and it is happy to take cover when things go bad. The residents of Bulleen should not be ignored by this government any longer.

Melbourne Storm Rugby League Club

Mr LOCKWOOD (Bayswater) — Today I would like to inform members about the success in 2003 of the Melbourne Storm Rugby League Club. Rugby league is a form of footy that is doing well in Melbourne, and last Friday night I attended the sixth annual Melbourne Storm presentation ball.

The Storm is part of the National Rugby League competition. It won the premiership in only its second year of existence in 1999. Since then it has not had the same success, but this year it had a revival of its fortunes, finishing fifth in the home and away season. It had notable victories, including three against Canberra — any victory by Melbourne over Canberra has to be welcomed.

The Storm player of the year was Robbie Kearns, a stalwart of the club, having been part of the team since its inception in 1998. Robbie was also selected as vice-captain of the Australian Kangaroo team to tour Great Britain and France this month.

Cameron Smith was named rookie of the year; Danny Williams was awarded the 'hit' of the year for some great tackling; Billy Slater was the top try scorer; and Marcus Bai was awarded club man of the year. Marcus is leaving the club to join an English club, having been at the Storm since 1998. Originally from Papua New Guinea, Marcus made a name for himself as a personality player. He is much loved by the fans and a national hero in Papua New Guinea.

These are names not so well known around here with the dominance of the Australian Football League, but I assure members that Rugby League is an entertaining spectacle and it is well worth a visit to a game. The atmosphere around the Storm club is family oriented and relaxed. It is a professionally run club, with Storm Man to urge the fans on; and the team is cheered on by the Thunder dance squad.

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

Stanley: dam project

Mr PLOWMAN (Benambra) — Four years ago a small group of residents of the township of Stanley put forward a proposal to clear a small area of public land adjoining the town of noxious weeds, including the gorse and blackberries that were infesting it. The plan included the building of a dam to be used as a local reservoir for firefighting, particularly aerial firefighting, which over the last year proved invaluable in saving the township from the fires that threatened it.

The group has put \$4000 towards this effort and many hours of unpaid voluntary work. In respect of its approach to building the dam, the group has had responses from the department, including comments such as ‘Dam construction would impact on native vegetation’. ‘What native vegetation?’, they ask. Another comment was ‘Faunal impacts are also likely’. Again the group asks, ‘What impacts?’, given the fact that this area is covered by noxious weeds.

The Esplin report identifies this project of building a dam adjoining the town as a very valuable and necessary cooperative project. I ask the government to get behind this project instead of finding reasons why it cannot proceed and to accept the Esplin report recommendations and assist the local community to build this firefighting reservoir. It is important that the government recognises the value of community local knowledge, such as that of the group from Stanley. It is not good enough for it to support the Esplin report with words alone; it is essential that this community is supported —

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

Victor Hunt

Mr TREZISE (Geelong) — I take this brief opportunity to commemorate the passing of Mr Victor Hunt on 19 May 2003. The name Vic Hunt may not be familiar to members, but I can assure the house that Vic was a legend in the local blues and folk music world in Geelong and surrounding rural regions. But Vic was more than a great musician, he was also an active and dedicated unionist and mentor to local youth. As I said, Vic was a legend in the music world. He played in numerous bands such as the Blue Mountain String Band, Kiss Me Mambo, Mallee Roots, Bandinos, the Grizzly Brothers, Stringybark McDowell, Capricornia, and the list goes on. As a matter of fact Vic liked to be in three or four bands at the one time.

Vic was a founding member of the Sleepy Hollows Blues Club and was involved in the establishment of the world-renowned Port Fairy Folk Festival. Although music was Vic’s first love, he was also a staunch and proud unionist. He was an active member of the Construction, Forestry, Mining and Energy Union and as an active unionist he was integrally involved in the local trade union radio program *First Against the Wall* on 3YYR.

Vic was also a very community-minded person who in his latter years contributed much to the teaching of music to youth through the Geelong Courthouse Project. The local music world, the trade union movement and the wider community of Geelong will be the poorer for Vic’s passing. Vale Vic Hunt.

Peg Gebhart

Mr SAVAGE (Mildura) — I wish to acknowledge and recognise in this Parliament Peg Gebhart, OAM, who has been a legend in Mildura for her contribution to netball. Peg was awarded life membership of the Mildura women’s basketball association in 1959. Last month Peg was re-presented with another life membership honour for another 43 years of service to the association — an incredible record.

Peg’s talents are not confined to netball. In 2000 Peg received the Australian Sports Medal, and she has also been acknowledged with life memberships of the Mildura youth club in 1958 and the Sunraysia softball association in 1980. Peg was awarded her OAM in 1993 for her continued services to the community and netball. Her commitments have extended to community-based roles such as Meals on Wheels, the Multiple Sclerosis Society and various school committees.

Peg is a remarkable contributor to our community. Many serving members of these associations go unrecognised most of their lives. Peg has given a whole lifetime of service with two life memberships and is worthy of respect and recognition in this place.

Victorian Multicultural Commission: grants

Mr LIM (Clayton) — Members of this house may be aware that the Victorian Multicultural Commission (VMC) runs a number of funding programs to help ethnic and community-based organisations to meet the needs of culturally and linguistically diverse communities. The Bracks government can walk proud and tall in its record of supporting the community. This government’s funding grew from a low base of \$700 000 to now nearly \$3 million.

My electorate in Clayton is one of the most ethnically and linguistically diverse in the state, and so it gave me particular pleasure to make the presentation of cheques on 1 August to a range of local community associations as part of the VMC organisational support grant scheme. It would take me too long to list all of the 19 recipient organisations this afternoon, but it includes youth and senior groups from Greek, Italian, Cambodian, Chinese, Macedonian, Spanish, Tamil and Vietnamese backgrounds.

I have mentioned previously the role played by local groups such as these in our community. These groups form an important part of our social capital. They not only work for the benefit of their constituent members but also add strength to our local communities by forming important bonding networks.

My congratulations go to all the groups which received grants, and I thank and congratulate the tireless volunteers who work so hard and without monetary reward for the good of their local community.

Mitcham–Frankston freeway: tolls

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government and the Minister for Transport for their failure to recognise the real needs of motorists in the outer east and the south-east by continuing to defend the appalling decision to toll the Scoresby freeway and the long delays in commencing the project.

The urgent need for the toll-free Scoresby freeway is evidenced by accident insurance claim statistics released last week by the Royal Automobile Club of Victoria (RACV). The statistics prove that the outer east and the south-east have enormous traffic problems resulting in heavily congested arterial roads.

The two arterial roads which would have benefited most from the toll-free Scoresby freeway and which feature prominently in the list of the top 10 worst intersections are Springvale Road and Stud Road. In fact Springvale Road is Melbourne's worst road for accidents and has 7 of the top 10 worst intersections for accidents. Stud Road and Wellington Road are also in the top 10. The statistics reveal that the five worst intersections last year were Springvale Road and Maroondah Highway; Ferntree Gully Road and Springvale Road; Ferntree Gully Road and Stud Road; Princes Highway and Springvale Road; and Burwood Highway and Springvale Road.

These serious accident statistics prove that the Scoresby freeway is urgently required to relieve the traffic

gridlock and heavy congestion in the outer east and south-east. The RACV concluded that the sheer volume of traffic on Springvale Road and Stud Road was a major cause of the accidents.

If the Bracks government were serious about road safety instead of pursuing its revenue-raising tactics, it would immediately reverse its decision to toll the Scoresby freeway.

Brain Injury Awareness Week

Ms MARSHALL (Forest Hill) — Brain Injury Awareness Week this year ran from 15 to 19 September with the message that brain injury can happen to anyone at any time. This year's theme was 'Get your head around it', with the aim of highlighting the variety of ways people can be affected.

It was my great pleasure to have been asked to mark the beginning of Brain Injury Awareness Week by launching an art exhibition at the MS Nerve Centre in Blackburn. Every submission was from someone who had some form of acquired brain injury and was accompanied by an extremely personal story of not only the situation surrounding their accident but also the immense difference it had made in their lives to have had an avenue of expression and support.

Whilst the main cause of brain injury is motor vehicle crashes, other major causes include assaults, near drowning, self-harm, sporting injuries and tumours. Brain injury can occur in anyone, although almost 70 per cent occur in males, and the highest incidence is in males in the 15-to-19-year age bracket.

Improvements in medical science mean the lives of many more people with acquired brain injury are being saved, but unfortunately a large number of the very young must live in nursing homes with geriatric patients whose needs are entirely different. The effects of an injury vary, but they include problems with movement, coordination, vision, concentration, mood changes, depression, fatigue and the ability to learn from experience. In having the opportunity to participate in art classes people have felt a marked improvement in many of these areas.

I commend the MS Nerve Centre in Blackburn and the Bracks government for the dedication and passion in ensuring that Victoria is a state where there are caring, safe communities where all Victorians have access to a range of services — —

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

Lowan: community events

Mr DELAHUNTY (Lowan) — I want to take the opportunity to highlight some of the activities that are taking place in the electorate of Lowan, which as we know is the biggest electorate in the state. Lowan is made up of a collection of communities that holds events such as the Coleraine races, the Tarrington celebration of 150 years of settlement at St Michael's Lutheran Church, which is a top event, the Hamilton Home and Garden Expo, the Hamilton Pastoral Museum tractor pull and the opening of the Deutscher engineering display. At Horsham last weekend there was the orchid show, the spring garden festival, the craft market and the Toohey's Horsham Cup race meeting, at which there was a bumper crowd and top racing — it was a great day for all.

There are many other activities listed for October, including the Awakenings Performing Arts festival involving people with disabilities. I have got its badge on today, and I know Wimmera Uniting Care plays a very important role in the running of this activity. We also have town shows, including those at Kaniva, Jeparit, Rainbow and Nhill, which showcase the many activities and skills of the communities, and the opening of the Volcanoes Discovery Centre at Peshurst, the St Joseph's School centenary and school opening at Coleraine and the state Lions convention at Kaniva. On top of all that we have Southern Grampians Naturally, which has numerous tours and activities. This event showcases the natural attractions and indigenous culture of the region.

Importantly, there is a great involvement by volunteers, whom we cannot do without, but public liability is still a concern to them. Come to Lowan for an experience you will not forget.

Member for Frankston: web site

Mr HARKNESS (Frankston) — Frankston has a brand new web site — www.aharkness.org was officially launched last Friday evening by the federal shadow communications minister, Lindsay Tanner. With a vast array of links to other interesting web sites, a selection of press releases, up-to-date community information, copies of my business newsletters and all of my parliamentary speeches, this is a marvellous new resource for the Frankston community.

In addition to extended office opening hours, regular street market stalls and ongoing morning teas, members of the community have the opportunity to communicate with their local member through aharkness.org by providing electronic feedback. The user-friendly online

feedback form is sure to allow even the most technophobic residents the ability to communicate directly with their local MP.

Many politicians waffle — some might say it is pollywaffle — but this web site is dedicated to providing relevant and useful information to the Frankston community.

A highlight of the evening was the special appearance of Mr Nigel Harris, Frankston's very own busking cowboy, who entertained all in attendance with such classics as *You Are My Sunshine* and *Good Luck Charm* and renditions of some other greats from the 1950s and 1960s.

I would also like to thank Lindsay Tanner for his kind words and for launching the web site, Phil West from West Digital Solutions for all the work he put into creating the site and putting it together, Judith Couacard Graely for her assistance in organising a terrific evening, and Tawny Leggo, who stylishly passed around the chicken and chips supplied by our good friends at Best Legs in Town.

I encourage all members to have a look at aharkness.org to see what an active local representative is doing for the Frankston community. As its local member I am committed to standing up for Frankston.

Planning: Bayside amendment

Ms ASHER (Brighton) — I wish to raise an issue for the consideration of the Minister for Planning. It is in fact a follow-on from an issue I raised last Thursday requesting her to gazette part 2 of C2 for Bayside and further to meet with the council to discuss her failure to gazette part 2 of C2.

The council has received no response to its letter to the Minister for Planning, which was dated 15 August. The council wrote to the Minister for Planning again on 9 October explaining that concern about the minister's failure to gazette the second part of C2 had now grown further. The council wrote that the concerns 'have since intensified as a result of Victorian Civil and Administrative Tribunal decisions which have continued to give no weight to amendment C2 on the basis that it has been submitted for a lengthy period of time and is not gazetted'.

The council has now requested of the minister that there be interim height controls which reflect the policy in C2. The issue is now particularly urgent for the Bayside council and Bayside residents. If the minister thinks that, by delaying the gazetting of part 2 of C2, she will

get support from either me or the council for her 2030 policy and high rises in Brighton, she will not.

As I have said before, C2 is not perfect. It is, however, an agreed solution. Bayside has been without this amendment for far too long. I urge the minister to act on the gazettal and her correspondence.

Hellenic Women's Federation of Victoria

Ms D'AMBROSIO (Mill Park) — I would like to inform the house of the Hellenic Women's Federation of Victoria's inaugural multicultural lunch, which was held on Friday, 3 October, at the EEAMA reception rooms in South Melbourne. The inaugural lunch gives us great hope for future events of this kind. I say that because there were representatives of a variety of culturally and linguistically diverse women's community groups from across Melbourne at that event. In particular I would like to inform the house of the work of Sofia Mastoris, who was the prime mover and organiser of this inaugural event. Sofia Mastoris is a constituent of Mill Park and a real dynamo in the local community.

The umbrella organisation of the Hellenic Women's Federation of Victoria managed to attract a number of different performers to the inaugural lunch. Performances ranged from those by Philippine youth dance groups to Turkish belly dancing and various types of singing in Greek and Italian.

I would like to congratulate all those women involved in making it such a success. I was joined by the Honourable Jenny Mikakos, a member for Jika Jika Province in the other place; George Lekakis, the chair of the Victorian Multicultural Commission; and representatives of local government. I look forward to future events of this kind.

Police: Preston station

Mr LEIGHTON (Preston) — Two weeks ago I had the pleasure of inspecting the new 24-hour Preston police station. I am looking forward to attending its official opening next week by the Minister for Police and Emergency Services. It replaces a 60-year-old building where very good police officers worked under appalling physical conditions. The new station is expected to accommodate 101 members, with the design allowing for growth of another 26 personnel. On its completion the personnel at the station will comprise the uniform branch, a criminal investigation unit, the Darebin Project Clarendon crime desk, executive management — that is, the divisional inspector — and support staff.

The government has spent \$8 million on a state-of-the-art police station. The layout of the new single-storey building includes the following features: three interview rooms, a muster room, male and female change rooms, mess/conference rooms, a property store, a public entrance/reception counter, an inspector's office, a senior sergeant's office and a sergeant's office, a watch-house incorporating a public consultation room, two holding cells, an exercise yard and a staff amenities room, including a gymnasium.

The Kennett government on its election tore up the contract to build a new Preston police station and for seven dark years allowed it to sit at the top of the Victoria Police priority list. It took us to build it.

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

Legacy function

Ms MUNT (Mordialloc) — I mention a Legacy afternoon tea that I had on Friday, 10 October, in appreciation of the unsung and hard work that the Legacy badge sellers in my electorate do each year. I would particularly also like to thank the Mentone RSL, which provided the room, the cakes and the tea free of charge.

Representing Legacy was Mr George Logan. Others attending were Mr Craig Abernathy, Stuart Cleeve and Sam Green, from Mentone Boys Grammar; Mrs Peta Wragg, from Kilbreda College; and Danielle Millership, who represented 72 young students who sold Legacy badges in my electorate. Mrs Mona Rowell, the president of the Legacy Widows Club, and Mr Ralph Butcher, a legatee, were also present. Members of Dingley Legacy Widows Club were in attendance, and they raised \$2542 this year. That is a wonderful effort, so thank you to Mrs Maureen McCrory, Mrs Daisy Armstrong, Mrs Dot Browne, Mrs Anita Craven, Mrs Dot Dorman, Mrs Dea Fields, Mrs Bertha Fritchley, Mrs Belle Holland, Mrs Kath Kirkcaldy, Mrs Beth MacCormack, Mrs Mary Murrily, Mrs Lil Oliver and Mrs Fay Peel, who did that great work.

Eastern Volunteer Resource Centre

Mr ROBINSON (Mitcham) — I would like to place on the record my commendation of the Eastern Volunteer Resource Centre, which is located in Ringwood — —

Mr Honeywood — They've got no funding.

Mr ROBINSON — Goodness me! I was just going to say it is located in the electorate of the honourable member for Warrandyte, but you cannot help but bad luck, I suppose.

In any event, its members are part of a terrific group that has been running for a number of years. A couple of years ago I spent a morning with a number of the volunteers, who do a terrific job. There are several hundred volunteers, and between them and the paid staff they provide several thousand hours of voluntary service.

Anita Hinton, the manager of volunteer services, is one of the outstanding individuals associated with the Eastern Volunteer Resource Centre. She has written to the Premier indicating that the resource centre and the Victorian Volunteer Resource Centre Network are interested in establishing an office of volunteers, with a view to building stronger, sustainable communities through volunteering. I understand that this proposal would mirror initiatives which have been taken in South Australia and Western Australia. It strikes me as a very good proposal, and I would certainly endorse it. Many people throughout the eastern suburbs have gained enormous benefit from the work of the Eastern Volunteer Resource Centre.

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired. The time for members' statements has expired.

EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 17 September; motion of Ms KOSKY (Minister for Education and Training).

Government amendments circulated by Ms KOSKY (Minister for Education and Training) pursuant to sessional orders.

Opposition amendments circulated by Mr PERTON (Doncaster) pursuant to sessional orders.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Ms KOSKY (Minister for Education and Training) — I move:

That the debate be adjourned until later this day.

Mr PERTON (Doncaster) — On the question of time, the performance of the government in respect of this bill is a disgrace. This minister has brought into the

house amendments of which I have not been shown a copy. Although I had a briefing from the minister's departmental staff and one of her advisers on Friday afternoon, they did not have amendments prepared and were not prepared to show me any amendments. I pay tribute to John Livi, counsel for the department, who at least made a fist of trying to brief me on the amendments, which take out the minister's proposal to allow convicted child sex offenders to teach in classrooms and to supervise children in the course of their school work.

Those amendments would not have been necessary if the minister, her parliamentary secretary and her department had actually done their homework. Can you imagine reading in a second-reading speech in this house a comment that you as a minister wanted to — —

Mr Nardella — On a point of order, Acting Speaker, a debate on the question of time is a very limited debate. It is not an opportunity for honourable members to debate the bill, the clauses in the bill or the intent of the bill before the house. The debate is limited only to the question of time, and I ask you to bring the honourable member back to the question.

The ACTING SPEAKER (Mr Smith) — Order! I ask the member to come back to the question.

Ms Kosky interjected.

Mr PERTON — The minister is actually shouting across the table in her embarrassment. What John Livi did not know, the public of Victoria did not know and probably the embarrassed government backbench did not know, is that a second backflip occurred. We read in this morning's *Herald Sun* about a matter that I was not briefed on — —

Ms Kosky interjected.

Mr PERTON — Do you want to say that a bit louder? Go on!

The ACTING SPEAKER (Mr Smith) — Order! Will the member for Doncaster return to the debate!

Mr PERTON — I hope Hansard picks up the quality of the insult from the minister. She said I am a goose. There must be some expertise in knowing what a goose looks like, because when a departmental staff member briefed me on Friday — that is, when the minister's own legal counsel briefed me — he did not know there was going to be a backflip on the audit provisions of the bill. I have not been briefed on this at all, and the minister's adviser was ringing my office at 2.45 p.m., while we were in question time, and asking

my staff to arrange a briefing on these amendments this afternoon.

Does the Parliament, and do the teachers, the principals and the school councils of this state, have to read about legislative amendments and ministerial backflips in the *Herald Sun*? You would have thought that this minister, smirking away as always with an air of superiority, would have consulted on these provisions with the Auditor-General. You would have thought she would have consulted with Treasury and Finance. You would have thought she would have talked it over with the school principals and school councils — but she did not.

The minister treats the Parliament with contempt. She briefed me on Friday afternoon without disclosing this to me. Government members have not even briefed the National Party on these amendments. This morning government members refused to show the National Party the amendments, and now they are brought into the house for debate this week. The rules of the house prevent us from moving an adjournment of debate on this bill until next week, because the bill is part of the government business program. But if the manager of government business had understood the manifest incompetence of this minister and the manifest incompetence of her department — —

Mr Nardella — That is pathetic!

Mr PERTON — Perhaps I will put out a release to the newspapers in the electorate of the member for Melton to ask where he stands on allowing a convicted child molester back into the classroom.

The ACTING SPEAKER (Mr Smith) — Order! Through the Chair.

Mr PERTON — Where does the member for Melton stand on that?

The ACTING SPEAKER (Mr Smith) — Order! Through the Chair.

Ms Barker — On a point of order, Acting Speaker, the member should confine himself to the issue of time, and you have already pulled him up for not addressing his remarks through the Chair.

Mr Honeywood — On the point of order, Acting Speaker, given that there are only 2 seconds left, if the honourable member for Oakleigh would like to check previous debates on the issue of time she will note that it is a longstanding practice that members are able to at least give some explanation of why it is that they have concerns about the issue of time. On each and every

occasion in virtually every paragraph of his contribution, the honourable member for Doncaster has been referring to why he needs more time. It is an absolute and deliberate attempt to stifle debate on the issue of time for members opposite to get up on points of order.

Mr Maughan — On the point of order, Acting Speaker, I also want to comment, because government members are wasting time. The member for Melton, in particular, and the member for Yuroke are frequently on their feet, asking, ‘What is your point of order?’.

In this case a government member, the member for Oakleigh, got up and did not state on what grounds she was raising a point of order. In the whole of her contribution she did not say what the point of order was. It was simply to stop the member for Doncaster being able to express his point of view. You may not like what he has to say, but he has every right to say it.

I share the sentiments of the member for Doncaster. Government members have a double standard on this, calling out and requiring members of the opposition to immediately state their points of order and, on this occasion, letting a government member off without making the same requirement.

Ms Kosky — On the point of order in relation to time, Acting Speaker, I understand that debate on this bill has been deferred until Thursday, and there was agreement on that. Government members are prepared to provide for discussions around the amendments. We would like the opposition amendments, which has been refused by the opposition, to be shown to the government. We would like to have a discussion about both sets of amendments. ‘Later this day’ refers to later in the business program, and I understand the agreement is for Thursday.

The ACTING SPEAKER (Mr Smith) — Order! If I heard the minister correctly, she did say ‘until later this day’ when she moved the time for which the debate should be adjourned.

Mr Maughan — Was that on the point of order?

The ACTING SPEAKER (Mr Smith) — Order! There is no point of order.

Mr HONEYWOOD (Warrantyte) — On the matter of time, Acting Speaker, it is not much to ask for 24 or 48 hours, or even a week, when it comes to the fact that this minister has lost the debate in the public arena. She has had to swallow her pride. We know that, on the issue of time, the government has had three years to clear this up. The minister’s predecessor, now the

Minister for the Arts, brought in the Victorian Institute of Teaching legislation, which produced this problem by creating a loophole that enabled convicted sex offenders to teach in classrooms at the discretion of a public servant.

Opposition members can understand how the current minister took three years to make up for the embarrassment that was caused her by her predecessor. Yet the current minister has the gall to come into this place having already lost the debate in the public arena, being forced on Jon Faine's radio program to do a mea culpa when the Premier's office handed her a note to say, 'Give in, Lynne!'

Mr Wynne interjected.

The ACTING SPEAKER (Mr Smith) — Order! The member for Richmond!

Mr HONEYWOOD — The Premier's office informed the minister that she should do another backflip and give in to the member for Doncaster's campaign to inform the public about what she and this government were trying to get away with.

Opposition members cannot trust this government when it comes to the commitments it gives. Because government members have used the terminology 'later this day' rather than 'tomorrow' or 'later this week', we would not be at all surprised, given the embarrassment which this minister has faced on this issue and which the member for Doncaster so successfully managed to campaign on in the public arena, forcing the government to reverse its situation, if in the dead of night — probably around 10 o'clock, well after the dinner break, when the member for Melton is well and truly primed for the exercise — the government brings the debate on when there is no public attention. We believe that is what the government will try and get away with.

Given that the minister prevaricated when it came to providing any time to the shadow minister, and given that she managed to ensure that she did not have the proposed amendments in place so that her public servants were left empty handed and therefore not able to brief the opposition properly, we believe this government has a track record when it comes to denying the opposition's right to have sufficient time to be able to properly go through the amendments to see whether we are having the wool pulled over our eyes yet again when it comes to this second backflip on the legislation. It is not good enough for this minister, with egg all over her face, to come in here and do yet another backflip and say, 'Please trust me! When I say

'later today', I really mean "on Thursday"'. We know what they are about. They are about covering up their mistakes and their embarrassment on this issue.

The debate has been won in the public area: the opposition, through its shadow minister, has been able to win that debate. Let us now make sure that we get the legislation right. That requires time to ensure that the amendments are properly worded and that we understand exactly what the government is trying to get away with.

Mr MAUGHAN (Rodney) — On the question of time, the minister very clearly said 'later this day'. That is what it means — that it can come on later this day.

Ms Kosky interjected.

Mr MAUGHAN — I know the minister has given a commitment, and I trust that, but if that is the case, why say 'later this day'? Why not say 'tomorrow', and if she had I would have been more comfortable. The minister gave a commitment about a briefing, but we in the National Party had not had a briefing until 8.45 this morning, and we did not receive the amendments until 5 minutes ago. Our spokesman in the upper house, the Honourable Peter Hall, has still not seen these amendments.

There is not sufficient time to go through these amendments, with all the other things that are going on. They are important amendments that very significantly change the legislation that was initially introduced. So I think there needs to be more time. If the minister had said, 'I will defer it until Wednesday or Thursday', we would have been comfortable, but 'later this day' is not the appropriate term. I protest that we have 16 amendments that make major changes in two significant areas in the legislation that has been presented to this house. We want sufficient time to be able to adequately consider those before being required to stand up and debate them.

Mr WYNNE (Richmond) — On the question of time, the minister has indicated, by bringing this piece of legislation on first and by tabling the amendments she has already tabled, that she will provide the opportunity for the opposition parties between now and Thursday — —

Mr Nardella — And when?

Mr WYNNE — Thursday, which is when the minister has clearly indicated to the house that she will bring on the debate.

As we know, much of the business of this house is done cooperatively by negotiation between the parties. In this particular instance, at the first available opportunity today the minister has brought this piece of legislation forward and has tabled her amendments. She is now saying to the opposition parties — the Liberal Party and the National Party — that she is providing them with two full days to consider their position and to be briefed on the implications of these amendments. So far as I am aware, they are quite straightforward. Nonetheless both opposition parties, and indeed the Independents, should be given the opportunity to be briefed on them. Then we will have a proper and considered debate on Thursday, which the minister has committed herself to, when all sides of the house can debate the merits of the legislation and the amendments.

The proposition that has been put before us today is eminently reasonable. It is quite unnecessary for the member for Doncaster and the member for Warrandyte to put on this charade when they know that agreement was reached about when this particular bill would be debated, and that is Thursday.

I submit to you on the question of time, Acting Speaker, that the proposition that has been put forward by the minister is entirely reasonable. It is being done in good faith. The minister has tabled her amendments. Opportunity has been made available, through her good offices, for the opposition parties to be given briefings. Let us get on with it!

Mr COOPER (Mornington) — What we are considering now is the motion of the minister that debate be adjourned until later this day. If the minister had been fair dinkum about this, she would have moved that the debate be adjourned until Thursday, but now we are being asked to take this matter on trust. I put it to this house that even a very cursory run over these amendments, which have just hit our hands, shows that they address themselves to two very significant areas of this bill. They are not only matters that are of significance to members in this house, they are also matters of great significance to members of the community, particularly the education community. I would suggest that that consideration has not been given to those people as well.

The simple issue being put to this house by the opposition is that this government should keep its word — keep the promise that it has uttered many times since 1999 — that not only will legislation that is brought into this house be given adequate consideration, and that includes providing adequate time, but that the community will be part of the process.

As the house will recall, we went through this debate on time last week with regard to the amendments to the Constitution Act and the process of appointing the Chief Justice of Victoria. At that stage the debate centred around the fact that not only the house but the community was not being given sufficient time to consider the ramifications of a very important piece of legislation.

These amendments are about how teachers who are dismissed or disqualified will be handled — that is, whether they will be allowed to teach in classrooms, or whatever. That is very important, as is the auditing of school accounts. These are matters of grave significance to parents as well as to school communities.

I read this morning comments by the president of the primary schools association saying that the audit provisions are very significant and serious matters — and here we have the reaction by this government. The amendments that we have been just handed are dated 14 October, so they have been prepared today — probably, I would suggest, in the wake of the public criticism that has occurred over some aspects of this bill.

The people who have levelled criticism at this bill — and the bill itself has been in the hands of members since 16 September — deserve the opportunity of being able to look at these amendments and deal with them.

The minister, who is clearly not really interested in the arguments being put to this house, because she is more intent on having a conversation across the table with the shadow minister, should be aware that there is grave disquiet in the community about many aspects of this bill, and the two matters that I have just mentioned are the most important of those. The people who are levelling that criticism, the people who are expressing that grave concern, need to be taken into consideration as well. All of the decisions taken on this bill need to be acceptable to the general community. This Parliament cannot just sit here in isolation and amend a piece of legislation and expect that members of the general community will just say that that is good enough. They will not know what is happening in this house; they have no idea of what is happening in this house at the present time.

We are simply saying to this minister that we want this debate delayed for a reasonable length of time so that consultation can occur. It is a crying shame that the government is so insensitive and so arrogant on this issue that it is not prepared to delay consideration of this bill until the next sitting week. That would not only

give the opposition parties time to be briefed — and the National Party has apparently not been briefed on this — it would also give the community and in particular the education section of the community time to consider the matter.

Ms BEATTIE (Yuroke) — On the question of time, Acting Speaker, the minister has come into the house at the earliest opportunity and adjourned this debate. In doing so the minister has said ‘later this day’, which, since I have been in the house, is one of the forms of custom and practice in this house — nothing more, nothing less. At the earliest opportunity the minister, when opposition members have said they do not like the expression ‘later this day’, has assured them across the table, as recorded in *Hansard*, that it will be on Thursday. Apart from slashing her wrists and writing it in blood, I do not know what else the minister can do.

Here we have a normal form of custom and practice in the house, the minister has assured the Liberal Party, the National Party and the Independents that they will be given briefings on this. The assurance was made before all honourable members in this house, recorded in *Hansard*, and that commitment will be adhered to. Honourable members opposite are just stalling for time, trying to make cheap points, and trying to bring on the debate now. There is ample time for the debate on Thursday — as has been promised by the minister — after the briefings.

They are saying they need the briefings, and yet they are standing on their feet wanting to debate it now. On the question of time, Acting Speaker, the minister has given the commitment that there will be briefings. I will go through it again: briefings for the Liberal Party; briefings for the National Party; briefings for the Independents; and the debate will be on Thursday.

It was said in front of honourable members of this house, recorded in *Hansard*, and members of the gallery have heard this. That will be Thursday, so let us not try to have the debate now; the debate will be on Thursday, and there will be ample time for those briefings. Then the Liberal Party, the National Party and the Independents can come in and, in an informed manner instead of hurling abuse across the chamber, they can debate the issue. I do not think there is anything to argue about, Acting Speaker, it is being done by negotiation, and the debate will happen on Thursday.

House divided on motion:

Ayes, 62

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms

Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Lupton, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Maxfield, Mr
D’Ambrosio, Ms	Merlino, Mr
Delahunty, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Mr	Robinson, Mr
Helper, Mr	Savage, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Treize, Mr
Mr Hulls, Mr	Wilson, Mr
Ingram, Mr	Wynne, Mr

Noes, 23

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr
Maughan, Mr	

Motion agreed to and debate adjourned until later this day.

EDUCATION (WORKPLACE LEARNING) BILL

Second reading

Debate resumed from 17 September; motion of Ms KOSKY (Minister for Education and Training).

Mr PERTON (Doncaster) — The Education (Workplace Learning) Bill goes too far. Together with the government’s other bill in the Parliament, the Child Employment Bill, it defines the difference between Liberal and Labor.

This is a bill that not only erodes the system of workplace experience for students in Victoria in its

entirety but insidiously undermines the right of parents to make decisions about what is in the child's best interests. It diminishes the rights of Victorian children aged 13 and 14 without any proof or evidence that such diminution in rights is in the interests of the children or the community. What on earth is the government's problem with work experience?

Just before the commencement of Parliament today there was a class of 14-year-old students in this chamber. I asked them their opinion of this bill. Not one of them could understand how the government could make such a proposal without any evidence, without any substance and without proper and appropriate consultation.

Big or small government, there must be limits to state intervention. As I indicated, our approach to this bill defines the difference between our parties.

The founder of the Liberal Party, Sir Robert Menzies, said:

We took the name 'Liberal' because we were determined to be a progressive party, willing to make experiments, in no sense reactionary but believing in the individual, his rights and his enterprise, and rejecting the socialist panacea.

In accordance with that quite philosophical position, I desire to move:

That all the words after 'That' be omitted with the view of inserting in place thereof the words

'this house refuses to read this bill a second time until consultation has taken place with key stakeholders including parents, students, principals, teachers and employer groups concerning the educational, social and economic costs and benefits of clauses 8 and 10'.

This bill seeks to remove children's rights and is based not on research or science but on a patronising Labor notion of parental incapacity and teacher ineptitude. This is part of a bizarre strategy to overburden the system of work experience and make it unpalatable for just about anyone to participate in it, certainly for 14-year-olds. With the prohibition in relation to 13-year-olds, this legislation, and the philosophy which underpins it, deserves to be challenged.

The rights of parents to determine what is in their child's best interests should come before this Labor government's desire to blanket ban all 13-year-olds everywhere in the state from undertaking work experience.

What I found extraordinary in the government briefing — and I am sure the National Party Whip also found it extraordinary — is that when we asked the

government how many 13-year-olds do work experience we got a blank look. The briefing officers could not tell us. The ministerial advisers could not tell us. We asked the question and asked them to come back to us.

Mr Dixon interjected.

Mr PERTON — I am still waiting, some two weeks later, and the member for Nepean, who was at the briefing with me, recalls I asked the question, to which I received no answer.

But just as the government was not able to tell us how many 13-year-olds do work experience, the government was not able to tell us what the problem is. If you are going to ban 13-year-olds from undertaking work experience, surely there would be a body of published evidence that discloses that there is a major problem with 13-year-olds doing work experience. There is none.

The Minister for Education and Training is not in the chamber. Funny that — it seems to be the way she handles her legislation: at arm's length, saying, 'I am not guilty', and with a see-no-evil, hear-no-evil approach, 'I am not involved, it is the fault of the public servants. It is not my fault; I am only the minister. It is the public servants who got it wrong'. It is a bit like the Minister for Police and Emergency Services and the police files: ministerial responsibility seems to have gone out the door.

The minister in the second-reading speech claimed that this bill:

... reflects recommendations by stakeholders to a review of workplace learning conducted by the Department of Education and Training in March–May 2003.

There is a list of stakeholders. I rang the stakeholders, and some of the stakeholders have obviously been in touch with the media as well. I refer to the views of some of the people who have studied this legislation. The Victorian Independent Education Union, which represents staff in non-government schools, described the proposal as unworkable and said that it could spell the death of work experience. Union general secretary Tony Keenan said that:

... it is not as though employers are falling over themselves to have kids for work experience.

The Victorian Employers Chamber of Commerce and Industry echoed those concerns, saying that although protecting children was paramount, work experience guidelines should not be too intrusive. The chamber's general manager of workplace relations, David

Gregory, has said that employers have got to run a business. He also said:

... if the process becomes so complicated that it cuts across their good intentions, some might think twice about taking on children in the future.

The Careers Education Association of Victoria also said that employers might — and I am using its words — ‘can the program’ rather than worrying about compliance with the new regime of police checks.

The Australian Retailers Association of Victoria (ARAV) said:

... work experience arrangements are not paid employment but provide valuable experience in the workplace to students. However, there is little benefit for employers to agree to enter into such arrangements and such students generally need constant supervision. In addition, these students are deemed employees for the purposes of the Accident and Compensation Act 1985.

In retail stores the reality is that more than one police check will be required in most work experience situations, as it is not likely that just one individual will have direct supervision of the student at all times. In addition, the consent of the employees who may have direct supervision will need to be gained before any criminal record check could be performed. In the ARAV’s view it seems very likely that an unintended consequence of this proposed legislation will be that employers will avoid providing work for children under 15 years of age and may potentially be reluctant to participate in work experience programs.

In other words, the employers, the union and the community have asked why. The employers and the unions say that this could spell the death of work experience for 14-year-olds, and of course it spells the death of work experience for 13-year-olds because that is the intended consequence of the act.

An interesting question is: did the minister ask 13 and 14-year-olds for their views? Certainly the group of 13 and 14-year-olds who were in this chamber before the sitting started could not see a reason why such legislation would need to be implemented, and my suspicion is that there has been no consultation with that age group. Contemplating those matters, I asked experts in the field of education policy if 13 and 14-year-olds would give valuable perspectives to this. Their view was certainly yes, but that 13 and 14-year-olds were excluded from the consultation on this debate. That no attempt seems to have been made to obtain their views generally indicates the patronising nature of this legislation.

The minister claims this legislation is based on a review which took place between March and May of this year. No copy of a review has been published on the Internet. We asked around the employer groups whether there

was a copy of the review. No-one had a copy. Again in the briefing session attended by the member for Nepean, the Honourable Andrew Brideson, a member for Waverley Province in the other place, and me we asked for a copy of the review. There were some embarrassed faces and replies of, ‘There is no copy, it was all done by chat’. After a bit of a shuffle we were told, ‘Someone might have said something sometime to someone to create this general consensus for 13-year-olds to be prohibited’.

The ministerial adviser, I think in all goodwill, said to me, ‘We will try to put a document together’. I was handed a document on Friday which consisted of two pages and looked like the earlier notes of the minister’s second-reading speech, but it certainly contained no evidence of the people who were involved in the consultation and no indication of whose idea it was.

Whose idea was it that 13-year-olds should be prohibited from doing work experience? Whose idea was it that we should have a system of police checks for work experience? In the words of radio commentator Jon Faine on ABC radio, a work experience student in his office would require him to have a check, the board operator to have a check, his producers to have a check and even the manager of the canteen to have a check. Who wanted this? Who asked for this? I have not found anyone who put up this proposal.

It begs the question: is it the same people who in fact proposed to the minister that we let convicted child sex offenders be reregistered as teachers, allow them back into the classroom, the change room and the school camp? Is it the same group of advisers who actually wrote a second-reading speech which the minister delivered in this house and in which she said the intention of the legislation was to permit the reregistration of a convicted child sex offender? What sort of government could possibly consider that this was appropriate?

The Premier is in the chamber. What is extraordinary is what happened after the bill left the minister’s office; what happened in the cabinet room. The Premier is walking out of the chamber now. In a radio interview on 3AW Neil Mitchell asked the Premier, ‘How could you possibly do this?’. The minister said it was withdrawn because of public anger, that these provisions were withdrawn because of public outrage. In other words, the Labor Party thinks it is fine to have a convicted child sex offender reregistered as a teacher and re-employed by the state education department. It is a bit like street sex tolerance zones and so-called safe injecting rooms: the only reason you would withdraw it is that there might be some adverse electoral

consequences, but the morality is something that calls the judgment of the government into question.

One would think that this legislation should have had a bit more forethought and research. When we asked the department who was going to pay for the cost of these police checks there was a bit of a shuffle again and, 'We will pay for state schools'. So I asked the question, 'What about independent and Catholic schools?'. There was a bit of an embarrassed silence. Indeed the member for Nepean asked that question, to pay appropriate tribute to the intelligence and accuracy of the question. What happened? The department did not know. We asked it to tell us, but it did not know.

Apparently it has told the Catholic and independent sector that it will pay for the police checks, but is it for one year? Is it for two years? Is there a guarantee in writing? We will wait until the end of the second-reading debate, but we believe if the government wants to impose this extraordinary system of police checks for 14-year-olds to do work experience it should bear the budgetary burden, and that budgetary burden should be borne for the period of time for which this legislation remains in force. I believe the Catholic schools, Catholic parents, independent schools and parents of kids at independent schools deserve that.

If the cost of police checks for work experience exceeds \$100, on top of all of the inconvenience that occurs in the workplace, on top of the amount that is paid to the work experience child, I think, as the Victorian Independent Education Union indicated, along with VECCI and others, it will be a major impediment to work experience.

The Minister for Manufacturing and Export, who is at the table and who is responsible for some parts of industry and that part of policy, would be aware that this is not an appropriate piece of legislation, and I suspect that this minister was probably rolled in cabinet, if indeed he raised the matter at all.

Another part of the bill which causes concern is clause 10, which allows for the system of police checks to be imposed on the prospective work experience employers. The procedure for police checks will be as follows — and this information was given to me at the ministerial briefing:

1. The form for an employer to accept a work experience student will include an acceptance that there will be a police check;
2. Those to be checked will include the 'boss' and others who will supervise the student — in most workplaces —

and this is the exact words from the briefing —

at least two people will need to have police checks;

3. Education department conduct and ethics branch will send the request for a police check to the police and receive the police advice;
4. Education department conduct and ethics branch will determine whether any offences disclosed preclude that workplace from accepting the work experience student —

and, of course, we also have the extraordinary guarantee that —

6. The police have advised that the checks will take 15 days.

This raises a great deal of concern because a workplace could have people employed who do have a conviction. It might be a juvenile conviction for drugs; it may be a juvenile conviction for some other matter; it may be an adult conviction but it may have no relevance to their capacity to work in a factory, a real estate agency or a legal practice.

An employer in all goodwill may sign the form, the police checks are undertaken, it goes to this conduct and ethics branch which then advises the school that this employer is inappropriate for work experience. So the first that the prospective work experience employer would know is that their reputation is mud; that the principal, the student or someone else says, 'That factory is inappropriate for work experience' or 'That office is inappropriate for work experience'. The first conclusion that people will jump to is child sex offence, or, as the honourable member for Mornington says, paedophiles.

Why not have a system of safeguards in this? If you are going to have all these police checks, why not have a system that is fair? This conduct and ethics branch of the Department of Education and Training was in the newspapers three weeks ago, not because the minister had any regard for its competence, but because the Community and Public Sector Union, the union representing the workers in that branch, had been advised that the employees of that branch were to be dismissed and, in the words of Tim Mitchell, the spokesman for the minister — but I stand to be corrected if it was one of her other public relations consultants — 'These checks can be appropriately undertaken by the Victorian Institute of Teaching and we don't need this branch at all'. But now they are to be entrusted with this private information.

I am not the only one who has concerns about this. The employer groups have a great deal of concern, as does an organ of government, Paul Chadwick, the Victorian Privacy Commissioner. He wrote a very long

submission to the Scrutiny of Acts and Regulations Committee. It is clear that he does not support these provisions. I will read from paragraph 43 of his submission to the committee:

At stake is more than people's livelihoods. Depending on the breadth of vetting schemes, it is possible that imbalance in this area will lead to a reduction in willingness to volunteer in many community activities. A healthy civil society depends in part on a spirit of volunteerism. It is for Parliament to determine the balance that will maintain it.

But it is clear that the work experience employer, in general, does not get any great productive benefit from a work experience student. Indeed in the experience of most, it reduces productivity. But most employers do it because they believe it is part of their social obligation. I suspect the minister has probably had work experience students for that reason. You do not expect a 13, 14, 15 or 16-year-old to be able to step into politics or a business and undertake expert work. But people take them on because they want to give them a hand.

The Privacy Commissioner has clearly said this is not appropriate. In paragraph 44 he says:

The implications of Victoria's treatment of criminal records go far beyond the need to avoid injustices at the individual level. From a broader perspective public confidence is a critical factor in deriving from the technologies the benefits that the technologies offer to public administration. Poor criminal record disclosure policies will undermine that confidence in a particularly insidious way.

In today's question time it was front and centre. The fact that our law enforcement assistance program and our criminal record system can be accessed by a police minister, which would be more appropriate in a police state in some other part of the world, in order to use police information against political opponents does not give rise to any confidence in respect of the use of this information in political campaigns. That being the case, how can we have any confidence that the Department of Education and Training conduct and ethics branch, in which the minister has no confidence, or the school principal, or the careers officer or the 16 or 15 or 14-year-old kid who has applied for work experience will not go around saying that the kid wanted to do work experience at business X but could not because the police check came back as negative?

Even if the information is accurate, the Privacy Commissioner says:

If discreditable information, shorn of its ameliorating context, circulates inappropriately, severe damage can be done not only to reputations that have been painstakingly built, but to relationships of trust and confidence.

So it is clear: the Privacy Commissioner is pretty right, and the employer groups are right. Who is it that wants these provisions inserted in the legislation? The minister, in her public relations campaigns and in the spin on which she spends millions of dollars a year, says that if it saves just one child, these costs are worth it. Maybe that is true. But perhaps there is a better way of doing this. Perhaps the formulation which she has adopted is not the best way. Perhaps there does not need to be the same level of police checks.

It is not just me who thinks that. Jon Faine, when discussing this matter with the minister on radio, raised the example of his own workplace and how many people would need a police check; and the minister had the gall to say, 'That is not what the legislation says'. The minister had the gall to say, 'It will only require one police check'.

We can go back and check the transcript; maybe there was a bit of mealy-mouthed fudging around the edges. But it is clear that those who know what the legislation was were not sitting next to her, or if they were, they were disregarded. It was the same at the table in the house earlier: truth is a commodity to this minister. If telling the truth will do her some good, she will tell the truth. But if telling the truth is inconvenient to her politics or to her reputation as the potential next Premier of the state, she will happily lie. Indeed in the space of a few minutes in this chamber, during cross-table banter, she told lies that had no purpose to them whatsoever.

If the minister believes that the system of police checks contained in this bill is too difficult — as she said to Jon Faine — or if the minister's interpretation is different to that which is contained within the bill, I suggest she adopts the approach that is contained in the amendment I have proposed. It says that the bill should be withdrawn and that consultation should take place with key stakeholders, including parents, teachers and employer groups, concerning the educational, social and economic benefits of clauses 8 and 10.

If the minister is not a liar, and if the minister did not lie to Jon Faine on ABC radio, then there ought to be some house amendments from the minister ameliorating the effects of these provisions. The public servants are in the advisers box; they can draft the amendments. Parliamentary counsel are just across the way in Treasury Place; they can do the work too. But my feeling is that the minister lied to Jon Faine as well.

The way this will be done — —

Mr Holding — On a point of order, Acting Speaker, I think it unparliamentary to suggest, other than by way of substantive motion, that a minister has lied, and I ask you to rule accordingly.

The ACTING SPEAKER (Mr Ingram) — Order! I caution the member for Doncaster against accusing members of lying, but I will take no action. The member for Doncaster can continue his remarks.

Mr PERTON — So in the last few minutes of the debate, let us look at what this bill does.

In essence there are two significant provisions, one of which is the banning of 13-year-olds from doing work experience. As I said, you would think that if the government had some proof that this was necessary, they would have published it. So we would know and 13 and 14-year-olds in this state would then say, ‘Yes, this makes sense to us’. But that has not been done. The way in which the legislation has been treated indicates to me that it is probably just an idea that has either come out of the minister’s office, come out of Workcover or come out of some other place, probably from someone who did not want 13-year-olds to do work experience.

Perhaps when the minister said, ‘I have not had a bill all year. I must have a bill!’, someone said, ‘Let’s put a bill in that thumps the kids, just like the Child Employment Bill does. We will ban 13-year-olds, and we will make work experience for 14-year-olds so difficult that they will not know what hit them’. Certainly employers in this state have indicated that they will know what hit them! They will just not get work experience in these circumstances, or if they do it will be under such a limited range of circumstances, involving single employers or the like, that it will not be worth it.

I conducted an online poll on this matter, and 76 per cent of those who responded said they thought this prohibition — —

An Honourable Member — How many?

Mr PERTON — Over 220. Seventy-six per cent opposed this, and this is what a few of them said.

A school principal talked about:

... students for whom work experience at a younger age is a useful part of their education. For example, when a student is not achieving at school and looking for options, doing work experience can be a useful ‘reality check’ for them.

One teacher said:

What we lack is real learning for real jobs in the real world — education needs to get real. I can recall being at teachers

college sitting in lectures with my tongue hanging out for the teaching rounds coming up. Certainly I wasn’t 13, but I still wanted to get up and get going.

From a vice-chancellor:

Work experience is one of the most important types of experiential learning. Young people, perhaps all people, learn from experience, and the best process, for instance in science, is experiential. To place a blanket ban on work experience at any age is to throw the baby out with the bathwater.

A clinical psychologist said that 13-year-olds:

... are physically mature. They need to get into a mentality that one has to earn money, not wait for a handout.

From an experienced policeman:

Thirteen-year-olds today have much more opportunity to gain experience in a number of fields. Thirteen is not too young to start mentoring, nurturing them into a work experience environment. I believe it gives them a sense of purpose, real life skills and broadens and awakens their inquisitive minds to what can be expected of them in the future. It is important that young people get all the opportunities they can, and work experience is a key plank in developing not only some skills but inviting them to think about the future and sometimes sows the seed of which direction they may well take.

I think I can conclude with that informative comment from a long-term policeman, who has really tried to help a lot of youth in his district get back on track. He says that no kid should be prohibited from getting work experience.

When we are re-elected to government we will repeal this provision, and we will give students that choice. There is a clear difference between us and Labor. Certainly we believe that 14-year-olds should not be placed in a position where work experience becomes, in practical terms, unavailable to them.

Mr MAUGHAN (Rodney) — I am pleased to be able to make a contribution to the debate on the Education (Workplace Learning) Bill that is before the house. The minister in her second-reading speech referred to lifelong learning. Over the years I have been a great advocate and supporter of lifelong learning for a whole range of reasons. Not only does it provide us with a far more highly skilled work force and all of the economic benefits that come from that, but also there are the personal benefits and the self-satisfaction that flows from lifelong learning. People in older age groups have the self-satisfaction of being able to study a whole range of things that they probably have not had the opportunity to study earlier in life. They are able to make a contribution to the community in a variety of fields, and then of course there are the improved health benefits that come from that. It is well documented that

people who are physically active and keep their minds active enjoy better health.

It is true to say that the excellent education system which we enjoy in this state and in this country facilitates and accommodates lifelong learning. While I applaud some of the moves by this government, I also acknowledge that it was the previous coalition government that initiated many of these reforms. There is in that sense bipartisan support for lifelong learning and for making our education process far more flexible to accommodate the changing needs of people, particularly young people, in our community.

It is not so long ago — certainly when I was doing my secondary education, which is a long, long time ago but in the total scheme of things seems just like yesterday — that students were streamed into the academic, professional, trades and labouring fields, and so on. We are long past those days now, and that is a good thing. People can chop and change and go from one stream to another. A constituent of mine, who lived with me here in Melbourne for a number of years and who is a qualified carpenter, decided at the age of 31 to go back to school and do his Victorian certificate of education (VCE). It took a lot of courage to go back to a secondary college to do his VCE and then go on to university. He finished up with a masters degree and is now very well employed in the city of Melbourne. It indicates that if people have the desire they are able to do that.

If they have the academic ability, skill and desire, it is also possible for somebody who has started an apprenticeship to move through the various pathways that are now available and, if they have the drive and determination, to finish with a PhD. It is fantastic that we are able to do that.

Women are now returning to study in much larger numbers. In some cases they do so to gain employment, and in others they do so for self-satisfaction — and in some cases, dare I suggest it, they do it to keep up with their children, who are so far ahead of where they were at the same age. Many are going back to school simply to be able to help their children or to talk to them about what they are doing in their VCE studies or whatever it is they are doing.

The universities' entrance requirements are far more flexible these days, and they now have many campuses. Only last night I was at a terrific dinner at a University of Melbourne campus in the city of Shepparton. Dookie College is now part of the University of Melbourne, and it also has facilities in the city of Shepparton itself. I also had the privilege of serving on the council of

Swinburne University of Technology for a number of years. During that time Swinburne university established a campus at Lilydale. So there are now much greater opportunities for people to pursue lifelong learning. The consequence of this is that overall we are a much better educated community, which has value for the work force and for the standard of living within our community. Workplace learning is a very important part of these innovations.

As the minister's second-reading speech pointed out and as indicated in the bill, there are essentially two different streams. The first is the work experience one, which is for students in years 9 and 10 to get short-term placements in industry to broaden their experience, gain a better understanding of work and career opportunities and learn something about working life. I think it provides a valuable opportunity for young people to get out there and see what the work force is really like.

The second stream is work placements for older students in structured, on-the-job training. That can be vocational education and training, it can involve the Victorian certificate of applied learning (VCAL) or it can be school-based apprenticeships. I understand that this year about 5300 students are doing their VCAL, and that is expected to rise next year to about 8000 in about 500 different locations. I think that is great. The vocational education and training program is excellent, because it provides wonderful opportunities for students to get out and get real experience in the work force.

However, I raise the issue of the smaller country secondary colleges being disadvantaged in vocational education and training, because generally speaking their students may have to travel to locations that can be up to 100 kilometres away in order to access the sort of training they want. For example, work experience for some courses is not available in Cohuna, Rushworth or Nathalia, and students need to travel to the larger centres like Shepparton, Echuca or Bendigo. Of course that involves additional cost for the students' families, the schools and the students, who may have to go to work to earn the money. I raise the problem that students attending those smaller country secondary colleges are disadvantaged compared to their peers in the larger centres. It is far more costly for those students to access vocational education and training along the lines they want to do, and the government should assist to ensure a level playing field so they have an equal opportunity.

There are also school-based apprenticeships. That category of work placement, as it is currently called, is to be renamed 'structured workplace learning', which is

spelt out in clause 4 of the bill. I think it probably is a better name to describe what that learning is all about.

Clause 7 requires pupils to complete an accredited occupational health and safety training course of some sort prior to undertaking structured workplace learning. This is a reasonable proposal, although I would like to know a little bit more about the detail of what is actually required in these courses. To what level are they required to undertake this occupational health and safety training and who is to carry out the training?

Those students, prior to undertaking the training, must acknowledge that they have undertaken some course of occupational health and safety training. As I said, I support the concept, but I would like to know a bit more about the detail of it, as to how it is actually going to be applied — for example, I wonder whether it might not be simpler for that occupational health and safety training to take place in the schools. In many workplaces I think it would be sufficient for students, prior to going into the workplace, to undertake a 1-hour training course in school, where students do learn the basics of occupational health and safety.

I have some concerns about the bill allowing for ministerial orders setting the level for occupational health and safety required. That does give the minister the power and opportunity to go to a ridiculous extreme and demand that those students have a much higher level of occupational health and safety training than is required for them to go out and do some workplace training. I have some concerns about that and I question whether it is appropriate to have the requirement for workplace training for all those who go out into the workplace.

Mr Perton — Who is going to set the curriculum?

Mr MAUGHAN — Who is going to set the curriculum is the problem. Who is going to set the level of occupational health and safety training required?

Mr Perton — And 10-year-olds have to certify themselves that they have been taught.

Mr MAUGHAN — That is correct.

The next point I want to make is on raising the minimum age of work experience students to 14 years. The member for Doncaster spoke at length on that provision. There are arguments both ways. On the surface it makes sense, but there are many students who are not 14 years of age who are bright, intelligent and mature and could slip behind their peers. Their peers might be 14 years of age but might be less mature and less academically inclined. In the same year one group

will go off to do work experience and others, who could well be the brighter, more mature students, will be left behind.

I understand the concept, but I have not seen the result of this review. Given that the government prides itself on being open, accountable and transparent, one would have thought that if there had been a study, a review and consultation the government might have been willing to share the conclusions of that review with members of the opposition. That certainly has not been the case. We have not sighted the review. It is again a case of: we have had a review; this is what we have been told; trust us; this is what they said. If the government is honest, accountable and open, why not let us have a look at that review and make our own judgments on what its conclusions are?

Likewise with police checks. Clause 13 provides for the minister by order to require a police records check of any employer and any person who will directly supervise work experience students under the age of 15. The member for Doncaster has already pointed out the Jon Faine interview. I listened to that Jon Faine interview and I thought he made the point very well: if you have a work experience student in the ABC, for example, does that mean 'me' — Jon Faine — or does it mean all the other people that those students are going to come into contact with?

Likewise, if any members have work experience students in our offices, presumably it is not just the local member but also the member's staff. That needs to be clarified. There is no doubt in my mind that this will limit the opportunities available for workplace experience because employers are sick and tired of the level of regulation and the hoops they have to jump through. They want to be able to help and assist students. I agree there should be police checks in a whole range of different areas, but this one is a bit less precise than I would like.

We understand from the briefing that the police checks are to be on the same system as is used for teachers — namely, the information goes back to the conduct and ethics group of the department and then the privacy of that individual is preserved. I would like an assurance from the minister that that is the way it is going to happen, that when the police check is done it does go back to the conduct and ethics group and privacy is not compromised.

Then there is the question of who pays for the police checks. The government has said that it will pay for them initially. I would like some assurance that the government will pay not just for this year and next year.

If police checks are going to be a important part — and they are — then let us get an assurance from the minister on the record that the government is going to pay. It is appropriate that we have those police checks and that the government pays for them. As I say, otherwise it is a real disincentive to employers — and we do not need any more of those.

On the privacy issues, there is the possibility of teachers being disadvantaged by what I term minor convictions in the past. If a police check comes up with some sort of minor offence — nonetheless one of which they have been convicted — then they are precluded from a whole range of activities. The government should give some consideration to the suggestion made by the Privacy Commissioner, Paul Chadwick, to consider the need for a spent conviction statutory scheme so that after a certain period of time some of those convictions for relatively minor offences are expunged from the record and they are not black marks against people who are applying for jobs where a police check is needed. The police check will simply show that a conviction was recorded, but will give no indication of the seriousness or otherwise of that. It would seem appropriate for the government to pick up the suggestion of Paul Chadwick, given that not just in education but a whole range of different areas there is an increasing use of police checks.

I now come to clause 14, the final clause. This is a ripper. It reads:

Supreme Court — limitation of jurisdiction

After section 81A(2) of the Education Act 1958 insert —

“(3) It is the intention of section 640 to alter or vary section 85 of the Constitution Act 1975.”

The point I make is what hypocrisy this is from this government. This is the government that when in opposition used to rail against this — and I can recall it — day after day after day. As the government of that time, the Liberal-National party government, introduced legislation with section 85 clauses in it for the right reasons, members of this government protested and railed about how terrible that was. Here we are today dealing with exactly that issue, a section 85. I could use a lot of the rhetoric that members in this house used when they were in opposition. I do not intend to do that. It is reasonable to have a section 85. I do intend to say again what hypocrisy it is that in opposition they could be so strident against section 85s yet here is one in this bill. I venture to suggest that there have been more section 85s during the term of this government than there were in four years of the coalition government.

Surely they cannot be the same people who day after day when in opposition railed against these section 85s and now are sitting here as meek as church mice and lying down on this section 85!

Mr Cooper — It is called hypocrisy.

Mr MAUGHAN — I used the word ‘hypocrisy’, and the honourable member for Mornington quite correctly points out that it is hypocrisy at its very worst.

Members of the National Party will not be opposing this bill, but would like the minister to clarify a number of issues. The first is the provisions that apply to non-government schools. We presume that they apply to non-government schools in exactly the same way as they apply to government schools. We would like an assurance on that: that the section 85 also applies to non-government schools. We would also like an assurance that the payment for police checks is not just for this year but is on ongoing basis, and that the ministerial orders prescribed in clause 13 will be used judiciously.

National Party members would like an assurance on whether occupational health and safety training is required for all workplaces or only for those that are deemed to be appropriate, such as heavy engineering workplaces and the like, and whether the suggestion I made earlier for a 1-hour occupational health and safety course in schools would be deemed appropriate for many workplaces. We also want clarification on whether the government will pay for those police checks — not just now, but into the future — and whether it will speak with the Attorney-General with a view to picking up Paul Chadwick’s very sensible suggestion that we have a spent convictions period so those convictions disappear from the record.

With those few remarks I indicate that the National Party will not be opposing the bill but that there are a number of questions that need to be answered. I look forward to the minister’s response when she sums up the debate on this legislation.

Ms BEATTIE (Yuroke) — I rise to support the bill, which is a good bill. When you strip away the flowery language and the finger waving of the shadow minister, the member for Doncaster, there is no substantial argument against it. I shall first give a general overview, and then I would like to focus on the occupational health and safety issues.

This bill supports the Bracks government’s commitment to valuing and investing in lifelong learning, which fits in with its making education the no. 1 priority. The bill also supports the achievement of

the government's goals in education and training, and it will assist students in their transition from school to work. The bill will provide better links between schools, business and communities. I certainly see that happening on a local level, Acting Speaker, where recently one of the secondary colleges in my area sponsored a business breakfast. Through that breakfast, the college gained many workplace placements for students, and government members can see that working.

The legislation also seeks to clarify issues between schools, pupils, parents and employers in relation to the provision of workplace learning opportunities for pupils. There has been consultation, and that consultation has indicated support for the direction and spirit of the bill. I note that the National Party members have indicated that they are supporting the bill, and I congratulate them on that.

The bill reflects the recommendations of stakeholders. Some of them include clarifying duty-of-care issues in relation to students undertaking workplace learning and pupils completing occupational health and safety training prior to commencing their placement. I will talk about that in more detail. Other recommendations include monitoring pupils during workplace learning, raising the minimum age for work experience pupils and giving greater flexibility in the number of work experience days per term.

I find some of the opposition's arguments a little confusing. When debate on the previous bill was adjourned we had members opposite saying, 'You are going to let sex offenders into schools', but now that we have proposed police checks they are saying, 'No, you should not have to have police checks'. So I find some of the statements made by opposition members a little confusing.

I will talk more about clarifying the occupational health and safety issues, and I doubt if anybody in this house would not be in favour of clarifying those issues. About two years ago we had the very tragic case of a young man who was killed in a workplace accident on his very first day of work. Obviously he did not have any training. His was full-time employment, which is slightly different, but he did not know what his entitlements were.

Government members all support clarifying the occupational health and safety issues. Indeed the safety of pupils undertaking work experience and work placements should be paramount. We should prepare pupils prior to their placements, and we should monitor them while they are in the workplace. Some industries

such as the building and construction industry, health and community services, the electrical and electronics industry, and hairdressing are dangerous by their very nature. Hospitality can be quite a dangerous industry as well. The Minister for Manufacturing Industry is at the table, and I am sure he supports this bill. The metals and engineering industries, primary industry and retail are also dangerous. The government has a program to make students aware of workplace issues, and that includes a module to introduce important facts about health and safety laws and common hazards. I am very much in favour of students undertaking that training.

At the end of that training students will receive a certificate, which will recognise that they have received basic occupational health and safety information and which can be kept inside their personal portfolios. There are videos focusing on occupational health and safety, and there are industry-specific fact sheets. Resources are also being worked up for students with disabilities.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Eltham should not pass between the Chair and the member on their feet. I also remind the honourable member for Eltham that when he is entering the chamber he should recognise the Chair.

Ms BEATTIE — He's a new boy, Acting Speaker! He'll get used to it!

Then there is the issue of why it is necessary for people to be screened for criminal records when they directly supervise students under the age of 15. It is self-evident: students under 15 are children, basically, and sometimes children do immature things. We need police checks to protect the children. As I said, we need occupational health and safety training kits to help students.

The work experience arrangements will not require a permit under the Child Employment Bill unless the work experience is in a factory or a class of employment that is declared dangerous. In a submission to the review of workplace learning that the Department of Education and Training conducted earlier this year the Department of Innovation, Industry and Regional Development proposed that mandatory police checks also be required for employers of all work experience pupils under 15 years of age. We need to protect these children in the workplace from — —

Mr Perton — On a point of order, Acting Speaker, the honourable member was reading from a document.

I ask her to make the document available — that is, the submission by the department.

The ACTING SPEAKER (Mr Ingram) — Order! Was the member quoting or reading from notes?

Ms BEATTIE — I was referring to notes. I have a variety of notes here.

Mr Perton — Make them available.

Ms BEATTIE — I will afterwards. I am using them at the moment.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable for Doncaster! The custom of the house is that if members are quoting from documents, those documents should be made available if requested.

Ms BEATTIE — I am not quoting from documents.

Mr Perton — You did quote from it. You are the parliamentary secretary. Hand them over!

The ACTING SPEAKER (Mr Ingram) — Order! The member has indicated that she was not quoting from a document.

Mr Perton — She quoted!

The ACTING SPEAKER (Mr Ingram) — Order! I did not hear the member indicate that she was quoting from a document, but I will pass it on to the Speaker.

Mr Perton — I ask that the record be checked, and if the member did quote from a document — —

The ACTING SPEAKER (Mr Ingram) — Order! Is this a point of order?

Mr Perton — Yes. I ask that the document be made available.

Ms BEATTIE — Earlier we heard the member for Doncaster talk about the police checks and the cost of those police checks. He said they were in excess of \$100. I have advice that they are \$24. What we have here is an opposition that will say anything and do anything to be noticed. Opposition members do not rely on facts. They do not rely on — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Doncaster has already been cautioned. The custom of this place is that you do not make unparliamentary comments about other members. If the member would look at *May*, he would

see it is very clear that it is not appropriate to call members of this place liars.

Ms BEATTIE — Thank you, Acting Speaker. It is the custom and practice of the member for Doncaster to say and do anything.

The ACTING SPEAKER (Mr Ingram) — Order! I think it would be good if the member for Doncaster were to withdraw.

Mr Perton — Obviously, Acting Speaker, in deference to your ruling, despite the untruths uttered by the parliamentary secretary, I withdraw the word ‘liar’.

Mr COOPER (Mornington) — Acting Speaker, I will try to be a little calmer. So far from what we have heard — and I was listening with significant anticipation to the member for Yuroke, as the parliamentary secretary, to hear what she had to say in justification of this bill — we certainly did not get any justification for it from the minister in the second-reading speech and it is regrettable that we have had no reasons for justifying this bill given us by the member for Yuroke in the 10 minutes in which she addressed this house.

The reality is that the title of this bill should be amended to ‘Education (Destruction of Workplace Learning) Bill’ because that is in fact what it will do. The reality is that out there in the real world, outside the world of public servants and outside the world of government members of Parliament, when you go to industry and say to them, ‘We are going to put these kinds of restrictions and requirements on work experience students’, most organisations will just say, ‘It is all too tough. Why should we bother? We are not going to participate in it any longer’.

I would like to know, Acting Speaker, and I am sure everybody in the opposition would like to know, was the government party room given an explanation on why the bill has been introduced? Were government members told of experiences of students that led to the provisions contained in this bill? And if that sort of briefing was given to government MPs, I hope the ones who are going to speak on this bill after me will share that knowledge, the briefing that they have received, with the house because we would be very interested to know the reasons why this bill has been brought in.

I was not able to go to the briefing that was given to the opposition on this bill, but I am told by my colleague the member for Nepean that seven people attended that briefing to brief the opposition and they could not answer those questions. They did not have the information that said, ‘Here is the experience that has

created the situation that requires this legislation to come in’.

The first thing, of course, is that the bill basically hits two spots. It completely bans 13-year-olds and under from work experience — anyone under the age of 14 is banned from work experience — and in the case of 14-year-olds and over it requires police checks to be carried out on anyone who will have any contact with a student involved in the work experience program. That is simply saying to industry and the private sector, ‘We really do not want to see work experience continue on in this state’, because that is really what is going to happen.

Anyone in this house who has had any sort experience in employing work experience students, and particularly doing so in the private sector, will understand that what I am saying is correct. I have been in that situation. I have employed work experience students when I was in the private sector, and when I became a member of Parliament I also employed work experience students. It is not a situation that employers do because they want to make a gain. They do it because they want to help the student to gain some experience. It is actually a significant cost to the employer.

In fact I well remember, as I told the member for Nepean before, the first work experience student I had as a member of Parliament. He was a very nice young fellow. He was 14 years of age. He came in, and after he had spent a week in my office we had to completely rebuild the filing system because we had given him the job of filing, and he filed in a different kind of world from the world that we were operating in. I am sure he got something out of it because he has gone on to become a partner in a very successful business. But I would have thought twice — very much so twice, and maybe three or four times — before I brought him in on work experience if I had had to, along with my staff, go through a system of police checks and possibly pay the money to do that, because it would simply have delayed the whole proceedings as far as I am concerned and brought an element of suspicion and finger pointing into it.

The member for Doncaster was quite right. What about the situation where you have a student who goes out and seeks to have work experience, goes to a company and says, ‘I would like to do work experience here’, and the employer says, ‘Yes, that’s fine. Okay’. He goes back to the school — because this is the way it works; the student goes out and usually finds the work experience, not the school. The school will do so occasionally, but in most cases it is the students. They

will go out and find the work, then they go back and say, ‘Right, it has been agreed with company ABC down the road that they will take me on for a week’, and then the police check is done. And what happens if something is brought up about either the person who owns the business or somebody who works there that they have got a police record and are deemed to be unsuitable? Where does that put the reputation of the company? How can an employer who, for example, has 15 or 20 people working in his organisation, know the details of every employee that he has had going back forever? How will he know that? How will he be able to understand what is going to occur when he says, ‘Yes, it is okay. You can come and do work experience here’?

The reputation of his company, his reputation, and the reputation of all the employees at that company could be tainted by the report that the company is not deemed to be suitable. And it will not be kept secret. It cannot be kept secret because the reality is that the student will have to be told that he cannot go and work there because the company has had an adverse report put in about it after the police check.

Has the government actually recognised this? Have government members thought about this? If they have, do they not care? The answer has to be, ‘No, we haven’t thought about this. Gee, we better do something about it’, or ‘We don’t care’. Whichever it is, whichever is the answer, the government stands condemned for a sloppy approach to a piece of draconian legislation that will have dire effects on a number of employers around this state and certainly dramatic effects on the number of students who are going to be accepted for work experience as well because of all that.

We are not just standing up here and saying this bill has a lot of problems. We know, because of the work that has been done by the opposition, and in particular by the member for Doncaster, that our concerns are shared by a lot of people. They are shared, for example, by the Victorian Independent Education Union, which is a union that represents staff in non-government schools. That union has said that the proposal is unworkable and could spell the death of work experience. The union’s general secretary, Tony Keenan, said:

It is not like employers are falling over themselves to have kids for work experience.

He is pretty right there. It appears that Mr Keenan and the Victorian Independent Education Union were not consulted, or if they were, that it was just a passing flick through, the usual over-the-surface consultation process that this government employs before coming here and

telling this house that it has gone through a significant and meaningful consultation process. The reality is that it has not gone through that process, because if it had the words of Mr Keenan would have rung alarm bells in the Minister for Education and Training's office and in the bureaucracy that services her office.

The Victorian Employers Chamber of Commerce and Industry has echoed those concerns, saying that although protecting children is paramount — and nobody would disagree with that — work experience guidelines should not be too intrusive. The chamber's general manager of workplace relations, David Gregory, said:

Employers have got to run a business ... If the process becomes so complicated that it cuts across their good intentions, some might think twice about taking on children in the future.

The reality is that it will not be some who will think that way; a lot will think that way.

If this minister and this government had the right kind of stuff and the right kind of thinking process in place, they would withdraw this bill and redraft it.

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

Ms ECKSTEIN (Ferntree Gully) — I am very pleased to make a contribution in support of this bill. The Education (Workplace Learning) Bill is an important bill, because it clarifies a number of issues for students, schools, parents and employers in relation to the provision of workplace learning opportunities.

As we have already heard, the bill emanates from a Department of Education and Training review that took place earlier this year. This review undertook extensive and broad consultation with key stakeholders, including teacher unions, principal organisations, employer groups, non-government schools and the Victorian Workcover Authority. This bill emanates from that review and those consultations.

The bill will assist students to be better prepared for their transition from school to work. It clarifies duty-of-care issues, including occupational health and safety matters, in relation to work experience, work placement, school-based apprenticeships and so on. Therefore, the bill's provisions are very important.

It is important that these issues be clarified in order to properly protect students while they are undertaking workplace learning arrangements. Workplace learning provides very important learning and understanding for students in the middle years of secondary schooling —

important opportunities that probably many of us did not have during our schooling. It gives them an appreciation of the world of work as well as a better understanding of some of the careers and further education and training that they may be considering. For some students it is a structured part of their studies leading to a formal qualification recognised by the Victorian Qualifications Authority (VQA). As I said, many of us probably did not have those opportunities during our education, but it is certainly a very important part of education these days.

The bill clarifies the distinction between workplace learning and work experience. The terms are often used interchangeably by schools, employers and the community, leading to some confusion. Work experience refers to students in short-term placement in industry to broaden their understanding of the world of work. Work placement, which will be renamed 'structured workplace learning', refers to on-the-job training whereby students are expected to master specific skills and competencies for courses accredited by the VQA.

The bill provides for mandatory police checks for employers who provide workplace learning for students under the age of 15. This is a very important aspect of this bill, as others have said.

Earlier the opposition made much of teachers not being able to work in the teaching service if there is any hint of a conviction for child sexual offences, but now it would have us believe that police checks are not important in something as important as students under the age of 15 who are undertaking workplace learning opportunities. It just beggars belief.

This bill will ensure consistency of approach and practice with the provisions of the Child Employment Bill, which I spoke on earlier. I fully believe we must protect our young people. As I said on that occasion, our young people are our most valuable resource, and we must do everything to protect them. The requirement for police checks on employers and others who will directly supervise the student are absolutely essential and fundamental and will ensure that students are protected from being supervised by unsuitable persons.

It is unfortunate that these sorts of measures are necessary to protect students in this day and age, but it is the case. Our young people, as I said, are our most valuable asset, and we need to do everything we can to give them the best possible protection from people who might harm them in any way. Therefore I strongly support the provisions of this bill.

The bill also raises the minimum age for students undertaking workplace learning to 14. Again I support this provision quite strongly. Students under that age generally do not have the maturity to undertake appropriate work experience placements. That is also what the review found: that 13-year-olds who have been undertaking work experience are generally too immature for certain forms of workplace learning. Therefore they are placed at and exposed to greater risk of workplace injury. For that reason alone we should err on the side of caution and restrict the age to 14. This will ensure that students receive the greatest possible benefit from their workplace learning experience and are exposed to the least possible risks.

As others have said, students will be required to undertake occupational health and safety training prior to their work experience. This will place them in a far better position when they undertake their work experience and their workplace learning in terms of preventing possible injury.

The bill also brings in provisions that ensure that action cannot be brought against a school, a principal or a teacher in relation to a breach of duty of care for an incident when a student is undertaking workplace learning. This is also appropriate, as it is unreasonable to expect school staff to exercise effective supervision when the student is in the workplace and undertaking workplace learning. It is neither feasible nor realistic, as at that time they are under the supervision of the employer.

However, students undertaking workplace learning need to be able to access compensation for injuries suffered in the workplace during their workplace learning placements. Consequently the rights of students to compensation for such injuries are adequately and appropriately covered and protected through the Accident Compensation Act. The student is deemed to be a worker under the Accident Compensation Act during their workplace learning experience.

In conclusion, the legislation contains important provisions to ensure that an appropriate duty of care is exercised for students undertaking workplace learning arrangements. As I said earlier, workplace learning arrangements provide students with valuable experiences of the world of work, and it is important that they continue. It makes them better prepared for later education —

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Kew shall not pass between the Chair and the member on her feet.

Ms ECKSTEIN — Thank you, Acting Speaker. It makes them better prepared for later education, career choices and future decisions about lifelong learning. While workplace learning opportunities are an essential component of secondary education, the safety of our students in the workplace must remain paramount. The provisions of this bill will ensure that students can undertake valuable workplace learning in a safe and protected environment. I commend the bill to the house.

Mr DIXON (Nepean) — The Liberal Party supports the concept of work experience and workplace learning. I think all members have had students coming into their offices for work experience. However, in my contact with schools over the last few years I have often been told that it is all just getting too hard. What is fed back to schools from employers is that more and more employers are becoming reluctant to take on work experience students. That is a great shame, because work experience does two things: it gives a student an idea of what the work force is really like and what they will face in terms of a workplace environment; and it teaches them about the expectations of working in a team and perhaps occasionally the drudgery of the workplace, and it gives them a realistic view of what it is like out there in the big, broad world.

It can also work where a younger student has an idea of what career they want to pursue. Sometimes they get an awful shock. They can be very starry-eyed about a career they wish to pursue, and when they go to a workplace they discover it is not what they thought it was, that it is not all beer and skittles, and they get a fair dose of reality. That is a valuable learning experience too. If they find out that the job is not what they expected it to be, then they might look again at where they want to go in the future. Often students have a positive experience of the workplace and think, 'Yes, this is the direction in which I wish to go'. They can then point their studies in the right direction. They know the subjects and the courses they take are on the right track for the employment they have undertaken during work experience.

Workplace learning is extremely important with programs such as the vocational education and training (VET) program, the Victorian certificate of applied learning (VCAL) and workplace learning as part of TAFE and other similar courses. The work component is important, and a vital part of that is because it builds up in a practical sense the skills that are needed in the workplace hand-in-hand with a formal qualification that the student is undertaking. It often also leads to employment. Where a student is doing some workplace learning and has a placement in an actual workplace on a regular basis, the employer is often impressed by that

trainee or apprentice and is happy to take them on, help them with their studies and employ them on a part-time or full-time basis. It is an important part of our educational system.

I now refer to some of my concerns. I am concerned about the occupational health and safety training for students. I have been a practitioner in a school, and from my experience it might look okay in theory, but what does it actually mean? How many hours will be spent on this? There is no detail in the bill about it, and we have not heard any detail of the actual expectation on schools for this occupational health and training. Firstly, who will give it and how will they be trained? Do they have to get a certificate to do it? As the member for Doncaster said, it probably has its origins back in the union movement.

Teachers will have to be trained to give these courses to young people. Who do they give them to? In what year do they give them? When you look at a cohort, for example, of 120 year 9s all going out on work experience, you see that those 120 year 9s are probably going off to 120 different workplaces, and the occupational health and safety aspects of those workplaces are all different. How do teachers find the time for that, with the already huge call on their time and with all the things they have to tackle on behalf of society? How will they adequately get some sort of qualification and give young people the occupational health and safety training that is required? The practicality is that it just does not work. Schools are not looking forward to it. Once again it is another impediment to schools embracing work experience for young people in years 9 and 10.

I wish to talk about the 13-year-old age bracket. I do not like putting in legislation something like 'Thirteen-year-olds are not suitable for work experience'. I do not like making that black and white. Thirteen-year-olds are not black and white. Having had a couple of 13-year-olds, I know they are very grey; they are very different people. To say that all 13-year-olds cannot cope in a workplace and that all workplaces cannot cope with a 13-year-old is just making a grey problem a black-and-white problem. It just cannot work. Yes, it might be protecting some young people from some workplaces and protecting some workplaces from some young people, but not in all cases. There are 13-year-old students out there who are already becoming disengaged from formal education who really need to get out in the workplace to see that it is not as good as it is cracked up to be, and they need to be given some light at the end of the tunnel of their formal education. To disbar all of them through this legislation is a total overreaction.

During the briefing the opposition asked for examples of 13-year-olds who had been injured in workplaces. By way of interjection we were trying to get the member for Yuroke to give us some examples of 13-year-olds being injured in workplaces. All we got was a story about a person who was killed on their first day in full-time employment. That is nothing near what we are talking about in this legislation. We still have no statistics on 13-year-olds being injured in the workplace and on why we need this legislation. We had seven people at the briefing — a cast of thousands! I have been to a briefing with eight people, so this department is getting there with seven. No-one could give me the answer — —

An honourable member interjected.

Mr DIXON — Just about. We asked the questions all right, but we were not getting answers — and I still have not got the answers. I think that on an important piece of legislation like this they were fair questions. It was fair to ask for answers, and we certainly have not got them. Again I think this aspect about 13-year-olds is too black and white.

The legislation talks about more monitoring of people in work placements, whether they be young or older students. That monitoring is important, and there have to be people who are qualified to do it to make sure that the student is happy and safe there, that the workplace is happy with the student and that basic expectations are being met. Once again there is a very fine balance between protecting the student in the workplace and making it too onerous for the employer. Again it can be something that puts off the employer from taking on a work experience student. This monitoring is too onerous for them.

One aspect of the bill is about greater flexibility in the number of days per term, which I think is good. It is good to see some flexibility in this legislation, because to a large extent it is about taking flexibility out of workplace arrangements — and I do not think that is good.

Concern has been raised about independent and Catholic schools and whether police checks cover them. By way of interjection and nodding across the chamber we have been told yes, they will, but we want this in writing and we want this said publicly. Then we want to know for how long: is this just for one year; or is this an ongoing coverage of independent or non-government schools?

I also have a concern about the notification process. The ethics branch of the Department of Education and

Training really has no connection with non-government schools, so if a police check is done, how will that notification actually get through to the school? Have processes been set up through the Association of Independent Schools, through the Catholic Education Office or through sole independent schools? How will they find out? It is too important. If there is a major problem and a police check turns up something that is not good, how will that get through to the school or schools which have students going into the workplace? Once again, we still have not been told about that.

I will finish with what I said at the start: workplace experience for young people is fantastic. Whether they be in secondary school, in VET, in VCAL or in TAFE colleges, it is a very important part of their ongoing education. We should be doing everything we possibly can to enhance vocational learning in our educational system. On balance, this bill does not add very much at all to vocational education.

Ms BARKER (Oakleigh) — I am pleased to rise in support of the Education (Workplace Learning) Bill. As we are aware, and as other members on this side have said, the workplace learning bill supports our commitment to valuing and investing in lifelong learning and our goals and targets for education and training. It will assist pupils as they prepare for their transition from school to work.

One of the amendments in the bill substitutes the reference to 'work placement' with 'structured workplace learning'. It was clearly seen that there was some confusion amongst schools and employers about the difference, with the terms often used interchangeably. The need for a clear distinction between work placement and work experience needed to be made, as they are about different functions.

I will deal with some of the issues that have been raised, one of them being consultation. As has been indicated, the Department of Education and Training undertook a review of workplace training from March to May this year. As the member for Doncaster indicated, information about that review was posted to the web site. The terms of reference of the review were quite clear. They included examining if the current work experience and work placement legislation facilitates the workplace learning that is being undertaken in Victorian schools. The review was to examine the current practices for preparing pupils, including the safety of pupils, for the workplace and to recommend strategies for enhancement. It was to identify gaps in the current legislation and recommend changes that will need to be made to it to ensure that the

educational training and pathway outcomes for young people are maximised.

As I indicated, that was quite clearly on the web site, part of the good review undertaken by the Department of Education and Training. A large number of submissions were received, and it is interesting to note that submissions were received from principal organisations, the Australian Education Union, parent organisations, employer organisations such as the Victorian Employers Chamber of Commerce and Industry, Group Training Australia, the Career Teachers Association and other levels of industry.

In relation to the age of children working, the Victorian Farmers Federation made it quite clear that because of the high level of responsibility placed upon host employers and the level of maturity required to meet occupational health and safety standards, students should be at least 15 years of age before being placed on work experience or work placement. It certainly indicated that the lower the level of maturity of the student, the greater the level of supervision required by the host employer. And we would certainly want work experience and placement to be just that, an experience of work. From my own experience with work experience students I know that the school wants to know that they are undertaking work and not just constantly having to be told what to do, that they are able to undertake some of that work that needs to be done.

Mr Perton — Who told you that? Who made that submission to you?

Ms BARKER — The Victorian Farmers Federation.

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster should cease interjecting, and the honourable member for Oakleigh should not respond to interjections.

Ms BARKER — The honourable member for Doncaster should be clear. He could have made a submission to the review. It was posted to the web site. We cannot be responsible if you are not going to participate in the review. It is not the government's responsibility if you neglect to participate in a review that was published on the web site.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Oakleigh should direct her remarks through the Chair.

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will cease interjecting across the table. I will not warn him again.

Ms BARKER — It is not our fault if the honourable member for Doncaster failed to participate in a review that was undertaken and clearly published on the web site. The honourable member for Doncaster is a great believer in web sites and computer technology. He should check the web site and make sure he takes part in consultation that is occurring. There were a large number of public submissions.

The honourable member for Doncaster has been given information about the review and how that has formed the basis of the legislation that we are now proposing.

On the question of age level, we certainly agree on this side that the age of 13 years is too young, and it is important to look at the number of students involved. In 2003 the total number of work experience students was 39 155. That is a very large number of students, and it is a good thing. However, it should be noted that only 926 of them were 14 years of age, and only 46 were in the category of below 14 years of age. It is important that the legislation ensure that students of appropriate and mature age do their work experience and work placement. As the number of students under 14 years of age out of a total of 39 155 was only 46 in 2003, the number involved is small and there is a certain overreaction taking place.

Mr Perton — On a point of order, Acting Speaker, the honourable member was reading from a document which contains government tables. She has just pulled the yellow sticker off it. In accordance with the standing orders and the practice of the house, I ask her to make it available.

The ACTING SPEAKER (Mr Savage) — Order! Is the honourable member for Oakleigh reading from a document or referring to notes?

Ms BARKER — I was referring to my notes.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will have to accept that the member has said she was reading from notes, and therefore the point of order is not upheld.

Mr Perton — On a further point of order, Acting Speaker, in this house a speaker, whether with glasses or not, can see that the document which the member pulled the yellow sticker off is a printed document with

a table on it. They are not personal or handwritten notes. The table ought to be made available.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. The honourable member has said quite clearly that she was reading from notes, and therefore the point of order is not upheld.

Ms BARKER — I am happy to ensure that the honourable member for Doncaster has the sticky note to which I was referring.

I listened carefully to the honourable member for Rodney. He made a very considered and structured contribution to the debate, and he wanted an assurance that the police checks would only go back to the department's conduct and ethics branch; and of course the minister is quite happy to give that assurance.

The other question the honourable member for Rodney raised concerned the payment for police checks for both the government and non-government sector. Again the minister is happy to give the assurance that the department will pay for police checks for both the government and non-government sector. It is a good bill, and I commend it to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the bill. Once again the honourable member for Doncaster has shown that he is passionate about education. Even though he is not a former teacher, he knows students, he knows what is required and he strongly supports work experience in the schools, unlike the members on the opposite side.

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! Honourable members will allow the member for Bulleen to make his contribution without interruption.

Mr KOTSIRAS — Thank you, Acting Speaker. Unlike the honourable member for Richmond, who does not care about students or work experience, the honourable member for Doncaster is very passionate about the area. He wants work experience to be successful, and he wants students to gain a lot from going out into the workplace and gaining experience.

As a former student who participated in work experience in the past, I found it very beneficial, and it is a shame this government is trying to destroy it. They have no interest whatsoever in work experience for students. Work experience is essential, because once a student has finished year 12 and gone on to either university or TAFE, they will end up in a workplace. It

is a good experience for them to find out first hand what their area of choice involves and requires.

As a teacher I also took part in sending students off for work experience, and I actually visited workplaces. I have to say it was difficult enough trying to find workplaces for students without this extra burden. This will destroy work experience in this state. Employers found it very difficult to take on students, and now that they have to go through this obstacle course so that they can agree to take on a student it will destroy work experience in this state.

The legislation is flawed, and it is unfortunate that the minister has not taken the time to look at it. Perhaps the honourable member for Eltham, who unfortunately is no longer the chief of staff of the Minister for Education Services, would have ensured that this did not take place. I am sure the member for Eltham cares about students and work experience, unlike other members opposite.

The honourable member for Richmond tells me that he cares as well. If that is the case I would like him to stand up and support the opposition in trying to amend the bill.

An honourable member interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member should make his comments through the Chair. I point out that he is addressing the bill.

Mr KOTSIRAS — The minister claims that the bill:

... reflects recommendations by stakeholders to a review of workplace learning conducted by the Department of Education and Training ...

I ask: where is the review? Why has the department not given us a hard copy of this review if this legislation is a result of the review.

What do key stakeholders have to say? I will quote some of them:

The Victorian Independent Education Union, which represents staff in non-government schools ... described the proposal as unworkable and said it could 'spell the death' of work experience. 'It's not like employers are falling over themselves to have kids for work experience', union general secretary, Tony Keenan, said.

A second states:

The Victorian Employers Chamber of Commerce and Industry echoed the concerns, saying that although protecting children was paramount, work experience guidelines should

not be too intrusive. 'Employers have got to run a business', the chamber's general manager of workplace relations, David Gregory, said. 'If the process becomes so complicated that it cuts across their good intentions, some might think twice about taking on children in the future'.

A third states:

The Career Education Association of Victoria also said employers might 'can the program' rather than worry about compliance with police checks.

Finally, the Australian Retailers Association Victoria said:

Work experience arrangements are not paid employment but provide valuable experience of the workplace to students. However, there is little benefit for employers to agree to enter into such arrangements and such students generally need constant supervision. In addition these students are deemed employees for the purposes of the Accident Compensation Act 1985. In retail stores the reality will be that more than one police check will be required in most work experience situations as it is not likely that just one individual would have direct supervision of the student at all times In addition the consent of the employees who may have direct supervision will need to be gained before any criminal record check could be performed.

The employers and the unions are saying that this legislation is flawed. It is only the minister and members opposite who feel that this legislation is good for the state. What is the procedure for police checks? We were advised that the procedure would be as follows:

1. The form for an employer to accept a work experience student will include an acceptance that there will be a police check;
2. Those to be checked will include the 'boss' and others who will supervise the student — in most workplaces at least two people will need to have police checks;
3. Education department conduct and ethics branch will send the request for a police check to the police and receive the police advice;
4. Education department conduct and ethics branch will determine whether any offences disclosed preclude that workplace from accepting the work experience student;
5. Education department conduct and ethics branch will advise the principal of the school as to whether an employer is suitable or not for work experience for a child;
6. The police have advised that the checks will take [up to] 15 days.

So it is time consuming. The ethics branch of the Department of Education and Training will decide what criteria will be used and who will set these checks. This red tape will destroy work experience in this state. It might even destroy the reputations of some of the

businesses that are happy to take on students to assist them with their life learning. It might destroy their business because it is pretty hard for an employer to know the backgrounds of all their employees, so this would have a negative affect on those businesses once they are named in public.

The other issue in respect of this bill that I wish to raise is the increase in the age at which students are permitted to work from 13 to 14 years. There has been no public call for this change to occur and yet the minister tells us that this must happen. Again at the age of 13 many students enjoy going out, finding out what it means to be in the workplace and gaining real experience. Unfortunately this will restrict those students from participating in this type of work experience.

Many people have telephoned my office telling me that they oppose this legislation and the member for Doncaster said that he surveyed over 220 people and I would like to read some of their views. A school principal said:

Very few 13-year-olds do work experience. Most students undertake work experience as part of a program in year 10, and are usually 15 years old. However, there may be some students for whom work experience at a younger age is a useful part of their education. For example, where the student is not achieving at school and looking for options, doing work experience can be a useful 'reality check' for them.

Finally, a teacher said:

What we lack is real learning for real jobs in the real world — education needs to get real. I can recall being at teachers college sitting in lectures with my tongue hanging out for the teaching rounds coming up. Certainly I wasn't 13, but I still wanted to get up and get going.

As I said, work experience is good; it is beneficial for all students. Unfortunately this legislation will ensure that employers will not take on any more students to participate in this worthwhile experience.

As a former teacher I think the safety of students is paramount, but we should not go over the top. This bill will destroy work experience. It is very important that people gain experience in all walks of life and to try to experience many jobs. If you speak to some of the employers about all this red tape, all these police checks on everyone, you will find many oppose this legislation. In a school, for example, it might be the principal, the teacher, the year level coordinator; it might be the caretaker, the canteen coordinator; or it might be parents who are supervising students who need to have police checks. Any number of people might have to have police checks and they take up to 15 days to process.

I urge members on the opposite side to have a look at this legislation, read it very carefully, speak to the minister, and try to make the required amendments to ensure that this bill works well for our students, works well for education, and is beneficial to all.

Mr HERBERT (Eltham) — I move:

That the debate be now adjourned.

Mr PERTON (Doncaster) — This debate is proceeding and the opposition is debating and there are many government members in the house who are ready to debate this bill.

Our concern is that this bill should go into the committee stage and be debated appropriately, rather than the minister being allowed to avoid the embarrassment of having to answer for the provisions that are contained therein. There is no case for an adjournment of the debate on this bill at this time, and I oppose this motion.

Ms BEATTIE (Yuroke) — Here we have an opposition that is just playing games. The shadow minister has used this debate as an opportunity to call the minister names, to call me names to call the honourable member for Oakleigh names — —

Mr Perton — On a point of order, Acting Speaker, this is a narrow debate. She should speak only on the question of whether the matter ought to be adjourned.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order, but the debate on this question is very narrow.

Ms BEATTIE — I think, and it is the view of this side of the house, that we should put this to the vote.

Mr COOPER (Mornington) — I cannot let go the member for Yuroke's saying that this is just playing games. The reality is that this is an important piece of legislation. One would have expected the government to want to debate it, but clearly it seems things have taken a turn for the worse as far as the government is concerned, because it now wants to truncate discussion on the bill. No doubt, the next time the house will consider this piece of legislation will be at 4.00 p.m. next Thursday, when the debate will be guillotined. I find that reprehensible.

The fact of the matter is that there are a number of members on this side of the house in both the Liberal and the National parties who want to debate this bill, and I would expect that there are a significant number on the government side who would be prepared to stand

up and debate it. As the member for Murray Valley said, they have probably been gagged, and I think that is a disgrace.

This is an important bill that will have significant ramifications, not only for school communities and students who are seeking work experience but also for those who will be involved in employing them on a work-experience basis.

This is a bill about which there has been a large amount of public comment, and it certainly needs a much greater exposure to the public of this state than it has received so far. People who have some kind of basic knowledge of the bill have expressed grave concerns. One would therefore expect that this debate, having taken the course that it has, would be vigorously pursued in this house. No doubt government MPs would want to defend the actions of their government in bringing this legislation in and argue that it does not have the flaws being pointed out to the house by the opposition, the National Party and, indeed, many people outside this place, such as employer organisations and unions. No doubt government members would want to take the fight up to the opposition and pursue the arguments provided to them by the minister and the minister's staff, saying — in terms that they would probably use — that we on this side of the house do not know what we are talking about.

It seems that that is not going to occur. The government is now determined to cut and run, to weasel out of the debate and just allow events to follow their normal course in this place under the government's business legislation program, which would enable it to next bring on this bill at 4.00 p.m. on Thursday, when it will be put to the guillotine — and that will be the end of that as far as this house is concerned.

I find that extraordinary, I find it cowardly and I find it reprehensible. I suggest to members on the government side that if they do not have a decent argument to put up on this bill they should stand up now and say so honestly rather than take the course of action they have been taking in trying to truncate the debate. If anybody else on the government benches stands up and debates this particular matter, no doubt they will give us the same kind of assurance as the one we got from the Minister for Education and Training earlier today, when on the other piece of legislation she has before house she said, 'We will bring it back for debate. Despite the fact that I have moved that the debate be adjourned until later this day, we will bring it back next Thursday'. Nobody believed her, because she has a track record of not telling the truth. She had to be

protected by the Premier from being taken before the Privileges Committee of this house some years ago. She has that track record — —

The ACTING SPEAKER (Mr Savage) — Order! This is a narrow debate.

Mr COOPER — Now we are being asked to believe — —

Ms Allan — On a point of order, Acting Speaker, as you have previously indicated the debate on the motion before the house is very narrow, and I ask that you bring the member back to the motion.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mornington shall confine his remarks to the very narrow question.

Mr COOPER — I will certainly come back to it in the 25 seconds remaining. I, along with every member of this place other than the government MPs, would appreciate the government's providing more arguments in defence of its bill rather than cutting, running and trying to weasel its way out of this debate.

Ms BARKER (Oakleigh) — This is a very important piece of legislation, and that is why it is before this chamber. The Bracks government brings forward only very important pieces of legislation. I can assure the member for Mornington that members on this side are always very well prepared to speak on bills, and members on this side are always very well prepared to put up decent arguments.

It is the normal process of this house for bills to be adjourned until later in the day. It is something we do all the time, so it is quite strange that in this instance it is not being accepted by the member for Doncaster and other members of the opposition.

As the member for Yuroke said, and I totally agree with her, this is an opposition that does not know what it is doing. It is just playing games, and we should just put the motion to the vote.

Mr JASPER (Murray Valley) — Members of the National Party are opposed to the adjournment of the debate on this legislation on the basis that we need to be able to present the case as we see it. The member for Rodney presented the information on behalf of the National Party and very eloquently indicated to the house the concerns we have with the legislation and the impact of the legislation. I have heard other honourable members speaking on it — the member for Mornington, for instance, who quoted from his experience in business. From my point of view I would

wish to speak on this legislation on the basis of the experience I have had in business over many years and particularly in relation to work experience. It has been a huge and important issue over the years to employers — and to the government — to be able to get people to take on work experience students.

Under the circumstances we have presented to us now we are in a situation where the government is wanting to truncate the debate and not allow people to put a point of view on behalf of their constituents and, more importantly, the employers within their electorates or, indeed, the education institutions that use work experience for their students.

Members of the National Party will oppose the adjournment on the basis that we have a number of speakers who wish to make a contribution. We see this as the ultimate forum for debate, for people to be able to put forward the point of view of their constituents on important pieces of legislation. There is no doubt there are other pieces of legislation which may not be as important to members of the government, but we see this as critical. It is important also that we are able to get information on a review of work experience and changes proposed by this legislation that was apparently undertaken.

One of the other concerns we have as a party are the regulations being introduced by this government that are really impeding those in employment and employers in the state of Victoria. The National Party opposes the adjournment of this debate.

Mr Plowman — By leave, on a point of order —

Ms ALLAN (Minister for Education Services) — Leave is refused.

The ACTING SPEAKER (Mr Savage) — Order! Leave has been refused. I ask the member for Benambra to take his seat.

House divided on motion:

Ayes, 58

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms

Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr

Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Hardman, Mr
Harkness, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Jenkins, Mr

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

Noes, 23

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

Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr

Motion agreed to and debate adjourned.

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be adjourned until tomorrow.

Mr PERTON (Doncaster) — I move:

That the word 'tomorrow' be replaced by the words 'later this day'.

Amendment agreed to.

Amended motion agreed to and debate adjourned until later this day.

Sitting suspended 6.25 p.m. until 8.03 p.m.

**VICTORIAN QUALIFICATIONS
AUTHORITY (AMENDMENT) BILL**

Second reading

**Debate resumed from 17 September; motion of
Ms KOSKY (Minister for Education and Training).**

Mr DIXON (Nepean) — The Liberal Party will not oppose the Victorian Qualifications Authority (Amendment) Bill, but has a number of points to make in both a positive and a negative sense. The bill is going to give further powers to providers to self-determine the

range of courses that they offer, and it builds on legislation that we had earlier this year — that is, the Victorian Qualifications Authority legislation. The further powers to be given to providers will bring Victoria in line with other states and the providers in other states. The powers the bill gives to the providers will relate to the national standards that occur around Australia. Previously Victorian providers had been disadvantaged because this state lagged behind the rest of the country in that regard. This legislation will make Victoria the same as the other states; therefore we will be competitive with them, and that can only be a good thing.

Most importantly, the bill will enable providers to respond quickly to local employment and training needs. As I have got into this portfolio and visited the training providers around the state, I cannot stress how important it is that providers need to be able to react quickly and positively to the needs of industry. It is no good having a training regime if it is training for what it thinks the workplace needs; that is the wrong way around. Workplaces need to talk to training providers and say, 'This is what we need'. To be able to do that, providers have to be able to react accordingly. Because training needs change very quickly, training providers need to be able to respond quickly. Sometimes a need for a course may have to be taken up in the next semester, not necessarily the next year. Twelve months is too far away. New businesses and industries may move into towns or into areas. They may have a new product or a new system that they want people trained in, and they want the training providers to be able to react quickly to that.

The more flexibility we give to providers, the better it is for industry. A good example of this is something I saw when I was down in South-West Coast recently. New wind towers are proposed to be built down there, which is quite a contentious matter at the moment, but the local training provider, South West Institute of TAFE, was responding to the need. Staff from the institute had been out and visited the company that was going to help in setting up the manufacture of the blades for these wind towers. They were setting up their training organisation to train the workers in the local company that was going to build the blades. That needed to be done quickly. It needed to be ready to go when the blades were needed for manufacture. I thought that was a very good example of a training provider reacting quickly and positively to the needs of a local industry. As I said, that is a very important aspect of training in this state, and this bill will enhance that power.

These new powers are not given out to whoever happens to want them. They have to be earned by the

providers meeting the appropriate criteria. The providers are subject to Victorian Qualifications Authority audit and will be monitored by the VQA. Again I am satisfied that auditing and monitoring are in order and will do the job that is needed. But I also stress that it is very important that the VQA continues a high standard of audit monitoring, because the worst thing that can possibly happen is that a provider sneaks through the system and offers substandard courses with substandard materials or staff. That can bring the whole training regime down with those providers. It is very important that if providers are given the opportunity, they respect that great opportunity and the power they have been given under this and previous legislation and do the best possible for their local area and for their local industry with that power.

As I said, the current procedure takes too long. It is very important that providers can react quickly to local industry. The current procedure was described to me by one provider as ultimately meaningless. That is probably a good description of the regime that hopefully we are going to leave behind. There must be nothing more frustrating for a training provider than having to spend 12 months filling out forms and carrying on, and then nearly missing a training opportunity.

The second part of the bill addresses some inconsistencies and gaps in the original legislation for the Victorian Qualifications Authority, which was passed in 2000. As honourable members might be aware, the VQA supersedes the Board of Studies. Over the last three years of its operation opposition members have discovered some inconsistencies between the powers of both those organisations. Those gaps and inconsistencies are being addressed through this legislation.

Some of the things this legislation does is introduce a fit-and-proper-person test to the provider registration criteria, and ensure that the provider and their business and training institute is providing not only fit and proper people but, as importantly, fit and proper premises. They cannot be a back shed somewhere. They have to be proper classrooms, extra workshops or whatever that might be needed. There have to be proper materials that are up to date, useful and safe. Reporting, assessing and recording — all of these things are very important so that when people pass through training, they can go out into the work force and industry, and industry can look at their qualifications and know that those workers have had a fit and proper education and a fit and proper training regime so that the particular industry knows it is taking on people who are equipped to do the job.

Just as importantly, as I said, the staff have to be sufficiently qualified and experienced to provide the training that is required, because again an organisation can quickly bring down the rest of the training world if they are not meeting the criteria in the fit and proper person test.

The suitability test for the courses offered to overseas students will be introduced through this legislation, and I stress again how important this is. Victoria has about half the overseas students training in this country, and we need to uphold that reputation. It is a reputation that takes a long while to build up. I know that reputation was first introduced through the good work of the former minister in the Kennett government, and that has continued on, with a strong number of overseas students coming to train here in Victoria. It is very important that the quality and consistency continues so that our overseas students, the families who are sending them and, just as importantly, their governments know that the training they will receive here in Victoria is world class and of great quality and that when they return home they are really going to add something to their country's economy. It is very important that —

Mr Pandazopoulos interjected.

Mr DIXON — I should not respond to interjections, but the minister makes good sense for once in saying that it also encourages migration. If you are looking at the really big picture, it encourages good, long-term relationships between countries as well.

An honourable member interjected.

Mr DIXON — I will not go near that one! This second aspect of the bill also prevents ministers giving directions on the issuing of certificates and gives the Victorian Qualifications Authority (VQA) the power to take certificates from students if they contain errors or have been fraudulently obtained. I presume this does not happen in very many cases. If all the processes are followed correctly in the first place, these things should not happen.

We have had some problems with the drafting of bills. I am sure the certificates will be an exception to that and will be drafted perfectly and not have to be taken. But again it is a power that has to be in the legislation in case it is needed. It has not been, but it will be after this bill goes through.

It also makes the payment of fees and expenses to members of boards consistent with the arrangements in other education authorities in Victoria. It is very important for the status of the VQA that it is treated as

an equal partner of other education authorities in this state.

The major concern we have with this part of the legislation is that course fees can now be set through ministerial order rather than through regulation. The argument is that this will be far more responsive and far more efficient and will ensure that fees will not be unduly accelerated because they will be attached to the consumer price index, so everything will be fine and rosy in the garden.

Giving that power to the minister will shorten the reaction time, and in theory, that is good. It will also bring this into line with the fee-setting processes of the Victorian Institute of Teaching. But I think this power will come at a great cost, and although we have had assurances that that will not happen, the runs are on the board. I treat this with some degree of scepticism. There will be no regulation impact statement and the whole process that that involves of getting out into the marketplace and testing it to see if it needs to be done and if it is affordable. All those tests that would normally be done will not be done in this case.

We have been assured there will be consultation, but that depends on your definition of consultation. We have found out there were a few holes in the consultation on some of the earlier education bills, especially the one we will be talking about later this week, where we were told that consultation happened and it really did not. I would prefer to see something as important as these fees being subject to a regulatory impact statement and to scrutiny by the regulation review committee. I am a former member of that committee, and I know the important work it does. I believe the overseeing role it has is a very important part of this Parliament.

I do not like giving too much power to any minister or bureaucracy, because the more you do that the more of an unhealthy trend it is. We have seen with this government a greater centralising of power and less scrutiny through this Parliament. This Parliament should be about scrutinising and watching over things, and that includes these fees. They might not be large fees, but they send a very powerful message when they are put up. I will speak a bit more about that later.

I think it is very important that the scrutiny of this Parliament remains, and we in the Liberal Party are concerned to see that. If we start making this Parliament and our parliamentary committees redundant, I think that would be a backward step for democracy. Even though some people might say this is not important

because it is not a lot of money, I think it would send out a very powerful message.

In most cases we see the changes that the bill brings in as positive improvements to our TAFE institutes and our training providers. I want to talk about and stress the importance of vocational training courses to our Victorian economy, to Victorian employment and to Victorian businesses. I think our training providers, and our whole training regime, suffer from a perceived status as second-class citizens. I think we need to address this, and in particular this government needs to address it.

Universities are great; they are there to provide and educate a certain niche. But they are increasingly seen as the ultimate educational facility, so that if you go to a TAFE institute or some other training provider, you are nearly seen as being a second-class citizen. Addressing that is going to need a change of attitude and a cultural change. It is a change that the media needs to go through, the community needs to go through, mums and dads need to go through and careers teachers and other teachers need to go through in order to understand the importance of our training institutions, and not only in an educational sense. A young person who goes down the vocational education track actually has a ready path to employment. If you look at the employment statistics of someone coming out of a course run by a training provider, you can see they are far better than those of somebody coming straight out of university. At that very practical level our training providers have a lot to offer, and I believe that the whole training regime in this state needs to step up into the public eye.

Something that has hindered any movement that might have been going on in a positive direction is the announcement last week by the government of a 25 per cent increase in TAFE fees. In anyone's language a 25 per cent increase is a huge jump in one go. In talking to and reading the comments in the media by staff at TAFE institutes, it seems they want the money — but it is coming out of students' pockets. TAFE institutes need more funding. They have a vision for vocational education and training in this state, but they do not have the wherewithal to do it. If they are going to have an increase in funding, they are comfortable with it, but I have a real concern that this 25 per cent increase is coming out of students' pockets. The fee is \$500, and it will go up to \$625 if you are paying the full fee. You may say \$125 is not a lot of money, but it is a lot of money at the start of the year, especially when you have your hand in your pocket as a student. In most cases it is the student who is working part time who has to pay this money; in most cases there is no fairy godmother

providing it. Students have their hands in their pockets over the lack of transport concessions too, which my colleague will be talking about in a moment.

This is a large increase. Anyone involved in the Victorian certificate of education (VCE) or out in industry who has seen the headline 'Twenty-five per cent increase in TAFE fees' is going to think twice about stepping into vocational training. It is a retrograde step. It is not the students who should be paying for this increase in funding; it is a state government responsibility. The state government should have its hand in its own pocket in increasing the funding by 25 per cent.

When you look around Australia you see that Victoria has the most efficient TAFE providers in this country, but they are also the least well funded. What our TAFE institutes do for so little money is incredible. What they can do with the amount of money they receive never ceases to amaze me. They are probably their own worst enemies in a way, in that they do so well on so little, but you can only keep going so long in providing quality training with little money.

As the workplace becomes more and more sophisticated and diversified, the amount of money and equipment that is needed to train people for these workplaces is getting greater and greater. Our TAFE institutes are getting far more vocal about this, and they are very disappointed they are not receiving the support they expect and should receive from the state government.

In Monday's *Age* there are a couple of examples of what some TAFE providers have been saying. Adrian Marron from the Wodonga Institute of TAFE — a wonderful place; I was up there a couple of months ago — said, in commenting about TAFE costs:

Also utility costs, insurance and copyright charges have gone up. The state aspires to a (vocational) system and has encouraged the community to embrace these aspirations, but has not provided us with resources adequate to meet them ... And yet the government is asking 'Why aren't you meeting them?'

Pretty damning words. In the same article the director of the Holmesglen Institute of TAFE, Bruce Mackenzie, talks about TAFE funding:

However, the biggest problem in our TAFE institutes is the lack of government resources, says Mr Mackenzie ...

Finally, Peter Kirby, the former chair of Victoria's Adult, Community and Further Education Board and also a former head of the Department of Premier and

Cabinet said in talking about Victoria's TAFE system that claims about:

... the entrepreneurial nature of the VET system (that it can raise much of its own funding) are grossly overstated and provide excuses for governments to be mean about the resources they provide.

That only emphasises my point: in some senses our vocational education and training providers are their own worst enemies. They do so well with so little that you walk into some of our institutes and think, 'Wow, this is tremendous. They are ahead of the pack. There is lots of modern technology; there are brand-new things happening here. There is new equipment; there are keen students; there are motivated staff who do not need money'. But they are running on the smell of an oily rag — and that is not just in the mechanical departments, it is all over the place. It is a crying shame for our institutes.

The opposition is comfortable with most aspects of this legislation, but our TAFE institutes need more money. They need more funding, and there is absolutely no mention of that in this legislation. I know it is the Victorian Qualifications Authority legislation, but in any legislation or announcements we look at we find there are no increases in funding and no new money going into our TAFE institutes. The only new money is the 25 per cent increase — consumer price index adjusted, mind you — out of the pockets of the students who use the institutes.

Instead of spending millions of dollars in advertising, this government needs to get in there in a very practical sense — into our schools, talking to our careers teachers. It needs to talk to the media, not with flashy advertisements, but by getting in there and explaining to our young people, their teachers, the community and the media how important vocational education and training is to the future of this state, how rewarding — in a financial sense and in a work sense — a hands-on career is. You can get out there and get a job; you can practice; you can actually implement what you are learning theoretically; you can do that while you are learning; you can earn a wage and you can do something fantastic with your life. That message is just not out there.

I can assure members that in January, when university places are the only thing that people are talking about, there will be no-one out there talking up TAFE. All the state government will be doing is bagging the federal government about university places and being totally simplistic about the university places debate instead of saying, 'There is a place for universities, and there are students who are suited for university'. People from the

government will not be out there — I bet my bottom dollar — talking up TAFE, talking up training and saying what a great alternative that is. And it is too late in January, because those places have been announced and there are all those disappointed people who were led to believe that they should be at university. The government should be out there now, because this is the time of year when young people decide what courses they want to do. This is the time when the government should be talking to the teachers of the year 10s and year 9s, as they start to look at their future and where they should go.

I was really pleased with myself the other day, because I have a son in year 9 who was picking his year 10 subjects. In picking his subjects he has to have an eye to the VCE so that he does not exclude himself from certain careers or from where he wants to go for his tertiary education, if that is what he wants to do, which it is. I was able to catch myself this time. Instead of just talking about university courses I was able to say, 'Don't forget, when you talk to your careers teacher about your subject selection, to look at these career options, and once you know roughly where you want to go, look at what TAFE institutes and what courses are out there for you that will give you the practical qualifications and experience you need for employment in your chosen field'.

I have learnt to give that advice, and a lot more people need to do it. I am in a position to do it because I am more aware of it than most. That is the leadership and management this government should be giving. I implore it to look more closely at its real role in tertiary education and training. There are places where the money could be spent. It could be spent in the colleges, but it could also be spent in getting that message out.

The opposition does not oppose the legislation. The only provision with which we have a real concern is that of giving the minister the power to set the fees. As I said, it is not a lot of money, but it sends out a loud message that all power and all knowledge reside in the minister and we need to trust her to make those sorts of judgments about the level of our fees. I implore the government once more to get out there and be a leader in tertiary education and training and manage it better than it is now.

Mr MAUGHAN (Rodney) — I am pleased to follow the member for Nepean in this debate on the Victorian Qualifications Authority (Amendment) Bill. The National Party will not be opposing the legislation. The purposes of the bill are essentially so that the Victorian Qualifications Authority can delegate to TAFE institutes or other registered training providers

the ability to deliver new courses and award new qualifications without going through the extensive and time-consuming application process that has been in vogue until now.

The legislation broadens the test of 'fit and proper' so that it will apply not only to a person but also to a body seeking registration. It will allow the Victorian Qualifications Authority to set fees by ministerial order rather than by regulation. It also deals with a number of simple machinery matters.

The bill is relatively simple legislation amending the Victorian Qualifications Authority Act 2000. It allows for the customisation of training and courses of study for TAFE colleges and registered training providers. I will give a few examples. Firstly I refer to the Kyabram Community and Learning Centre, where I was as recently as yesterday opening the celebration of 20 years service to the community. It is a great organisation. The minister has been there on a number of occasions, as have previous ministers, and they know what a great job this organisation is doing. I pay tribute to Sue Solly, the retiring chief executive officer of that organisation, who has given great leadership. It was a great celebration yesterday of 20 years service to the community.

The centre started from humble beginnings when the Kyabram cannery, or Ky cannery as it was known, closed some 20 years ago. There was doom and gloom in the community, so a committee was set up. Out of that grew the marvellous facility we have today. Its premises, opened by the former Premier of Victoria, cost more than \$2 million. It has state-of-the-art facilities and offers a wide range of courses that are responsive to community needs, which is exactly what this legislation is talking about. I can imagine that organisation, as it already does, providing specialised courses for the Warramunda aged care facility in Kyabram, which might have a special need for a special course, and clearly the Kyabram Community and Learning Centre is able to provide that.

In my own home town of Echuca the Bendigo Institute of TAFE has a brand-new campus that was opened by the minister earlier this year. It is a state-of-the-art facility of which we are proud in Echuca. It is very responsive to community needs. I can imagine that organisation, as it already does, providing specific courses for the hospitality industry.

Further afield the Goulburn Valley Institute of TAFE provides specific courses for whatever it might be. The SPC cannery comes to mind. There could be a whole range of other specialised courses. The legislation will

enable each one of those institutions in its own way to provide those specific courses to cater for industry needs.

This legislation will encourage the vocational education and training sector to be far more responsive to community needs and to act quickly. It allows the Victorian Qualifications Authority to delegate to TAFE institutes and other providers the power to determine their own scope of registration. That is very important.

The authority will ensure that the delegated authority complies with national standards for the delegation to registered vocational education and training providers which have been developed to Australian National Training Authority standards, and I quote from the minister's second-reading speech where she said:

These standards require a written delegation and service agreement with delegates which will specify in detail how they will assess their capacity to deliver new courses and manage any conflict of interest issues.

I am sure members of the house will recall that earlier this year the Victorian Qualifications Authority was delegated in exactly the same way as the accreditation of course providers. That legislation was dealt with in the autumn sittings. The legislation, as it then stood, did not allow Victorian providers to self-determine the range of courses they offered. The providers were disadvantaged compared to other states, and this legislation will allow providers to respond promptly to specific community needs. It is important that it gives providers in Victoria the capacity that has been available to other states to respond promptly to community needs.

The legislation broadens the definition of 'fit and proper person' and broadens the test to not only apply to a person but to apply to an organisation to ensure that that organisation not only has suitably qualified staff who are suitably trained but that its level of record keeping is satisfactory, that the facilities are satisfactory to provide those courses and that the curriculum is up to the standard required.

The bill provides for the Victorian Qualifications Authority to set fees by ministerial order rather than by regulation, so that the fees will be able to be quickly changed if necessary. I note that fees for those attending TAFE institutes have recently increased by 25 per cent, and that is certainly a disadvantage to some of those students who find it difficult to pay their fees anyway without having to cope with a 25 per cent increase.

The legislation we are considering tonight also provides a suitability test for courses offered to overseas

students. That is very important, because the education industry in this country is a big earner of overseas dollars as students come into this country for their education, whether it be at our universities, TAFE facilities or other registered providers. It is important to monitor the suitability of all those providing courses so that we offer top-quality education to overseas students who come to this country.

In fact only yesterday I had with me an overseas student who is studying at Monash University and is here as part of the Victorian Parliament's intern program. I had a most enjoyable day with him. He has been doing a lot of work down here in Melbourne but was able to come up to the electorate to learn something of the work in the electorate and meet many of the major players there. He is certainly getting an excellent education and is very grateful to be able to receive that level of education.

He is a student who does not have substantial means. He is paying essentially for his own education in this country, and therefore it is important that we ensure that he does get a high-quality, high-standard education. That also applies to those who are achieving their educational requirements through the TAFE facilities, where we do have a large number of overseas students who come to our TAFE facilities for their education. I think that is very important.

The bill gives the Victorian Qualifications Authority the power to reclaim certificates from students. I do not know how often this is going to be required, but there are mistakes made from time to time: there are errors, and there are certificates that are obtained fraudulently. On the other hand there are sometimes students who should be able to receive certificates but who, because of various errors that have occurred on the way through, are denied that opportunity. This will give the Victorian Qualifications Authority the power to address those issues.

I note that clauses 1, 2 and 12 of the bill before the house come into effect immediately. Now clauses 1 and 2 are fairly obvious: clause 1 is the purpose clause; clause 2 is the commencement clause; and clause 12 deals with the cancellation or alteration of statements. I think it is important that that does come into effect immediately because there could well be students out there that have gained their certificates, but for various reasons have not been able to achieve those standards; or alternatively, as I have said, have achieved those certificates by error or fraudulent means. That is an error that does need to be addressed immediately, and not wait until the rest of the bill comes into effect on 1 January 2004.

I conclude by expressing my support for the importance of vocational education and training generally, and I support the sentiments of the member for Nepean that we need to raise the public perception of vocational educational and training courses. We have come a long way in moving away from an academic education being the thing that all people aspire to. We now acknowledge that there are a whole range of educational opportunities out there, and no one is better or more worthy than the other; that we all have a whole range of different abilities, of different skills; and those that are achieving at the highest level that they can achieve in the TAFE sector or with the other providers deserve our full support and encouragement. I support the sentiments and the comments made by the member for Nepean, that we need to raise the public perception of the importance of courses other than university courses. I am talking about TAFE and further education generally.

I have had here tonight in the Parliament a number of students from the Kyabram Community and Learning Centre, students who are doing various vocational educational courses, and they are really delighted to be able to gain that level of education. They are looking forward to completing those courses and gaining meaningful employment in the community. We are very pleased to have them here in the Parliament tonight.

I have already talked about the 25 per cent increase in fees and indicated that for students who do not yet have a steady job a 25 per cent increase in fees is a fairly hefty disincentive. I would have thought this government, which talks so much about its commitment to education, would have been able to cover those fees for the benefit of students, in many cases, who come from disadvantaged families, where education is the key to achieving what they have to achieve in their lives. They need that education.

The 25 per cent increase by a Labor government is to be deplored. I conclude by paying tribute to TAFE providers generally, and specifically to the TAFE provider in my electorate, which is a campus of the Bendigo Regional Institute of TAFE — a great facility which, as I indicated earlier, was opened by the minister earlier this year. It is providing a whole range of much needed educational services not only to the broader community but specifically to the Koori community in Echuca. It is doing an excellent job in the services it provides.

In terms of the other registered training providers, I have already spoken about the Kyabram Community Learning Centre, and I cannot say enough in support of

that wonderful organisation and the work that it does. The honourable member for Oakleigh is obviously well aware of that organisation as are many members in the house. But there are others. There is the Campaspe College of Adult Education in Echuca, which is right opposite the TAFE institute. It is housed in what used to be the Echuca Central Primary School — a lovely old heritage building that has been refurbished and rebuilt, mostly with voluntary labour, with a great deal of commitment. That organisation is also providing a very important range of courses, from literacy and numeracy to computer courses and a whole range of arts and crafts. So there is a wide variety provided by the Campaspe College of Adult Education.

The final one I want to mention is an organisation called Mirrimbeena, again based in Echuca. It is an organisation started by two wonderful Koori people — Clive and Judy Atkinson. They have a broadly based board of community members. Judy Atkinson is very skilled with ceramics, and Clive Atkinson is a noted artist and is also providing courses in bush furniture. Those courses are excellent in their own way, but also this organisation is demonstrating what can be achieved when people are treated as genuine equals, and where we have true reconciliation.

My disappointment in speaking highly of the work that Mirrimbeena is doing is that it is well over two months since that organisation wrote to the minister seeking a small amount of support and assistance to help with its very important program. It has started off on the smell of an oily rag, with great community support from individuals, from organisations supporting the work it does; but it would like a little bit of support from the government.

The government talks a lot about support for education, for those who are underprivileged in our community, but it is well over two months and there has been no response. I intend raising this matter in the adjournment debate tomorrow night and hope to get a response from the minister. I am disappointed, when the government is doing genuine things to improve education facilities and outcomes in this state, that an organisation that is essentially a self-help organisation does not get the courtesy of a response.

I direct the attention of the house to the latest report of the Scrutiny of Acts and Regulations Committee on this legislation. The committee points out that this bill makes rights, freedoms or obligations dependent upon what it regards as 'insufficiently defined administrative powers'. It refers specifically to section 4D(a)(ii) of the Parliamentary Committees Act 1968. The National

Party will not be opposing this bill, and wishes it a speedy passage.

Ms BARKER (Oakleigh) — I am pleased to speak briefly on the bill, and certainly to follow the honourable member for Rodney. I noted his comments about the Kyabram Community Learning Centre. In my role as Parliamentary Secretary for Training and Higher Education I am getting to know a large number of the learning centres around the state, and that one stands out as a remarkable community-based and active learning centre.

The bill implements a range of important measures which clarify sections and address gaps in current legislation, such as clause 3 which inserts a definition of 'higher education award'. The clarification is to distinguish between vocational education and training courses and higher education awards in respect of the powers of the Victorian Qualifications Authority (VQA) — and of course it does not have legislative responsibility for higher education awards.

Also in clause 5 it is proposed to amend the act so that the minister may not give any direction in relation to the issuing of recognised qualifications or qualifications for accredited courses to any particular student. The act does not currently contain any protection for ministerial direction in relation to the VQA's power to award or issue certificates, and therefore this amendment ensures that the VQA's processes in relation to the issuing of qualifications are free from any potential outside influence. Of course that therefore ensures integrity in the certification process.

Clause 6 amends the way payments are made to board members, and that is to ensure some consistency. There are three statutory authorities: the VQA, the Victorian Curriculum and Assessment Authority and the Victorian Learning and Employment Skills Commission. Currently due to different wording in three acts there is a different approach to payment of members of statutory authorities which lie within the same portfolio, and by having the same clause apply to all three authorities this change achieves consistency.

The honourable members for Nepean and Rodney have made reference to clause 7, which makes amendments to delegate powers to registered education and training organisations to determine their scope of registration. The ministerial statement on *Knowledge and Skills for the Innovation Economy*, which was issued by the minister in June 2002, certainly outlines how vocational education and training will meet the challenges of the innovation economy. Also, of course, it provides a framework for the Victorian training sector on how it

should grow and develop and certainly meet changing needs, and look at how it can meet those needs within the emerging industries.

The ministerial statement focused on the need to allow greater flexibility in meeting those emerging needs, particularly where registered education and training organisations should have the ability to quickly deliver new courses and new award qualifications without being subject to a fairly lengthy external audit. The amendment allows those organisations that demonstrate appropriate procedures for quality assurance to be given the power to determine their own scope of registration. Of course this is the second and final delegated power to be made available by the VQA, and it will certainly only be made to selected and high-quality organisations; this second delegation follows the first, which was passed in the autumn parliamentary sitting.

As indicated in the second-reading speech, if I can quote it, it is crucial to remember that the delegation of power to providers is a discretionary power; it is not an entitlement. That delegation must be earned and it is not just a given. The approach to delegation complies with national standards which have been developed by ANTA — the Australian National Training Authority.

Previous members have referred to the amendment to include a fit-and-proper-person test, and I note that the honourable member for Nepean certainly outlined this very well. It is important to ensure that organisations or persons who are seeking registration for delivering courses to students do have financial viability and can deliver high-quality services. Again this mirrors the provisions in the act for overseas students.

Some concerns have been raised about new section 35A, which makes provision for the VQA to set fees through ministerial order rather than through regulations. It is important to note that the authority proposes to empower the minister to do this, but only after the minister has called for and considered recommendations from the authority. The Victorian Qualifications Authority is a great body, and it is committed to maintaining the accountability and transparency process that is currently seen through the regulation system. It will undertake a process of consultation with stakeholders prior to advising the minister. In the second-reading speech the minister said:

I will look for evidence of such consultation in any proposal that comes to me from the Victorian Qualifications Authority.

The Victorian Qualifications Authority has a broad range of stakeholders already on its board to provide for consultation on proposed fees. It also commits to

consulting with key stakeholders in the education and training sector on any proposed amendments to charged services and fees. As I said, it will go through a process of consultation prior to advising the minister of any proposal to set fees. The schedule of fees is to be fixed and published in the *Government Gazette* and daily newspapers so everyone is clear on what they are. The fee is set for 12 months, but the minister may amend or vary the fee at the end of that period.

There are precedents in the education and training system for setting fees without using regulations, and previous speakers have mentioned that fact. The proposed fee-setting model is used in the Victorian Institute of Teaching Act 2001, which allows the institute to charge fees for services provided by the institute. While some concerns have been raised, the Victorian Qualifications Authority is certainly committed to maintaining transparency and accountability, and it must advise the minister on the consultation that has taken place prior to determining the fees to be set.

I refer to the ministerial statement, which is very important in terms of this bill. Both members who spoke prior to me recognised the need to ensure that training needs are responded to rapidly by the vocational education and training (VET) system. As was indicated in the ministerial statement, Victorian businesses need to access the right skills and knowledge if Victoria is to be a high-growth, high-skill and high-wage economy state. Three key strategies were laid down to achieve this. One was to increase the participation of businesses and individuals in nationally recognised training undertaken in vocational education and training. So it is recognised that the VET sector must transform itself from one for, as indicated in the statement, an industrially based economy to one that assists businesses to compete in the innovation economy, assists communities to develop and assists individuals to gain the skills they need for the future.

This bill deals with the issue of enabling the sector to respond rapidly to the needs of business to ensure that we can grow and develop the skills that are needed in our Victorian economy. It is an excellent bill, and I commend it to the house.

Mr HONEYWOOD (Warrandyte) — I rise to make a brief contribution to the Victorian Qualifications Authority (Amendment) Bill. The subtext of this legislation could be that it is a ‘trust me’ bill — ‘Trust me because I am a minister and of course I am going to do the right thing by people’. But the minister who has carriage of this bill has form when it comes to not being trusted.

This is a minister who in opposition spent three and a half years wandering around the countryside visiting every technical and further education institute in country Victoria telling young people that the public transport concession they would receive under a Labor government would be the same low-cost concession as they receive with a secondary school public transport concession card. In her three and a half years as Minister for Education and Training what has she done to assist with public transport concessions? Zero.

When we consider the issue of fees in this bill we ask whether this minister has ever reduced the public transport concession for TAFE students. No! She promised them the world, but she has not delivered. Then we come to the specific clause in the bill about fees for TAFE tuition. What do we find? When the minister was in opposition she claimed that the Liberal government was going to put up TAFE tuition fees. In seven years did we put up tuition fees? No! We put them up by zero. The maximum price for a TAFE course was \$500 per annum.

What has this minister done? She has increased fees by 25 per cent to young people who cannot afford even a 5 per cent increase. I point out the hypocrisy of her attack on the federal government over increasing university fees while bringing in a 25 per cent increase in one fell swoop for TAFE students. The previous Liberal government under Mr Kennett did not increase TAFE fees by a brass razoo. The minister is ripping money from the pockets of young people. The minister will not give them a public transport concession as she promised, and she will not, of course, do the right thing by them when it comes to tuition fees.

Can you imagine the carry on by the other side if the federal government increased university tuition fees by 10 or 15 per cent? But it is okay for the minister to bring in a 25 per cent increase for our poorer students and not give them the public transport concession card she promised them. This is a Labor government; a Labor government that claims to care for those in need; a Labor government that claims to be supportive of those who cannot help themselves. Look at its record. What has it done? Zero for young people. Government members should be ashamed of themselves!

Much has been made of the inclusion of registered training organisations in the bill. A moment ago the member for Oakleigh said that only registered training organisations (RTOs) have been selected because 'we trust them' — again, the word 'trust'. She said they are high-quality RTOs and that the delegation must be earned and not given.

This government has a track record when it comes to playing favourites. When it came to office it put a freeze on any private training organisation being able to access the \$600 million — it was thereabouts back then — of state government funding that was available to support TAFE programs and courses. When this freeze was announced across the board we thought it had been put on to help bolster the government's union mates in the public TAFE sector and to ensure the private sector was squeezed, and then we found out that the current minister gave handouts to special friends. Certain private training organisations that managed to get their foot in the minister's door and did the right thing by the Labor party in all sorts of ways were — dare I suggest it — given special treatment. So the freeze on funding for registered private training providers seemed to be lifted for certain friends of the government.

We had the infamous issue involving Bay Tech, which is a private provider in Geelong. It seemed to get a special exemption from this so-called freeze and was looked after by the minister, along with quite a few others that managed to get into her ministerial office and, for all sorts of reasons, get special dispensation. When this government comes into this place and says, 'Trust us, we are going to choose which training providers we think will be good for you', we happen to know this government cannot be trusted, for all the reasons given.

There are clauses in the bill relating to delegated authority, but this is a government that hates to delegate authority. This is a government that is a control freak; it has to control everything. We know that from the minister's pretending to offer timely briefings to opposition members and not providing them, and then refusing to allow us to see the amendments to her own legislation until they were required to be circulated in the house. We then saw another backflip when she had to bring in further amendments following on from her being caught out allowing sexual offenders to teach in our classrooms.

When it comes to delegation, is this just an excuse to camouflage the downsizing in her department? Is this just another way for this minister to give a lot of well-paid jobs to certain friends of the government? The first thing she did when she became a minister was to knock down the wall in her private ministerial office in order to employ the extra advisers she needed to support her. The opposition when in government had only three advisers, but she had about seven advisers within a few weeks of coming to office. When it comes to delegation, why would this government, which never trusts anybody, want to delegate? The only reason is

that it wants to reduce the number of public servants in that particular area so it can get away with taking its eye off the ball, using this wonderful, new-fangled idea of trusting certain friendly providers that it happens to like for whatever reason — —

An honourable member interjected.

Mr HONEYWOOD — I have named one already. The only reason this minister would want to delegate to anybody is to get rid of 300 public servant positions. The union is on her back because it does not believe she should be able to do that. Delegation for this minister is just an excuse to perform some cost cutting.

We have to look at the situation with overseas students. If we lose our quality reputation because this minister washes her hands of quality control in her department, we are going to finish up with another University of the South Pacific. We are going to finish up with some trumped-up body that she has delegated degrees or qualifications to, and it will not provide the type of education — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Delahunty) — Order! There is too much audible conversation.

Mr HONEYWOOD — If she is allowed to delegate to a second-rate provider which promises to provide wonderful qualifications to overseas students who pay \$20 000 a year or whatever for them, and if because of her washing her hands of responsibility and delegating too much that institution goes belly up or those overseas students do not get the quality education they signed on for, the damage done to our reputation as an education state would be extraordinary.

The final point I would like to make is that this government constantly carps about the federal government not supporting tertiary education and training. If it was good enough for the previous Liberal government to pay for 5000 state-government funded university places at a cost of \$125 million, what is wrong with the Bracks government paying for one university place? Why will you not pay for one place just to show you have a heart when it comes to young people?

The ACTING SPEAKER (Mr Delahunty) — Order! Through the Chair!

Mr HONEYWOOD — Instead of paying for one university place, what does it do? It increases fees for the poorer students — TAFE students — by 25 per cent. In its seven years, what did the Liberal

government increase TAFE fees by? Zero. Where is the government's record of compassion? Where is its record of support? Where is the public transport concession card that it promised for young people?

Ms KOSKY (Minister for Education and Training) — In summing up I would like to thank the honourable member for Nepean very much for his positive comments, his detailed analysis of this bill and his sensitive approach to it and his commitment to vocational education and training (VET). His response was measured and well thought through.

As members of this house will know, this government is totally committed to VET and to education generally. Unlike the previous government, it has put \$3.7 billion extra into education and training, a lot of which has gone into the vocational education and training sector. The previous minister for training did not demonstrate his commitment through dollars on the table.

I would also like to thank the member for Rodney for his support for the bill, as well as his support for local providers, who tell me regularly that he does a great job in singing their praises in their delivering to the needs of their local community. Thank you to the member for Oakleigh for her praise of the members of the Victorian Qualifications Authority and their innovation. They have indeed been innovative in trying to ensure that more and more students not only gain access to vocational education and training but gain success through that access. I understand the member for Warrandyte has not spoken on the bill, so I will not thank him.

Mr Perton — Come on, a bit of dignity.

Ms KOSKY — I understand he has never got over losing education to the member for Doncaster — neither has the education sector!

I would like to thank particularly the members of my department who have worked in very detailed fashion on this bill and have consulted very widely on it. As members know, it is part of the very broad agenda the government has to ensure that more and more students have access to post-compulsory education and training. In particular I thank Dr Dennis Gunning, the director of the Victorian Qualifications Authority, who not only provides vision for the authority but also has provided great detail in the bill. I thank John Livi and John McSweeney, who has provided great detail to me, members of the opposition parties and the Independents in making sure that this piece of legislation has a speedy passage through this Parliament.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

WATER LEGISLATION (AMENDMENT) BILL

Second reading

**Debate resumed from 17 September; motion of
Mr THWAITES (Minister for Water).**

Mr PLOWMAN (Benambra) — Members of the opposition support much of what is contained in the Water Legislation (Amendment) Bill. Particularly given that almost all of it has already been introduced into this Parliament by way of ministerial statement, we will not be opposing the bill, although as usual there are some provisions we have objections to. We wish to question them and would like some thought to be given to them while the bill is between houses.

While talking about the ministerial statement it is interesting to look at the minister's second-reading speech. For the first four and a bit pages it is virtually a rewrite of the ministerial statement. It is an indication that the minister and the government are trying desperately hard to convince Victorians that they are doing something positive about the water industry not only in country Victoria but principally in the metropolitan area.

The main issues in the bill include the introduction of permanent water saving plans and provision for the retail licence companies in Melbourne to be able to introduce those permanent water saving plans. Those permanent water saving plans are also available to the non-metropolitan urban water authorities.

It is interesting to see that the second issue relates to trebling the penalties for unauthorised use of water or for interfering with the infrastructure of the authority or licensee. There is plenty of justification for the penalties to be increased to provide a real disincentive for anyone deliberately taking water in an unauthorised fashion or tampering or interfering with the authority's or the licensee's property in order to achieve the taking of water, which is talked about in the second-reading speech as theft of water.

The third issue is the introduction of restrictions under the drought response plan. Clearly that has already happened in the metropolitan area. Those restrictions

have been introduced into country areas serviced by the non-metropolitan urban water authorities. Again there is absolute justification for those restrictions to come in and for the opportunity to bring them in under statute by this bill.

The fourth issue is the doubling of the penalties for the breach of water restrictions under the drought response plan, as introduced. Again the emphasis in the bill is on penalising people for the misuse of water. To a large extent I, on behalf of the opposition, have no argument with this. I do have argument in as much as there are occasions when water can be taken which is not licensed or registered, and to suggest that these penalties are appropriate for such situations is entirely out of keeping.

In the consultation process the opposition conducted I talked at length with the Victorian Farmers Federation. Initially the VFF said it had no real issue with the bill. I advised the federation that there are issues, which I will describe in a moment, in that the inappropriate taking of water under the act could attract a penalty of \$6000 or imprisonment for six months, or if that inappropriate or illegal use of water was carried on on more than one occasion that penalty could go up to \$12 000 or 12 months in jail, and the federation was concerned that there could be occasions when taking water inadvertently, not deliberately, could represent an illegal use of water.

As such the VFF suggested that we should ask the Minister for Agriculture, who is seated at the table, and the minister responsible, the Minister for Water, that we look at this between houses possibly to introduce an amendment to cover or allow for an extraordinary situation under mitigating circumstances.

I will give one example of what that inappropriate use could be. Currently water users have the right to register or license a dam they are using for commercial use. Commercial use includes the washing down of a dairy. If a dam registered for that commercial use is impacted on by a heavy rain event, which might fill it with manure, making it unusable because of what flows into it, or by breaches, thus making it no longer available for its prescribed and registered use, a farmer would automatically go to any other source of water to continue to wash down his dairy. It is a necessity. It is something that you cannot not do. Under those circumstances that farmer would be in breach of this act, and the penalties, as I said, are totally inappropriate. If that came before a court no-one could say that a magistrate would throw the book at them.

What happens is that some water diversion officers tend to take their job very seriously and become rather officious when it comes to someone using water illegally, albeit unintentionally illegally. The water bailiff, or an employee of a water authority, could throw the book at a farmer or a water user who is caught under those sorts of circumstances. As such I support the VFF's proposition, which was only given to me earlier today, that between houses we should seek an amendment to allow for those sorts of extraordinary circumstances, and certainly where there are mitigating circumstances which would allow or should allow these sorts of situations to be reconsidered.

I will go through some of the issues in the bill. The introduction of the permanent water savings plans has been supported by approximately 60 per cent of people surveyed in Melbourne. However, this follows a period of severe drought, and it is my view that although 60 per cent of Melburnians believe that now, I am quite sure that these measures will be hard to police in times when there are no droughts. Therefore despite the fact that there is good public acceptance of the introduction of the permanent water savings plans, it is going to be harder to ensure that these plans are maintained and certainly harder to police them.

Permanent water savings plans may be introduced into regional areas after being advertised locally. One of the important issues is that those plans will not restrict water use by the Country Fire Authority. Given that today is the day that the Esplin report has been released by the Premier, we all need to look at the ability to source water where it is required and that there should not be restriction. It is good to see that this bill reflects that. After receiving a warning notice the maximum penalty will be \$1000 with \$2000 for a subsequent offence for anyone breaking a restriction under the water savings plan.

The three metropolitan retailers of water, currently referred to as licensees, will be given the capacity to bring charges for breaches of restrictions under permanent water savings plans and under drought response plans. The penalties for breaching water restrictions under a drought response plan are to be doubled to \$4000; however, the penalties for unauthorised use of water, which as I said is described in the second-reading speech as theft of water from a farm dam or a spring for commercial use such as washing down a dairy, have trebled to \$6000 and attract either a six-month jail term for a first offence or up to 12 months for a secondary offence.

In almost all circumstances when you talk about water use and farmers it is far better to introduce a

cooperative relationship with farmers rather than having a regulatory relationship. The one thing that concerns me about the green paper on water is that it is largely looking at regulatory control rather than cooperative management with farmers. Having been involved in the farming industry almost all my life, I know that it is far better to get farmers on side. You will always get a better response and participation if that is the means by which you attempt to achieve the outcomes that you want. It seems to me totally inappropriate that that level of fine and that level of possible jail sentence for inadvertent use, which turns out to be illegal, is there, and therefore, as I said before, I endorse the VFF's position. I believe these fines and sentences are rather heavy-handed bureaucracy, and in many cases some would consider that some of the laws under the farm dams bill should not have been introduced in the first place; therefore that rather heavy-handed bureaucracy is hardly appropriate for the situation.

Despite the fact that the Minister for Agriculture thinks it is a laughing matter, I can promise you that farmers out there do not look at it that way, but they resent the approach that the Minister for Agriculture takes over these issues. I certainly do not believe it is a laughing matter at all.

It is clear that when a person has tampered with infrastructure, such as a water meter, to avoid being charged for the water used, these penalties are justified. In that respect I have no argument with the bill. I do know that it is not common practice, but it is certainly well known that there is the great temptation to ensure that a water meter is not operating correctly in order to get that little additional water that might be required to finish a job. Unfortunately under these circumstances, with water being seen to be a commodity that is scarce and with the enormous pressure to provide what we need, the penalties under these circumstances are justified.

The Water Act 1989 and the Water Industry Act 1994 are both amended to give the Victorian Civil and Administrative Tribunal the ability to include an interest component in the amount of money awarded for damages, and that that be determined by the Victorian Civil and Administrative Tribunal. I will touch on that because it is an interesting situation. It comes under two clauses of the bill: clauses 3 and 8. Both clauses provide that the tribunal may:

... may make an order for payment of a sum of money awarding damages in the nature of interest ...

The bill also provides that the penalty interest rates be determined under the Penalty Interest Rates Act 1983,

or a lesser rate if appropriate. These charges and penalties are based on the civil liability for unauthorised works, for the unauthorised taking of water, for the flow of water from land onto other land, or for the liability of an authority arising from a flow of water. In many of these cases farmers will find that the penalty that they — —

The ACTING SPEAKER (Mr Delahunty) — Order! The Minister for Agriculture and the Minister for Water can have their discussion elsewhere if they want to.

Mr PLOWMAN — Thank you very much, Acting Speaker. I was not really enjoying their conversation.

It is interesting, though, that it is relatively even-handed inasmuch as we might well find that farmers not only get a rather severe penalty — in fact, a very severe penalty — but if the case drags on for 2, 3 or 4 years, that penalty could be almost doubled by way of increased penalty interest rates. It is going to be an expensive business for people caught using water unlawfully or tampering with or altering the infrastructure works of an authority.

Clause 8 talks about the liability of a licensee. In this situation it is the liability of a licensee to compensate for damages to land or to a second person or on the basis of economic loss suffered by a second person. Under these circumstances it is the licensees who will render that additional cost to themselves, so under those circumstances the licensees will almost certainly be made accountable for their actions and be encouraged to meet the awards quickly in order to avoid that additional liability of the interest at penalty rates.

A further issue is the permanent water savings plan. It cannot be introduced or varied by any of the three metropolitan water retailers without prior consultation with Treasury. This is not the case for the regional urban water authorities, and that would indicate that the financial implications of a permanent water savings plan on a regional urban water authority are acceptable without the oversight of Treasury but that is not the case for the metropolitan retailers.

I wonder why there is a difference. I am not sure why it should be referred to Treasury if it is an issue dealing with the permanent water savings plans for metropolitan Melbourne whereas a restriction placed on a non-urban regional water authority does not attract the same requirement. I understand that when the new provisions come in and the Essential Services Commissioner is actually determining the pricing of water maybe he will take over this role as well.

I would like to go back briefly to the bill and run through a few issues. Following the two new issues set out in clause 3 and clause 8, there are new penalties under clause 4 for unauthorised use of water from a waterway or from a bore or a dam. What interests me there is that those two provisions — out of a bore or a dam or from a spring or a soak — came in only nine months ago, yet the penalties have been trebled. To my knowledge there is no evidence that any action has been taken against landowners under those provisions, therefore I wonder about the justification for trebling the penalties for offences that were introduced only a few months ago. The other area is interference with an authority's infrastructure. As I said before, I think there is every justification for those concerns.

As I said, in connection with the drought response plan provisions the penalties have been increased as set out in clause 5. They have been doubled, but that is after the service of a notice of contravention on the person under section 151 of the Water Act.

The bill requires an authority to prepare a permanent water savings plan, which must set out the restrictions to be introduced. The plan may be approved by a specified person or a specified class of person, and the authority must ensure that a notice is published in the *Government Gazette* and a newspaper circulating in the area to ensure that the people in that area are aware of that water savings plan. The notice must summarise the restrictions and must invite public comments or submissions. The authority must ensure that all comments in response to those notices are considered. Variations to the plan can be made, and there must be no major deviation from a plan unless authorised by the minister. It is expected that the authority will implement the plan immediately. Commonsense would suggest that if you are going to introduce a water savings plan, its immediate introduction would be essential.

In respect of contraventions of the plan, a person who receives a supply of water from an authority must not, after having received a warning notice from the authority, contravene a restriction on the use of water contained in a permanent water savings plan. That is the provision that says the authority must serve that notice on a person who is receiving water and is believed to be contravening a restriction. That is certainly a sensible way of dealing with it. I have already dealt with prosecutions for tampering or interfering with property, and that is extended to the three licensees.

I believe that covers the bill pretty well. The concern I have is that there are some situations where water might be taken illegally but unintentionally. Under those

circumstances the Victorian Farmers Federation has pointed out that this should be reviewed. While the bill is between the houses I would ask the government to consider whether certain extenuating circumstances can be taken into account.

The last area I would touch on is that with this and future bills that come into the house subsequent to the green paper on water it is essential that wherever possible we look at water in a cooperative rather than a regulatory way. The opposition does not oppose the bill.

Mr WALSH (Swan Hill) — It is a pleasure to rise to speak on the Water Legislation (Amendment) Bill. It is great to see that this government finally realises that water is a finite resource, particularly for Melbourne. Melbourne has always been a very thirsty city. If you look back in history you see that there has never been enough water for Melbourne.

Melbourne has a long history of severe water shortages. If you go right back to 1857, you discover that the only source of water for the inhabitants of Melbourne was the Yarra River. Water was carted around town in large barrels on drays. There were 14 privately owned pumps that operated along the northern bank of the river between what is now Queen and Russell streets. There is a lot of talk at the moment about water barons, but if you go back to then you see that the owners of those pumps were probably the first water barons of Victoria because they had exclusive use of the water from the Yarra River.

It cost somewhere between 7 and 15 shillings for basically a week's supply of water in Melbourne. If you think back to what the average living wage then was, you realise it was a lot of money for the supply of water. The water was brackish, expensive and unreliable. And households, particularly those households that were situated further away from the river, quite often got more sediment than water as the sediment settled in the barrels that were delivered around town.

An Honourable Member — It has not changed.

Mr WALSH — It has not changed.

The first reservoir was built at Yan Yean. There was huge political turmoil at the time involving the city council and the state government as they argued over who should supply Melbourne's water supply. The reservoir was finished in 1857, but for the next 20 years there were still a huge number of complaints about poor water quality and water shortages. Although there was plenty of rain, there was always a high demand, and the

mains supply did not generate enough pressure to supply the water.

Demand was always high. We talk about water rationing now, but in 1872 water rationing was brought in in Melbourne so that the district south of the Yarra could use water only between midnight and 8.00 a.m., the area west of Nicholson Street could use water only from 8.00 a.m. to 4.00 p.m., and the district east of Nicholson Street could use water only between 4.00 p.m. and midnight. Imagine what would happen now if we had the sort of rationing where people could only use water for 8 hours a day. The water department at the time banned street watering with hoses. There was a storm of protest because of the dust from the horses and drays around at the time, which eventually led to that rule being rescinded.

There was an investigation by the water board in 1872 into the problem of Melbourne's water shortage. That report said there was an 'excessive and sometimes shameless waste' of water. There were hoses running in the suburbs, which was seen to be the major cause of the water shortage. It is amazing how history repeats himself! The board recommended the employment of a squadron of officers — and how many pieces of legislation have we had in this house involving enforcement officers? — to scrutinise the public's day and night use of water. They were there to go around and look over people's back fences to make sure they were not wasting water.

There was a heavy penalty for the first offence, and for the second offence you had your water cut off. One hundred and thirty years later — isn't history a great teacher! — we are introducing legislation with a big stick for people who do not observe the water regulations.

Melbourne's water system completely failed at one stage. If you look at the newspapers of the time you will see a quote describing:

... women and little children crying for water while the atmosphere was like the mouth of a furnace.

The *Age* of the time said that the water department had failed 'to put an adequate check on the waste of water'. The average consumption of water at that time was 100 gallons, which is something like 455 litres per head, per day. Today we have improved: we only consume something like 380 litres of water per head, per day now. When Melbourne's water system failed, there were water measures in place. One hundred and twenty-eight years later we are putting in place water measures to try to save water. We are going to govern the washing of cars, the watering of gardens, the hosing

of concrete paths and the general household use of water.

There are very severe penalties for any breaches in this act. One of the concerns the National Party has is that this is going to be a form of taxation by water regulation. These regulations also apply to regional and country towns throughout Victoria that are on reticulated systems.

It is important to note that the majority of country people have always known that water is precious. As children we were all brought up to make sure that we did not have the tap running while we brushed our teeth or whatever. These are some of the things we need to get through to city people. It is actually great that the metropolitan polities now realise that water is a big issue.

But again the government is behind the main game. It is driven by the polls, not by good public policy. I would like to quote from the Minister for Water's second-reading speech, which shows how public policy is made by this government:

... around 60 per cent of those surveyed supported permanent bans on the use of hoses to clean driveways and the requirement that vehicle washing be undertaken using hand-held hoses fitted with trigger nozzles. Half supported no watering of gardens and lawns between 10.00 a.m. and 5.00 p.m. on an all-year-round basis.

It is interesting that we have a government that has used polls to set up water legislation. I would find it fascinating if we sent that same polling company out to ask Victorians whether they wanted speed cameras. Imagine the result if we polled people on whether they wanted speed cameras to raise revenue for this state. Imagine if we had a poll about whether we wanted revenue cameras on every major highway in this state. Imagine if we had a poll about whether people wanted polls on the Scoresby freeway. Has the government polled people on that? Here we have another example of the government not setting the agenda through good public policy but reacting to public opinion and polls.

The rise in Melbourne's water use is a big issue. If you think back to the stressed catchments, you have to be very mindful of the fact that there are a lot of double standards in the way in which Melbourne people talk about water. They find it very easy to criticise country Victoria and how water is managed, particularly in the north of the state. But again if you look at history, you will see that the Wallaby Creek aqueduct was built in 1883, and it took water from the King Parrot Creek to supply Melbourne. Water that was going north of the Divide into the King Parrot Creek was turned back to Melbourne. Exactly 120 years later that 12 000

megalitres of water is still being syphoned from the headwaters of the King Parrot Creek to be utilised in showers, sprinklers and kitchen sinks here in Melbourne.

The King Parrot Creek is now classified as a stressed waterway. It needs flows; it needs that water back again. So we have to be very careful about double standards and about how people criticise country Victoria but do not walk the talk in Melbourne.

What about the 240 000 megalitres that is siphoned from the Thomson Dam to supply something like 27 per cent of Melbourne's water supply? It is taken solely for the use of Melbourne when it should be flowing into the Gippsland Lakes. Again we need people who will walk the talk. That is something like 40 per cent of the flow of the Thomson River that should go into the Gippsland Lakes but is coming to Melbourne. We do not want people criticising others when they do not do it themselves.

While we are talking about city water use, if we look at the water use of Geelong we see that something like 12 500 megalitres of ground water is taken by Barwon Water out of a ground water aquifer and it wants to increase it to 20 000 megalitres a year, which is unsustainable. It is so unsustainable that it has dried up the Boundary Creek. For 15 years there has been no monitoring on that ground water aquifer. Something like 300 stock and domestic bores have failed in that area while Barwon Water continues to pump water out of the aquifer. Geelong is now taking water out of the Colac bulk entitlement to create an environmental flow in a creek that has actually dried up from the pumping out of that aquifer.

Another issue we should touch on when debating this legislation is where we locate industry that uses water. The top 200 industrial users of water in Melbourne use 10 per cent of water consumed in the city of Melbourne. If we take Geelong as an example, it is now taking water from Colac to maintain its industries. Would it not be better to shift some of those industries to Colac to create employment and growth in Colac and surrounding towns instead of shipping the water to Geelong? If we had a government that was to govern for all of Victoria, would it not be better to decentralise industry to where the water is instead of taking the water to where it wants to create larger cities?

Another issue I wish to touch on on behalf of the National Party is the refusal of this government to put a cap on the water use of Melbourne. There is a misconception in the current water debate, and it is reinforced in the green paper that is out for discussion

at the moment. It contains a statement that agriculture uses 75 per cent of the water in Victoria and urban use is only 8 per cent. Looking at that on a whole-of-state basis creates a false impression of where the water is actually used.

If we take the Yarra catchment — and I believe this has to be looked at on a catchment-by-catchment basis — we can see that Melbourne uses 71 per cent of the water that is harvested out of the Yarra catchment. If we look at it on a catchment-by-catchment basis we see that Melbourne is just as big a user of water as is agriculture in some of the other catchments.

It is the National Party's view that a cap should be applied to the use of water in Melbourne and Geelong, similar to the cap applied by the Murray-Darling Basin Commission in 1995. The Murray-Darling Basin Commission capped the volume of water that could be used out of that catchment at 1993–94 levels. If a cap was put on Melbourne and Geelong — and let us be generous and cap it at today's levels instead of taking it back to 1993–94 — we could cap the use of water in Melbourne at something like 520 gegalitres and that would give more water back to the environment instead of Melbourne continually getting bigger and continually using more water out of its catchment.

The legislation and the ministerial statement refer to the water that will be saved by using different shower roses and by changing how we use water in the garden. These things pale into insignificance if we look at the fact that we still send 270 000 megalitres of waste water out to sea. Melbourne currently, despite all the rhetoric we hear from the other side of the house, still only reuses 1 per cent of its treated effluent. If we take the waste water that goes out to sea and started to reuse the stormwater run-offs, we could have a huge impact on the consumption of water in Melbourne.

If we look at regional water across the whole state we see that an average of 33 per cent of all treated effluent is used in regional Victoria, and in some regions it gets as high as 90 per cent. Country Victoria is setting a significant example for Melbourne on how to reuse water.

I refer to the vegetable growers in Cranbourne who signed up with Melbourne Water about 12 months ago. There was great fanfare from Minister Thwaites and Minister Brumby about how water was going to be reused and supplied to the Cranbourne vegetable industry. At the time those people paid a deposit for the water but have still not seen anything. They have not had any correspondence back from Melbourne Water or from the minister. Every time they raise the issue

with the minister's office they are told if they go to the press or talk to anyone about it then they will never get it. This is again an example of the government refusing to allow proper and open scrutiny of what is going on.

That water could be used. We still use a vast quantity of potable water on golf courses, bowling greens, sportsgrounds, and parks and gardens where that standard of water is not needed. A classic example not long ago was Transurban, which was using 1 million litres of drinking water per day to recharge the aquifer for the Burnley Tunnel — that is, 1 million litres a day of potable water being pumped back into ground water just for the Burnley Tunnel.

Although we are seeing the framework legislation here for water savings plans, it will only be as good as those plans. I am always frightened when we introduce legislation without knowing the plans we are going to implement. Do they pass the tests? Are they reasonable? Are they enforceable? Is it good public policy? We do not have to look too far back in history to see what can happen when water savings plans are introduced. David White, the then Labor minister for water supply, during the 1982 drought introduced measures which ruled that hoses had to be disconnected from taps at all times to save water. There was a huge outcry from the population, particularly from older people. People had to screw the hose off the tap, leave it off and then put it back on every time they had to use water. That is difficult for older people, particularly if they have arthritis. The measures created such a huge public outcry that after just one day the minister had to reverse those plans.

When the government sits down to do the water savings plans under this legislation, I hope it sits down and seriously works through whether they are practical, enforceable, achievable and cost efficient. If we are going to have water police sneaking around Melbourne, peering over people's backyard fences with a torch to make sure they are using water correctly, are we setting up good legislation or are we being foolish? Are we setting up something that will have to be reversed quickly because we will not be able to achieve what we are trying to set up?

The key thing is about changing people's behaviour. Quite often enforcement and the big stick is not the way to do that. Often it is a matter of education and training, and people actually seeing a good reason why there should be change in the future.

The bill also introduces provisions for the metropolitan water retailers to have the same powers and responsibilities as the rural water authorities. It gives

them the power to prosecute for breaches of drought restrictions or water savings plans. It also allows those same metropolitan water retailers to bring actions against offenders, something they have not been able to do in the past, if they interfere with the property of water retailers, steal water or damage or expose water infrastructure. The Water Industry Act also gives the Victorian Civil and Administrative Tribunal the power to award damages to rural water authorities and to the metropolitan water retailers if they find their property has been interfered with.

The National Party does not oppose this legislation. To summarise our concerns, as we set up these water savings plans will they be sensible, practical, cost effective and achievable, or will they just lead to a huge bureaucracy that does not achieve an outcome, that makes people resent the whole system and does not entice them to want to achieve water savings into the future?

We all realise that water is a big issue and that it is scarce. The one good thing to come out of the drought — if there is ever a good thing to come out of one — is the public awareness that Australia is one of the driest continents. We have to be more careful with the water we use, and we have to do that on a whole-of-state, catchment-by-catchment basis across the state.

There is the opportunity for not only country Victoria to improve its water use efficiency but for Melbourne to do that too. The 270 000 megalitres of waste water that runs out to pollute the sea is a tremendous resource from which this state could gain immensely, and I would encourage the government to ensure that it implements some of its commitments and targets to use that water better.

Ms LINDELL (Carrum) — It is a pleasure to contribute tonight on the bill, and it is always a pleasure to follow the honourable member for Swan Hill in debate. I must admit that I welcome the National Party's support for this legislation, although in making his comments I am not quite sure of some of the points he was trying to make. He criticised the government because this is actually popular legislation, and he accused the government of making this legislation on the back of tolls because it is popular; but then he went on to criticise the government for holding the line on some of the more unpopular decisions it has made.

Sadly, the honourable member for Swan Hill is doing what oppositions are renowned for — that is, the negative attacking of everything the government proposes, even though they agree with the actions.

Consistency is therefore a great strength of the member for Swan Hill, standing for a considerable time and telling us what is wrong with the proposals but ultimately supporting those proposals.

This Water Legislation (Amendment) Bill is a tremendous piece of government legislation. Even the previous speaker accepted that we do live on the driest continent, yet we are among the highest water users per person in the world. The challenge for all Victorians is to secure sustainable water supplies that will ensure productive farms, healthy rivers and provide for our growing towns and cities.

During the last sitting we saw five pieces of legislation on water, and they arose from the Water for the Future plan. We saw the establishment of the Victorian Water Trust, and legislation to give the Essential Services Commission the power to regulate the price and quality of water services. We amended the Victorian constitution to place responsibility for delivery of water services in public hands, and we established a new drinking water regulator to ensure the proper monitoring of drinking water. Also, we amended the Murray-Darling Basin Act to enable the development of a program to increase environmental flows to the Murray River.

So this government has quite a proud record of legislating to protect our very scarce and valuable water resources. This bill will amend Victoria's Water Act 1989 and the Water Industry Act 1994 to provide for the introduction of permanent water savings for Melbourne. The maximum fine for breaching water regulations will be doubled, and the fine for the theft of unauthorised use of water will be tripled.

The fines for breaching water restrictions will increase from \$2000 to \$4000 for a first offence, and the maximum jail sentence of three months will remain the same. For a second offence the penalty goes from \$4000 to \$8000, while the jail sentence of six months also stays the same.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The time appointed by sessional orders for me to interrupt business has arrived. The honourable member may continue her speech when the matter is next before the Chair.

Housing: first home owner scheme

Mr CLARK (Box Hill) — I raise a matter with the Treasurer regarding the first home owner grant scheme, and I ask the Treasurer to make public all correspondence he has received from the New South Wales Treasurer, Michael Egan, regarding the scheme and its potential loopholes.

Our Treasurer was reported in this morning's media as revealing that over the past three years some 38 children aged 10 or under have received first home owner grants, together with another 36 children aged between 11 and 17.

The Treasurer is reported as trying to blame the Howard government for allegedly failing to rein in the scheme. But an examination of the intergovernmental agreement that agreed to set up the first home owner grant scheme showed that under paragraph D1(ix) it is the obligation of the states to establish legislation that will contain provisions to prevent the abuse of the first home owner scheme.

It is thus clear that the Treasurer has failed in his duty to ensure that by proper legislation and proper administration this sort of abuse is prevented. It would appear that in excess of half a million dollars of Victorian taxpayers funds has been paid out as a result.

This evening the New South Wales Treasurer, Mr Egan, has blown the whistle on our Treasurer's attempt to blame the commonwealth government for his own inadequacies. Mr Egan told the ABC's *PM* program that he became concerned in 2001 about the possible misuse of the scheme, and in April 2001 he sent a memo and a copy of the New South Wales legislation to all other state governments.

The New South Wales April 2001 amendments inserted into that state's act an express requirement that a first home owner grant applicant be at least 16 years old, unless the New South Wales taxation commissioner was satisfied the application was not part of an avoidance scheme.

So now it has come out not only that our Treasurer has failed to act but that he failed to act after he was warned by his New South Wales Labor colleague. Yet despite knowing all of this, the government has brazenly attempted to blame the commonwealth government for the fiasco. It is just like the perpetrator of a crime deliberately trying to frame an innocent person. And now our Treasurer has been doxxed in by his New South Wales Labor mate.

I therefore repeat my call for the Treasurer to make public all the correspondence he and the Victorian Department of Treasury and Finance have received from the New South Wales Treasurer and its Treasury on this issue, so that the Victorian public can see for themselves exactly what the Treasurer knew and when he knew it, and get a better idea of how he failed to stop this rotting, which it was his clear duty to prevent.

Tourism: federal funding

Mr HELPER (Ripon) — I direct to the attention of the Minister for Tourism the federal government's continued lack of commitment to the tourism industry. I urge the minister, through Tourism Victoria, to take the necessary steps to ensure a federal government marketing boost gives Victoria its fair share.

The tourism industry is vitally important to Australia. In Victoria alone 60 000 people are employed in the tourism sector, with \$9 billion being contributed to gross state product. Nationally this sector is worth almost \$69 billion and employs some 500 000 people.

These figures prove how important this sector is to the Australian economy and community, yet it is troubling that federal funding to the Australian Tourist Commission — the main body employed by the federal government to promote Australian tourism — has been declining, with rises in advertising costs eroding the ATC's marketing buying power. When placed against international events such as the SARS (severe acute respiratory syndrome) outbreak, 11 September and the war in Iraq, as well as local crises such as the collapse of Ansett, the reduction in federal funding is disturbing.

Federal responses are even more shameful when one looks at the manner in which our Asian competitors' destinations have responded to these challenges. The Thai government has pledged A\$108 million to help the Thai tourism sector recover from the SARS crisis.

Further, the Singaporean government has allocated \$198 million to stimulate its transport and tourism sectors. Hong Kong has assigned \$81 million. Taiwan supplied \$13 million, and the Malaysian government has provided \$356 million to revive the country's tourism industry. These examples illustrate and reinforce the notion that any reduction in federal funding, no matter how marginal, is illogical and unwarranted. What this means — —

Mr Walsh — On a point of order, Acting Speaker, the member for Ripon is talking about federal issues, he is not asking for action by a Victorian minister.

The ACTING SPEAKER (Mr Nardella) — Order! I do not uphold the point of order. The honourable member asked for the minister to take steps to get a fair share of tourism grants through Tourism Victoria, and that is within the purview of the Minister for Tourism.

Mr HELPER — Thank you, Acting Speaker, I appreciate your ruling. Clearly the National Party does not care about the tourism industry in this state, or indeed in this country.

What this means is that places of beauty and great tourism destinations such as the Grampians, which has 1.2 million visitors per annum and which is partially located in my electorate, and the Great Ocean Road —

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

Frost damage: government assistance

Mr JASPER (Murray Valley) — I bring to the attention of the Minister for Agriculture a particular issue within my electorate of Murray Valley. Honourable members would know that Cobram, an important area in my electorate, is part of the food bowl of the Goulburn Valley and Murray Valley regions. With the excellent soils they have and with irrigation this area has developed extremely well. Cobram has a great diversity of production, including dairy farming, fruit growing and horticulture. But like all agricultural industries it is subject to weather conditions.

I bring to the attention of the house and the minister the frost that occurred in that area a couple of weeks ago and the drastic effect this had on the fruit-growing industry in Cobram and surrounding areas. I seek action from the minister in assessing what assistance can be provided to fruit growers to compensate for the massive losses in that area. I discussed the effect of these frosts with the fruit growers in the Cobram area and also representatives of the Department of Primary Industries based at Cobram. I was told that in some areas apricot growers have suffered losses of up to 95 per cent, growers of plums have suffered a 70 per cent loss, growers of early nectarines and peaches have suffered as high as 50 per cent damage to their crops, and early plantings of peaches have experienced losses of 15 to 20 per cent. This frost damage will have a massive effect on the income of those producers, not only immediately but also because of the loss of production fruit pickers will not be working in the area. It also means that money will not be spent in Cobram and the surrounding areas.

The minister is aware that assistance has been provided to beef and sheep farmers in the western part of the Shire of Moira because of exceptional circumstances. I believe there has not been appropriate cooperation between the state and federal governments with regard to the losses suffered by these fruit growers and frustration has been expressed to me by a number of people involved in the fruit-growing industry.

We need to have a look at what assistance can be provided by the state government initially to assess the damage. It should cooperate with its departmental officers to determine the effects of the frost damage on the fruit growers in Cobram and the surrounding areas to determine whether state assistance can be provided — and there is a range of assistance that can be provided. Importantly the state government should have discussions with the federal government so that it can seek assistance for fruit growers because of exceptional circumstances, similar to that extended to beef and sheep farmers within the western part of the Shire of Moira.

Yarra Valley: winery tourism

Mr HERBERT (Eltham) — I draw to the attention of the Minister for Tourism the importance of cellar door experiences as part of the tourism wine industry. I urge the minister to acknowledge the importance of the tourism sector and in particular this special region and I ask whether Tourism Victoria has taken the necessary steps to help support the industry. Tourism is vitally important to Victoria. It contributes around \$3.5 billion annually to our regional economy, helps create jobs and adds a sense of community pride.

For many regional operators, food and wine is central to the continuing growth of tourism. Not only do our visitors need to eat and drink when they are on holiday, but food and wine is in itself a tourism attraction. A quick look at the facts demonstrates the importance and growth of our excellent food and wine industry throughout the state. Victoria is home to 22 wine regions. Out of a total of 350 wineries, more than 200 have a cellar door, providing for a superior tourism experience. About 100 Victorian wineries are located within a 90-minute drive of Melbourne. More than 9 million food and wine visitors from around Australia came to Victoria in 2002; and winery tourism brings around \$410 million a year into this state. Victoria produces one-third of Australia's food and exports food and wine across the world.

I am aware of the efforts the government, through Tourism Victoria, has already made in the Yarra Valley with the recently launched major interstate campaign

entitled Melbourne's Yarra Valley: You'll never want to leave. It is an excellent campaign. The campaign promotes Victoria's food and wine region, the Yarra Valley, in the key markets of Sydney, Brisbane and Canberra. This \$4.7 million campaign consists of television, cinema and magazine advertisements which highlight the appealing attributes of the Yarra Valley, being wine, food and accommodation; romance, of course; and style, sophistication and natural beauty.

The ACTING SPEAKER (Mr Nardella) — Order! I ask the honourable member for Eltham to clarify what action he is requesting from the minister.

Mr HERBERT — I asked the minister earlier to acknowledge the importance of the tourism sector and to look at steps that Tourism Victoria has taken to help support the industry.

The ACTING SPEAKER (Mr Nardella) — Order! What action is the honourable member actually asking the minister to take?

Mr HERBERT — I am after money for the tourism industry, and to explain how that money is being used. In my local electorate of Eltham one of the important initiatives of this campaign is the Yarra Valley Cellar Doors Come to Montsalvat festival, which is being held on 25 and 26 October this year. I invite all members to attend; it will be a fantastic experience in the beautiful setting of Montsalvat. Yarra Valley Cellar Doors Come to Montsalvat is an annual event —

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

Self-funded retirees: government concessions

Mr COOPER (Mornington) — I seek action from the Treasurer to assist the plight of the many self-funded retirees in Victoria. Most self-funded retirees are suffering badly from the failure of the Bracks government to assist them to withstand the effect of taxation increases by the state and local government sectors. The Treasurer should be aware that the vast majority of self-funded retirees are asset rich and income poor. They have worked hard all their lives to provide for themselves in their retirement years, but over the last four years that has become increasingly difficult.

It is not their fault that their incomes have shrunk due to a combination of a decline in interest rates and the poor returns across so much of the investment and superannuation sectors. It is not their fault that many local councils care so little about the parlous circumstances of self-funded retirees as they put higher

rate demands on their property owners each year. Zero-based budgeting is never on the agenda of council revenue raisers. Nor is it their fault that water and sewerage rate charges are increased rapidly and without regard by those taxing authorities. Now these self-funded retirees are having to face up to every area of state government taxes and charges rising each year to generate more income for this cash-strapped Bracks government.

While this government is quick to take higher amounts in tax from self-funded retirees, it pays absolutely no attention to providing them with relief from an onerous burden that is causing enormous stress and worry — and I have been told it will force quite a number to sell their family homes.

I call on the Treasurer to initiate immediate action to extend to self-funded retirees who qualify for a commonwealth seniors health card the concessions which are presently available to pensioners. Those concessions cover municipal rates, water and sewerage rates, electricity charges and vehicle registration. In addition I call on the Treasurer to increase the municipal rate concession for self-funded retirees and pensioners from the present \$135, an amount which has not changed since the early 1980s, to at least \$200.

The Bracks government needs to develop a genuine commitment to the wellbeing of all older Victorians. At present the large number of self-funded retirees in this state are being shown little compassion or commitment. That needs to change, and it needs to change right now.

Tourism: airline services

Mr LIM (Clayton) — The matter I raise is also for the attention of the Minister for Tourism. I draw the minister's attention to the period from the 11 September attacks in New York to the severe acute respiratory syndrome (SARS) outbreak early this year, which has been the most turbulent period in world aviation history. The action I am seeking is for the minister, through Tourism Victoria, to initiate discussion to help maintain and grow our aviation services to ensure that Victoria has the capacity to bring in tourism from around the globe.

I had the occasion to visit India late last year. What I learnt is that something like 54 million Indians are travelling as tourists all over the world every year, yet we hardly tap into that market, simply because the federal government makes it so hard for every Indian to come into this country. Every potential tourist from India is seen as a potential overstayer. This is ridiculous!

From Victoria's perspective, the state lost close to 4000 international seats per week in capacity terms, and key air services of strategic value were lost. Air Canada, United Airlines and Qantas reduced many services, and the daily Tokyo–Melbourne service was suspended less than a year after it commenced. Similar losses were experienced at other Australian gateways, but the double impact on Victoria caused by the Iraq war and SARS made Victoria's position worse in several respects. As inbound traffic from Europe passes through Asia, business traffic dropped quickly, while inbound arrivals from Asia virtually ceased in the shadow of the SARS outbreak.

Keeping air services available to markets that need them is vital to increasing international tourist numbers as well as creating new markets and business, along with the trade and tourism outcomes that flow from new services. For example, China is the eighth largest source of visitors to Victoria and the fastest growing market. In June 2003, 70 000 Chinese visited Victoria. Over the same period Chinese visitation to Australia rose by 3 per cent. Around 50 per cent of all airfreight exports from Australia to China originate from or are cleared through Melbourne.

There is only one same-plane service per week between Melbourne and Shanghai. As a result, most passenger movements between Shanghai and Melbourne involve transfers via alternative gateways — for example, Hong Kong, Singapore or Guangzhou. I am aware that, thanks to Tourism Victoria playing an aggressive role in bringing forward talks between Australia and China, China Eastern Airlines will commence services to Melbourne on 16 September.

If we look at the Australian Bureau of Statistics data on overseas arrivals and departures, we see there has been an average annual growth in visitations to Australia from India of 2.5 per cent between the year ending June 2000 and the year ending June 2003, which, as I mentioned earlier, is a problem.

I ask the minister to take action to ensure that the government maintains and increases airline services for the benefit of — —

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

Bushfires: grazing licences

Mr PLOWMAN (Benambra) — I seek action by the Minister for the Environment to inform all those people with grazing licences, including the families and the cattlemen in the Alpine National Park who have lost

either in part in or in whole their grazing licence areas due to fire, where they will stand during this summer grazing period.

All these families were informed on 7 July by way of letter from Parks Victoria that their grazing licences would be reviewed this year. It is essential that all of those families, very many of whom have suffered hardship as a result of the fires — they have lost grazing country and have worked exceptionally hard as part of the firefighting effort — be informed as soon as possible.

I will quote from a letter from one of the licensees:

As a grazing licensee within the Alpine National Park whose licence area has been either totally or partially burnt by the fires which occurred from January to March this year, I wish to advise you of my intent to make a decision under clause 23 of your licence as soon as practicable to allow you to plan for the 2003–04 grazing season. Clause 23 allows me to 'direct the licensee to undertake such management practices as may be considered as reasonable to exclude cattle from areas of special conservation significance or in areas requiring rehabilitation'.

I think everyone understands the need for this, but it is important that these families know exactly where they stand during this grazing period. Those families suffered and went through an enormous experience during the fires. Very many of them lost assets either at home or in the Alpine area, and it is imperative that the government notifies them as soon as possible as to what their situation is.

The concluding part of the letter states:

I stress again that I have not made a decision on the matter, but I think it only fair to give you as much advance notice as possible ...

And that is all I am asking for.

Budburst festival

Ms DUNCAN (Macedon) — I am seeking this evening action by the Minister for Tourism. I ask the minister to take all steps and make every effort necessary to ensure that regional events like the Budburst festival continue and are supported by government. These events are an ideal way of drawing new and returning visitors to regional destinations, and we need to make sure that these events continue in a sustainable manner.

These events are terrific opportunities for country regions to showcase their produce. In the case of the Macedon Ranges they provide opportunities to showcase the food, fabulous wines, terrific music, various talents and, of course, the wonderful towns in

the region. They also attract visitors to the area. As we know, many hundreds, even thousands, of visitors come to attend these events, and many of these people will come back again and again. That is certainly part of what we are trying to do. And of course, they help our local economies by creating local jobs, training opportunities and sustainable industries.

As I mentioned earlier, the Budburst festival in the Macedon Ranges is an annual event which just goes from strength to strength. Budburst is the Macedon Ranges wine festival, and I am sure this year's will be bigger and better than ever.

An honourable member interjected.

Ms DUNCAN — They are very nice wines in the Macedon Ranges. This year the Budburst festival will be held on 25 and 26 October and will involve approximately 90 exhibitors — that is an awful lot of wine and food, but I will not be tasting it all! We will have wine master classes and food tastings.

This year's Budburst festival will be held at Hanging Rock. While the wineries will be open, there will be a main event held at Hanging Rock. As I said, in previous years the Budburst festival has been held at the individual wineries, and visitors could drive around and see all the scenery on their way; but this year, while many wineries will still be open, the main event will be at Hanging Rock.

The events are great for visitors and locals alike, and they are organised mostly by locals volunteering their time. They do most of it themselves, but they do need some help, and I ask the minister to ensure that they get help.

If members are looking for something to do on 25 and 26 October, I invite them to come up to the Macedon Ranges, try a few wines and fabulous food, take in the fabulous scenery and enjoy the other towns surrounding Macedon — certainly Hanging Rock is a terrific attraction. These are extremely important events for the local economies — —

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

Wind farms: government policy

Mr BAILLIEU (Hawthorn) — I raise a matter for the Premier concerning wind farms. I raise it with the Premier because the Minister for Planning is clearly not up to it. She has been shut out of the exercise on wind farms; she has never visited a wind farm or any of the sites that are relevant to wind farm issues. She has

become a joke and is not relevant to the wind farm issue. Specifically, I ask the Premier to withdraw and rewrite the government's policy and planning guidelines on wind-energy facilities and to address the issues raised by the Wonthaggi wind farm environmental effects statement and permit application panel report. In doing so I would like the Premier to acknowledge the failure of the government's guidelines to provide certainty and clarity to all stakeholders as well as protect sensitive landscapes and local community involvement.

I note that the Australian Wind Energy Association and the Australian Council of National Trusts have already acknowledged the failure of the government's guidelines. That failure has also been acknowledged by the government's own coastal councils, the Victorian Tourism Industry Council, Great Ocean Road Marketing, the National Trust of Australia (Victoria), Coastal Guardians and a string of other community groups. Now that failure has been acknowledged by the panel report.

I refer specifically to page 92 of the panel report dated September of this year. On the Wonthaggi wind farm, in item 11.1.20 the panel concludes:

The guidelines refer to the fact that the SEAV is currently updating data on the state's wind resources. The panel considers that this information should be released to local councils so that they can move forward and develop local policies that take appropriate account of the wind resource in their area.

Clearly it is time this government released the wind atlas that has been prepared by CSIRO, which has been provided to the wind industry but not to local government or interest groups. The attitude that the government has taken to that basic information is inequitable. The panel goes on in the second dot point to say:

... reference in the guidelines to the significant landscape overlay as an indicator of landscape significance is inappropriate. The panel further considers that great benefit would be gained from a landscape assessment of areas with a viable wind resource, that identifies landscape character types, that assesses the capacity of different landscape types to accommodate wind energy facilities and that identifies landscapes of state, national and international significance.

I might point out all of that is Liberal Party policy. It is time the government adopted that position. Further, the panel goes on to say:

The panel considers that the guidelines (and scope documents relating to EES) should place greater emphasis on community consultation.

Clearly local government has been shut out of the wind farm process.

I look forward to members opposite dealing with their local communities when the applications come before them. I urge the Premier to act as soon as possible.

Ballarat Begonia Festival

Ms OVERINGTON (Ballarat West) — I raise a matter of importance with the Minister for Tourism regarding Ballarat's premier event, the Ballarat Begonia Festival. The action I seek is that the minister ensure that the festival continues to receive government funding to enable the festival committee to deliver Ballarat's premier artistic, cultural and horticultural event. The Bracks government has over the last three years given \$80 000 to assist the committee to market the festival to the world, unlike the previous government, which in its seven years gave not one cent and could not understand the economic benefits the festival delivers to Ballarat and the region. The previous Premier called the festival just another flower show. They just did not get it, did they?

Ms Duncan interjected.

Ms OVERINGTON — He called it just another flower show and gave not one cent to it. It is amazing — unless you could actually see them from the office of the Premier at that time, there were no events happening in Victoria.

Each year the begonia festival attracts more than 100 000 tourists to Ballarat from across Victoria and Australia. We even attract many international visitors. The Ballarat Begonia Festival is the catalyst that draws huge numbers of visitors to Ballarat and provincial Victoria, with the economic benefits to Ballarat and the region estimated to be between \$5 million and \$7 million. See, they did not get it, did they?

Ms Duncan — It is not just another flower show.

Ms OVERINGTON — It is not just another flower show, and I made mileage out of that for about nine months!

The festival also has huge support from the local community, and more than 400 volunteers contribute to its success. I want to take this opportunity to acknowledge the former director of the festival, Mr Ron Egberg, for his work with the festival over many years and welcome the new director, Barbara Chalkely, who I know is excited about the festival.

The 2004 festival will be held over four days from 4 to 8 March 2004, with a number of changes to the format. Members can understand that some changes are needed after 52 years of fabulous festival. The street parade will be held on the previous Saturday and will herald the festival. It will still feature all our community groups, including our multicultural groups and schools, and it will return to Sturt Street, running from Lydiard Street to Dawson Street. It has the huge support of the retailers, business and local government.

Honourable members interjecting.

Ms OVERINGTON — For all those sceptics out there, come and join us between 4 and 8 March and experience the fabulous Ballarat Begonia Festival.

The ACTING SPEAKER (Mr Nardella) — Order! The member's time has expired. I hated interrupting the honourable member while she was once again referring to the Ballarat Begonia Festival.

Responses

Mr CAMERON (Minister for Agriculture) — The honourable member for Murray Valley raised with me a matter in which he represented the views of horticulturalists in Cobram in the Moira municipality. He raised the very important issue of those horticulturalists having suffered losses — which are to be assessed — as a consequence of frosts in the past fortnight. In particular he asked that the Department of Primary Industries put together and collate certain frost data and that the matter be taken up with the federal government in relation to exceptional circumstances assistance.

I can advise the house that in the Goulburn Valley interim exceptional circumstances approval has been given, and that was to expire on 30 September. As a consequence of the federal government's dithering it was not until 30 September that it announced that there would be an extension, but only three days later it advised that it would cease. This flies in the face of a commitment that was given by the federal member for Murray, a person named Dr Stone, who in the middle of July said that horticulturalists in the Goulburn Valley would be obtaining full exceptional circumstances approval, which goes for two years. Last week I met with the honourable member for Shepparton, who confirmed that that commitment was made.

Members would appreciate the frustration of horticulturalists who have suffered frosts when, notwithstanding the promise made by Dr Stone, the federal government has said, 'Go away'. The

honourable member for Murray Valley raised this issue on behalf of horticulturalists. I hear what he says, and I have asked my department to dig down further in relation to the extent of the frost. I appreciate that the federal government has dug itself into a hole. We have a commitment from Dr Stone but the federal government has said, 'Go away'.

I will be writing to the federal minister and putting together some of the data in relation to frosts, as suggested by the honourable member for Murray Valley. This will be an opportunity for the federal government to make good the bureaucratic bungle it has got itself into. You only have to look at this to understand why the federal government is in the mess it is in over the *Cormo Express* — the bureaucratic bungling absolutely overrides everything. The government will be putting this forward — —

Mr Walsh — On a point of order, Acting Speaker, on relevance in answering the question, the question from the member for Murray Valley had nothing to do with the *Cormo Express*, so I ask you to bring the minister back to answering the question.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order.

Mr CAMERON — The government will not be accepting any stalling tactics about the collection of a whole host of other data. We will write to the federal government, saying, 'Reopen it. Here is additional data. In fact things are worse than they were when Dr Sharman Stone gave her express commitment'.

What you are seeing is the Bracks Labor government, the member for Shepparton and now the member for Murray Valley taking the matter up to the federal government. We will be putting forward that material. We are representing the view of horticulturalists. This is the big test: is Dr Stone believable or is she not? Is she to be written off by the federal government or is she not? This is the big test for Dr Stone: deliver on your promise.

Mr PANDAZOPOULOS (Minister for Tourism) — The member for Ripon raised with me the issue of our competitiveness as a nation in the promotion of tourism overseas and the need for the federal government to work better with the states on Australia's performance overseas. I very much appreciate the member for Ripon's support as Parliamentary Secretary for Regional Development, but he also chairs the Government Friends of Tourism group, a group which sees the value of tourism from an economic development point of view. The member has

highlighted that our buying power overseas is the lowest it has been for a long time — the lowest in the last decade — so the great effort with all of those Paul Hogan ads overseas and the Olympics has come to nothing when in real terms we are spending the lowest amount in 10 years at the same time as our competitors overseas are massively increasing their investment in tourism, which potentially means more profile for them. Less profile for us means less visitors for us.

As a state Victoria has increased its investment overseas in tourism promotion. We have had great campaigns with the Australian Tourist Commission and with airlines. In effect this government has boosted our investment during this term as well. The problem for the Australian Tourist Commission is that because its real dollars are declining every year — for two years in a row it has had a budget cut — its ability to work with us as a state is diminishing every year. The commission has closed half a dozen overseas offices recently, and that again makes it much more difficult for us to work in such markets as South Africa, South America, Indonesia, Scandinavia and a number of others. It makes it very difficult for us to target them in terms of improving tourism.

The reality is that unless the commission increases its investment it is making our investment as a state much harder. Victoria has seen a great rate of growth in international visitation. We have been leading the way since 11 September 2000. I recently announced extra seats on airline services which show that the airline industry sees Victoria as the place where there is opportunity. It gets much harder for us if we cannot work with the Australian Tourist Commission. That is the real problem we have. The reality is that by working in isolation Victoria will not achieve results because the Australian Tourist Commission is the national marketing body overseas. That is what you expect of the federal government and its agency — that is, to be the main body to promote Australia, not the states on their own. There are certain things the states can do for events and certain relationships we can have with airlines on direct services et cetera, but in the end your ability to spend and promote are clearly interlinked.

I was pleased at the recent Australian Tourism Ministers Council meeting that Victoria put up a five-point plan, a rescue package, which is endorsed by all the tourism ministers around the country. That has highlighted that the issue of tourism needs to be taken seriously. The federal Minister for Small Business and Tourism, Joe Hockey, is a nice guy but he is not in cabinet. He is knocking on the door, trying to get into cabinet with his white paper, but John Howard and

Peter Costello have that door very much padlocked and he cannot get in.

So the tourism ministers have called on the federal government to take tourism as a matter for consideration to the Council of Australian Governments, and to work with the state and territory leaders to ensure that Australia gets a quantum leap in marketing promotion overseas so that we can capture the opportunities that are available to us. The brand 'Victoria' as a safe and friendly destination — and a great destination — capitalises on that, so that when people who know that open up their local tourism magazines they see Australia and Victoria, not other destinations. Australia also needs to improve its competitiveness overseas. We need a national aviation policy.

I can assure the member that I will continue to push these issues with the federal government. That is the only way we will continue to grow international tourism in our great internationally known regions like the Great Ocean Road, the goldfields, Phillip Island and the Grampians, where there are heaps of opportunities. This government can do that cooperatively with the federal government if that government can find some of those extra dollars.

The member for Eltham raised with me the importance of regional events and also highlighted the importance of the Yarra Valley Cellar Doors Come to Montsalvat event. The member was correct when he said that the government has made a huge investment in the Yarra Valley. Phase 7 of our 'You'll love every piece of Victoria' television and cinema campaign, which is targeted at the eastern seaboard of Australia, is a \$4.3 million campaign focusing on the Yarra Valley. The Yarra Valley is a key beneficiary, but all of Victoria benefits, because while people know Melbourne they want to know more about the state.

Victoria is showing its next strength — the great strength we have right across Victoria in food and wine. We are the only location in Australia that can guarantee a wine tourism experience in any part of Victoria. No other destination can do that around the country. The Yarra Valley is our flagship for that in terms of highlighting the valley to people who are thinking about food and wine regions. All of Victoria is going to benefit from that.

The member wanted a guarantee of extra resources for the Yarra Cellar Doors Come to Montsalvat festival in Eltham. I want to thank him very much for his advocacy and hard work on that. Montsalvat featured in the Melbourne's Yarra Valley television campaign that

is running interstate. This government made an election commitment for a three-year funding deal. It was interesting that the event organisers were not after a whole lot of money — you can often do a lot of good things without a whole lot of money. They just wanted to make sure that some resources were available to promote a lot of the smaller cellar door wineries in the Yarra Valley, which is what the event specialises in.

I look forward to going to the event in a couple of weeks time, and I am pleased to announce to the house a three-year funding deal of \$25 000 for Yarra Valley Cellar Doors Come to Montsalvat.

The member for Clayton highlighted the importance of airline services and airline policy, in particular in relation to emerging countries like India and China. Certainly the government sees airline policy as a key thing, but unfortunately the federal government does not recognise that many people from different parts of the world want to use carriers from their own local communities. That is very important in China. The government needs to facilitate that process whilst guaranteeing support for our own local airlines, like Qantas — that does not necessarily mean you cannot have airline services, like extra services out of China or opportunities out of India and those emerging tourism regions — by focusing on a facilitation process that tries to identify what markets have opportunities.

Tourists want to come to Australia, but there are limitations on where they can get to. A visitor does not want to have to fly through a whole lot of other destinations changing aircraft; it becomes a barrier to their travel. Identifying areas where direct flight services are important is a key thing. This government has been very successful. Indeed I announced a couple of weeks ago an extra 7000 seats flying directly into Melbourne, which is an extra 20 per cent airline seat capacity than existed before the SARS (severe acute respiratory syndrome) outbreak.

That is interesting when thinking about what airlines think about opportunities in Victoria; but countries like India also need to have a freed up and faster visa approval system. The member said that potentially there are 54 million tourists from India, yet we in Australia are getting a very small number of them. I was very pleased that the year-to-year figures — June to June — highlighted that Victoria has had 15 per cent growth through India, even though those tourists have to fly out of other destinations in Asia, whereas the rest of Australia had a 1 per cent decline on average. If there were a faster approval process on visas — retaining the integrity of the visa process but letting people know they are going to be told either yes or no — would

provide a 20 per cent increase in visitation from India without much extra effort.

There is demand, but tourists are discouraged from coming because of these complications. This government is pushing the federal government to think about how it can support the integrity of the visa process but help quicken it up in some of those emerging countries that have some of the fastest growing and wealthiest communities. That will help improve tourism visitation to all of Australia, as well as to Victoria. I will continue pursuing that with the federal government, and I look forward to making further extra airline services announcements.

The member for Gisborne highlighted the importance of regional events. She is a member of the Government Friends of Tourism group as well. The government has given Macedon a huge increase in regional events funding — an extra \$2 million over four years dedicated to regional Victoria. That means more than half of the dollars we provide for marketing regional events in Victoria go to regional events. That is a first, and it is a big improvement on what the Kennett government did.

The member highlighted important festivals in the Macedon Ranges. She is aware that the Kyneton Daffodil and Arts Festival was held last month. Again, the festival organisers were not asking for a lot of money. They received \$2000 to help them do a few things to get a few extra visitors into Kyneton to enjoy that wonderful region. Budburst 2003, the Macedon wine festival, is coming up very soon, and its organisers have also sought support. There is great wine product in that area; it is already well known and well branded. There is no doubt that a bit of extra marketing support can help improve that brand and get extra visitors. The important thing about these events is that they are not about turning up on the day; they are about how an event can help promote travel to a locality all year round so that the community continues to benefit.

I am pleased to announce to the member that the Macedon Ranges wine festival, Budburst 2003, will receive a \$5000 grant from the Country Victoria Events program. I thank her very much for her great work and lobbying efforts and her support for tourism.

The member for Ballarat West again referred to the Ballarat Begonia Festival. As a former board member and former councillor she is a great enthusiast for that. Again I will not reiterate the importance of events, but it is the biggest event in Ballarat, bringing 100 000 visitors to the area. Whilst a lot of people know about Ballarat through Sovereign Hill, many also know

Ballarat because of the Ballarat Begonia Festival, again reinforcing the view that events help put localities on the map.

We gave an election commitment to support the Ballarat Begonia Festival over the next three years, and I am pleased to advise the member that I have recently signed off on a \$100 000 three-year funding agreement for the festival. There is no doubt that together with the City of Ballarat and the community we will continue to grow and support this event. I thank the member again for her great work in support of the festival and of tourism.

Mr HOLDING (Minister for Manufacturing and Export) — The member for Box Hill raised a matter for the Treasurer in relation to the first home owner grant and to correspondence with respect to it. I will pass that on to the Treasurer.

The member for Mornington also raised a matter for the Treasurer in relation to self-funded retirees and local and state government taxes and charges, and I will pass that on to him.

The member for Benambra raised a matter for the Minister for Environment in relation to grazing licences in the Alpine National Park, and I will draw that to the minister's attention.

The member for Hawthorn raised a matter for the Premier in relation to wind farms, and I will draw that to the Premier's attention.

The ACTING SPEAKER (Mr Nardella) — Order! The house now stands adjourned.

House adjourned 10.46 p.m.